

**PAWNSHIP, SLAVERY,
AND
COLONIALISM IN AFRICA**

T-12

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CHAPTER 1



PAWNSHIP IN HISTORICAL PERSPECTIVE

TOYIN FALOLA and PAUL E. LOVEJOY

Studies in African labor and social history have emphasized, with some justification, slavery, peasantries, and wage labor. Pawnship, a system in which individuals are held in debt bondage as collateral for loans, has been largely neglected, and until this volume, information on pawnship in Africa has been so scarce as to make generalization difficult.¹ Yet pawns were more prevalent than hitherto recognized, and it is possible to suggest a broad historical framework to explain the political and economic conditions that accounted for the range of contexts in which pawnship was important. The institution is centuries old, at least along the Atlantic seaboard, where it appears to have developed in tandem with the growth of the trans-Atlantic slave trade, the expansion of slavery within Africa, and the greater commercialization of African economies. Because of its importance in the provision of credit, pawnship seems to have become more common in those states and societies that were most fully involved in external trade. Although at this stage of research, we cannot determine the frequency of pawning in the distant past, it flourished in the late nineteenth century when slavery was still widespread and when demand for primary products (palm oil and kernels, wild rubber, ivory, peanuts,

among others) had pulled African producers more fully into the international market than ever before. Under colonialism, pawnship continued to be a common mechanism for mobilizing labor and guaranteeing credit, although the demise of slavery and legal restrictions on various forms of servility, including pawnship, gradually altered the political and economic setting. Pawns held in debt bondage became less important in regulating the extension of credit as other forms of collateral became more common.

The study of pawnship is related to questions of indebtedness, labor control, gender, and capital flows in societies that were only imperfectly connected to world markets. Hence there are a variety of themes that have to be considered in assessing the importance of this institution and how it changed over the past several centuries in the different parts of Africa that are examined in this volume. First, the prevalence of pawnship at any point in time appears to have had some correlation with poverty and the inability of families and individuals to secure the necessities of life.² Famine, disease, political insecurity, and economic miscalculation were frequent causes of poverty and the need to borrow. It should be noted, however, that poverty was not always the cause of indebtedness. Sometimes merchants borrowed to promote their trade. Their expectation was to repay the loan sooner or later out of profits. People also borrowed to meet funeral expenses, ritual obligations, and court fines. In these cases, however, failure to repay debts quickly was often a sign of deteriorating economic circumstances and hence was ultimately related to poverty. Second, pawnship involved the control over the labor of the individual held in pawn. As a mechanism for obtaining access to labor, pawnship has to be considered in the context of other mechanisms of labor supply, including slavery, communal activities, *corvée*, and wages. Pawnship was only one form of labor mobilization. Third, gender issues are paramount in understanding the context for pawnship because much of the labor that was mobilized through this institution was performed by women.³ Furthermore, women and their children were often the ones to suffer the most from famine and political instability, and hence gender and indebtedness were often associated. Because of this vulnerability, women were exposed to sexual exploitation and other abuse that sometimes resulted in their reduction to slavery. Fourth, pawning was only one mechanism for obtaining credit, and hence an examination of its economic role must take into consideration other institutions and practices and how these changed in different historical contexts.⁴ As Gareth Austin has argued, pawnship was characterized by "interlocking factor markets," in which the terms of exchange in different markets (labor and credit) were contractually and simultaneously tied together.⁵ Because of the primacy of women as a

source of pawns, moreover, the flow of credit and the control of labor were closely linked with the institution of marriage.

Until this volume, pawnship in Africa has usually been discussed in the context of slavery; pawns have been perceived as an important supplement to slaves during the precolonial period and as substitutes for slaves during the present century when slavery was declining into insignificance. Indeed pawnship existed alongside slavery, experiencing levels of resurgence and intensity that initially depended upon the economic conditions of precapitalist social formations and then under colonialism on the imperfect penetration of capitalism. When slavery was dominant, pawnship fed individuals into servitude. After slavery subsided, pawnship briefly surfaced as an alternative to slavery, its appearance fluctuating with the vicissitudes of the market economy.

Pawnship: Characteristics of the Institution

Pawnship, by definition, is a legal category of social and economic dependency.⁶ The institution, in various forms, was common in many preindustrial societies, not only in Africa, but in southern and southeastern Asia and parts of Latin America as well, where it is usually referred to as debt bondage.⁷ The pawn was a person held as collateral for a loan, and as in the case of trees and farms that were pledged under a similar system of credit, the pawning of individuals constituted the transfer of productive assets for the duration of the debt as security, unlike a mortgage, in which assets are transferred only in case of default.⁸

The labor of the pawn constituted interest on the debt and covered the costs of subsistence, but did not contribute to the principal. The principal usually had a fixed value at the time of the contract and had to be paid off in full before the pawn was free from service.⁹ As Morton's study of the Miji Kenda demonstrates, however, there could be disputes over the amount of the principal; if the loan had been originally calculated in terms of a commodity whose value subsequently increased during the period of servitude, the creditor might insist that repayment be made on the basis of the inflated value, thereby adding an often substantial increment to the debt. It was also possible for the original debt to include a monetary component for interest, in which case the pawn did not usually live with the creditor. However the principal and interest were calculated, the pawn continued in bondage until the full debt had been repaid or otherwise cancelled. While

the period for repayment was usually indefinite before the twentieth century, colonial laws in some parts of Africa attempted to fix a terminal date for repayment, thereby establishing the principle that the labor performed by the pawn included both interest and capital.

The contract that controlled the labor of the pawn represented an investment that was realized through the labor-power of the pawn. That contract was property and hence was owned and could be transferred, although as Byfield demonstrates in her study of Yoruba pawning in this volume, the permission of the debtor was required before a pawn could be transferred. Pawns themselves were not property and were not owned, although various authors sometimes refer to "masters" who "owned" pawns, as if they were slaves (see below). In most instances, it would be more accurate to refer to "creditors" who "controlled" pawns. This confusion over the loan and the labor of the pawn highlights the interconnection between property and indebtedness, on the one hand, and various methods for controlling labor in economies in which wage labor was marginal or nonexistent, on the other hand. A debt that resulted in pawning involved the implicit recognition by the debtor and the creditor that a specific amount of capital was owed, and that the loan arose from property rights enjoyed by the creditor. Food, money, shelter, trade items or some combination of these goods and services were extended to the debtor in lieu of full repayment. In short the transaction was based on the commoditization of these goods and services.

Because interest continued in the form of labor until the debt was repaid in full, pawnship had some similarities to slavery. In both cases, the creditor/master had relatively full control over the output of the pawn/slave; the labor-power of the pawn/slave belonged to the creditor/master. Nonetheless, there is an important distinction between pawnship and slavery. From a theoretical perspective, the pawning contract, not the pawn, was the property of the creditor, while under slavery, the slave was the direct property of the master. Pawns, or more often their relatives who had placed them in pawn, had legal recourse in the case of abuse or dispute on the basis of the contract, and the contract could be terminated on the repayment of the original debt. Slaves had no such legal recourse, although they could achieve emancipation in a variety of ways if a master was so disposed. This proprietary difference between the pawning contract and the slave as property had important ramifications in different historical contexts, although it should be recognized that the fine theoretical distinction that is drawn here often broke down in practice. Pawns could end up as slaves, and slaves were sometimes pawned.

Pawns were generally drawn from within the society in which they were in bondage; either pawns were freeborn members of society, or they

were slaves of long standing whom masters expected to redeem and to reincorporate into their households. In order for an individual to have use as collateral, it was essential that the debtor want to redeem the person. This commitment to paying off the debt was clearly established in the case of self-pawning, whereby a person agreed to pledge him or herself as collateral. Whether or not a person was always able to pay off the debt is another matter. The commitment to redemption was also operative in the case of close kin, where the debtors usually intended to pay off the debt. Chronic financial difficulties might prevent redemption, and therefore there was considerable risk that the transaction might involve the total alienation of the pawn. A domestic slave had value to his or her owner because slaves were an investment; moreover over time, the relationship might well evolve so that the personal attachment might become almost as strong as that based on kinship. Nonetheless, the potential alienation for slaves was certainly more extreme than in instances of self-pawning or the pawning of close relatives.

Pawns had to be individuals who were recognized as constituent members of society, even if they were subordinates or people of low status. Unless they were full members, they had little chance of being protected from sale into slavery or otherwise abused. Individuals had to have value deriving from their social relationship to the debtor in order for them to have value to the creditor as collateral. Self-pawning intrinsically emphasized this value, even though those who pawned themselves were often in the worst position to honor a debt. They were preoccupied with service to the creditor, and hence were usually only able to cover the costs of subsistence and to pay the interest on the debt. Time had to be allowed for additional work if there was any hope of recovering the principal, or relatives had to be willing to repay the original debt. Those individuals who were the most effective pawns were close relatives of the debtor, because the debtor was still free to concentrate on acquiring the resources to repay the debt. Social pressures and affection between debtor and pawn were effective instruments that promoted redemption.

This identification with the society in which individuals experienced their subordination distinguished pawnship from slavery as an institution. Newly acquired slaves were foreigners or otherwise defined as outsiders, unlike individuals being reduced to the status of pawn. As already noted, slaves could be pawned, but when masters arranged to use slaves as collateral, they were acting on the basis of their investment in slaves as property. Usually, slaves could serve this function only if they were acculturated and therefore members of society as well, albeit of servile status. In a sense, pawned slaves were being treated like quasi-kin. Otherwise, a master would be more likely to sell the slave in order to pay a

debt or to raise capital. As "domestic" slaves, social obligations and public pressure served to limit the exploitation of slave pawns in a manner that was similar to the protection provided for kin.

Despite the social position of pawns as familiar members of a community, pawnship was still a system of exploitation and servility. Kinship, marital bonds, or some other clearly recognized social status was supposed to safeguard individuals from excessive abuse, prevent the transfer of pawns to third parties, or obstruct other acts that the debtors might consider inappropriate or illegal. The ideological and legal constraints on pawnship did not always operate effectively, however. As Edward Alpers has shown in his biography of Swema,¹⁰ and Fred Morton has demonstrated in his retelling of the life history of MeLugo in this volume, the operative procedures for dealing with pawns might not coincide with the ideological pronouncements of the society. Pawns might end up being enslaved, as Swema was, or debts might compound, threatening the debtor with enslavement or a cycle of pawning, as MeLugo experienced. Pawns represented capital. Social and legal restrictions might restrain creditors, but market forces could well counteract these safeguards. In short, pawns were vulnerable to further alienation than their legal position implied.

As far as the historical record allows us to judge, the major victims of pawnship were destitute individuals who pawned themselves, children of the poor, social or religious outcasts, and domestic slaves. While more males seemed to have pawned themselves than females, most cases in which third parties were pawned involved females. Indeed, it is likely that most pawns were female in all periods, and whether male or female, that pawns were usually children or teenagers. The relative importance of slave pawns and freeborn pawns is difficult to determine, but certainly the proportions varied considerably. Most of the following studies suggest that slaves were used as collateral, while there is no mention of such use of slaves as pawns in other accounts. Even where slaves were put forward as surety, the number of slave pawns appears to have declined in the colonial period. As in other aspects of pawnship, data, even in the following studies, are sparse, so that generalization is difficult.

The selection of the individual to pawn suggests a link between labor mobilization, social stratification, and gender. Pawns were a source of labor; they were required to work for the creditor, performing specific tasks depending upon the nature of the contract that had been reached at the time of the loan or at some subsequent date when repayment of the loan was in arrears. Usually pawns were of lower social status, often because they were younger; they were children subject to the supervision of adults, or they might be slaves who now had to obey a creditor of their master. Gender

mattered because the creditor was concerned with the recovery of the loan, and marriage, either to the creditor himself or a relative, was a means of capitalizing on an investment.

Because creditors were usually the wealthiest members of society, relationships of pawnship tended to correspond to class and other social divisions. This stratification was clearest in the case of slave pawns, but most pawn dependants were of lower social status than their masters. The flow of capital from the wealthy to the less fortunate inevitably reinforced class and social differences. Because social factors, usually involving kinship ties, enabled individuals to be held as collateral, pawning was often associated with gender relationships, particularly marriage. Females were prime candidates for pawning because they could be married, besides being made to work.

The use of slaves as pawns represents a special case of debt bondage. Under these circumstances, slaves were used as collateral in the same way that other property, including land and economic trees, could be used as surety for a debt. The slave, as the property of the debtor, had a monetary value that could be realized in case of default, and as was the case with the pawning of other property, the creditor had use of the slave until the loan was repaid. As with the use of relatives as pawns or with self-pawning, however, the labor of the pawned slave serviced the interest on the debt and covered costs associated with subsistence. Upon repayment, the slave continued in slavery; temporarily the slave worked on his or her master's behalf for someone else.

It is difficult to calculate the returns to the creditor in cases of pawnship, although in most cases it was probably considerable. The labor of the pawn was composed of two factors, the subsistence costs of the pawn as well as interest. In addition, the creditor sometimes had to recover administrative and witness fees, and occasionally the expenses associated with religious rituals. Among the Igbo, the witness was given *oji* (kola), although in the twentieth century, *oji* was usually gin or money and not actually kola nuts.¹¹ The interest that was realized, moreover, depended upon the age and the gender of the pawn. Children were less likely to contribute substantially to the income of the creditor, and there was always the risk of ill health or injury, which could temporarily or permanently reduce the ability of the pawn to cover the cost of subsistence or to provide interest on the debt. Because of these risks, it is important to remember that creditors did not always benefit from the pawns under their control. Moreover, creditors sometimes took in pawns for social reasons that involved costs that could not be fully recovered. Children of destitute relatives, for example, were not necessarily "exploited" in an economic sense, and a creditor might well spend considerable money on education

and clothing without expecting to recover these costs. This *noblesse oblige* should not be forgotten in the discussion of the harsh side of pawnship.¹²

Pawnship can be contrasted with wage labor; the alienation of pawns was incomplete, unlike wage labor in a fully developed market economy. Pawns worked for other people, but their labor-power only contributed to self-maintenance and the interest on the debt of another person or group of people. There were no wages. Indeed the alienation of wage labor depends upon market forces; it lacks the essential coercive power behind pawnship - the authority of kinship and/or political power that forced individuals to service a debt that was not of their own making, except in the case of self-pawning, in which the economic and or political context of the situation provided the coercive force leading to subordination. Pawns could be exploited because they had been put into servitude at the behest of relatives, had voluntarily entered into servitude to avoid putting relatives into bondage, or had otherwise found themselves in a desperate plight in which there were few if any alternatives to personal servitude. While not governed through unrestricted market forces, as wage labor is, pawnship arose in the context of a peculiar market situation in which wage labor was nonexistent or rare. Pawnship involved a degree of paternalism in which clothing, food and housing were usually provided in return for subjugation. All the studies included here examine the impact of the market on changes in the institution, either in the precolonial era or under colonialism.

The Ideological Underpinnings of Pawnship

Pawnship was found in both matrilineal and patrilineal societies, but it tended to be less important, if not entirely absent, wherever Islam was pervasive. It may be that the differences between the functioning of pawnship in matrilineal and patrilineal societies were ephemeral, more a matter of how the authority of kinship functioned in differing contexts rather than any substantive differences. The relative lack of pawnship in many Islamic areas in Africa may have related to the greater use of slaves and the more extensive commercialization of the economy than in non-Muslim areas. The key variable may have been the commoditization of land, property in livestock, and the ability to alienate other productive forces. Whether or not Islamic prohibition on the collection of interest also was a factor is unclear, although it would seem that interest in the form of labor was an ideal way to circumvent this restriction. These issues deserve further consideration. While there is no conscious attempt to factor out slavery or Islam in the following studies, it should be recognized that the focus on pawnship has inevitably meant that these subjects are not fully examined.

From the perspective of ideology, relations of kinship were used to justify pawnship. Indeed as Giblin demonstrates in this volume, kinship itself was ideology.¹³ People were supposed to care about their kin, which is why relatives could be used as collateral. In this context, Igor Kopytoff and Suzanne Miers, in discussing slavery as a form of "institutionalized marginality," have argued that pawnship was one form of servility that fell on a continuum from full membership in a kinship group to the total alienation of newly acquired slaves as outsiders. Freeborn pawns fully belonged to their own kinship group, but the rights in their persons had been partially transferred to creditors, usually of another kinship group. For Kopytoff and Miers, pawnship was an intermediate condition of servility between slavery and full belonging.¹⁴ By contrast, Claude Meillassoux has argued that pawnship and slavery were entirely distinct. Pawnship depended upon the recognition of kinship connections, while slavery denied the existence of kinship. The master-slave relationship was the antithesis of kinship; the pawn-creditor relationship required the recognition of kinship.¹⁵

As the following cases demonstrate, a study of pawnship reveals that the theoretical perspectives of both Meillassoux, on the one hand, and Kopytoff and Miers, on the other, require modification. Meillassoux captures the fundamental distinction between pawnship and slavery as these institutions were interpreted in the context of kinship. In the ideological construct of kin-based societies, pawnship functioned as a mechanism for reallocating individuals as a means of acquiring capital or providing security for debts. Bonds of kinship enabled this reallocation, and hence pawnship was an outgrowth of kinship. No matter how long the period of pawnship, the pawn retained his kinship ties, which the creditor was obliged to respect, at least in theory. Certainly "rights-in-persons" were being transferred, as Kopytoff and Miers have argued. Newly acquired slaves, by contrast, had no kin who were recognized by the master or by the larger society into which the slave was introduced. As slaves, they and their descendants could not become kin. They remained foreigners or aliens, unless they were redeemed, in which case they might achieve status within a lineage.

Nonetheless, not all pawns were freeborn, a factor which Kopytoff and Miers do not consider in detail. In situations where domestic slaves were used as collateral for debts, it might be thought that the slaves fell on the Kopytoff-Miers continuum. It could be said that the rights over the person of a slave were being transferred to the creditor in lieu of kin, who could be pawned with the same purpose in mind. Slaves who were pawned instead of relatives were substitutes for kin, but as a form of property that was being used as surety, their status as economic objects like land, trees or

other valuables blurred the distinction between slave and pawn. While more consideration to the use of slaves as pawns must be given in future studies, it is likely that the spread of slave pawning occurred when economies became more extensively monetized than economies in which slavery was not very important. Slave pawning probably developed at a time when other forms of property also began to be used as collateral for debts.

Social, religious and economic links based on kinship were often intended to protect the rights of communal, kin-based communities over the interests of individuals. In Imbangala society, according to Joseph Miller, the pawn (*kuri*), "apparently almost always a female, was formally attached to a new *ngundu* [lineage] for an agreed period of time but did not lose her own lineage membership."¹⁶ There were rituals performed when a pawn was taken into the creditor's lineage:

In the ritual that altered her lineage status, the *lemba dya ngundu* [head of the lineage] of the acquiring group symbolically washed off a special white clay called *pemba* that had been applied by her old lineage and then coated her with the *pemba* of his *ngundu* [lineage]. . . . The *pemba* in each case symbolically embodied the supernatural protection of the lineage and made the pawn subject to the *lemba* that applied it, to his lineage emblems, and to his ancestors. . . . The recipient lineage undertook a substantial responsibility in accepting a *kuri*, since the impermanence of the transfer implied that they would return her safely at the option of her own kinsmen or owners.¹⁷

Such rituals emphasized the significance of kinship in the debt that had been contracted. On the one hand, the ritual accepted the legitimacy of the pawn's lineage, and on the other, lineage responsibility was temporarily shifted to that of the creditor until the debt was repaid.

The conditions under which pawns lived and labored varied considerably, as did the extent of their exploitation. As Byfield demonstrates, "idealized accounts of the institution masked some of its most exploitative features." It is essential, therefore, to distinguish between the ideological interpretations of different societies, in which kinship was emphasized as a means of protecting pawns from abuse, and the actual situations in which pawns found themselves. While pawns were considered to be undertaking an unfortunate but necessary action in the interests of a corporate group, they

were still subject to coercion and hence stood the risks of heavy workloads, poor living conditions, sexual abuse, and physical punishment. The more removed from the sight of relatives, the more likely that the conditions of pawnship diverged from ideology.

Despite an ideology that emphasized the kinship underpinning of pawnship, kinship identities could be fluid and even secondary in importance to the actual functioning of pawnship. As Giblin demonstrates in his study of northeastern Tanzania, the rhetoric of pawning could highlight genetic connections, but political power could determine who were considered "kin" and, therefore, who could be pawned. At the end of the nineteenth century, even missionaries assumed the function of determining who would be pawned.¹⁸ In some cases, individuals who were in debt could determine which of several competing "senior" kin had the authority to pawn them. Who were kin and who had the power to put someone in pawn were questions that changed with political circumstances. The determination of who would be pawned varied among societies and over time. Theoretically, pawnship was tied to kinship, but pawns were not always kin.

As Douglas first demonstrated, pawnship was especially common in the matrilineal societies of central and eastern Africa.¹⁹ It was "a way of cutting down the claims of matrilineal kinsmen." Douglas first analyzed "blood debts" among the Lele. These debts arose from crimes that were settled through the transfer of persons, who, therefore, became "pawns." Douglas later surveyed the anthropological literature on the matrilineal societies of central and eastern Africa to examine the pattern of pawnship, particularly in relation to the establishment of dependent pawn lineages belonging to a senior lineage. Despite the great contribution of Douglas in drawing attention to the institution of pawnship in central Africa, it should be noted that she was not concerned with "the transfer of persons in payment of debts," which is the subject of this volume.²⁰ The following studies include several essays on pawnship under matrilineal conditions which supplement the earlier work by Douglas on debt bondage in central Africa, but our concern here is with debt in its commercial sense and its connection with the transfer of persons.

Pawnship and Marriage

Pawnship has been closely associated with the institution of marriage, including access to sexual services, establishment of rights over the children born to the women, and the control over the labor of women that was an extension of marriage. The acquisition of wives, especially additional wives in polygamous households after a man had married a freeborn woman through a respectable ceremony that involved the

exchange of bride wealth, was a feature of pawning that influenced the decisions of debtors and creditors alike. Virtually all the following studies demonstrate that pawnship was used to obtain females with marriage to the creditor or a relative of the creditor in mind. A convenient, if sometimes painful, strategy of debtors was to place girls in pawn in the hope that they would one day marry the creditor or the relative of the creditor and thereby cancel the debt. It seems that this was the destiny of many female pawns. Pawnship thereby was a mechanism that regulated the circulation of females, controlled their labor, provided sexual access, and determined the rights over children. And hence the destiny of many female pawns was a subservient form of marriage. The possibility that a pawn might become a wife is probably the most important reason that many, probably most, pawns were female. Consequently, any effort to analyze pawnship has to consider the institution of marriage - what relationships were preferred; what kinds of financial, labor, and other obligations were involved in different kinds of marriages; and how pawnship cancelled or otherwise altered the preferred marriage payments that obtained between debt-free members of society.

As a source of wives, pawns reenforced and extended polygyny. Men could acquire wives in a variety of ways, and whether the women were free, slave, or pawn mattered little. Free women, in this context, implied no financial obligation on the part of the woman's kin to the groom or his kin. Quite the contrary, the prospective husband was expected to compensate the bride's family, often through labor, presents, and cash payments. The slave, by contrast, was simply bought. There was no recognition of kin, and the slave woman usually became a second or subsequent wife to a freeborn, senior wife. The pawn was different again because there were kin who mattered, but the financial obligations were reversed - the woman's kin were in debt to the hoped-for husband. Instead of the prospective husband laboring for his future in-laws, the bride-to-be worked for her husband. The servile relationship altered the flow of labor.

Austin's and Grier's chapters both describe a situation among the Akan in which husbands could be forced to extend a loan to their in-laws in return for guarantees of the "fidelity" of their wives. The hitherto free wife became a pawn of her husband in return. This situation requires some explanation. On the surface, it appears that the usual relationship of power, in which the person in debt requests a loan from a potential creditor, has been reversed. The potential debtor is said to have had the power to force a loan. This explanation should be treated with caution. It is more likely that in-laws who suddenly required a loan could force their married daughter to become a pawn and thereby work for her husband. The economic autonomy that free wives had over much of their own labor, including marketing, farming,

and craft work, was now lost. The expression of this loss in terms of sexual fidelity should not be construed in terms that might suggest that free wives could be unfaithful without serious punishment. Free wives were expected to be as sexually faithful as pawn wives. The expression seems to suggest that all income that the newly pawned wife might obtain - including income from nonexistent sexual services to other men - belonged to her creditor husband. Finally, it should be noted that this explanation of the pawning of wives to their husbands subsequent to marriage might have been used to disguise the pawning of women before marriage under colonialism, when pawning became illegal.

The differences between slave wives and pawn wives were important in terms of rights over children, inheritance, labor, recourse in case of physical abuse, and other treatment. In times of famine, war and other ill-fortune, wives who had been pawns had less protection - more than slaves who might be sold or sacrificed at funerals but less than free women who had been married according to full bride-wealth arrangements. It should be noted that the designation of "free women" is intended to be relative and comparative. No suggestion is intended that women were really free to choose their marital relationships, although some women certainly succeeded in doing so.

The acquisition of pawns sometimes was on such a scale as to alter the demography of the receiving society in a major way. In his study of the nineteenth-century expansion of the Cokwe, Miller has shown how the accumulation of pawns and slaves from other societies led to the explosion of the Cokwe population.²¹ Cokwe men, who hunted elephants for ivory, collected beeswax for export, and served as mercenaries in various civil wars, invested in pawns and slaves with the proceeds of their earnings. In the course of the nineteenth century, these men acquired especially large numbers of women in particular, and as a consequence Cokwe society grew rapidly. The acquisition of pawn and slave wives had the advantage of bypassing matrilineal rules of inheritance as well as providing men with extra labor. While the children of slaves lacked any kinship connections that could provide social, economic and political protection, matrilineal rules of kinship overlooked the children of pawns, who were considered to belong to the creditor/father as one of the conditions of pawnship. Just as the labor of the woman enabled her own subsistence and contributed interest on the debt, her offspring while in pawn could not be claimed as the legitimate nieces and nephews of her brothers. The children were part of the interest on the debt. The additional costs associated with feeding and housing the children had to be recovered through their labor and the labor of their mothers. Despite the risks involved in the acquisition of women and children, Cokwe men effectively established their own matrilineages

through the assimilation of slaves and pawns. Furthermore, these new lineages had only tenuous connections with earlier kin groups. The ideological underpinnings of kinship allowed the creation of a new social organization on the basis of redefined relationships arising from pawnship and slavery.

Pawnship and Slavery

Debt bondage differed significantly from slavery. A slave was a form of property, and consequently there was no alienation of the slave from his or her labor or use-value.²² The slave was labor and use-value personified. The pawn, by contrast, was not property; rather, the contract involving the pawn was a form of property. There were many disputes concerning the ability of a creditor to transfer a pawning contract to a third party; it was not always clear whether the pawn as an individual or the contract involving the individual was being transferred. This ambiguity is reflected in references to the "ownership" of pawns, and is seen in the following studies whenever pawns are said to have had "masters." There is no readily available term for the creditor; "master" is vague in meaning and can be confused with "slave owner." "Creditor" is imprecise because the pawn might not be the debtor. Furthermore, pawns were often children, and hence there was a generation gap as well. We have chosen to let each contributor employ his or her own terminology.

When pawns crossed cultural boundaries, as in the case of Miji Kenda examined below, there was a greater risk that pawns would be further alienated than when their relatives remained in contact. Under such circumstances, pawns were often enslaved. The removal of pawns from the immediate vicinity of the debtor and his or her kin prevented the supervision of the relationship between creditor and pawn and therefore increased the possibility of abuse and even the transfer of the pawn to another person. The movement of pawns across cultural boundaries also introduced the likelihood that different laws and customs from those of the culture from which a pawn came would be applied in regulating the institution. Inevitably, disputes arose from cultural misunderstanding which could not always be distinguished from deliberate abuse and could not easily be rectified.

The purchase of pawns by Muslim merchants or European slavers had the effect of transferring individuals outside their cultural milieu and exposing them to the market. In such a context, pawns were reduced to slavery. Although pawns were legally protected from being turned into slaves, there were many instances in which the line between pawn and slave was blurred, sometimes deliberately. Indeed, pawns often became slaves, as most of the studies in this volume demonstrate. Once pawns were removed

some distance from their kin or sufficient time had passed without prospect for the payment of the debt, creditors might decide to realize the value of the pawn through sale or transfer. Whether such action was legal or not, pawns were hardly able to prevent it unless relatives were near at hand and could speak with effect on their behalf. There was a fine line indeed between outright sale of an individual and the sale of the contract that bound the individual. There are reports of wars between clans over the alleged sale of pawns, and certainly there were many legal disputes over when, if ever, pawns could be sold or otherwise transferred. Of course, in some cases, pawns ran away if there was the danger of transfer, but if the pawn returned to his or her kin, there might well be additional legal problems relating to the attempt to secure compensation for the debt that was still outstanding.

In many cases where Muslim traders were involved in the acquisition of pawns, the line between pawnship and slavery was very thin. There are many instances in which slave merchants paid for pawns, often children, with the intention of selling the children into slavery. Parents or guardians might or might not know the fate of these pawned children, but in times of famine and other disaster, there were usually few choices. Both Klein and Roberts, in their chapter on pawning in the western Sudan in the 1930s, and O'Hear, in her chapter on pawning in the Emirate of Ilorin, show that pawning was sometimes found in Muslim areas. Morton's chapter shows how Muslims turned non-Muslim pawns into slaves. He demonstrates how the expanding market for slaves on the Kenya coast in the nineteenth century corrupted the institution of pawnship as it had operated in the context of kinship relations among the Miji Kenda. Muslim slave owners interested in obtaining labor for their plantations purchased pawns from Miji Kenda and then treated the pawns as slaves, exporting them to other parts of the coast or to Arabia, if they did not employ them on their own plantations. As Morton writes, "pawning on the Kenya coast . . . ceased operating as a custodial arrangement and became instead a form of extortion practiced on destitute families." O'Hear argues that pawning was the most common method of obtaining a loan in nineteenth-century Ilorin, despite the fact that Ilorin was a Muslim emirate within the Sokoto Caliphate, where Islamic prohibitions on the collection of interest might have undermined the institution.

According to Linda Heywood, "the distinction between slavery and pawnship hardly mattered [among the Ovimbundu], for pawns were often sold as ordinary slaves," at least in the period from the 1890s through second decade of twentieth century.²³ In Allada and Whydah before the 1720s, according to Law in chapter 4, pawns were frequently sold into slavery, a practice that was outlawed in Dahomey after 1720. The

Imbangala recognized a mechanism whereby the status of pawnship could be converted into a slave, if the debtor lineage acknowledged that the pawn could not be redeemed.²⁴ In his discussion of pawning among the Vai of Sierra Leone,²⁵ Holsoe has observed that "should a pawn not be of Vai origin . . . the social position of the individual easily degenerated into domestic slavery, especially if there was no expectation that the pawn would be redeemed." These observations suggest that the theoretical approaches of Meillassoux and Kopytoff/Miers converged at one point; pawnship, which usually was understood in terms of an ideology arising from kinship relationships, could be transformed into slavery. Property rights could transcend kinship.

The Origins and Early Development of Pawnship

Pawnship appears to have been widespread before the twentieth century, but it should be distinguished from other institutions, including "panyarring," in which debtors or their relatives were seized, and the holding of hostages as security for loans. As Law's study of the Slave Coast in the eighteenth century suggests, pawnship was an alternative to panyarring. The practice was also common on the nearby Gold Coast, where a creditor might seize the debtor or anyone else associated with the debtor.²⁶ In nineteenth century Igbo society, as discussed by Ekechi in chapter 8, individuals were sometimes seized by creditors to be held as compensation for an outstanding debt.²⁷ Hostage-taking was a related institution in which individuals were obliged to remain with creditors, who were usually merchants, while the goods that were extended on credit were traded. Such practices were common in the trade between European and African merchants as late as the nineteenth century. Hostages who represented merchants who were receiving goods on credit often stayed on board European ships until the merchants returned from the interior. Unlike pawns, they were not expected to work while in captivity. The "passengers" were merely intended to guarantee the repayment of "trust."²⁸

Pawnship was an alternative to the violent seizure of individuals for debt, and it had economic returns through bonded labor that was absent in the taking of commercial hostages. When pawnship operated smoothly, it replaced arbitrary actions with prearranged contracts to provide collateral for debts, with interest calculated on the basis of the labor to be performed. By agreeing to establish a relationship of pawnship, debtors preempted the possibility that they or their kin would summarily be seized and possibly sold into slavery.²⁹ And unlike commercial hostages, there was the added return of interest.

Alagoa and Okorobia suggest that pawning in the Niger Delta developed in the context of the expanding market opportunities resulting

from the opening of the trans-Atlantic slave trade, probably in the seventeenth century. Despite this suggestion, it is not certain how old the institution of pawning is.³⁰ A certain number of enslaved Africans who entered the trans-Atlantic trade were originally pawns. A sample of slaves who were liberated by British anti-slave trade patrols in the early nineteenth century included a number of individuals who had originally been pawns.³¹ Law's examination of primary sources for the Slave Coast establishes that pawning was well known there as early as the beginning of the seventeenth century. Pawning was also common on the Gold Coast in the seventeenth and eighteenth centuries,³² and it was also known among the Duala of Cameroons in the late eighteenth century. Pawns were used as security for goods that were advanced on credit in transactions among merchants involved in long-distance trade between the coast and the interior, and between European ships and Duala merchants.³³ It is worth noting that the term for pawn is similar in many of the languages along the West African coast: in Akan, *awowa*,³⁴ in Yoruba, *iwofa*, and in Edo (Benin), *iyoha*.³⁵ This linguistic similarity suggests that the concept of pawning spread along the West African coast, at least for the area from modern Ghana through southwestern Nigeria, in the context of commercial expansion, perhaps in association with the rise of the trans-Atlantic trade.

As Miller has demonstrated, many slaves who were exported from west-central Africa during the era of the trans-Atlantic slave trade were the by-product of famine and drought, as people were forced to find food wherever they could; "hunger must have driven numbers of starving people into the hands of slavers and through them into the coffles of captives sent down slave trails to the coast at Luanda, Benguela, and lesser ports."³⁶ Miller does not specifically equate the process of enslavement with pawnship, but it seems highly probable that people were either pawning themselves or their dependants in the quest for food. The induction of these pawns into slavery appears to have been common, although of questionable legality.

It should be noted that there is often confusion between slavery and pawnship, because pawns often became slaves. Sometimes scholars have used terms for slavery, and thereby minimized the importance of pawning as a vehicle for enslavement. Marcia Wright has shied away from the term "pawnship," preferring to reduce most categories of servile status in central Africa to slavery.³⁷ The life histories that she has recorded certainly demonstrate the ease with which the status of individual women was redefined at the convenience of creditors/masters, but the blurring of categories in the context of specific historical circumstances should not disguise the importance of distinguishing between slavery and pawnship. Similarly, in their study of servile institutions among the Sena in



nineteenth-century Mozambique, Isaacman and Isaacman demonstrate how periodic famine, pestilence and locust infestations resulted in slavery and pawnship. On the one hand, they report that sons were pawned, which appears to be consistent with descriptions of pawning in other societies. On the other hand, what they call "self-enslavement" appears to be similar to self-pawning.³⁸ We would suggest that the conversion of pawns into slaves occurred subsequently. This is a subtle distinction for an individual caught up in the transition from pawn to slave but is, nonetheless, important in understanding the institution of pawnship and its relationship to slavery.

At other times, scholars have avoided reference to slavery in describing pawnship. For example, Alpers' biographical study of Swema, a Yao woman whose mother was forced to pawn her in order to settle a debt, avoids considering pawnship as an instrument of enslavement. According to Alpers, Swema was "sold" to an Arab caravan, which was probably illegal but nonetheless accomplished the complete reduction of Swema to the status of slave. Swema's biography demonstrates that the line between pawnship and slavery was indeed blurred.³⁹ As Marcia Wright has observed in discussing the plight of other women in central Africa, the acquisition of women as pawns or slaves, whether as wives or not, "made very little functional difference since normative distinctions were easily breached when it suited the masters' convenience."⁴⁰ Much more attention has to be paid to examining the distinctions between slaves and pawns and why pawns might be enslaved under these kinds of circumstances.

The Expansion of Pawnship

We hazard a tentative chronology for the development of pawnship as an institution. Pawnship can be traced back to the early days of the trans-Atlantic slave trade, and it appears to have been linked to the increased incidence of slavery and the development of the market. Various scholars, including many of the authors in this volume, suggest that the incidence of pawnship increased in the late nineteenth century and that it remained common through the first four decades of the twentieth century. Oroge, in his pioneering study of pawnship among the Yoruba, first drew attention to the expansion of pawnship at the end of the nineteenth century.⁴¹ As Byfield and Falola demonstrate, the institution persisted under colonialism. Other studies in this volume indicate that pawning was common elsewhere in the first decade or so of this century. Furthermore, there was a resurgence of pawning during the depression of the 1930s, which Klein and Roberts first documented for the western Sudan. Thereafter, pawnship seems to have declined, although Falola reports that pawning persisted well into the 1950s and later.

The tentative nature of this chronology highlights how little is known about the relative importance of the institution in different times. Certainly, it is possible to see a connection between pawnship and the generation of new slaves. Furthermore, it is clear that the decline of slavery heralded in an era when pawns became an alternative source of labor to slaves. Otherwise, the impressions that pawnship became more common at the end of the nineteenth century and continued to be widely practised in the early years of colonialism may only reflect the nature of the source material available for analysis and the early stage of historical reconstruction of this important institution. Furthermore, the extent to which pawnship was revived during the Depression of the 1930s is open to question; the analysis depends upon a careful reading of archival materials and impressionistic interpretations of oral data. Our intention is not to challenge the conclusions of our contributors but to draw attention to the issues that have to be addressed in future research.

The economic developments of the late nineteenth century encouraged the continuation of pawnship and perhaps its expansion. As Howard demonstrates for Sierra Leone, trade with Europe and trade with the interior were responsible for the greater commercialization of the economy, with the result that people in debt had to resort to pawnship. In Asante and the Gold Coast, according to Dumett and Johnson,

The upsurge of pawning was . . . bound up with the spread of commercial capitalism. With the increased availability of money and imported consumer goods, many families tended to spend more lavishly than before--both on material goods for their own comfort or for gifts and entertainments associated with traditional ceremonial occasions.⁴²

In Angola, the incidence of pawning seems to have expanded in the last decades of the nineteenth century because of the economic opportunities associated with the collection and export of wild rubber. Lineage officials and other men who were intent on getting rich quick pawned their dependants for trade goods, which they tried to resell at a profit that was high enough to redeem their kin.⁴³ These studies tend to support the early findings of Oroge that the last two decades of the nineteenth century led to an increase in pawning. We note that a number of scholars have suggested that pawning intensified in the late nineteenth century and yet again in the twentieth century. Whether this impression is accurate will be determined by future research.

The induction of new recruits as pawns in the first several decades of colonial rule was related to the decline of slavery. In Ilorin, as O'Hear

demonstrates, pawning increased after 1900 in response to a labor shortage caused by the desertion of slaves.⁴⁴ According to Dumett and Johnson, in their study of the Gold Coast and Asante,

an expansion of the traditional institution of pawnholding served as a buffer in enabling African families and chiefdoms to weather the transition from slave to "free" fairly comfortably without great loss of labor or social prestige. It is also possible that pawning in Ashanti, as in other parts of the colony, became little more than another term for enslavement (as the missionaries claimed).⁴⁵

Pawnship had become an alternative to slavery, which was less viable because of the difficulty of obtaining new slaves after the abolition of enslavement and slave trading. There were still many slaves in various stages of emancipation, but it was difficult, although not impossible, to buy more slaves.⁴⁶ The transfer of slaves, and therefore the realization of their property value, was prohibited everywhere.

The spread of wage labor and seasonal migration in search of work also profoundly affected the incidence of pawnship and how it was practiced. The concentration of export production in selected areas adjacent to the coast or near modern transportation facilities adversely affected more isolated areas. This dislocation of the rural sector was further complicated by increased monetarization of the economy, the introduction of European currencies, and the imposition of colonial taxation. Pawnship became a way of obtaining credit in the transitional period before modern credit facilities, including saving associations and banks, became established. In short, the spread of pawnship was tied to commercialization of the economy, as Howard demonstrates in his discussion of pawnship in Sierra Leone. Pawns could no longer be sold into slavery, and the transfer of pawns came to be tightly regulated. The local courts had jurisdiction over pawning cases in the same way that they were responsible for other contracts and the implementation of inheritance law. As Ford also demonstrates, the demands of the colonial state in Liberia forced people to pawn their relatives in order to raise money.

Pawnship also seems to have characterized the economic dislocations of the colonial era. As Heywood has reported for Angola, "pawning became even more pronounced in the late 1920s when a drought caused a drop in income,"⁴⁷ and it is likely that other economic crises produced their own number of pawns, especially the depression of the 1930s.⁴⁸ Roberts and Klein argue that pawnship was a last resort when other efforts to avoid hunger and poverty had failed. They connect the resurgence of pawning

with the economic crisis of the 1930s, but note a qualitative difference from earlier periods of economic decline. By the 1930s, the western Sudan (and by extension much of Africa) was much more fully integrated into the world economy. The thirties were a time of scarce money and few opportunities, and for once economic crisis was not related to war, political insecurity or climate. In contrast to earlier times, the incidence of pawnship increased because opportunities for wage labor had declined. Earlier, pawns had been a source of capital when relatives lacked food, or money for legal or religious expenses or otherwise could not protect their households. Capital was not usually raised through wage laborer other access to the cash economy. In a sense, the thirties appear to have been the last gasp of pawnship before other forms of credit became available. Pawnship continued into the next two decades, but apparently on a decreasing scale. In the thirties, moreover, there was no possibility that pawns might be reduced to slavery, unlike in earlier times. The decline of slavery did not leave people any less exposed to exploitation, but the form of the exploitation certainly had changed. Wage labor, when available, could provide the margin between subsistence and debt, but failure, no matter what the reason, could still lead to pawnship.

Opposition to Pawnship

John Grace has demonstrated that British opposition to slavery in West Africa in the nineteenth century included opposition to pawning. Parliamentary debates in the 1870s and the 1890s, in particular, lumped the two institutions together.⁴⁹ Because pawns sometimes ended up in slavery, the inclusion of pawnship in the abolitionist agenda is not surprising. As Dumett and Johnson have argued, the incidence of pawning in the interior of the Gold Coast at the end of the nineteenth century was partly a response to British measures against the slave trade and slavery.⁵⁰ Nonetheless as Grace has shown, colonial attitudes towards pawning were confused; many officials "excused" pawning as "traditional." There were efforts to retain pawning as a legal institution, the argument being that "pledging . . . is hardly in a Native's eyes a crime."⁵¹ The Yoruba historian Samuel Johnson defended the institution from a cultural nationalist perspective as a respectable indigenous institution that should be preserved but distinguished from slavery.⁵² As Byfield, Falola and Howard demonstrate, the difference between pawnship and slavery was the subject of debate among colonial officials, at least in British Nigeria and Sierra Leone. Pawning may have become illegal in the Gold Coast in 1892, but nothing was done to suppress it.⁵³

Debt bondage came under increasing scrutiny in the late 1920s and early 1930s as a result of the enquiries of several special commissions of

the League of Nations on slavery and related forms of servility. Annual reports of these commissions were issued from 1924 through 1936, and while pawnship was only one topic that was considered, there is a fair amount of material on the subject.⁵⁴ Governments around the world were required to submit reports on slavery, debt bondage, forced labor, and other issues related to enforced servility, and although most of these reports carefully disguised the extent of slavery and debt bondage, the attention that was brought to bear on these subjects had serious political overtones.⁵⁵ In the light of these studies, despite the effort to minimize the persistence of slavery and the prevalence of pawnship, it is surprising that scholarly attention only turned to the subject of slavery and pawnship in Africa in recent years. Even Douglas' pioneering article on pawnship in 1964 should give pause for thought. A reading of the League of Nations reports, which are readily available to scholars, demonstrates that the subject should have commanded attention much earlier.

Conclusion

These essays fill an important gap in the study of labor mobilization, social stratification and gender relationships in both the precolonial and colonial contexts, and hence make an important contribution to social history, which hitherto has emphasized slavery, peasantries and wage labor. The volume includes case studies from Nigeria, the Republic of Benin, Ghana, Liberia, Sierra Leone, Kenya, Tanzania, and French West Africa. They cover a time span from the eighteenth century to the present. Our selection of studies concentrates on West Africa, which inadvertently introduce a regional imbalance that might affect our generalizations. In particular, the area of Central Africa where Douglas first brought attention to the subject is not included here. We can only provide preliminary observations on the relationship of pawnship to political systems; pawnship seems to have been common in Sierra Leone and Liberia in the west, eastward to the Niger River delta and then across the central regions of Africa to the East African coast from Kenya to Mozambique. It is not clear if this pawnship "belt" had some relationship to the spread of market forces. Pawnship was probably less important than slavery, which appears to have become most developed in areas of large-scale political organization. Large states and well-developed commercial systems tended to use slaves more than pawns. But this hypothesis could easily change as the result of more research.

Notes

1. The pioneering study of Mary Douglas should be noted; see "Blood-debts and Clientship among the Lele," *Journal of the Royal Anthropological Institute*, 90 (1960), 1-28; "Matriliney and Pawnship in Central Africa," *Africa*, 34, 4 (1964), 301-13. Also see Lars Sundstrom, *The Trade of Guinea* (Upsala, 1965), 36-45. Later studies include A. Norman Klein, "Inequality in Asante: A Study of the Forms and Meaning of Slavery and Social Servitude in Pre- and Early Colonial Akan-Asante Society and Culture," Ph.D. thesis, unpublished, University of Michigan, 1980; E. Adeniyi Oroge, "Iwofa: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75-106; and Martin A. Klein and Richard Roberts, "The Resurgence of Pawning in French West Africa during the Depression of the 1930s," *African Economic History*, 16 (1987), 23-37. This last article is reprinted here, in slightly modified and expanded form. It should be noted that A. N. Klein drew heavily on Robert Rattray, *Ashanti Law and Constitution* (Oxford, 1929), chaps. 3 and 6, in his excellent discussion of pawnship in Asante. More recently, see Gareth Austin, "Indigenous Credit Institutions in West Africa, c. 1750 - c. 1960," in G. Austin and K. Sugihara, eds., *Local Suppliers of Credit in the Third World, 1750-1980* (London, 1993), 117-30.
2. John Iliffe, *The African Poor. A History* (Cambridge, 1987) notes the correlation between pawning and poverty.
3. Despite the recent research on women in African history, the correlation between women and pawnship has been largely overlooked.
4. For an examination of credit mechanisms in West Africa, see Austin, "Indigenous Credit Institutions in West Africa," 93-159.
5. Austin, "Indigenous Credit Institutions in West Africa," 118-20 and chap. 8. Austin draws on the research of Pranab K. Bardhan, "Interlocking Factor Markets and the Agrarian Development: A Review of Issues," *Oxford Economic Papers*, (n.s.), 32 (1980).
6. Paul E. Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge, 2d ed., 2000), 13-14; Suzanne Miers, *Britain and the Ending of the Slave Trade* (London, 1975), 140-43; Suzanne Miers and Igor Kopytoff, eds., *Slavery in Africa: Anthropological and Historical Perspectives* (Madison, 1977), 10; Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold* (Chicago, 1991).
7. See N. D. Kamble, *Debt Bondage in India* (New Delhi, 1981); Bruno Lasker, *Human Bondage in Southeast Asia* (Chapel Hill, 1950); Sarma Marla, *Bonded Labour in India* (New Delhi, 1981); Utsa Patnaik and Manjari Dingwaney, eds., *Chains of Servitude, Bondage and Slavery in India* (Madras, 1985); Anthony Reid, ed., *Slavery, Bondage and Dependency in Southeast Asia* (St. Lucia, 1983); and Martin Klein, "Modern European Expansion and Traditional Servitude in Africa and Asia," in Klein, ed., *Breaking the Chains: Slavery, Bondage and Emancipation in Africa and Asia* (Madison, 1993).
8. Austin, "Indigenous Credit Institutions in West Africa," 117.
9. See, for example, Joseph C. Miller, "Imbangala Lineage Slavery (Angola)," in Miers and Kopytoff, *Slavery in Africa*, 222-27.
10. Edward A. Alpers, "The Story of Swema: Female Vulnerability in Nineteenth-Century East Africa," in Claire Robertson and Martin A. Klein, eds., *Women and Slavery in Africa* (Madison, 1983), 191.
11. Personal communication, Frank Onyedinefu.
12. On this and other points, we wish to thank Frank Onyedinefu for his perceptive

- criticisms and insights.
13. Also see Jan Vansina, *Paths in the Rainforests* (Madison, 1990)
 14. Kopytoff and Miers, "African 'Slavery' as an Institution of Marginality," in Miers and Kopytoff, *Slavery in Africa*, 3-81.
 15. Meillassoux, *Anthropology of Slavery*
 16. Miller, "Imbangala Lineage Slavery," 222-27.
 17. Miller, "Imbangala Lineage Slavery," 222-27.
 18. Also see Marcia Wright, *Strategies of Slaves and Women. Life-Stories from East/Central Africa* (New York, 1993), 39-40.
 19. Douglas, "Blood-debts and Clientage;" and "Matriliny and Pawnship."
 20. Douglas, "Matriliny and Pawnship," 304. The implications of Douglas' research have to be considered further. The establishment of dependent lineages through pawning extended the parameters of the institution considered in this volume. Once the status of pawn became permanent and inheritable, the basis of the debt was no longer individual but collective. We would suggest that such developments undermined the economic role of pawns as collateral and strengthened their importance in the political and social spheres.
 21. Joseph C. Miller, "Cokwe Expansion, 1850-1900," Occasional Paper No. 1, African Studies Program, University of Wisconsin, Madison, 1969, 14-18. Miller quotes one observer who estimated that in the early twentieth century, 80 per cent of the women in Cokwe villages were pawns. Miller also describes a similar phenomenon among the Imbangala. Imbangala creditors married pawns so that the "children born to a *kuri* [pawn] belonged to the creditor lineage;" see "Imbangala Lineage Slavery," 222-27.
 22. Lovejoy, *Transformations in Slavery*, 1-7.
 23. Linda Heywood, "Slavery and Forced Labor in the Changing Political Economy of Central Angola, 1850-1949," in Suzanne Miers and Richard Roberts, eds., *The Ending of Slavery in Africa* (Madison, 1988), 418.
 24. Miller, "Imbangala Lineage Slavery," 225-26.
 25. Svend E. Holsoe, "Slavery and Economic Response among the Vai (Liberia and Sierra Leone)," in Miers and Kopytoff, *Slavery in Africa*, 289.
 26. Edward Reynolds, *Trade and Economic Change on the Gold Coast, 1807-1874* (New York, 1974), 19, 42.
 27. For pawnship among the Igbo, also see Victor Uchendu, "Slaves and Slavery in Igboland, Nigeria," in Miers and Kopytoff, *Slavery in Africa*, 126; and Don Ohadike, "The Decline of Slavery among the Igbo People," in Miers and Roberts, *End of Slavery*, 439-40, 453, 455.
 28. We wish to thank Martin Lynn for identifying this similarity between commercial hostages and pawns; see "Bristol, West Africa and the 19th Century Palm Oil Trade," *Historical Research*, 64 (1991), 364, citing J. C. Langdon, "Three Voyages to the West Coast of Africa, 1881-84," Bristol Central Library. Also see the chapters by Lovejoy and Richardson below.
 29. There is considerable information on pawnship that is scattered in the literature on slavery; see especially the studies in Miers and Kopytoff, *Slavery in Africa*; Claude Meillassoux, ed., *L'esclavage en Afrique pré-coloniale* (Paris, 1975); Miers and Roberts, *Ending of Slavery in Africa*; Robertson and Klein, *Women and Slavery in Africa*. Also see John Grace, *Domestic Slavery in West Africa, with Particular Reference to the Sierra Leone Protectorate, 1896-1927* (New York, 1975). and Marcia Wright, "Women in Peril: A Commentary on the Life Stories of Captives in Nineteenth-Century East-Central Africa," *African Social Research*, 20 (1975), 800-819.
 30. In his discussion of the importance of slavery in Africa during the first two centuries of the trans-Atlantic slave trade, John Thornton does not discuss pawnship, which may

have been present as an institutional alternative to slavery. See *Africa and Africans in the Making of the Atlantic World, 1400-1680* (Cambridge, 2nd ed., 1998). See, however, the chapters by Lovejoy and Richardson in this volume.

31. P. E. H. Hair, "The Enslavement of Koelle's Informants," *Journal of African History*, 4, 2 (1965), 199. According to Hair's calculation, 7 per cent of the slaves who were interviewed by Koelle had been pawns who were sold into slavery.
32. Raymond Kea, *Settlements, Trade, and Politics in the Seventeenth-Century Gold Coast* (Baltimore, 1982), 105.
33. Ralph A. Austen, "Slavery among Coastal Middlemen: The Duala of Cameroon," in Miers and Kopytoff, *Slavery in Africa*, 317, referring to an incident that occurred in 1787.
34. Raymond Dumett and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in Miers and Roberts, *End of Slavery*, 76.
35. Robin Law has suggested that *iwofa*, which is derived from the verb *fa*, to pledge, was not applied to non-human forms of collateral, such as farms, although *fa* was so used. See Samuel Johnson, *The History of the Yorubas* (London, 1973), 126.
36. Joseph C. Miller, "The Significance of Drought, Disease and Famine in the Agriculturally Marginal Zones of West-Central Africa," *Journal of African History*, 23, 1 (1982), 28. Also see Jill R. Dias, "Famine and Disease in the History of Angola, c. 1830-1930," *Journal of African History*, 22, 3 (1981), 360.
37. Wright, *Strategies of Slaves and Women*, 7, 21, 42-43.
38. Barbara Isaacman and Allen Isaacman, "Slavery and Social Stratification among the Sena of Mozambique: A Study of the Kaporo System," in Miers and Kopytoff, *Slavery in Africa*, 109. This problem of the transition from pawn to slave may also characterize MacCormack's analysis of slavery among the Sherbro of Sierra Leone. According to MacCormack, people were pawned in order to pay fines, and if a fine was not paid, "the pawn remained in the hereditary status of slave." See Carol P. MacCormack, "Wono: Institutionalized Dependency in Sherbro Descent Groups (Sierra Leone)," in Miers and Kopytoff, *Slavery in Africa*, 195.
39. Alpers, "Story of Swena," 191. Also see Marcia Wright, "Women in Peril: A Commentary on the Life Stories of Captives in Nineteenth-Century East-Central Africa," *African Social Research*, 20, 1975, 800-819; and Wright, *Strategies of Slaves and Women*. Wright also de-emphasizes the process of enslavement that often accompanied pawning.
40. Wright, *Strategies of Slaves and Women*, 9.
41. Oroge, "Iwofa," 75-106.
42. Dumett and Johnson, "Suppression of Slavery in the Gold Coast Colony," 94-95.
43. Miller, "Imbangala Lineage Slavery," 225.
44. Roberts and Miers discuss pawning in the context of the ending of slavery; see the introduction to *End of Slavery in Africa*, 45-47.
45. Dumett and Johnson, "Suppression of Slavery in the Gold Coast," 106.
46. For an examination of the transition in Northern Nigeria, see Paul E. Lovejoy and Jan Hogendorn, *Slow Death for Slavery The Course of Abolition in Northern Nigeria, 1897-1936* (Cambridge, 1993).
47. Heywood, "Slavery and Forced Labor in Central Angola,"
48. Klein and Roberts ("Resurgence of Pawning") have drawn attention to this problem. Also see Henri Ortolé, "Le Gage des personnes au Soudan français," *Bulletin de l'Institut Français d'Afrique Noire*, 1, 1939, 313-24. Ortolé's brief discussion of pawnship in A.O.F. during the 1930s anticipated the fuller discussion by Klein and Roberts.
49. Grace, *Domestic Slavery*, 35, 97.

50. Dumett and Johnson, "Suppression of Slavery in the Gold Coast," 94-95.
51. Grace, *Domestic Slavery*, 206, quoting Hadden Smith, Colonial Secretary in 1903.
52. Johnson, *History of the Yorubas*, 126-30.
53. Dumett and Johnson, "Suppression of Slavery in the Gold Coast," 95, 98-100; also see Klein, "Inequality in Asante."
54. The League of Nations reports include *Temporary Slavery Commission, Minutes of the First Session, 9-12 July 1924* (A.17); *The Question of Slavery, Memorandum by the Secretary-General, 4 August 1924* (A.25); *The Question of Slavery, 5 September 1924: Letters from the British Government Transmitting Despatches Showing the Situation with Respect to Slavery in the British Colonies and Protectorates and Territories under British Mandate* (A.25[a]); *Temporary Slavery Commission, Minutes of the Second Session, 13-25 July 1925* (C.426.M.157); *The Slavery Convention, Report Presented to the Assembly by the Sixth Committee, 24 September 1926* (A.104); *Slavery, Report of the Committee of Experts on Slavery Provided for by the Assembly Resolution of September 25th, 1931, 1 September 1932* (C.618); *Report of the Advisory Committee of Experts, Third (Extraordinary) Session, Geneva, April 15-24, 1936* (C.189[1].M.145); *Slavery, Report of the Advisory Committee of Experts, Fourth Session, April 5-10, 1937* (C.188.M.173); and *Slavery. Report of the Advisory Committee of Experts, Fifth (Extraordinary) Session of the Committee, March 31st to April 5th, 1938* (C.112.M.98, 1938, VI).
55. See, for example, E. De Jonghe, E. and J. Vanhove, *Les Formes d'asservissement dans les sociétés indigènes du Congo belge*, Brussels, 1949. This study was the result of an inquest conducted in 1933 by the Institut Royal Colonial Belge at the prompting of the League of Nations. A questionnaire was circulated in 1935. While there is only a brief discussion of pawning as such, it is clear that the institution was widespread throughout the Belgian Congo.

CHAPTER 2



THE BUSINESS OF SLAVING: PAWNSHIP IN WESTERN AFRICA, C. 1600-1810*

PAUL E. LOVEJOY and DAVID RICHARDSON

“A pledge is a slave’s brother” – Common saying on
Sierra Leone coast, c. 1780s¹

The institution of pawnship, specifically the use of people as collateral for credit, helped to underpin the Atlantic slave trade.² In another study, we focus on the port of Old Calabar, demonstrating the role of pawnship in the trade of British merchants with local merchants there.³ In this study, we show that Old Calabar was not unique, that people were used as pawns in the export slave trade in the seventeenth and eighteenth centuries elsewhere in Western Africa. Hence this study contributes to our understanding of the “trust” system, as the commercial arrangements involving credit were often known.⁴ We distinguish between individuals reportedly enslaved for debt, people used as pawns in the slave trade but not sold, and people seized or “panyarred,” usually for debts or for crimes. It is not always possible to distinguish among these categories in reference to sources of slaves for the trans-Atlantic trade. A small minority of enslaved Africans crossed the Atlantic as a result of pawning, but relatively low

numbers are not an indication of the importance of pawning in Western Africa or its significance in the Atlantic trade. As William Snelgrave reported in the early eighteenth century, those being held for debt on the Slave Coast rarely were sold, "few of these come into the hands of Europeans, being kept by their Countrymen for their own use."⁵ We argue that the presence of pawns in enslaved populations provides evidence about credit mechanisms in the domestic and international economies of those parts of Africa affected by the Atlantic slave trade that help to explain how Africa interacted with the larger Atlantic world.

Our aim is to examine the available primary documentation on pawning and the slave trade. While we cannot explore all the issues this suggests, we would highlight several important distinctions. First, pawning was not important in the trans-Atlantic slave trade everywhere or in all periods of the trade. Second, the factors that seem to have determined whether or not pawning was important include the local political and judicial context in which slave trading operated. Specifically, pawnship was less important where there was a strong centralized authority, such as the port of Ouidah during the Dahomey period after 1727 and at Bonny throughout its history. Third, in Senegambia, where Islamic law was in force and Muslim merchants dominated trade, pawning was not important in the export trade, except as a source of individuals from non-Muslim areas who had been entrapped through debt to Muslims. The institution was of dubious legal status in Islamic law and hence could not easily form the basis of credit arrangements.⁶ In Senegambia as well as other places in Upper Guinea and in Angola, credit was tied to marriage arrangements between local women and foreign merchants. Analysis of the institution has ultimately to explain why pawnship was adapted to the export slave trade in seemingly similar ways in many parts of Western African but not throughout the coast.

In considering the role of pawnship to the slave trade, we address the thesis of Walter Rodney that on the Upper Guinea coast, and by extension elsewhere, servile institutions were not significant early in the Atlantic slave trade but became more so under the influence of trans-Atlantic slavery. Rodney claims there was increasing reliance on enslavement as a form of punishment, as commercial and political institutions adjusted in the context of the slave trade; the incidence of slavery and "other forms of social oppression" became more pronounced.⁷ According to Rodney, "to borrow and fail to repay the most trifling item in the seventeenth century was sufficient warrant for arrest, conviction, and execution by sale.... [P]eople [were] sold for debt."⁸ Rodney failed, however, to examine enslavement for debt more fully, which we contend increased in ways that are directly traceable to the Atlantic slave trade.

Pawnship seems to have been in use in the seventeenth century and enforcing debt repayment through the reduction of pawns to slavery seems to have become common as the export slave trade grew. The role of pawnship in the slave trade suggests that Rodney's thesis can be extended to include changes in the practice of this institution. We note that pawnship was not universally adopted in transactions along the African coast; variations in its use are a subject for further study. Moreover, our approach differs from Rodney's in that he emphasized the relationship of European credit to African oppression, while we highlight European adaptability to African practices.

We argue that the relationship between capitalism and slavery, as formulated initially by Eric Williams, is revealed in its complexities through the ways in which European slave traders adjusted to the existence of local credit arrangements by relying on servile relationships other than slavery.⁹ Williams did not explore credit mechanisms in operation in Africa and did not therefore appreciate how European capital penetrated local markets there. Pawnship tied local credit arrangements to the slave trade, thereby exposing people to the risk of enslavement as well as underpinning the trade itself. It is not always clear when and where pawning became important. The historical record establishes, however, that pawning was common at the Gold Coast and Bight of Benin in the seventeenth century and at Upper Guinea, Old Calabar, Cameroons, Gabon, and the Loango coast by the second half of the eighteenth century. Of the various types of servility that underpinned the Atlantic world, slavery has rightly attracted most attention, but the existence of indenture and convict labor, impressed sailors, and child labor reveals that servile relationships more generally were fundamental to the development of the early modern world. Pawnship, enslavement for debt and panyarring were other forms of servility in Western Africa closely associated with slavery that sometimes resulted in transport to the Americas.¹⁰

Pawnship in Western Africa

James Phipps, an agent for the Royal African Company on the Gold Coast in 1710-22, described pawning among local merchants as "the Custom among themselves for letting out money or money worth."¹¹ Similarly in 1790 Captain James Fraser of Bristol, who traded in Africa for twenty years, claimed that pawning was the "custom of the country."¹² In both cases, the implication is that pawning was indigenous and implicitly of long standing. According to William Bosman, on the basis of his experience in the 1690s,

when a Negroe finds he cannot subsist he pawns himself for a certain Sum of Money, or his Friends do it for him; and he is maintained by the one to whom he has been pawned, on condition that he performs such work as he is ordered to do, which is not in the least slavish, being chiefly to defend his Master on occasion, and in sowing time to work as much as he himself pleases.¹³

Bosman thought the institution was "commendable amongst the Negroes" because it served as a safety valve: "we find no poor amongst them who beg; For no matter how little they possess, they never beg," the reason being that individuals were pawned. The practices described refer to transactions that had little if any connection with the external slave trade, although it is difficult to isolate the latter from the local economy.

Pawning of people as collateral for credit was considered to be distinct from slavery. The saying quoted at the beginning of this paper - that "a pawn is a slave's brother" - suggests that slavery and pawnship were related but not the same.¹⁴ Antera Duke, a leading Old Calabar merchant in the 1780s, used the English word "pawn" ("pown," "paun," or "prown") in a diary that he kept and distinguished "pawn" from "slave."¹⁵ This distinction reoccurs in virtually all West African languages.¹⁶ Pawns and slaves were also separate social and legal categories, though in the past debt bondage was sometimes confused with slavery, just as it is today. Because of this confusion, it is not always clear that references to "debt slavery" are to pawnship.

Indebtedness sometimes led to actual enslavement and sale, since the failure to fulfill the terms of loans resulted in seizure for debts. In many cases those collectively held accountable for debts were also seized and even sold. One account of Whydah in the early eighteenth century suggested that failure by the head of family to repay debts "within a fixed time, which happens very often," obliges "him and all his family to do what the man who made the loan to him orders him like slaves."¹⁷ Similarly, Richard Miles, an agent for the Company of Merchants Trading to Africa on the Gold Coast in 1765-84, reported that he had known "thousands of instances" of debt in which "the person [was] sold as a Slave for the benefit of the creditor."¹⁸ Whether or not these refer to pawning is difficult to assess, but the fact that individuals ended up as slaves seems clear. After the Dahomian conquest of Whydah in 1727, refugees fled westward along the

lagoon, settling near Grand Popo, but as a result of famine, some of them were apparently pawned and perhaps ultimately sold. In 1730, Snelgrave reported that, while the refugees “were being supplied with what they wanted by their Neighbours,” this “constantly decreased their Numbers, they being obliged to sell their Wives, Children and Servants for Provisions, and other necessaries, because they had no Money left.”¹⁹ Again, the practice described seems to have been pawning, not actual sale into slavery, at least not initially.

The term for “pawn” varies considerably in the languages along the West African coast. It is *awowa* in Akan,²⁰ *awubame* in Ewe, *awoba* in Ga,²¹ *iwofa* in Yoruba,²² *iyoha* in Edo (Benin),²³ and *abrofa* in Akwamu,²⁴ all of which appear to be similar, and *ubion* in Efik/Ibibio,²⁵ *igba ibe* in Igbo,²⁶ *pagi* in Ijaw,²⁷ and *gbanu* in Fon,²⁸ where similarity is less obvious. This diversity of terms offers few clues about how pawnship functioned through time, but suggests that the institution was old and dispersed. The similarity of terms used in Akan, Ga, Yoruba and Edo raises the possibility that historical connections existed in the development of the institution in the Bight of Benin and the Gold Coast, or at least suggests that the term derives from an older, common term of great antiquity corresponding to the linguistic origins of these related languages. The documentary evidence for the use of pawns before the nineteenth century is nonetheless scanty, although circumstantial evidence suggests that pawning was indigenous to Western Africa.

As a credit system, the pawning of individuals relied on social relationships, often kinship, to protect those being held in pawn; membership in a kin group implied some insurance in situations of indebtedness. This attribute of pawnship suggests that the institution was indigenous. Kinship strategies certainly affected the practice of pawning. Richard Edwards, who was at the Gold Coast between 1752 and 1755, found that “Fathers pawn their Children, for they rely on the Descendants of the Female Branches of the Family for Heirs, as in that Case they are sure of the Blood; and they have much less Consideration for their own Children.”²⁹ These comments refer to the matrilineality of Akan society, although whether or not fathers actually wanted to pawn their children is open to question. In effect, Edwards was indicating an order of priority of who would be pawned if necessary, the matrilineal line being protected, thereby suggesting an indigenous origin.³⁰ Those held for debt normally could expect some degree of protection from sale, but once sale took place, people were slaves, whether the sale was to European traders for export or otherwise. At Whydah in the 1690s, Bosman found that the only times that “parents here sell their children, men their wives, and one brother the other,” were under conditions of “necessity, or some great

crime.”³¹ Bosman implicitly concedes that some of those enslaved in this way ended up being sold for export, but he clearly regarded this as rare, suggesting that there may have been restrictions on the export of pawns, not that pawning was unusual.

The terminology and the logic of kinship structures suggest that pawnship was of considerable antiquity. Available documentation thus presents glimpses into an institution that was intertwined with secret societies, religious systems, and regional market demands. Pawning did not always involve people. Gold, jewelry, cloth, and even trees and land could be pawned, although pawning of the latter is not documented before the nineteenth century.³² It follows that the use of goods as collateral for debts was not only tied to human beings but was clearly understood as a mechanism for securing credit more generally. This suggests that human collateral was a variant of a larger practice whose antiquity is difficult to document but whose origins were not necessarily connected with slavery.³³ Moreover, the practice was different from enslavement for debt.

Pawning as a Deterrent against Panyarring

Pawnship was distinct from “panyarring,” a term used in Africa to refer to the arbitrary seizure of people or goods for debt or an alleged injury. In contrast to pawning, where security was provided beforehand, panyarring involved the seizure of goods or people to force payment or their sale to compensate the creditor. As Robin Law has noted, pawning was an institutionalized practice that attempted to prevent panyarring.³⁴ Those panyarred were hostages who had to be redeemed to settle the debt or otherwise risked being sold into slavery. Samuel Brun, who traded at the Gold Coast in the 1610s, learned that where “an individual of one town was in debt to a person in another town,” the creditor might seize an individual from the debtor’s town and hold him “until the real debtor arrives.” If the latter “does not come, then the innocent person is sold [and], can no longer be redeemed as [he] is taken very far inland from whence he never returns.³⁵ The reference to “inland” highlights the indigenous nature of the transaction and enforcement of a contract without reference to trans-Atlantic slavery. Brun’s comment also links panyarring to collective responsibility for debt a point also noted by Bosman, who traded on the Gold Coast in the 1690s. According to Bosman,

A distinguished Person in one Country hath Money owing him from a Person of an adjacent Country, which is not so speedily paid as he desires; on which he

causes as many Goods, Freeman, or Slaves to be seized by violence and rapine in the Country where his Debtor lives, as will richly pay him; the People so seized he claps in Irons, and if not redeemed has them sold, in order to raise Money for the payment of the Debt. If the Debtor be an honest man and the Debt just, he immediately endeavours by the satisfaction of his Creditors to free his Country-men.³⁶

The point was further reinforced in the early eighteenth century by Phipps who observed that at the Gold Coast creditors could “take...Satisfaction of the Borrower or any of his friends or Townspeople all of which are liable to answer the Debt.”³⁷ Moreover, panyarring was also the recourse open to creditors who wished to put pressure on defaulters in the Bight of Benin. In the late seventeenth century, the King of Allada threatened merchants in default that “all their wives would be taken,” presumably as pawns but saleable as forfeiture on the debts.³⁸ Similarly, des Marchais reported that at Whydah “the custom ... is hard on debtors, because a creditor is permitted to seize his debtor in lieu of payment and to sell him.”³⁹

Panyarring caused people to be held as if they were hostages, not pawns, but like pawns, they could be redeemed. In the case of hostages there was often a time limitation on redemption, while in pawning this was not always the case. In the early eighteenth century, Snelgrave found that “Debtors who refuse to pay their Debts [at Whydah], or are insolvent, are . . . liable to be made Slaves; but their Friends may redeem them.” Snelgrave notes explicitly that debtors might in the end suffer sale if their “friends” were unable or unwilling to pay their redemption, in which case the debtors were “generally sold for the benefit of their creditors.”⁴⁰ On the Gold Coast, agreements might specifically preclude panyarring if the contracted debt was in default. One such case involved several Twifo traders who owed John Kabes of Little Komenda a substantial sum of gold.⁴¹ Pawns had greater protection against sale into slavery than hostages, but both practices could result in enslavement.⁴² Pawning theoretically secured the loan in advance, thereby forestalling arbitrary seizure and sale into slavery, but in fact pawns were sometimes sold. In both cases, individuals were exposed to the possibility of enslavement if the debt was not settled and the persons being held were not redeemed. Holding of pawns appears to have been an institutional response to avoid arbitrary practices associated with panyarring, but this did not always work.

Use of Pawns as Security in Trade with Europeans

Pawns came to the attention of contemporary European observers, whose accounts provide most of the precolonial evidence on pawnship in Western Africa, because they were involved in the institution. Europeans recognized pawnship and indeed participated in its enforcement and thereby benefited from its provisions, although, once again, distinctions between pawning, panyarring and enslavement for debt were not always clear. European merchants knowingly bought debtors, pawns, and hostages who had been seized for debts. William James learned at Old Calabar that "some of the Slaves sold to the Europeans are such as have become so in consequence of Debt" without otherwise distinguishing among the victims.⁴³ Likewise, Luis António de Oliveira Mendes mentions indebtedness as a major reason for enslavement in west-central Africa in the late eighteenth century, though his observations apparently do not refer to pawns.⁴⁴ In 1827, the governor of Benguela ordered the freeing of "many Africans imprisoned by European traders on the pretext that their forefathers had failed to liquidate debts," suggesting enslavement for debt but probably not pawning.⁴⁵ Cases where enslavement was associated directly with personal debt always seem to have constituted a small portion of the slave trade.⁴⁶

Many European merchants, nevertheless, used pawnship to underpin credit, specifically in the form of advances of goods against slaves or other goods.⁴⁷ Safeguarding their interests, therefore, involved Europeans in credit arrangements that depended upon local mediation and enforcement and inevitably drew them into pawning arrangements. The abolitionist Thomas Clarkson noted in 1788 that African merchants received goods on credit from the slave ships "for the purpose of slaving those ships, on whose account they travel." He went on to note that the merchants were "obliged to leave a pledge or security for their return," the pledge consisting of "their own relations, who are detained till they come back."⁴⁸ The extent to which Europeans relied on pawnship is difficult to assess, but reflecting on twenty years' experience, James Fraser observed in 1790 that "by the custom of most parts of the coast on which I have traded, we are not at liberty to refuse a pawn."⁴⁹

Although Europeans relied on pawns as collateral for credit advances on many parts of the African coast, people were only one type of collateral. As Ray Kea has demonstrated, gold, jewelry, and other valuables, not just humans, might be pawned. According to Kea, van Groenestein, Governor of the Danish fort at Fredriksborg, relied on various types of pawned goods to secure credit.⁵⁰ In 1694, pawned gold was accepted on board ships at Cape Coast as collateral for goods advanced on credit. One report noted that "some of the best traders will

come and declare us to give them credit for the value of two or three marks of gold” and went on to indicate that “[c]ommonly they will leave some pledge in our hands till payment, as great collars of gold, which they will be sure to redeem.”⁵¹ Fifty years later, in 1744, parcels of gold dust that had been pawned and taken to Barbados were expected to be returned to the Gold Coast unopened to insure that there had been no tampering.⁵² At least on the Gold Coast, therefore, merchants accepted both goods and people as collateral for debts.⁵³ On the Gold Coast, where gold was panned and mined and was in demand among Europeans, this was, of course, possible, but it was not so at Old Calabar and other places where there were few items that could be pawned other than people.

Theoretically, pawned items could be interchanged or sold if not redeemed, but when pawns were people, sale meant

enslavement. Human pawns were not only acceptable, therefore, as collateral; unredeemed pawns also became a source of slaves for the trans-Atlantic traffic. The Bristol captain, James Fraser, noted in 1790 that “Every pawn that is received is considered a Slave, until he is redeemed – if their friends refuse, or are not able to redeem them, they are carried off and sold.”⁵⁴ Similarly, when asked if he knew that at the time that “Pledges were delivered [to] you,...they were Slaves or Freeman,” Robert Hume replied that “We always conceive that a Pledge if not redeemed is a Slave; and [that] they consider themselves as such when they come on board.”⁵⁵ Hume went on to suggest, however, that while the export of unredeemed pawns was legitimate, concern over the consequences of such action cautioned against it. Specifically, he claimed that

I would not carry them off for fear of injuring my future Voyages, or my Interest with the Natives. . . . [I]t is a general Practice with all Ships to send these Pledges on Shore, should they even lose by them, for fear of hurting their Interest with the Natives.”⁵⁶

Disruption of trade was precisely the outcome of one such occurrence in 1788 when the shipment of 30 pawns by a vessel from Bimbia, Cameroon, caused local merchants to seize the captains and crew of two British ships in retaliation. The two captains involved later claimed that their voyages were “entirely ruined, the Natives being determined to make no further Trade with either of us, nor pay the above Debts [of 30 pawns] until their Sons, Daughters, and &c. are returned.”⁵⁷

The extent to which Europeans adopted local African practices in relation to debt security is also indicated by the fact that on occasion Europeans themselves were held as pawns. When African merchants

extended credit to ships or feared arbitrary seizure by ships, Europeans might be required to provide collateral in a form that was locally acceptable. This might mean receiving European crew as pawns. Thus, while trading at Alampo on the Gold Coast in March 1682, Charles Towgood reported sending "one whiteman ashoare [sic] to stay till I sailed, for they sent off word they would not bring off one slave before I sent one, for fear of being panyard."⁵⁸ Pawning as a form of insurance against panyarring or as security for credit clearly transcended, therefore, the Afro-European commercial nexus. Its adoption by both Africans and Europeans was essential in the regularization of trade on the Western African coast. When Europeans advanced goods to local merchants, they required the pawns as security, but in cases where European ships were in debt to local merchants, the latter were known to demand pawns from among ships' crew. In the export trade, pawnship worked both ways, though given that credit largely went into Africa, it was African merchants who provided most pawns.

Prevalence of Pawning in the Atlantic Slave Trade

The incidence of pawning in Western Africa probably grew in tandem with the growth of slave exports to the Americas, although pawnship was not adopted as a mechanism for underpinning credit relationship in all parts of the coast. On the Gold Coast, the Danes, Dutch, and English relied on pawning throughout the seventeenth and eighteenth centuries, as we have seen.⁵⁹ The English held pawns in special enclosures outside their trade castles. In the middle of the eighteenth century, they were reportedly held on board a special ship, which Edwards described as "the Floating Factory." By 1789 when he testified before Parliament, he claimed that pawns were "kept in the Forts."⁶⁰

We have demonstrated elsewhere that pawnship helped to underpin British trade at Old Calabar by the middle of the eighteenth century, though it was not apparently significant at nearby Bonny.⁶¹ The Old Calabar case is particularly revealing because there is documentary evidence provided by local merchants to complement the more extensive accounts and testimonies of Liverpool and Bristol merchants. In 1763, the master of a Liverpool brig reported getting "pledges" from the "Kings Town [i.e. Old Town], Dukes and Tom Henshaws [towns]."⁶² John Ashley Hall, a London captain who traded at Old Calabar in 1772-73, also accepted pawns as collateral, claiming before Parliament in 1790 that it was "the way the trade is carried on" in the Calabar and Del Rey rivers, that is, the Cross River estuary. There are, indeed, many references to pawning in Antera Duke's diary in 1785-88.⁶³ At Gabon, where ships acquired ebony and redwood as well as slaves, pawnship

also underpinned trade, as Samuel Swan observed in 1810. Noting that one could not “avoid trusting” the local traders “more or less,” Swan observed that “[s]lave ships, and sometimes produce ships, take pawns when they trust money out,” the pawns “generally [being] the children of the head men who are trusted.” He went on to observe that “[w]hen there are several ships in the river it is best to get these pawns for Ivory, & Ivory pawns for wood, which keep till paid,” a method said to “save time & loss.”⁶⁴ The manipulation of the items to be held as pawns suggests that captains were well acquainted with local pawning practices and adjusted their business accordingly.

Pawning was also common on the Loango coast, in areas where the British, French, and Dutch operated, and perhaps elsewhere in the region as well.⁶⁵ As early as 1617-18, Dutch traders were accepting pawns as collateral at Mpinda in the Kingdom of Kongo.⁶⁶ Nearly two centuries later, in relation to British trade, it was said that “the custom at Angola [i.e. the Loango coast]” was “for traders and inhabitants to pawn their Slaves, their children or relations, to procure goods for different purposes.” It was also reported to be sometimes “the custom with some great men in the country to order some of their friends, their relations, of families, to be sold: and...this being done in passion or resentment, the people who receive this commission chuse to deliver them as pawns, taking the value of a Slave in return,” the master being free to choose “to redeem the person so pledged.”⁶⁷ The British ships were not alone in trading at Loango and it is assumed that pawnship was commonly underpinned the trade of others, including the French and Dutch, though there is little evidence of this in published accounts.

Pawns were used as security for goods advanced on credit in upper Guinea as well, not only on the coast but also among those involved in long-distance trade into the interior.⁶⁸ John Matthews, who visited the coast in 1785-7, claimed it “is customary, indeed, for people of all ranks to put their children out as pledges.” He also noted that “they are careful either to redeem them in time or to pawn them to the resident traders or established factories,” the pawns being “generally considered as a protection for your property.”⁶⁹ Consistent with this, Captain James Fryer of Liverpool was instructed in January 1790 to proceed to the Isles de Los, Sierra Leone, and the Banana Islands but “not to trust any Goods to the Natives on forfeiture of your Commission & priviledges [sic] hereafter mention’d except you get pawns.”⁷⁰ Merchants residing on the coast, in turn, used pawns to protect credit given in trade inland. For example, in 1757 Nicholas Owen, who lived at Sherbro, was informed by his brother, Blayne, then upriver trading, that he had “rece’d by the man Fonga 4 brass pans and 2 half pieces of baft.” He also reported buying

“one pawn from Bbong, so that I am quite out of sortments on account of lending money to Bereybosso for 2 slaves.”⁷¹ Pawning no doubt underpinned the substantial expansion in slave trading that occurred in upper Guinea after 1750.

Ratios and Numbers of Pawns

The number of pawns deposited by slave suppliers with shipmasters appears to have been subject to individual negotiation, the outcome of which depended, among other things, on trading conditions at the time of negotiation and the skills and probably the status of those involved. Robert Hume testified before Parliament in 1789 that he had been involved in the slave trade for “near eleven” years and related one instance where the wife of a local king had been held as pledge for the delivery of 80 slaves at Cape Mount.⁷² Including relatives of traders among pawns was seen by masters of ships as improving the likelihood of contracts being fulfilled, though given asymmetries in knowledge among negotiators about the relationship of pawns to traders, some deception by local merchants in negotiating such matters was possible.⁷³ Edwards, who visited the African coast in 1752-55, understood that pawns sometimes became slaves, but did not think that “Europeans, to whom Children are so pawned, are guilty of Fraud and Abuses in this Respect, and sell them before the Time for which they are pawned is expired.” Edwards claimed that “He never knew an Instance of their being so.”⁷⁴ The 1788 crisis at Bimbia suggests otherwise, however, as the king and traders of Cameroons protested that one British trader had carried off “thirty of the King and Traders Sons and Daughters and Relations, which were put on board the said Ship as Pawns.” They claimed that “the greatest Part of the Slaves and Ivory was paid for their Release” but that the offending captain “absolutely refused their Release when redeemed.”⁷⁵ Problems such as these no doubt encouraged some African merchants not to allow their kin to be held as pawns, as a Liverpool brig discovered at Old Calabar in 1763, when Robin John Town refused “a son for pledge.”⁷⁶

Other things being equal, European slavers tried to obtain a high ratio of pawns to slaves. In April 1788, Richard Rogers reported trying at Old Calabar to achieve a ratio of two pawns for every three slaves to be delivered and was not alone in expecting such a ratio.⁷⁷ Excepting cases of close relationships to important local merchants or officials, ship captains naturally tried to maximize the ratio of pawns to slaves, thereby increasing their leverage over local dealers. The latter equally preferred a low ratio. If possible, they preferred to dispense with pawns altogether since their retention by traders represented a loss of labor

and the costs of their maintenance seems to have fallen on the debtor. Such costs provided powerful incentives to redeem pawns on schedule or even earlier.⁷⁸ There are also signs that, on the Gold Coast at least, self-pawning was common, though only with individuals who were regularly employed by European firms and thus had prospects of regular earnings. Such earnings were effectively used as collateral, as Kea has shown, and because canoe men had little else to pledge, they were often "obliged to place themselves in pawn."⁷⁹ One such case occurred in 1704 when Cawera, a canoe man of Cape Coast, 'Engaged himself to ye Company for a Pawn' on account of three ounces of Gold which was paid for him to the king of Seboo [Asebu] to whom he was indebted so much."⁸⁰ We have no evidence that self-pawning by Africans to other traders was common, but in resorting to such practices canoe men perhaps hoped to invest in trade and rise to become independent traders in their own right.

Time Limitations on Debts

Although Europeans adopted indigenous systems of pawnship to underpin coastal credit relationships in the slave trade, there was one crucial distinction in the way in which Europeans sought to enforce debt repayment. This was reliance on specified time limits on credit tied to movements of slave ships. Edwards claimed that at the Gold Coast time was a factor in pawning contracts, noting that people "are usually pawned for a certain Number of Months."⁸¹ Referring to Sierra Leone, Matthews in 1788 also assumed that a time limit applied in pawning arrangements, noting that pawns were 'liable to be sent off, if not redeemed in due time.' He reinforced the point by arguing that "a person, whether a slave or the son of a freeman, if not redeemed at the expiration of the time limited for his redemption, becomes so much the absolute property of the person to whom he was pawned, that...it is intirely [sic] at the option of his master whether he will ever after let him be redeemed, though they should offer twenty for one, or he should be a son of the most powerful person in the country."⁸² Whatever the rights of creditors over pawns were, because of the potential damage to future commercial dealings that might arise from their enslavement, ship captains were often reluctant to carry them away, and if they were taken off, they were not always sold but occasionally returned to West Africa.⁸³

Because of the complications arising from holding pawns, some captains, in fact, transferred pawns to other ships in exchange for slaves in order to avoid sailing with them and thereby facing the difficult decision of selling them or not in the Americas. In 1788, Richard Rogers had 60 pawns on board his ship, most of whom had been "redeem'd from other ships."⁸⁴

Similarly, James Fraser noted in 1790 a practice existed whereby “the owner or friend” of a pawn “commonly borrows Slaves from a ship which is not so far forward in completing her cargo, and takes the pawn out of the ship that is ready to depart, and puts it [sic] on board the other.”⁸⁵ Whether transfers of pawns between ships needed permission from local merchants is unclear, although in local practice, as far as known, such alterations in arrangements required the approval of close kin.

“Should they not pay in...time,” the master of a ship was nevertheless justified, according to one trader, in carrying away pawns “to sell in the West Indies.”⁸⁶ There are indications that some masters followed this advice. In 1773, Robin John Ephraim of Old Calabar observed that one ship had left with his pawns, including four of his sons.⁸⁷ Fifteen years later, the *Gascoigne* of Liverpool left the same port with 540 slaves and pawns, the latter amounting to “120 Pledges.” Even then, it was said, the debts left behind at Old Calabar represented a further hundred.⁸⁸

Enslavement of pawns on board ships effectively brought pawnship and panyarring into line, essentially completing a contractually based process of debt-enforcement that rested on the threat of enslavement.⁸⁹ The process assumed, of course, that, when giving pawns as collateral for credit, African merchants themselves recognized they were engaging in a time-limited contract. This seems to have been acknowledged by at least one Old Calabar merchant who, in a deposition witnessed by three others in August 1776, recognized his failure to redeem a boy being held as a pawn and thus the legitimacy of the boy’s enslavement.⁹⁰ Others complained about abuse of contracts by Europeans, but the fact that pawns, including kin, could be and indeed were carried away provided African merchants with a powerful incentive to fulfil their contracts. As a result, human pawnship became one of the most efficient or cost effective mechanisms available to European merchants to protect credit in the slave trade.

Whether or not time limitations on the repayment of debts in Africa were an innovation of the export slave trade, enslavement of pawns after a specified repayment period had expired was more likely to be imposed in situations involving ship-based trade, with consequences that were difficult to reverse. In some cases, people were enslaved if debts were not paid within a certain time and in others people were panyarred to recover debts, but when ships set sail with pawns and hostages, it proved difficult to redeem them. The prompt delivery of contracted amounts of slaves, gold, logwood or other goods for which merchandise had been advanced was ultimately the surest way of preventing such acts of enslavement.

Retribution and Recourse in Pawning Cases

Although it was accepted that unredeemed pawns could legitimately be carried away to America, not all shipments of pawns were seen as legitimate. Pawns were usually entrusted to ship captains pending redemption, and their security depended on captains meeting the terms of contracts. In some cases this proved difficult. In the early 1770s, for example, the seizure of a Liverpool ship on the Windward Coast by a French naval vessel created a danger that the pawns on board would be shipped to America as slaves. When told that this indeed was likely to be the case, James Fraser, master of a nearby Bristol ship, reportedly “remonstrated against the impropriety and injustice of it,” and threatened the French officers with legal recourse:

I assured them that the Chamber of Commerce in France, and the African Company in England, would prosecute him and his Officers for so doing, unless he gave an opportunity to the friends of the pawns to redeem them, by paying the Rice or Slaves for which they were pawned.⁹¹

The threat to seek legal intervention in France may not seem to be very credible, but the fact that such recourse was even considered suggests that the practice of pawning was sometimes perceived in Atlantic-wide terms.⁹²

In many cases, captains themselves appear deliberately to have broken contracts, carrying away pawns without allowing appropriate time for their redemption. In some instances, kidnapping of “free” Africans compounded the situation. African merchants sometimes responded to such misdemeanors by seizing or panyarring sailors to try to force the return of pawns or freemen,⁹³ but as the crisis at Bimbia in 1788 shows, retribution could be exacted against ships and crews unconnected with the original offence. On this occasion, a Dutch ship successfully chased the British slaver that had illegally taken away the pawns and thereby secured the release from captivity of the crews of the other British ships seized by Cameroons merchants in response to the offence.⁹⁴ On other occasions, such events triggered outright attacks on ships and their crews that resulted in ships being “cut off” at the coast. Illegal taking of pawns was usually met by summary and violent retribution, often of a collective nature, and not necessarily against the offending ship.⁹⁵ Consequently, it was one reason that some captains, at least, were reluctant to sell pawns or otherwise take them off the coast.

Illegal confiscation was not, however, the only source of disputes between Europeans and Africans relating to pawns. For example, pawns

sometimes absconded before time and had to be replaced. A common feature of responses to such acts was a sense of collective responsibility on the part of African merchants. In many areas where pawnship existed, secret societies of adult males, dominated by the wealthiest and most powerful in their community, regulated credit, drawing on religion and the power of secret councils to do so. One function of the Poro society, an association of males in Sierra Leone that dates from the sixteenth century, was to enforce debt repayment as well as to protect individuals pawned as surety for credit.⁹⁶ According to Matthews, who visited Sierra Leone in 1785-87, were a pawn "sent off" before his time for redemption had expired, or even after, "without giving notice to the person who pawned him, a palavar, or action, would be brought against the person offending."⁹⁷ At Old Calabar, the Ekpe society fulfilled a similar role.⁹⁸ In his diary, Antera Duke describes occasions when "Grand Egbo [Ekpe]" was collectively "blown" against ships close to completing their trade and perhaps contemplating taking away pawns still held on board.⁹⁹ Sometimes, Ekpe was "blown" to force an Old Calabar merchant to replace a recalcitrant pawn, perhaps in an attempt to deter other ships from leaving with pawns and thereby protecting trade as well as those in pawn. In these instances, Ekpe functioned as a "merchant guild," co-ordinating local action to monitor the treatment of pawns and to safeguard the interests of the leading merchants of Old Calabar who used them as collateral.

On the Gold Coast, according to Richard Miles, writing in the 1770s, pawns were only "condemned to sale for debt" in after

due procedure. Miles also noted that in most towns there was a "Palaver House, which strictly speaking, is a court of justice," where "the Judges or Elders of the town (few of which are under the age of sixty or seventy) assemble to hear the parties." The "trials," noted Miles, "are in open day, and free for any person to hear that pleases."¹⁰⁰ As elsewhere, therefore, on the Gold Coast pawnship and credit arrangements became institutionalized, regulated by "palavar houses" that undertook in relation to debt enforcement and protection of pawns functions similar to the secret societies of Upper Guinea and the Bight of Biafra.

Conclusion

Pawning arrangements shifted some of the risk associated with credit advances by Europeans to African merchants because, in the event of default, unredeemed pawns could be shipped to America for sale. Occasionally Europeans were held as pawns, but generally credit flowed from ship to shore and pawns were held in European custody, whether on shore or on board ship. Pawnship gave shipmasters some insurance

against default by slave suppliers. Credit arrangements on the African coast were thus consistent with economizing on transaction costs, but placed at risk the kin of local traders. Hence, in places where pawns were used as collateral in trade, transactions became linked to social relations. In this respect, the study of pawnship has implications for understanding the cultural, political and economic interface between different systems of valuation and exchange in the Atlantic world.¹⁰¹

“Commercial” pawning involving European ships was in principle governed by a more precise time schedule than its domestic equivalent. By most accounts the latter might continue indefinitely, even across generations, though it was often terminated through marriage in the case of women, a feature of pawning in domestic economies that has been long recognized.¹⁰² Sometimes in such situations pawns became slaves, the justification for such action usually relating to foreclosure for debt. The use of pawns as commercial hostages in the export trade with Europeans further blurred distinctions between slaves and pawns. Time limitations on redemption may well have represented a significant modification of domestic pawnship. The ability to foreclose on debts by sailing away helped to reshape mechanisms to enforce contracts, suggesting parallels with the time restrictions in enforcement practices associated with panyarring. The number of “pledges” or pawns deposited as security for credit was subject to negotiation and was implicitly intended to prevent the arbitrary seizure and sale of people through panyarring. Hence there had to be some understanding of what protection, if any, pawns might expect, and perhaps most importantly of all, under what circumstances Europeans might enforce contracts by sailing away with pawns, so that foreclosure was not confused with panyarring.

Pawning was not universal in the slave trade and varied in importance in the local societies and economies of western Africa. Its use in Atlantic slaving seems to have increased as the export slave trade reached its peak in the late eighteenth century.¹⁰³ As a system of debt security, pawnship appears to have become vital to the growth of the Atlantic slave trade, underpinning the business operations of many European merchants and their African suppliers in several parts of Africa. Some transferring of pawns between European ships occurred, but pawnship essentially concerned Afro-European relations, not relations between Europeans stationed at the coast or even relations between European and mulatto traders. This restricted use of pawns by Europeans may explain why Hancock failed to discover their use at the London-owned factory at Bance Island, Sierra Leone, even though pawns were commonly used nearby.¹⁰⁴

Variations in the incidence of pawning, geographically and temporally, and the presence of panyarring, appear to have been related to political structures within which credit arrangements worked in Africa. Sometimes such structures seem to have provided security for credit without resort to pawning, even though pawnship perhaps existed in local economies supplying the export trade. This was apparently the case at Whydah after its conquest by Dahomey in 1727. Similarly, pawnship does not seem to have been a factor in the rise of Bonny as the leading slaving port in the Bight of Biafra, though it appears to have been fundamental at other ports in the region. Furthermore, pawnship arrangements involving Europeans are not reported in areas where Muslim merchants were dominant, such as Senegambia, nor, with the possible exception of Benguela, did they feature in the export trade from Portuguese-controlled areas south of Kongo. Pawnship was important, however, in areas where secret societies and age-graded "palavar" houses were involved in debt enforcement. In these areas, too, panyarring was to be found.

The restricted use of pawns in relations between African and European merchants to certain places on the African coast modifies Rodney's focus on the increasing incidence of social oppression in the context of the slave trade. According to Rodney, "many of the forms of slavery and subjection present in Africa in the nineteenth and twentieth centuries and considered indigenous to that continent were in reality engendered by the Atlantic slave-trade."¹⁰⁵ Our analysis suggests that pawning at least was indigenous to many, if not most, parts of western Africa but was adapted as an institution underpinning credit in trans-Atlantic trade, apparently in the seventeenth century on the Gold Coast, and elsewhere by the eighteenth century.¹⁰⁶ It also appears that this process of historical adaptation depended on local conditions as much as on Atlantic influences.

Without mechanisms such as pawnship to secure credit, the number of slaves purchased by Europeans in Western Africa would have been considerably less.¹⁰⁷ The relationship between "capitalism and slavery," as articulated by Williams, has to be modified to allow for the complex ways in which credit penetrated Africa, thereby enabling trade to take place across different cultural interfaces.¹⁰⁸ Reliance on pawnship in Western Africa highlights the flexibility of European capital in adjusting to local conditions by exploiting servile relationships other than slavery, but subordinating those relationships to the requirements of the export trade in slaves. The interface between Europe and Africa resulted in institutional adjustments on both sides of the cultural frontier. As in other areas of Atlantic history, the intensified use of pawns in commercial

relations between European and African merchants in the eighteenth century corresponded to key periods of development of slavery in the Americas; pawning helped therefore to underpin the expansion of the Atlantic economy.

Notes

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1. Testimony of Robert Hume, who was on eleven slaving voyages to western Africa in the late eighteenth century; see "Minutes of Evidence taken on the Second Reading of the Bill entitled, 'An Act to prohibit the Trading for Slaves on the Coast of Africa, within certain limits,'" F. William Torrington, ed., *House of Lords Sessional Papers 1798-99* (Dobbs Ferry, NY, 1974), vol. 3, 112.
2. For a general discussion of human pawning in Africa, see Toyin Falola and Paul E. Lovejoy, eds., *Pawnship in Africa: Debt Bondage in Historical Perspective* (Boulder, 1994) and the various studies therein. Also see E. A. Oroge, "Iwofa: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75-106 (also in this volume); and Paul E. Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge, 2d ed., 2000), 13-14, 109-10, 117-18, 143, 169, 176, 182.
3. Paul E. Lovejoy and David Richardson, "Trust, Pawnship, and Atlantic History: The Institutional Foundations of the Old Calabar Slave Trade," *American Historical Review*, 104 (1999), 333-55 (also in this volume).
4. For a discussion of credit and "trust," see for example Alan Ryder, *Benin and the Europeans, 1485-1897* (London, 1969), 78, 130-33, 140, 322-24; Martin Lynn, *Commerce and Economic Change in West Africa: The Palm Oil Trade in the Nineteenth Century* (Cambridge, 1998), 67-68; Philip D. Curtin, *Economic Change in Precolonial Africa: Senegambia in the Era of the Slave Trade* (Madison, 1975), 302-8; and Joseph C. Miller, *Way of Death: Merchant Capitalism and the Angolan Slave Trade, 1730-1830* (Madison, 1988), 175-89, 284-313, 537-41, 570-97, 598-604.
5. William Snelgrave, *A New Account of Some Parts of Guinea and the Slave Trade* (London, 1734), 159.
6. It is perhaps significant that pawnship was prevalent in those places where Islam was relatively unimportant or not present at all. Muslim merchants employed other mechanisms to secure credit, and pawnship had a questionable status in Islamic law anyway. Evidence from the nineteenth and twentieth centuries indicates that Muslim merchants often treated non-Muslim pawns as slaves who could be sold. Muslims purchasing pawns seldom had personal relationships with those depositing of pawns, and hence there was little to prevent sale into slavery. The institution of pawnship exposed individuals to the risks of enslavement in the Muslim world, just as it did in the Atlantic, and such risks ultimately undermined the practice of using people to

- secure credit, but not as long as the slave trade was in operation. For a discussion of Islamic commercial practices in West Africa, see John Hunwick, "Islamic Financial Institutions: Theoretical Structures and Some of their Practical Applications in Sub-Saharan Africa," in Endre Stiansen and Jane Guyer, eds., *Currencies, Credit and Culture: African Financial Institutions in Historical Perspective* (Uppsala, 1999). Also see Paul E. Lovejoy, *Caravans of Kola: The Hausa Kola Trade, 1700-1900* (Zaria and Ibadan, 1980), and Lovejoy, *Salt of the Desert Sun: A History of Salt Production and Trade in the Central Sudan* (Cambridge, 1986). On the question of pawning and Islam, see Falola and Lovejoy, *Pawnship in Africa*, 14-15.
7. Walter Rodney, "African Slavery and other Forms of Social Oppression on the Upper Guinea Coast in the Context of the Atlantic Slave Trade," *Journal of African History*, 7 (1966), 431-43; and *A History of the Upper Guinea Coast 1545 to 1800* (Oxford, 1970).
 8. Account of de Anguiano, apparently from Buenaventura de Carrocera, ed., *Misiones Capuchinas en Africa* (n.p., n.d.), vol. 2, 145, as cited in Rodney, *Upper Guinea Coast*, 109.
 9. Eric Williams, *Capitalism and Slavery* (London, 1944).
 10. According to Ebiegberi J. Alagoa and Atei M. Okorobia ("Pawnship in Nembe, Niger Delta," in Falola and Lovejoy, *Pawnship in Africa*, 79), pawnship was unknown in the Niger delta before the era of the trans-Atlantic slave trade, although there is no empirical evidence to support their claim. Ray Kea has also postulated a late development for pawnship, again linking the origins of the institution to the slave trade. According to Kea, pawning was an "institutionalized practice...associated with credit-debt relations...[and was] well established in the coastal and inland towns in the early seventeenth century; [its] origins...perhaps to be sought in the early sixteenth century or the later fifteenth century," that is when the Atlantic slave trade began (see *Settlements, Trade, and Politics in the Seventeenth-Century Gold Coast* [Baltimore, 1982], 244). The absence of information on pawning before the seventeenth century makes such a discussion premature, if not impossible. For example, in his study of the upper Guinea coast, George Brooks does not mention pawning (see *Landlords and Strangers: Ecology, Society, and Trade in Western Africa, 1000-1630* [Boulder, 1993], 143-96). Moreover, pawning is not evident in the external trade of Senegambia; see Curtin, *Senegambia in the Era of the Slave Trade*, 247, 302-8; Boubacar Barry, *Senegambia and the Atlantic Slave Trade* (Cambridge, 1997), 26-50; and James F. Searing, *West African Slavery and Atlantic Commerce: The Senegal River Valley, 1700-1860* (Cambridge, 1993), 93-108. In the interior of Angola, where pawnship was widely practiced, the linkages between pawning and the Atlantic trade are far from clear, but it does not seem that pawning was used to underpin the slave trade, except on the Loango coast; see Miller, *Way of Death*, 48-70, 94-103, 124, 179-80, 305-6; and Isabel de Castro Henriques, *Commerce et changement en Angola au XIXe siècle: Imbangala et Tshokwe face à modernité* (Paris, 1995), vol. 1, 97-139. Surprisingly, John Thornton does not mention pawnship in his study of the slave trade. The omission in the first edition of book is perhaps understandable because it focuses on the period before the eighteenth century, but the second edition includes the eighteenth century, and there is no mention of pawnship (*Africa and Africans in the Making of the Atlantic World, 1400-1800* [Cambridge, rev. ed., 1998]).
 11. John Phipps, undated, but probably before 1720, in reference to trade at Ketu, Public Record Office (PRO), C 113/274.
 12. Testimony of James Fraser, Jan. 29, 1790; in Sheila Lambert, ed., *House of Commons Sessional Papers of the Eighteenth Century, Minutes of Evidence on the*

- Slave Trade 1790 Part 1* (Wilmington, 1975), vol. 71, 15.
13. William Bosman, *A New and Accurate Description of the Coast of Guinea* [1705] (London, 1967), 176. Also see Albert van Dantzig, "English Bosman and Dutch Bosman: A Comparison of Texts," *History in Africa*, 4 (1977), 122, and for a discussion, Kea, *Seventeenth-Century Gold Coast*, 303.
14. Testimony of Robert Hume, in Torrington, *Lords Sessional Papers*, vol. 3, 112.
15. "Diary of Antera Duke [Nteiro Edem Efiom]," in Daryll Forde, ed., *Efik Traders of Old Calabar* (London, 1954), 86, 95, 109, 110.
16. See Falola and Lovejoy, *Pawnship in Africa*, 13-15.
17. "Relation du Royaume de Judas en Guinée," Ms. in Archives d'Outre-Mer, Aix-en-Provence: Dépôt des Fortifications des Colonies, Côtes d'Afrique, Ms. 104, 48, as cited in Robin Law, "On Pawning and Enslavement for Debt in the Pre-Colonial Slave Coast," in Falola and Lovejoy, *Pawnship in Africa*, 61.
18. Testimony of Richard Miles, in Lambert, *Sessional Papers*, vol. 68, 37, 38, 40, 42. It should be noted that Miles had considerable knowledge of local practices on the Gold Coast and claimed to have been fluent in Twi.
19. Snelgrave, *Guinea and the Slave Trade*, 113.
20. Raymond Dumett and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in Suzanne Miers and Richard Roberts, eds., *The End of Slavery in Africa* (Madison, 1988), 76.
21. Akosua Adoma Perbi, "A History of Indigenous Slavery in Ghana from the 15th to the 19th Centuries" (Ph.D. thesis, unpublished, University of Ghana, 1997), 23.
22. According to Robin Law, *iwofa* is derived from the verb *fa*, to pledge, and was not applied to nonhuman forms of collateral, such as farms, although *fa* was so used (Falola and Lovejoy, *Pawnship in Africa*, 25n). Also see Samuel Johnson, *The History of the Yorubas* (London, 1973), 126.
23. Uyilawa Usuanlele, "Pawnship in Edo Society: From Benin Kingdom to Benin Province under Colonial Rule," in Falola and Lovejoy, *Pawnship in Africa*, 105.
24. According to Kea (*Seventeenth-Century Gold Coast*, 105), the term also meant free peasant, so may not have specifically meant "pawn."
25. Hugh Goldie, *Dictionary of the Efik Language* (Farnborough, 1964), 300.
26. Felix K. Ekechi, "Pawnship in Igbo Society," in Falola and Lovejoy, *Pawnship in Africa*, 83. David Northrup (*Trade without Rulers: Pre-Colonial Economic Development in South-Eastern Nigeria* [Oxford, 1978], 73) claims that the terms for pawn and slave are the same – *ohu*.
27. Alagoa and Okorobia, "Pawnship in Nembe," 72.
28. Law, "Pawning and Enslavement for Debt," 55.
29. Testimony of Richard Edwards, in Lambert, *Sessional Papers*, vol. 69, 44.
30. Similarly, Snelgrave (*Guinea and the Slave Trade*, 159) learned at Whydah that "it is common for some inland People, to sell their Children for Slaves, tho' they are under no Necessity for so doing; which I am inclined to believe. But I never observed that the People near the Sea Coast practice this, unless compelled thereto by extreme Want and Famine." Snelgrave was referring to pawnship in the context of the recent conquest of Whydah by Dahomey and the flight of refugees from the conquered town. The further alienation through sale into slavery was a danger arising from the resulting deprivation.
31. Bosman, *Coast of Guinea*, 364. As Law notes, the reference to "necessity" should probably be understood to allude to pawning to secure credit, rather than outright sale; see "Pawning and Enslavement for Debt," 64.
32. For the pawning of trees, see Falola and Lovejoy, *Pawnship in Africa*, 8. For the pawning of land, see Kristin Mann, "The Political Economy of Credit and the

- Culture of Obligation in Late Nineteenth-Century Lagos," unpublished paper presented at annual meeting of the African Studies Association, Philadelphia, 1999.
33. In the Kingdom of Benin, a unit of account known in its anglicized form as "pawns" was employed in trade. In the 1790s, John Adams learned that "The medium of exchange is salt, and calculations are made in pawns, one of which is equal to a bar in Bonny, or 2s. 6d. sterling"; see John Adams, *Remarks on the Country Extending from Cape Palmas to River Congo* (London, 1823), 116. Christopher Hasell, a Liverpool trader active in the Benin trade in 1770, kept his accounts in "pawns," including purchases of provisions, with details of goods exchanged for yams, goats and other foodstuffs. In a letter dated Benin Gato, 9 Aug. 1770, Hasell addresses an unknown person, but almost certainly the master of the *True Blue*, indicating that he had "broke trade" on 30 July: "The dashees and Customs are a deal larger than ever was known[.] Trade is but Dead and slaves but indifferent & I broke Trade at 100 pawns pr Man, & 90 for A Woman, Webster [another trader] giving 95 for A Woman & 115 for A man"; see "Accounts of the vessel, True Blue, which traded to Benin in 1770," 25 pages, Christopher Hasell Papers, 1763-1773. (The papers are held privately in Cumbria.) As Alan Ryder has demonstrated, however, these "pawns" were actually pieces of local cloth, and the original Portuguese *pano* or *pagne* was rendered in English as "pawn"; see *Benin and the Europeans*, 207, 230. We wish to thank Robin Law for drawing Ryder's analysis to our attention.
 34. Law, "Pawning and Enslavement for Debt," 62-64.
 35. Samuel Brun, *Schiffarten* (Basel, 1624), 76-77, as discussed in Kea, *Seventeenth-Century Gold Coast*, 244-45. Brooks (*Landlords and Strangers*, 205) also mentions the use of hostages on the upper Guinea coast, apparently in the late sixteenth century, but without references.
 36. For Bosman's description, see *Coast of Guinea*, 176. Also see van Dantzig, "English Bosman and Dutch Bosman"; and Kea, *Seventeenth-Century Gold Coast*, 245. There are numerous examples of panyarring in the Rawlinson papers dating to the 1680s; see the various entries in Robin Law, ed., *The English in West Africa 1681-1683: The Local Correspondence of the Royal African Company of England, 1681-1699, Part I* (Oxford, 1997), Letters 28, 39, 40, 51, 59, 110, 122, 157, 169, 172, 177, 211, 226, 264, 280, 288, 322, 330, 358, 383, 394, 400, 420, 480, 484, 485, 487, 504, 518, 525, 526, 533, 639.
 37. Report of James Phipps, Fetu, undated, c. 1720 or earlier, PRO C 113/274. In February 1699, the ruler of Abora tried to seize a caravan of Akyem traders because he claimed he was owed 7 *bendas* (one *benda* was worth two ounces troy in gold), not by members of the caravan but by other Akyem merchants. In 1703, Okofomu, an Akani merchant resident in Eguafu seized two Akani traders because Apodi, the king, was in debt for a large sum of gold. See Kea, *Seventeenth-Century Gold Coast*, 245. For a discussion of gold values, see *ibid.*, 190-91.
 38. "Voyage du Delbée," as cited in Law, "Pawning and Enslavement for Debt," 61.
 39. Des Marchais, "Journal du Voiage," f.50v, as cited in Law, "Pawning and Enslavement for Debt," 61.
 40. Snelgrave, *Guinea and the Slave Trade*, 158-59. Law considers Snelgrave's reference to "slavery" "an inexact allusion to pawning"; see "Pawning and Enslavement for Debt," 61-62.
 41. Kea, *Seventeenth-Century Gold Coast*, 245.
 42. See, for example, the discussion in Per O. Hernaes, *Slaves, Danes, and African Coast Society* (Trondheim, 1998), 119.
 43. Testimony of William James, in Lambert, *Sessional Papers*, vol. 69, 48-49. Robert Hume was alleged to have taken 30 pawns to the Americas on one ship that he

commanded on the Windward Coast in the 1780s; see *ibid.*, vol. 3, 99, 109–11. One ship sailed from Old Calabar in the 1780s with 120 pawns on board; see PRO C 107/12, Richard Rogers to James Rogers, Old Calabar, Apr. 1788 [exact date not recorded].

44. Luis António de Oliveira Mendes, *Memória a Respeito dos Escravos e Tráfico da Escravatura entre a Costa d'Africa e o Brazil* [1793] (Porto, 1977), 40–41.
45. Ralph Delgado, *A Famosa e Histórica Benguela: Catálogo dos Governadores (1779 a 1940)* (Lisbon, 1945), 99. Also see Maria Emília Madeira Santos, *Nos caminhos de África: serventia e posse (Angola século XIX)* (Lisbon, 1998).
46. Among the liberated slaves interviewed by linguist S. Koelle in Sierra Leone in 1849–50, approximately 7 per cent claimed to have been enslaved for debt in some form. Many of these “recaptives” came from the interior of the Bights of Benin and Biafra and the region of the upper Guinea coast and Sierra Leone. See P. E. H. Hair, “The Enslavement of Koelle's Informants,” *Journal of African History*, 4 (1965), 199. For an analysis of the same data for the Bight of Biafra, see David Northrup, *Trade without Rulers*, 80.
47. The evidence for the use of pawns in the slave trade comes largely from English, Dutch and Danish sources, which may reflect the incomplete research into the sources for French and Portuguese trading practices. While there is some information on French involvement in pawning, there is virtually nothing on Portuguese use of pawns. It may be that the Portuguese trade in west-central Africa did not rely on pawning because Portuguese merchants and their Luso-African and African partners actually transported merchandise inland themselves or had the possibility of doing so; see Miller, *Way of Death*, 48–70, 115–26, 179–89, 305–7.
48. Thomas Clarkson, *An Essay on the Slavery and Commerce of the Human Species, & Particularly the African* [1785] (London, 2d ed., 1788), 27–28. The second edition of *Essay on Slavery and Commerce* included Clarkson's observations arising from his research in Liverpool and Bristol in 1788, as well as letters and other materials sent to him.
49. Testimony of James Fraser, 29 Jan. 1790; in Lambert, *Sessional Papers*, vol. 71, 15.
50. According to Kea, “the entries show that a number of these [local] persons had current accounts with van Groenestein and that these accounts enabled them to make payments to receive commodities and/or money (gold) by way of written orders, that is by credit transfers from one account to another. Loans were advanced against the current accounts and against deposited securities (pawns), which took the form of gold dust, gold ornaments, brass basins, textiles, people, and so on.” In one transaction, for example, Fitero Ahen purchased goods to the amount of 1,296 *dambas*; his cousin conducted the trade on his behalf, leaving gold as security on the balance of 144 *dambas* (8 *dambas* = 1 ounce troy). Ahen's cousin paid the balance and redeemed the gold in the presence of a witness, Obiri (“Abrij”), one of the trading servants at Fredriksborg. See Kea, *Seventeenth-Century Gold Coast*, 227, 228, based on the accounts journal of van Groenestein at Fredriksborg. The entry is dated 2 Dec. 1668, and reads: “Received from his cousin, and returned to him the gold pawn of 2 marks 1 ounce 9 angles in the presence of Abrij”; Kea, *Seventeenth-Century Gold Coast*, 237. Most advances were to people with political status, including *ahenfo*, *asanfo*, and *batafo*.
51. *Ibid.*, 238. The report also noted that the traders promised in a certain number of days when their servants or boys return from the inland countries to deliver the produce of such merchandise.
52. The pawned items were “wrought and festish gold for sundry people on the coast of Africa...for Debts due ye concerned and in time must be delivered”; see PRO

Chancery Masters Exhibits, C 103/130, Papers of Thomas Hall, George Hamilton to Hall, Barbados, 23 May 1744. The ruler of Afutu pawned gold valued at 27,168 *dambas* at Fredriksborg in February 1674. According to Kea (*Seventeenth-Century Gold Coast*, 238, 241-42), some of this gold had probably served as surety for an earlier loan in August 1669. In November 1701, the "king and country of Saboe" left 33 *bendas* worth of gold pawns with the English at Cape Coast, on which 40 "fuzees," 6 barrels of gunpowder, 63 half-firkins of tallow, 48 blue perpetuanas, and 51 sheets were credited. Between 1689 and 1701, the pawns that the Asebuhehene deposited at various times at Cape Coast Castle had a combined value in excess of 100,000 *dambas*. In August 1693, the ruler of Tantomkwerrri pawned gold jewelry "weighing nine ounces" (3,456 *dambas*) at the Royal African Company factory, against an advance of 35 English carpets.

53. Hence Jan Claessen Cutta of Afutu borrowed 6,144 *dambas* in gold from van Groenestein in August 1669; "several pawns were kept at the fort" as surety, including a trading servant of the company, pledged for 768 *dambas*. What else was pawned is not mentioned but may have included gold ornaments and jewelry. See Kea, *Seventeenth-Century Gold Coast*, 231. Similarly, in late August 1676, the debts of a deceased merchant at Cape Coast who owed van Groenestein "25 benda 15 english" were secured through the pawning of "a large Negro sword embellished with gold and Corfu Braffo's son named Obing." In July 1713, the ruler of Twifo received an advance of 100 *bendas* in gold, apparently for state purposes. His securities consisted of gold jewelry, aggrey beads and "his friends and wives." For these and other examples, see *ibid.*, 231, 235, 241. Also see George Metcalf, "Gold, Assortments and the Trade Ounce: Fante Merchants and the Problem of Supply and Demand in the 1770s," *Journal of African History*, 28 (1987), 32; and letter of Richard Thelwall, Anamabu, 25 Sept. 1683, in Law, *English in West Africa*, 140.
54. Fraser (Lambert, *Sessional Papers*, vol. 71, 15) operated on the African coast for twenty years, beginning in 1772, and his comments applied to "Angola," by which he probably meant the Loango coast, but also to the upper Guinea coast and "other parts."
55. Evidence of Robert Hume, in Torrington, *Lords Sessional Papers*, vol. 3, 112. It was in this context that Hume suggested that "To use the African language, a Pledge is a Slave's Brother."
56. *Ibid.*, vol. 3, 110. Hume also noted that "all Pledges that are carried off in general fret, get sickly, and often cause a great Mortality in Ships."
57. Letter of James McGauty, William Willoughby and Isaac Nixen, 1 Mar. 1788, in Lambert, *Sessional Papers*, vol. 69, 318.
58. Charles Towgood, Alampo, 19 Mar. 1682, in Law, *English in West Africa*, 271-72. Similarly, Hugh Shears reported in September, later in the same year, that "3 slaves more I was forced to pay to Capt Ware's account, for the Negroes kept Capt Nur's man and mine which wee gave for pawns, and would not permit them to come aboard, for Capt Ware did panyar 3 freemen and slaves, and wee had much adoe to gett them to trade with us" (Hugh Shears, Alampo, 30 Sept. 1682, *ibid.*, 276).
59. In addition to the various citations above, also see the numerous entries in Law, *English in West Africa*, especially letters 15, 16, 33, 40, 112, 122, 226, 379, 387, 388, 397, 400, 414, 440, 464, 465, 477, 479, 533, 584, and 586, which demonstrate that the Royal African Company regularly engaged in pawning in the early 1680s at its various factories on the Gold Coast.
60. Testimony of Richard Edwards, in Lambert, *Sessional Papers*, vol. 69, 44.
61. Lovejoy and Richardson, "Trust, Pawnship and Atlantic History."
62. Letter of James Berry of Liverpool, 3 Apr. 1763, in Gomer Williams, *History of the*

- Liverpool Privateers and Letters of Marque, with an Account of the Liverpool Slave Trade* (London, 1897), 533. Also see evidence of James Morley, in Lambert, *Sessional Papers*, vol. 73, 149-54. Morley told the Parliamentary Enquiry that his ship, the *Amelia*, was at Old Calabar in 1763 or 1764, but from other evidence, it appears that the voyage in question was made in 1761-62; see David Richardson, ed., *Bristol, Africa and the Eighteenth-Century Slave Trade to America* (Bristol, 1991), vol. 3, 139.
63. Antera Duke, "Diary," 86, 95, 109, 110.
64. Captain Samuel Swan, Memoranda on Africa, MS, Library of Congress, c. 1810, in George E. Brooks, Jr., *Yankee Traders, Old Coasters & African Middlemen: A History of American Legitimate Trade with West Africa in the Nineteenth Century* (Boston, 1970), 338.
65. See Phyllis M. Martin, *The External Trade of the Loango Coast, 1576-1870* (Oxford, 1972), 103, 167, citing N. Uring, *The Voyage and Travels of Captain Nathaniel Uring [1726]* (London, 1928), 34, 38; L. B. Proyard, *Histoire de Loango, Kakongo et autres royaumes d'Afrique* (Paris, 1776), 136-37; J. Cuvelier, ed., *Documents sur une mission française au Kakongo, 1766-1776* (Brussels, 1953), 52; L. Degrandpré, *Voyage à la côte occidentale d'Afrique faits dans les années 1786-1787* (Paris, 1801), vol. 1, 211-12. Also see Miller, *Way of Death*, 50, 52, 95, 179-80.
66. According to the report of Manuel Baptista, the Bishop of Angola and Kongo, Dutch "factories" operating at Mpinda in 1617-18 accepted both male and female pawns; see Alfredo de Albuquerque Felner, *Angola: apontamentos sobre a ocupação e início do estabelecimento dos Portugueses no Congo, Angola e Benguela (extraídos de documentos históricos)* (Coimbra, 1933), 477. At the time, the Dutch were more interested in ivory than slaves. According to Jean Cuvelier, "L'ancien Congo d'après Pierre van den Broecke (1608-1612)," *Bulletin des Sceances de l'Académie Royale des Sciences Coloniales*, 1 (1955), 179, these pawns were called *nsimbi*. We wish to thank José Curto for this information.
67. Fraser's testimony, in Lambert, *Sessional Papers*, vol. 71, 3.
68. Pawnship is not mentioned by David Hancock in his otherwise excellent study of British slaving on the Sierra Leone coast, and specifically at Bance Island; see *Citizens of the World: London Merchants and the Integration of the British Atlantic Community, 1735-1785* (Cambridge, 1995), 172-220.
69. John Matthews, *A Voyage to the River Sierra Leone* (London, 1788), 155-56.
70. Robert Bostock to James Fryer, Jan. 1790, Bostock Papers, Liverpool Record Office, 387 MD 55. Also see references to transactions at Junk in 1783; Fraser's testimony in Lambert, *Sessional Papers*, Vol. 72, 621-22.
71. Nicholas Owen, *Journal of a Slave Trader* (London, 1930), 58-59.
72. Testimony of Robert Hume, in "Minutes of Evidence taken on the Second Reading of the Bill entitled, 'An Act to prohibit the Trading for Slaves on the Coast of Africa, within certain Limits,'" in Torrington, *Lords Sessional Papers*, vol. 3, 99, 112.
73. Pawns were often related to merchants. In 1762, for example, it appears that Archibong Robin John of Old Calabar was a pawn on the *Amelia* of Bristol; see the testimony of James Morley, in Lambert, *Sessional Papers*, vol. 73, 154. For another example, see the account of James Berry, 3 Apr. 1763, in Williams, *Liverpool Privateers*, 534. For pawns held by Lace in 1776, see the deposition of King George [Robin John Ephraim], Jno. Robin John, Otto Ephraim [Robin John Otto Ephraim], and Orrock Robin John, in *ibid.*, 541. In 1787 King Ambo was required to "give one of his sons to [Captain] Tatam" of Liverpool in place of a pawn who had absconded;

see Antera Duke, "Diary," 59.

74. Testimony of Richard Edwards, in Lambert, *Sessional Papers*, vol. 69, 44.
75. Letter of William Quarrier and James Bean, 27 Feb. 1788, in Lambert, *Sessional Papers*, vol. 69, 317.
76. James Berry, 3 Apr. 1763, in Williams, *Liverpool Privateers*, 533.
77. PRO C 107/12, Richard Rogers to James Rogers, Apr. 1788. James Arnold, in evidence to Parliament in 1790, reported that the master of the Bristol ship, *Ruby*, which traded at Bimbia in Cameroons in 1787-88 had released 11 slaves and some ivory to three local merchants in order to allow them to redeem pawns from another ship, the master of which was threatening to sail away with pawns. Arnold reported that the 11 slaves secured the release of "Six or Seven" of the merchants' pawns (Lambert, *Sessional Papers*, vol. 72, 52).
78. Antera Duke, "Diary," 35.
79. Hence on December 21, 1668, Ando Wassa of Amanfro was advanced goods, using his monthly allowance owed to him by the fort, as security. See Kea, *Seventeenth-Century Gold Coast*, 229. In October 1681, three canoe men of Soko, or "English" Accra, were listed as pawns of the Royal African Company for the sum of 1,044 *dambas*: Agya ("Agga") for 288 *dambas*, Okyere ("Aquerry") for 576 *dambas*, and Asa ("Asha") for 180 *dambas* (*ibid.*, 243). Also see letter of John Thorne, Offra (Kingdom of Allada), 4 Dec. 1681, in Law, *English in West Africa*, 223.
80. The transaction was dated, 19 June 1704; Kea (*Seventeenth-Century Gold Coast*, 243). According to Kea's calculation, 3 oz. of gold were equal to 1,052 *dambas*, and a fat sheep cost between 120 and 150 *dambas* in gold, so that the total amount of indebtedness was 1,172-1,202 *dambas*. Similarly, Abo ("Abboo"), a Cape Coast canoe man, pawned himself in September 1704 for 960 *dambas* of perpetuanas (textiles), while in November 1704, Cape Coast canoe man, Kwawu ("Quow") placed himself in pawn for 388 *dambas*, although the advanced goods were not specified (*ibid.*, 243).
81. Testimony of Richard Edwards, in Lambert, *Sessional Papers*, vol. 69, 44.
82. Matthews, *Voyage to Sierra Leone*, 155-56.
83. Thus the *African Queen*, trading from Old Calabar to Jamaica in 1793, had on board "a Negro Boy of about 16[.] he was put on Board on the Coast as a Pawn and we thought it advisable not to sell him" (John Cunningham and John Perry to James Rogers, 10 Mar. 1793, PRO C 107/59).
84. *Ibid.*
85. Fraser's testimony in Lambert, *Sessional Papers*, vol. 71, 15.
86. PRO C 107/12, 20 July 1788, Richard Rogers to James Rogers. The idea that one might "borrow" pawns implies that, even after being shipped from the coast, pawns might still be redeemed, at least in theory.
87. Letter to Thomas Jones, Old Calabar, 11 Nov. 1773, in Williams, *Liverpool Privateers*, 543-45.
88. PRO C 107/12, Richard Rogers to James Rogers, Old Calabar, Apr. 1788 [exact date not recorded].
89. As Clarkson learned to his chagrin, a prominent merchant, whom he would not name, was involved in a case that was "an horrid instance of cruelty, practiced only last year [1787] by an English captain, on the body of an innocent pledge, whose father had not returned in time," and hence the boy was taken as a slave across the Atlantic. See *Slavery and Commerce*, 27.
90. As cited in Williams, *Liverpool Privateers*, 541.
91. Fraser's testimony in Lambert, *Sessional Papers*, vol. 71, 15.
92. In another case, the Bristol ship, *Swift*, was seized by a French privateer, *La Liberté*,

in 1793, and some of the seized goods were taken on board the French ship, with the remainder ransomed, including some slaves, for £1,000. The payment was made in the form of a draft, drawn upon the account of the *Swift*'s captain, William Roper, "giving his mate as a Hostage" (see Phil Lycott to John Anderson, 13 June 1793, PRO C 107/59). The incident took place between Cape Palmas and Rio Pongo in May 1793, before the Attorney General declared the contract unlawful on 2 July 1793 on the grounds that ransoming captured vessels was prohibited by British law. Incidentally, the mate concerned was James Humphreys, who was allowed under the contract full pay during his captivity and 3 shillings per day while held in prison in France until his return to Britain. We do not know what became of him. The case leaves open the issue of pawnship under British law because the judge did not pass judgement on it and therefore there is still room to doubt whether the threat was credible, but also underlines the importance of legal sanction of contracts.

93. Grandy King George [Robin John Ephraim] to Ambrose Lace, 13 Jan. 1773, in Williams, *Liverpool Privateers*, 543.
94. See the testimony of James Arnold before the Lords of Trade on the Slave Trade, 1789; letter of William Quarrier and James Bean, Quans Town, Cameroons, 27 Feb. 1788; and letter of James McGauty, William Willoughby and Isaac Nixen, on board the *Othello*, River Cameroons, 1 Mar. 1788, in Lambert, *Sessional Papers*, vol. 69, 50-55, 317-18. For a discussion of the political implications of the crisis, see Ralph A. Austen and Jonathan Derrick, *Middlemen of the Cameroons Rivers: The Duala and Their Hinterland, c. 1600 - c. 1900* (Cambridge, 1999), 38-41.
95. There are instances where pawns or dependents of debtors who were carried away from the coast and reached America were pursued by both European and African merchants, and in some cases were returned to Africa. John Olderman, engaged in the African trade for over twenty years, making thirteen voyages to the upper Guinea coast and Sierra Leone before 1797, claimed that he had held pawns in "few Instances only" but recounted the story of a "free boy" who had been sold as a slave. According to Olderman's testimony, He was carried to the West Indies, and brought to London to be restored to his Father by the next Ship in the Employ that went out; he was put on board a ship called *The Lively*, in April 1794; the Ship was taken by the *Sanspareil*, a French Ship of Eighty-four Guns; that Ship was afterwards captured by our Fleet on the First Day of June of that Year; he was taken on board the *Majestic*, and from that Period he has been on board of different Ships, especially the *Blanche*. I have traced him upon the Navy Books, and the last that I heard of him, he was discharged from the *Blanche* at Portsmouth (Evidence of John Olderman, in Torrington, *Lords Sessional Papers*, vol. 3, 148,151). Whether the boy every made it back to Africa is unknown. One of the most widely publicized cases of pawns being identified in the Americas and then returned to Africa involved two boys from Old Calabar, who were taken to Barbados, Maryland and then Britain, where they were the subject of a court case concerning their freedom in 1773 (see Ruth Paley, 'After Somerset: Mansfield, Slavery and the Law of England 1772-1830,' In Norma Landau and Donna Andrews, eds., *Crime, Law and Society* (Cambridge, forthcoming).
96. For the introduction of Poro into the region, see Brooks, *Landlords and Strangers*, 304-6; Rodney, *Upper Guinea Coast*, 65-69; F.W. Butt-Thompson, *West African Secret Societies* (London, 1929); Kenneth Little, "The Political Function of the Poro," *Africa*, 35 (1965), 350-64; 36 (1966), 62-72.
97. Matthews, *Voyage to Sierra Leone*, 155-56.
98. Lovejoy and Richardson, "Old Calabar Slave Trade," 333-55, and the literature discussed therein.

99. In 1787, one British ship threatened to sail with pawns because slaves had not been delivered. Accordingly, Ekpe intervened. Antera Duke reports that the Ekpe council invoked a decree expressly forbidding "any Captain to send any Calabar pawn, which was given for my slave goods, away in his tender." Also see Kannan K. Nair, *Politics and Society in South-Eastern Nigeria, 1841-1906* (London, 1972), 15.
100. Testimony of Richard Miles, in Lambert, *Sessional Papers*, vol. 68, 41.
101. See, for example, Jane I. Guyer, ed., *Money Matters: Instability, Values and Social Payments in the Modern History of West African Communities* (London, 1995), although in her introduction on the currency "interface" and its dynamics, Guyer does not discuss pawnship in her "people's view" of the economies of the precolonial period (ibid., 1-10, 14). Joseph Miller (*Way of Death*, conclusion) considers that there were different systems of valuation, at least in west-central Africa, ones that were "European" or "African." Miller is interested in how these meshed in the abstract world of market behavior and economic rationality, but his discussion of pawns is confined to the victims of the slave trade and not the ways in which credit flowed through the use of pawns.
102. See the various studies in Falola and Lovejoy, *Pawnship in Africa*.
103. David Eltis suggests that pawning was not so important in trade between European and African merchants on the Gold Coast in the late seventeenth century and that pawning became more common in the eighteenth century on various parts of the African coast; see *The Rise of African Slavery in the Americas* (Cambridge, 1999), 155, 180, 187.
104. Hancock, *Citizens of the World*, 172-220, but see, for example, in 1790, a Lancaster ship trading at Cape Mesurado trying "to get pawns redeem'd & Collect in Debts"; see Richard Martin to James Rogers and Co., 9 Sept. 1790 (Rogers papers, PRO C 107/12). Similarly, when the Sierra Leone Company established its headquarters on land granted by "King" Naimbana, the regent of the Koya Temne, in 1787, the land was purchased for "a paltry consideration of about thirty pounds; and for the good faith and true performance of the contract, the King said he would pledge his second son, John Frederic, whom [Alexander] Falconbridge might take with him to England"; see Anna Maria Falconbridge, *Narrative of Two Voyages to the River Sierra Leone during the Years 1791-1793* (London, 2d ed., 1802), 60. Falconbridge agreed to take the boy to be educated but not as a hostage, although if this distinction was recognized is not clear. On the position of Naimbana, see Christopher Fyfe, *A History of Sierra Leone* (London, 1962), 19-20.
105. Rodney, "Social Oppression," 443.
106. Also see Robin Law, *The Slave Coast of West Africa, 1550-1750: The Impact of the Atlantic Slave Trade on an African Society* (Oxford, 1991), 68-69.
107. For an elaboration of this point, see Lovejoy and Richardson, "Trust, Pawnship, and Atlantic History," 333-36.
108. Williams, *Capitalism and Slavery*.

CHAPTER 3



ON PAWNING AND ENSLAVEMENT FOR DEBT IN THE PRECOLONIAL SLAVE COAST

ROBIN LAW

This chapter surveys the available evidence on the practice of "pawning" in the region of West Africa known as the "Slave Coast" (roughly, modern Bénin) in the precolonial period. In particular, it draws attention to, and suggests a possible explanation of, the apparent contradiction between accounts of the practice obtained retrospectively from oral tradition by ethnographers in the twentieth century and descriptions in contemporary European sources of the seventeenth and early eighteenth centuries.

During the seventeenth and early eighteenth centuries, the most important African states on the Slave Coast were the kingdoms of Allada and Whydah, but in the 1720s these were conquered by Dahomey, which then remained the dominant power in the region until it was itself conquered by the French in the 1890s. In precolonial Dahomey, as elsewhere in West Africa, the practice of securing a debt by a pawn (in Fon, the language of Dahomey, called *ghanu*) is well attested. In anthropological literature, the practice of pawning in Dahomey is most fully described by M.J. Herskovits, on the basis of fieldwork conducted in 1931.¹ By that time, pawning was strictly illegal, since it was regarded by the French colonial authorities as no better than a form of slavery, although it was still practiced

illicitly on some scale, and Herskovits's account was primarily based upon recollections of the operation of the system in precolonial times. A man contracting a debt is said to have given one of his children in pawn to his creditor. According to Herskovits, the pawn was "usually" a daughter, although male children might also be pawned. He insists that a man could pawn only his own children; even if he was a lineage head, he had no authority to pawn the children of his siblings. In describing the forms of pawning still practiced in the twentieth century, Herskovits also alludes to the possibility of a man pawning himself, but he does not make clear whether this had been practiced in precolonial times also. The person pawned was bound to work for the creditor until the debt was repaid, his or her labor serving as a form of interest on the loan - the implication being that pecuniary interest was not levied.² The death of a pawn, according to Herskovits, was held to cancel the debt for which he or she was pledged (although contemporary evidence from the precolonial period, as will be seen, casts doubt upon this assertion).³

Herskovits stresses the safeguards that operated in this process of pawning, with both the original agreement (and any subsequently agreed extensions or modifications of it) and the ultimate repayment being concluded in the presence of the village chief and his "first assistant," who thus served as witnesses of the transaction. His account also implies that pawning carried no social stigma, since it was "something to which any Dahomian might at any time be forced to have recourse." In particular, he is at pains to differentiate pawning from slavery: "the distinction between a pawn and a slave was very clear." The distinction between pawning and slavery is indeed clear in principle, in that pawnship was only a temporary state; but in practice, as Herskovits's own account in its details effectively acknowledges, the difference between temporary and permanent servitude might be less obvious. As long as the debt was not discharged, the pawn remained in the service of the creditor, and the debtor might in the event fail to repay. Herskovits, in fact, concedes that if a debt remained unpaid and the pawn was a girl, the creditor might eventually take her as a wife (the bride price usually paid for a wife being as it were waived in lieu of repayment of the debt), but he implies that male pawns were in principle always redeemed.

Herskovits's insistence on the clear distinction made between pawning and slavery is supported by his assertion that pawns were always free Dahomians, and that slaves were never given in pawn, though his explanation of this (that "to give a slave was regarded as indicating a lack of confidence") is not obviously convincing; other evidence, however, suggests that slaves *were* given in pawn in Dahomey, which tends to blur the sharp distinction made by Herskovits.⁴ It may further be noted that in

his account of precolonial pawning, Herskovits refers only to the pawning of persons. In commenting on contemporary practice in the 1930s, he does note that other sorts of property, such as palm or kola groves, might be pawned, but it is not made clear whether the giving of such nonhuman pawns was an innovation of the twentieth century (perhaps reflecting the influence of European capitalist practice) or a continuation of earlier custom. Evidence cited later in this chapter, however, will show that the pawning of nonhuman property also was already practiced in the precolonial period; the implication that human pawns were substitutes or equivalents for material items of property may also be held to undermine the supposition that persons given in pawn were nevertheless not being treated as chattels.

Later writers who have dealt in any detail with Dahomian pawnship have in general followed Herskovits closely and likewise stressed the safeguards built into the system, and its clear differentiation from slavery. Polanyi thus stressed the "honourable character" of pawnship, as opposed to slavery, and the fact that "meticulous safeguards surrounded this institution"; in accordance with his general tendency to minimize the influence of market economics in Dahomey, he treated pawning as a form of "reciprocity" between creditor and debtor rather than as a commercial transaction;⁵ and Argyle likewise insisted that there was "nothing disgraceful" in being a pawn and that "no rights were permanently transferred in making a pawn. . . . This is the main distinction between 'pawning' and slavery."⁶ The only modern study drawing upon evidence additional to that of Herskovits appears to be the detailed account of Dahomian servile institutions by Obichere, but this made only brief reference to pawning. Obichere did, however, contradict Herskovits in stating (on the evidence of his own fieldwork in the 1970s) that slaves as well as free children of a household might be pawned.⁷

It is difficult to assess the accuracy of Herskovits's account of the practice and significance of pawning in precolonial Dahomey since there is little contemporary evidence that bears directly upon the subject. Thus far, in fact, I have found only four reasonably clear allusions to it, and even these are not without ambiguity. In 1772, three free Africans in the service of the French trading fort at Whydah, then the port of Dahomey, are said to have "asked to be slaves [captifs] of the fort," in exchange for payment of 550 pounds of cowry shells (the local currency) and eight iron bars; although described by the French officials who reported it in the idiom of slavery, this transaction should probably be understood in terms of pawning.⁸ An account of Dahomey in the 1860s, noting the large scale of slavery in the kingdom (slaves allegedly comprising no less than two-thirds of the population),⁹ reports that although the major source of these slaves

was capture in warfare, some of them had been enslaved either in judicial punishment for crimes or "for debts"; and here again, it seems reasonable to infer that this refers to pawning rather than to slavery in a strict sense. Another account from the 1890s, indeed, makes clear the temporary nature of such debt "slavery," reporting that "an insolvent man who has debts can be taken as a slave by his creditor until he is discharged."¹⁰

A third account, written in the 1890s, reports that if a debtor in Dahomey died without discharging his debt, his creditor could prevent the burial of his body and, indeed, that the animosities arising from this practice had caused King Glele (1858-89) to forbid the extending of any credit.¹¹ Although pawning is not explicitly mentioned, comparison with accounts from the Gold Coast to the west suggests that it was rather pawns pledged for debts (including, presumably, the debtor if he had pawned himself) who were liable to be exposed without burial, as a means of enforcing repayment of the loan.¹² A visitor to Badagri, on the coast east of Dahomey (and part of the same cultural group, although beyond Dahomian jurisdiction), in the 1850s likewise reported seeing the bodies of people who had died while in pawn publicly exposed; although he understood this to be done as proof to the debtor that the creditor had not sold the pawn, it seems likely that this was a misunderstanding and that the practice here too served rather the interests of creditors in enforcing settlement of the debt for which the pawn had been given.¹³ What King Glele banned, therefore, may have been the giving of human pawns for loans rather than the extension of any form of credit whatsoever, although in either case the absence of corroboration from later sources suggests that any such ban can have been no more than temporary. As was noted earlier, these accounts tend to contradict Herskovits's assertion that the death of a pawn cancelled the debt and also (since the denial of burial was a source of great shame) to undermine his more general view that pawning carried no social stigma.

Rather more contemporary documentation is available, however, of pawning and related practices in the kingdoms of Allada and Whydah prior to their conquest by Dahomey in the 1720s, and it must be said that this evidence presents a picture which stands in more general contradiction to Herskovits's account. In particular, in contrast to the clear distinction which Herskovits draws between pawning and slavery and his insistence that pawns were safeguarded against enslavement, contemporary accounts of Allada and Whydah in the seventeenth and early eighteenth centuries suggest that defaulting debtors were regularly enslaved and might even be sold for export.

Debt

By way of background, something should first be said about the circumstances which gave rise to the contracting of debts, and hence to the giving of pawns as security. Herskovits did not offer any extended discussion of the reasons for contracting loans, though he did cite the example of a man faced with a heavy judicial fine which he could not pay out of immediately available resources.¹⁴ The impression given was that debts did not normally arise out of commercial transactions, and this impression was reinforced by Polanyi's influential analysis of Dahomian economic organization, which insisted that credit was never given, all purchases being for cash.¹⁵ In this, Polanyi followed the contemporary testimony of the French officer Des Marchais, who visited Whydah in the early eighteenth century (prior to its conquest by Dahomey), and who did indeed report that "credit is unknown" there.¹⁶ In fact, however, this evidence is more ambivalent than Polanyi supposed. Although the published version of Des Marchais' journal, which Polanyi used, does present this absence of credit in general terms, this seems to represent imprecise editorial paraphrasing, since in the original manuscript version of the journal it is clearly reported as a characteristic of those stalls that sold cooked meals rather than of market transactions in general.¹⁷

It seems implausible to suppose that credit was unknown in the domestic economy, since it is well attested as an important feature of the trade with the Europeans, who regularly paid goods for slaves to African suppliers in advance of their actual delivery. The Dutch factor William Bosman, who traded at Whydah in the 1690s, for example, noted that if there were no stocks of slaves available for export, the European traders had to advance goods on credit, to the value of 100-200 slaves, which the Whydah merchants would take into the interior to purchase the slaves.¹⁸ Disputes arising from default on such loans were a recurrent source of tension in relations between European and African traders. In 1643, for example, the Dutch West India Company temporarily suspended trading with Allada because of the extent of the debts which local chiefs and traders owed to it, which in the case of the King of Allada amounted to the value of 345 slaves.¹⁹ A French expedition trading at Allada in 1670 likewise complained that some of those dealing with it had not settled their debts, though on this occasion when they appealed to the King payment was quickly enforced.²⁰ In 1680 the factory of the English Royal African Company at Offra, the port of Allada, was also trying to secure the settlement of "old debts" due to the Company from the King and some of the "chief captains" of the kingdom.²¹

Moreover, credit was extended not only from Europeans to Africans, but frequently also in the opposite direction, with Africans supplying slaves

in advance of payment of goods. In 1682, for example, the Royal African Company's factor at Whydah, John Winder, obtained fifteen slaves on credit from a chief called Captain Biby, who complained that it "was a long time before [they were] paid, and then not to his [i.e., Biby's] satisfaction"; and the dispute arising from this transaction was among the grievances which led the Whydah authorities to order Winder's deportation in that year.²² Again, in 1722, the King of Allada was in dispute with the Royal African Company over 100 slaves whom he claimed it had received but not paid for.²³ Credit was extended not only in connection with sales of slaves, but was evidently available more generally. In 1681, for example, the Royal African Company's factor at Offra in Allada, John Thorne, finding himself short of cowries to settle his local subsistence expenses, was obliged to "borrow of the Blacks"; in the following year, 1682, the debt thus incurred had still not been discharged, and Thorne was in consequence prevented by the local African authorities from embarking to return to England.²⁴ Likewise, in 1845, the explorer John Duncan borrowed cowries for his subsistence from the chief of Little Popo, west of Whydah.²⁵

It may also be noted that, although there is no evidence for the levying of interest in a strict sense, there was provision for an effective equivalent to interest through the differential valuation of loans when contracted and repaid. The debt contracted by John Thorne in 1681 was thus apparently computed at the value of a certain number of slaves, but he complained that "they will not lend above 50 lb of bouges [cowries] for a slave and att the arrivall of a ship will have 78 lb [then the current market price of actual slaves] for them."²⁶

Although the great bulk of the available evidence relates to debts contracted in dealings between Europeans and Africans, occasional references in the contemporary documentation suggest that loans were also frequently made from Africans to Africans. In 1686, for example, a man from Kormantin on the Gold Coast, and resident at Whydah, called Kwaku, was stabbed to death by a man from Elmina called Andaoma, and the latter under interrogation confessed that he had been sent from Elmina by a third party to collect a debt to the value of one slave, which Kwaku owed him, and with instructions to kill Kwaku if he refused to pay; for this crime, Andaoma was condemned to death by "the King and all the whitemen and all the other blacks" and beheaded.²⁷ Again, in 1728, shortly after the Dahomian conquest of Whydah, the Governor of the Royal African Company's fort there sent a canoeman in the fort's service named Bow to the Company's headquarters at Cape Coast Castle on the Gold Coast, explaining that this man had persistently engaged in "stealing and contracting debts both from Whites and Blacks that he was never able to

discharge, so that he has made Whydah too hot for him to live any longer in."²⁸

Pawning and Debt Slavery

Several contemporary European accounts of Allada and Whydah prior to the Dahomian conquest in the 1720s allude to the practice of pledging the debtor's person or members of his family to secure a debt, and also to the seizure and sale as slaves of persons thus pawned in cases of default. The French officer Delbée, visiting Allada in 1670, for example, reported explicitly that those sold as slaves to the Europeans there included not only captives taken in war, slaves levied in tribute, and those born into slavery or enslaved in judicial punishment, but also those "who are condemned to slavery in default of payment of their debts, whom their creditors sell for their payment."²⁹ When the French complained to the King of Allada about the failure of some African traders to settle their debts, the King demanded to know the offenders' names and threatened that if they failed to pay within two days, "all their wives would be taken"; this is indeed said to have been "rigorously executed," though whether this means that wives were actually seized or that the threat of seizure sufficed to induce the debtors to settle is not clear from the context.³⁰

In Whydah during times of famine, Bosman remarked in the 1690s, "sometimes free-men have sold themselves for victuals", which should probably also be understood to refer to pawning rather than outright self-sale as slaves.³¹ An anonymous French account of Whydah written in the 1710s refers more explicitly to the practice of pawning: "What makes a Black powerful without holding office is that when he has money he lends a certain quantity of it to a family head who for this purpose gives himself to him [se donne a luy] if he does not repay it within a fixed time, which happens very often, and obliges him and all his family to do what the man who made the loan to him orders him like slaves [captifs]."³² The explicit statement here that default on such debts was a frequent occurrence is noteworthy. Although this account, like that of Herskovits later, implicitly distinguishes such debt bondage from slavery, it also makes clear that debt could sometimes lead to actual enslavement and sale, since "failing this [meaning presumably, if an agreement to accept the service of pawns had not been made, or was broken] he [i.e. the creditor] has them seized and sells them." This account further asserts that, as in Dahomey later, the sanctions against default on a debt extended even beyond the grave, since if a debtor died without discharging his debt, and his relatives failed to settle the claim against him, his body was exposed on the main road without burial, "which the Black abhors."

Likewise, a second French account of Whydah in the early eighteenth century, that of Des Marchais cited earlier, asserts explicitly that debtors could end up being sold, rather than merely being held in service as pawns: "The custom in this country is hard on debtors, because a creditor is permitted to seize his debtor in lieu of payment and to sell him."³³ The English trader William Snelgrave, who traded at Whydah in the 1710s and 1720s, similarly reports that "Debtors who refuse to pay their debts, or are insolvent, are . . . liable to be made slaves," although he notes that "their friends may redeem them." While the reference here to "slavery" might perhaps be construed as merely an inexact allusion to pawning, Snelgrave goes on to note explicitly that such debt "slaves" might in the end suffer sale: "if they [the debtor's friends] are not able or willing to do it [i.e. redeem the debtor], then they are generally sold for the benefit of their creditors."³⁴

Other references make clear that, in addition to the giving of such human pawns, other items of property might be pledged to secure loans. The Royal African Company's factor at Whydah in 1686, for example, complaining of the Company's failure to send him adequate supplies of goods, suggested that he might have to "pawn the factory," though whether he envisaged borrowing from fellow-Europeans or from Africans is not made clear.³⁵ On another occasion, in 1728, a slave employed in the Company's fort at Whydah ran away to Popo to the west, and his family and friends agreed to redeem him, giving a gold chain as a pawn for the repayment of his value; but the Governor of the fort, Abraham Duport, allegedly took the chain with him when he returned to England at the end of his term of service, provoking his successor to complain that "it's not to be suppos'd the fellow's relations will pay now, since their pawn is gone."³⁶

Panyarring

The practice of pawning seems to be conceptually linked with that known as "panyarring" (from Portuguese *penhorar*, "to distraint"), by which a creditor could hold a community collectively responsible for a debt contracted by one of its members, by seizing another member as security for repayment. This practice is well attested in other areas of West Africa, such as the Gold Coast,³⁷ but it seems to have escaped general notice that it was also practiced on the Slave Coast; it is not mentioned, for example, in Polanyi's detailed account of Dahomian economic organization.³⁸ The anonymous French account of Whydah in the 1710s, cited earlier, suggests that such "panyarring" was resorted to in cases where a debt was not already secured by a designated pawn: "if an individual borrows something without pledging himself [sengager], if he is a free man, and if he doesn't pay, you can seize the first comer from his village on his account and sell

him, which is called taking him *'arrive de la cabetesche* [Portuguese *arriba da cabeça*] or on his head."³⁹ (The phrase "on the head of," in *Fon do ta me*, is still a normal Dahomian idiom for "on behalf of.") The account of Des Marchais, indeed, implies that it was not necessary for the man panyarred to have any close connection with the original debtor, the practice serving to transfer the effective responsibility for collecting the debt onto someone else:

something further is permitted in favour of the creditors of the king or great men and others, if after having demanded your debt as many as three times, they refuse to pay, the creditor is permitted to arrest the first servant [domestique] he meets, no matter if he belongs to the king or anybody else except those of the Whites, but he has to have enough strength for it and to be careful to say that he arrests this Black "a la cabetesche [on the head]" of such a person who is in debt to him; then it is up to the one to whom the servant belongs to pay the debt, without appeal to the one for whom he is paying; if within 24 hours they don't reclaim the prisoner, and they don't pay, the one who arrests him is permitted to sell him, or to seize [and sell] several people if the sum is high until it is completely paid.⁴⁰

The reference here to "servants," meaning presumably slaves, implies, however, that it was not permissible to panyarr free men at random in this way.

Although Des Marchais' account seems to treat panyarring primarily as a mechanism for the recovery of debts owed to Europeans, he notes explicitly that it was also practiced in relation to debts owed by Africans to other Africans: "they do the same thing to each other, even the King not being exempt from this custom." On occasion, indeed, African creditors could even invoke the sanction of panyarring against European debtors. In 1722 the King of Allada, pursuing his claim for the debt of 100 slaves' value which he claimed was owed to him by the Royal African Company, thus detained Bulfinch Lambe, an employee of the Company's factory at Jakin, then the port of Allada, and told the Company's chief factor there that "if he did not forthwith pay him this debt, he would make Mr Lambe a slave."⁴¹ In the event, since the Company did not settle the debt, the unfortunate Lambe remained in captivity for several years, being released only in 1726, after the Dahomian conquest of Allada.

As in the case of pawning, it may be noted that goods as well as people could be panyarred as security for debt. In 1692, for example, the Royal

African Company's chief factor at Whydah, John Wortley, panyarred a canoe from the Gold Coast, together with its crew, for a debt owed by another Gold Coast man. This action, however, annoyed the Whydah authorities, and was among the grievances which caused the King of Whydah to order Wortley's deportation. The panyarred canoe, moreover, was broken while being taken to the Company's factory, which was therefore saddled with a claim for compensation from its owners, who demanded the value of two slaves for their lost canoe.⁴²

Debt Bondage and the Sale of Slaves for Export

Although the evidence cited above makes clear that both pawning and panyarring could lead to the actual sale as slaves of those pledged or seized, it may be that normally those enslaved for debt in this way were to some degree protected by convention from sale to European traders for export. Although Delbée in Allada in 1670, as has been seen, lists defaulting debtors among the categories of slaves sold to Europeans, other evidence suggests that such cases of sale outside the country were exceptional. Bosman in Whydah in the 1690s, for example, refuting the popular European belief that "parents here sell their children, men their wives, and one brother the other," insisted that such selling of members of the family "never happens on any other account but that of necessity, or some great crime," most of the slaves purchased by Europeans being prisoners of war.⁴³ The reference here to sales occasioned by "necessity" should probably be understood to allude to pawning to secure debts, rather than outright sale; but while Bosman implicitly concedes that some of those made slaves in this way ended up being sold for export, he clearly regarded this as rare. More explicitly, Snelgrave in the 1720s observed of those enslaved for debt that "few of these come into the hands of Europeans, being kept by their countrymen for their own use."⁴⁴ The retention of debt slaves within their country of origin, even when sold on by the creditors who had originally appropriated them, served, of course, to keep open the possibility of their being ultimately redeemed by their families or friends. To this extent, Herskovits's insistence on the distinction between temporary pawning and permanent enslavement might be held to be vindicated, albeit in a much weaker form than he propounded.

While there may have been a convention frowning upon the sale of pawns for export, however, it was evidently violated in particular cases, and in circumstances of extreme crisis appears to have been disregarded more systematically. After the Dahomian conquest of Whydah in 1727, for example, a section of its population was able to take refuge in the lagoon country to the west, towards Popo, but there suffered severely from famine, and in their extremity resorted to selling some of their own number. In

1728, this was reported to be a major source of the slaves sold to the Europeans: "the small quantity of slaves that are purchased now are only for cowries and a few sleatias [linen cloth] since it's the Whydahs that sells each other to maintaine themselves in the starveing condition they are at present in."⁴⁵ As late as 1730, indeed, Snelgrave still reported that the population of the Whydah community in exile was being "constantly decreased," because they were "obliged to sell their wives, children and servants for provisions, and other necessaries, because they had no money left."⁴⁶ Although these accounts use the language of sale, it seems likely that these transactions by the exiled Whydahs took the technical form of pawning. If so, however, this was clearly no more than a fiction, since a significant proportion of those involved quickly passed into the hands of European slave-dealers, and thus beyond even the most hypothetical prospect of redemption.

The Regulation of Enslavement and Pawning in Dahomey

The contradiction between Herskovits's account of the system of pawning in Dahomey, stressing its safeguards and clear differentiation from slavery, and the contemporary depiction of the practice in pre-Dahomian Allada and Whydah, in which default on a debt could lead to enslavement and even to sale overseas, is evident. The question necessarily poses itself: How can this conflict of testimony be resolved? Two obvious alternatives suggest themselves: Either Herskovits's informants idealized conditions in Dahomey (or, at least, described how the system was supposed to operate in theory, rather than how it was abused in practice), or under Dahomian rule the giving of pawns was subjected to more rigorous control in order to protect pawns against the abuses perpetrated in Allada and Whydah earlier. It is suggested here that the latter interpretation is the more plausible. In support of this suggestion can be cited, first, the apparent absence in contemporary sources relating to the Dahomian period of any explicit references to the sale of debtors, or indeed to the related practices of panyarring or the sale of relatives in times of economic distress. Although such inferences from silence must always be tentative, the documentation of conditions in Dahomey is relatively abundant and detailed, and it seems a legitimate inference that such practices were, at very least, less common and flagrant than they had been earlier. In addition, there is also some explicit corroboratory evidence that this apparent contrast reflected the deliberate policy of the Dahomian state.

Dahomian tradition, as recorded in the classic ethnographic account of the French colonial administrator Le Herissé in the early twentieth century, insists with great emphasis on the fact that natives of Dahomey could not legally be sold as slaves, a prohibition which was considered binding even

upon the king of Dahomey himself, and which encompassed not only freeborn Dahomians, but even slaves born in Dahomey; violation of this rule carried the penalty of death.⁴⁷ This ban on the sale of native Dahomians is said to have been enacted originally by Wegbaja, the second or third ruler of Dahomey but conventionally regarded as its first true king, who reigned apparently in the late seventeenth or early eighteenth century.⁴⁸ It was certainly in operation by the early eighteenth century, since Snelgrave reported in 1727 that although the King had "great numbers of captive Negroes" employed on his farms and in other forms of service, these were not available for purchase by Europeans, because "it seems, after they are once inrolled for that service, his Majesty never sells them, unless they are guilty of very great crimes"; the king of Dahomey normally sold only foreigners, the captives taken by his army.⁴⁹ Similar statements may be found in subsequent contemporary accounts of Dahomey also: in the mid-nineteenth century, for example, it was still reported that the King of Dahomey "seldom puts his own subjects to death, or allows them to be enslaved by foreigners," and a chief at the Dahomian court declared "we are the king's slaves, but he cannot sell us."⁵⁰

This prohibition on the sale of Dahomians, it is clear, did not exclude the sale of slaves from one master to another within Dahomey, but related solely to sale for export out of the country. It is also not, of course, to be understood in an absolute sense, since, as Snelgrave indicates, sale out of the country continued to be employed as a punishment for serious crimes. Such sales were, however, monitored and regulated by the central authority of the monarchy, in order to safeguard against abuse. Le Herissé thus notes that Dahomians could sell their slaves, but only with the king's special authorization.⁵¹ This, too, is corroborated by contemporary testimony. An account of Dahomey written in the 1770s thus reports that a man could sell his wives or children "in certain cases," but this "requires the permission of the king or of his officers"; and likewise, the king's permission was required for a man to sell his slaves.⁵²

Le Herissé's account also makes clear that this central regulation of sales of slaves was extended to the institution of pawnship: an individual could not give a child in pawn for a debt without informing the local authorities, because "otherwise he would be liable for prosecution for selling a Dahomian."⁵³ (The reported banning of all credit by King Glele, cited earlier, may have been in reality a reassertion or strengthening of these established controls.) It thus appears that the administrative safeguards described by Herskovits were not an ancient feature of the system of pawning, but an innovation introduced under Dahomian rule. Rather than reflecting (as Polanyi's analysis implied) the failure of capitalist market principles to penetrate the Dahomian domestic economy, these restrictions

thus represented an attempt to curb and control the impact of a commercialization of social relations which had got dangerously out of hand. The enslavement and export of debtors described by contemporary accounts of Allada and Whydah prior to the Dahomian conquest in the 1720s thus came to an effective end under the more centralized and paternalistic authority of the Kings of Dahomey.

Notes

1. Melville Herskovits, *Dahomey: An Ancient West African Kingdom* (New York, 1938), vol. 1, 82-85.
2. Although I have found no evidence of it in the Slave Coast, it should be noted that pecuniary interest was certainly levied on loans in adjacent areas. In Yorubaland, to the northeast, in the 1850s it was reported that while a person pawned for a loan might work for the creditor in lieu of interest, interest was alternatively levied at a rate of 50 cowries per day for every 20,000 borrowed (letter of Samuel Crowther, 10 Sept. 1856, in Thomas J. Hutchinson, *Impressions of Western Africa* (London, 1858 [reprinted 1867]), 276. In Nupe, further northeast, in 1857 a woman is reported to have pawned both her two children and herself, for 20,000 cowries each, but whereas the labour of the children served as interest on the loans secured on them, she herself paid interest on the loan for which she was pawned at 30 cowries daily (Samuel Crowther and John Christopher Taylor, *The Gospel on the Banks of the Niger: Journals and Notices of the Native Missionaries accompanying the Niger Expedition of 1857-1859* (London, 1859 [reprinted 1968]), 206.
3. Comparative evidence from the Gold Coast, it may be noted, likewise reports explicitly that "the death of a pawn does not cancel the debt," the debtor being then obliged (if he did not repay the loan) to supply a substitute pawn (Brodie Cruickshank, *Eighteen Years on the Gold Coast of Africa* (London, 1853 [reprinted 1966]), vol. 2, 249.
4. A. Le Herissé, *L'Ancien Royaume du Dahomey* (Paris, 1911), 54.
5. Karl Polanyi, *Dahomey and the Slave Trade: An Analysis of an Archaic Economy* (Seattle, 1966), 68-69.
6. W. J. Argyle, *The Fon of Dahomey: A History and Ethnography of the Old Kingdom* (Oxford, 1966), 144-45.
7. Boniface Obichere, "Women and Slavery in the Kingdom of Dahomey," *Revue Française d'Histoire d'Outre-Mer*, 65, 1 (1978), 13.
8. De Chenevert and Abbé Bullet, "Réflexions sur Juda, 1776," Ms in Archives d'Outre-Mer, Aix-en-Provence, Dépôt des fortifications des colonies, Côtes d'Afrique, ms. 111, 59.
9. Another account of the same period offers an even higher estimate, of nine-tenths slaves (Frederick E. Forbes, *Dahomey and the Dahomans* (London, 1851 [repr. 1966]), vol. 1, 14. These estimates seem improbably high (though they may possibly have been true of the coastal port of Whydah, with which Europeans were most familiar); on the other hand, the figure commonly cited for the area of the Dahomian capital Abomey, of around a third slaves, deriving from French estimates in 1904 (C. W. Newbury, "An Early Enquiry into Slavery and Captivity in Dahomey," *Zaire*, 14, 1 [1960], 57), is probably an understatement, since many slaves are known to have taken the opportunity of the French conquest in the 1890s to flee back to their homes.
10. Xavier Béraud, "Note sur le Dahomé," *Bulletin de la Société de la Géographie*, 5th series, 12, (1866), 380; and E. Chaudouin, *Trois mois de captivité au Dahomey* (Paris,

- 1891), 354.
11. A. Félix Iroko, "Les Cauris en Afrique Occidentale du X^e au XX^e siècle," Thèse de Doctorat d'État, Université de Paris, 1987, vol. 1, 453-54, citing Edouard Foà, *Le Dahomey* (Paris, 1895), 248.
12. Hutchinson, *Impressions of Western Africa*, 11. Another account of Gold Coast practice, however, also implies that it was the debtor, rather than the pawn, who might be refused burial: "If a man dies insolvent, his body is kept above ground till his debts are paid"; see Richard Burton, *Wanderings in West Africa* (London, 1863), vol. 2, 100.
13. T. J. Bowen, *Adventures and Missionary Labours in Several Countries in the Interior of Africa from 1849 to 1856, Charleston, 1857* (repr. London, 1968), 101.
14. Herskovits, *Dahomey*, vol. 1, 82.
15. Polanyi, *Dahomey and the Slave Trade*, 85.
16. Jean-Baptiste Labat, *Voyage du Chevalier des Marchais en Guinée, Isles Voisines, et à Cayenne* (Amsterdam, 2d ed., 1731), vol. 2, 166.
17. Des Marchais, "Journal du Voiage de Guinée et Cayenne, par le Chevalier des Marchais," n.d., ms. in Bibliothèque Nationale, Paris: Fonds français, 24223. f.50.
18. William Bosman, *A New and Accurate Description of the Coast of Guinea* (London, 1705 [reprinted 1967]), 363bis.
19. Ernst Van den Boogaart and Pieter Emmer, "The Dutch Participation in the Atlantic Slave Trade, 1596-1650," in Henry A. Gemery and Jan S. Hogendorn, eds., *The Uncommon Market: Essays in the Economic History of the Atlantic Slave Trade* (New York, 1979), 360.
20. Delbée, "Journal du Voyage du Sieur Delbée," in J. de Clodoré, ed., *Relation de ce qui s'est passé dans les Isles et Terre-Ferme de l'Amérique, pendant la dernière guerre avec l'Angleterre, et depuis en exécution du Traitté de Breda* (Paris, 1671), vol. 2, 426.
21. Letter of John Mildmay, Offra, 13 Oct. 1680 (in Robin Law, *Correspondence from the Royal African Company's Factories at Offra and Whydah on the Slave Coast of West Africa in the Public Record Office, London, 1678-93* (Centre of African Studies, Edinburgh University, Occasional Paper 24, 1990, no. 4).
22. Andrew Crosbie, Whydah, 1 Sept. 1682, Rawlinson, C.746, Bodleian Library, Oxford.
23. William Snelgrave, *A New Account of Some Parts of Guinea, and the Slave Trade* (London, 1734 [reprinted 1971]), 8.
24. Rawlinson C.745, John Thorne, Offra, 18 Dec. 1681; 23 March 1682.
25. John Duncan, *Travels in Western Africa in 1845 and 1846* (London, 1847 [reprinted 1968]), vol. 1, 176.
26. Rawlinson C.745, John Thorne, Offra, 18 Dec. 1681.
27. Rawlinson C.745, John Carter, Whydah, 11 Nov. 1686.
28. Letter of Thomas Wilson, Whydah, 12 July 1728 (in Robin Law, *Correspondence of the Royal African Company's Chief Merchants at Cabo Corso Castle with William's Fort, Whydah, and the Little Popo Factory, 1727-1728: An Annotated Transcription of Ms. Francklin 1055/1 in the Bedfordshire County Record Office* (African Studies Program, University of Wisconsin-Madison, African Primary Texts 3, 1991, no. 22).
29. Delbée, "Relation du Voyage," 438.
30. Ibid., 426.
31. Bosman, *Coast of Guinea*, 391.
32. "Relation du Royaume de Judas en Guinée," Ms. in Archives d'Outre-Mer, Aix-en-Provence: Dépôt des Fortifications des Colonies, Côtes d'Afrique, Ms. 104, 48.
33. Des Marchais, "Journal du Voiage," f.50v.
34. Snelgrave, *New Account*, 159.
35. Letter of John Carter, Whydah, 9 Jan. 1686 (in Law, *Correspondence of Royal African Company, 1678-93*, no. 24). Also Rawlinson C.745, John Carter, Whydah, 1 March

1686. The latter account alludes to the pawning by the Danes of Fort Frederiksborg on the Gold Coast to the English in 1685.
36. Letter of Thomas Wilson, Whydah, 29 Apr. 1728 (in Law, *Correspondence of Royal African Company, 1727-1728*, no. 19). The giving of collars and other wrought gold objects as pledges for loans is also documented on the Gold Coast in the 1690s (Thomas Phillips, "Journal of a Voyage Made in the Hannibal of London, Ann. 1693, 1694," in Awnsham Churchill and John Churchill, eds., *Collection of Voyages and Travels* (London, 1732), vol. 6, 206.
 37. E.g. Phillips, "Journal of a Voyage," 206; John Adams, *Remarks on the Country extending from Cape Palmas to the River Congo* (London, 1823 [reprinted 1966]), 33-34; Cruickshank, *Eighteen Years on the Gold Coast*, vol. 1, 334-37.
 38. Polanyi, *Dahomey and the Slave Trade*.
 39. "Relation," 48.
 40. Des Marchais, "Journal du Voiage," f.50v. For a record of a specific instance of panyarring, cf. Public Record Office, London, T.70/1464, Diary of William Baillie, Whydah, 3 Feb. 1718: "Pany[arre]d on Tabogah's [a Whydah chief] Head - 2 men, and rec[eive]d 1 woman in full [payment] of his debt."
 41. Snelgrave, *New Account*, 8.
 42. Rawlinson C.747, Edward Jacklin, Whydah, 10 May 1692.
 43. Bosman, *Coast of Guinea*, 364.
 44. Snelgrave, *New Account*, 159.
 45. Letter of Thomas Wilson, Whydah, 29 Apr. 1728 (in Law, *Correspondence of the Royal Africa Company, 1727-28*, no. 19). Cf. also Archives Nationales, Paris: C.6/25, unsigned letter, Whydah, 20 May 1728: "ils se vendent les uns les autres."
 46. Snelgrave, *New Account*, 113.
 47. Le Herissé, *L'Ancien Royaume du Dahomey*, 24, 56, 245, 291.
 48. *Ibid.*, 291.
 49. Snelgrave, *New Account*, 107, 125.
 50. Forbes, *Dahomey and the Dahomans*, vol. 1, 33-34. Also see Duncan, *Travels in Western Africa*, vol. 1, 259: "slaves are only extorted from neighbouring kingdoms."
 51. Le Herissé, *L'Ancien Royaume du Dahomey*, 52.
 52. De Chenevert and Bullet, "Réflexions," 15.
 53. Le Herissé, *L'Ancien Royaume du Dahomey*, 56n1.



CHAPTER 4



"PAWNS WILL LIVE WHEN SLAVES IS APT TO DYE": CREDIT, RISK AND TRUST AT OLD CALABAR IN THE ERA OF THE SLAVE TRADE*

PAUL E. LOVEJOY and DAVID RICHARDSON

Stimulated by Adam Smith's claim in 1776 that the "greater part of the exportation and coasting trade of America is carried on by the capital of merchants who reside in Great Britain,"¹ various scholars have been attracted to the study of the role of European capital in funding expansion in the Americas in the colonial period and beyond. One of the most important recent contributions to this scholarly discourse came in 1991 when Jacob Price highlighted the critical role played by European credit in facilitating the development and expansion of slavery and slave-based agriculture in the Americas before 1800. Price's analysis largely centered on the British West Indian and mainland North American colonies and on credit arrangements in the slave trade. Since the purchase of slaves was a major cost in establishing plantations, and payment for them depended on the anticipated stream of income from their labor, planters naturally looked for credit from suppliers of slaves when seeking to purchase them. In the late seventeenth century the Royal African Company supplied most of this credit and in the process encumbered itself with a large burden of colonial debts which proved

difficult to recover. After the ending in 1698 of the company's monopoly of Britain's trade to Africa, the task of supplying credit to planters passed to the private merchants who succeeded it. In their efforts to control and manage credit before 1750, such merchants appear to have relied heavily on personal ties with the commission agents who handled slave sales in the colonies. But after 1750 commission agents typically became more closely tied with London commercial houses who guaranteed bills of exchange drawn by their agents in favor of the merchants whose ships carried slaves from Africa. As these bills often had 12 months or more to run before they matured and most payments for slaves were made in bills, London houses thus maintained a vital line of credit for slave purchases in the colonies that may have reached several million pounds a year in the late eighteenth century. As Price remarks, one may conceive of a slave trade "conducted entirely for cash, but it would undoubtedly have been a much smaller trade" than it actually was.² In short, the existence of cash substitutes *must* potentially have increased the volume of the slave trade.

The number of slaves shipped from Africa to the Americas rose from around 30,000 a year in the late seventeenth century to nearly 80,000 a year a century later. Recent studies suggest that the expansion of slave exports that occurred in this period depended on the extension inland of slave catchment areas in regions such as the Gold Coast, Slave Coast, Bight of Biafra, and Angola, which were already substantial exporters of slaves by 1700, and the opening up of new sources of slaves, notably along the coast between the Gambia and the Gold Coast and further east at Cameroons, Gabon, and the northern Angolan (or Loango) coast.³ Thus, just as European demand for raw cotton in the nineteenth century helped to trigger westward expansion in the United States, so expanding frontiers of plantation agriculture in the Americas before 1800 stimulated the widening of slaving frontiers within Africa.⁴

It has long been acknowledged that the opening up and commercial development of uncultivated land in the Americas depended on inflows of capital from other regions.⁵ But the way in which expanding frontiers of slaving activity in Africa were financed has attracted rather less attention from historians. This reflects, in part, a lack of information about the mechanics of slave supply in Africa. It probably also reflects, however, a belief that the costs of producing and moving slaves was low. The fact that slaves were self-propelled and could carry other goods on their march to the coast perhaps lends some weight to this belief. Nevertheless, when allowance is made for the death of slaves and other wastage, levies on trade, and other costs, moving slaves was far from inexpensive. Moreover, as Curtin has suggested, it probably also cost "a

great deal to hold them for the market.”⁶ Calculations by Curtin suggest that “in an ordinary year” storage or holding costs alone could amount to ‘about half the purchase price’ of slaves in Senegambia.⁷ Estimates of the cost of moving and holding slaves in other regions have yet to be made, but it is likely that as frontiers of slaving activity extended inland, reaching 150-200 miles or more in some places, such costs were increasingly burdensome for African merchants.⁸ Significantly, perhaps, mark-ups on slave prices between far-interior and coastal markets were at least 200 per cent by the end of the eighteenth century.⁹

Some of the costs associated with generating slaves from previously unexploited sources were no doubt borne by participants in established commercial networks in West and West-Central Africa. In West Africa in particular, these often included Muslim networks, which were also involved in financing internal trades in kola, salt, textiles, leather and other goods.¹⁰ For the trans-Atlantic slave trade, however, credit supplied by European traders underpinned the development and expansion of the slave catchment areas along the Atlantic coast. Thus Miller has argued that “the European ability to advance goods” was at “the core of the complex forces that fuelled the transport and distribution sectors of western central Africa’s eighteenth century political economy,” with credit inflows underwriting “the rise of new African trading regimes.”¹¹ Similarly, the chartered companies that dominated European trade with Africa before 1700 are said to have been “an important source of credit to political officers, brokers, merchants, and others” at the Gold Coast. In the Bight of Biafra, trade was sustained by goods “given on credit” to coastal merchants and their inland partners by European traders.¹² According to Latham, after 1750, the Efik traders of Old Calabar received “large sums” of credit from Europeans, the latter “expecting slaves in return.”¹³ Overall, there appears to be a consensus that to satisfy external demand for slaves African merchants relied heavily on credit or working capital supplied by Europeans.

Despite these observations, we still know very little about the amount, length, and cost of credit advanced by Europeans to African slave suppliers. As Price suggests, in comparison with the Americas, the amount of credit advanced in Africa was probably modest.¹⁴ According to Kea, “debts standing out” at Cape Coast Castle in 1701 totaled some 565,500 dambas in gold, or less than £7,000 sterling.¹⁵ Even in relatively good years, the Royal African Company appears to have had only small debts owing at James Fort as well. According to Curtin, the Company was never owed more than £3,500 at any time in 1735-41, a trivial sum compared to the debts accumulated by the Company in the Americas before 1700.¹⁶ However, it should be noted that by the 1730s Gambia

supplied relatively few slaves to the Atlantic trade; all but a few of the slaves exported from the region were shipped by private traders.

Whatever the absolute amounts of credit advanced by Europeans in Africa and even though less than in the Americas, credit was just as important in facilitating the seizure and movement to market of slaves in Africa as it was in fostering the clearance and cultivation of land in the Americas. Lower absolute amounts probably simply reflect the fact that it took less time and fewer resources to produce in Africa the slaves necessary to clear debts than it took to produce the crops in America to do the same. Hence, to extend Price's argument to the African coast, the level of slave shipments from Africa would almost certainly have been much lower than it was without the provision of credit by Europeans to African dealers.

As a contribution to the study of credit arrangements along the Atlantic seaboard of precolonial Africa, we shall focus on the slave trade of Old Calabar in the Bight of Biafra. In the two centuries after 1660, The Bight of Biafra was the third most important source of slaves in Africa after the Slave Coast and Angola. It appears that some 1.65 million slaves were shipped from the region in 1662-1867, with the peak of shipments occurring in the late eighteenth century when 15-20,000 slaves a year are estimated to have embarked for the Americas.¹⁷ The vast majority of those shipped before 1807 were carried on British ships, with merchants at Bristol and Liverpool being particularly attracted to the region.¹⁸ Appropriately, much of our evidence on credit arrangements in the slave trade of Old Calabar comes from British sources and refers to the period from 1760 to 1807, when slave shipments from the port were at their height.

The remainder of this article falls into four sections. In the first section we attempt to establish the amount and duration of credit obtained by African slave dealers, paying particular attention to the late eighteenth century. In the second section we outline some recent theoretical approaches to the study of exchange activities and to the institutional and social arrangements that accompany them. In the third section we explore the social relations between slave sellers and buyers at Old Calabar in the late eighteenth century, while in the fourth section we discuss the institutional arrangements that developed in the region to limit the exposure of credit suppliers to risks of default on payment of debts by African slave dealers. The last section presents some conclusions on the nature of credit in cross-cultural trade at the interface of distinct commercial networks.

Terms of Credit

The precise amount of credit advanced by Europeans to African slave dealers at Old Calabar will never be known. Latham suggests that little credit was likely offered by Europeans in the "uncertain conditions" that prevailed at Old Calabar before 1700, but that credit became more available as "trading relations" between Africans and Europeans became more sophisticated in the eighteenth century.¹⁹ John Adams, who traded at Old Calabar in the 1790s, claimed that many of the local traders at the port "expect and receive credit to a great extent" from Europeans.²⁰ Moreover, he suggested that a similar situation existed at Bonny, where the local traders "augment the quantity of their merchandise, by obtaining from their friends, the captains of the slave ships, a considerable quantity of goods on credit."²¹ On Adams's reckoning, therefore, credit advances were extensive at the two major slaving ports in the Bight of Biafra by the 1790s.

There are indications that credit was being advanced by Europeans at Bonny over a century before Adams visited the coast. Jean Barbot, who traveled to Africa in 1678-82, claimed that at Bonny Europeans "were often obliged to trust" African slave brokers with goods in order to allow them "to attend the upper markets, and purchase slaves for them."²² Barbot's remarks, published in 1732, were reinforced by a description of a voyage by his brother, Jacques, in 1699 to the same port. According to this account, goods to the value of 150 bars of iron were advanced to the king "by way of loan," with similar advances being made "to his principal men, and others, . . . each in proportion of his quality and ability."²³ Evidence that British traders continued to supply credit at Andony and Bonny thirty years later is also to be found.²⁴

While the antiquity of credit advances at Old Calabar is unknown, by the 1760s, credit was expected and received by Calabar merchants. The trade book of the Liverpool ship *Dobson* which visited Old Calabar in 1769-70 reveals that at least 67 of its 566 slaves were bought on "trust."²⁵ On 21 April 1785, Antera Duke, a leading trader of Duke Town, Old Calabar, noted in his diary that he and two others had asked one captain to "trust [goods] for slaves."²⁶ On this occasion, the request was refused, but the indications are that, in taking this position, the captain concerned was exceptional, since competition among traders probably forced most to accede to local dealers' demands for credit. Similarly in June 1785, Antera Duke and two other traders of Duke Town received "goods for 50 slaves" from one captain.²⁷ As slaves were selling for about £15 per head in the mid-1780s, the goods advanced in June 1785 to the three dealers were probably worth about £750.²⁸ This sum was still modest, however, in comparison with the credit advanced

by some other masters. Thus in December 1787 Richard Rogers, master of the *Pearl*, advised his owners, James Rogers & Co. of Bristol, that he had "deposited Goods in safe hands for 100 Slaves," while, on 6 May 1792, the master of the *African Queen*, also owned by Rogers & Co. reported that he had 45 slaves on board and "Goods in the Country" for a further 131. Additional reports relating to the *African Queen* suggest that on 11 June the ship had 149 slaves "on trust & paid for" and that this had increased to 160 by 9 July 1792.²⁹ Whether the slaves referred to in June and July included those mentioned in May 1792 is unclear. But, assuming that they did not and that slaves cost about £15 each, it is likely that about £1500 of goods was advanced by Richard Rogers to African merchants in 1787 and that those commanding the *African Queen* had trusted out goods worth up to £4,365 in May-June 1792. We do not know if the amount of credit advanced on these voyages was typical. But on the basis of the reports, it would appear that, notwithstanding the reluctance of some shipmasters to advance credit, John Adams was correct to suggest that African dealers in slaves at Old Calabar received substantial credit from European traders by 1790. Indeed, with some ten to fifteen British ships on average arriving each year in the Cross River around 1790, new credit advances by British traders to Old Calabar merchants perhaps amounted to £40-50,000 or more a year when Adams visited the river.³⁰

On certain parts of the African coast British traders were prepared to extend credit of six months or more to African dealers in slaves.³¹ Similar arrangements for credit of six months to two years were not uncommon at the British and American ends of the slave trade in the late eighteenth century.³² But traders in the Bight of Biafra apparently anticipated that debts would be settled rather faster. Describing voyages he had made to Old Calabar and the River Del Rey in 1772-76, John Ashley Hall told Parliament in 1790 that "the Black traders" normally left "with the goods they got from the ship," returning "ten days to about three weeks later."³³ William Prosser, who traded for redwood at Gabon in 1792, observed that it was "the custom in this River to trust out your Goods for Red Wood."³⁴ He had extended credit for six weeks to two months and, having advanced goods in April, he was "in hopes of getting the Ship full in all June."³⁵ The 5,000 billets that he had "trusted out," at about 15s. per 100 billets "Invoice price," amounted to less than £40 sterling. The evidence suggests that Prosser's expectations were largely fulfilled. An undated manifest, probably taken on 11 July 1792, shows that at that time he had nearly 24,000 billets of redwood and some other goods on board ship; soon after, he left the coast, returning to Bristol in mid-September 1792.³⁶

In the nineteenth century, according to Dike, goods “were trusted to the Delta middlemen by the British merchants for periods of from six months to a year or, in some rare cases, to two years.” Although these observations applied to the palm oil trade, similar arrangements were said to be “prevalent during the slave trade,” having been carried over “from the old trade to the new.”³⁷ Thus, on 7 July 1825, Duke Ephraim of Old Calabar promised Louis Loiseau, master of a French ship, that he would dispatch him “with his full cargo, at five hundred Slaves in the Current of three Months from Datte.”³⁸ But Loiseau seems to have been kept waiting nearly six months before he secured delivery of slaves from Duke Ephraim. Moreover, he was not alone in failing to achieve early settlement of debts. After spending just over six months at Old Calabar, Hammett Forsyth, master of the *African Queen*, complained that he was still waiting for delivery of slaves on 24 September 1792, and debt arose from a “former Trust” that he was finding it “very difficult to recover, although in good hands.”³⁹ The records do not reveal whether Forsyth was ultimately successful in recovering these debts, but they do indicate that some ships were forced to leave the coast without securing full settlement of accounts by African merchants, leaving debts to be carried over into subsequent years or otherwise arranging means of transferring outstanding debts to other merchants.⁴⁰

Assessing the actual length of credit advanced by British traders at Old Calabar is, therefore, problematical, but the time taken by ships to secure a load of slaves provides some indication of average length of time in credit arrangements. The mean time taken by Bristol and Liverpool ships to load slaves in the Bight of Biafra was three to four months between 1750 and 1800. On the whole, ships spent a similar amount of time at the Slave Coast, significantly less than at Upper Guinea, the Gold Coast, and Angola.⁴¹ Loading times varied substantially, however, with some ships at Old Calabar taking less than a month to obtain their slaves while others took up to a year or more. Thus, while traders who had advanced goods on credit to merchants at Old Calabar might reasonably anticipate the clearance of debts within, say, six months, there was, nevertheless, a strong possibility that they might have to wait considerably longer before accounts were settled. In this respect, Dike's suggestion that credit in Delta ports was normally extended by British traders for six to twelve months appears to be just as applicable to the late eighteenth century as to fifty years later.

Theoretical Perspectives on Exchange

The provision of credit at Old Calabar clearly entailed risks and hence constituted an important element of the transaction costs surrounding

slaving activity in the region. Neo-classical economics has tended to dismiss such transactions costs as marginal to economic activity, preferring instead to concentrate on production costs. Where problems over exchange have been identified, neo-classical theory assumes that low-cost, state-sponsored, legal systems can provide a means of resolution. As Williamson has reminded us, however, in the sphere of exchange, economies did not operate in a frictionless world.⁴² It is now acknowledged that human behavior and market structures that underlie neo-classical theory do not mesh perfectly. Most of the resulting theoretical work has centered on the institutions of modern industrial capitalism, as economists have grappled with the implications of monopolistic competition, bounded rationality, and opportunism for negotiating and implementing contracts between sellers and buyers of goods and services. This focus, in turn, has resulted in a reappraisal of the role of the state and legal systems in enforcing contracts and a growing emphasis on private arrangements between individual players or firms in the market. As a result, "private ordering" has increasingly been seen as providing more effective mechanisms for ensuring the fulfillment of contractual obligations in many circumstances than the "legal centralism" of earlier approaches.⁴³ Particularly significant in this context is the stress on the role of hostages in maintaining "credible commitments" by parties involved in market exchanges.⁴⁴

Transactions cost economics is centrally concerned with economic organizations and the way in which institutions adapt and change in order to economize on the costs of running the economic system.⁴⁵ Proponents of this approach have been accused of a simplistic functionalism; social institutions and arrangements which were "previously thought to be the adventitious result of legal, historical, social, or political forces" are largely to be viewed as "the efficient solution to certain economic problems," with malfeasance being averted "because clever institutional arrangements make it too costly to engage in." Rather than *produce* trust, such arrangements are seen as "a functional substitute for it."⁴⁶ Because *some* degree of trust is required in order for exchange to operate smoothly, economic activity is perceived to be embedded in systems of sustained personal relations and social networks. In particular, "the identity and past relations of individual transactors" are seen as providing firmer foundations for generating trust than institutional arrangements or other methods, including generalized morality.⁴⁷ This theory is reminiscent of the Prisoner's Dilemma, in which cooperation rather than individualism pays, especially where transactors are in a continuing rather than "one-off" relationship.⁴⁸

Some exponents of the "new institutional economics" now agree that the "social context in which transactions are embedded - the customs, mores, habits, and so on - have a bearing, and therefore need to be taken into account, when moving from one culture to another."⁴⁹ In studying cross-cultural trade, including trade between Europeans and Africans, Curtin has claimed that both market and other forms of exchange "have a role to play" in such trade, the precise balance between the two depending on the specific situation.⁵⁰ More recently, Guyer has argued that, at the African coast, there existed an "economic interface" between African systems of production and exchange linked to social identity and status and based on use-values rather than the market-orientated systems associated with Europeans.⁵¹ According to Guyer, the lack of convertibility of African commodity-based currencies reinforced social and institutional barriers to market exchange and severely inhibited the integration of West African economies into the Atlantic capitalist system.⁵²

Despite the last claims, slave exports from western Africa to America, as we have seen, rose substantially in the eighteenth century. Moreover, if Old Calabar is a guide, credit advances to African slave dealers probably rose in harmony with exports of people. We would suggest that, in the case of Old Calabar, the trust between shipmasters and slave dealers that underpinned credit was founded on a mixture of social connections and institutional arrangements. Thus masters are reputed to have joined local secret associations such as *Ekpe* which had debt-collecting powers, while at the same time they required African merchants to lodge hostages or "pawns" with them in exchange for goods advanced on credit.⁵³ Pawnship - or the pledging of goods or people as security against loans - was widespread in West and West-Central Africa in the eighteenth century; commercial pawning was a variant of this indigenous practice that appears to have existed elsewhere in western Africa as well.⁵⁴ As an institution, pawnship depended upon social relations between debtors and creditors, but the exact nature of the institutional practices that underlay trust between the parties involved in slave transactions at Old Calabar and other regions remains, as yet, unclear.

By combining existing records with previously unused sources, it is possible to shed new light on the mechanisms by which trust was created between lenders and borrowers at Old Calabar before 1800. At this stage of research, any conclusions must be regarded as tentative. Moreover, caution needs to be exercised in applying findings relating to Old Calabar to credit arrangements in other regions. But the weight of historical evidence seems to indicate that, while social relations between

slave suppliers and shippers were not unimportant, hostage taking or commercial pawning was a vital factor in maintaining trust and credit at Old Calabar at the height of slave trafficking. In this respect, our findings demonstrate how theories of transactions costs economics can inform and qualify theories of trust based on the concept of social embeddedness that ignore pawnship, slavery and other institutions of servility. We begin by exploring the social relations surrounding the slave trade at Old Calabar and then turn to commercial pawning activities.

Social Relationships at Old Calabar

Slave shipments from Old Calabar were channeled through several towns or wards in the Cross River.⁵⁵ These were controlled by Efik traders, a group of Ibibio-speakers who had originally settled at Creek Town some time before 1650 but who subdivided into seven wards or houses, each with its own settlements, during the following century. It is likely that the early slave trade of Old Calabar was dominated by merchants based at Old Town (or Obutong) but by the late 1760s their hold over the trade had been eclipsed by merchants of other wards, notably those of Duke Town and Henshaw Town.

Within the various wards or towns, trade seems to have been controlled by small groups of traders or commercial houses. Continuous records of these houses are unavailable, but the accounts and correspondence of the Old Calabar trade around 1770 and the diary of Antera Duke for 1785-8 reveal that up to thirty merchants may have been involved in the slave trade of the Cross River in the last decades of the eighteenth century.⁵⁶ Prominent among these were Eyo Nsa (or Willy Honesty) of Creek Town, Tommy Henshaw of Henshaw Town, and Egbo Young, Antera Duke, and Edem Ekpo and his son, Efiam Edem (both known as Duke Ephraim) of Duke Town. Of the thirty traders noted by Antera Duke in his diary, as many as half were involved in supplying slaves to British ships nearly two decades earlier.⁵⁷ Moreover, several of those active in 1785-88 remained involved in slaving beyond 1800 while others were clearly succeeded as merchants by their descendants.⁵⁸ The continuity among African merchant families in the slave trade between 1750 and the early nineteenth century appears to have been considerable. In turn these Calabar commercial houses levied duties or 'coomey' on ships arriving in the river, which in effect assured indirect access through trade with the river port of Itu, where Aro traders from the interior brought their slave supplies.⁵⁹

The institutional mechanism to contain the rivalry that existed among the various wards of the Cross River was vested in the *Ekpe* secret society, which was a graded association of adult males that interlocked

with similar associations at all the commercial centers of the Biafran interior. Probably founded in the mid-eighteenth century,⁶⁰ *Ekpe* has sometimes been referred to as a "secret society" because its decisions and their implementation were governed by collective responsibility and taken in closed session. On the whole, the wealthiest and most powerful merchants dominated the highest grades of *Ekpe* and competed for its principal offices. These men were responsible for, among other things, debt enforcement, having the power to "blow" *ekpe*, that is, punish offenders through summary justice. Membership in *Ekpe* extended to Aro traders, who formed similar closed associations of their own in the interior which were known as *okonko*. Moreover, the Aro controlled the *Ibinukpabi* oracle at Arochukwu, their capital; the oracle was recognized as the supreme court of appeal for a range of legal issues that pertained to credit and trade, including the protection of merchants and markets, the settlement of sectarian disputes, and the accumulation of slaves through fines and fees levied on litigants. Hence the leading ward houses at Old Calabar participated in a network of overlapping agencies that served to enforce payment of debts and to protect the commercial interests of the export trade in slaves.⁶¹

Just as a few trading houses controlled slave exports from Old Calabar between 1750 and 1807, so a relatively small number of Bristol and Liverpool merchants dominated European trade with the region.⁶² In this respect, at least, slaving transactions at Old Calabar resembled the situation described by Granovetter, where agents had recurrent dealings with each other and relied on their past record of dealings to determine whether "a particular other may be expected to deal honestly."⁶³ British traders certainly recognized the value of social relations and honest dealings in building trust and maintaining trade. In 1761, William Earle of Liverpool promised Duke Abashy of Old Town that two of his sons who had been mistakenly shipped from the coast would be safely returned; Earle reassured Duke that "I do not Want to wrong Nor I never did wrong any man one Copper." The personal dimension of this correspondence should be noted: "You know very well I Love all Calabar," wrote Earle, observing that he himself had three sons and a daughter. In conveying his sympathies and reiterating his pledge to correct the injustice, Earle also passed on the greetings of his wife, who "Sends you her Love."⁶⁴

Good relations between British and Biafran merchants were also promoted through the overseas travels of the Calabar elite. Thus, in 1773, Otto Ephraim of Old Town sent a young boy to Liverpool as a companion to Joshua Lace, son of the Liverpool slave trader, Ambrose Lace; as was the case with other sons and dependents of the leading

Calabar merchants, he was probably also to be educated. Ephraim was willing to supply slaves to one of the Liverpool ships then at Old Calabar because of Lace's connection with the ship; the master 'told me you have part of his ship."⁶⁵

Promoting good relations was doubtlessly helped by the familiarity of Efik traders with the English language. As observed in the early 1790s, the "Black Traders of Bonny and Calabar" were "very expert at reckoning and talking the different Languages of their own Country and those of the Europeans."⁶⁶ In 1819 it was claimed that "the greater part of the male-natives" at Old Calabar "can read and write English."⁶⁷ The leading traders at Old Calabar appear to have been both literate and relatively fluent in English or pidgin versions of it as early as the 1760s. The clearest demonstration of this is Antera Duke's diary for 1785-88, fragments of which, written in pidgin English, have survived. But Antera Duke was not alone among the Efik in being literate and English-speaking. William Earle's letter to Duke Abashy in 1761, discussed earlier, was in fact a reply to a *written* complaint by the Calabar trader. Moreover, in another letter, Otto Ephraim asked Ambrose Lace to "Send me some Writing papers and 1 Bureaus to Buy."⁶⁸ Furthermore, accounts were often registered on board European ships. Thus in 1792 Thomas Codd lodged provisions and gunpowder for one of James Rogers's ships, the *African Queen*, with Duke Ephraim, Egbo Young, and Antera Duke of Duke Town and had "taken their receipts" for the same.⁶⁹ Anglo-Efik relations in the late eighteenth century thus appear to have been underpinned by a common language and, if Codd's experience was typical, Calabar traders were accustomed to the commercial conventions of European merchants.

This behavior suggests that business relations at Old Calabar were in part, at least, 'mixed up with social ones,"⁷⁰ which might appear to confirm the neo-substantivist approach of Guyer and others who emphasize "the proliferation of institutions and social memberships" in the expansion of networks as market activity grows.⁷¹ Certainly the language of sociability sometimes permeated correspondence between British and Efik merchants, as revealed above. As Antera Duke's diary shows, commercial transactions between Efik traders and ship captains were interwoven with social gatherings. Indeed, the diary suggests a pattern for the 1780s in which captains regularly attended dinner parties given by Calabar merchants, including parties on Christmas and New Year's day.⁷² Moreover, they shared in other activities such as fishing trips.⁷³ Discussion of business matters doubtless helped to enliven conversations on such occasions, and in this sense these gatherings of masters and traders perhaps helped to produce the conspiracies against

the public interest that Adam Smith feared, except that in this case the victims were not local consumers but those enslaved. Be this as it may, slaving transactions - and the credit advances necessary to sustain them - clearly took place at Old Calabar between agents of radically different cultural backgrounds - British and Biafran - who reduced these differences to some extent through social interaction but could not eliminate them.

The extent to which economic behavior at Old Calabar was shaped by Anglo-Efik social relations is difficult to measure. There may have been a tendency towards the reinforcement of business through social contacts, but Granovetter's suggestion that "continuing economic relations" may "become overlaid with social content that carries strong expectations of trust and abstention from opportunism"⁷⁴ is probably an exaggeration. Opportunism - or "self-interest-seeking with guile"⁷⁵ - is a central behavioral assumption of the new institutional economics, especially in relation to transactions costs. The attempt of well-developed systems of social relations to curb opportunism is an important historical theme, but as the evidence from Old Calabar makes clear, opportunism played a continuing role in slaving activities. The persistence of opportunism in testing the system of private ordering that developed at Old Calabar raises serious questions about the centrality of social relations in governing transactions. The "social embeddedness" of credit and trust at Old Calabar arose not from the social space shared by European and Biafra merchants but from the reliance on pawnship, which as an institution was itself firmly embedded in the indigenous social structure and therefore provided the basis for credit arrangements.

Evidence of opportunistic behavior by parties involved in Anglo-Efik slave trading is scarce and largely circumstantial. Would it have been necessary to hold pawns as commercial hostages if there was not considerable risk of opportunistic profit seeking? Despite social interaction, examples of expropriation can be found, and "panyarring," or arbitrary seizure for debt, was still being practiced, even if discouraged, in the late eighteenth century. Perhaps the most obvious example of opportunistic behavior that undermined competition in the export slave market is the so-called "massacre at Old Calabar" in 1767.⁷⁶ The background to this episode is obscure, though the consolidation of the *Ekpe* society from the 1750s probably was a factor in the events leading up to 1767. In the early 1760s, Old Town was the leading trading center on the Cross River. Frustrated by delays in slave deliveries that arose from conflicts among the commercial wards of Old Calabar, British traders conspired with merchants from Duke Town to destroy the commercial power of Old Town, and thereby eliminate Old Town from

the slave trade. Reports published in 1790 suggest that the British captains in the River conspired with Duke Town to fake the mediation of the dispute between the wards. The conspiracy depended for its success on the belief of "Old Town people" in "the sincerity of the proposition of the captains to bring about a reconciliation" of the differences between them and their rivals.⁷⁷ Arguably, therefore, the relations that British captains had forged with Old Town merchants before 1767 were perhaps critical in creating the opportunity to entrap them. On this occasion, the outcome of deception was the slaughter by British and Duke Town traders of some 300 Old Town residents; an immediate supply of slaves in the form of prisoners, including two sons of the head of Old Town; and the ascendancy of Duke Town over Old Calabar's slave trade. With its destruction in 1767, the death of many of its members, and the deportation of many others to the Americas as slaves, Old Town ceased to be a major factor in the export trade, even as a further source of slaves. The ascendancy of Duke Town was to persist until the trade's demise in the 1840s.

Whether the British expected so many Old Town residents to be slaughtered in 1767 is unknown. It is possible that, just as they deceived the Old Town merchants, so they themselves were misled by their Duke Town allies about the intended consequences of the plot. Be this as it may, under the tutelage of Duke Town slaving transactions with the British in the lower Cross River appear to have followed a less violent and more contractual course. The tendency towards opportunism seems, nevertheless, to have remained a continuing feature of Anglo-Efik commercial affairs after 1767, thereby undermining trust and at times souring relations. One problem was that, like their Old Town predecessors, those who seized control of the trade after 1767 sought whenever conditions were favorable to extract higher duties from European merchants. This opportunism, in turn, created uncertainty for British traders. Complaints about increases in coomey were especially noticeable in the late 1780s when British trade with Old Calabar reached exceptional levels.⁷⁸ For their part, ship captains also behaved at times in ways that undermined trust. Particularly damaging was their seizure and shipment to the Americas of allegedly free persons. Thus, in 1789, Duke Ephraim of Duke Town complained to James Rogers and Sir James Laroche of Bristol that two men had been seized illegally. Ephraim complained that he had been a "very good friend" to the ship *Jupiter*; even so, its master had sailed away with two of his canoemen, both of whom were "free men." Outraged by this, Duke Ephraim threatened to "make Bristol Ship pay for them two" unless they were returned by "Any other Ship or himSelf."⁷⁹ Whether the two canoemen were returned or

Duke Ephraim carried out his threat is unknown, but the fact that those illegally taken worked for Duke Ephraim, Duke Town's leading merchant by 1790, is significant. Even when British merchants dealt regularly with Duke Ephraim, as Rogers and Laroche evidently did, the behavior of their agents in the field could undermine trust.

The patchiness of the evidence makes it difficult to come to firm conclusions about connections between social relations and credit provision at late eighteenth-century Old Calabar. British traders were plainly anxious to cultivate good relations with the heads of local trading houses. Moreover, there are indications that some masters of ships expected to benefit from personal relations with the Efik. But, while there are signs that "social content" may have infiltrated economic relationships in the region, this did not produce the "abstention from opportunism" that one might expect to arise from strong personal or social relations.⁸⁰ On the contrary, as the events of 1767 demonstrate, when trust was established, there was no guarantee that some deception by one of the parties might undermine the ordering that underlay transactions. The ambiguity of social relations may have made it, as Sara Berry has suggested, "imperative for people to invest time and money in maintaining them,"⁸¹ but the social relations that developed among the parties involved in slaving activities at Old Calabar did not prevent malfeasance. In such circumstances, other mechanisms were developed to support and protect commercial exchange and, above all, to promote the growth of credit that bound British and Biafran traders together in the conduct of trade in the late eighteenth century. We now turn our attention to these mechanisms that allowed trade across the "interface," to use Guyer's term to describe the apparent economic instability that characterized the meeting point of two distinct cultural zones.

Institutional Arrangements for Credit Security

As Williamson has observed, there is a distinction between credible commitments and credible threats; the former are "undertaken in support of alliances and to promote exchange" and are seen to involve "reciprocal acts designed to safeguard a relationship," while the latter are said "to appear in the context of conflict and rivalry."⁸² In the case of credible commitments, most attention has focussed on bargaining practices, particularly the incentive systems that have evolved to enforce promises. Transactions can be guaranteed through the legal system, but, as noted earlier, "private order" arrangements can provide the support for contracts. Among the various arrangements that may arise, we have observed that hostage-taking can provide the insurance that transactions will be fulfilled. The important point is that, under such arrangements,

the law is seen to operate "in the shadow of indigenous ordering,"⁸³ with contracts assuming a largely self-enforcing character, violation of the terms of an agreement by one party precipitating its termination by the other, with the danger of retaliation.

Applying theoretical insights from transactions cost economics to slaving activities in Africa poses some problems, not least because the sellers of slaves in Africa were often also the lawmakers. Where contract enforcement is concerned, detaching the law from private order arrangements can, in such circumstances, prove difficult. Be this as it may, it is worth exploring how far the conduct of slave transactions at Old Calabar conformed to the hostage and private order models proposed by economists. Our findings also inform the discussion of cross-cultural trade, emphasizing in particular the role of credit in such activity.

From an early date, various means of providing collateral for loans were developed along the Atlantic coast from Senegambia to Angola. Europeans giving credit to African traders required collateral to secure their loans; the use of pawns as commercial hostages was such a mechanism of facilitating the extension of credit, as we have seen. Moreover, the credit arrangements in the slave export trade were similar to those in domestic African economies where pawnship was widespread.⁸⁴ Pawns were used to secure credit advances in the export trade of the Gold Coast as early as the seventeenth century;⁸⁵ evidence of their use in coastal transactions in other regions before 1750 is sparse. Pawning seems, however, to have been fairly widespread during the second half of the eighteenth century, though, according to one trader, pawns were seldom offered at Bonny.⁸⁶ Because of the proximity of Bonny to Old Calabar and the similarity in the supply mechanism for both ports, this observation should be taken as a note of caution in generalizing on the extent to which pawnship was a factor in the slave trade other than at Old Calabar.

Alagoa and Okorobia have speculated that in the eastern Niger delta "the onset and maturity of the overseas slave trade probably provided the initial setting for the development of pawnship."⁸⁷ We cannot establish the antiquity of the practice of pawning individuals as collateral for debts at Old Calabar or its interior, however. The earliest known evidence of pawning associated with slave exports from Old Calabar relates to 1763 when the master of a Liverpool brig reported getting "pledges" out of the "Kings Town [i.e. Old Town] Dukes and Tom Henshaws [town]," although he was refused "a son for pledge" by "Robin John Town."⁸⁸ Other glimpses of pawnship at Old Calabar in the 1760s also involve slave transactions,⁸⁹ and by the early 1770s, if not earlier, pawning was widely used to facilitate trade. Thus, John Ashley Hall, a London captain

who traded at Old Calabar in 1772-73, accepted pawns as collateral. In response to a question posed by a Parliamentary Select Committee in 1790, Hall explained that the use of pawns was "the way the trade is carried on" in the Calabar and Del Rey rivers.⁹⁰ In June 1785, for example, Abasi Cameroon Backsider and "one of his boys" were held as pawns on the *Combesboch*.⁹¹

Evidence of widespread pawning on European ships becomes increasingly plentiful from the 1770s, not only for Old Calabar but also for nearby Cameroon and Gabon.⁹² According to James Arnold, surgeon on a Bristol brig trading at Bimbia in the Cameroons in 1787-88, we Intrust the Traders with Goods, with which they go to the Fairs, yet we expect that they should leave us something as a Pledge for their Return. To satisfy us in this Particular, they leave their Children and Relations in our Custody, whom we distinguish by the Name of Pawns. As the Traders bring us Slaves, or, in other Words, as they pay their Debts, so these are released. But if they are unable to discharge them at an appointed Day (which Day is fixed for the sailing of the Ship), they are taken to the West Indies and sold.⁹³

As this account suggests, slaving transactions at Bimbia in the 1780s bore a close resemblance to a hostage-based, self-enforcing contractual arrangement. Shippers simply enslaved the pawns by sailing away if suppliers of slaves failed to redeem the pawns within an appointed period. Pawns were converted into slaves apparently without any resort to external legal authority. There seems little room for doubt, therefore, that using pawns as security for goods given on credit had become, with the possible and admittedly important exception of Bonny, a standard feature of commerce in the Bight of Biafra by the 1770s, and probably dating back at least to the 1750s and the introduction of the *Ekpe* association.

The use of pawnship in the coastal transactions that moved enslaved Africans across the Atlantic represented an adaptation by European traders to African customs. Not only people were pawned; it appears that gold and other goods were regularly pawned at the Gold Coast before 1700.⁹⁴ Alternate forms of collateral, including productive trees, were acceptable forms of collateral in the interior, and European merchants continued to accept a variety of pledges throughout the eighteenth century in some places.⁹⁵ In the Bight of Biafra, however, there was little else other than people that European lenders were prepared to hold as security for loans, with the possible exception of Bonny. The adaptation of pawning to the commercial practices of European merchants involved in buying slaves demonstrates how institutions that were not recognized in the legal tradition of Britain or other European countries could become

a principal agency of merchant capital. In Europe though not in Africa, pawning of people was exceptional, if not illegal. The impact of the trans-Atlantic slave trade on Old Calabar, at least, was to promote the use of pawns. While the scale of domestic pawnship within precolonial West African societies is impossible to quantify, commercial pawning at the coast almost certainly rose in tandem with the growth of slave exports.⁹⁶ It is possible, moreover, that overall levels of pawning people in the Bight of Biafra expanded substantially from the mid-eighteenth century onward. Similar increases in the incidence of pawnship may have occurred in other regions associated with the export slave trade.

The number of pawns deposited by slave suppliers with individual shipmasters was doubtless negotiable, but neither the proportion of enslaved Africans shipped to the Americas who were originally commercial pawns nor the frequency of such shipments is known. In 1773, Grandy King George of Old Town reported that one ship had carried away his pawns, including four of his sons.⁹⁷ In April 1788, Richard Rogers, master of the *Pearl*, had 60 pawns as well as 50 slaves on board ship. In the same year, the *Gascoigne* was accused of sailing from Old Calabar with 120 "Pledges" in a shipment of 540 individuals.⁹⁸

The incarceration of pawns on board ships not only reduced the amount of labor available on shore but also raised overheads for Calabar merchants, who appear to have been responsible for the subsistence of pawns. At the same time, Bristol and Liverpool merchants who dominated the trade wanted obtain slave deliveries as quickly as possible. It was in their interest to obtain a high ratio of pawns to slaves, a tendency that was in turn balanced by the close ties between British and Calabar merchants that could reduce the number of pawns required and perhaps even eliminate the need for their use at all. Such conflicts of interest meant that the outcome of negotiations over pawns is likely to have varied. As pawns were sometimes kin of the Calabar slave dealers and were presumably also well fed, it was no doubt anticipated that the number deposited on board ship would be rather less than the number of slaves that dealers contracted to supply.⁹⁹

According to Richard Rogers, a sensible target was two pawns to three slaves. He claimed that when he could "Gett my Debts in Such Cytuation," he could give the dealers just two days to clear any outstanding debts, and "Should they not pay in that time," he could then "Borrow their pawns to sell in the West Indies."¹⁰⁰ The idea that one might borrow pawns is intriguing since it implies that, even after being shipped from the coast, they could at least theoretically still be redeemed. Other masters almost certainly calculated matters differently from

Rogers, but there are indications that he was not alone in expecting a ratio of two pawns to three slaves.¹⁰¹

The premium on pawns probably reflected, among other things, their healthiness relative to slaves and thus their higher chances of surviving the middle passage and being sold for a good price in the Americas. As Rogers succinctly put it in July 1788 (and which we acknowledge in our title), he had “some fine fellows On bd. the Pearl @ Pawns Will Live when Slaves is Apt to Dye.”¹⁰² Implicit in Rogers's comments is the assumption that the pawns were equivalent to the young adult males who were considered the “prime slaves” of the trans-Atlantic market.

Although the number and status of people to be pawned was subject to negotiation, linking pawnship with credit ensured that the parties to negotiation shared an interest in prompt settlement of contracts. As a result, credit arrangements at Old Calabar were consistent with “economizing on transactions costs.”¹⁰³ They did not, however, guarantee that the parties would keep their promises. Keeping promises was perhaps especially problematical for local merchants who were dependent on other parties or events outside their control to meet their obligations. Indigenous institutions, of which the *Ekpe* society was the most important, played a major part in policing and enforcing contracts.¹⁰⁴ Indeed, *Ekpe* sometimes ordered Efik traders to “settle” disputes with exporters or to replace pawns who had absconded from European ships.¹⁰⁵

The terms of this private ordering also included the possibility that, if slaves were not delivered on time, masters of ships would sail away with the pawns that traders had lodged with them. In short, there were other sanctions used against traders who reneged on promises in addition to the judgements of *Ekpe*. According to one report, pawns were often “the sons and daughters of traders” and the latter were “always particularly anxious” about their fate and “seemed much distressed whenever they took up an idea that the ship would sail away with the pawns.”¹⁰⁶ Concern over the fate of their kin was perhaps compounded for slave dealers by the possibility that, as we have seen, pawns might be passed between ships. We do not know if masters needed approval from local traders for such transfers, although in local practice, as far as known, such alterations in pawn-creditor arrangements required the approval of close kin. There were instances when traders sought to protect pawns from enslavement by “blowing *ekpe*” on ship masters who might be tempted to abscond with them;¹⁰⁷ the crew of ships were sometimes seized or “panyarred” to force the return of pawns.¹⁰⁸ This potential for arbitrary action was always just below the surface. Until they were redeemed, British merchants normally regarded pawns as enslavable by

sale in the Americas "if their friends refuse, or are not able to redeem them."¹⁰⁹ Ship captains were ready to sail with pawns on board, should conditions warrant the risk. Commercial pawning, therefore, was apparently governed by a precise time schedule, unlike domestic pawnship, which could continue indefinitely, even into a subsequent generation, unless other arrangements were made. Often such arrangements, involving women, resulted in marriage contracts that recognized the continuation of the debt. Sometimes, although the justification of such actions is seldom clear, pawns became slaves.¹¹⁰ The reduction of commercial hostages being held as pawns to slavery was, therefore, not the only situation in which the status between slave and pawn became blurred.

Moreover, pawns and therefore debts were transferable between ships, which further blurred the distinction between slaves and pawns but also facilitated coastal transactions. In April 1788, when the *Pearl* had 60 pawns as well as 50 slaves on board ship, Rogers observed that "most of the Pawns [had been] redeem'd from other Ships."¹¹¹ Whether the level of transfers and thus the commercialization of pawnship also were also features of domestic pawnship in the interior remains, however, uncertain.

The possibility that pawns might be confiscated provided perhaps the most powerful single inducement to slave dealers to meet their obligations. If *Ekpe* and pawnship arrangements could not assure timely delivery of slaves, then losses could be reduced through private action. In this respect, slave trading at Old Calabar in the late eighteenth century was governed more by private ordering than by legal centralism. A feature of such ordering was the possibility of arbitrary enslavement. While credit was firmly embedded in social relationships, this tendency towards opportunism undermined that very embeddedness of the credit mechanisms.

Credit in Cross-Cultural Trade

Slaving activities at Old Calabar constituted an example of what some scholars have described as cross-cultural trade. Curtin has argued that commercial diasporas revolving around related groups of traders living in dispersed communities were vital to the growth of such trade.¹¹² Landa has demonstrated that such "ethnically homogenous trading groups" are able to minimize the risks of trade through a series of "insider" arrangements; the conduct of business outside the group introduces risks that raise the costs of transactions. Because of social, economic and institutional factors, commercial exchange at the "interface" between

European and African merchants had to develop mechanisms to facilitate trade.

Although we do not know precisely when credit became a regular feature of Anglo-Calabar trade, there is clear evidence that British traders who dominated trade with Old Calabar habitually advanced trade goods to Efik middlemen in the late eighteenth century. This practice continued during the palm oil era that followed British abolition of slaving in 1807.¹¹³ Credit advances undoubtedly helped to expand the scale of slave and other exports from the region and probably encouraged the consolidation of control of such exports by a small group of leading commercial houses. As a result, credit shaped economic relations at the coast as well as between the coast and interior.

The importance of credit is highlighted by the difficulty of conducting transactions in the currencies of the trade. As Guyer has argued, European traders supplied commodities that served as currencies in West Africa, but these currencies remained almost completely inconvertible and outside the region within which they circulated they were not accepted as legal tender.¹¹⁴ In the case of Old Calabar, the currency in use locally was the manilla, a bracelet-shaped piece of brass that was imported by British merchants. As with other currency zones within West Africa, manillas were imported but otherwise remained relatively isolated; conversion to European currencies was achieved through the credit system based on pawning, with default resulting in slavery. According to Guyer, the relative isolation displayed in this currency "interface" in turn deterred European capital from penetrating and shaping the economies of precolonial West Africa. Our findings suggest the opposite, however. Despite the so-called "currency interface," inflows of British capital were achieved, the results of which encouraged the integration of the Cross River region and its hinterland into the wider Atlantic economy after 1750, a process that had probably begun earlier still.

Expansion of credit had important implications for Anglo-Efik commercial relations as British traders sought protection against nonpayment of debt. Building trust with local merchant houses perhaps offered some protection against the risk of defaulting on loans. But the lodging of pawns with shipmasters seems to have become the principal means used as surety for loans at Old Calabar in the late eighteenth century. At one level, the evolution of this practice at Old Calabar offers an example of transactions costs economizing. However, as pawnship was also a method of securing loans in the domestic economy, pawning people as collateral for imported credit represented an important adaptation of local institutions in order to promote and facilitate cross-

cultural exchange. Similar adaptations of other indigenous organizations such as *Ekpe* probably occurred. In this respect, slave trading at Old Calabar provides a graphic illustration of how, despite cultural and other differences at the "interface," financial and commercial innovations allowed cross-cultural trade to flourish in precolonial West Africa. Price's observations on the importance of credit in the development of the slave systems of the Americas can therefore be extended to Old Calabar, at least. Moreover, our study indicates the mechanisms for credit in themselves could enmesh European merchants in African institutions. The tentacles of merchant capital appear to have been more far reaching than previously thought.

Notes

*The chapter was originally published in *The American Historical Review*, 104:2 (1999), 332-55.

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⁷ Ibid.

⁸ J. C. Miller, *Way of Death* (Madison, 1988), 189-95.

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¹² Ray A. Kea, *Settlements, Trade, and Politics in the Seventeenth-Century Gold Coast* (Baltimore, 1982), 239; K. O. Dike and Felicia Ekejiuba, *The Aro of South-Eastern Nigeria, 1650-1980* (Ibadan, 1990), 243.

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¹⁵ Kea, *Settlements*, 240.

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- 25 Dalemmain House, Cumbria, Hasell Mss., Trade book of *Dobson*. We are grateful to Mr Robert Hasell-McCosh for permission to use material from his family's papers.
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- 77 Lambert, ed., *Sessional Papers*, vol. 71 (1790), 227-29.
- 78 Adams, *Remarks*, 143; P.R.O. C 107/13, 11 June 1792, Hammett Forsyth to James Rogers.
- 79 P.R.O. C 107/12, 16 October 1789, Duke Ephraim to Rogers & LRoach [Laroche].
- 80 Granovetter, "Economic Action," 490.
- 81 Berry, "Stable Prices, Unstable Values," 309.
- 82 Williamson, "Credible Commitments," 519.
- 83 Marc Galanter, "Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law," *Journal of Legal Pluralism*, 19 (1981), 23.
- 84 Gareth Austin, "Indigenous Credit Institutions in West Africa, c. 1750 - c. 1960," in Gareth Austin and Kaoru Sugihara, eds., *Local Suppliers of Credit in the Third World, 1750-1960* (London, 1993), 106-8; and the various studies in this volume.
- 85 Kea, *Settlements*.
- 86 Evidence of James Fraser, in Lambert, ed., *Sessional Papers*, 71 (1790), 16.
- 87 E. J. Alagoa and A. M. Okorobia, "Pawnship in Nembe, Niger Delta," in this volume.
- 88 Williams, *Liverpool Privateers*, 533.
- 89 Evidence of James Morley, in Lambert, ed., *Sessional Papers*, vol. 72 (1790), 156.
- 90 Evidence of John Ashley Hall, in Lambert, ed., *Sessional Papers*, vol. 72 (1790), 227.
- 91 "Diary," 35.
- 92 "Diary," 35, 44, 59; evidence of James Arnold and David Henderson, in Lambert, ed., *Sessional Papers*, vol. 69 (1789), 52-56.
- 93 Lambert, ed., *Sessional Papers*, vol. 69 (1789), 52.
- 94 Kea, *Settlements*, 238.
- 95 See Papers of James Phipps, P.R.O. C 113/261, letters to and from Commenda, Succunde and Dixcove, May-October 1716.
- 96 See this volume.
- 97 Williams, *Liverpool Privateers*, 543-44.
- 98 P.R.O. C 107/12, Apr. 1788, Richard Rogers to James Rogers.
- 99 On family ties between slave dealers and pawns, see the evidence of John Ashley Hall, in Lambert, ed., *Sessional Papers*, vol. 72 (1790), 227.
- 100 P.R.O. C 107/12, 20 July 1788, Richard Rogers to James Rogers.
- 101 For instance, James Arnold, in evidence to Parliament in 1790, reported that the master of the Bristol ship, *Ruby*, which traded at Bimbia in Cameroons in 1787-8 had released 11 slaves and some ivory to three local merchants in order to allow them to redeem pawns from another ship, the master of which was threatening to sail away with pawns. Arnold reported that the 11 slaves secured the release of "Six or Seven" of the merchants' pawns (Lambert, ed., *Sessional Papers*, vol. 72 (1790), 52).
- 102 P.R.O. C 107/12, 20 July 1788, Richard Rogers to James Rogers.
- 103 Williamson, *Economic Institutions*, 17.
- 104 Latham, *Old Calabar*, 28, 38.
- 105 "Diary," 49, 59.
- 106 Evidence of John Ashley Hall, in Lambert, ed., *Sessional Papers*, vol. 72 (1790), 227.
- 107 "Diary," 59-60. According to Donald Simmons (*ibid.*, 70), to "blow Egbo" on someone means to suspend all dealings with the person.
- 108 Williams, *Liverpool Privateers*, 543.
- 109 Evidence of James Fraser, in Lambert, ed., *Sessional Papers*, vol. 71 (1790), 15.

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- ¹¹⁰ See above, Falola and Lovejoy, Chapter 1.
¹¹¹ P.R.O. C 107/12.
¹¹² Curtin, *Cross-Cultural Trade*, 48.
¹¹³ Martin Lynn, "Bristol, West Africa and the 19th Century Palm Oil Trade," *Historical Research*, 64 (1991), 363-64; Martin Lynn, "The West African Palm Oil Trade in the Nineteenth Century and the 'Crisis of Adaptation,'" in Robin Law, ed., *From Slave Trade to "Legitimate" Commerce* (Cambridge, 1995), 60.
¹¹⁴ Guyer, "Currency Interface," 9.

CHAPTER 5



PAWNSHIP IN NEMBE, NIGER DELTA

EBIEGBERI J. ALAGOA and ATEI M. OKOROBIA

Pawnship has not been researched or recorded extensively among the Nembe of the eastern Niger Delta of Nigeria. Indeed, this chapter is a preliminary study of pawnship among the Nembe subgroup of the Ijo (Ijaw). We have conducted oral interviews with elderly persons mostly in the Nembe metropolis in the period 1989-91 and have attempted to re-interpret other historical traditions recorded earlier. Our intent is to explore the concept and forms of pawnship among the Nembe, its history and possible origins, operations, and recent developments in the institution. The settlements of the Nembe lie mainly between the Rivers Brass and Santa Barbara inland from the Atlantic coast along the estuaries of these rivers north to the end of the salt water or mangrove delta. The metropolis of Nembe (comprising the major sections of Ogbolomabiri and Bassambiri, the ritual village of Oromabiri, and Okipiri and Tubopiri islands) lies in the heart of the territory. Okpoama, Twon, and Odioma lie along the sandy beach ridge on the estuaries, while Okoroma, Ikensi and Oluasiri lie astride the salt and fresh water divide.

Geography has implications for economy and for social and political history. The location of the Nembe in the salt-water delta has resulted in an economy based mainly on fishing for subsistence and trading the surplus for agricultural produce of the fresh water delta and the immediate hinterland. The sea water and mangrove roots were also exploited for salt, which provided an additional resource for internal

trade up the Niger into the Igbo country and beyond, and across the delta to the west into Itsekiri and Yoruba country as well.¹ Along with other delta states, the Nembe became middlemen in the slave trade and, from the beginning of the nineteenth century, in the palm oil and kernel trade between the visiting Europeans and the communities of the Nigerian hinterland. It was in the context of the labor demands of this economy that institutions such as domestic slavery and pawnship operated. Farming was possible only on a subsidiary level in the areas adjoining the fresh-water delta in which some plantation villages came to be established from the late nineteenth century. Otherwise there was virtually no agriculture.

Economy and ecology combined to influence the development of social and political institutions.² The most relevant institutions for a study of pawnship are those of marriage and kinship, and in particular, the political institutions of House rule, which was the corporate structure that dominated Ijo society. Two forms of marriage contract operated: one in which a large bridewealth was transferred and another in which the bridewealth was small. On the one hand, the small dowry system which was the normal system between local families gave the Nembe and most Ijo communities of the Niger Delta the characteristics of matrilineal societies. A big dowry marriage, on the other hand, had the effect of developing patrilineal affiliation for offspring. Matriliney was important in the context of House rule in the eastern Niger Delta states³. The House was a maximal lineage, trading corporation, military and naval formation, and it was the social and political unit within which pawnship developed. Nembe conceptions and forms of pawnship therefore came into being within the context and in the framework of matriliney and House rule.

Concept and Forms of Pawnship

Among the Nembe, the pawn occupied a position between the free citizen living in the security of a maternal family, kin group, or House and the slave completely removed from his or her original natal group and treated as pure chattel. The pawn was considered to be similar to a slave although not the same as a slave. One informant defined the Nembe term for pawnship, *pagi*, as *kala deri*, mini-slavery, a mini-sale.⁴ Another informant considered a pawn who was finally forfeited as a virtual slave, in being "sold already."⁵ However, it appears that owners of pawns exercised more caution in their treatment than they did with slaves. Pawns could not be sold or sacrificed as slaves were. The interpretation of the second informant refers to the degree to which the

pawn was alienated from his or her original family and the extent to which the transfer to the family and House of the owner placed the pawn in a situation similar to that of a slave. The general feeling of most informants tended towards equation of the terms pawn and slave. Accordingly, informants generally refused to name forfeited pawns or their descendants, since it was conceived as a status to which the stigma of slavery could be attached.

Local perceptions of pawnship emphasize its economic dimensions but also distinguish pawnship from slavery. A pawn served as collateral or security for a debt and was held by a creditor for an agreed period of time during which the debt was to be settled. By contrast, a slave was purchased outright. After the expiration the contracted period of pawnship, if the debt was not repaid, the pawn became the property of the creditor. Slavery lasted indefinitely and even passed into the next generation. Slaves also possessed the right to manumission, with the important difference that "a person who was originally pawned regained freedom on payment of a sum equal to the original debt; a former slave had to repay a sum double the original purchase fee of himself or parent."⁶ Thus, whereas the labor of a pawn only served as interest on the loan or debt, that of the slave was "use value personified."⁷ Furthermore, a master was obliged to exercise greater restraint over the behavior and a pawn than over a slave, even after the expiration date. At least one informant affirmed the possibility of a contract without a fixed time period, so that redemption might be delayed for some time.

Again, whereas most slaves in Nembe were drawn from outside Nembe territory, pawns generally were acquired from within Nembe. Pawnship contracts were agreements between persons who knew each other well and had confidence in and access to each other, whereas in slavery there was total alienation from the onset, which was expected to be permanent. Normally, there was linguistic, cultural, and geographical closeness between pawn and master so that the family and kin of the pawn remained observers of the condition of the pawn.

Although the economic and social implications of pawnship are central to an understanding of the institution, there was a religious dimension to pawnship that existed from quite early times. Persons who were unable to carry out certain expensive rituals gave themselves up to the deity to serve it. This was most common with the national deity, Ogidiga, whose totem, the royal python, *python regius* (*ekekoru*), was on no account to be killed or seen dead. A person adjudged guilty of an offence against *ekekoru*, at one time, was executed, but at some time in the past, such individuals were allowed to offer themselves as pawns in the service of the shrine at Oramabiri.⁸ The tutelary deity of Okpoama

was quite unique in that persons came to the Atlantic coast from the metropolis in Nembe to make pledges. In one instance, for example, Kalapogu and Basuoba came to pray for the survival of their children. They offered the last surviving child to Kalaorowei. The last surviving son, Kalapoguyai Bokolo, became the father of a line of priests and kings in Okpoama.⁹ The king at the time of Bokolo's arrival was named Orukari, "a person who was brought to offer prayers to the god," because "whenever his mother delivered, the child used to die, [and so] his mother brought him to the god."¹⁰

We note that in the case of a person who committed a religious offence, such as the destruction of a sacred python, no substitute or nominee was acceptable. The offender had to be surrendered to serve the god, whatever his or her status. This reduction to the condition of pawn, of course, was the opposite of the economic pawn who was normally offered in place of a social superior. The place of service of the ritual pawn was also specific and limited to Oromabiri for persons offered to Ogidiga, and to Okpoama for pawns of Kalaorowei.

The Roots of Pawnship in Nembe

On present evidence, we cannot date pawnship in Nembe before the seventeenth century from the reign of King Orukari of Okpoama and his contemporaries Mingi and Ogbodo at Nembe. By this time the overseas slave trade and domestic slavery were already well established, as is clear from the local evidence of the drum praise name that Mingi took:

<i>Omoni mangi-a</i>	He who executes
<i>Pele</i>	The runaway slave

It is likely that the onset and maturity of the overseas slave trade probably provided the initial setting for the development of pawnship. Pawnship and slavery seem to be linked, and the measures cited by informants for the liabilities leading to pawnship relate to the period of the overseas trade and indeed to the palm-oil trade of the nineteenth century especially. The value for pawns was reckoned in casks of oil (*pulo poni*), bottles/cases of gin (*jini igba*), kegs of gunpowder (*founkuaturu*), measures of real India cloth (*injiri ikiba*), a leaf or case of tobacco (*diritibi diribodi*), and other trade goods.

The reasons for pawning were mainly traditional, including the imperative to satisfy religious obligations beyond the means of devotees or suppliants, the inability of family heads or chiefs to meet responsibilities for funerals or other customary duties, crises caused by natural, social or political disasters, the demands of vocation or apprenticeship in terms of political office or equipment, and economic

hardship created by mismanagement or irresponsible action such as gambling or drunkenness.

In the religious sphere, forfeiture of freedom to a cult or shrine could occur outside the cases already cited where children were offered as a result of prayers answered or adults surrendered for offenses against the gods. Many religious rites required substantial material investment. Some priests claim that their gods "provide" the resources for festivals and periodic rituals; yet such provision had to be organized. Those priests and devotees who were unsuccessful in economic management sometimes ended up pawning themselves, but usually their dependants, or in recent times, valuable property were used for the funds to carry out the wishes of the gods.

Nembe families and their heads (*furotibibo*) were obliged to provide funerals for their members according to custom. Each member of the family as well as relations by blood or marriage had a specified role to be performed, and obligations varied according to the status of the deceased. When a family did not have the resources for a funeral, they sometimes pawned one of their members to a wealthy man or chief who then undertook to pay the funeral costs.

Floods, storms, fire, civil unrest, and war were some of the other factors which brought people to their knees so that they had to consider the option of pawnship. Occasions when whole villages burnt down and the people forced to resettle are remembered in the traditions. In 1895, for example, many people appear to have been pawned after the British Royal Niger Company defeated the Nembe at Akassa. The RNC imposed an economic blockade on the Nembe, and then bombarded the town. This crisis coincided with a small pox epidemic.¹¹ These conditions impoverished many people, and a number of the pawns known to several of our informants appear to trace their hardships to this period.

Apprenticeship contracts provided fertile ground for pawnship to flourish. There were certain professions such as lumbering and deep sea fishing which required periods of apprenticeship and training.¹² Those apprentices who did not possess the wherewithal to pay for the training subjected themselves to conditions of pawnship in order to acquire the skills, or they became pawns to obtain the tools that would be needed after graduation. Under these conditions, the apprentice agreed to work without pay for an agreed length of time beyond graduation. The master was required to provide the apprentice-pawn food, accommodation, and clothing.

Family heads and heads of Houses exercised great power over the lives of their members. Such leaders were expected to be responsible and

capable managers of the fortunes of their lineage groups. Occasionally irresponsible or incompetent persons became leaders, sometimes through right of birth which continued to apply even though selection by merit became the norm.¹³ Indeed, the reason why informants avoid discussing individual cases of pawnship relates to the shameful accounts of gambling and drunkenness in which leaders fell into debt and sent into pawnship and even slavery members of the group they were selected to serve. Since such irresponsible leaders had already mismanaged the resources of their groups, the amounts for which pawns were given out were reported to be often very small.

These examples of how people fell into a condition of pawnship within traditional society show that the institution probably developed from local roots. The impact of the overseas trade on the local economy and society appears to have provided the context for its establishment, perhaps in the late seventeenth century or the early eighteenth century.

Pawnship in Nembe Society

The matrilineal structure of Nembe society had a bearing on the choices of the gender of pawns preferred by creditors. Most informants stated that female pawns were preferred. The reason was obviously related to matriliney by which "A child grew up into the House of its mother, and women were, accordingly looked upon with favor for their sons and daughters would increase House membership."¹⁴ But a parent or the head of a House or family could only keep the children of a female member if the marriage had been contracted by a small dowry. A marriage involving a large dowry meant the transfer of the children to the lineage of the father. Consequently, most wealthy men invested part of their wealth in acquiring female pawns. To ensure custody of the children of these pawns, they had to be married to male pawns, to the owner himself, or to free men on small dowry. The owner claimed all children born of female pawns from the moment they became pawns throughout the duration of the contract. Only children born from a pregnancy prior to the contract went to the original family of the pawn. By contrast, the children of a male pawn could only belong to the owner if he contracted a marriage with a big dowry, or if the male pawn married a female pawn, the master's daughter, sister, or other member of his House or group. In order to increase the size of the creditor's lineage or household, therefore, the advantage lay with acquiring female pawns. For the same reasons of lineage affiliation by matrilineal succession, debtors gave out females as pawns only as a last resort.

In effect pawn marriages constituted a third category of marriage in Nembe. The following forms may be distinguished: cases where a creditor caused his male and female pawns to marry, and cases in which a creditor caused his female pawn to marry his son or male relative or married her himself. No transfer of bride-wealth was involved in the first case since both man and woman were the property or dependants of the creditor. The children of the marriage automatically became members of the creditor's family, or household, as "interest" accruing from his investment. In the case where a female pawn married a son or relative of the creditor, there was the transfer of a small amount of bride wealth from the relative to the creditor. The children were claimed by the creditor. The creditor paid no bride-wealth to the family of a female pawn whom he decided to marry, and he still kept the children of the marriage in his family.¹⁵

An example of a pawn-broker who successfully used female pawns to "procreate families" (*furo di*) in the nineteenth century was Chief Amaebite, originally of Oguama (Okoroma). His extensive business connections ranged from Kula (Kalabari) to Nembe and Ikensi, which he had built up in part through his biological kin, but in large part from his effective use of male and female pawns. He was able by these means to build his own settlement, Amaebiteama.¹⁶

Pawns were acquired as a means of labor recruitment. For this purpose, male pawns were preferred. Such economic use of male pawns is best envisaged in the context of the overseas trade where the chiefs used labor to equip the large trade canoes to collect slaves or palm oil from producing centers in the hinterland and transport these goods to the European ships on the coast. Some pawns were used on the plantations of the fresh water delta to collect forest products. The male pawns and slaves also served as manpower for the war canoes that protected the trade routes. They reenforced the strength of the House in internal political contests as well.

The life of a Nembe pawn does not appear to have been hopeless. A pawn became a member of the family and House of the creditor. A fictive relationship was established. The creditor became "father" of the pawn, and his wife became "mother" of the pawn. Under House rule in Nembe and in other eastern Niger Delta states, there was ample room for individual enterprise and opportunity to rise in the system. Such opportunities existed even for slaves, to the extent that Jaja rose from Igbo slave to the status of a principal chief at Bonny who eventually rivalled even the king.¹⁷ An enterprising and resourceful pawn could also rise within the family and House of his owner to a position of leadership. Indeed, a pawn enjoyed virtually all the rights and privileges enjoyed by

other members of the community. When he died, he was buried by members of his owner's family and House. This, indeed, remains the final seal of the social place of the pawn and evidence of his ultimate alienation from his biological kin.

One example of a mutually satisfactory pawnship contract dates from the late nineteenth century.¹⁸ Efeke of the Ikeni family of Akipelai (Ogbia) came into the Pegi House of Bassambiri. He became integrated into the House to such an extent that after the obligations of the pawnship contract had been fulfilled by his family, Efeke remained in Bassambiri, where he raised a family and was eventually buried in his foster home by the Ikeni family of Akipelai. Efeke's grandson was recently installed a chief of the Pegi House of Bassambiri.

Colonial Developments

British colonial policies against slave dealing and slavery from the turn of the century created changes in pawnship as a related institution. Sir Ralph Moore, High Commissioner for the Protectorate of Southern Nigerian, promulgated a Slave Dealing Proclamation in 1901 which he had to withdraw because of its rejection by the chiefs of the Niger Delta area. He modified its terms in order to minimize the adverse effects on House rule in the new Native House Rule Proclamation of the same year. The purpose of the proclamation was to destroy the practice and status of slave and to give legal effect to the full membership of slaves in the Houses. There was no formal ban placed on pawnship, but the proclamation protected pawns from falling into slavery.

The impact of Christianity, which was introduced into the Nembe area in 1864, also tended to ease the plight of pawns and thereby reinforced the protection provided by colonial authorities. The growth of western education has also led to changes in the practice of pawnship. Through colonialism to independence the economic outlook has undergone revolutionary changes which have increased the confidence of individuals and groups within a wider Nigerian and even international context. The demise of pawnship under colonialism is beyond the scope of this study, but a few points should be noted in passing.

As we have seen, under Nembe religious law, any person who caused the death of a royal python might well end as a pawn. In 1906, such a person was fined seven plates (*sonoma efere*)¹⁹ of chinaware and also had to perform rituals of purification. If the death of the python was judged to have been caused deliberately, the penalty was invariably execution. Now death is no longer imposed. Instead a fine to the value of a human being, *kimitibi ingo*, is charged, and this in effect has led to the

continuation of pawning. One informant recounted a recent incident where a young lady accidentally killed a royal python.²⁰ Since the lady's family could not pay the fine or cover the bill for the rites of purification, she had to move to Oromabiri to serve at the shrine of Ogidiga until the charges were paid and the ritual and sacrifices were met, which was only done in 1991. She was then able to leave Oromabiri and return to her family in Bassambiri.

This and other examples show that pawnship of persons to gods still goes on in Nembe, but many people who are followers of Christian or Islamic sects are not affected. Many Christians and Muslims are almost fanatical in their rejection of traditional beliefs and now treat religious taboos with contempt.

In the operation of pawnship as an economic enterprise the exchange of persons is no longer practiced. Pawnship contracts now take the form of pledging valuable heirlooms, property such as canoes, or cloth for the loan of money, which has to be repaid over an agreed period of time. There is even an organized pawn-broking establishment in Nembe, the Biosylva Fund Enterprise of Nigeria, registered with the government in August 21, 1990, although the operators had started business in January 1989. According to our informant, the business started as a humanitarian undertaking, and still charges a low level of interest on loans advanced to the public from funds derived from the periodic contributions of shareholders and loans from thrift and savings societies.²¹ The business is handicapped by inadequate capital, lack of modern business skills, and a large number of defaulting customers. Because of its humanitarian beginnings, the business has been soft on defaulters, and sometimes, the value of pawned property turns out to be less than the loan. In spite of all its problems, however, Biosylva Fund Enterprises has made modest profits in an era of structural adjustment in the Nigerian economy.

Conclusion

Pawnship appears to have come into being over a hundred years after the overseas trade began and after the establishment of domestic slavery in Nembe. The institution was, accordingly, conceived in the vocabulary and in the context of overseas trade goods and the institution of domestic slavery. Pawnship, however, derived from older traditional activities and customs. Therefore, it constituted part of the historical development of the economy, society, politics and culture of the peoples of the Niger Delta.

The institution of pawnship apparently underwent major changes from the introduction of colonial rule over the city-state of Nembe after the conflict of 1895, and it had virtually disappeared by the time of the

traumatic events since independence, including the 1967-70 civil war. Pawnship of persons has given way to pawnship of property as an economic activity. Changes have taken place in the religious function of pawnship, but not as fully as in the economic and social spheres.

Notes

1. E.J. Alagoa, "Long Distance Trade and States in the Niger Delta," *Journal of African History*, 2, 3 (1970), 319-29; F.N. Moses-Gombo, "Fishing, Salt-making, and Trading in Nembe before 1900," B.A. Project, University of Port Harcourt, 1987; and A. M. Okorobia, "A History of the Fishing Economy in Rivers State, Nigeria," M.A. Thesis, University of Port Harcourt, 1989.
2. E.J. Alagoa, "The Development of Institutions in the States of the Eastern Niger Delta," *Journal of African History*, 12, 2 (1971), 269-78.
3. K.O. Dike, *Trade and Politics in the Niger Delta 1830-1885: An Introduction to the Economic and Political History of Nigeria* (London, 1956); G.I. Jones, *The Trading States of the Oil Rivers: A Study of Political Developments in Eastern Nigeria* (London, 1963); E.J. Alagoa, *The Small Brave City-State: A History of Nembe (Brass) in the Niger Delta* (Madison and Ibadan, 1964); Alagoa, *A History of the Niger Delta: A Historical Interpretation of Ijo Oral Tradition* (Ibadan, 1972); and Alagoa and T.N. Tamuno, *Land and People of Nigeria: Rivers State* (Port Harcourt, 1989).
4. Interview with Chief Sylvester Mangi Pegi, 90 years old, at Bassambiri, 1/1/90.
5. Interview with Chief Robert Dede, over 80 years old, Ogbolomabiri, 31/12/89.
6. Alagoa, *Small Brave City State*, 18.
7. See above, Falola and Lovejoy, "Pawnship in Historical Perspective."
8. Chief S. Mangi Pegi.
9. Interview with Daniel Dase Aneri, over 70 years old, Okpoama, 1964; L.A. Orubere, *The Dynasty of Orukari, Amanyenabo of Okpoama: A Chronicle of Berembo Idu Tugumi* (Okpoama, 1988), 1.
10. Chief Rowland Elei Tamunobere, Amanyenabo (king) of Okpoama, (born 1900); E.J. Alagoa and Kay Williamson, *Ancestral Voices: Oral Historical Texts from Nembe, Niger Delta*, Jos Oral History and Literature Texts (Jos, 1981), 22-23.
11. J. Kirk, "Report on the Disturbances at Brass," Africa No. 3. [Cd. 7977], London, 1896.
12. Okorobia, "Fishing Economy in Rivers State," 51.
13. Claimants to office through birthright use the following adage to press their claims, and often succeed: *Eferebei wori te nyanabo bara re gho fi* (Let the plate break in the hands of its owner).
14. Alagoa, *Small Brave City State*, 23.
15. Chief Robert Dede states a minority view that female pawns could only be married after the contract period expired, and that a creditor could only claim children born after the contract expired.
16. Interview with Roseline Bokolo, c. 35 years, fisherwoman, Amaebiteama, 26/6/90.
17. Dike, *Trade and Politics*.
18. Chief S. Mangi Pegi was personally responsible for installing Efeke's grandson, Mark, as chief of Pegi House to succeed him.

19. *Sonoma efere*, seven plates, was, according to Leonard in 1906, "only used in this particular case." Six pieces of cloth and a bottle of rum were considered equivalent to seven plates. See A. G. Leonard, *The Lower Niger and its Tribes* (London, 1906), 331.
20. Interview with Mr. Amakiri Ekine, businessman, aged c. 33, Sabatoru, 17/5/91.
21. Interview with Mr. Boukuma Enu, manager of Biosylva Fund Enterprises, aged c. 35, Ogbolomabiri.



CHAPTER 6



SLAVERY AND PAWNSHIP IN THE YORUBA ECONOMY OF THE NINETEENTH CENTURY

TOYIN FALOLA

"Slaves were kept for non-economic purposes."¹

"The system of pawning that gave rise to iwofa labour was not a common practice of the Yoruba and . . . it only became an important mode of labour recruitment in the 1890s."²

These two opening quotations are misleading, but their author, Adeniyi Orogé, pioneered the study of slavery and pawnship among the Yoruba, and it is important to examine the reasons why he reached his conclusions. His approach is based on the assumption that Yoruba slavery and pawnship differed from labor institutions elsewhere because they were not oppressive. Despite the evidence that he presents on the ubiquity of slavery and pawnship, he believed that kinship was at the core of labor organization and that a kinship idiom defined the practice and ideology of both slavery and pawnship.³ Writing in the late 1960s, the golden age of nationalist historiography, Orogé maintained a comfortable distance from scholars such as Walter Rodney, who realized that slavery was a form of social oppression.⁴ Orogé used his impressive

data to demonstrate a contrary thesis: that slaves and pawns were harmoniously integrated into the households of their masters and shared the fruits of their own labor. For Oroge, African slavery differed from that of the American plantation economy. He moralized that it was no sin to keep slaves and pawns in Africa because they were well treated: the so-called slaves generally discharged their duties with apparent efficiency and with the minimum of either supervision or compulsion, thanks largely to the operation of a system of incentives.⁵ He objected to the use of the term "slave," suggesting instead the use of other labels, including "villenage," "subject," "servant," "serf," or even "pawn."⁶ When later he studied pawnship as an independent scholar, he settled for the Yoruba word *iwofa* apparently to implement his preference for using local terms to emphasize the non-oppressive character of pawnship.⁷

To a large extent, Oroge was an heir to a long-standing position among the Yoruba elite, cultural nationalists who considered slavery and pawnship as benevolent social institutions that were used to recruit labor and to assist the needy. Samuel Johnson, the nineteenth-century scholar and guru of Yoruba history, made the same point in his comments on both institutions.⁸ Many of his successors, including academic scholars, continue to argue that Yoruba slavery was benevolent and that the term "slavery" itself is inappropriate.⁹ Other studies on African societies have tended to reach different conclusions and move the subject in a different direction. The mainstream research examines servile institutions in the broader context of the development of the transatlantic system.¹⁰ For these scholars, it is important to understand the historical background which made it possible for large numbers of slaves to be moved from Africa to the Americas. Since the Yoruba region was particularly important as a source of slaves for Brazil and Cuba in the nineteenth century, it is especially important to understand the operation of servile institutions in the Yoruba region at the time, as well as subsequent to the abolition of the transatlantic slave trade from the region in the 1850s. The present contribution is intended to analyze the role of slaves and pawns in the economy of the Yoruba states in the nineteenth century, specifically in the context of the major changes in the region during the century. In so doing, it will be shown that both institutions were widespread; moreover, new light will be shed on the African dimension in the study of unfree labor in the development of the Atlantic economy.

The Organization of Labor

Four historical phenomena affected the organization of labor and its supply during the century: the abolition of the Atlantic slave trade, the expansion of agriculture, the rise of military states, and colonization by

the British. The abolition of the Atlantic slave trade had, as elsewhere, the effect of diverting slaves to internal requirements.¹¹ The gradual impact of abolition resulted in a lengthy transition to a new economy based on the export of raw materials rather than labor. This shift to the so-called "legitimate" trade was the second major development. As the successor to the Atlantic slave trade, the export of raw materials encouraged the extensive use of slaves in local production to meet the demands of the international market, especially in the second half of the century. Western industrialization was felt in the Yoruba economy as a demand for oils and fats; in general the end of the Atlantic slave trade increased Euro-African interaction.¹²

Slaves had been used for production before the nineteenth century, but "legitimate" trade expanded the market and thus put pressure on productive resources. The single most successful response to this pressure was to put more labor to work, and the major way to increase labor was through domestic slavery and pawnship. To those who had no reason for immediate cash, using slaves for production was more profitable than selling them, and those with access to capital were able to supplement their labor requirements through pawning. "Legitimate" trade provided an excellent option for those with slaves and pawns. Those who wanted to sell their slaves abroad still had the opportunity to do so in the first half of the century, since the external market did not close all at once, and if necessary pawns could be acquired when slaves were scarce or too expensive.

While there is as yet no major study of Yoruba agriculture in the nineteenth century, one conclusion that will be hard to challenge is that farming expanded in scale and scope during the second half of the century, partly to meet the demands of external markets.¹³ As farming expanded so did the use of slave labor and pawns. Trade, too, expanded, and the shipment of export products from the hinterland to the coastal towns required a large amount of slave and pawn labor. Unlike slave exports, many people, including the poor, participated in the production of palm oil and kernels because of low capital and labor requirements per unit of production. However, accumulating wealth in this industry was a different matter. Without the facilities of modern technology, many workers were necessary to produce large quantities of oil and kernels and to transport them in heavy pots over long distances.

The third development was the rise of military states created and nurtured by the use of force. Following the fall of Oyo, new city-states emerged¹⁴ at Ibadan, Ijaye, new Oyo, Oke-Odan, Abeokuta and Ilorin.¹⁵ These new city-states were governed by military or authoritarian regimes which dispensed with or modified previous monarchical traditions.¹⁶

Each of the key operators of these states needed hundreds of people to fight, farm and trade. Their answer was to perfect the use of warfare, kidnapping and raiding as enslavement mechanisms. In the intense competition between these rival states on the one hand, and between the leaders of each state on the other, slaves occupied a prominent position. Large households, large farms and a large band of followers became essential requirements in the maintenance of power. The acquisition of pawns was also instrumental in the accumulation of power.

While the character of the military and political elite is clear, there is very little on the sociology of the households that they built. While a household had all the attributes of a lineage, a study of Ibadan has demonstrated that these households controlled its members differently from those of kinship groups. Furthermore, households experienced a continuous process of fission.¹⁷ Households were economic units with slaves providing the most valuable labor; pawns supplemented these requirements. In effect, there was a range of relationships disguised within households, which might appear to uninformed outsiders as merely based on kinship but in fact included many unrelated servile members, both slave and pawn.

The fourth and final historical development which had an impact on labor mobilization was the gradual establishment of political authority by the British in the second half of the century. British forces occupied Lagos in 1851; a formal colony was announced in 1861; and the imperial move inland began in the 1890s, resulting in the swift transformation of the hinterland into a British Protectorate.

The British presence had a significant impact. The interests of "legitimate" trade were promoted, even though they interfered with local politics. British officers began to criticize slavery and later pawnship as social institutions, promoting instead peasant production and the use of wage labor. While the export of slaves across the Atlantic ended in the 1850s, there was little the British could do about domestic slavery and virtually nothing about pawnship. Indeed, in the second half of the nineteenth century, virtually all British officials considered slavery and pawnship necessary evils, and it was feared that their prohibition would affect the economy in negative ways.¹⁸ The British imposed conditions on the conquered Yoruba states that nonetheless led to a number of important changes in labor organization. The colonial regime used forced labor, but such impositions were considered temporary measures until wage labor undermined slavery and pawnship.

The Yoruba Economy

The Yoruba economy of the nineteenth century has been poorly studied. It is well known that tens of thousands of Yoruba slaves were exported to the Americas, especially between 1815 and the early 1850s, and the shift to palm oil and kernels as the major exports by mid-century had important repercussions in the interior. The few detailed works on different aspects of the economy reveal a society that was highly stratified and urbanized, dynamic in economic function, developed in its market institutions, and well connected to regional and international markets;¹⁹ and the available evidence indicates that there was a very large number of slaves and pawns among the population.

The nineteenth-century economy revolved around agriculture, manufacturing and trade in a period of intense warfare and demographic change. Agriculture was dominated by crop cultivation; livestock production never developed beyond the keeping of small animals for occasional uses, and large-scale fishing was restricted to areas close to the sea and lagoons. Farming was the primary occupation for most of the population. Production was for both domestic consumption and for surplus to sell in local and international trade. Local manufacture supplied agricultural tools and goods for household use, while internal and regional trade was well connected to the international market in slaves, palm products and cotton, with slaves disappearing as an export in the 1850s, but with rubber and cocoa becoming important after the 1880s. The service sector included entertainment and medicine, both of which flourished, especially in the urban areas.

Slaves were used in the domestic economy to a much greater extent in the nineteenth century than ever before, as far as can be discerned from the available documentation. There is ample evidence to conclude that the economies of the big towns, the commercial centers and the military city-states relied on the large-scale use of slaves. Almost everywhere, slaves were essential in building new political bases and the economy to sustain them. To the military and political leaders, slavery was the best way to organize labor. Imperial Oyo had relied on slavery in the eighteenth century and continued to rely on slave labor in the early nineteenth,²⁰ as Clapperton and the Lander brothers observed in the late 1820s.²¹ The successor states of imperial Oyo, notably new Oyo, Abeokuta, Ibadan and Ijaye, subsequently made use of slaves in the thousands. The incidence of pawnship, especially in the first half of the century, is difficult to discern, but there is no reason to assume that it was unimportant.

The careers of Atiba of new Oyo, Kurunmi of Ijaye, Oluyole of Ibadan and Ogedengbe of Ilesa reveal a careful strategy of building

households through massive recruitment of slaves. Atiba relied on large numbers of slaves in relocating his supporters to new Oyo. Kurunmi migrated to his new home with hundreds of slaves and then expanded his following considerably. Oluyole combined his connections with the Oyo royalty with a large following that comprised hundreds of slaves to establish a base at Ibadan, while Ogedengbe imitated the Ibadan generals by acquiring comparable numbers of dependents and war boys at Ilesa. Similarly, Afonja of Ilorin recruited slaves in his campaign against the Alaafin, and after Afonja was overthrown by his own slaves, the new Muslim emirate continued the tradition of relying on slave labor.

Because these political actors and their subordinate officials promoted the expansion of households, their needs probably do more to explain the intense slave-raiding expeditions of the first half of the century than the requirements of the transatlantic slave trade. As slave raiding increased in the first twenty years of the century, military men found it more profitable to divert slaves to their own households than to sell them abroad. Since no one could have achieved power without a large number of followers, the personal households of the elite had to be maintained and also supplied with the resources to fight. It was possible to assemble a following through the manipulation of available resources for enslavement; armed slave supporters were used to make other slaves. The labor of slaves was also used to amass fortunes in more productive ways. Besides their importance in agriculture, occupations such as horsetending, ropemaking, barbing and cowherding were probably dominated by slaves.²²

The relocation of people to the new city of Oyo after the destruction of the imperial capital in the early 1830s was typical of the new social order of the nineteenth century. The Muslim rebellion of 1817 and continued Muslim unrest thereafter undermined the heartland of imperial Oyo, and, when forced to evacuate the old capital in the early 1830s, Atiba engaged in slave expeditions to recruit personal followers and labor in order to establish a new base to the south.²³ As in old Oyo, slaves played "traditional" roles in the palace, served in the army and diplomacy, and were used on the farms and as porters in the caravan trade.²⁴

At Kurunmi's Ijaye, slavery was also integral to society. Although it was a new city-state, the area was already well known as a market for slaves exchanged between Oyo and the Egba. As one missionary observed, Are Kurunmi was able to accumulate slaves, wealth and power through outright plunder. Kurunmi's household was so full of slaves and wealth that his compound was

a fortress and covered about eleven acres of ground. He had 300 wives and 1,000 slaves. His steward or manager of his domestic affairs was a slave only in name, for he himself owned 300 slaves and had a large domestic establishment of his own. Within the vast labyrinth enclosed by the outer walls of his compound, were stored away an untold amount of treasures of many kinds.²⁵

Kurunmi could not have emerged as a political leader and a wealthy entrepreneur without slaves. His other chiefs, although subordinate to him, also employed slaves. One of Kurunmi's farm was over a hundred acres worked by an army of slaves.²⁶

At Ibadan, the use of slaves was also part of the strategy of political and economic expansion. In its early years in the 1830s, slave raiding was very intense and the careers of its early leaders were dependent upon it.²⁷ The number of slaves belonging to Oluyole, for instance, was estimated in the "thousands."²⁸ His fellow chiefs also acquired slaves in the hundreds. Hinderer, the first European missionary to live there, compared the place with London in the 1850s in terms of its rate of population increase, which he attributed to the acquisition of new slaves through warfare.²⁹ According to his report of 1859, the overwhelming number of slaves raised fears of an uprising.³⁰ In 1877 the Yoruba missionary, the Rev. James Johnson, estimated that there were more slaves than freeborn.³¹

The situation at Abeokuta was similar.³² In 1846, according to Townsend's estimate, the bulk of the population was enslaved;³³ the number of slaves being "exceedingly large and contribut[ing] a very considerable proportion of its population."³⁴ In 1880, its wealthiest citizens boasted of possessing 200-500 slaves; some slave owners did not even have an accurate count of their possessions.

Neighboring Ijebu also had an elite that depended on slaves, as Johnson reported in 1898.³⁵ There are similar descriptions for Ondo and Ilorin.³⁶ The war heroes that emerged in the east were particularly greedy in acquiring slaves.³⁷ For instance, Ogedengbe of Ilesa counted his slaves in the thousands, although the figures attributed to him were probably exaggerated to inflate his importance.³⁸

The use of slaves was thus not limited to the economy, the focus of this essay. Slaves were used in such diverse activities as the palace bureaucracies and the "public" sector in general. Samuel Johnson made it very clear that slaves were essential to the military of Oyo and later states, as well as in the building of households and harems.³⁹ As

numerous scholars, including Oroge and Smith, have confirmed, the evolution of the new dynasties and kingdoms was closely linked to slavery.⁴⁰ Ojo has established that slaves were used in the palaces for a multiplicity of functions,⁴¹ and Idowu has pointed to their role in religion as objects of sacrifice. This importance extended to the economy.⁴²

The Economic Role of Slavery

For those who had access to slaves, especially in large numbers, there was no need to rely on co-operative work groups with the reciprocity that it involved. Neither was it economical to make use of the labor of the lineage for the simple reason that lineages did not tolerate exploitation. Indeed reliance on lineage labor slowed the expansion of economic activities because of the lack of reliability and limited nature of lineage support. Hence those who acquired substantial wealth in one way or another were connected with slavery, either through large-scale farming or extensive trade in local and imported goods. Most big farms and commercial ventures were connected with men and women with large households. While most households had many freeborn members, the slave population was usually more numerous. As some contemporaries described them, households had some characteristics of "military barracks" because of the importance of slave raiding and warfare, but their functions extended to farming and trade. While the wealthiest slave owners had hundreds, even thousands of slaves, a British officer in the mid-1860s defined anyone with ten slaves or more as rich. One Lagos chief so described had between twenty and thirty slaves.⁴³

Holdings of ten to twenty slaves were insignificant compared to what the influential warriors had, however. At Epe in the 1850s, Kosoko, the exiled king of Lagos, and his lieutenant, Tapa Osodi, each had over five thousand slaves working on their various plantations.⁴⁴ According to Samuel Johnson, writing at the end of the century, "The chiefs have large farms and farm houses containing a hundred to over a thousand souls. These extensive plantations not only support their huge establishments but also supply the markets."⁴⁵ A local historian has tabulated the number of influential households at Ibadan at 104,⁴⁶ which accounted for much of the estimated population of 100,000 in 1877.⁴⁷ Efusetan Aniwura had 2,000 slaves on her plantation, according to Johnson.⁴⁸ At Abeokuta, a literate resident, himself a Yoruba, wrote that there were wealthy individuals with at least 400 slaves, and the largest farmers had between 100 and 500 slaves on their plantations.⁴⁹ In Ijebu, the *Balogun* of Ikorodu was reported to be in possession of over 400 slaves in 1892,⁵⁰ while the *Lisa* of Ondo, a high-ranking chief, had over 800 slaves.⁵¹

Plantations, whether big or small, were devoted to a variety of crops to meet the requirements of subsistence and trade. These plantations had a number of common features. Since slaves and other farmers resided on them for long durations, they consisted of hamlets and farm houses where slaves and their masters or the representatives of their masters resided. If security was a problem, the plantation or at least the farm houses were fortified. If a plantation was not within walking distance of a town, a small village was founded to house the farmers, who included free persons and slaves who did not necessarily work on the same land or belong to the same master. In general, male slaves farmed the land, and female slaves produced palm oil, gathered kernels and processed other agricultural products.

Villages and farms defined the character of rural life and thus of slaves who worked on the plantations. Villages were never centers of power, entertainment or culture in the Yoruba country, which had already become noted for its urbanization before the nineteenth century. The elite who owned the plantations tended to be absentee landlords who relied on occasional visitations and the use of supervisors. A village had a head, a part-time administrator who settled minor problems and reported to his overlord in town. Livestock keeping was part of village life. In some areas, tending cattle was assigned to slaves of northern origin because they were more knowledgeable in rearing livestock than local people.⁵² Craft production developed more fully in the cities, but the larger villages had smiths to repair tools. Hawkers of small items and itinerant men and women who performed a variety of occupations visited these settlements.

Slaves divided their time between working for their masters and for themselves, as noted in 1857: "In general the laborer [had to work] from early morning till about 11 o'clock for his master; after his breakfast and rest during the heat of the day, he [continued to work but] for himself the remainder of the day."⁵³ Not all worked for such short hours, as many farmers returned to the fields in the evenings. In some places slaves had a day or two free in a seven-day week and were also allowed some hours in the day to rest and to undertake activities of their own choice.⁵⁴ It was estimated that an active slave was capable of supplying the needs of five people and generating additional surplus for the market.⁵⁵

The existence of free time has been used as evidence of the relative leniency of African slavery, thereby demonstrating that Yoruba slaves lived a blissful life.⁵⁶ The working hours on the fields of their masters were not different from those of freeborn farmers, but the slaves did not control the output of their labor, unlike the freeborn. While farm work generally was avoided in the afternoon heat when productivity was low,

slaves still had to fend for themselves and hence had to work extra hours. They were responsible for their own medical and other domestic needs. Slaves were at the mercy of their masters in the allocation of land to farm, although, as Anna Hinderer observed, slave plots usually adjoined the fields of the masters.⁵⁷

Slaves were also put to extensive use in the distribution sector of the economy. Although trade and farming often went hand in hand, there were entrepreneurs who concentrated mainly on trade. For the rich or freeborn who engaged in their own trade, slaves were needed as agents and carriers. Political officials relied on trusted slaves to conduct their business, a practice which was common throughout the century and is well documented by the European travellers and missionaries who were impressed by the trust that was placed in such slaves.⁵⁸ The entrepreneurs who were successful were dependent on the use of slaves, especially those who had no time to travel. According to Hinderer, "slaves are employed by their masters in trading and they fare] so implicitly trusted, that they are sent on expeditions which involve an absence of several months at a time, and return when their commission has been fulfilled."⁵⁹ When masters issued instructions that produce be sold on the farms, slaves doubled as farmers and traders of foodstuffs and raw materials, rendering accounts to their supervisors or owners. Many, in fact, shuttled between the farms and local markets on a regular basis in order to sell perishable items. There were also cases of slave entrepreneurs who either traded on behalf of their masters or used political offices associated with slave titles to trade. Such slave entrepreneurs came to the notice of Europeans in Lagos.⁶⁰

Slaves provided essential transport services as porters. As I have pointed out elsewhere, Yoruba trade usually employed caravans in regional and long-distance trade, and caravans needed large numbers of porters to carry articles of trade and other necessities for their masters. Slaves also formed part of the armed guards to protect traders from brigands. Some slaves were even sold if business turned disastrous and the trader needed money to settle debts or recoup losses.

Slavery was connected with the economy in other important ways. Slaves served as toll collectors,⁶² as Townsend observed in the case of Kurunmi.⁶³ Slaves were counted among the canoe men and fishermen making use of the sea and the lagoons.⁶⁴ They were involved in salt making, textile production and indeed virtually all other occupations. As disposable items and trade goods, they were sources of wealth to those who traded in them on a regular basis. The state and its leaders sold slaves to procure firearms for warfare and state security, while the military disposed of slaves for immediate cash.⁶⁵ Slave prices were

considered high for most of the period, in spite of occasional fluctuations.⁶⁶ As Hinderer noted, the high-ranking officials in the Ibadan military were slave traders, making use of their houses as markets, a practice that continued at least until the 1880s.⁶⁷ The states along the coast which did not base their reputation on military strength had to acquire captives, and hence selling slaves was a lucrative enterprise. As Biobaku and Ayantuga have shown, the Egba and Ijebu profited from their middleman position in trade in which slaves and other key items were involved.⁶⁸ Slavery enabled owners to invest money in property that was relatively secure in economic value and negotiable in times of trouble. Acquiring slaves was an investment considered "absolutely necessary" for work and better than "investments upon cloths and beads and which may be easily consumed by fire."⁶⁹

Working Conditions

Samuel Johnson and other contemporary observers recognized that slavery was important, but they argued that its practice was relatively benign, just as Oroge was later to do. Oroge concluded that profits from the export trade enriched slave owners, but greater wealth enabled masters to be more humane to their slaves:

Contrary to what one would expect, instead of causing the working hours of the farm slave to be increased, the growing incidence of legitimate commerce led to a further reduction of the time a slave was expected to spend in working for his master, especially by the heathen slave-owners. In view of the increasing returns which the cultivation of cotton brought to agriculture in the late 1850s, the heathen chiefs, in order to forestall any ill will on the part of their slaves, spontaneously gave their slaves from one to three free days in which to work exclusively for themselves.⁷⁰

However, Oroge supplied little evidence for this important conclusion, and he did not explore changes in the working conditions of slaves in the nineteenth century or contrast practices over a period of time. As a result, both his theoretical premises and his analysis of empirical data are open to question.

Slaves were integrated into society and some were allowed to redeem themselves; a few were granted bureaucratic and political power which they manipulated to become influential and to acquire property of their own, including slaves. The ideology underlining slavery as an institution allowed the integration of slaves to a certain extent. It

provided opportunities for select numbers of slaves as mechanisms of reward which also helped to rationalize the system, weaken the determination of slaves to resist, and ensure control over the labor of the bulk of the slave population.⁷¹

Although the empowerment and integration of slaves are useful counterpoints to those contrasting slavery in Africa and the Americas, these features of slavery should not be used to obscure the extent of exploitation of the Yoruba slave population. There is evidence to suggest that slaves were sometimes treated generously and benefited from humane treatment, but there is also evidence of considerable exploitation. The slaves who received the best treatment were personal attendants in the large households and soldier-slaves who helped to sustain the military. These favored slaves had opportunities of redemption and could themselves benefit from wars to acquire slaves.

The majority of slaves had to take care of themselves, however. Those on large farms were allowed to take what they could eat but otherwise did not profit from their masters' crops. Slaves were allowed to use their free time on their own farms or engage in other enterprises. While many received plots, there were complaints that these were located on land that was overworked and hence infertile. Some masters even denied their slaves spare time to work on their own. Ijebu masters did not set aside a free day for slaves and expected them to work from 6 a.m. to 2 p.m.⁷² The numerous changes during the turbulent century probably affected many slaves in other ways; chronic warfare, religious observances and "legitimate" trade each affected relations between slaves and their masters. The impact of these factors on slave exploitation is unclear, and there is a need to investigate in detail the impact of Christianity and Islam on the condition and status of slaves. Accumulation and profit from trade did not necessarily predispose masters to liberal treatment; on the contrary, the ambition was to accumulate more, which explains the expansion of the households and the continuation of slaving expeditions in the second half of the century. In order to yield profits to traders and to provide resources to procure firearms and guns, "legitimate" trade and the role of slavery in its promotion were crucial. Slavery could be rationalized in cultural and religious terms, but its linkage to large-scale production also meant that it was rationalized in economic terms as well. Oroge failed to build into his analysis this economic dimension.⁷³

In general, slaves complained about their lack of freedom, powerlessness and suffering, at least until they gained redemption or some level of mobility which entitled them to a number of privileges. When the opportunity to escape was available and there was the need to

flee, slaves readily did so.⁷⁴ There were limits both to the extent to which a kinship ideology rationalized the status of slaves and the degree to which slaves accepted their oppression and exploitation.⁷⁵

Pawnship

Those who had the means to own slaves were the same people who had access to pawns, since they had the money to acquire them.⁷⁶ Consequently, the history of pawnship in the nineteenth century is closely associated with slavery. Pawns were not derived from warfare but from contracts on loans. Hence it was the freeborn members of society who were pawned, because pawnship did not imply a loss of liberty or political freedom. Pawns were usually cheaper to obtain than slaves; a small loan was sufficient to conclude a pawning transaction. Like slavery, pawnship enabled a lineage or household to expand its numbers and have access to more labor for its own ends. Unlike slaves, pawns were not derived from warfare, raiding expeditions, kidnapping, or other violence.

Again, Oroge's analysis pioneered the study of pawnship among the Yoruba, and indeed his study is one of the earliest scholarly treatments of the subject of pawnship in Africa.⁷⁷ Basing his analysis on contemporary sources, Oroge initially argued that "the system of pawning that gave rise to iwofa labor was not a common practice of the Yoruba . . . it only became an important mode of labor recruitment in the 1890s."⁷⁸ Later he demonstrated the ways in which "wars, raids, famine, scarcity of cowries [money] and imperative heavy expenses that could not be met by normal efforts were potent factors in the growth of the institution" of pawnship, which suggests that pawnship was practiced before the 1890s.⁷⁹ Whether or not Oroge would have resolved this contradiction had he lived longer is unclear.

There is information, some from the nineteenth century, some later, to reconstruct the essential features of the institution of pawnship and to suggest its relative importance in the nineteenth century.⁸⁰ By the early twentieth century, pawning was very important, precisely because it provided a means of acquiring labor and dependants through the extension of credit. Most pawns, like slaves, worked in the farms of their creditors, but the creditor had the right to assign other duties and services. Consequently, pawns were found in virtually all sectors of the economy as well as in households. The basic features, as described in early colonial reports, applied fully to the nineteenth century. As one colonial administrator noted, pawnship was "a contract entered into for the purpose of obtaining a sum of money on loan. The terms are that until the debt is paid the 'Iwofa' or borrower shall provide labour either

of himself or of his child for the 'Olowo' or lender in lieu of interest."⁸¹ There is one important historical problem, however. The sources do not always accurately differentiate between slaves and pawns, and hence it is more difficult to analyze the relative importance of slavery and pawnship in the nineteenth century.

The extent of the financial burden of borrowing money with pawns as surety was heavy. The debtor was not even entitled to the entire amount of the loan. In some communities, the creditor was entitled to receive a "bonus" of about ten per cent on a loan. This "bonus" was either deducted from the actual amount of money given to the debtor or added to the loan, although the fee itself did not attract interest. This additional clause on loans, which further increased the burden of debtors, was prevalent largely among the Egba and Egbado, where "it was looked upon as a bonus due to the lender for the service rendered to the borrower in lending him the money to meet his requirements."⁸² In addition, an intermediary, *onigbowo*, collected a nominal fee from the debtor for providing surety. The *onigbowo* collected the money and handed it over to the debtor in the presence of the creditor and witnesses. As a party to the contract, the *onigbowo* was the contact and middleman between the creditor and the debtor. He ensured that the loan was repaid and that the creditor did not maltreat the pawn.

A loan could be repaid at any time, a few days or many years after the money had been received. All contracts were terminated when the loan was repaid, but in many cases it took a long time, fifteen to twenty years, to settle the debt, thus ensuring that pawns worked for that many years. A debtor had the option of either paying the loan in full or in installments, but the latter arrangement still required the continued labor of the pawn until the full loan was paid.

Terms of contracts were always specified in advance. There were two types, one for children and the other for adults. The differences involved the maintenance of the pawn and the number of days in a month and the hours in a day that the pawn worked for the creditor. Adults were expected to cater for themselves and pursue their own tasks while at the same time working for their creditors. An adult began his or her life as a pawn the day after the loan was consummated. A married woman was allowed to live with her husband and went to the creditor's (usually a woman's) house, in the morning. Alternatively, the woman made a weekly payment to the creditor instead of providing her labor.⁸³ Widows sometimes lived with their creditors, who were expected to provide food and other minor necessities. Should the female pawn be accompanied by her children, whatever assistance they gave their mother was to the creditor's advantage.

The most important aspects of the contract were the required number of days of service and the daily working hours. With respect to time, the creditor took the best part of the day, from the early morning to noon, the time most suited for farm work, before midday fatigue set in, and also the time most suitable for trading in morning markets. The pawn could spend the rest of the day as he or she wished. During the period of service, the pawns were either supervised to ensure that time was well spent or were assigned specific tasks to be completed. If a pawn was working for a farmer, for example, the usual expectation was the completion of 160 yam heaps between 6 a.m. and 11 a.m. In terms of the number of days of service, the most common contract required a pawn to work for the creditor for half a month, with the remainder of the month belonging to the pawn. According to the Yoruba calendar, the pawn was committed to the creditor for either nine or seventeen days, with the following nine or seventeen days free.

The half-month contract was the maximum that could be required of a pawn, if the loan was large.⁸⁴ For instance, in Egbado at the end of the nineteenth century, any amount above the equivalent of £8 meant that the pawn worked two days in four. For smaller loans, a pawn might only be in service one day in four.⁸⁵ In Ibadan, Oyo, and the surrounding areas, a loan above £10 was considered high, and a pawn, working under a contract known as *kosinko*, was expected to fulfil the maximum terms of the days and hours of work. A loan of between £7 and £12 attracted the minimum conditions. This was known as the *ijagbo*, and the pawn worked one in five days, being expected to make 200 heaps or its equivalent in enterprises other than farming.⁸⁶ There were other variations to the arrangement, especially if the loan was small. At Ife, a colonial report, which probably reflects the conditions in the late nineteenth century as well as the early twentieth, indicates that a pawn was required to make a certain number of heaps in a year or work every morning for one week in each month.⁸⁷

In the case of children, contracts were negotiated and "signed" on their behalf by their parents, guardians, or other relations. A minor could be used by the parents or those related to the parents to acquire a loan. When children were pawned by relations, it was either because they had lost their parents or the lineage (as distinct from the nuclear family) or had an urgent need for money. In 1915 the *Alake* of Abeokuta described two common situations in which young people were forced into pawnship by their relations:

A is the head of a family. He has a younger brother B and a son C. A incurs a debt in the building or repair of

the family compound and borrows money on this account from D to whom he consequently becomes IWOFA. The brother B who is 17 or his son C who is 14 seeing this, says 'no, it is a disgrace to us and the rest of the family that its head be an IWOFA on account of debt incurred on the common interest of the family when we the younger relations are there; one of us - either the younger brother or son - as is duty bound, must voluntarily offer to substitute his services for those of the Head of the family to his OLOWO.'

A is the head of a family and has a son B who has C and D, grandchildren to A. A dies and in order to meet the funeral expenses, his son B has to borrow money from E to whom he consequently becomes IWOFA. D the younger son of B and the youngest of the family, a lad of 15, says 'it is a disgrace to us that our father should be an IWOFA on account of our grandfather's funeral expenses when we are there. I voluntarily offer to substitute my services in place of my father's to his OLOWO.'⁸⁸

Again, the account comes from the early twentieth century but the conditions prevailed earlier.

The *Alake's* evidence was not peculiar to the Egba; saving the "honour of the house" was a common reason for "requesting" any young member of a lineage to enter into pawnship for either the collective interest of the lineage (as in repair of houses or the burial of a prominent elder) or the specific purpose of paying the medical expenses of a relation.

The child was not a debtor but a pawn, and it was not required of him or her to repay the loan but to work for the creditor as interest on the loan. The borrowed funds did not have to be spent on the child or anything of direct benefit to him or her. In making use of children in this manner, the underlying assumption was that children were obliged to reciprocate the support and protection offered by their parents, and pawnship was one way of so doing. In any event, it was believed that parents had the right to control and use the services of their children as they deemed fit. The consent of the children was usually taken for granted.⁸⁹ It was generally assumed that the decision to pawn rested with the father or other male relation, but it was expected that this should be discussed with the child's mother. Cases in which women pawned their children required the consent of their husbands.

Child pawns were handed over to creditors in the presence of the *onigbowo* and other witnesses, and the child lived with the creditor until the debt was paid. Creditors preferred children above the age of eight, that is, those who were old enough to do minor chores, carry small loads, and help with weeding. There were cases of pawns less than eight years of age - those whose "labour [was] of little value."⁹⁰ Such situations arose if the loan was small and the parents were very poor. Young children in this situation usually lived with the creditors for a long time before the parents could find the money to pay off the loan. Little girls were acceptable pawns because of the possibility that the creditors or their relations might marry them later in life; in the meantime, girls could provide some domestic services (namely, serving food, cleaning, playing with other children, etc).

A creditor was entitled to the entire labor and commanded the full custody of a child pawn. When creditors changed residence within a town, the children had to move with them. Relocation to another town had to be discussed with the parents so that they would still be able to see their children. If a child refused to co-operate at any time in the contract, the creditor had the right to request a substitute or the immediate repayment of the debt. Parents had the right to visit their children, a common occurrence to ensure the co-operation of the children and to reassure children that loans would be paid. At the same time, such visits protected children from bad treatment. Pawns could also visit their parents, especially during major social and religious events.

It is likely that the majority of pawns were girls, although this should be taken as a tentative statement.⁹¹ As much as possible, creditors rejected boys under the age of eight, but took girls, even in their infancy. In some cases of small children, creditors might even try to keep them in "complete ignorance"⁹² of their real parents, despite the normal expectations discussed above. A father forced by circumstances to pawn his boy usually struggled hard to redeem him because he, too, needed the boy's labor. In the case of girls, the chances were higher that there would be no need to repay the loan. Indeed, in most cases, a girl stayed with the creditor till marriageable age, making pawnship in some cases a clever disguise for early marriage with all or part of the bride wealth being already paid. Should the creditor or any of the creditor's relations marry the pawn, not only was the loan cancelled but the parents also collected the bride wealth. If marriage was intended, it was in the best interests of the creditor to discuss his plans with both the girl and her parents to avoid being accused of using force and thus violating one of the terms of the contract. There were instances when debtors in fact urged the creditors to marry their daughters as a way of terminating their loans.⁹³

Should the girl marry someone else, her husband had to pay the loan, in addition to the bride wealth. If it was clearly established that the creditor sexually abused a girl, the loan was cancelled and the pawn's services terminated. The same results obtained if the creditor tried to force a marriage.⁹⁴ If a girl was raped, the creditor lost the pawn and his money, and if the rape led to pregnancy, the creditor had no rights over the baby, which reverted to the parents of the pawn.⁹⁵ Should the pawn be already betrothed when sexual abuse occurred, the creditor had to pay a huge fine to the girl's fiancé and to the indigenous authorities.

Girls were more often pawned than boys for three other reasons. First, the rate of desertion and the incidence of resistance was lower for girls than for boys. Secondly, a debtor often anticipated that the creditor or one of the creditor's male relations would be attracted to the pawn and either propose marriage or be tempted to request sex, both of which constituted gross violations of the terms of contracts and therefore resulted in the cancellation of the loan. Thirdly, for farmers and others engaged in labor-intensive occupations, it was more profitable for them to retain their own male children than to pawn them to others. The value of a boy's labor was also perceived by potential creditors as well, and creditors often put pressure on debtors to pledge their boys. If forced by circumstances to relinquish a boy, the debtor was bound to incur the loss of male labor, which was considered more valuable than that of girls.

If a pawn died, a period of grace was allowed for the debtor to repay the loan. If the pawn had served for more than four years, some deduction was usually allowed on the loan. The debtor was not obliged to replace the deceased with another pawn. What was important was the liquidation of the loan, and the interest no longer became an issue. However, if the debtor could not settle the loan for a long period, it was expected that a new pawn would be provided. Should a debtor die, the pawn continued to serve until the loan was paid by the pawn or by one of his or her relations.

Pawns could redeem themselves. For girls, marriage brought immediate redemption. For a boy, the attainment of adulthood automatically changed the contract to the one described for adults, although the pawn could continue to stay with the creditor and could also hope that the creditor would assist him in achieving an independent existence. If a farmer, the creditor was expected to allocate land to adult pawns, who could then use part of their income to repay the loan and liberate themselves.

Adult pawnship seem to have generated less tension than child pawnship. In the case of adults, it was a voluntary decision, one taken when all other available options to raise money had failed. In the case of

children, the decision was taken on their behalf, which explains why the terms of the contract had to be modified when the children matured. The real source of tension was that child pawns lived with the creditors who shouldered the responsibilities of feeding and accommodation. Other needs, such as clothes and medicine, were optional, and the pawn had to go to parents or relatives for these. The expectation was that the creditor would treat the pawn as an adopted child, with all due love and care; but, unlike biological children, there was no expectation that all of the needs of pawned children would be provided. As a British officer observed during this century, "the boy or girl is treated exactly as a member of the family of the lender's own children. These pawns generally enter the families of those in better circumstances than themselves. Great care is often taken in teaching them trades, such as that of a leather worker, blacksmith, weaver, etc."⁹⁶ The creditor was not obliged to train the pawn, however. The pawn was lucky if the creditor had a skill that could be learnt by observation.

While in theory a creditor could not maltreat a pawn, oral evidence and the very rich folklore on pawnship and slavery indicate that pawns frequently suffered, and sometimes pawns were illegally sold into slavery. Whilst the children of a creditor could say "no" to their parents, pawns had no freedom of choice with the creditor. Pawns were not expected to refuse difficult assignments. Yoruba folklore contrasts this difference, as the following example notes: "The master knows the thorny patch, he doesn't hoe there; . . . it is the *iwofa* that bends his back over the thorny patch." Sources are unanimous in the conclusion that pawns were expected to be hard-working, to accept assignments without question, and to avoid making unnecessary complaints. A widespread saying sums up this expectation:

If the *iwofa* starts shivering,
They will say he's up to his tricks again
If it was the child of the creditor
They would rub him lavishly with palm oil.

The message here is that the creditor's child, who did little, could fall ill and expect immediate care, while the pawn, who worked hard all the time, would be accused of malingering or laziness should he or she complain of fatigue or sickness. Fadipe has concluded that a child worked not out of any sense of duty but as an "act of perseverance." To him, children were deprived of the opportunity to play with their age-mates, as their masters demanded the full use of their time.⁹⁷ Fadipe also adds that a pawn could work for an indefinite number of years, a real constraint on freedom:

Where the iwofa system entailed hardship was in the matter of the repayment of a loan in order to redeem the pawned person. To be forgotten in the "creditor's farm," as the act of serving in peonage is styled, was not an infrequent occurrence, and was often the cause of boys and girls running away. A boy or a girl who was in pawn as a result of celebration of funeral customs of his father might be forgotten by his brothers and sisters whose job it was to repay the loan. A man who pawned his younger brother in order to pay bride price for his wife might forget his obligation to redeem the child. Lastly, girls often got neglected in peonage. Such a girl often had to wait until a young man came along who paid the amount owed in lieu of bride price and other incidental payments made before being married. Girls who were already betrothed were also often pawned by their impecunious fathers, their fiances being afterwards called upon to redeem them in discharge of all obligations in respect of bride price.⁹⁸

Much also depended on the character of the creditor. Oral evidence refers to "wicked people," high-handed individuals who abused their own children and hence had no compunction about abusing pawns. There are also reports of creditors with limited means who wanted to increase their own income and social standing by exploiting the labor of their pawns. Whilst the creditor was expected to maintain the pawn, oral evidence again refers to creditors who asked the parents of the pawns to pay medical bills or to collect their children for treatment and return them when they were healthy again.

Oral evidence strongly suggests that there were important differences between the treatment of pawns and the treatment of kin, including the degree of exploitation of pawns and the failure on the part of creditors to show love or concern for pawns, especially when they had a prolonged illness or got into major trouble. The very fact that the training of a pawn was optional indicates that pawns were exposed to the risk of neglect.

Child pawns reacted to ill-treatment by reporting creditors to parents or otherwise resisting their oppression. On the latter, the evidence of Fadipe is most revealing and unique:

a child who could not put up with the continued ill-treatment of his master could ask to have the debt on his head transferred to some other master. The loan could always be repaid at a moment's notice. If parents

or relatives refused to heed his complaint, the child could always refuse to go on serving, in which case someone else would have to be substituted for him. The older the child, the greater his chances of rebelling in this way.⁹⁹

A pawn who left the creditor could not be compelled to return. However, irrespective of the problems that a pawn could encounter, neither the society nor the contracts confused pawnship with slavery. This distinction interested (and sometimes amused) British officers in the early twentieth century. A common statement was that 'An "Iwofa" or "pawn" is a free man; his social status remains the same; his civil and political rights are intact, and he is only subject to his master in the same general sense that "a borrower is servant to the lender."¹⁰⁰ Ross, the Resident of Oyo Province, thought that there was no stigma attached to pawnship and that a pawn (presumably an adult) was a "perfectly free agent, at liberty to regulate his own life and to follow his own pursuits when the daily task set by his master is over."¹⁰¹

In spite of the clear differences between slaves and pawns, it should be repeated that a pawn did not have full control over the use of his or her labor. The slippage into debt, in many cases, was evidence of poverty, and in a stratified society where people were motivated by the desire for wealth and power, pawnship represented to many the marginalization of an individual. A popular saying uses a few words to point to the diminished prestige and self-assertion involved in pawnship: "A pawn cannot boast in the presence of his creditor."

Conclusion

The widespread use of slaves and pawns in nineteenth-century Yorubaland calls into question a number of assumptions on the nature of servile institutions in the Yoruba region. First, the suggestion that slaves were not important has to be rejected. It also seems likely that pawnship was important much earlier than the last decade of the nineteenth century. That the members of society with small farms and other businesses were able to function without slaves and pawns cannot be denied, although even small-holders probably resorted to slavery and pawnship at times. More often, however, small-holders were the source of pawns and the targets of slave raids and capture in war. There is no evidence that slaves were put to any extensive use in the small villages and areas that failed to develop the military machines that characterized the larger polities. In these places both pawnship and slavery were probably marginal institutions. Studies of the communities raided for

slaves (Akoko, Igbomina, Yagba) are few and far between, and existing studies concentrate on the effects of slave raiding and warfare, not local use of slaves.¹⁰² While slavery and pawnship were known in these areas, instability and imperialism limited the ability of their elites to acquire slaves and pawns.

Evidence of large-scale production and trade or of military elites and "wealthy personages" inevitably indicates slaves being used to maintain production and distribution and to uphold the lifestyle of the elite. Without a single exception, all the great names of the nineteenth century built large households with considerable numbers of slaves, and almost certainly pawns as well. It is possible to construct a multiple model of political economy that includes two modes of production, with a slave mode as the dominant one in the military states, next to a lineage mode in other areas. It may also be argued that as individuals expanded their enterprises, they also increasingly relied on the use of slaves and pawns.

Slavery and pawnship did not displace family labor, however, and it is likely that the majority of freeborn people did not make use of slaves or pawns to any appreciable extent simply because they had no access to them. Neither did slavery and pawnship destroy established co-operative workgroups like the *aro* and *owe*, which enabled family labor to be supplemented through networks of friends, relations and neighbors at critical moments in the production process or for public works. Unless inherited, most members of society had no access to slaves because of their cost and the violent nature of their procurement, and the distribution of pawns depended upon the possession of capital that could be extended on credit.

Oral and written evidence makes it clear that the ambition of many people was to own slaves and to acquire pawns in order to expand their economic operations. The *oriki orile* ("praise poems") and traditions attest to their importance.¹⁰³ Owning slaves was not just for status but an opportunity to accumulate, and wealth provided the means to obtain pawns. Slaves and pawns were assets, markers of wealth. According to the evidence supplied by the missionaries who commented on wealth among the Yoruba, to own slaves was second in importance only to polygamy.¹⁰⁴ The ambition of redeemed slaves, too, was often to own slaves as a means of personal accumulation.¹⁰⁵ This ambition was both a reflection of the extent to which slaves imbibed the ideology of success and status as defined by the elite. To a poor freeborn, buying one or two slaves was a sure way of overcoming poverty; to a rich person, it was to "continue to increase his stock."¹⁰⁶ Pawns fulfilled the same function.

This analysis of slavery and pawnship among the Yoruba demonstrates that servile institutions developed extensively in one of the

most important areas from which slaves were exported to the Americas. While the interconnection between the demand for slaves in the Americas and the evolution of servile institutions in the Yoruba states of the nineteenth century cannot be fully explored here, it is important to realize that the domestic demand for servile labor in Africa was strong. Any analysis of the relative importance of slavery and its abolition in the Americas has to take into account this internal, African dimension.

Notes

1. E. Adeniyi Oroge, "The Institution of Slavery in Yorubaland with Particular Reference to the Nineteenth Century" (Ph.D. thesis, unpublished, University of Birmingham, 1971), i.
2. Ibid., 180.
3. Oroge did not use the concept of "kinship idiom," but this is what his interpretation is all about.
4. Walter Rodney, "African Slavery and other Forms of Social Oppression on the Upper Guinea Coast in the Context of the Atlantic Slave-Trade," *Journal of African History*, 7, 3 (1966). For the debate on slavery, see, for instance, R. I. Harms, "Slave Systems in Africa," *History in Africa*, 5 (1978), 327-35; F. Cooper, "The Problem of Slavery in African Studies," *Journal of African History*, 20 (1979), 103-25; J. L. Watson (ed.), *Asian and African Systems of Slavery* (Oxford, 1980); M. I. Finley, *Ancient Slavery and Modern Ideology* (London, 1980); and Suzanne Miers and Igor Kopytoff (eds.), *Slavery in Africa: Historical and Anthropological Perspectives* (Madison, 1975). Since the 1970s the study of Yoruba slavery has not been well integrated into the mainstream debate.
5. Oroge, "Institution," v.
6. For a rewarding discussion on the problems of term and definition, see the controversial discussion by Igor Kopytoff and Suzanne Miers in *Slavery in Africa*.
7. E. A. Oroge, "Iwofa: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75-106.
8. Samuel Johnson, *The History of the Yorubas* (Lagos, 1921).
9. See N. A. Fadipe, *The Sociology of the Yoruba* (Ibadan, 1970), 186-87; J. F. Ade Ajayi, "The Atlantic Slave Trade and Africa: An Overview," Conference on Slavery, Arewa House, Kaduna, Nigeria, 1989; and Funso Afolayan, "Slavery, Warfare and Society in the Nineteenth Century: The Witness of Samuel Johnson," in Toyin Falola (ed.), *The Pioneer, Patriot and Patriarch: Samuel Johnson and Yoruba History* (Madison, 1993), 183-96.
10. The literature is extensive, and grows every year. See, for instance, J. E. Inikori and S. L. Engerman (eds.), *The Atlantic Slave Trade: Effects on Economies, Societies, and Peoples in Africa, the Americas, and Europe* (Durham, 1992); and Paul Lovejoy (ed.), *Africans in Bondage: Studies in Slavery and the Slave Trade* (Madison, 1986). For a synthesis, see Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge, 2d ed., 2000).
11. See for instance, Lovejoy, *Transformations in Slavery*, chap. 7.
12. Philip D. Curtin, *The Rise and Fall of the Plantation Complex: Essays in Atlantic History* (Cambridge, 1990), chap. 13.

13. The production of the major export products of palm oil, palm kernels, cotton and rubber increased in the second half of the century; see Sara S. Berry, *Cocoa, Custom and Socio-Economic Change in Rural Western Nigeria* (Oxford, 1975), 23; A. G. Hopkins, "An Economic History of Lagos, 1880-1914" (Ph.D. thesis, unpublished, University of London, 1964).
14. On this process and its consequences, see J. F. A. Ajayi and R. S. Smith, *Yoruba Warfare in the Nineteenth Century* (Cambridge, 1964); B. Awe, "The Rise of Ibadan as a Yoruba Power, 1851-1893" (D. Phil, unpublished, Oxford, 1964); and S. A. Akintoye, *Revolution and Power Politics in Yorubaland 1840-1893* (London, 1971).
15. Ilorin was a class by itself, drawing both from Yoruba practice and ideology described here and from the Sokoto Caliphate for its Islamic ideology. B. Agiri has mentioned in brief the impact of Islam on slavery, but his data and interpretations do not indicate the extent to which we can connect Ilorin to studies of the Caliphate by Lovejoy, Hogendorn and others. It is hoped that the ongoing study by Ann O'Hear on slavery in Ilorin will clarify the problem. On Ilorin and the ideology of Islam, see the introduction and the chapter by Agiri in Paul E. Lovejoy, ed., *The Ideology of Slavery in Africa* (Beverly Hills, 1981). On slavery in the Sokoto Caliphate, see Lovejoy, "The Characteristics of Plantations in the Nineteenth-Century Sokoto Caliphate (Islamic West Africa)," *The American Historical Review*, 84, 5 (1979), 1267-92.
16. Toyin Falola and G. O. Oguntomisin, *The Military in 19th Century Yoruba Politics* (Ile-Ife, 1984).
17. Toyin Falola, *The Political Economy of a Pre-colonial African State: Ibadan, 1830-1900* (Ile-Ife, 1984), chap. 3.
18. Cd 4957, Moloney to Rowe, 12 May 1881 (enclosure 2 in Rowe to Kimberley, 2 July 1881).
19. See, for instance, I. A. Akinjogbin and S. O. Osoba, eds., *Topics on Nigerian Economic and Social History* (Ile-Ife, 1980); Ann O'Hear, "The Economic History of Ilorin in the 19th and 20th Centuries: The Rise and Decline of a Middleman Society" (Ph.D. thesis, unpublished, University of Birmingham, 1983); and R. J. Gavin, "The Impact of Colonial Rule on Ilorin Economy," *CentrePoint*, 1, 1 (1977), 16-29.
20. Peter Morton-Williams, "The Oyo-Yoruba and the Atlantic Slave Trade, 1670-1830," *Journal of the Historical Society of Nigeria*, 3, 1 (1964), 25-45; R. C. Law, *The Oyo Empire c. 1600-1836: West African Imperialism in the Era of the Atlantic Trade* (Oxford, 1977).
21. Richard Lander and John Lander, *Journal of an Expedition to Explore the Course and Termination of the Niger* (London, 1832), 183-84.
22. Lander and Lander, *Journal*, 189-90.
23. On his career and strategies, see S. O. Babayemi, *The Fall and Rise of Oyo c. 1706-1905: A Study in the Traditional Culture of an African Polity* (Lagos, 1990), chap. 3.
24. See, for instance, Lander and Lander, *Journal*, 129; and Babayemi, *Fall and Rise*.
25. R. H. Stone, *In Afiric's Forest and Jungle or Six Years Among the Yorubas* (London, 1900), 60.
26. CMS CA2/085b, Journal of H. Townsend for the quarter ending 25 Sept. 1852.
27. L. B. Akinyele, *Iwe Itan Ibadan* (self-published, c. 1911), 35, 47, 247.
28. CMS CA2/049(b) David Hinderer, Journal for the Quarter ending 25 Sept. 1851.
29. CMS CA2/049a, Hinderer to Venn, 25 May 1856.
30. CMS CA2/049b, Hinderer, Half Yearly Report of Ibadan Station ending April 1859.

31. CMS CA2/056, Report from Rev. J. Johnson, Aug. 1877.
32. For details, see S. O. Biobaku, *The Egba and Their Neighbours, 1842-72* (London, 1957).
33. CMS CA2/085b, Journal of H. Townsend for the quarter ending Sept. 1846.
34. CMS CA2/056, James Johnson to Wright, Annual Report, Jan. 1880.
35. C. O. 147/133, Evidence of Rev. James Johnson, enclosed in Denton to Chamberlain (confidential), 4 June 1898.
36. CMS CA2/098, Extract from C. N. Young's Journal for the third quarter ending Sept. 1875; J. A. Leigh, *History of Ondo* (self-published, 1917), 49.
37. For the career of the notable ones, see S. A. Akintoye, *Revolution and Power Politics in Yorubaland 1840-1893* (London, 1971).
38. CO 147/48, Haastrup to Lt. Governor, 16 Feb. 1882 (Enclosure in Rowe to Kimberley, 14 March 1882).
39. Johnson, *History of Yoruba*, 324-25 (and in many other passages).
40. Oroge, "Institution," chap. 1; R. S. Smith, *Kingdoms of the Yoruba* (London, 1969).
41. G. J. A. Ojo, *Yoruba Palaces: A Study of Afins in Yorubaland* (London, 1966).
42. E. B. Idowu, *Olodumare: God in Yoruba Belief* (London, 1962).
43. Parliamentary Papers 1865, vol. 1 (412), Report from the Select Committee on Africa (Western Coast), Q. 1891, 81 [evidence of McCoskry].
44. See, for instance, FO 84/1175, Beddingfield to McCoskry, 26 Jan. 1862 (Enclosure in McCoskry to Russell, 8 Feb. 1862).
45. Johnson, *History of Yoruba*, 325.
46. I. B. Akinyele, *Iwe Itan Ibadan*, 246ff.
47. CMS CA2/056, Report from Rev. J. Johnson, Aug. 1877.
48. Johnson, *History of Yoruba*, 354.
49. CO 147/133, Denton to Chamberlain; evidence of J. P. L. Davies.
50. CO 147/134, Denton to Chamberlain, 3 Aug. 1898.
51. CMS CA2/098, Extract from C. N. Young's Journal for the third quarter ending Sept. 1875.
52. See Hinderer, *Seventeen Years*, 198; Johnson, *History of Yoruba*, 123.
53. FO 2/20, "Replies to the Queries Submitted by the Cotton Supply Association of Manchester dated Sept. 1857," enclosed in Campbell to Clarendon, 12 Nov. 1857.
54. See, for instance, FO 84/1031, Campbell to Clarendon, 14 March 1857; CO 147/133, Denton to Chamberlain (evidence of J. A. O. Payne; enclosure of 4 June, 1878).
55. Interviews with Chief Ojo Bada of Saki, a distinguished local historian with first-hand experience of the use of slaves.
56. Oroge, "Institution," 199-204.
57. A. Hinderer, *Seventeen Years in the Yoruba Country: Memorials of Anna Hinderer* (London, 1872), 61.
58. See for instance, Lander and Lander, *Journal*, 109-13; Johnson, *History of Yoruba*, 194.
59. Hinderer, *Seventeen Years in the Yoruba Country*, 61-62.
60. See FO 84/950, Campbell to Clarendon, 1 June 1854.
61. Toyin Falola, "The Yoruba Caravan System of the 19th Century," *International Journal of African Historical Studies*, 21, 1 (1991), 111-32.
62. Toyin Falola, "The Yoruba Toll System: Its Operation and Abolition," *Journal of African History*, 30, 1 (1989), 41-63.
63. CMS CA2/085 b, Journal of H. Townsend for the quarter ending 25 Sept. 1852.

64. Parliamentary Papers, 1865, vol. 1 (412), Report from the Select Committee Appendix I. E. : Taiwo and others to Col. Ord 27 Dec. 1864, 380-81.
65. See Johnson, *History of Yoruba*, 325.
66. See, for instance, CMS CA2/049a, Hinderer to Verm, 26 Oct. 1855; CA2/056, J. Johnson to C. C. Venn, Annual Letter, March 1879.
67. CMS CA2/049b. David Hinderer, Journal for the quarter ending 25 Sept. 1851.
68. Biobaku, *Egba and Their Neighbours*; O. O. Ayantuga, "Ijebu and Its Neighbours, 1851-1914," (Ph.D. thesis, unpublished, University of London, 1965).
69. CMS CA2/056, Johnson to Wright, 21 June 1878.
70. Oroge, "Iwofa," 76.
71. There are many leads to pursue, as suggested by Paul Lovejoy and his collaborators in *Ideology of Slavery*.
72. CO 147/133, evidence of J. A. O. Payne, Denton to Chamberlain.
73. The theme of economic rationalization has to be further pursued as part of the changes in the economy and the contribution of an enterprising aristocracy to production.
74. See for instance, E. A. Oroge, "The Fugitive Slave Crisis of 1859: A Factor in the Growth of Anti-British Feelings Among the Yoruba," *Odu: A Journal of West African Studies*, 12 (1975), 40-53.
75. Toyin Falola, "Power Relations and Social Interactions among Ibadan Slaves, 1850-1900," *African Economic History*, 16 (1987), 95-114.
76. For details on this institution among the Yoruba and elsewhere, see Toyin Falola and Paul Lovejoy (eds.), *Pawnship in Africa: Historical Perspectives on Debt Bondage* (Boulder, 1994).
77. For a review of the literature on pawnship, see Falola and Lovejoy, "Debt Bondage in Historical Perspective," *Pawnship in Africa*.
78. Oroge, "Institution," 180.
79. Oroge, "Iwofa," 76.
80. See, for instance, "The Oni of Ife, 'Iwofa,'" *ODU: Journal of Yoruba and Related Studies*, 3 (1956); NAT, Ije Prof 3/c. 8/1923, Pawning of children; Ije Prof 3/c. 8/1927, Pawning of children; and CSO 26/06827 vol. IT, Tribal Customs and Superstitions.
81. NAT, Abe Prof 3/4/40/23, Iwofa or Pawning.
82. NAT, Abe Prof 3/4/40/23.
83. This was a special condition borrowed from the regulations from other loan arrangements.
84. See for instance, NAT Abe Prof 3/4/40/23.
85. NAT, CSO 26/06827, vol. 1; Memorandum on the Native Custom of Ofa.
86. NAT, CSO 26/06827 vol. IT; evidence supplied by Ross, Oct. 1924.
87. NAT, *Report on Native Organization of the Ife Division* by J. A. Mackenzie Esq. , DO.
88. NAT, APP 3/1/47; A. Edun to Commissioner, 5 Nov. 1915.
89. See, for instance, NAT, Ije Prof 4/J. 1095, Custody of Children of a Native Marriage.
90. NAT, CSO 26/06827 vol. 11; Ross to Secretary, Lagos, 14 Mar. 1923.
91. This conclusion is derived from archival sources only. In two-thirds of cases where pawns were mentioned by name and in cases that ended in courts, they were girls. In places where child pawnship was less prevalent, most of the few cases that were mentioned were also girls.
92. NAT, Abe Prof 3/4/40/23.
93. NAT, Ije Prof 3/9/c. 8/1923.
94. NAT, CSO 26/0682; Memorandum on Iwofa.

95. NAT, Ije Prof/J. 1095.
96. NAT, CSO 26/2/11604; extract from SSP.
97. N. A. Fadipe, *Sociology of the Yoruba*, 191.
98. Fadipe, *Sociology of the Yoruba*, 193.
99. Ibid., 192.
100. NAT, CSO 26/06827 vol. 1.
101. Ibid.
102. See, for instance, M. Mason, "The Jihad in the South: An Outline of the Nineteenth-Century Nupe Hegemony in North-Eastern Yorubaland and Afenmai," *Journal of the Historical Society of Nigeria*, 5, 2 (1970), 193-210; and Ade Obayemi, "The Sokoto Jihad and the Okun Yoruba: A Review," *Journal of the Historical Society of Nigeria*, 9 (1978), 61-87.
103. See for instance CMS CA2/049a, Hinderer to Venn, 26 Oct. 1855; and CMS CA2/098, Extract from C. N. Young's Journal for the first quarter of 1876.
104. See, for instance, CMS CA2/056, Johnson to Wright, Annual Report, Jan. 1880.
105. CMS CA2/056, Johnson to Wright, Annual Report, Jan. 1880.
106. Ibid.

CHAPTER 7



PAWNING IN THE EMIRATE OF ILORIN

ANN O'HEAR

Pawnship was an important institution in Ilorin in the nine-teenth century, initially when the city was the headquarters of the Oyo general, Afonja, early in the century, and later when Ilorin became a frontier emirate of the Sokoto Caliphate (actually under the supervision of Gwandu).¹ The institution does not appear to have been common in most of the Sokoto Caliphate, especially the central emirates to the north of Ilorin, because of Islamic sensibilities. Pawning was sometimes found elsewhere in the Caliphate, even in Kano, but only in the Nupe emirates to the immediate north-east of Ilorin was the institution as common as in Ilorin.² In a 1905 law in Nupe, for example, the Emir of Bida even declared pawning to be acceptable under Islam, in certain specified and limited forms.³ This chapter will, therefore, introduce comparative material from Nupe and also examine, where possible, the Islamic ramifications of pawning in Ilorin. Although an emirate within the Caliphate, Ilorin was almost entirely Yoruba in population, which probably accounts for the reason that pawning in Ilorin was similar to pawning further south in Yorubaland.

In Ilorin, it is not easy to make a diachronic study of pawning (as Oroge rightly recommends)⁴ because of the static or compressed approach taken by many informants and the dearth of written documentation for the nineteenth century and even the colonial period.⁵ Nevertheless it can certainly be said that the practice existed in Ilorin before 1900. It was an

established institution by the time the first British Resident arrived, and informants' references to pawning during periods of cowry scarcity suggest that it had been practiced for some considerable time. And the fact that, by the mid-nineteenth century at the latest, pawning was already an established institution in the more southerly Yoruba successor states of Old Oyo suggests that the custom had been carried from Old Oyo by refugees.⁶ If so, then the same would be true for Ilorin, which also became host to many Yoruba refugees and other immigrants from the heartland of the old empire.⁷

At least in theory, pawns were regarded as different from slaves. In 1905 the Ilorin Resident reported that pawning was not looked upon as slave dealing.⁸ Modern informants in Ilorin, supported by proverbial evidence, view slavery and pawning as separate institutions: "It is a slave who calls himself a slave, while a pawn calls himself a pawn; it is the son of the land who calls himself king."⁹

Ilorin informants stress the difference in mode of recruitment between slaves and pawns. Slaves were captured or bought, while pawns were obtained as the result of a contract between debtor and creditor and served for as long as the debt remained unpaid.¹⁰ There are similarities here to other areas. In the nineteenth-century, many Yoruba who belonged to the Christian mission community further south also saw pawning as clearly distinguishable from slavery, supporting their argument with proverbial evidence and stressing the contractual aspects.¹¹ In Toyin Falola's work on colonial southern Yorubaland, the contractual aspects of pawnage are also spelled out.¹² In Nupe, as in Ilorin, the temporary nature of pawning (at least in theory) was seen as a major contrast with slavery.¹³

Forcible retention of pawns was not unknown, however, either in Ilorin or Nupe. In the early years of the colonial period, the Bida Resident reported that "If a creditor keeps a debtor in pawn after the debt is discharged, the wages are carefully calculated, the excess paid to the debtor, and the creditor is awarded lashes."¹⁴ Ilorin informants emphasize that the status of a pawn was temporary, but one of them noted that "there was . . . a reluctance to release male pawns. Lenders never wanted active male pawns to be redeemed in time, because of the work they did."¹⁵ In Nupe and Ilorin, then, the societal norm was that the pawn must be released on repayment of the debt, but individuals did not always honor the agreement.

Although slaves and pawns were clearly differentiated, there was still a stigma attached to pawns. As Nadel reported from Nupe:

Pawns and their whole family are held in general contempt. There is no shame in having become a slave - this is "luck of war"; but pawns and their families are tainted with a disgrace not easily forgotten. In pawning

poverty, itself a shameful state in the eyes of the Nupe, reaches its lowest ebb. Even house slaves look down upon pawns, and order them about as their inferiors.¹⁶

Yet, from the existence of very large numbers of pawns in colonial Nupe, it seems that many people were willing, or more likely desperate enough, to accept this disgrace. In Ilorin, informants also say there was a stigma attached to pawning, although at least some of their testimony (as with that collected by Nadel in Nupe) must reflect changing views dating from colonial and Islamic pressure, rather than the attitudes of the more distant past. As one of them points out, in the old days "there was very little civilized behaviour which would make people shameful of pawning their children as at now"; another specifies that it was in the colonial period that "the society was becoming more and more civilized and no-one wanted the stigma of a pawn for his or her family."¹⁷ Even in proverbial usage, however, the low status of pawns is revealed. "No matter how tall a pawn is, he should bow and bend down for his master."¹⁸ But given that parents in Ilorin, as in the more southerly Yoruba states, may sometimes (both before and during the colonial period) have indebted themselves deliberately in order to place their children as pawns in families where they would learn discipline or a particular skill, pawning arrangements need not always have been so demeaning, at least to the (adult) debtor as opposed to the actual (child) pawn.

For the treatment of pawns was not always good, as Falola's research has revealed for colonial southern Yorubaland.¹⁹ Similarly, in Ilorin it is said that "the food that a pawn eats is just so as not to die in the farm of a rich man,"²⁰ and that "a pawn was like a slave who could be used for any labour without question."²¹ So while an Ilorin pawn was clearly differentiated from a slave in principle, his or her treatment in practice might not be so very different.

Details of pawning contracts can be gleaned from the Ilorin data. The earliest report of such a contract was given by its first Resident, David Carnegie, in 1900:

A man lends money to another. He charges no interest in money - but until the capital is paid back *half* the debtor's day's labour is for the benefit of the lender and half at his own disposal. Thus in one day a borrower must not only set aside half the days [sic] profit for the man whom he borrow [sic] but must in the other half day make sufficient to keep himself and set aside a sum to go towards making an amount equal to the capital.²²

This report appears to refer to adult pawns and is similar to what is said to have obtained elsewhere in Yorubaland:

In the case of grown-up pawns, even with heathen, they have a certain amount of labor to perform daily, and also stated times of rest, in order to enable them to pay off the debt.²³

In Ilorin even a child pawn might also be allowed to spend some time farming on his own account and sell the crops thus produced, in order to expedite his release; presumably the profits would go to help his parents pay off the principal.²⁴ This may, however, have been an informal arrangement with a "good master," rather than part of the official contract. And such an opportunity was not available to female child pawns, who were used in household chores rather than farming.²⁵ In the case of a child pawn, in Ilorin as further south, the child stayed with the creditor, who was responsible for feeding him or her.²⁶ If the borrower died before the loan was repaid, then responsibility shifted to the borrower's family, which was expected to honor the agreement in order to redeem the pawn. If, however, the pawn died while he or she was still serving, this was considered an "act of God," and the lender would be expected to cancel the loan.²⁷

Debts usually involved a guarantor who was held responsible for payments. According to Burnett, in his 1912 report on land tenure in Afon District,

It is usual when a person borrows money to give security in the shape of another whom he names. If the lender is satisfied, he will lend money on that security. Another way when money is borrowed is to work for the lender, or give a son or one of the family to work for him until the debt is paid.²⁸

Apparently Burnett thought that the guarantor arrangement was separate from the practice of pawning. It was possible on occasion to obtain a loan *solely* on the word of a guarantor, without pawning, but in Ilorin as elsewhere in Yorubaland, guarantors were also involved.²⁹ The guarantor (*onigbowo* or *onigboo*), served as a witness to the agreement, and also bore responsibility for any break in it: "if the pawn ran away, the guarantor would be held."³⁰

Three informants in Ilorin refer to pawns being given out for a specified period,³¹ which suggests that the work of the pawn was in some cases regarded as repayment for some or all of the principal. In fact, this is unlikely to have represented general practice in Ilorin, as other descriptions of the contract reveal. Many informants assert that the pawn's service was

not repayment.³² Even one of the three referred to says that although the debtor would "promise to repay the loan at a specified period, or stated month or year," the pawn would serve the creditor "for the period *and* [my emphasis] until the loan was repaid in full."³³ The Ilorin references to a stipulated, limited period of pawnage may well refer to memories of agreements which were made under the influence of colonial instructions or guidelines, and even at quite a late date, as with the contracts of the 1940s and 1950s that are described for southern Yorubaland by Falola.³⁴

Ilorin informants agree with Carnegie that no interest in money was payable on a debt when the debtor or his or her representative had been placed in pawn. The pawn's service was, however, as some phrase it, "a bonus." Others admit outright that the pawn's work was a form of interest.³⁵ The perception that the service of the pawn was a form of interest may have been one of the reasons why the pawnage system finally declined in Ilorin, under Islamic pressure perhaps. It was a perception that was shared elsewhere in Yorubaland, where, according to Samuel Johnson, it was "the law that the service goes for the interest, and only the principal is paid back."³⁶ It was apparently shared in Nupe as well:

The work of the pawn during the time of bondage represents the "interest" on the loan. The profit motive is expressed most clearly in the practice that girl pawns were accepted only for smaller amounts. For with girls one had to reckon with a shorter period of "amortization" as they might get married early and be redeemed by the bride-price.³⁷

While no information is available with regard to the amounts for which males and females were, respectively, accepted into pawn in Ilorin, it is clear that both males and females became pawns there. Males, it is said, were given to male creditors, and females to females.³⁸ A woman whose children were all boys could take a female pawn to do the housework, and if a male took a female pawn she would be handed over to his wife.³⁹ There was at least one exception to this rule, in the case of businessmen, who might use female pawns in their business.⁴⁰ Ilorin informants are in agreement, however, that there were more male pawns than females.⁴¹ Males are said to have been in greater demand, because of their "strength" which was "needed for heavy farm work."⁴² As will be seen below, male pawns are also likely to have been in greater demand than females in Ilorin crafts.

In other parts of Yorubaland, there were at least *some* married women who became pawns, as Johnson reports:

If a service women [a pawn] is tampered with by the master, the money is thereby considered absolutely paid, and the debt discharged. If forced against her will, not only is the debt cancelled, but he is also liable to . . . heavy fines . . . to be paid . . . to the woman's husband as damages.⁴³

In Ilorin, however, it looks as if the practice of males accepting females as pawns was severely limited, and the numbers of married female pawns appear to have been very few. Almost all Ilorin informants assert forcefully that a man would not pawn his wife. Such an act, they explain, would be "against the institution of marriage and God's wish," and "socially abhorrent." Pawning was "undignified and marriage sacred."⁴⁴ In addition, and no doubt just as importantly, the wife's parents "would not accept such a situation."⁴⁵ As with all rules, however, this one was "occasionally" broken:

A man could pawn his wife if he needed money but had no guarantor, and there was no property to pledge. It was rare . . . but it happened. . . . If the borrower had no child to pawn, or the lender did not accept the risk of a guarantor.⁴⁶

Nevertheless, it is clear that there were strong social sanctions against a man's pawning his wife. These sanctions may well have been Islamic in spirit, as they were in Nupe, according to the Bida Emir's 1905 regulations:

If a man incurs a debt he can only place *himself* in pawn, he has no right to place anybody else in pawn, neither his son nor his brother, nor his wife, he must not put them in pawn, for thus saith the Mukhtasar.⁴⁷

But such sanctions may also have existed in (largely "pagan") southern Yorubaland as well, since Oroge cites only one example of such an event, and this at a time of desperation.⁴⁸

Johnson's account, quoted above, may refer to wives pawned by their husbands, but he may have been referring to married women who put *themselves* in pawn. It appears from Falola's account that married women in colonial southern Yorubaland did sometimes put themselves in pawn (usually to female creditors).⁴⁹ To Ilorin males, however, this was also an unacceptable alternative. Informants explain that "a woman belongs to her husband, body and soul," that she was "not supposed to do anything behind" the back of her husband, and that "if a married woman was in debt, it was her husband's duty to pay it." It is said that "if a woman trades at a loss, it is her husband who will pay," rather than the woman putting herself

in pawn.⁵⁰ It would appear that Islamic law, in which a woman is a perpetual minor, influences these responses. As for widows, who did put themselves in pawn in southern Yorubaland, in Ilorin they are said either to have been given to another member of her husband's family as a wife, or allowed to marry outside. A widow might, however, be forced to pawn herself, if she "had no one else to look after her, either from her late husband's family or outside through remarriage."⁵¹ It is likely that childlessness was a major factor in such cases.

People of various ages became pawns in Ilorin, though the oral data strongly suggest, as would be expected, that strong and healthy children and young people were in the majority. The Ilorin data, however, do not permit analysis of any changes in age ratios over time. As for Nupe, in the early years of the colonial period a colonial officer asserts that

The pawning of a child is not generally allowed, but if a man owes debts in a town, and has property in another town which he wishes to realize in order to discharge his debts, he is allowed to leave his child as security until he returns.⁵²

This might seem to suggest that child pawning was relatively rare in early twentieth-century Nupe, but it may in fact reflect the ideal rather than the actual situation. In his 1905 regulations the Emir of Bida stated that a man had no right to put his son into pawn, but the context of his remarks suggests that children were indeed being given as pawns.⁵³ Nadel's reports also make it clear that child pawning was not uncommon in later colonial Nupe.⁵⁴ It is likely at the same period that child pawning was also reasonably common in Ilorin. Thus at least for some time, Islamic strictures on child pawning went largely unheeded.

Some slaves as well as free persons were pawned in Ilorin, even after the beginning of the colonial period. A report from 1917 notes that in the first half of that year there were "2 cases tried under the sections which deal with slavery; both of which were cases of pawning a slave."⁵⁵ Ilorin informants, however, note that there could be problems with pawning slaves, and the general impression gained from their testimonies is that the practice was not very common. It is said, for example, to have been done in emergency situations. It is also said to have been preferable to sell the slave, or the child of one's slave, outright, because "a slave would react against [being pawned] and would look for a means to escape," or, as another informant puts it, "a slave in such a position was considered sold" anyway: "Slaves would never be returned." Yet, still another informant claims that it was better to adopt a temporary measure like pawning, rather than selling one's slave.⁵⁶ The situation with respect to pawning slaves elsewhere is

uncertain, but Oroge only once mentions anything which could even possibly refer to such a practice.⁵⁷

Pawning of persons was a major means of obtaining a loan in Ilorin. Informants agree that, in the nineteenth century at least, it was the most common way.⁵⁸ It was not, however, the only way. It was possible to obtain a loan solely on the word of a guarantor in Ilorin, though this may not have happened very often. Another means of obtaining a loan was pawning of goods. This was done in Nupe, though maybe on a relatively small scale. Goods were also pawned in nineteenth-century southern Yorubaland, and on a larger scale in the colonial period.⁵⁹ It was also possible to pawn goods in nineteenth-century Ilorin, though it is said to have been uncommon.⁶⁰ One Ilorin informant, who believes it never occurred at all, explains this with reference to problems of carriage, storage and damage, but its rarity is also likely to have been due to the fact that, in Ilorin as further south, so much wealth was in the form of dependent people and their capabilities, rather than in goods.⁶¹ Nevertheless, in Ilorin as in Nupe, some wealth was also in the form of beads, gowns, swords, saddles and so forth, which could be made available for pawning.⁶² In the colonial period, pawning of goods is also said to have occurred in Ilorin, though there are disagreements among informants as to how frequent it was.⁶³

Most Ilorin informants agree that loans could be obtained on monetary interest in the "olden days" or more specifically the nineteenth century, though a couple deny that there was any such arrangement.⁶⁴ These assert that loaning on interest only began after the abolition or decline of pawning.⁶⁵ These conflicting testimonies may best be interpreted as meaning that loans on interest were not always available, in part at least due to Islamic prohibitions on interest collection, but also due to the advantages seen by the creditor in obtaining a pawn. Pawning was said in Ilorin to be the "quickest" of all means of obtaining a loan.⁶⁶ Ilorin informants also claim that pawning was preferred by the debtor for other reasons as well. One advantage was that under a pawning agreement the debtor could pay back the loan at his or her convenience, and however long had elapsed he would repay only the principal, whereas borrowing on interest "added to the burden of repayment."⁶⁷ In addition, if the pawn died while in service, the creditor would apparently be expected to cancel the debt. For the creditor, a pawning arrangement had the advantage of providing free labor, plus the expectation that the loan itself would be repaid in full, even if the debtor died.⁶⁸ Certainly the pawn was a bird in the hand for the creditor. The pawn's work (as against monetary interest payments) began as soon as the loan was granted, was constant, and was under the creditor's immediate control. The disadvantages to the debtor included the "indignity" of forced labor, and the transfer of the debt to his family if he died.⁶⁹ Many debtors,

however, did not suffer this "indignity" personally, pawning their children instead, and even these children might gain some advantage from the experience, as will be discussed below.

A variety of circumstances might lead a person to put himself or his relative in pawn. In Ilorin, one informant says simply that it was for "any undertaking that required heavy financial expenses."⁷⁰ This was also the case in southern Yorubaland, for which Oroge emphasizes the role of funeral and marriage expenses.⁷¹ An Ilorin informant likewise mentions funerals as occasions when a "very pressing need for money" might lead to pawning.⁷² Others single out marriage expenses. One aged woman recalls that when her father was going to marry his second wife, her younger brother was pawned to meet the sum required.⁷³ Also if older children in a family wanted to marry, younger ones could be pawned: "if three children in a family were old enough to marry . . . the youngest could be given out as a pawn to obtain money for the other two."⁷⁴ Younger sons were pawned for this same reason in Nupe, where in addition it is said that (as in southern Yorubaland) a young man wanting to marry might even have to resort to pawning himself.⁷⁵

Other expenses highlighted by Oroge as leading to pawning in nineteenth-century southern Yorubaland include religious obligations towards the various deities, including Orisa Oko and especially Sango. For this last, expensive purification ceremonies were required whenever lightning struck a house.⁷⁶ Ilorin informants either omit any mention of religious expenses, or emphatically deny that pawning arrangements were entered into to meet them,⁷⁷ but this may simply be due to modern Muslims' reluctance to admit to Islamic expenses being met by pawning, or to discuss "pagan" practices of old. Nevertheless, it is clear that expenses related to Yoruba deities did arise in Ilorin in the past. Ilorin had a large non-Muslim population in the nineteenth century, especially in certain quarters of the city and in the surrounding rural areas.⁷⁸ The worship of Sango was common, and fear of his devotees was hardly unknown among professing Muslims, even those who had performed the *haj* (just as Sango worship continued among professing Christians further south).⁷⁹ It was believed that "Sango worshippers . . . are able, by a simple process, to direct lightning to any spot they may desire."⁸⁰ As late as 1921, a colonial officer remarked, with regard to the "annual conflagrations" in Ilorin city, that

The origin of these fires . . . is most difficult to detect amongst a population who still invoke the aid of the god "Shango"; it is still not unusual for a "celt" to be produced from the destroyed houses as evidence of the judgment and act of the god.⁸¹

In 1929, traces of the cults of Sango, Ogun and Orisa Oko were still said to survive in the surrounding rural districts.⁸²

Judicial expenses leading to pawning are stressed both for southern Yorubaland and Nupe. These included ruinous fines (substituted for sentences of death, enslavement, or prison), and money for bail and bribes.⁸³ Several Ilorin informants also agree that people were put into pawn to meet such expenses,⁸⁴ and there is plenty of evidence pointing to the necessity of resorting to this expediency. For example, in 1900, Ilorin's second British Resident, P.M. Dwyer, reported:

I find there is a Native Court in the Town with a Judge presiding. This court is a horrible sham both the innocent and guilty brought before him are obliged to pay heavily for the Justice !! he deals. Whoever can give the largest amount of money is found innocent. Half of the money so collected is given to Emir the Judge keeping the other half.⁸⁵

In addition, Ilorin's long-term attachment to the *baba kekere* (clientage) system added further expenses for litigants.⁸⁶ One Ilorin informant, incidentally, mentions a rather different, but also judicially connected, reason for putting someone in pawn: that is, as "compensation" or "punishment" for a crime.⁸⁷

Oroge emphasizes the hardships, often caused by war, which led to pawning arrangements in southern Yorubaland in the nineteenth century. Notable among these were famine, scarcity of cowries, and the need to ransom family members who had been seized and enslaved.⁸⁸ Famine due to war may have been less of a problem, generally, for Ilorin than for some of the Yoruba states further south, since Ilorin's military involvements were often at some distance from the town and its farms. Nevertheless, war or other factors did on occasion lead to food shortages and thence, perhaps, to pawning. For example, in the early years of the Fulani regime, the city was besieged by a Yoruba and Nupe army during what came to be known as the Mugbamugba War:

What food there was in the Ilorin farms [was] soon eaten up, and both the besiegers and the besieged were without provisions and had to live on the locust fruit.⁸⁹

Later, during the Batedo War, when Oluyole of Ibadan sought the alliance of Ilorin, he "sent provisions for the Ilorin troops, on account of the great scarcity of food then at Ilorin."⁹⁰ Again, in the 1850s the town of Otun was destroyed and its inhabitants scattered by an Ilorin army. This must have

affected food supplies, since Otun was one of Ilorin's main suppliers of palm oil.⁹¹

The various wars that disrupted trade resulted in a scarcity of money (cowries). Scarcity of money had the same effect as famine in leading to pawning in southern Yorubaland, as Oroge points out. Even if food was available, many people could not find the money to buy it.⁹² Ilorin informants also agree that scarcity of cowries led to an increase in pawning;⁹³ not surprisingly, as the trade routes between Ilorin and the south were frequently endangered, deserted or blockaded during war, and trading profits were therefore diminished.⁹⁴

A further effect of war noted by Oroge was the need to obtain money, through pawning, in order to redeem relatives who had been captured and sold.⁹⁵ The same is confirmed by Ilorin informants; again naturally enough, as slave capture was a major byproduct of the many conflicts, such as the long-drawn-out siege of Offa, in which Ilorin and its enemies were engaged.⁹⁶ Pawning to ransom relatives also occurred in Nupe, for which a dramatic mid-century example is provided by Samuel Crowther:

Fatumo, the aged mother of our good friend Daganna, the Galadima at Gbebe at the Confluence, was met here, living in the village of Kawura, about a day's journey from Rabba; she had the misfortune to have three nieces under her care, who were caught during the Umoru war: her son being afar off at the Confluence, she had no help, there was no alternative, these children were to be sold northward by the way of the desert, or westward down to the coast if they were not forthwith ransomed. In this dilemma she could not do otherwise than sell all she had that was saleable, and then have recourse to a loan of cowries to make up the amount required. Two of the children were put in pawn for 20,000 cowries each, their labour was taken for the interest till the principal could be paid, and she herself was pawn for another 20,000, for which she had to pay the interest of 30 cowries a day, making 210 cowries a week.⁹⁷

While this was true pawning in the children's case, in the case of Fatumo herself it sounds more like a loan on interest.

There were also reasons for placing a child in pawn that were more positive (from the debtor's point of view) than those of meeting heavy expenses or alleviating various kinds of hardship. Pawning, explains one Ilorin informant, was "to teach a child to be hard working."⁹⁸ "Uncontrolled

children needed to be disciplined," says another, and "one of the best ways was to pawn such children so that life outside could subdue them."⁹⁹ More specifically, pawnage might teach such children and others a marketable skill. "Stubborn children were pawned into crafts families," for "many people felt that a crafts family would afford their offspring [the opportunity] to acquire a trade, an occupation in life; . . . the trade learnt became a personal legacy."¹⁰⁰ Thus Ilorin pawns were placed in the houses of craftsmen or tradesmen such as *lantana* beadmakers, leatherworkers, smiths, male weavers and butchers. They were also placed with the women who specialized in pottery.¹⁰¹ Pawning into craft compounds (including potters) was also widely practiced in other parts of Yorubaland, both in the nineteenth century and later.¹⁰² Although most of the craft compounds specified by my informants are of Yoruba origin, some at least of the butchers are Hausa in origin, which indicates that pawning was not confined to the Yoruba population of the town.¹⁰³

Children in Ilorin may well have been placed in craft compounds by parents who took out loans deliberately for this purpose, even though they were in no particular financial difficulty. This certainly happened further south. Oroge quotes Olubi as saying "that lazy children are pawned that they may be taught to work, and this is done if even [the parents] are not straitened."¹⁰⁴ Samuel Johnson explains further that

A chief or a well-to-do gentleman with a wild and unruly son whom he wishes to tame, or who is indulged at home, would also resort to this method for training and discipline; in such a case the boy will remain with such a handicraftsman until he is able to earn his own livelihood by his craft, then the money is paid back and the boy returns home.¹⁰⁵

A pawning arrangement with a wealthy family of beadmakers, smiths or butchers, as well as providing a child with a skill, would also provide the pawn's family with a connection to the kind of people who are remembered in Ilorin as having been both prestigious and generous. It might even mark the beginning of a more permanent clientage relationship, which would benefit the less wealthy or important family.

A pawnage relationship could be of advantage to an adult pawn as well as to a child. A certain Akirimonu, for example, was farming land belonging to a major Ilorin chief (apparently before the beginning of the colonial period). He was convicted of stealing indigo, and brought before the chief for punishment. Akirimonu was, however, the pawn of an individual named Apo, who managed to persuade another major chief to get the punishment cancelled. This second chief also granted Akirimonu some

land.¹⁰⁶ Thus the pawn could be protected by his creditor, who would be anxious that his pawn would continue to be able to pay back the debt, or might have accepted him as a more or less permanent client.

There were, therefore, a number of advantages that might accrue to the pawn and the pawn's family. But there were also disadvantages. Of these, the possibility of harsh treatment has already been mentioned. In addition, one advantage to the debtor was conversely a disadvantage to his child in pawn. While the debtor had the advantage of being able to pay back a loan at his convenience, this could mean a long period of bondage for the child. One informant in a village outside Ilorin asserts that the eventual abolition of pawning came about because such a child might stay so long in pawn as no longer to remember his home or to whom he really belonged.¹⁰⁷ Long periods of bondage were not unknown elsewhere, as in Nadel's example of a Nupe man who had pawned himself in order to marry, and was still in pawn when his son, at twelve years old, was considered old enough to take his place.¹⁰⁸ In colonial southern Yorubaland, Falola has found that a pawn might have to work for 15 to 20 years, and that children in pawn might be forgotten by those who were supposed to repay the debt.¹⁰⁹

The advantages to a creditor of accepting a pawn, as against an arrangement whereby he would receive monetary interest, have already been touched upon. The work of the pawn *was* the interest; it was "free," "a bonus," "invaluable," and the pawn could be used "for any labour without questions."¹¹⁰ Indeed, pawns in Ilorin were used to perform a wide range of tasks. In craft families, where it took some time to acquire the ability to perform skilled tasks, they were assigned the more strenuous, time-consuming, repetitive, laborious or otherwise unappealing aspects of the craft (like apprentices, slaves and sometimes female family members). Other occupations in which pawns were useful included housework for females, and of course farming for males.¹¹¹ On the farm, they might be employed alongside slaves, and it is said that "some holdings had more pawns than slaves."¹¹² Pawns were also involved in various forms of trading, and, together with slaves, family members and professional carriers, in headloading Ilorin cloth for weaver-traders involved in the export trade.¹¹³ Elsewhere in Yorubaland, and in the Nupe country, pawns also performed a variety of tasks.¹¹⁴

There were, however, disadvantages to the creditor in using pawns. In Nupe, according to Nadel,

A wealthy man could not, according to the Nupe code of morality, refuse a loan of this kind to a man who was badly in need of the money. Which means that the creditor might have to agree even to less tempting and profitable offers. Frequently he had to accept a young

boy who, hardly yet an efficient labourer, would live in his house and learn farm-work or a craft only to be taken away again just as he had become a useful member of the household. For £5 one could buy outright a grown-up, well-trained slave; for a pawn, with his restricted usefulness, one might have to pay more than twice the amount.¹¹⁵

Nupe informants complained to Nadel that with the "recent" increase in numbers

the pawns, many of whom frequently worked together in the same household, grew lazy and irresponsible, and showed openly their resentment at having to work for strange masters. The complaints of . . . informants were thus that in the combination of material and moral rewards which the people of wealth and status expected from the institution of pawning, the material rewards had completely to give place to moral rewards.¹¹⁶

Thus while an economic motivation in creditors' acceptance of pawns can clearly be seen in Ilorin and elsewhere, it was not always a sufficient motivation; there was a moral imperative as well. This was also a significant factor in southern Yorubaland, where "to deny a sufferer this [loan] when you are in a position is considered uncharitable," and where the individual described as *gbajumo*, the generous patron who surrounded himself with many dependents, was above all admired.¹¹⁷ The same imperative must have been in the minds of creditors in Ilorin, especially those in important and wealthy craft families such as those of the beadmakers, butchers and smiths, who took pawns, and who are still remembered as *gbajumo* in the city.¹¹⁸

Pawning had already become common in the nineteenth century in many areas of southern Yorubaland. Oroge described a further substantial increase in its importance there from the 1890s onwards, as a "source of labour supply, especially in the realm of agriculture and related industries," as the institution of domestic slavery disintegrated under heavy pressure from the British.¹¹⁹ In Ilorin, although slavery did not completely disintegrate, enough slaves did leave to cause dislocation in the labor supply.

Large numbers of slaves left Ilorin as the result of the 1897 Royal Niger Company campaign that "broke" the city, after which the emir wrote to Goldie, complaining that "all the slaves in the town belonging to me and my people ran away with your men", and pleading for their return.¹²⁰ Even apart from the Royal Niger Company's activities, the last years of the

century were times of great political upheaval in Ilorin. While this may well have been conducive to slave escapes, it was also a time of renewed, or even escalated, slave seizures.¹²¹ Enslavement continued at least into the year 1900, despite the presence of a British Resident, but at least some of the people seized were now being set free through the intervention of the emir.¹²² After 1900 the opportunities for slaves to escape persisted. An informant asserts that "all the chiefs were caught by the whites, and the chiefs were taken away, so people could scatter."¹²³ Two of these chiefs were Baloguns Alanamu and Ajikobi, both deported from Ilorin, and such occurrences may well have given some of their sizeable collections of slaves the opportunity to flee, though by no means all took their chance to do so.¹²⁴

Informants agree that many slaves departed from Ilorin due to the arrival of the British.¹²⁵ It is even said that "those who left were more than those who stayed,"¹²⁶ though this is surely to be taken as dramatic exaggeration rather than literal truth. Enough left, certainly, to create a perceived problem of labor supply,¹²⁷ in which some farms were said to have been "spoilt."¹²⁸ Many other slaves, on the other hand, "refused to go." And the likelihood of considerable numbers of their descendants remaining in or around Ilorin even today is strongly suggested by present-day reticence to discuss the subject of slavery, which is explained as protecting the interest of these descendants.¹²⁹

There were various reasons for slaves to stay. They might have been well treated, females might have children by their owners, and males might have wives and children in Ilorin.¹³⁰ In particular, "many could no longer locate their home areas."¹³¹ It is likely that Ilorin's most successful slave capturing days were long over before the colonial takeover, as pressures from Ibadan and Bida, plus the Ekitiparapo alliance, may have curtailed its opportunities for raiding. If the majority of Ilorin's slaves had been settled in and around the city a generation or more before 1900, they would have been less likely to seek a return to their half-forgotten native towns, which in any case might well have been destroyed and deserted. Thus while many slaves left Ilorin and its environs, it is clear that many also stayed, in a position of continued dependence on their former owners.¹³² Enough slaves left to cause considerable dislocation, and a number of informants agree that there was an upsurge in pawning due to the British arrival and the desertion of slaves.¹³³ Yet, from the point of view of the creditor/employer, the demand for pawns in colonial Ilorin may not have been as pressing as elsewhere. Further south, for example, extensive export crop production developed, and the demand for agricultural labor was high.¹³⁴ Ilorin, however, developed no major export crop, so that the demand for labor may have been less pressing than elsewhere, limited largely to the provision of

supplies for the city.¹³⁵ Many ex-slaves remained available for this, as well as family labor and poor clients, who could no longer be supported within the declining city and were therefore sent out to farm.¹³⁶

But the needs of large-scale farmers, who extended credit in order to amass a labor force, were not the only reason for the continuance and even increase in pawning in various areas during the early colonial period. Equally important were the needs of the debtors who were forced to place themselves or their relatives in pawn. In Nupe, informants of Nadel attributed the "enormous" increase in pawning to "rising prices and rising cost of living."¹³⁷ While these informants may be referring most specifically to the problems of poor people in periods of depression, such problems would always be present in a low-income area such as Ilorin, which due to the "pax Britannica" and the railway lost much of its middleman role in long-distance trade and was unable to develop a profitable export crop. Lack of money led to an inability to pay government tax and to meet various customary obligations. These problems were even more severe in the rural areas than in the city. In Oloru District in 1931, for example, the inhabitants of a hamlet were found to have fled, unable to pay the required amount of tax. In the following year, emigration to the Southern Provinces from Ilorin's "north-western" districts in general was attributed to lower taxes across the border. The seriousness of the situation in Oloru District was underlined in 1933 by a survey which revealed (even without any consideration whatever of expected customary payments, which could be crippling in themselves) the difficulties encountered by the farmers in their attempt to make ends meet.¹³⁸ For those who could not flee, therefore, pawning to raise money was one of the few available alternatives.

Yet, of four Ilorin informants who were asked whether people were put into pawn to pay government tax, three deny it and only one agrees: "to be arrested for failure to pay tax was considered a big disgrace. Pawning could be resorted to avoid such a disgrace, if efforts to borrow proved futile." The elder claims that he "knew many pawns, most of whom were in villages around Ilorin, such as Ejidongari." It is significant that he cites the rural areas specifically; another of the four (who all live in urban compounds) says there were other methods of raising money, such as manual labor; this probably reflects the somewhat better economic position of the people in the city, as against the impoverished surrounding districts. It is also noteworthy that three of these four informants agree that pawning increased during the depression of the 1930s; the only one who does not deny altogether that pawning existed during the colonial period.¹³⁹

This informant and some others assert that the abolition of slavery and the termination of pawning occurred simultaneously, on the arrival of the British.¹⁴⁰ Clearly some chronological compression is at work in their

accounts. For one thing, two of the informants, in other parts of their testimonies, admit that pawning did continue during the colonial period. Furthermore, there is plenty of other evidence, including archival material, that pawning continued to occur. And there is also the testimony by a number of other informants that there was in fact an upsurge in pawning because of slave desertions.

While many of these early twentieth-century pawns are likely to have been used on farms, at least some of the increase went into the craft industries of the town. Although there is little direct evidence of this, and even denials from two informants, a member of one leatherworking compound does report that slaves were replaced not only by family members but also by pawns.¹⁴¹ There is a great deal of oral evidence that *at some point* many craft compounds used pawns, and much of this is likely to reflect memories of the early colonial period. The major *lantana* beadmaking compounds, which had made extensive use of slave labor,¹⁴² may well have increased their use of pawns once their sources of new slaves were cut off, in order to achieve the high (and possibly even rising) level of production which was reported up to the 1920s (though with a fast and catastrophic fall thereafter).¹⁴³ Butchering was of growing importance in the early years of the twentieth century,¹⁴⁴ and the butchers are also likely to have utilized more pawns. Pawns, however, were not the only source of labor for craft and trade compounds. In another leatherworking compound it is said that the slaves were replaced by the boys who came for Arabic lessons;¹⁴⁵ coupling Koranic schools with apprenticeships was also probably common among the male weavers of Ilorin.¹⁴⁶ As far as other areas are concerned, it may be noted that although pawnage in Nupe is said to have greatly increased in the colonial era, it does not appear to have done so in the Bida crafts: while the loss of slave labor in these is acknowledged, the use of pawns is not mentioned, and in one case at least (the expanding glass industry) the loss is said to have been made up by regular apprentices.¹⁴⁷

The British issued a succession of regulations designed to restrict the system of pawning, starting off with Lugard's various memoranda.¹⁴⁸ In 1912, when Assistant Resident Chapman, engaged in an assessment tour in the Nupe-speaking Shonga District of Ilorin Province, noted that pawning of "brothers and sons" was very prevalent, he "read sec. 6.3 and 11 of the Slavery Proclamation out in the Market place."¹⁴⁹ For many years, however, such regulations were largely ineffective, as Falola has shown for southern Yorubaland.¹⁵⁰ The same is true of Ilorin, where the subject of pawning is referred to only rarely in local colonial documents, and efforts to enforce restrictions were at best sporadic. In 1906 in the native courts, "the Emir dismissed a case stating that pawning was illegal and a girl

should return to her mother,"¹⁵¹ but overall few cases of pawning (as was also the situation with slavery cases) appear to have reached the Ilorin courts.¹⁵² There is no record of any public policy statement on pawning by an emir of Ilorin comparable with the one made by the emir of Bida in 1905. From the limited evidence available, it seems likely that Resident Dwyer was correct in his impression that

The natives do not look upon [pawning] as slave dealing and it is all but impossible to detect it. A person may pawn himself or his child and yet remain in his own house.¹⁵³

In southern Yorubaland, as Falola reveals, pawning continued to be prevalent in the 1920s and 1930s and beyond.¹⁵⁴ In Nupe, "When pawning of human pledges was finally suppressed in Nigeria in 1933-34, 3,000 pawns were released in Bida Emirate alone."¹⁵⁵ The "suppression" referred to here is only one of the various colonial attempts, and very likely confined to Bida Emirate,¹⁵⁶ but it seems to have been effectively enforced there, at least for a while. Given the importance of pawning in that emirate, however (as indicated by the numbers cited), it would be surprising to find that this "suppression" was complete and permanent. In Ilorin Province, investigations into pawning, mentioned in the 1934 Annual Report (and stimulated, presumably, by League of Nations pressure against slavery in Northern Nigeria, as the Bida investigations may well have been), are said to have revealed that pawning was still prevalent in the largely Nupe-speaking Pategi and Lafiagi Emirates. Similar action is said to have been taken against it.¹⁵⁷

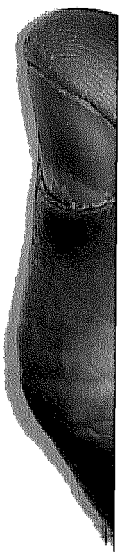
Does this report on Pategi and Lafiagi suggest, by omission, that pawning was no longer prevalent in Ilorin Emirate? Such information as is available from Ilorin informants does not lead to any firm conclusions as to when pawning in Ilorin declined. One reason for this is that it is difficult to pinpoint informants' observations in time, due to the problems involved in working out their ages.¹⁵⁸ Some of their observations, however, can be at least roughly dated. For example, one man, born perhaps around the turn of the century, who comes from a hamlet outside the city, remembers that there were pawns until after the time he was married, that is, at least into the 1920s.¹⁵⁹ Another, born around the 1920s, resident in the city and familiar with the beadmaking compounds there, believes there have been no pawns during his lifetime.¹⁶⁰ A third, said to be 50 years of age, and a member of a leatherworking compound, asserts that his family stopped using pawns about 60 years ago, which would be around 1930.¹⁶¹ The informant cited earlier, who "knew many pawns, most of whom were in villages around Ilorin" when he was in his early twenties, was born between 1915 and

1919, so his testimony indicates that pawning was prevalent in the rural areas until at least about 1940.¹⁶² Two informants state that there was a resurgence of pawning during the depression of the 1930s, when "there was scarcity of money, and people needed to have essential things like food."¹⁶³ The overall impression to be gained from these scattered observations is that pawning continued or resurfaced during several decades of the colonial period, and may well have lasted longer in the rural districts, which were further from colonial surveillance than the town compounds, and in which tax and customary payments were even more burdensome, and the opportunities of earning money even more limited. Interestingly, however, it may have disappeared earlier in Ilorin than it did in southern Yorubaland.¹⁶⁴

The perceptions of Ilorin informants are varied with respect to the reasons for the eventual decline of pawning. Many refer to colonial legislation against pawning,¹⁶⁵ but this is only one of the factors mentioned, and, as has been seen, for many years at least it was hardly an effective one. Another is the growth of a wage labor system.¹⁶⁶ One informant explains that pawning ceased because of the possibility that a child might stay so long in pawn as no longer to remember his real home.¹⁶⁷ The growing stigma attached to pawning was associated with "dawning civilisation" or "enlightenment."¹⁶⁸ It is unclear in general whether informants are referring here to westernization, or to the continued spread of and deepening commitment to Islam. Two, however, specifically affirm that pawning ended when it was felt to be un-Islamic, or when "everyone became a Muslim."¹⁶⁹ It seems likely that they are referring to the perception that the pawn's work was a form of interest on the loan; and yet interest on monetary loans was collected in Ilorin.

Monetary loans are often said to have been the commonest system of borrowing in the colonial period, becoming more common as pawning declined.¹⁷⁰ One informant goes so far as to say that it was "because of government displeasure at pawning, as well as dawning civilisation," that borrowing with interest became the commonest way to obtain a loan."¹⁷¹ In other words, she seems to be suggesting that it was the decline of pawning that stimulated the increase in loans on monetary interest, rather than the other way round. In any case, it is clear from the foregoing, first, that not all members of Ilorin society can have rejected the system of pawnage precisely because, in the form of labor, it was interest-producing; they were prepared to accept the idea of monetary interest. Second, pawning declined in Ilorin for a variety of reasons generally connected with the social and economic changes of the colonial period, as was the case further south.¹⁷²

There is not much trace of the institution of pawnship in Ilorin today. As far as young girls are concerned, as in southern Yorubaland,¹⁷³ domestic



service for pay seems to have become common. Pawning as a form of apprenticeship for children is no longer widespread.¹⁷⁴ The process of change from pawnship appears to have been gradual: one informant alleges that in the past pawning was actually practiced "under the cover of domestic servants."¹⁷⁵ One Ilorin informant recently asserted that pawns are being used in leatherworking in his compound: he used the specific term *iwofa* ("pawn") and named seven individuals.¹⁷⁶ But another member of the same compound has denied this, explaining that the people concerned are apprentices who are related to the family through females.¹⁷⁷ Other informants insist that no pawns are used in craft compounds nowadays, and that labor is provided by family members and apprentices.¹⁷⁸

In conclusion, it can be said that pawning was common in Ilorin, as it was in southern Yorubaland. In the Nupe emirates it may well have been even more so. The similarities between pawning in Ilorin and in southern Yorubaland suggest that pawning in Ilorin came out of a Yoruba tradition, but the similarities which can also be seen with the Nupe practice reveal that the tradition was more widespread. In both Nupe and Ilorin, however, Islam seems to have induced some adjustments to the tradition, at least in theory, and to an extent in practice.

Notes

1. I would like to thank the Social Science Research Council for a grant for Advanced International Area and Regional Research (Africa), July-December 1988. In addition I would like to thank Paul E. Lovejoy for access to transcripts and tapes of interviews conducted in Ilorin in July 1975 by Otolirin Adesiyun. These interviews were conducted as part of the Economic History Project of 1975-76, and the collection is on deposit at the Post Graduate Reading Room, Department of History, Ahmadu Bello University, Zaria, Nigeria. I also wish to thank Dr. E. B. Bolaji of Kwara State Polytechnic for arranging two series of interviews on my behalf, and Suleiman Ajao and Joseph Busayo Simeon for assistance with research and translation.
2. Frederick D. Lugard, *Instructions to Political and Other Officers, on Subjects Chiefly Political and Administrative* (London, 1906), 305.
3. *Ibid.*, 306.
4. E. Adeniyi Oroge, "Iwofa: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75.
5. Very few missionaries visited Ilorin in the nineteenth century because it was far in the interior and because it was a Muslim state. Consequently, there is much less material available on pawnship than in Yoruba areas further south, where resident clergymen and agents wrote periodic and detailed reports and, indeed, were themselves actively involved in pawning (Oroge, "Iwofa," 86-92). Even for the colonial period, there is relatively little archival material on pawning in Ilorin. Its provincial "pawning" file, for example, is virtually empty, suggesting that colonial officers had other priorities; see Ilorinprof 5 1989, Nigerian National Archives Kaduna (hereafter NAK).
6. Oroge, "Iwofa."

7. Ann O'Hear, "Economic History of Ilorin in the 19th and 20th Centuries: The Rise and Decline of a Middleman Society" (Ph.D. thesis, unpublished, University of Birmingham, 1984), 125-27, 174-76, 219-20.
8. Ilorin Province Annual Report 1906, SNP 15/1 ACC No. 119 (NAK), which also contains P. M. Dwyer's Annual Report 1905, from which this quotation is taken.
9. Information collected by E. B. Bolaji, 1989-90. On the distinction between pawning and slavery, see the interview arranged by E. B. Bolaji, conducted by I. Bolaji with Alh. Saadu Manla, Ile Asileke, Okelele, Ilorin, 5 Aug. 1991; interview arranged by E. B. Bolaji, conducted by I. Bolaji, with Alhaja Amoke Opaiye, Ile Alawo/Ile Larokun, Okelele, Ilorin, 11 Aug. 1991.
10. Adesiyun interviews with Alh. Yahaya Kalu Olabintan, Alfa Abdul Lasisi, Alfa Adelodun, Alfa Ahinla and Alfa Sheu.
11. Oroge, "Iwofa," 91-92. Also see Samuel Johnson, *History of the Yorubas* (Lagos, 1921), 126, 127, 128.
12. Toyin Falola, "Pawnship in Colonial Southwestern Nigeria," in this volume.
13. S. F. Nadel, *A Black Byzantium* (London, 1942), 312.
14. Lugard, *Instructions*, 305.
15. Interview conducted by E. B. Bolaji with Alh. Salman Akanbi, Ile Alagbede, Okelele, Ilorin, 3 Aug. 1991. On the temporary nature of pawning, see interview conducted by E. B. Bolaji with Madam Salimotu Ashabi, Bale Ibagun's Compound, Okelele, Ilorin, Bolaji/Bolaji interview with Saadu Manla, and Adesiyun interviews with Yahaya Kalu Olabintan and Abdul Lasisi.
16. Nadel, *Black Byzantium*, 312.
17. Bolaji interview with Salimotu Ashabi; interview arranged by E. B. Bolaji, conducted by Alh. Babatunde Elesin, with [name withheld], Ile Ojibara, Apata Olowo, Omoda, Ilorin, 15 Nov. 1988; Bolaji interview with Salman Akanbi.
18. Interview by Suleiman Ajao with Bola Azeez, Ile Ago, Ilorin, 11 Dec. 1988.
19. Falola, "Pawnship."
20. Ajao interview with Bola Azeez.
21. Interview arranged by E. B. Bolaji, conducted by Shehu T. Salami, with Alh. Mustapha Magaji Adeyi, Adeyi's Compound, Okelele, Ilorin, 20 Oct. 1988.
22. Carnegie's Report on Native Courts, SNP 15 ACC No. 11, Ilorin Residents Reports 1900, Nigerian National Archives, Kaduna (NAK).
23. Oroge, "Iwofa," 91, quoting statement by Rev. D. Olubi. In 1905, Resident Dwyer of Ilorin reported that "I have made particular inquiries...and am led to believe that at the present time the word 'pawn' means nothing more than debtor as the pawn does no work for the person he has pledged himself to" (See P. M. Dwyer, Annual Report for 1905, SNP 15/1 ACC No. 119, NAK). This assertion that the pawn did no work for the creditor is contradicted by all other reports. Either Dwyer's informants were presenting the institution of pawning in the most favorable light, or Dwyer confused the debtor with the guarantor of the loan.
24. Interview with Magaji Yaba, Ile Magaji Yaba, Balogun Fulani Ward, Ilorin, 30 Sept. 1988; interview arranged by E. B. Bolaji, conducted by E. B. Bolaji and Alh. Babatunde Elesin, with [name withheld], Ile Agbogi, Apata-Olowo, Omoda, Ilorin, 2 Nov. 1988.
25. On women not generally being farmers, see O'Hear, "Economic History," 231-32; also e.g., Assessment Report Afon District 1918, para. 19, Ilorinprof 25/1 ACC 2 (NAK).
26. Oroge, "Iwofa," 91, Olubi statement; Johnson, *History of the Yorubas*, 129; interview with Mamudu Alao, Magaji Village, Oloru District, 13 Sept. 1988; interview with Baba Elesin, Ile Agba (Ile Baba Leke), Okelele, Ilorin, 13 Sept. 1988; Adesiyun interviews with Yahaya Kalu Olabintan and Abdul Lasisi.
27. Interview conducted by E. B. Bolaji with Mallam Yaya Mobolaji Ishola, Bale Ibagun's

- Compound, Okelele, Ilorin.
28. H. B. Hermon-Hodge, *Gazetteer of Ilorin Province* (London, 1929), 170, quoting Burnett.
 29. Oroge, "Twofofa," 96; Falola, "Pawnship." Also see interview conducted by E. B. and I. Bolaji with Mallam Oseni Saidu, Ile Alawo, Okelele, Ilorin, 9 Aug. 1991; Bolaji interview with Salimotu Ashabi; Bolaji/Bolaji interviews with Amoke Opaiye and Saadu Manla.
 30. Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaiye; Bolaji interviews with Salman Akanbi, Yaya Ishola and Oseni Saidu.
 31. Interview arranged by E. B. Bolaji, conducted by Alh. Babatunde Elesin, with [name withheld], Ile Olodo, Okelele, Ilorin, 11 Dec. 1988; information from Kayode Abubakar Ibrahim, 18 Sept. 1982; Bolaji interview with Yaya Ishola.
 32. Interviews by E. B. Bolaji and others.
 33. Bolaji interview with Yaya Ishola.
 34. Falola, "Pawnship."
 35. Bolaji/Elesin interviews with [name withheld], Ile Ojibara and [name withheld], Ile Agbogi; Bolaji interview with Oseni Saidu; Bolaji interview with Salman Akanbi; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaiye.
 36. Johnson, *History of the Yorubas*, 127.
 37. Nadel, *Black Byzantium*, 312.
 38. Bolaji/Elesin interview with [name withheld], Ile Agbogi; Bolaji interviews with Oseni Saidu and Salman Akanbi; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaiye.
 39. Interview with Mamudu Alao; Bolaji/Bolaji interview with Saadu Manla.
 40. Bolaji/Bolaji interview with Amoke Opaiye.
 41. Bolaji interviews with Oseni Saidu and Salman Akanbi; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaiye.
 42. Ibid.
 43. Johnson, *History of the Yorubas*, 128.
 44. Bolaji/Salami interviews with Magaji Adeyi and Yusuf Olore (Alh. Yusuf Olore, Ile Olore, Okelele, Ilorin, 28 Oct. 1988); Bolaji/Elesin interviews with [names withheld], Ile Olodo, Ile Agbogi and Ile Ojibara; Bolaji interview with Salman Akanbi; Bolaji/Bolaji interview with Saadu Manla.
 45. Bolaji/Bolaji interview with Amoke Opaiye.
 46. Bolaji interview with Oseni Saidu.
 47. Lugard, *Instructions*, 306.
 48. Oroge, "Twofofa," 77, quoting S. O. Biobaku, *The Egba and Their Neighbours* (Oxford, 1957), 17-18.
 49. Falola, "Pawnship."
 50. Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaiye; Bolaji interviews with Salimotu Ashabi, Oseni Saidu and Salman Akanbi.
 51. Falola, "Pawnship;" Bolaji interviews with Oseni Saidu and Salman Akanbi; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaiye.
 52. Lugard, *Instructions*, 305.
 53. Ibid., 306.
 54. Nadel, *Black Byzantium*, 312.
 55. K. Elphinstone, Ilorin Province Report for Half-Year Ending 30 June 1917, para. 25, SNP 10 458P/1917 (NAK).
 56. Bolaji/Elesin interview with [name withheld], Ile Ojibara; Bolaji/Salami interview with Yusuf Olore; Bolaji interview with Salman Akanbi. Other informants assert that slaves were never pawned; see Bolaji interviews with Oseni Saidu and Salimotu Ashabi;

- Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
57. Oroge, "Iwofa," 91.
58. Bolaji interviews with Salman Akanbi and Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
59. Nadel, *Black Byzantium*, 311; Johnson, *History of the Yorubas*, 126; Falola, "Pawnship."
60. Bolaji interview with Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
61. Bolaji interview with Salman Akanbi. Also see Toyin Falola, "Power Relations and Social Interactions among Ibadan Slaves, 1850-1900," *African Economic History*, 16 (1987), 96.
62. Ann O'Hear, "Ilorin Lantana Beads," *African Arts*, 19 (1986); "Alhaji Yahaya Kalu Olabintan of Ilorin: Master Weaver," *Nigerian Field*, 53 (1988); "Introduction of West Float Motifs to Strip Weaving in Ilorin," in David Henige, ed., *West African Economic and Social History* (Madison, 1990); "Leatherworking in Ilorin" (unpublished paper presented at African Arts Triennial Meeting, Washington, 1989). On Nupe, see Judith M. Perani, "Nupe Crafts: The Dynamics of Change in 19th and 20th Century Weaving and Brassworking" (Ph.D. thesis, unpublished, University of Indiana, 1977).
63. Bolaji interview with Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
64. Interview with Magaji Yaba, 30 Sept. 1988; Bolaji/Salami interviews with Magaji Adeyi and Yusuf Olore; Bolaji/Elesin interview with [name withheld], Ile Olodo; Bolaji interviews with Salman Akanbi and Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
65. Bolaji/Elesin interview with [name withheld], Ile Ojibara; Bolaji interview with Yaya Ishola.
66. Bolaji interview with Oseni Saidu.
67. Bolaji/Bolaji interview with Saadu Manla; Bolaji/Salami interview with Yusuf Olore.
68. Bolaji/Elesin interview with [name withheld], Ile Agbogi; Bolaji interviews with Oseni Saidu and Salman Akanbi; Bolaji/Bolaji interview with Amoke Opaaie.
69. Bolaji interview with Salman Akanbi.
70. Bolaji/Elesin interview with [name withheld], Ile Ojibara.
71. Oroge, "Iwofa," 85.
72. Bolaji/Elesin interview with [name withheld], Ile Olodo.
73. Bolaji/Elesin interview with Amoke Opaaie.
74. Bolaji/Salami interview with Yusuf Olore; Bolaji/Bolaji interview with Saadu Manla. See also Bolaji/Elesin interview with [name withheld], Ile Agbogi; Bolaji interview with Oseni Saidu.
75. Nadel, *Black Byzantium*, 311-12; Oroge, "Iwofa," 85.
76. Oroge, "Iwofa," 81-83.
77. Bolaji interviews with Salman Akanbi and Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
78. Robert Campbell, *Pilgrimage to My Motherland* (New York, 1861), 107; Alh. Safi Jimba, *Short History of Ilorin* (Ilorin, n.d.), 81-82; A. F. Mockler-Ferryman, *Up the Niger* (London, 1892), 205-6. For visual evidence of non-Islamic religious practices in the town and surrounding areas, especially the worship of Sango, see Royal Commonwealth Society, Y3043 C, J. W. S. Macfie West African [photograph] collection 1910-22, tour 2: Northern Nigeria 1911-1912, nos. 120, 175-77, 179, 180.
79. Mockler-Ferryman, *Up the Niger*, 206 and note 1; also 197-98 on Al Haji Abdul Salami. On Sango worship in Ilorin, see David W. Carnegie, *Letters from Nigeria of the Honourable David Wynford Carnegie, F.R.G.S., 1899-1900* (Brechin, 1902), 89-90.

80. Mockler-Ferryman, *Up the Niger*, 206.
81. P. Lonsdale, Annual Report No. 92 for the Year 1921, para. 40, Ilorinprof 4/1 29/1922 (NAK).
82. A. J. Knott, Afon District Tax Revision of 1929, para. 16, Ilorinprof 3/11 0/321 (NAK).
83. Oroge, "Iwofa," 85; Nadel, *Black Byzantium*, 311-12.
84. Bolaji interview with Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
85. P. M. Dwyer, Ilorin Residents Reports 1900, Report 18 July, SNP 15 ACC No. 11 (NAK).
86. See Ann O'Hear, "Political and Commercial Clientage in 19th Century Ilorin," *African Economic History*, 15 (1986).
87. Information from K. A. Ibrahim.
88. Oroge, "Iwofa," 76-80.
89. Johnson, *History of the Yorubas*, 201-2.
90. *Ibid.*, 300.
91. O'Hear, "Economic History," 28-29.
92. Oroge, "Iwofa," 76, 79-80.
93. Bolaji/Salami interview with Yusuf Olore; Bolaji/Elesin interviews with [names withheld], Ile Agbogi and Ile Ojibara.
94. O'Hear, "Economic History," 16-20.
95. Oroge, "Iwofa," 76-77.
96. Bolaji/Salami interview with Magaji Adeyi; Bolaji/Elesin interviews with [names withheld], Ile Agbogi, Ile Ojibara and Ile Olodo. Also see Mockler-Ferryman, *Up the Niger*, 196, 197, 205.
97. Rev. Samuel Crowther and Rev. John Christopher Taylor, *The Gospel on the Banks of the Niger* (London, 1968), 205-06.
98. Interview with Magaji Yaba, 30 Sept. 1988.
99. Bolaji interview with Salimotu Ashabi.
100. Bolaji/Bolaji interview with Amoke Opaaie; and Bolaji interview with Salman Akanbi.
101. Interview with Magaji Yaba, 30 Sept. 1988; interview with Baba Elesin; information from K. A. Ibrahim; Suleiman Ajao interview with Yunusa Gufari, Ile Alawo, Okelele, Ilorin, 27 Jan, 1990; interviews by E. B. Bolaji and others.
102. Falola, "Pawnship."
103. Note that the Magaji Yaba, who is of Fulani descent, is well versed in the details of pawning.
104. Oroge, "Iwofa," 91.
105. Johnson, *History of the Yorubas*, 130. See also Nadel, *Black Byzantium*, 313, on the educational possibilities of pawning in Nupe.
106. Paiye District General, 21, Ilorinprof 19/4 PLT 40 (NAK).
107. Interview with Mamudu Alao.
108. Nadel, *Black Byzantium*, 312.
109. Falola, "Pawnship."
110. Bolaji/Salami interviews with Yusuf Olore and Magaji Adeyi; Bolaji/Elesin interviews with [name withheld], Ile Agbogi, Ile Ojibara and Ile Olodo.
111. Interview with Mamudu Alao; Bolaji interview with Salman Akanbi; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
112. Bolaji/Elesin interview with [name withheld], Ile Agbogi; also interview with Magaji Yaba 30 Sept. 1988; information from K. A. Ibrahim.
113. Information from K. A. Ibrahim; Bolaji interviews with Salman Akanbi and Salimotu Ashabi; Bolaji/Bolaji interview with Amoke Opaaie. Also see O'Hear, "Economic

- History," 138. Other occupations in which Ilorin pawns were engaged included cloth beating (*oohu*), herding, house building, and roof repair. Bolaji/Bolaji interview with Amoke Opaaiye; Bolaji interview with Oseni Saidu.
114. See E. Adeniyi Oroge, "The Institution of Slavery in Yorubaland with Particular Reference to the 19th Century" (Ph.D. thesis, unpublished, University of Birmingham), 180; Nadel, *Black Byzantium*, 312-13; Johnson, *History of the Yorubas*, 129.
115. Nadel, *Black Byzantium*, 312-13.
116. *Ibid.*, 313.
117. Oroge, "Iwofa," quoting Olubi; J. Iliffe, "Poverty in 19th-Century Yorubaland," *Journal of African History*, 25 (1984), citing P.C. Lloyd, *Power and Independence: Urban Africans' Perception of Social Inequality* (London, 1974), 52; Toyin Falola, *The Political Economy of a Pre-Colonial African State: Ibadan, 1830-1900* (Ife, 1984), 61-63. For Nupe, see Nadel, *Black Byzantium*, 312.
118. Interview with Magaji Yaba, 30 Sept. 1988; interview with Baba Elesin.
119. Oroge, "Iwofa," 75, 86, 92-93.
120. G. T. Goldie, Governor, to Earl of Scarborough, 6 Mar. 1897, CO 147/124 (Public Record Office).
121. P. M. Dwyer, Extracts from Reports, May 1902, Aug. 1904, Annual Report 1904, Mss. Afr. s.958, Rhodes House, Oxford.
122. P. M. Dwyer, Ilorin Residents Reports 1900, 31 Oct. and 5 Nov., SNP 15 ACC No. 11 (NAK).
123. Interview with Magaji Yaba, 29 Sept. 1988.
124. Ag. Res. Yola to Sec. to the Administration, Report on Ilorin Province for Quarter ending 30 June 1907, 23 Feb. 1908, SNP 7 2762/1907 (NAK).
125. Bolaji/Salami interviews with Magaji Adeyi and Yusuf Olore; Bolaji/Elesin interviews with [names withheld], Ile Agbogi, Ile Ojibara and Ile Olodo.
126. Bolaji/Salami interview with Yusuf Olore; Bolaji/Elesin interviews with [names withheld], Ile Ojibara, Ile Olodo.
127. Bolaji/Salami interviews with Magaji Adeyi and Yusuf Olore; Bolaji/Elesin interview with [name withheld], Ile Ojibara.
128. Adesiyun interview with Alfa Salimonu.
129. Information from K. A. Ibrahim, following his interview with [name withheld], Agbaji, Ilorin.
130. Bolaji/Elesin interviews with [names withheld], Ile Agbogi, Ile Ojibara and Ile Olodo.
131. Bolaji/Elesin interview with [name withheld], Ile Olodo.
132. See O'Hear, "Economic History," chap. 5.
133. Interview with Mamudu Alao; Suleiman Ajao interview with Lawani Akano (Baba Magaji), Magaji Village, Oloru District; Adesiyun interview with Abdul Lasisi; interview with Magaji Yaba, 30 Sept. 1988; Bolaji/Salami interview with Magaji Adeyi; Bolaji/Elesin interviews with [names withheld], Ile Agbogi, Ile Ojibara and Ile Olodo.
134. Oroge, "Institution of Slavery," 419.
135. O'Hear, "Economic History," 87-90.
136. *Ibid.*, 255, 259.
137. Nadel, *Black Byzantium*, 311, 313.
138. O'Hear, "Economic History," 261, 263-84, 292.
139. Bolaji interviews with Salman Akanbi and Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaiye.
140. Bolaji/Bolaji interview with Saadu Manla; Adesiyun interview with Alfa Salimonu; Bolaji/Salami interview with Yusuf Olore.
141. Ajao interview with Yunusa Gufari. For denials, see Bolaji interview with Oseni Saidu; Bolaji/Bolaji interview with Saadu Manla.

142. Information from K. A. Ibrahim; also O'Hear, "Ilorin Lantana Beads," 36-37.
143. O'Hear, "Economic History," 111-19.
144. George Anderson, Report Ilorin Province March Quarter 1909, para. 29, SNP 7 2215/1909 (NAK).
145. Suleiman Ajao interview with Hassan Iyanda, Ile Ila Akodudu, Ilorin, 11 Mar. 1990. For the connection between leatherworking and Islam, see O'Hear, "Leatherworking in Ilorin."
146. For the association between weaving and Islam, see O'Hear, "Economic History," 127-28. For similarities with Iseyin, see Jennifer M. Bray, "The Organization of Traditional Weaving in Iseyin, Nigeria," *Africa*, 38 (1968), 271; Bray, "The Economics of Traditional Cloth Production in Iseyin," *Economic Development and Cultural Change*, 17 (1969), 544.
147. Nadel, *Black Byzantium*, 278, 293.
148. Paul E. Lovejoy and Jan S. Hogendorn, *Slow Death for Slavery. The Course of Abolition in Northern Nigeria, 1897-1936* (Cambridge, 1993), chap. 4; Lugard, *Instructions*, Memorandum No. 6; Frederick D. Lugard, *Political Memoranda: Revision of Instructions to Political Officers on Subjects Chiefly Political and Administrative, 1913-1918* (London, 1970 [3d ed.]), Memorandum VI.
149. R. S. Chapman, Assessment Report Shonga District, March 1912, para. 22, SNP 7/13 2297/1912 (NAK).
150. Falola, "Pawnship."
151. P. M. Dwyer, Report for July-Sept. 1906, para. 19, SNP 15/1, ACC No. 119 (NAK).
152. See e.g., P. M. Dwyer, Annual Report Ilorin Province 1907, SNP 7 1842/1908 (NAK); Dwyer, Report (Annual) Ilorin Province 1908, SNP 7 1897/1908 (NAK); Dwyer, Ilorin Province Annual Report 1910, SNP 7 1895/1911 (NAK).
153. Dwyer, Annual Report 1905, para. 23.
154. Falola, "Pawnship."
155. Nadel, *Black Byzantium*, 311.
156. League of Nations, *Slavery: Report of the Advisory Committee of Experts, Third (Extraordinary) Session of the Committee* (Geneva, 1936), para. 27. I am grateful to Paul Lovejoy for drawing my attention to this report.
157. F. de F. Daniel, Ilorin Province Annual Report 1934, para. 10, SNP 17/2 23595 (NAK); League of Nations, *Slavery: Report*, para. 27 & 28.
158. Alhaja Amoke Opaaiye stated that she was 133 years old, but she also claimed to have been born in the reign of the "terrible emir," that is, Emir Moma, who reigned in the 1890s. Alhaji Saadu Manla said he was about 60 years old, but also claimed to have been born in the reign of Moma. Many events have come to be identified with this reign.
159. Interview with Mamudu Alao.
160. Interview with Baba Elesin.
161. Interview by Suleiman Ajao with Shuaibu Hanafi, Ile Alawo, Okelele, Ilorin.
162. Bolaji interview with Salman Akanbi.
163. Ibid.; Bolaji interview with Oseni Saidu. For pawning during the depression elsewhere, see Martin A. Klein and Richard Roberts, "Resurgence of Pawning in French West Africa During the Depression of the 1930s," *African Economic History*, 16 (1987); also in this volume.
164. Falola, "Pawnship."
165. Bolaji/Elesin interviews with [names withheld], Ile Agbogi and Ile Ojibara; Bolaji/Salami interview with Yusuf Olore; Bolaji interview with Oseni Saidu and Salman Akanbi; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaiye.
166. Bolaji/Elesin interviews with [names withheld], Ile Agbogi and Ile Olodo.

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167. Interview with Mamudu Alao.
168. Bolaji/Elesin interviews with [names withheld], Ile Agbogi and Ile Ojibara; Bolaji interviews with Oseni Saidu and Salimotu Ashabi; Bolaji/Bolaji interview with Amoke Opaaie.
169. Interview with Magaji Yaba, 30 Sept. 1988; Bolaji/Salami interview with Magaji Adeyi.
170. Bolaji interviews with Salman Akanbi, Oseni Saidu and Yaya Ishola; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie.
171. Bolaji/Bolaji interview with Amoke Opaaie.
172. Falola, "Pawnship."
173. Ibid.
174. Interview with Magaji Yaba, 30 Sept. 1988.
175. Bolaji/Salami interview with Yusuf Olore.
176. Ajao interview with Yunusa Gufari.
177. Ajao interview with Shuaibu Hanafi.
178. Bolaji interviews with Salman Akanbi and Oseni Saidu; Bolaji/Bolaji interviews with Saadu Manla and Amoke Opaaie; interview arranged by E.B. Bolaji and conducted by I. Bolaji, with Alhaji Ambaliyu, Magaji of Ile Gbogun, Alawo Nla Compound, Okelele, Ilorin, 2 Sept. 1991.



CHAPTER 8



PAWNSHIP IN IGBO SOCIETY

FELIX K. EKECHI

Pawning or pledging is known in Igbo as *igba ibe*. Although its historical origin is still unknown, it seems to have been an ancient custom among the Igbo of Nigeria. Indeed, as in many other African societies, pawning was approved by custom and tradition and probably developed as a result of economic hardship.¹ Thus the institution tended to reflect social and economic inequality in society. For it was economic distress that often compelled individuals to pledge their farmland, economic trees such as oil palms or even valuable ornaments like beads and ivory, or guns as security for a loan. At times, as will be shown later, individuals also pawned themselves. In short, pawning was an essentially economic transaction in which objects or persons were pledged or handed over to creditors as security or collateral for a debt.

Igba ibe was a transaction that involved both a creditor and a debtor as well as witnesses. Hence Okeke has correctly described pawning among the Igbo as "a contract entered into in the presence of a witness or witnesses called '*Onye-aka-ebe*' [plural: *ndi aka ebe*]."² Customarily, the whole transaction was sealed with a ritual, which sometimes entailed the swearing of an oath or the offering of kolanuts and palm wine. Thus pawning in Igbo society was basically "a legal transaction recognised and protected by the traditional laws of the country."³ In the case of loans, both the creditor and the debtor generally agreed as to the terms of the loan, especially with regard to the length of repayment and interest.

It is important to emphasize the point that the pledging of valuable trees, as well as farmland, was probably the most common and expeditious means of obtaining loans, a practice that still exists in contemporary Igbo society. Thus, if a man was unable to pay his debt or wanted to raise money for any specific need, he could pledge his farmland or material objects to his creditor.⁴ The expectation, of course, was that the item pledged would be redeemed in due course. But, as often happened, these objects, and particularly lands, remained unredeemed. In that case, the pledged object could be used by the broker "exactly as if it were his own property." However, the pledged property had to be returned to the owner whenever the debt was ultimately paid.⁵

Of course, there were rules regulating the use or damage of pledged property. As Thomas observed in the Western Igbo communities, these rules varied from place to place.

A creditor was permitted to use a pledged object even to the extent of completely wearing it out, unless negligence could be proved in the use of the object. The fact that it was worn out did not extinguish the debt....

Thus at Okpanam a gun could be used by the broker. If it burst or were otherwise spoiled, he could hang it up, and no compensation could be claimed by the debtor, who remained responsible for the money. The broker, however, had to show the damaged gun to the owner. If he did not do this, or if he used the broken pieces, another gun, presumably a good one, had to be handed over to the owner when he repaid the money.

At Ala...a gun which could not be pawned for more than 5s, if it were spoilt and then lost, was not replaced, but half the debt was reckoned as extinguished....

At Okpanam, if a pawned object was stolen, the rule was that the owner had to be informed....

At Onitsha Olona, if a pawned object were stolen by an unknown thief, the debt was extinguished and no compensation was payable.

At Ezi, on the other hand, if a pledge were stolen it had to be replaced or paid for, and the owner remained responsible for his debt. If the thief were found, the holder of the object received the compensation [from the thief].⁶

Unredeemed objects, particularly land, in recent years have increasingly become sources of social conflict in many parts of Igboland. In the Owerri

area, as this writer has witnessed on numerous occasions, the circumstances under which the transactions were negotiated have been forgotten. This is particularly the case where the individuals directly involved had been dead for decades. Also, the amount of money involved in many of these land cases can no longer be remembered. Hence claims and counterclaims by the children or relatives of the deceased have continued to create difficulties for local or clan councils and to clog Nigerian courts, now faced with numerous cases dealing with pledged lands.

Pawnship in Africa, however, is more commonly associated with domestic slavery. It was in this connection, that N. W. Thomas, a British colonial government anthropologist, said of domestic slavery in precolonial Igbo society, "Slaves were acquired sometimes by purchase, sometimes in war, sometimes, apparently, by a debtor voluntarily giving himself up in order to rid himself of debts and get a fresh start."⁷ According to the Anglican missionary, G. T. Basden, "When a man is in need of money for some specific purpose, and he can find no other way to meet the demand, he resorts to the custom of pawning."⁸ Igbo ethnographers, also, have described pawning in a similar vein: "A man in need of money could pledge himself, his children or his younger brothers or sisters as a security for a loan, or to pay [back] a debt."⁹

Clearly, pawning in Igbo society was an economic transaction through which a man or woman voluntarily became a dependent in the creditor's household. This seemingly voluntary servitude, as Victor Uchendu points out, occurred as "the last resort to meet pressing indebtedness," to raise money for marriage, to take a title, or even to perform a "second-burial" rite (*ikwa ozu*).¹⁰ It has been further characterized as "a kind of voluntary petition in bankruptcy."¹¹ In many instances, to be sure, this transaction was far from being voluntary. In fact, in extreme cases, relatives of debtors were *seized* as security for a loan/debt. This practice, often referred to in the literature as "panyarring," was common in West Africa generally. Eyewitness accounts by nineteenth-century missionaries in Igboland abound. The Rev. J. C. Taylor, for example, related this incident at Onitsha in 1857:

In the afternoon I...preached [a] sermon to 200 persons.... In the evening, Mba, a man whom I had engaged to get me some rafters, came in. He began to relate a sad story. He said that he had caught a little girl about eight or nine years old, for debt, and should sell her during the week. Ah me! As soon as he had repeated these words, it pierced my heart and made me sad. I interposed for the unfortunate lass....¹²

It is instructive that he "caught" her; it seems that in this case pawnship resulted from a seizure.

Missionaries, of course, were critical of pawning as well as domestic slavery. Not surprisingly, the Rev. Basden condemned the Igbo system of pawning, particularly as it affected children:

One aggravating fact is that a child's liberty may be forfeited in exchange for a very small loan. For a couple of pounds [sterling] a man may be plunged into servitude for as many years, while a child may find no way of escape and remain unredeemed for life. One typical case investigated revealed that a man had given his son as security for a loan of fifty shillings value. Ten years later the youth was still a pawn!¹³

The good reverend understood the dilemma of pawnship. A person, often a child, could be bound for years without recourse.

Oral and written sources agree that children (boys and girls) were most often pawned as security for loans. Thus, a man could pawn any of his children, or his younger brothers and sisters. Similarly, "parents who want[ed] their children to learn some trades could pawn them out to craftsmen for the purpose, and obtain from them some amount of money."¹⁴ Also, a woman could pawn her daughter in time of famine. And, as will be discussed later, a man could pawn one of his children to a patron for the purpose of raising money to send a son to school. All in all, pawning, as an institution, was designed to meet different situational needs.

As elsewhere in Africa, pawning among the Igbo was a convenient means of recruiting labor,¹⁵ especially by the well-to-do. A wealthy person could give loans to several individuals and thereby obtain their services as farm laborers. The work thus performed served as interest on the loan. From the point of view of moralistic missionaries, however, this was tantamount to outright exploitation. In Basden's view,

This pawnship system is like many other customs of the Ibos, of ancient lineage.... In certain areas, it has reached notorious proportions and some well-to-do men have, by its use, secured a considerable number of wageless workers.... For example, one has known a chief to secure all the labour he needs for his extensive farm work by arranging to pay the tax for numbers of men of the village, on condition that they repaid him by working without wages for the farming season, that is, for six months.¹⁶

Pawns and Slaves

At this juncture, it is necessary to raise the question whether pawns should be classified as slaves. The consensus of scholars, particularly Igbo scholars, is that such nomenclature is inappropriate. Thus Uchendu has argued that "a pawn, strictly speaking, is not a slave, although the term 'debtor-slave' has sometimes been used for pawns. The distinction between the two is conveyed in Igbo by referring to pawns as *nvunvu ego*, as opposed to *ohu* [slave]."¹⁷ Okeke, in his study of domestic slavery in Igbo society, also rejected the classification of pawns as slaves. "Pawns," he insisted, "are quite distinct from the slaves (*Ohu*) because the meaning of *Igba-ebe*...is in no way the same with *Ohu*."¹⁸ In practical terms, the social status of pawns and slaves differed significantly.

Among the Igbo people, pawns were classified under the generic term *ohu*, which also referred to slaves in general and to *osu* cult slaves who were attached to religious shrines. But, as indicated above, these three categories of *ohu* were accorded different social treatment, and their social statuses and rights differed substantially as well. In general, a slave lost his or her independence and political rights, a pawn retained his or hers.¹⁹ In more specific terms, the distinction between slaves and pawns lay principally in the fact that the condition of slaves was by and large permanent, while that of pawns was temporary, at least in theory. For, in fact, in some Igbo communities, "a limit of several years was imposed, after which the person [pawn] was bound to be released whatever the amount of the debt and whether it had been paid or not."²⁰ Thus, the status of a pawn seemed analogous to that of an indentured servant or laborer.

Furthermore, "a pawn or [a] person personified as a security for a loan in Igbo custom, [was] a free man," meaning that the pawn's civil and political rights remained intact.²¹ And, unlike slaves, "A pawn could always change his employer by pledging himself to another, whom he preferred and paying off the original creditor."²² Uchendu further explains,

Pawns are distinguished from slaves. The Igbo make fine status distinctions between the two. As they conceive their statuses, a slave was a man whose link with his lineage had been severed forever. This is not true of a pawn. Although slaves could be sold for cash, given in payment for a debt...no such fate faces a pawn. Slaves and pawns are referred to by a generic term, *ohu*, but pawns are often terminologically distinguished from slaves by a descriptive term--*nvuvu ako* (collateral for wealth).²³

Equally important, a pawn could be redeemed, no matter how long it took, further illustrating the impermanence of this form of servitude. Pawns did not lose their lineage connections as slaves and *osu* did. In fact, a pawn who lived with the creditor was allowed to visit his or her home periodically.²⁴ More important, unlike a slave, "a master's right over a pawn...was limited to domestic use of his labor"; creditors had no right of life and death over their pawns.²⁵ Pawns could not be used for human sacrifice, nor be sold by their creditors.²⁶ Pawns, therefore, enjoyed immunity from enslavement. Even missionary critics of the Igbo system of pawnship acknowledged that pawns were legally protected from enslavement.²⁷ In Basden's words,

There is one saving clause [in the Igbo pawnship system] and that is, that a pawn cannot be sold while a slave may be....In past days, a slave (as distinct from a pawn) was reckoned as of no more value than his equivalent in money. He was entirely at the disposal of his owner, even to life itself. He had no privileges beyond those extended to him by the goodwill of his master.²⁸

There were occasions, to be sure, when a pawn's civil rights were violated. However, nineteenth-century sources make it abundantly clear that such violations were not tolerated; in fact, they almost invariably resulted in war. For example, in 1858, as Bishop Crowther informs us, Onitsha people "managed to pick up a quarrel" with three of her neighbors (Nkwerre, Obunike, and Nsugbe) "from the circumstances of a man received in pawn, but unjustly detained, and who was lately attempted to be sold away."²⁹ Indeed, informants narrated to me stories of intervillage or intertown wars that were ostensibly precipitated by the sale or attempted sale of pawns.³⁰ Overall, the rights of pawns were legally guaranteed in the unwritten constitution of the Igbo.

Let me further illustrate the striking difference in the status of slaves and pawns with a brief personal experience. I grew up in a family which had both slaves and pawns. As a matter of fact, my father, grandfather, and three uncles all had slaves and pawns, and some of the pawns actually lived with our family. Two of the male pawns, reportedly given to my father as security for loans, lived with my mother and her co-wife respectively. As far as I can remember, and I was rather young at the time, the man who lived with my mother was hardly ever referred to as an *ohu*; nor was he treated any differently from the rest of my older brothers and me. For in matters of domestic and farm work, all of us worked together as a family unit. In Igbo society, of course, as ethnographers have clearly pointed out, "No operation was strictly reserved for slaves [or pawns]."³¹

It was indeed customary for young boys in the household to sleep together in the same room, and this included pawns. Thus my father's pawns shared the same bedroom with the rest of us; and, of course, we all ate together as well. Thus, unlike the *osu* cult slaves, the problem of social segregation did not apply to pawns. Indeed, pawns "mingled freely with their equals in the house or in the field, farm estates as members of the household."³² I therefore grew up in an environment that allowed free interaction and thus left me with the impression that the pawn who lived with my mother was an integral member of the family.

Sadly, it was only years later, after he had returned home, that I finally realized that he was not, after all, one of my "blood" brothers! The reason for his departure, however, remains unclear. According to my senior sister (c. 85 years), he was probably redeemed, although possibly the colonial government ban on pawnship in the 1930s might have been responsible for his departure.

Finally, it is important to stress the point that, in the Igbo area generally, the *ohu* status of pawns "was not unduly emphasized in the society and reference to it was avoided as much as possible in the normal day to day relations."³³ Okeke's study of the dynamics of slavery in Igbo society also illuminates the point that pawns were "scarcely treated badly," nor were they "isolated or discriminated against at all," in contrast to the treatment meted to the *osu*.³⁴ In fact, according to Thomas, "the situation of a pawn was by no means unpleasant; he was in many cases better off in all probability than he would be in his own family."³⁵

Although a pawn was commonly a person "handed over to a fellow-townsmen as security for a loan," it should be noted that foreign merchants, who were trading in nineteenth-century Igboland also received pawns as collateral for credits or debts. The example of W. Cole, who traded at Aboh and elsewhere on the Niger, is a case in point. In 1862, he remarked that Prince Akia "called upon me to solicit an advance of goods to the value of a ton of [palm] oil, promising to pay me within a stated period, and furthermore to place a slave in my hands as security."³⁶

There were, of course, other forms of dependency in Igbo society. For example, insecurity at times compelled parents to pawn a child to a patron. The life story of Eke Kalu of Ohaffia, in present Abia State of Nigeria, illustrates the point. In his autobiography, Eke Kalu narrated how he lived in exile for twenty-nine years. According to him, he was born out of wedlock, and, as a result, his mother's husband threatened to kill him. To "escape this [im]pending danger," he wrote, "I was therefore made to serve as a houseboy to one [travelling] native blacksmith, Nsi Oji of Ohaffia."³⁷ In other words, Eke Kalu was given to a kinsman, Nsi Oji, for security reasons, illustrating that "pawning was an institution that could be shaped to

meet the needs of different situations."³⁸ According to Eke Kalu, Nsi Oji took him to Bonny where he (Eke Kalu) was given to another master, Chief Akara Oja, "who made me the keeper of his keys." After three years sojourn in Bonny, Eke Kalu was permitted to return home. Unfortunately, upon arriving at Bende, en route to Ohaffia, he was kidnapped and, once more, given to another master. Not until after twenty-nine years in exile was it finally possible for Eke Kalu to return to Ohaffia and, thereafter, play a critical role in the evangelization and education of his people.³⁹

Title Taking, Education and Pawning

With the possible exception of second-burial rites (*ikwaozu*), as Uchendu has remarked, the taking of titles (e.g. *ozo*) was perhaps "the chief single cause of pawning" in parts of Igbo society.⁴⁰ Of course, titles "had an important symbolic dimension" in Nigerian society. According to Sandra Barnes, "they make explicit roles that were implicit."⁴¹ With particular reference to Igbo society, the *ozo* title "signified that individuals were outstanding members of the community." Seen from the perspective of the rite of passage, the *ozo* title "ritually transformed an individual from the status of ordinary citizen to that of privileged member of the community." Thus, titled men and women "enjoyed special, spiritually sanctioned rights and obligations."⁴² Besides, in precolonial polities where "the structure of government was articulated almost exclusively through a title-holding system," title holders wielded considerable influence and power.⁴³

Equally important, titles not only conferred social and political status, but they also brought financial security. Titles like the *ozo* enabled initiates to acquire wealth, especially through the sharing of fees paid by new entrants. The colonial anthropologist Talbot aptly described titles as "great mutual benefit clubs."

Throughout the greater part of Ibo-land...there is a system of societies composed of men who by purchase have attained to certain 'titles,' as they are called.... They are not only political associations which rule the country but great mutual benefit clubs, in which one invests a certain amount of capital, the entrance fee, and from which is afterwards drawn interest in the shape of a share in the fees given by later entrants, to say nothing of the various feasts and entertainments provided by them.⁴⁴

Because of the social, political and economic benefits derived from *ozo* and other titles, they were naturally highly sought after. And because title taking, particularly *ozo*, was an elaborate and expensive proposition,⁴⁵ men

either pawned themselves or their children in order to raise the necessary funds for this coveted jewel in precolonial and even colonial status-oriented society.

The fact that men pawned themselves for the purpose of taking titles, or for marriage, raises the question whether pawning, in this context, carried with it a social stigma. Given, also, that titles like the *ozo* conferred social and political status, it would appear, then, that pawning oneself in order to obtain the *ozo* title had little or no negative connotation in society. Indeed, there seemed to have been "nothing disgraceful" in being a pawn, especially if it was for a good cause. However, as institutions change over time, they invariably become imbued with new meanings and new symbols; hence, pawning oneself in order to take a title nowadays would certainly carry a social opprobrium.

In precolonial Igbo society, only free men (*diala*) could take titles, meaning that the *ohu*, and especially the *osu*, were traditionally excluded. Nowadays, however, both the *diala* and the *osu* take titles, essentially because of the radical social changes brought about by colonialism and Christianity. Thus, "under the umbrella of Christianity" and colonialism, the *osu* have acquired "a social status [once] denied them in the traditional social structure. Within the Christian society they are accorded all privileges, rights and responsibilit[ies] of any other member."⁴⁶ Yet, while they now take titles, which are largely decorative, "they are still barred from holding offices in the traditional political system," notably the office of the *eze* (king).⁴⁷

Another aspect of pawnship that deserves mention is the pawning of children for the specific purpose of raising funds to send boys to school. Because education in the colonial period was (and still is) generally regarded as the key to socio-economic mobility, parents at times pawned their children to some rich patrons and, in the process, obtained money to send their sons to school. This practice prevailed in my own school days, when education was a source of pride. In fact, a villager pawned one of his sons to my uncle (Njere) and thereby obtained money to send another son to school. The pawn lived with my uncle's wife (Nwawure) until the early forties, when he was probably redeemed. This case, among many, helps to reinforce the thesis that there was a direct correlation between pawning and economic inequality in society.

As a general rule, pawns lived with their creditors. Thus, if an unmarried man pledged himself as security for a loan, he was expected to live with and work for his creditor-patron "every day in the week, the master providing him with food." But if the debtor were married, he remained at his home and he and his wife reportedly worked for the creditor "three days in eight, and they [were] provided with food on these three days

only."⁴⁸ Overall, married male pawns lived in their own homes and provided necessary services to their creditors.

By contrast, children of either sex generally lived with their creditors *cum* masters. Although boys and girls were pawned as security for loans, oral and written sources tend to suggest that the majority of pawns were young girls, perhaps because girls were more valued for their domestic services.⁴⁹

Ethnographic studies provide information on local practices relating to the pawning of girls. In the Igbo communities west of the Niger River, such as Onitsha, Olona, Obolukwu, and Ezi, "a woman could pawn her daughter but *only* [emphasis added] to another woman;" whereas at Ibuza, "a girl could be pawned to a relative" only.⁵⁰ And yet there was another peculiarity at Asaba, where, according to Thomas, "the custom appears to have been to pawn a child of either sex, not to the creditor himself, but to one of the eze [chiefs]."⁵¹ Here, also, "If the pawn died, he was buried by his father, and another child had to be given in security or the debt paid."⁵² According to custom, the creditor had to satisfy the parents and the elders of the community that death was not caused by "carelessness or neglect on his part."⁵³ In effect, death did not nullify the debt.⁵⁴

In virtually all of Igboland, "a girl might be given to a man as a wife in satisfaction of a loan."⁵⁵ Also, a female pawn could be redeemed by a suitor, meaning that the creditor could, in effect, give a pawned girl in marriage. However, such an arrangement was made with the concurrence of the girl's father. For under no circumstances could a pawned girl be given in marriage without the father's permission. In most instances a pawned girl was not to "be given in marriage by her master to a man in another family than his own."⁵⁶ When marriage occurred, part of the bride wealth was given to the creditor as payment of the loan, and the balance was kept by the father. Of course, the creditor himself could marry the girl, or she could be married by a member of the creditor's household, say, his son.⁵⁷ When that happened, the girl's pawn status terminated immediately.⁵⁸ Customarily, at the termination of servitude, either by marriage or by redemption, the girl's father or her relatives presented the creditor with a goat, which was killed and eaten together by both sides.⁵⁹ Social and religious rituals preceded and terminated pawning transactions (see below).

It should be noted that Igbo custom, as Okeke points out, safeguarded the rights of female pawns, especially in matters of sexual harassment. "If a service girl [was] tampered with by the master sexually, the money so 'lent' to the girl's parent [was] forfeited and therefore considered paid." Furthermore, the master paid all the expenses incurred on the girl, and he was also liable to legal prosecution. And should a married female pawn be

sexually abused, "Heavy fines were paid to both the woman's husband and...to the town authorities as penalty."⁶⁰

Creditors: Those Who Had Pawns

Although pawning was widespread in precolonial and early colonial Igboland, not everybody could afford to own pawns, let alone slaves. By and large it was the *ogaranya*, or "persons of some property," as Bishop Crowther defined them in the 1850s, who had pawns and slaves. Thus, despite the egalitarian character of Igbo society, there were (and still are) marks of socio-economic differentiation. Indeed, the *ogaranya* constituted "a social and economic class" - the "power elite" - of society.⁶¹ In the main, they were distinguished by their wealth, often reflected in their many wives, children, slaves, and pawns. For the *ogaranya*, slaves and pawns served as an "ostentatious display of a man's wealth."⁶² Hence, by reason of their social and economic position, the *Ogaranya* attracted many clients/dependents, who rendered a variety of services, notably farming and military duty. "Very often among his [pawns] were numbered those of his townsmen who had been convicted of some offence, and whose fines have been paid by him. Such people became his vassals until they had refunded to him the amount of the fine."⁶³ Through this pattern of patron-client relationship an *ogaranya* invariably enhanced his influence, power and prestige.⁶⁴

The *ogaranya* included such historical luminaries as Chief Njemanze of Owerri and Igwe Okpo of Item, Chief Onyeama of Eke, near Enugu, to name but a few. These were men of wealth and power who built up elaborate patron-client networks, offered safe passage to travellers and visitors in their respective domains, and were appointed as Warrant Chiefs in the colonial era. In fact, "any person claiming friendship with [them] could pass unmolested through any village in the neighbourhood."⁶⁵

In Owerri, Chief Njemanze (d.1920) was unquestionably the most prominent and influential *ogaranya* in late precolonial and early colonial times. According to Leith-Ross, "Chief Njemanze was a rich man for, besides his fifty wives, he had about two hundred servants."⁶⁶ His reputation derived partly from his precolonial slave trading activities and, in the colonial period, from his being made a paramount chief.⁶⁷ His accumulation of pawns, informants explained, derived largely from his ability to grant favors, especially by lending people various amounts of money, or by even paying their taxes. In the process, he obligated many people to his service. According to Owerri informants, many people pawned themselves or their children to Njemanze, and this resulted in the fantastic growth of the legendary "Njemanze Compound" (*Orukpu*

Njemanze).⁶⁸ Leith-Ross, who visited the compound in 1930, less than ten years after his death, remarked

It was still fairly full of people coming and going, women preparing food or cooking it over small wood fires, men talking in the *obi* near the gate, children playing, young girls coming in with firewood or water from the nearby stream, but one felt the absence of the master spirit, one saw evidences of slackness and decay, the light of glory no longer shone upon its walls.⁶⁹

Let me once again add here another personal caveat. The life histories of members of my family, that is, my great grandfather (Orji), grandfather (Egekeze), father and uncles, who had pawns, reveal that they were *ogaranya* in their own right. Family members speak with great pride of the family's "old wealth" and prestige, which derived from owning extensive yam barns, having many wives and children, as well as owning slaves and pawns. These made the Orji and Owyelialshi families famous. Evidence available to me indicates that at least seventeen male pawns lived in our family at one time or the other. For example, the following persons, all from our village, reportedly served members of our family as pawns - the pawns appear in brackets: Azui? e (Igwe Orji), Emeribe Nwokoji (Egekeze Orji), Nlemadim Anoruo (Njere Egekeze), Nmezi Opara (Osuji Uchegbu), Amadi Opara (Igwe Orji), Nathaniel Mbegbu, Denis Okpoko Anamelechi, Ozurumba Amadi and Ukonu Opara Iheka (Egekeze Orji), Dennis Onwuagwumba Enwere (Njere Egekeze). And there were other pawns from neighboring towns, including Diala Igbo and Nwaneri, who lived in Ekechi Egekeze's household.⁷⁰

It would be a gross error, of course, to assume that only men owned slaves or had contracts on pawns. On the contrary, many Igbo women, as in other African societies, had slaves and pawns.⁷¹ In fact, there were Igbo women of substance who, as in Onitsha and Osamari, could afford to own a large number of *ohu*, many of whom were probably pawns.⁷² It is regrettable that, despite the increasing interest in women's studies, little has yet been written about women and slavery in Igbo society.

Redemption

As noted earlier, the death of a pawn did not necessarily terminate the debt. Rather, the pawn had to be replaced. Talbot, obviously ignorant of Igbo customary law, thought that a debt was inherited by a man's heirs,⁷³ and viewed the replacement principle as an "injustice." Basden vented his disapproval of the system:

Another injustice lies in the fact that a debt so contracted is not extinguished by the death of a pawn. The money-lender enters a fresh claim, and demands a substitute to replace the one lost by death. It matters not how many years a man has served; the redemption price has not been paid and, until that is handed over, there can be no cancellation of the debt. . . . It is of a type that possesses no qualifications to recommend its conservation. . . . Pawns who have given fair service, should be immediately freed . . . , and in no case should the contract be heritable; indeed, the pernicious system should be prohibited in its entirety.⁷⁴

As a general rule, pawns became free whenever the debtor paid back the debt, at times with interest. Thus, the period of servitude depended on the time it took the debtor to repay the loan; or, for that matter, whenever somebody else did so on his or her behalf. It was of course possible for a pawn to redeem himself. For, according to customary practice, male pawns usually "work[ed] for the creditor-master for a definite number of days in an Igbo week as specified in the contract. For the remaining days in the week, they work[ed] as craftsmen or as laborers to earn their redemption money."⁷⁵ This system of redemption appears to be in contrast to what Robertson found among the Ga of Ghana, where, according to her, "payment of the debt for the pawn's redemption could not be made by the pawn, but only by his or her family."⁷⁶

Certainly, redemption was effected in several ways. The case of pawn girls given in marriage, for example, has already been noted. In general, pawns could be redeemed by themselves or by any member of the family. Friends, too, could initiate the process of redemption. For example, a friend could present a she-goat to the pawn. "The money accruing from the sale of the kids is allowed to accumulate until there is sufficient to meet the claim of the creditor."⁷⁷ The pawn's freedom was therefore secured immediately the debt was paid. In some places, repayment of the loan was considered unnecessary, especially if the debtor had served the creditor well and for a considerable length of time. In short, long service could liquidate a loan.⁷⁸

Redemption practices varied somewhat from place to place. A cardinal principle of the *igba ibe* system, according to customary law, is that pledges like land or persons are "perpetually redeemable." This was stated unequivocally by the Supreme Court of Nigeria in 1974 with respect to customary pledges of land, whereby

the pledger's right of redemption cannot be clogged in any way by the pledgee, such for instance as by

demanding any amount in excess of the sum for which the land was originally pledged, or by planting the pledged land heavily with economic trees, or by using other subterfuges to delay or postpone the pledger's or his successor's right to redeem; nor is lapse of time a ban to the exercise of the right of redemption, for customary pledges of land are perpetually redeemable.⁷⁹

Religious and social ceremonies traditionally accompanied redemption or termination of servitude. For example, when pawnship was terminated, the debtor or his relatives presented the creditor with the following items: "a goat, a hen, twenty yams, a jar of [palm] wine, a pot of palm-oil, a bunch of seasoning leaves, and four kola-nuts." The creditor, on his own part, gave "a banquet to celebrate the occasion, and as a prelude he sacrifice[d] a chicken to Anyanwu (the Sun deity) or Mbatako (deity of wealth), as a thank-offering for the payment of the loan."⁸⁰ Similar social conventions followed the redemption of pledged lands or other forms of property.

Persistence of Pawning in the Colonial Period

As elsewhere in West Africa,⁸¹ pawning continued to exist during the colonial period, despite government insistence that "any form of servitude, even if described as 'voluntary' cannot be acquiesced indefinitely."⁸² And not only did the practice persist until the 1930s, but court cases and district commissioners' reports illuminate the transformation of the system. As was the case in the French colonies,⁸³ the British colonial tax induced men to pawn either themselves or their children "in order to obtain money to pay their taxes."⁸⁴ In fact, the pawning of children for the purpose of paying the burdensome colonial tax was so widespread in Nigeria that concerned members of the Nigerian Legislative Council raised the issue in the Council debates of 1931.⁸⁵

Examples abound of the persistence of pawning in the colonial era. Only a few selected cases will be treated here to illustrate the corruption of the pawning system. The colonial annual reports on the Owerri Division for the period 1914-19, for instance, contain numerous references to pawning in several parts of the division and beyond, arising from severe economic problems. Writing in 1919, E. Falk, the District Officer (DO) of Owerri, stated, "Parents are still fond of pawning their own or preferably other persons' offspring to raise cash as security for debt."⁸⁶ These reports also noted that individuals had, in fact, become very sophisticated in the pawning business. Said the DO,

Those who practice it have grown cunning and cloak their practices under pretences of marriage and apprenticeship and taking people the "grand tour" of the country. Nguru is particularly bad - pawning being specially frequent.⁸⁷

Indeed the pawning of children, especially girls, assumed many different forms in the colonial era. For example, the DO at Onitsha reported in 1931, with special reference to Ihiala, that men, who could no longer pay their taxes, gave their daughters to creditors as wives. In the process, he said, "the cancellation of the debt form[ed] all or part of the dowry," i.e., bride-wealth.⁸⁸ Similarly, a bridegroom was "required to pay the annual taxes for the bride's parents instead of paying the traditional bride price." In short, girls were pawned to brokers "in the idiom of marriage."⁸⁹

Certainly, the advent of British colonial rule in Igboland not only heralded an era of storm and stress but also introduced a new era of cultural perversion. The breakdown of law and order and the imposition of taxation fostered a new order in which the seizure of young girls who were either sold outright as slaves or pawned to brokers under the camouflage of marriage was common, if not always acceptable. Such seizures at times involved colonial officials (African and European). According to the colonial reports, some of the abducted girls lived with the officials as servants or wives. "Runaway girls" and wives were said to have been fair game in this new mode of slave dealing.⁹⁰ The situation reportedly became such a serious source of concern that officials at the Colonial Office felt a special legislation was needed to nip this social evil in the bud. But the Colonial Secretary, H. B. Chamberlain demurred: "I think," he minuted, "that the less we have to deal with legislation the better....If however a very flagrant case of abduction of a wife occurs, committed by an officer in the service of the Colony, it should be dealt with by dismissal of the offender or under the ordinary criminal law."⁹¹

And there were reports in the 1920s of "gangs of men whose profession [was] to entice girls" and pawn them to rich clients as wives. At Aba, for instance, the local DO reported a "large number of cases" involving the Aro, who allegedly brought girls "from Bende and Okigwi or further north" to Bonny and Opobo, where they were either sold or pawned.⁹² Uchendu's study confirms that Yako and Okrika communities of the Niger delta continued to "provide their Igbo clients with the best markets for marriage pawns" well into the late colonial era.⁹³ In the Orlu area, too, "child-stealing" was very rampant, and the stolen young girls were said to have been pawned or sold to patrons under the guise of marriage. According to Frank Hives, "the stolen persons [were] disposed of at Oguta-Abaziem in Owerri and Egbema in Ahoada."⁹⁴

It was common practice to blame Igbo officials for the persistence of pawning in their areas. Hence colonial officials sternly warned chiefs of the consequences of "passive toleration." Some DOs even went so far as to recommend the suspension of the warrants of chiefs whose subjects dabbled in the pawning of children. Here, for example, is the recommendation by E. Falk at Owerri:

I have found the most effective means of dealing with this state of affairs to act at once to recommend the suspension of the warrant of the chief of any town where such occurrence occurs with any degree of frequency even although [sic] there is no reason to believe that he himself was in any way implicated.⁹⁵

Chief Njoku of Umuezeala Okigwe was one of the chiefs implicated. He and his "underlings" were said to have, been involved "for a long period of time" in child.-racketeering, involving young girls. In 1917, Njoku, among others, was charged with the breach of the Slave-Dealing Proclamation. Njoku and his accomplices were tried, found guilty, and sentenced to various terms of imprisonment. To quote Hives,

He, and six others, were found guilty and sentenced to five and three years respectively, and twenty four and twelve lashes respectively. The case was watched with much interest by other Warrant Chiefs, who were of opinion that Njoku would be too clever to get caught. This case will, I think, have a salutary effect in that part of the District.⁹⁶

Continued reports of widespread kidnapping, as well as the pawning of young girls, provoked spirited debate among colonial officials. On the one hand there were officials who believed that the practical solution to pawning under the guise of marriage was to insist on the consent of the girls before they were pawned, betrothed and married. And there were those who argued that the best way to combat the scandal was to introduce the registration of marriages and betrothals.⁹⁷

A. G. Boyle, the Lt-Governor of Southern Nigeria disagreed with both suggestions. On the question of the registration of marriages, he remarked,

The object of registering marriages does not seem to me to be very clear, and I do not quite understand what the object to be served is. The usual object in registering marriages is, I think, to ensure that illegitimate children will not inherit and that the morality of the parents in living together may always be capable of proof. I doubt

if either of these reasons apply in most parts of S. Nigeria.

Furthermore, Boyle doubted the efficacy of marriage registration as the panacea for "the trade in small girls." On the contrary, he argued, "it appears to me that [the] only tangible result would be a considerable increase in revenue." In this case, he said, "I personally would prefer to raise revenue if required in a different manner."⁹⁸ Turning to the question of the consent of young girls before they were pawned, betrothed or married, Boyle stated,

I do not think "consent" can be insisted on.... In practice..."consent" which is contrary to native custom would probably also be some very good reason why it should not be necessary. I maintain that parental authority must be upheld at all costs for the present. If it is allowed to lapse even a little wide spread immorality, followed by virulent venereal disease, will probably be the result.⁹⁹

Both Governor-General Sir Frederick Lugard and the Commissioner of Owerri Province, J. C. Maxwell, agreed with Lt-Governor Boyle. Lugard, for instance, rejected the suggestion that the consent of girls before marriage or betrothal was crucial. "I entirely agree with Mr. Boyle," he noted, "in thinking it would be inadvisable to attempt to enforce it." And he went on, "since betrothal may be made before the age of 12, a girl of 12 is to be regarded as an adult woman under the scheme." Therefore, "I do not think that consent if given by so small a child could be regarded as counting for much, and it is difficult to believe that it could be withheld." Finally,

Setting aside the question of slave-dealing (which is the primary and chief object of the scheme) there remains the question "is it advisable to attempt to introduce a 'legal' form of betrothal and marriage, with rules as to payment of dowries, divorce &c." This can best be answered by the Commissioners and Officers of long experience in each part of the country. I should personally doubt it.¹⁰⁰

Accordingly, the matter was referred to Maxwell as commissioner of Owerri Province. For Maxwell, the registration of child betrothals or marriages was not only "inadvisable and impractical," but it was also "too revolutionary," inasmuch as such a law "would be an interference with native customs." Moreover, he argued, such a law would invariably diminish parental authority. And parental authority, he emphatically stated,

"must be upheld at all costs for the present," until the Government was "prepared to introduce a Native Marriage Law...amongst the natives."¹⁰¹ While Maxwell conceded that "there are cases" where parental authority had been abused, he nevertheless held that such cases constituted no sufficient reason "to destroy parental authority." In his words, "To allow immature girls to defy the authority of their parents would be utterly subversive of native social organization."¹⁰²

Because individuals used marriage as a clever cloak for pawning, the colonial administration even toyed with the idea of enacting a law making it an offense "for any person other than the father, mother or other natural guardian to be in possession of a female child under the age of 12 and providing that the plea that she was a 'wife' should be no defence." Commissioner Maxwell however cautioned: "The law would require to be carefully worded to prevent inclusion of [legitimate] cases where a girl was merely visiting her future husband's relatives."¹⁰³ For traditionally, young girls between betrothal and marriage spent some time with the fiancé's family. "In this way, the girl got accustomed to the ways of the household in which she was to spend her life."¹⁰⁴

Overall, available evidence indicates that despite official scrutiny, the pawning of girls, often disguised as marriage, persisted. According to the "official mind," it continued for so long because perpetrators conducted their business clandestinely. But it must be said that the colonial social and economic situation provided the context for the persistence of pawning, at times camouflaged as marriage.

Pawning appears to have waned in the late 1930s and disappeared by the early 1940s. Instead land, valuable trees and other forms of property were used as collateral for loans. Significantly, commercial banks, and especially the *nouveaux riches*, have become the creditors for people in debt, which has resulted in the concentration of land in the hands of the rich. Writing recently on this phenomenon, Mbagwu has observed:

The magic wand which has so successfully lured the people [the poor] to part with their land, if temporarily, is the provision of loanable funds. The loans the people receive from their local sources are generally at 100% interest.... The people, because of their enduring poverty, their need for loan cash and the non-availability of better alternative sources of credit, cannot help but resort to such harsh loans.¹⁰⁵

While pawning of individuals has declined, the vicious cycle of poverty remains. As a result of high interest rates, the poor are "bitter towards those rich few among them who are dispossessing them and enriching themselves

with *their* land through what they see as subtle manoeuvres."¹⁰⁶ A similar observation would have applied during the period of pawnship.

Notes

1. E. A. Orogge, "Iwofa: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75-106; in this volume.
2. Igwebuike Romeo Okeke, *The Osu Concept in Igboland: A Study of the Types of Slavery in Igbo-Speaking Areas of Nigeria* (Enugu, 1986), 95. I am indebted to Paul Lovejoy for drawing my attention to this source.
3. Ibid.
4. C. K. Meek, *Law and Authority in a Nigerian Tribe* (New York, 1937), 234; Northcote W. Thomas, *Anthropological Report on Ibo-Speaking Peoples of Nigeria, Pt. 4: Law and Custom of the Ibo of the Asaba District* (New York, 1969 [1914]), 170-72; G. T. Basden, *Niger Ibos* (London, 1966 [1938]), 253.
5. Thomas, *Ibo-Speaking Peoples of Nigeria, Pt. 4*, 170.
6. Ibid., 170-71.
7. Thomas, *Ibo-Speaking Peoples of Nigeria, Pt. 1*, 104.
8. Basden, *Niger Ibos*, 253.
9. Daryll Forde and G. I. Jones, *The Ibo and Ibibio-Speaking Peoples of South-Eastern Nigeria* (London, 1950), 24; P. Amaury Talbot, *The Peoples of Southern Nigeria, Vol. 3: Ethnology* (London, 1969 [1926]), 655.
10. Victor C. Uchendu, "Slaves and Slavery in Igboland, Nigeria," in Suzanne Miers and Igor Kopytoff, eds., *Slavery in Africa: Historical and Anthropological Perspectives* (Madison, 1977), 126; "Slavery in Southeast Nigeria," *Trans-Action*, 4 (Jan.-Feb. 1967), 53.
11. Thomas, *Ibo-Speaking Peoples of Nigeria, Pt. 1*, 104.
12. S. A. Crowther and John C. Taylor, *The Gospel on the Banks of the Niger, 1857-1859* (London, 1968 [1859]), 262. For the discussion of "panyarring" in West Africa see Robin Law's chapter in this volume.
13. Basden, *Niger Ibos*, 254.
14. Okeke, *Osu Concept in Igboland*, 97.
15. Boniface I. Obichere, "The Social Character of Slavery in Asante and Dahomey," *Ufahamu*, 12 (1983), 191-205; Basden, *Niger Ibos*, 254.
16. Basden, *Niger Ibos*, 255.
17. Uchendu, "Slaves and Slavery," 126.
18. Okeke, *Osu Concept in Igboland*, 95.
19. Ibid., 98.
20. Talbot, *Peoples of Southern Nigeria*, 698.
21. Okeke, *Osu Concept in Igboland*, 95.
22. Talbot, *Peoples of Southern Nigeria*, 698.
23. Victor C. Uchendu, *The Igbo of Southeast Nigeria* (New York, 1965), 88.
24. Owerri Field Notes.
25. Uchendu, "Slaves and Slavery," 131, 126.
26. Uchendu, *Igbo of Southeast Nigeria*, 88-89.
27. See Crowther and Taylor, *Gospel on the Banks of Niger*, 369; Basden, *Niger Ibos*, 255-56.
28. Basden, *Niger Ibos*, 255.
29. Crowther and Taylor, *Gospel on the Banks of the Niger*, 428.

30. Owerri Field Notes.
31. Uchendu, "Slaves and Slavery," 127.
32. Okeke, *Osu Concept in Igboland*, 96.
33. J. S. Harris, "Some Aspects of Slavery in Southeastern Nigeria," *Journal of Negro History*, 27 (Jan. 1942), 45.
34. Okeke, *Osu Concept in Igboland*, 98-103. See C. F. Harford-Battersby, "The Slave Trade in Nupe," *Niger and Yoruba Notes* (Jan. 1896), 52-53.
35. Thomas, *Ibo-Speaking Peoples of Nigeria*, Pt. 4, 166.
36. Quoted in K. Nwachukwu-Ogedengbe, "Slavery in the Nineteenth-Century Aboh," in Miers and Kopytoff, *Slavery in Africa*, 146.
37. Eke Kalu, "An Ibo Autobiography," *Nigerian Field*, 7 (1938), 158-59.
38. Martin A. Klein and Richard Roberts, "The Resurgence of Pawning in French West Africa During the Depression of the 1930s," *African Economic History*, 16 (1987), 25; also in this volume.
39. Kalu, "Ibo Autobiography," 158-59.
40. Uchendu, "Slaves and Slavery," 128; *Igbo of Southeast Nigeria*, 88.
41. Sandra T. Barnes, *Patrons and Power: Creating a Political Community in Metropolitan Lagos* (Bloomington, 1986), 123.
42. *Ibid.*, 109. Also see C. K. Meek, *Law and Authority in a Nigerian Tribe*, New York, 1937, 180-81.
43. Barnes, *Patrons and Power*, 119.
44. Talbot, *Peoples of Southern Nigeria*, 756.
45. See Azuka A. Dike, "The Resilience of Igbo Culture. A Case Study of Awka Town" (Ph. D. thesis, unpublished, New School for Social Research, New York, 1974), 148-60; Meek, *Law and Authority*, 165-84.
46. Dike, "Resilience of Igbo Culture," 115-16; Okeke, *Osu Concept in Igboland*, 46-53.
47. Ikenna Nzimiro, *Studies in Ibo Political Systems: Chieftaincy and Politics in Four Niger States* (London, 1972), 29.
48. Meek, *Law and Authority*, 205.
49. Thomas, *Ibo-Speaking Peoples of Nigeria*, Pt. 4, 167; Claire C. Robertson, "Post-Proclamation Slavery in Accra: A Female Affair?" in Claire C. Robertson and Martin A. Klein, eds., *Women and Slavery in Africa* (Madison, 1983), 225; Klein and Roberts, "Resurgence of Pawning," 24.
50. Thomas, *Ibo-Speaking Peoples of Nigeria*, Pt. 4, 167.
51. *Ibid.*
52. *Ibid.*
53. Okeke, *Osu Concept in Igboland*, 96.
54. *Ibid.*; Uchendu, *Igbo of Southeast Nigeria*, 88-89; "Slavery in Southeast Nigeria," 53; Basden, *Niger Ibos*, 254.
55. Thomas, *Ibo-Speaking Peoples of Nigeria*, Pt. 4, 167.
56. Meek, *Law and Authority*, 205.
57. See Don Ohadike, "The Decline of Slavery Among the Igbo People," in Suzanne Miers and Richard Roberts, eds., *The End of Slavery in Africa* (Madison, 1988), 440.
58. Uchendu, "Slaves and Slavery," 130.
59. Meek, *Law and Authority*, 205.
60. Okeke, *Osu Concept in Igboland*, 96.
61. See Elizabeth Isichei, *A History of the Igbo People* (New York, 1976), 102; Obichere, "Social Character of Slavery," 193; Dike, "Resilience of Igbo Culture," 112.
62. Harris, "Some Aspects of Slavery," 45.
63. J. G. C. Allen, quoted in Felix K. Ekechi, *Tradition and Transformation in Eastern Nigeria* (Kent, Ohio, 1989), 145.

64. Isichei, *History of Igbo People*, 103.
65. Ekechi, *Tradition and Transformation*, 145.
66. Sylvia Leith-Ross, *African Women: A Study of the Ibo of Nigeria* (New York, 1965), 195.
67. Ekechi, *Tradition and Transformation*, 11-14 and *passim*.
68. Owerri Field Notes.
69. Leith-Ross, *African Women*, 193.
70. Owerri Field Notes. I am indebted to my brother William Ekechi (born c. 1938) for the names of the pawns.
71. See Robertson and Klein, *Women and Slavery in Africa*; Boniface I. Obichere, "Women and Slavery in the Kingdom of Dahomey," *Revue française d'histoire d'outre-mer*, 65 (1978), 5-20.
72. Ohadike, "Decline of Slavery among the Igbo People," 440-41; Chike Akosa, *Heroes & Heroines of Onitsha* (Onitsha, 1987), 21.
73. Talbot, *Peoples of Southern Nigeria*, 656.
74. Basden, *Niger Ibos*, 254-55.
75. Uchendu, *Igbo of Southeastern Nigeria*, 88-89.
76. Robertson, "Post-Proclamation Slavery in Accra," 226.
77. Basden, *Niger Ibos*, 254.
78. Talbot, *Peoples of Southern Nigeria*, 657.
79. Dan O. Ibekwe, "Conflict of Cultures and Our Customary Law," in T. D. Elias, S. N. Nwabara, and C. O. Akpamgbo, eds., *African Indigenous Laws* (Proceedings of Workshop, 7-9 August 1974), (Enugu, 1975), 310.
80. Meek, *Law and Authority*, 205.
81. Klein and Roberts, "Resurgence of Pawning."
82. Ohadike, "Decline of Slavery among the Igbo People," 454.
83. Klein and Roberts, "Resurgence of Pawning."
84. Meek, *Law and Authority*, 205, note 1; Ohadike, "Decline of Slavery among the Igbo People," 452-53.
85. Ohadike, "Decline of Slavery among the Igbo People," 455.
86. E. Falk, "Half-Yearly Report on the Owerri Division, January 1st to June 30th, 1919," OWDIST 9/5/6, Nigerian National Archives, Enugu (NNAE).
87. "Annual Report on Owerri District for the Year ending 31 Dec. 1918," OWDIST 9/5/10 (NNAE). Ubah's study of the persistence of the slave trade in Northern Nigeria under British rule, highlights the link between colonialism and slave trafficking: "There is no doubt that there was some correlation between the continuance of the slave trade under the British on the one hand, and the existence of...severe economic problems, on the other. One can in fact go further and suggest that whenever poverty or economic distress mounted, there was an increase in the incidence of slave trading." In this period slave trading was closely related to pawning. C. N. Ubah, "Suppression of the Slave Trade in the Nigerian Emirates," *Journal of African History*, 32, 4 (1991), 465.
88. Quoted in Ohadike, "Decline of Slavery among the Igbo People," 455.
89. Ibid. According to Uchendu ("Slaves and Slavery," 126), "In some parts of Igbo country girls were pawned in the idiom of marriage."
90. Reports of pawning in the colonial period are generally found under the heading "Slave-Dealing," and both were often treated interchangeably.
91. Minute by H. M. Chamberlain, 21 Mar. 1900, CO 520/1, Public Record Office, London.
92. Kwale District File No. 62/1, J. B. Mackay to Resident, 24 July 1928, Nigerian National Archives, Ibadan (NNAI); E. Falk, "Annual Report, 1917," OW 346/17, RIVPROF 8/5/353 (NNAE).
93. Uchendu, "Slaves and Slavery," 126.

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94. "Annual Report," OW 346/17, RIVPROF 8/5/353 (NNAE).
 95. "Half-Yearly Report on the Owerri Division, January 1st to June 30th 1919," OWDIST 9/5/6 (NNAE).
 96. Ibid.
 97. A. G. Boyle to Lugard, Jan. 17, 1914, RIVPROF 8/4/1 (NNAE).
 98. Ibid.
 99. Ibid.
 100. Lugard to Boyle, 26/4/16, RIVPROF 8/4/1 (NNAE).
 101. Maxwell to Secretary, Southern Provinces, 26 June 1916, RIVPROF 8/4/1 (NNAE).
 102. Ibid.
 103. Ibid.
 104. Ibid.
 105. Theo C. Mbagwu, "Land Concentration Around a Few Individuals in Igbo-Land of Eastern Nigeria. Its Processes, Scope and Future," *Africa*, 48, 2 (1978), 113.
 106. Ibid., 105. According to Mbagwu, "People who [now] so amass land may not already possess portions of inherited land. The point is that the power of cash has supplanted rights of birth as the operative medium by which ownership or holding of land is established."

CHAPTER 9



HUMAN PAWNING IN ASANTE, 1820-1950: MARKETS AND COERCION, GENDER AND COCOA¹

GARETH AUSTIN

Despite the comparative wealth of literature on the pre-colonial state of Asante (1701-1896), the pawning of people has been as neglected in the historiography of Asante as it has been in the historiography of Africa generally. Since it was described by the colonial government anthropologist R. S. Rattray in 1929, the sole detailed account has been in parts of one chapter of an unpublished thesis.² But from these and from the still briefer references to pawning by other writers it is possible to distinguish two major approaches to the subject. First is the functionalist view of pawning as essentially an aspect of the kinship system. This was Rattray's perspective, though he hinted that the jural norms of Asante pawning had been abused under "exotic influences," apparently commercial ones.³ A. Norman Klein also sees Asante as originally a "traditional," kinship-based society, but he depicts the institution of pawning not as part of the traditional order itself, but rather as the product of interaction between the traditional kinship system and a modern market nexus intruding ever more strongly into Asante from the West via the coast.⁴ Klein's modified functionalist position distinguishes his work from that of most of the other historians of Asante. Whatever their differences, these writers have emphasized the accumulation of wealth, most of all in

people and gold, as a central purpose of individual and state activity throughout precolonial Akan history. This applies to the story of *abirempon* ("big men") using gold to buy slaves to assist in their founding of pre-Asante Akan farming communities and states from the fifteenth to the seventeenth centuries;⁵ to the new Asante confederacy's imperial expansion in the eighteenth century, capturing mines, trade routes and marketable slaves;⁶ to Ivor Wilks's emerging "middle class" of the nineteenth century;⁷ to his depiction of the upward flow of wealth to the Asantehene;⁸ to T. C. McCaskie's presentation of the state as the institution through which individual fortunes were accumulated before colonial rule, and his explorations of the ideologies of wealth;⁹ and to Kwame Arhin and Larry Yarak's insistence on patrimonialism as the central form of legitimate political authority throughout the independent existence of the Asante state.¹⁰ In the context of wealth-seeking, especially the wealth seeking of a powerful minority, pawning assumes a different significance as an instrument less of mutual aid than of probably one-sided enrichment.

The scholarly neglect of pawning in Asante may be in part a result of a greater scarcity of sources on pawning compared to those on slavery.¹¹ The existence of pawning since at least the early nineteenth century is acknowledged in contemporary sources, but it never attracted nearly as much attention from European visitors as slavery did. Many of their written statements about the lower ranks of Asante society did not distinguish pawns from slaves or from poor but free subjects. Further, chiefs and their senior elders have been the dominant sources of oral testimony both during the era of pawning and since. For a reason I will offer below, it is likely that this has helped to obscure the importance of pawns to the economy and society as a whole. In view of these general source problems it is particularly important to examine the volume and quality of Rattray's own sources. His fieldnotes for the book in which his chapter on pawning appeared are available for study.¹² The notes rarely identify his informants or the times and places of the interviews. What he wrote on pawning may have been based upon a mass of data, accumulated during his many years in Asante, but this is not evident here. He may have had a number of informants on pawning, but his references to the subject in these notes are few. The richest exception is a rare minute of an interview. Characteristically of Rattray and of the field, it is apparently with a former court official, once the head of the chief's traders (*batahene*) in Mampon, one of the major constituent states of Asante.¹³ Rattray's apart, the thinness of the sources on pawning as such is epitomized in the fact that, as far as I am aware, and again in contrast to slaves, no one has ever offered even a guess as to the number of pawns as a proportion of the total population of Asante.

This chapter will not remedy that deficiency, but it is an attempt to assemble and review the fragments of information in the secondary and the published primary sources, and to supplement it with further primary material. This dates mainly from the first twelve years of the colonial occupation, which was the last period before pawning was prohibited in 1908. It comes largely from the Kumasi branch of the National Archives of Ghana; an archive almost as neglected by historians as the subject of pawning itself.¹⁴ One virtue of this archival material is that it includes references to a number of individual cases of pawning. Specific cases are valuable for testing how far behavior conformed to the rules or norms, whose presentation comprised the bulk of Rattray's account of pawning. The point is illustrated by the single "actual case" (as he put it) of pawning in his notes. In the book he states that the terms on which a wife was pawned to her husband would "generally" include the requirement that she would "henceforth . . . have no alternative but to reside in her husband's home." But in the interview, "K.S." told him that when he and his matrilineage gave his niece in marriage in return for a loan, "I would not agree to her leaving my house," and told the creditor-husband that "if he wanted he could build a house in my own land and he did so."¹⁵ While Rattray did not claim that virilocal residence was universal in such cases, the fact that it did not happen in the one case on which it is clear that he had details does raise doubt about the strength of his generalizations.

The body of this essay has three sections. The first examines the nature and extent of pawning in Asante history. While generally re-emphasizing Rattray's view of the primacy of the matrilineage as the main unit of pawning, it puts forward new views of the existence or non-existence of monetary interest on loans secured by pawns, the history of pawn marriage, the proportions of male and female pawns, and the relative importance of "reproductive" and directly "productive" uses of pawns. It also provides evidence about the monetary value of pawns, and relates this to the issue of whether pawning increased in response to colonial suppression of the internal slave trade. The second section takes the analysis on to the central problem, of how pawning should be interpreted: as an instrument of family-based mutual aid, as a market exchange, as a means of accumulating wealth, and/or as an exploitative process of unequal exchange and degradation. In particular, the section considers Asante pawning in relation to the concept of "interlocked" factor markets, and also suggests that as a means of accumulation pawning was especially important for commoners rather than for chiefs. The third section examines the initial survival and ultimate decline of pawning after the colonial occupation, noting that until at least the 1940s the decline was confined to the pawning of men and, to a lesser extent, of children. It is argued that the "feminization" and generally

uneven decline of pawning was driven at least as much by changes in the economic activities of the Asante population as it was by colonial law enforcement.

Pawning in Asante History

To attempt to trace the frequency of human pawning through Asante history is to expose oneself to the tease of contemporary sources whose quantity changes greatly and whose ability to record the state of pawning in their own times is always highly uncertain. The pawning of people seems to have been common in Akan society since before the emergence of Asante at the turn of the seventeenth century. Most of the known cases, like most of the sources, are from the coastal region to the south of what became Asante, though they were not all connected with external trade.¹⁶ At present we know virtually nothing about pawning in Asante in the eighteenth century. This is probably a reflection of the big gaps in our sources for the period rather than an indication that pawning did not yet exist in Asante.¹⁷ For, despite Klein's hypothesis, there is no suggestion in the later primary sources that pawning was a novel rather than traditional institution. In view of the data constraint, this essay will examine Asante pawning in the nineteenth and early twentieth centuries. For the late 1890s and 1900s we have a gush of recorded instances of pawning. There is a good circumstantial reason for believing that part of this reflected a real rise in the frequency of the practice: since slave trading was banned in Asante in 1896 the taking of pawns provided a substitute for frustrated slave buyers. But this cannot be proved. It is just possible that the recorded rise was purely a function of another consequence of the colonial occupation: the increase in the volume of written records on Asante and the fact that these included a multitude of court cases involving ordinary as well as "big" men and women. We will return to the issue of a post-slave trade rise in pawning below. From 1908 to 1910 there was a post-prohibition wave of prosecutions and administrative actions against specific offenders.¹⁸ After that, pawning cases are rare in the colonial records. To seek to know whether this reflected a real decline, and if so since when and by how much, extends the chase after historical shadows into our own times. An attempt at this is made in Section III.

In the Akan language the word *awowa* (plural *nwowa*) means a security given by a debtor to a creditor, to be returned upon repayment of the debt. The *awowa* might be a person, a set of rights in a person, or a thing. Pawning (*awowasi*) of people was usually a deal between matrilineal families (*mmusua*, singular *abusua*), whereby the head of one *abusua* pawned one of its members to the other *abusua*. This is epitomized by the fact that if a husband was unable or unwilling to give his in-laws a loan that

they required, or pawn himself or his junior matrikin to raise the money, they had the right to make his wife divorce him so that they could pawn her. A husband who agreed to lend to his in-laws could take his wife or children in pawn; by definition, the children belonged to her rather than his matrilineage. A father who was unable or unwilling to provide his in-laws with a loan they required had no right to prevent them from pawning his children to others, nor was he expected to try to dissuade them.¹⁹ It was said that a mother and her matrikin might let her husband pawn their children,²⁰ though some of the evidence for this is weak.²¹ Such an arrangement would amount to an *abusua* lending one or more of their members to an in-law, so that he could borrow cash. However, I have found only two cases of paternal pawning. Apparently in the late 1890s a Kumasi chief, the Ankobeahene (head of internal security) Yao Cheiu, pawned nine people at the town of Odumase. One of these was his own son.²² In 1907 a Wenchi girl was pawned by her father, Yao Moshi, to an Asante woman.²³ People could also pawn themselves.²⁴ There is at least one recorded case of this happening, in which two brothers pawned themselves, apparently soon after the beginning of colonial rule.²⁵ This, too, is best seen in the context of matriliney, rather than as a deal between individuals. An individual might incur the need for a loan, but the *abusua* was ultimately responsible for the debts of its members. He might take or be given the role of being the pawn. If later he ran back to his kin, evidently they would be responsible for sending a replacement pawn or clearing the debt. However, pawning did not always involve the ultimate responsibility of the *abusua*. Chiefs could pawn any of their subjects (*nkoa*, s. *akoa*),²⁶ and masters could pawn slaves, since by definition these had no kin in Akan society.²⁷ For the same reason masters could pawn their children by slave wives or concubines.²⁸

The archives reveal cases of pawns who were repawned by the initial creditor. This seems to have been accepted practice at least provided that the original debtor had first been given the opportunity to redeem the pawn and thus rescue the creditor from his or her own new liquidity crisis. At least, this is what happened with a woman called Atta who was pawned by Kwasi Gyane, Chief of Bare (14 miles northwest of Kumasi), probably before the British sack of Kumasi in 1874. The creditor, Chief Kyereme of M'bang, himself "got into debt" and asked her chief and family to redeem her. But they were still "short of money to pay the amount," so they asked Kyereme to repawn her until they could afford to redeem her. According to her son, this is what Kyereme did, pawning her to Atipimoa or Elipima, banished niece of the Omanhene of Mampon, who was staying in M'bang. However, when her son later tried to redeem her, the Mampon royals maintained that Atipimoa had purchased her and her children outright.²⁹ The case of the two self-pawned brothers mentioned above provides a

contrasting example of repawning. They had pawned themselves for £18 to a man named Piprah. But in 1905 one of them, Kwame Obenneh, complained to the District Commissioner when he learned that Piprah had repawned his brother for £12, yet had not reduced the amount he claimed from Obenneh to a corresponding £6 (in fact he "is claiming another £13/15/- from me").³⁰

Debt was timeless, so if the pawn died the borrower had either to clear the debt or provide a new pawn. As the colonial Chief Commissioner of Ashanti expressed it, while pawning was still effectively legal, "at present the offspring [if the original pawn was female; if male, probably a sister's child (GA)] would become the pawn on the death of the parent unless redeemed."³¹ If the debtor died his *abusua* were responsible for the debt, and had the right to redeem the pawn.

According to Rattray, no monetary interest was paid on loans secured by human pawns unless the pawn ran away or died without being replaced: the services of the pawn constituted the interest.³² This was the situation in the case of "K.S."s niece, described to him in that 1925 interview.³³ However, archival evidence from the years just before the prohibition of pawning shows that this was far from always so. In 1906, after discussing pawning with local chiefs, the Acting District Commissioner at Nkoranza (on the northeastern borders of "metropolitan" Asante)³⁴ reported that the "Custom here" was for interest of 25 per cent to be claimed upon the redemption of the debt.³⁵ Exactly the same terms applied in a case of pawning in southern Asante in or shortly before January 1903, when a man, Kwasi Mpong, pawned a woman, Yaa Penim, for a loan of £16 at £4 interest.³⁶ Similarly, in a 1904 case the rate was £4 on a loan of £11/15/-, or 25.5 per cent.³⁷ When Ankobeahene Yaw Cheiu pawned those nine people at Odumase before the 1900 revolt, it was agreed that interest would be paid at redemption of £1/10/- per *peredwan* (£8) borrowed, or 18.75 per cent. At least, this was what the creditors said in 1907 when they asked that the pawns be redeemed. Yaw Cheiu was dead and the colonial government was evidently unwilling to press the claim for interest.³⁸

Charging cash interest did not necessarily contradict the notion that the pawn's service itself constituted interest. The interest on loans secured with pawns tended to be less than on loans that were secured on personal guarantees or promissory notes. The Yaa Penim case was heard just over a year after the opening of the District Commissioner's court for the Southern Province of Ashanti. Of the first ten cases in which the rate of interest on loans was recorded in the Civil Record Book (spread over the period 29 September 1904 to 23 September 1905), Yaa Penim's was the only one which involved pawning. In two instances the interest rate was lower, but in both the loan was agreed for only a limited period: 20 per cent for a one-

month loan, 4 per cent for an 8-day loan. The remaining seven cases resembled Penim's in involving a loan for an indefinite period, with a flat rate of interest to be paid when the principal was returned. In five cases the rate was 50 per cent, in one 53 per cent, and in one 33.3 per cent.³⁹ It should be emphasized that flat rates such as these might amount to a much smaller annual rate, according to how long the debt remained outstanding. However, the Commissioner of the Southern District, G. W. Clotworthy Soden, though himself opposed to proposals to prohibit pawning, evidently believed that high annual rates of interest did exist on loans secured with pawns. He suggested that colonial courts should only enforce payment of interest up to a maximum of 5-10 per cent, on the grounds that "This would act as a deterrent against the speculative gamble of lending money at high rates of interest on 'Pawns'."⁴⁰ There is a recorded case of a much higher flat rate being charged. This comes from a remarkable source, a short autobiography by a slave named Mose. His master pawned him for 80 "marks" at about the beginning of the Asante invasion of Eweland in 1869. Probably only a few years later "he redeemed me again for double that sum."⁴¹ More important than the rate is the fact of interest being paid in this relatively early period. Thus the payment of monetary interest in addition to the pawn's services was at least not unknown before the colonial occupation in 1896, despite the very limited information available for that period; and was at least widespread and quite common after it, at least while the new regime tolerated pawning.

According to Rattray, an *abusua* deciding who to pawn would give "priority of selection" to relatively junior married women among their members, that is, the married sisters or nieces of the lineage head. The head then asked the husband of the chosen woman to take her in pawn. If he agreed, the husband got the right to half of any property his wife or child might acquire (this also applied to a father who accepted his child in pawn). Otherwise, self-acquired property belonged solely to its acquirer until her or his death, after which it would in principle go to her or his *abusua*.⁴² Also, as noted above, a husband who took his wife in pawn was supposed to be able to insist that she lived in his home.

Beverly Grier has pointed out that descriptions of wife pawning in the 1940s included an element not found in Rattray's account of wife pawning in his *Ashanti Law and Constitution* of 1929.⁴³ This was the grant by the husband of a loan called *tiri sika*, literally "head money," "the security being the wife's fidelity." The wife's matrilineage might ask for such a loan at any time during the marriage. As Meyer Fortes noted, "'head money' exploits the wife's lineage bonds" to reinforce her marital loyalty.⁴⁴ However, the evidence that this was an innovation in the institution of wife pawning is at best unclear. Rattray's 1929 description of the terms of wife

pawning has the same tone as Fortes's. By advancing a loan the husband would "*fa ne ye' si babi* (put his wife by his side), i.e. . . . ensure his having a hold over her," though the "hold" Rattray describes is overwhelmingly economic.⁴⁵ Moreover, in an earlier work he stated that:

In Ashanti there was an idiom indicating a particular form of marriage, where in addition to paying the parents the customary "bride price" or "head money," the man had, beforehand as a condition to the union, paid some debt (called *tiri 'ka*) incurred either by he woman he wished to marry or by her family. The idiom in such a case was, *to 'yere*, lit. "to buy a wife." This expression in itself did not imply anything particularly derogatory to the status of the woman whose position as wife overshadowed that of pawn.

He also noted that where a husband divorced his wife because of "her misconduct," "should he have 'bought his wife,' i.e. paid a debt for the parents conditional upon his receiving her as his wife, he can claim repayment of this amount." Though the nature of the "misconduct" is not specified, this seems close to Fortes's "security being the wife's fidelity." Rattray believed that the idiom of wife purchase fell into disuse because it embarrassed "the semi-educated African."⁴⁶ He did not suggest that the practice itself had declined. Certainly, the Gold Coast English term "head money" was in use in Asante well before the 1940s, as one of the above quotations from Rattray illustrates. So was the term *tiri sika*, if we allow for differences in orthography: *tisika*.⁴⁷ Near the beginning of the century the missionary Edmond Perregaux described the betrothal of girls, sometimes even before they were born, to become pawn-brides of the family's creditors.⁴⁸

So, for the creditor pawning was a source of new wives, and thus of new children,⁴⁹ and a means of greater control over existing wives and children. Moreover, if a male creditor was not married to his female pawn, he had the right to treat her as his concubine, and to give her in marriage, generally to a nephew of his. Neither action cancelled the debt.⁵⁰ Pawns were also used as workers in farming,⁵¹ trading,⁵² gold mining and harvesting kola nuts.⁵³

This summary of the uses of pawns raises the question of the gender composition of the pawned population. The latter in turn may clarify the importance of the "reproductive" (biological and social) roles of pawns compared to their roles in production and trade. If both sets of uses were valued equally one would expect that the majority of pawns would be female since girls and women could make important contributions in both

areas, whereas however the work of male pawns was valued, compared to females they were of less or no value as reproducers. Additionally or alternatively, female pawns could secure larger loans than male pawns. If we consider the supply of pawns, it seems very likely that the majority of them were indeed girls or women. Rattray's description of the order of preference among pawn-giving *mmusua*, having begun with the heads' married sisters and nieces, continues with unmarried sisters and nieces before coming to nephews and brothers.⁵⁴ As for slaves, the other major source of pawns, it seems that the Asante demand for slaves from the north was stronger for female than for male slaves. This was expressed in higher prices for female slaves,⁵⁵ and there is some evidence that a majority of net imports of slaves into Asante were females.⁵⁶ Since slaves were for non-chiefs virtually the only alternative to free matrikin as a source of people to pawn, this completes the picture of a strong supply-side bias towards pawning females rather than males. Add to this the fact that Asante purchasers of slaves tended to prefer females, and we might assume that a big majority of pawns were female.

As a preliminary test of this I took all the cases of pawning I could find on which it is possible to identify the sex of specific pawns and arranged them in the order in which the pawnings took place. By "case" I mean a distinct pawning transaction, involving one or more pawns, whether or not the transaction later surfaced in our sources in isolation or together with other cases, related or otherwise. The exact order is uncertain, but the following statements seem to be reliable on the information available so far. I have come across ten such cases from the nineteenth century, of which at least one, probably two, are from after the colonial occupation of 1896. They yield a total of ten pawns identifiable as male,⁵⁷ and either eight, nine or eleven identifiable as female.⁵⁸ Of these, the latest two cases account comprised five males and four females.⁵⁹ For 1900-10 (in fact, they were all from 1903-10) I have found sixteen pawning transactions in which specific pawns are identifiable by gender. These involved seven males⁶⁰ and eighteen females.⁶¹ I have come across six such transactions after 1910. They involved no pawns identifiable as males, but eight females.⁶²

The sample is small, but the gender composition changes in such a consistent direction that it suggests a tentative conclusion, which may be tested from an expanded data set as further cases are discovered. This conclusion has three parts: that in the nineteenth century male pawns were as common or almost as common as female ones; that the proportion of males fell during roughly 1903-10; and that thereafter pawning was almost exclusively a fate of females (and perhaps young boys). The statement by a District Commissioner in 1905, after he had had several years experience in Asante, that pawns are "usually" male⁶³ seems to have been out of date, and

was probably always wrong, but it was not the absurdity that one might think after reading Rattray. Conversely, Rattray may have been right that matrilineages preferred to pawn female members. But if the particularly small sample of nineteenth-century cases is representative, the most plausible inference is that creditors considered the combined reproductive uses of pawns as less important than their services in production and trade.

Alternatively, male pawns may have been cheaper; that is, they could be obtained for smaller loans than female pawns could command. My only evidence either way is from the end of the period: a simultaneous pawning "before the 1900 war began," probably after the 1896 occupation, in which the sums loaned on each person were the same.⁶⁴ If male and female pawns had the same market value, the question arises of why pawning was different in this respect from slavery, since slaves too had both reproductive and directly productive uses. A likely explanation is that pawns could be redeemed at any time, whereas a master had relatively secure legal control over his slave as long as they both lived. Thus buying female slaves as concubines or wives was a more secure investment than lending on pawns for these purposes. The possibility of early redemption was much less of a disadvantage in directly productive activities. Whereas a redeemed pawn-mother was likely to take her children with her when she left,⁶⁵ the value of a servant's labor in farming or mining or trading during a given year would not be made less valuable to the master if he or she was redeemed the following year. Hence the preference for females as opposed to males as pawns was likely to be less than the preference for females rather than males as slaves.

There is a complication. If creditors were indifferent between males and females, while borrowers preferred to pawn females, one would expect the monetary value of a female pawn to be less than that of males. In other words, by pawning a female a borrower would obtain a smaller loan than by pawning a male. If the late 1890s case was representative in this respect of the nineteenth century as a whole, this prediction does not hold. At present the evidence is inconclusive. But if we were to assume that the males and females were pawned for the same amounts in any simultaneous transaction, a possible explanation would be that Rattray overstated the willingness of cash-scarce matrilineages to pawn female members. After all, by doing so they weakened the lineage's own call upon the varied output of the girls and women concerned. Another possibility would be that the supply of female pawns was indeed more elastic than that of males, but not by enough to be reflected in "price" differences. Of the 22 single or multiple pawnings for which I have the information, stretching from about the second quarter of the nineteenth century to 1930, in no less than 17 cases the sum loaned, or the sum to be repaid, was a multiple of either the

Asante half-*peredwan* unit (£4) or of £10⁶⁶ (the sums were £4, £8, £10, £12, £16, £20 or £32). As regards individual pawns, 29 were pawned for one of these sums,⁶⁷ and only 10 for other amounts.⁶⁸ This data set includes five pre-1896 pawns (four cases), all of whom were pawned for half a *peredwan* or, in one case, possibly a full *peredwan*.⁶⁹ Thus, while the sums involved were not fixed, the very high proportion of what seem to be standard units suggests that the precise amount lent was often rounded to the nearest such unit. This may have been at least partly a matter of convenience in these face-to-face transactions. In this context, marginal preferences for pawns of one sex rather than the other would not often be expressed in "price." It is more likely that they would have resulted in differences in the relative number of males and females pawned; but differences too slight to be reflected in the very crude quantitative picture that emerges from the data I have assembled so far.

So how much credit did a pawn fetch? The very approximate dating of many of the cases prevents precision about trends. But several points stand out. In the handful of cases from the mid-nineteenth century for which I have information (from perhaps as early as the 1820s until the outbreak of the revolt against Asantehene Mensa Bonsu in 1883) the sum was half a *peredwan* (£4).⁷⁰ An 1884 pawning was for either half or a full *peredwan*.⁷¹ In c. 1898 another pawn was redeemed for £7/15/-. This may also have represented head-money, for the (pawn?) marriage between redeemer and ex(?)-pawn that followed.⁷² The nine people pawned by Ankobeahene Yao Cheiu in apparently the late 1890s were handed over for two *peredwan* (£16) apiece.⁷³ The 1903-10 cases range dramatically from £8 to possibly £26 a head, with two exceptions: one of £4 and one of £32.⁷⁴ The uncertainty of timing is too severe to permit us to trace a trend. But the average size of loans on pawns was obviously higher than before 1883, and even before 1900. After 1910 I have information on only two pawns: "K.S."s niece, pawned for £20 long enough before 1925 to have produced three children,⁷⁵ and a child held in pawn in 1930 on a loan of £20.⁷⁶ So the monetary value of pawns may have stabilized, but if so, this was far above precolonial levels, in nominal and apparently in real terms.

This increase in the monetary value of pawns has a double significance for the widely held proposition that in colonial Africa the suppression of the internal slave trade led to a major expansion of pawn holding, as frustrated slave masters turned to this alternative source of unfree labor. On one hand, it may be read as showing that the market provided the main mechanism for the transmission of the diverted demand to those who could meet it, on terms which persuaded them to do so: larger loans. On the other hand, the increased "price" of pawns highlights the possibility that while the demand increased, the elasticity of supply was low. Thus excess demand was

channeled into inflation in the value of pawns. Indeed, it is hard to believe that the supply of pawns was very elastic. There is no evidence that people provided pawns unless they needed money badly, and even the prospect of larger loans (often at 25 per cent flat rate interest) might not compensate for their loss of the pawn's services and their reduced share in the products of those services. Nor is there any very strong reason to believe that the need for loans became more widespread in the very early colonial period. For neighboring Gyaman, Emmanuel Terray has argued that at exactly this time chiefs' courts became more ready to abuse their authority by imposing gratuitously imposing heavy fines in order to create debtors and therefore pawns.⁷⁷ An Asante example of this will be given in the next section. But in Asante there was a long history of judicial extortion which in the nineteenth century had produced a number of documented, much larger cases of fines obliging the debtors to give pawns: specifically, cases of chiefs having to pawn or sell subjects and lands.⁷⁸ It is hard to believe that, with the Asantehene exiled and the remaining chiefs' courts now constrained by colonial oversight, they could generate as many pawns as their predecessors had done when shown the way by, in particular, Asantehene Kwaku Dua Panin (1834-67) and Asantehene Mensa Bonsu (1874-83). On balance, it seems most likely that both interpretations are partly true: that there was an increase in pawning in approximately the decade to 1908, but that it was far from enough to absorb all the demand that had been diverted from the slave market.

Pawns and Welfare

Functionalists have described Asante society primarily in terms of kinship, and Rattray's treatment of *awowasi* is no exception. Certainly, much of the practice and more of the ideology of pawning was consistent with matrilineal ideology. Thus the right of chiefs to pawn subjects who were not also their kin was justified or rationalized by analogy between the chief's position and that of a lineage head.⁷⁹ The context of kinship obligations does much to explain why, although slaves could be pawned, both borrowers and lenders apparently preferred to pawn their kinsfolk rather than slaves.⁸⁰ One of Rattray's informants told him that a slave was more likely to run away from the creditor than was a member of one's *abusua*, who would feel a family obligation to stay until the family could repay the debt.⁸¹ The general principle of mutual responsibility extended to the obligations of men towards their wives and children, or rather, towards the in-laws. It was "considered disgraceful" to refuse to accept one's wife or child in pawn.⁸² More widely still, it was considered the duty of those who could afford a loan to assist impecunious kin by accepting pawns. An Asante saying ran *okaniba na ode ka*, "the good citizen is he

who assumes debts."⁸³ In 1908 the chief and elders of the town of Manso Nkwanta, petitioning the colonial government against proposals to prohibit pawning, insisted that the institution was essential to the poor. Abolition, they predicted, would mean that:

for instance a poor man may contract debts and he will go after a richman for a loan, he will simply tell him to bring a man to secure, the poor man will tell the richman, that I get no one to secure me, the richman will refuse to give him such loan and tell him to [go a]way, and by that will induce the poor man to do himself some harm, if such things occurs in our districts it . . . will ruin us to the last.⁸⁴

We will return to the issue of benefits of pawning for the poor below. But let us bring in trade. For pawning could also be seen as a market transaction, an exchange of one relatively scarce item, which therefore had an exchange value, with another, on terms which to a large extent reflected these relative values. The chief and elders of the southern Asante state of Adanse also petitioned in favor of continued government toleration of pawning and slavery. They observed that they, the chiefs and headmen of Asante, depended on the labor of slaves and the descendants of slaves "as we have no money like Europeans to hire men to do necessities for us." They also stated that "we Ashantis take pawning as a mortgage of a house if any one get [into] debt and as he has no house or land to mortgage, then he is oblige[d] to give himself to someone who could pay till he repays it."⁸⁵ These two statements express an awareness of relative scarcities - albeit in the perhaps special context of a petition - which is consistent with what we know from other sources. Capital itself was scarce and could command a high rate of interest. That raised the problem of how loans could be secured. One method was a formal guarantee from a personal surety, and there is evidence that this was widely used during the era of human pawning.⁸⁶ Objects such as cloth and trinkets could be pawned.⁸⁷ Not surprisingly, such objects seem to have been invariably ones with commercial value: that was why they were worth receiving in pawn. The same applies to the fact that people were pawned rather than land use rights. Land for cultivation was almost a free good. It was relatively abundant physically,⁸⁸ and any payments for usufruct were essentially token acknowledgements of the ultimate owners of the land.⁸⁹ Pawning humans rather than mortgaging or pledging land was a real choice, in that the latter would have been possible institutionally, to judge from the fact that mortgaging of "lands" in respect of sovereignty or political control, as opposed to land as a factor of production, actually co-existed with human pawning.⁹⁰ Moreover, the

mortgaging or pledging of farms did develop when Asante farmers adopted cocoa,⁹¹ and in the sense that it was regarded as another case of *awowasi*,⁹² it did so within traditional institutional forms rather than imported or even newly devised indigenous ones. The previous choice of people rather than farms or farmland as collateral on loans reflected the then scarcity of the former in relation to the latter.

If pawning was a response to market forces in the sense that it was a response to relative scarcities, this was a highly "imperfect" market, grounded in the political control of elders, especially male elders, over both male and female juniors, or that of masters over slaves. What perhaps has not been observed in this historical context before is that it was only an imperfect market of this kind, an interaction between factor ratios and coercion, that could have existed under the prevailing economic conditions. With land abundant and demand for agricultural surplus very limited, no free persons needed to sell their labor, and probably no farmers could have afforded to offer wages high enough to persuade other farmers to become wage laborers.⁹³ In this context, the only ways of achieving some sort of equilibrium between the potential supply of labor and the actual demand for it from chiefs, rich commoners, part-time gold miners, etc., involved an element of force. In the case of pawning this is perhaps best considered as an example of what the "new institutional economics" calls an "interlocked factor market." This is defined as a situation in which contracts involve simultaneous transactions in more than one factor market.⁹⁴ Pawning involves a simultaneous transaction in the capital market (the loan) and the labor market (the pawn). The neoclassical view of this would be that only through such a deal would it be possible to match the demands of borrowers and lenders. As a colonial official observed, even when the spread of letter writers and colonial courts made promissory notes available, "many families in reduced circumstances are not possessed of sufficient property to make it worth the while of prospective lenders to risk their money upon a mere note of hand." No pawn, no loan.⁹⁵ Neoclassicists tend to argue that interlocked factor markets work to the mutual benefit of both agents in the transaction (and the official insisted that "few 'pawns' enter into their obligations unwillingly").⁹⁶ We will return to the issue of exploitation below.

However the debtors and pawns fared, and while recognizing that social obligation was often a motive for rich men to accept pawns, lending money and taking pawns was also a possible mechanism of further self-enrichment. Asante was a polity which honored (as well as taxed) self-enrichment, notably with the award of titles and even authority.⁹⁷ It was also a society which defined wealth in ways to which pawning was particularly pertinent. The Asante notion of wealth was closely linked to

that of hierarchy, and the goods that were most valued were those that could display rank⁹⁸ and, sumptuary laws permitting, upward social mobility. Gold was "the most evident measure of a citizen's wealth,"⁹⁹ and pawns could contribute to its acquisition directly through labor in trade and mining, and indirectly through performing agricultural and domestic tasks that freed other labor for the task of getting more *sika* (gold, money). Furthermore, in a labor-scarce economy, wealth and power could also be measured by the acquisition of dependent people.¹⁰⁰

In these respects pawning resembled slavery, and pawning has usually been treated as equivalent to slavery in its implications for the accumulation of wealth by individuals. But it is necessary to draw attention to what may have been an important difference between the two institutions. We know that both slaves and pawns were acquired by both chiefs and commoners. However, it is suggested here that pawning was of greater relative importance to those acquiring unfree labor only on a small scale than to those acquiring it on a large scale. Whereas slavery was an effective means of mobilizing relatively large concentrations of labor (though it was not always so used), pawning was probably usually dispersed. Masters might capture or buy slaves in multitudes, stoolholders might pawn or sell the political control of villages amongst themselves, but debtors usually approached creditors offering pawns in ones and twos. Scale aside, pawning was probably particularly important for commoners, because chiefs (of all kinds) enjoyed major advantages in the recruitment of slaves. Though no figures are available, there is no dispute that the overwhelming majority of slaves in Asante were foreigners, specifically people originally captured from the savanna societies to the north, the *nnonkof*. Of the three major sources of *nnonkof*, two were state monopolies: war (and raiding) and tribute.¹⁰¹ That left purchase, but here, state traders had privileges (freedom from road tolls, and the right of annual first access to the markets where slaves were offered for sale to Asantes),¹⁰² which gave them, and thus the chiefs who sent them, a head start in the acquisition of slaves. Thus chiefs had less need of pawns than commoners, while commoners seeking unfree labor might look first to the acquisition of pawns.

Thus the proposition is that pawns were more important for commoners and for the heavily overlapping category of smaller users of unfree labor than they were for chiefs and the heavily overlapping category of larger users of unfree labor. "Commoners" holding pawns or slaves is a broad category, embracing, for example, ordinary free Asante who struck lucky with gold mining.¹⁰³ Three implications and ramifications of the general proposition should be indicated.

First, if this is true it may be that our sources understate the quantity of pawning in historic Asante society, since chiefs and the state are better represented in the sources than are commoners and their families.

Second, the significance of the proposition varies with period. If true, it would have had most impact during the "long century" of, generally, Asante imperial expansion and military success from 1701 until the 1831 treaty with Britain. For during this period fighting and tribute were presumably the main sources of slaves imported into Asante, and the state could sell surplus slaves into the lucrative Atlantic trade (albeit with more difficulty after 1807).¹⁰⁴ During the early nineteenth century the latter option largely dried up and the price of slaves fell,¹⁰⁵ making it less lucrative to re-export slaves and cheaper for Asante purchasers to acquire them. This is consistent with the Wilks-Klein proposition that after c. 1810 new slaves were generally dispersed through Asante society, rather than being concentrated on officeholders' estates.¹⁰⁶ Certainly, despite the secrecy that inhibits the identification of individuals of slave descent, there are indications that most commoner matrilineages owned some slaves by the time slavery was abolished. The geographer Kwasi Boaten stated in 1970: "The many domestic slaves [*sic*] found in practically all the Asante homes attest to the extent and popularity of the slave trade with the north."¹⁰⁷ Moreover, trade was now often more important than fighting as a means of importing slaves to Asante.

Finally, insofar as the increase in kola nut exports in the early nineteenth century and the later advent of export trades in rubber (during the last quarter of the nineteenth century) and cocoa (mostly after 1900) gave new opportunities to smaller producers, pawning was one of the means by which they could exploit them.¹⁰⁸ Drawing apparently on oral testimony from Kintampo, Arhin states that "the use of pawns in the kola trade was the quickest way" for upwardly mobile men to acquire the wealth to buy more [and perhaps any] slaves.¹⁰⁹ From 1896, when the new British rulers began to stamp out slave dealing but accepted the continuation of pawning, it is likely that there was an increase in the number of pawns, this time as a substitute for new slaves. But if there was an increase in pawning between 1896 and 1908 it may also have been a consequence of the emergence, with rubber and then cocoa, of a wider range of people able to afford unfree laborers.

In Asante pawning was also different from slavery as a form of exploitation, in that whereas most slaves were foreign, the majority of pawns were born in Asante, and the majority were recruited apparently from the "free" subjects of the Asantehene.¹¹⁰ In this respect its implications for social inequality were distinct. Insofar as pawning did operate as a social insurance mechanism it may have helped poorer matrilineages

survive. But insofar as it enabled richer ones to get richer, and richer individuals to advance their careers, it may have been a source of cumulative inequality. This is particularly so because, as radical critics of interlocked factor markets observe, such deals often make it harder for the borrower to clear the debt. With pawning, the debtor lost the services of the pawn, to that extent reducing his chances of being able to repay the loan.

Part of the exploitative potential of pawning was illustrated by the case of Yaw Donkor who, apparently in 1904, one evening entered the small town of Abodom, in southern Asante, accompanied by "my small daughter." Evidently a stranger to the town, he asked a group of bystanders the way to the latrine. When Donkor returned, one of them accused him of having "done wrong because I bid him good evening before going to [the] latrine." Given that Donkor would have greeted the locals before asking them directions, it is plausible that he was technically in breach of the taboo against addressing anyone on one's way to the latrine. His accuser persisted, and both parties were brought before the chief of Abodom who fined Donkor £11/15/-. "I had no money . . . so they[?] told me to borrow the money & put my daughter in pawn which I had to do, with Linguist [chief's spokesman] Kofi Interesu, who said that the interest would be £3." Donkor complained to the District Commissioner, who reduced his debt to £4.¹¹¹ This case is strikingly similar to an allegation made at about the same time in the French-ruled part of Gyaman, once a tributary state of the Asante kingdom, and quoted by Terray. This was that an alliance of chiefs using their power to fine and rich men using their capacity to lend connived to extract pawns from hapless travelers. But as was noted in the last section, for Asante at least it is not clear that this was the innovation that Terray suggests.¹¹² What is well attested is that the costs of litigation, including fines, were a major source of the demand for cash (gold dust, later colonial currency) which led commoners as well as chiefs to supply pawns.¹¹³

As the Donkor case illustrates, chiefs could use their judicial authority to generate pawns, and chiefs (in this case a sub-chief, the "linguist") often had sufficient currency to take them. Both chiefs and commoners used the interaction of coercion and the market to accumulate wealth. Moreover, the boundary between the categories of chiefs and commoners was more permeable than the formal insistence on the hereditary nature of chieftaincy might suggest.¹¹⁴ But the opportunity to lend on pawns presumably loomed larger within the commoners' repertoire of instruments of self-enrichment than it did within that of chiefs.

Whether the pawns themselves were willing or unwilling, it is hard to envisage them as beneficiaries of this interlocked factor market. As individuals, they were not necessarily party to the pawning decision, and their interests were likely to be subordinate to those of the elders on either

side. After all, the ideology of pawning in Asante envisaged equivalence in terms not of individual but of family property: when an *abusua* needed a loan the person offered as a pawn did not need to be the person who had incurred the debt.¹¹⁵ Indeed, by the nature of the institution, the pawns were poor (otherwise they could have redeemed themselves) and dependent on elders or masters.¹¹⁶ Some were never redeemed.¹¹⁷ A possibly extreme example of how pawning could virtually perpetuate itself is that of the woman Atta, mentioned in the first section, who was pawned twice during the late nineteenth century. The Mampon royal family claimed that her second "pawning" was actually outright sale to themselves of her and her children, though this was much disputed by her son. Either way, she gave birth to a boy and a girl, each of whom was later pawned separately. The girl herself mothered a daughter who was pawned.¹¹⁸ Generally, if a pawn's *abusua* fell into deeper debt, the pawn might find herself or himself sold out of the matrilineage altogether, as a slave.¹¹⁹ This fate was also an ultimate sanction open to an *abusua* against a member who repeatedly got them into debt.¹²⁰ As for imported slaves, if one was sold, she or he reached the very bottom of the Asante social heap, having to do the hardest and dirtiest jobs.¹²¹

It should be noted that there were accepted constraints on the exploitation of pawns by creditors. Rattray's fieldnotes record an informant telling him in 1925 that "If the master treats the pawns badly, the pawn can tell his *abusua* that they must redeem him in say a year or he will run away. If he runs away his *abusua* [are] not responsible so long as he does not run back to them."¹²² Rattray noted that the creditor had to pay for the search,¹²³ and could not claim his money for at least a year.¹²⁴ Should the pawn commit suicide, "the creditor became responsible for all the funeral expenses, and the debt was also cancelled."¹²⁵

Redress against abuse is one thing; opposition to the system is another. In Rattray's fieldnotes the statement appears that "No disgrace attaches to [a] person who is [an] *awowa* in Ashanti."¹²⁶ But he also records "K.S." as telling him that his pawned niece's creditor-husband "dare not call her *awowa*,"¹²⁷ which suggests that to be an *awowa* was not considered respectable after all. There are at least three recorded cases of pawns running away from their masters, apparently back home.¹²⁸ Given the domination of the sources by chiefs and others who had no reason to oppose pawning, it is perhaps not surprising that there is not more evidence of resentment against the institution as such. The sources have been especially dominated by male informants, which makes it harder to assess whether there was female resentment against an institution which, at least in the colonial period, bore especially heavily upon women and girls. It is clear that most pawning transactions were largely between males, though

there are known instances of women giving or receiving pawns.¹²⁹ Moreover, Rattray implies that he believed that the social ideal of pawning had been abused in the latter years before the colonial occupation,¹³⁰ in which case any opposition to pawning might have been relatively new. But, as has often been said, Rattray's historical vision was colored by a tendency to assume that there had once been an "authentic," ideal Asante social and cultural order, an assumption which has been undermined rather than endorsed by the historical research which has been done since he wrote.¹³¹ In 1909 the fact that the chief of Konkoma, on Lake Bosumtwi, had pawned some people (presumably his subjects) was given by his elders and his head chief as one of several grounds for deposing him.¹³² But the charge was made within a year of the colonial prohibition of pawning in Asante, and thus may have the result of tactical opportunism by his opponents rather than of resentment on their part against pawning as such. However, it is plausible - though unverifiable - that resentment in Asante against pawning (perhaps similar to that against panyarring,¹³³ the practice of kidnapping to force payment of a debt) may be as old as pawning itself, and that both of them may go back to the origins of a society founded on accumulation.

The "Feminization" and Decline of Human Pawning

Colonial policy towards pawning in Asante paralleled the policy on slavery. This was because in the dispute within the administration over what to do about Asante slavery, it was the "abolitionists" who set the agenda since it was they who wanted to change policy, and they regarded pawning as a form of slavery. The "gradualists," who sought to minimize government action against slavery, maintained that pawning was fundamentally different.¹³⁴ For the first decade of the colonial occupation, the British administration made no effort to abolish human pawning. The Chief Commissioner of Ashanti, F. C. Fuller, himself declared in 1905 that "It has been the consistent policy of the Government to recognize domestic slavery and 'pawning'."¹³⁵ Admittedly, the Gold Coast Colony's criminal code was applied to Asante in 1902, including the prohibition of the giving and taking of pawns.¹³⁶ But in 1907 Fuller stated that "the Criminal Law against pawning has never been enforced in Ashanti," and "it has been the rule for the Courts to recognize 'pawns' as security for debts."¹³⁷ This toleration of pawning reflected the conviction of the colonial government's "men on the spot" that pawning should simply be allowed to wither as economic and legal changes made alternative forms of borrowing available. However, from 1904 they were subjected to pressure from their superiors in Accra and London, who first suggested and finally insisted upon making pawning illegal. In July 1907 Fuller issued instructions that henceforth officials must

"give no assistance in the recovery of escaped 'Pawns' and that courts should no longer recognize pawns as security on debts." Pawning itself was prohibited in 1908. Analysis of the internal colonial debate must await another paper.¹³⁸ The remainder of this section will offer a tentative sketch of the uneven decline of human pawning, and will examine the respective roles of government action and economic change in this process.

The pattern of decline was complex and ambiguous. As recently as c. 1970, A. A. Y. Kyerematen wrote that "Although banned, the pawning of persons is still carried out secretly."¹³⁹ After 1910, in other words once the prohibition of human pawning had been publicized by judicial and administrative actions, the practice surfaces only relatively rarely in the administrative and legal records. As was observed in Section I, the recorded cases of pawns seem to consist entirely of women and children, the latter being girls where the sex is specified. The last definite case that I have found of an adult male being held in pawn was in 1910.¹⁴⁰ Further research may uncover a few later instances of men as pawns. But there seems no reason to doubt that the pawning of men really did decline far and fast after c.1908. After all, this category of pawn was probably the most easily noticed by officials, not least because pawned men were more likely to be able to bring their own cases to the government's attention.¹⁴¹ In contrast, cases of child pawning appeared in the courts at least up to 1942. It could even be argued that in our own time the widespread practice of better-off homes taking in the children of poorer relatives, with the children performing domestic tasks to reciprocate for food, could be seen in some cases as a form of short-term pawning.¹⁴²

The pawning of women was relatively safe from prosecution by the colonial authorities, as long as the loan could be presented as bride wealth.¹⁴³ In the 1940s wife pawning, "head money" included, was described as if it was widespread in Asante¹⁴⁴ and, more generally, Akan society.¹⁴⁵ Fortes stated that *tiri sika* "is found in about one-third of extant marriages."¹⁴⁶ I argued earlier that it is doubtful that "head money" in this sense was new. In that sense I disagree with Grier's stimulating suggestion that pawning was redefined during the colonial period.¹⁴⁷ But the quantitative pattern described in Section I suggests that the "redefinition" of pawning was a reality, in that it had been feminized in the sense of becoming overwhelmingly confined to females. It seems to have taken the later growth of economic opportunities for young women to enable them increasingly to avoid becoming pawn wives.

While pawn wives were common in the 1940s, and perhaps child pawns too, there is no evidence that either was more or less prevalent than before. In general it seems likely that pawns and reluctant pawn givers were in a stronger position after pawning as such was banned. In a perhaps

exaggerated way the Fante civil servant J. C. de Graft-Johnson urged this view for the Gold Coast as a whole in 1927:

Today there are very probably some pawns, but without question they know they are only doing temporary service, that they are free persons and can leave at any time. Moreover 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 is ever intended by either by the transaction.¹⁴⁸

In trying to explain the decline of adult male pawning, the resilience of female and child pawning, and the likely loosening of at least some of the more oppressive aspects of the institution, we should focus on two major influences: the government's measures against pawning, and the fundamental change in the Asante economy constituted by the rise of cocoa farming.

The different histories of the pawning of men, children and women after 1910 are to some extent attributable to the aims and resources of the enforcers of colonial policy. With respect to aims, they were partly the result of colonial officials' acquiescence in wife pawning combined with their desire to end other kinds of pawning. Regarding resources, the fact that child pawning outlived man pawning must have been partly because the former was less visible to official gaze. However, this was surely not the full story. One has to doubt the ability of the colonial government to bring about the demise of adult male pawning, and indeed to constrain the pawning of children. This is suggested by comparative evidence. Pawning was also made illegal in French West Africa, but this did not prevent a major revival of the practice during the early 1930s over much of the French territory, the visible scale of which dwarfs the little cluster of pawning cases in Asante during the same years.¹⁴⁹ Moreover, the colonial government of Asante lacked the resources to enforce the law thoroughly. As elsewhere in the "peasant colonies," the administrative and police manpower available to the administration was low. Excluding mines and railways police, there were never as many as one hundred policemen in Asante until 1910, and never as many as 250 until 1922-23.¹⁵⁰ This was for a population that was probably undercounted at 406,000 in the 1921 Census returns. Staff shortage mattered especially on issues where the government could hardly expect chiefs to be active enforcers of colonial law. This was so with pawning, which the chiefs had defended solidly.¹⁵¹ The limits of the colonial government's ability to control civil society even in matters less subtle than pawning were highlighted by the failure to prevent a riot in a

major town (Bekwai) in 1919, in which eleven strangers (migrant laborers) were killed, or to convict most of those responsible. In this case, colonial incapacity stemmed partly from the fact that the *omanhene* (paramount chief) was himself alleged to have instigated the use of cutlasses and guns, and even to have fired one of the fatal shots.¹⁵² It was also partly because the town had no resident commissioner. One was appointed in 1923, and it is true that the colonial administration was able to deploy more manpower in Asante, as in the Gold Coast generally, during the 1920s. If the additional colonial staff did help to kill off pawning, it should be noted that this was made possible by government revenues generated primarily by the efforts of African cocoa farm owners and laborers.¹⁵³

The biggest change in the early colonial economy of Asante was the rise of cocoa farming. Widespread planting of cocoa trees began only after the 1900 revolt, and cocoa beans began to be noted in the official trade statistics only in 1906. But production passed 10,000 tons a year by 1914, and reached nearly 32,000 tons in 1919.¹⁵⁴ If we can generalize from one of the major producing areas, the labor force that achieved this comprised very largely the farm owners themselves, their families, their slaves and pawns, cooperative groups of neighbors and, in the case of chiefs, *corvée* labor provided by their subjects. Wage labor was limited to some casual work.¹⁵⁵ Pawns were specifically among the workers applied to cocoa by a major pioneer of Asante cocoa farming, Kwame Dei of Asiwa.¹⁵⁶ The contribution of adult male pawns to cocoa production presumably declined with the number of such people. But wife pawns would have provided their share of the overwhelmingly female labor force that planted food crops such as plantain to shade the young cocoa plants and keep the farming population fed while the cocoa plants matured.

It was observed above that adult male pawning seems to have declined relative to other forms of pawning during the period 1903-10, and that if this decline was not also absolute, it became so very soon afterwards. The fact that this process began during the emergence of cocoa production, while predating the colonial prohibition of pawning, suggests that cocoa contributed to it. The most likely connection is the following. The new cocoa economy offered alternatives to men who previously would have accepted being pawned: as casual workers or as cocoa farmers themselves. Meanwhile it enabled richer people, who would previously have bought slaves or lent money to obtain pawns, to hire labor instead. While at first the labor was casual, during the 1920s seasonal migrants from the savanna were frequently hired on six-month or annual contracts.¹⁵⁷ However, the growth of the market for cash-crop labor was confined very largely to men.

The demand for females continued to be in subsistence farming and the other "reproductive" tasks. Hence while the pawns of both sexes who

contributed to the development of cocoa farming helped to create the conditions for the supersession of pawn labor by wage labor, this did not reduce the demand for pawn wives, nor give most of the women concerned alternatives to such a fate. Female ownership of farms seems to have been rare during the first twenty years of Asante cocoa farming.¹⁵⁸ Whether free or pawned, women's first responsibilities were considered to be childrearing and the supply of both food crops and cooked food. Their contribution to cocoa farming was primarily in helping their husbands to make farms, notably though the above-mentioned means of planting food crops for shade.

For a later period, the 1960s and early 1970s, Christine Okali's research provides evidence about the dynamics of female cocoa farm ownership. She used court records from, most relevantly, Ashanti and Brong-Ahafo regions (the latter being previously the colonial Western Province of Ashanti, and before that part of the Asante kingdom). She also used survey data, including a study of a new cocoa-growing community in Ahafo. She found that women owners of cocoa farms in Ahafo were most likely to be widows, divorcees or co-wives. They acquired a share of their late or former husband's cocoa farms in return for having helped to make them, or they took advantage of the relative autonomy of being a co-wife to make cocoa farms of their own, whereas a sole wife would have lacked the time to do so, after helping her husband and performing her other duties.¹⁵⁹ Some evidence about whether Okali's conclusions applied earlier in the history of cocoa farming in the region may be obtained from the findings of a 1928 government survey of cocoa production in the Western Province of Ashanti in 1928-29.¹⁶⁰ Its estimates of future yields proved to be wrong.¹⁶¹ But the figures for the proportion of cocoa farmers in the population, obtained from "house to house" visits to "each cacao producing village in the Province,"¹⁶² while doubtless inaccurate in detail, may be accepted as a general indication of the reality.

From Okali's work we may derive the hypothesis that the higher the proportion of cocoa farmers there are in the population of a village in which cocoa growing is or has recently been spreading, the higher will be the small proportion of women cocoa farm owners in the population. The reasoning has three parts. First, I assume that the spread of cocoa farming involved both an increase in the number of farm owners and an increase in the average number of cocoa farms per owner. Given the frequently documented propensity for most Ghanaian cocoa farmers to make more than one cocoa "farm," contiguous or otherwise, this assumption seems safe.¹⁶³ It implies that the higher the proportion of cocoa farmers in such a village, the higher will be the average number of farms per farm owner. Second, the more cocoa farms a man acquires, the more likely it is that he

will give, concede or leave one of them to his wife, divorced wife or widow. Third, the more cocoa farms he has, the more likely it is that one of his co-wives, having first helped him to make cocoa farms, will then find the time to make one for herself (not least because he might reinvest some of his cocoa income in an additional marriage). We may add a supplementary hypothesis, that among the population of such a village the higher the proportion of cocoa farm owners with at least one farm which has come into bearing, the higher will be the proportion of female cocoa farm owners in the population. This hypothesis rests on two contentions. First, the more farmers there are with bearing farms, the more male farmers there will be who have reinvested in additional wives. Second, the longer it is since a farmer made his first farm, the greater the chance that he will have divorced or died. It is clear from context that "farmers" meant cocoa farm owners.

The correlation between the proportions of women cocoa farm owners and of all cocoa farm owners in the population is strong, with a coefficient of determination (R^2) of 0.92. The relationship between the proportions of women cocoa farm owners and of farm owners with bearing farms is even stronger, with an R^2 of 0.94. "Population" means the population of the cocoa-growing villages of each of the four districts. The number of districts is so small that these results should be regarded as strongly suggestive rather than conclusive support for the two hypotheses. Assuming that they are broadly true, pawn-wives might hope to acquire farms, especially if they were co-wives. But their incentive to do so was limited by the rule noted in Section I, that pawn-wives had to share self-acquired wealth with their creditor-husbands.

I have suggested elsewhere that, where it existed in colonial West Africa, relatively prosperous export agriculture gradually removed the economic basis of human pawning, in contrast to the position in the labor-exporting zones discussed by Martin A. Klein and Richard Roberts.¹⁶⁴ This applies to Asante, at least for the cocoa-producing forest zone where most of the population lived. Not only could pawn elders use their growing cocoa receipts to become employers of wage labor, but borrowers were no longer obliged to use their junior matrikin as security. Instead they could borrow short on their forthcoming cocoa crops, or long on their cocoa trees. To judge from research on the Amansie and Adanse districts of southern Asante, the short-term variety developed first: advances given by cocoa buyers. The latter were Asante and other brokers (some were from other parts of the Gold Coast, from Nigeria, or from the Levant), many of whom were financed ultimately by European companies. Such advances began in this area in the 1910s and spread rapidly in the generally quite prosperous 1920s, when cocoa buyers used this form of credit provision as they

competed amongst themselves for the farmers' produce. With the collapse of cocoa prices in the early 1930s, advances from buyers gave way to long-

	Ahafo	Sunyani	Wen chi	Kintampo
Female farmers	9.13	7.65	2.67	0.67
All cocoa farmers	25.65	25.14	19.28	19.77
Farmers with bearing farms	13.87	14.55	9.14	6.44

Unit: number per 100 of population of cocoa-growing villages in each district.

Sources: J. C. Muir, "Survey of Cacao Areas - Western Province, Ashanti," *Bulletin of the Department of Agriculture, Gold Coast*, 22 (1930), 61, 63 and Muir, "Crop Surveys, Gold Coast," *Bulletin of the Department of Agriculture, Gold Coast*, 20 (1929[?]), 173, 177.

Table 1 Female Ownership of Cocoa Farms in Western Province of Ashanti, 1928

term loans from any local person with money to lend. These were secured by pledging cocoa farms, that is, handing them over as security, with their proceeds as interest.¹⁶⁵ During the Depression there was similarly a great surge of long-term, relatively "lumpy" borrowing in the labor-exporting areas of West Africa examined by Klein and Roberts. But there it took the old form of human pawning. For Asante there are indications that there was a slight increase in pawning.¹⁶⁶ But, though we cannot know how many instances went unrecorded, it seems safe to assume that this revival of the practice was very small in volume by comparison with its resurgence in the Sahel, where many cases may likewise have escaped official notice. In Asante the emergence of widespread farm pawning overshadowed any slight and temporary increase in pawning.¹⁶⁷ It should be noted that cash-cropping and labor-exporting zones interacted: which may account for the allegations that during hard times beyond the cocoa belt in the north of Ghana, Asante labor recruiters took children from needy families there as pawns.¹⁶⁸ With the major exception of pawn marriage, the Asante transition from pawning humans to pledging farms had gone far by the 1940s. It seems to have happened without major disruptions in the form either of overt conflict or of shortages of labor or credit. This smoothness is perhaps epitomized in the fact that the same word, *awowa*, was applied to the pledging of trees as it had been to the pawning of humans (meaning literally, "in place of").¹⁶⁹

Since the growth of cocoa farming in Asante was largely the responsibility of the farmers themselves,¹⁷⁰ it is fair to conclude that the timing and smoothness of the decline of human pawning in Asante was largely the result of indigenous economic activity and initiative. To some extent it was also a "change from below" in the further sense that pawns were among the early cocoa farm labor force. Karl Marx remarked that "men make their own history, but...they do not make it under circumstances chosen by themselves."¹⁷¹ This applies to both sexes, but in this context their circumstances were different. Male pawns helped work male pawning out of a role, and female pawns did the same.

Conclusion

This essay offers a preliminary analysis of human pawning in Asante history. In addition to the usual sources, it is based on neglected archival material in Kumasi, and uses Rattray's fieldnotes as a supplement and control on his standard account of the institution. The additional material not only amplifies our picture of Asante debt bondage, but also corrects it in certain respects. In particular, contrary to Rattray's belief, it turns out that monetary interest was paid in at least some cases of loans secured with human pawns. It also seems that males may have been as commonly pawned as females in the nineteenth century, though in the early colonial period pawning became essentially a female fate. Further, it is shown that the monetary value of pawns increased greatly, a process which seems to have begun in the late nineteenth century and was much in evidence during the first decade of the twentieth. It is suggested that the additional demand for pawns created by the abolition of the internal slave trade was channeled not only into additional pawning, but also into bigger loans per pawn. The payment of monetary interest, the apparent absence - before colonial rule - of female predominance among pawns, and the suggestion that it was the "price" as well as the quantity of pawns that absorbed the frustrated demand for slaves all differ from current general impressions of African pawning.¹⁷² Asante may or may not have been unique in these respects: each issue is worth exploring further, for Asante, for Ghana generally and for other parts of the continent. More generally, the archival evidence about specific cases of pawning helps us to relate the statements about institutional norms to concrete (though in some cases contested) experience.

The above discussion has underlined the need to consider *awowasi* from various angles, economic, social, ideological and political. However, recognition of complexity does not preclude explanation, and, drawing lightly on the "new institutional economics," the analysis here incorporates both the shared and conflicting interests of creditors, debtors and pawns, and relates these interests to indigenous conceptions of pawning in Asante

society. It is suggested that pawn holding as opposed to slave holding was probably particularly important as a means of accumulation on the lower rungs of the ladder of wealth, status and power. This too is worth further examination in relation to other African societies. For example, it was said of Whydah in the 1710s that the ability to lend on human security "makes a Black powerful without holding office."¹⁷³ Finally, it is argued that the feminization and generally uneven decline of human pawning in the colonial period was to a large extent a result of the economic actions of Asante farmers.

Notes

Abbreviations:

CCA: Chief Commissioner of Ashanti

CSPA: Commissioner of the Southern Province of Ashanti

CWPA: Commissioner of the Western Province of Ashanti

DAO: District Administration Office

DC: District Commissioner

NAGA: National Archives of Ghana, Accra

NAGK: National Archives of Ghana, Ashanti Regional Office, Kumasi

RAO: Regional Administration Office

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1. This essay results partly from a visit to Ghana in July-September 1992, financed by grants from the University of London Central Research Fund and the London School of Economics Staff Research Fund. It also draws upon earlier research in Ghana, financed by the UK Economic and Social Research Council. I am grateful to these institutions for their support. An early draft of the paper was presented at the African Studies Association meeting in Seattle, 20 Nov. 1992. I am grateful to the participants and to Pip Austin for useful comments.
 2. R. S. Rattray, *Ashanti Law and Constitution* (Oxford, 1929), esp. 47-55; A. Norman Klein, "Inequality in Asante: A Study of the Forms and Meanings of Slavery and Social Servitude in Pre- and Early Colonial Akan-Asante Society and Culture" (Ph.D. thesis, unpublished, University of Michigan, 1980), vol. 2, chap. 6. Klein's discussion offers interesting reflections on pawning in Asante compared to pawning in another Akan society, the Fante of the coast. But his study suffers from a lack of archival and oral evidence: it is essentially a further interpretation of the old published primary and secondary sources. Beverly Grier gives a valuable reading of the same categories of source in relation to patriarchy and class in "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana," *Signs*, 17, 2 (1992), 304-28 (reprinted in this volume).
 3. For the latter point see Rattray, *Ashanti Law and Constitution*, 55.
 4. Klein, "Inequality," vol. 2, esp. 318-19, 380; also Klein, "West African Unfree Labor Before and After the Rise of the Atlantic Slave Trade," in L. Foner and E. Genovese, eds., *Slavery in the New World: A Reader in Comparative History* (Englewood Cliffs,

- New Jersey, 1969), 91.
5. See in particular Ivor Wilks, "Land, Labour, Capital and the Forest Kingdom of Asante: A Model of Early Change," in J. Friedman and M. Rowlands, eds., *The Evolution of Social Systems* (London, 1978), 487-534; Wilks, "The State of the Akan and the Akan States: A Discussion," *Cahiers d'études africaines*, 87-8 (1982), 231-49; Ray A. Kea, *Settlements, Trade, and Politics in the Seventeenth-Century Gold Coast* (Baltimore, 1982), 85-94.
 6. For example, Kwame Arhin, "The Financing of the Asante Expansion (1700-1820)," *Africa*, 37, 3 (1967), 283-91; J. K. Fynn, *Asante and its Neighbours, 1700-1807* (London, 1971).
 7. Especially in Ivor Wilks, *Asante in the Nineteenth Century* (London, 1975), chap. 15.
 8. Ivor Wilks, "The Golden Stool and the Elephant Tail: An Essay on Wealth in Asante," in G. Dalton, ed., *Research in Economic Anthropology*, 2 (1983), 1-36.
 9. T. C. McCaskie, "Office, Land and Subjects in the History of the Manwere Fekuo of Kumase," *Journal of African History*, 21 (1980), 189-208; McCaskie, "Accumulation, Wealth and Belief in Asante History, Part I," *Africa*, 53, 1 (1983), 23-44.
 10. See especially Kwame Arhin, "The Asante Praise Poems: The Ideology of Patrimonialism," *Paideuma: Mitteilungen zur Kulturkunde*, 32 (1986), 163-97; Larry Yarak, *Asante and the Dutch, 1744-1873* (Oxford, 1990).
 11. For a critical survey of primary sources on slavery in nineteenth-century Asante and other Akan societies, and of academic interpretations of them, see Raymond E. Dumett, "Traditional Slavery in the Akan Region in the Nineteenth Century: Sources, Issues, and Interpretations," in D. Henige and T. C. McCaskie, eds., *West African Economic and Social History: Studies in Memory of Marion Johnson* (Madison, 1990), 7-22.
 12. The Rattray papers, now normally accessible only on microfilm, are part of the Royal Anthropological Institute's Manuscript Collection, housed in the Museum of Mankind, London. I am grateful to the Director of the RAI for permission to cite the papers in this essay, and to the staff of the Museum's reading room for their assistance. MS 107 contains the bulk of the fieldnotes made by Rattray in 1925 when he was specifically researching *Ashanti Law and Constitution*, with more on MS 108. MS 106 contains, among other things, a sort of draft of the book in note form.
 13. The minute of the interview is at MS 107:3, 1803-8. The informant is referred to only as "K.S." Since the minute is placed amongst mostly Mampon material, it seems fair to assume that the informant was "K. Sapon," former Batahene of Mampon, who is named as the informant in a slightly earlier interview.
 14. I would like to thank the Archivist, Mr Cletus Azangweo, and his assistants for their help over many years.
 15. Rattray, *Ashanti Law and Constitution*, 49; Rattray papers, MS 107:3, 1803.
 16. Ray A. Kea, *Settlements, Trade, and Politics in the Seventeenth-Century Gold Coast* (Baltimore, 1982), esp. 244, 246, 303; see, further, the comments on the credit system on 238-39, 246-47.
 17. Study of the Dutch sources on eighteenth-century Asante may remedy this deficiency.
 18. Besides the cases from that period noted below in this essay, see Gareth Austin, "Rural Capitalism and the Growth of Cocoa-Farming in South Ashanti, to 1914" (Ph.D. thesis, unpublished, University of Birmingham, 1984), 507.
 19. See Rattray, *Ashanti Law and Constitution*, 19-20; see also 48-55.
 20. Rattray, *Ashanti Law and Constitution*, 8; Rattray papers, MS 107:3, 1803. Much earlier, T. Edward Bowdich wrote that a woman's first husband could pawn his children by her if he returned from a prolonged absence to find she had remarried. See Bowdich, *Mission from Cape Coast Castle to Ashantee*, 3d ed. (reprint of 1st of 1819),

- (London, 1966), 260. This can be seen as partial compensation by her *abusua* for the loss of the wife they had given him.
21. Rattray later contradicts himself by saying that Asante fathers could never pawn their sons (*Ashanti Law and Constitution*, 16). Twenty years before, the missionary Edmond Perregaux had written that a father could pawn his child with the consent of the mother and [maternal] uncle, while a mother could pawn her child providing the father agreed. His language suggests an equality between these two possibilities (see Perregaux, "Chez les Achanti," *Bulletin de la société neuchateloise de géographie*, 17 [1906], 154-55). But Perregaux seems to have been misled by what was clearly his own unacknowledged source, a passage in A. B. Ellis's *The Tshi-Speaking Peoples of the Gold Coast of West Africa* (London, 1887), 294-95. A few pages further on Ellis himself emphasized the primacy of the *abusua* in pawning (298). He did state that it was possible for fathers to pawn children, subject to their matrikin's consent, and that a mother needed the father's consent before pawning their child (295). But his own knowledge of the matter probably derived from Fante rather than Asante practice, as did his knowledge of Akan society and culture generally. On his lack of Asante sources, see Ray Jenkins, "Confrontations with A. B. Ellis, a Participant in the Scramble for Gold Coast Africana, 1874-1894," in Beatrix Heintze and Adam Jones, eds., *European Sources for Sub-Saharan Africa Before 1900: Use and Abuse*, a special issue of *Paideuma: Mitteilungen zur Kulturkunde*, 33 (1987), 321-23.
 22. NAGK D562 "Pawning," esp. statements by Kobina Fosu, an Odumase "linguist" (spokesman), and by Chief Kusi, the new Ankobeahene, before the DC of Kumasi, 21 Mar. 1908. There is a recorded instance, from approximately the second quarter of the nineteenth century, of a girl being pawned by her maternal grandfather, who could not have belonged to the same *abusua*. But this could be accounted for by the grandmother being a slave (see below), an interpretation which is strengthened by the fact that the pawn's own daughter was later "purchased." For the case, without sources but free of my reading of it, see Asante Collective Biography Career Sheet No. 68, prepared by I. Wilks, *Asantesem: The Ashanti Collective Biography Project Bulletin*, 10 (1979), 37. There was also a case which came to court in 1930 of a child being pawned by her uncle and grandfather (SCT 205/160 Bekwai Magistrate's Court, Criminal Record Book, 7). We may assume that the uncle was her mother's brother. If the grandfather's consent was involved, rather than his advice or mediation, this would also be consistent with the rules of *awowasi* if her mother was a slave. If this was not so, a need for the grandfather's consent could be reconciled with the matrilineal principle if he was also her maternal granduncle: in other words, if she was the product of a familiar arrangement in Asante, the cross-cousin marriage between son and sister's daughter (R. S. Rattray, *Religion and Art in Ashanti* [London, 1927], chap. 29).
 23. NAGK D1573 "Return of a Girl Named Ekua Misa to Wenchi" (1910); Fell, CWWA, to CCA, Sunyani, 12 July 1910.
 24. For example, Petition of "Kings, Chiefs and Head men of Adansi" to Governor, Fomena (Ashanti), 30 Nov. 1906, NAGK D234, "Slaves and Pawns."
 25. Untitled sub-file of petitions, Kwamin Obenney to DC, Abodom, 7 Aug. 1905, NAGK Obuasi DAO File 26, "Quarterly Intelligence Reports S.P.A" (contains several files, in some disorder).
 26. For the principle see Rattray, *Ashanti Law and Constitution*, 48n.
 27. Rattray, *Ashanti Law and Constitution*, 44, 48, 52-53.
 28. Rattray, *Ashanti Law and Constitution*, 40.
 29. Her son said that he was with his mother when she was first pawned, and remembers that it was before the war with the British, though he had earlier stated that it was during the reign of Asantehene Mensa Bonsu, which began in 1874 (NAGA D1766,

- "Requesting Permission to Redeem One Woman Atta Pawned"). The quotations are from Kweshi Dwamena to DC, Kumasi 9 Mar. 1908, and statement by Dwamena, n.d. but evidently also 9 Mar. 1908).
30. Untitled sub-file of petitions, Kwamin Obenney to DC, Abodom, 7 Aug. 1905, NAGK Obuasi DAO File 26 "Quarterly Intelligence Reports S.P.A."
 31. Fuller to Acting Governor, 5 Aug. 1905, NAGK D234 "Slaves and Pawns"; Rattray, *Ashanti Law and Constitution*, 47, 50.
 32. Rattray, *Ashanti Law and Constitution*, 47-55.
 33. Rattray papers, MS.107:3, 1803.
 34. Wilks, *Asante*, 50-51.
 35. Acting DC to CCA, Nkoranza, 20 Nov. 1906, NAGK D234 "Slaves and Pawns." In the same period Perregaux also stated that interest was often required before the creditor would return the pawn. He added that the rate was normally 50 per cent (Perregaux, "Chez les Achanti," 154). However, on both points he appears to have been paraphrasing an earlier description of Akan pawning given by A. B. Ellis (Ellis, *Tshi-Speaking Peoples*, 295). Thus it seems unlikely that Perregaux had independent information on the matter. Ellis himself almost certainly relied on data about Fante rather than Asante practice (see note 21 above).
 36. In the event, either the creditor "refused to keep the woman" (according to the debtor) or she "refused to stay with me" (according to the creditor). She returned home, and the creditor eventually secured full payment by presenting a promissory note to the colonial court (NAGA ADM 53/4/1 Obuasi Civil Record Book 1904-7, 279, Kwesi Mpong v. Kofi Berukyi, 25 July 1905). It seems likely that the promissory note, dated Jan. 1903, was made when the pawning arrangement collapsed (cf NAGA ADM 53/1/2 Obuasi Duplicate Letter Book 1905-6, 117: C. H. Armitage to Bekwaihene, Obuasi, 25 July 1905).
 37. NAGA ADM 53/4/1 Obuasi Civil Record Book 1904-7, 156-57: Yao Donkor v. Eduo Acheampong, 20 Dec. 1904.
 38. NAGK D562 "Pawning," esp. Kwesi Peyso, Omanhene of Odumase, to DC of Western Ashanti, Sunyani 21 Sept. 1907.
 39. NAGA ADM 53/4/1 Obuasi Civil Record Book 1904-7, 69 (Dadzi v. Shou), 168 (Foli v. Gimson), 187 (Forsu v. Cobina), 200 (Sackey v. Malobriah), 212 (Pobee v. Sawah), 263 (Quashie v. Armah), 274 (Frank v. Arkim[?]), 279 (Mpong v. Berukyi), 357 (Pobee v. Akosua), 366 (Asare v. Assiama).
 40. NAGK D234 "Slaves and Pawns," Soden to CCA, Obuasi, 11 Dec. 1906.
 41. Mose's published memoir does not indicate how long he was in pawn, except that the fact that it gives no information at all about his period as a pawn suggests that it was short. What it makes explicit is that between his redemption and May 1883, there was time for him to be sent by his master to Akyem to buy salt, refuse to return, go to Fanteland, where he "took up my residence at Akramang," meet Christians and move to Asamang. "Autobiographical Reminiscences of an Asante Slave, 'Mose,'" translated by D. Maier-Weaver from *Der Evangelische Heidenbote* (1892), *Asante Seminar* 3 (Northwestern University: Evanston, 1975), 20.
 42. Rattray, *Ashanti Law and Constitution*, 48-50.
 43. Grier, "Pawns, Porters, and Petty Traders," 327 (also in this volume).
 44. Fortes, "Analysis and Description," 142-43; cf. Amoo, "Effect of Western Influence," 230, 235.
 45. Rattray, *Ashanti Law and Constitution*, 49-50. Nor have I found mention of *tiri sika* in Rattray's fieldnotes.
 46. Rattray, *Religion and Art*, 78, 101.
 47. Perregaux, "Chez les Achanti," 116.

48. Perregaux, "Chez les Achanti," 116. This passage, or specifically the link between child betrothal and pawning, is one which I have not found in any of the books on the Gold Coast which Perregaux used, and from which he was not above plagiarizing and translocating apparently uncritically to Asante (see note 21 above). Perregaux had considerable direct experience in Asante (see the preface to "Chez les Achanti" by the editors of the journal). Hence it is reasonable to accept his observations when they appear to be independent of previous authors.
49. Not that the children of a creditor-father would belong to his lineage, though it is possible that his rights over them were strengthened, providing the parental relationship was pawn-marriage rather than pawn-concubinage (Rattray, *Ashanti Law and Constitution*, 50n, 52).
50. Rattray, *Ashanti Law and Constitution*, 48-52.
51. Rattray, *Ashanti Law and Constitution*, 49; Rattray papers, MS 107:3, 1807, testimony of K. S[apon].
52. "Autobiographical Reminiscences of an Asante Slave, 'Mose'," translated by D. Maier-Weaver, 20; T. C. McCaskie, "State and Society, Marriage and Adultery: Some Considerations Towards a Social History of Pre-Colonial Asante," *Journal of African History*, 22 (1981), 493; Rattray papers, MS 107:3, 1807, testimony of K. S[apon]; Rattray, *Ashanti Law and Constitution*, 51; Kwame Arhin, "Market Settlements in North Western Ashanti; Kintampo," in J. Goody and K. Arhin (eds), *Ashanti and the Northwest, Research Review* (Institute of African Studies, University of Ghana), Supplement No. 1, (1965), 144-45; Kwame Arhin, "Succession and Gold Mining at Manso-Nkwanta," *Research Review* (Institute of African Studies, University of Ghana), 6, 3 (1970), 108.
53. Arhin, "Market Settlements," 143-44.
54. Rattray, *Ashanti Law and Constitution*, 48. See, further, Grier, "Pawns, Porters and Petty Traders."
55. Rattray, *Ashanti Law and Constitution*, 36.
56. Joseph R. La Torre, "Wealth Surpasses Everything: An Economic History of Asante, 1750-1874" (Ph.D. thesis, unpublished, University of California, Berkeley, 1978) 138; K. Y. Daaku, ed., *Oral Traditions of Adanse* (Institute of African Studies, University of Ghana: Legon, 1969), 277.
57. The following pawns: Mose (Maier, "Autobiographical Reminiscences," 20); Enieni and Kwaku Ntwiaa (McCaskie, "State and Society," 493-94); Kwesi Dwamena (NAGK D1766 "Requesting Permission"); the father of the late Nana Opoku Akumiah, former Krontihene of Bekwai, sent by Omanhene of Bekwai to be pawned to chief of Elmina to finance purchase of guns and ammunition to fight the Adanses [1886] (G. Austin Fieldnotes: Nana Akumiah in conversation, 27 Aug. 1982); Kojo Mensah, Bohah, Osei Yaw, Kwasi Adai, Kwaku Jemfi (NAGK D562 "Pawning").
58. Dufie (Asante Collective Biography Career Sheet 68, prepared by I. Wilks, *Asantesem* 10 [1979], 37); Yaa Odom (McCaskie, "State and Society," 493-94); Atta (once or twice) and in the second transaction (which may in fact have been outright sale: see in Section II below), Amba N'sia (NAGK D1766, "Requesting Permission"); an unnamed paternal aunt of the late Nana Opoku Akumiah, former Krontihene of Bekwai, sent by Omanhene of Bekwai to be pawned to chief of Elmina to finance purchase of guns and ammunition to fight the Adanses [1886] (G. Austin Fieldnotes: Nana Akumiah in conversation, 27 Aug. 1982; Akua Addy (twice, if the payment of her redemption money by the man who then became her husband, Akwesi Kwatchie, was payment of head money, so that their relationship should therefore be regarded as pawn marriage-which seems the most likely interpretation: NAGA 53/4/1 Obuasi Civil Record Book 1904-7, 87-92: Akwesi Kwatchie v. Akwa N'bu, 15 Oct. 1904; Amankwa, Kra

- Montrisu, Eku [Akua] (NAGK D562 "Pawning").
59. ADM 53/4/1, 87-92; NAGK D562 "Pawning."
 60. Kwame Obenneh and his brother, who was pawned twice (NAGK Obuasi DAO File 26 "Quarterly Intelligence Reports S.P.A.;" Akwasi Ajeiman (NAGK D2593, "Respecting Redemption of Certain Nyami People With Kofi Poku, Subject of Chief Kobina Kokofu" [1909]; Akwesi Nyami and Kobina Hketea, in separate transactions (NAGK D234 "Slaves and Pawns," Acting CWPA to Acting CCA, Sunyani, 22 Jan. 1908); Cobina Piatin (NAGA ADM 53/1/7 Obuasi Duplicate Letter Book, 1910: 79, Acting CSPA to Omanhene of Adanse, [Obuasi], 29 Apr. 1910).
 61. Yaa Penim (as Note 36); daughter of Yaw Donkor (NAGA ADM 53/4/1 Obuasi Civil Record Book 1904-7, 156-57: Yaw Donkor v. Eduo Acheampong, 20 Dec. 1904); Effia Siriki (NAGK D1486 "Complaint from King of Wenchi Against the King of Kokofu" [1905], and NAGA ADM 53/1/2 Obuasi Duplicate Letter Book 1905-6, 27: C. H. Armitage, DC, to Omanhene of Kokofu, Obuasi, 26 June 1905); Akua Addai, Kra, Abena Apete (NAGK D2593, "Respecting Redemption"); Ekua Wusunah (NAGK RAO Files on Shelves 12 and 13, No. 80 [but these files now being reclassified]: original file no. Ashanti M.P. 274/06, "Kobina Nkrumah, Kumasi, 29th April 1906, Requesting Return of His Daughter Ekua Wusunah From Kofi Mintah of Borfi Sangu"); "two maid servants" belonging to Nsuta Queen Mother's stool (NAGK D2386, "Requesting Return of Two Servants from the King of Nsuta" [1906]); Akua Misa (NAGK D1573 "Return of a Girl" (1910): Fell to CCA, Sunyani, 12 July 1910); Amah Jambea, Ambah[?], Efua Nehifie, Akua Nooa and Awu[?] Oyeh, in a total of at least three separate transactions (NAGK D234, "Slaves and Pawns," Acting CWPA to Acting CCA, Sunyani, 22 Jan. 1908); Adjuah Tenene (NAGK D1766, "Requesting Permission"); Abina Achiri (NAGA ADM 53/1/7 Obuasi Duplicate Letter Book 1910, 42: Acting CSPA to Acting Cantonment Magistrate, [Obuasi], 16 Apr. 1910); Adjuah Poh (NAGA ADM 53/1/7, Obuasi Duplicate Letter Book 1910, 79: Acting CSPA to Omanhene of Adanse, [Obuasi], 29 Apr. 1910).
 62. Yaa Krah (NAGK D2307, "Re Yaw Poku's Wife (Yaa Krah)" [1919]); niece of Rattray's informant "K.S." (Rattray papers, MS.107:3, 1803); "a female child" pawned in village of Agwafo in Bekwai District (NAGK SCT 205/160, Bekwai Magistrate Court, Criminal Record Book, 7; D133, Bekwai DC's Diary, 3 Oct. 1930); "two girls from Adumasa" pawned to mother of Mr. J. W. Owusu (G. Austin Fieldnotes: transcript of interview with Mr. J. W. Owusu, Bekwai, 30 Sept. 1987); Ama Gyanfuah and Afua Marnuh (NAGK Obuasi DAO File No. 1632, "Kojo Pong's Cocoa Farms 1933"); pawn-wife referred to in Gwendolyn Mikell, *Cocoa and Chaos in Ghana* (New York, 1989), 116-17.
 63. NAGK D234, "Slaves and Pawns," C. H. Armitage, memorandum to CCA, quoted in Fuller's memorandum to Acting Governor, 5 Aug. 1905.
 64. NAGK D562 "Pawning," the quotation is from K. Fosu's statement of 21 Mar. 1908.
 65. Cf. Rattray, *Ashanti Law and Constitution*, 52.
 66. In some cases £10 (or £20) to redeem a pawn may have represented one (or two) *peredwan* plus 25 per cent interest (see the earlier discussion of interest rates).
 67. Asante Collective Biography Career Sheet 68, prepared by I. Wilks, *Asantesem* 10 [1979], 37; McCaskie, "State and Society," 493-94; Rattray papers, MS.107:3, 1803; NAGA ADM 53/1/2 Obuasi Duplicate Letter Book 1905-6, 27: C. H. Armitage, DC, to Omanhene of Kokofu, Obuasi, 26 June 1905; ADM 53/4/1 Obuasi Civil Record Book 1904-7, 279, Kwesi Mpong v. Kofi Berukyi, 25 July 1905; NAGK RAO Files on Shelves 12 and 13, No. 80 (Ashanti M.P. 274/06), "Kobina Nkrumah, Kumasi, 29th April 1906, Requesting Return of His Daughter," statement by Chief Kofi Mintah before DC of Southern Ashanti at Fomena, 18 May 1906; Obuasi DAO File 26

- "Quarterly Intelligence Reports S.P.A."; SCT 205/160, Bekwai Magistrate Court, Criminal Record Book, 7; D133, Bekwai DC's Diary, 3 Oct. 1930; D234 "Slaves and Pawns," Acting CWPA to Acting CCA, Sunyani, 22 Jan. 1908; D562 "Pawning"; D1486 "Complaint from King of Wenchi"; D1573 "Return of a Girl," Fell to CCA, Sunyani, 12 July 1910; D1766 "Requesting Permission."
68. NAGA ADM 53/4/1 Obuasi Civil Record Book 1904-7, 156-57: Yao Donkor v. Eduo Acheampong, 20 Dec. 1904; NAGK D1766 "Requesting Permission," DC, Kumasi, to DC, Western Ashanti, 16 Mar. 1908; D2593 "Respecting Redemption"; D2593 "Respecting Redemption"; NAGA 53/4/1 Obuasi Civil Record Book 1904-7, 87-92: Akwesi Kwatchie v. Akwa N'bu, 15 Oct. 1904.
69. Two cases (in the sense defined earlier) arose from the same original debt (McCaskie, "State and Society," 493-94). For the other cases see the next note.
70. Asante Collective Biography Career Sheet 68, prepared by I. Wilks, *Asantesem* 10 [1979], 37; NAGK D1766 "Requesting Permission."
71. McCaskie, "State and Society," 493-94.
72. NAGA 53/4/1 Obuasi Civil Record Book 1904-7, 87-92: Akwesi Kwatchie v. Akwa N'bu, 15 Oct. 1904.
73. NAGK D562 "Pawning," esp. K. Fosu's statement of 21 Mar. 1908.
74. NAGA ADM 53/4/1 Obuasi Civil Record Book 1904-7: 156-57, Yao Donkor v. Eduo Acheampong, 20 Dec. 1904, and 279, Kwesi Mpong v. Kofi Berukyi, 25 July 1905; ADM 53/1/2 Obuasi Duplicate Letter Book 1905-6, 27: C. H. Armitage, DC, to Omanhene of Kokofu, Obuasi, 26 June 1905; NAGK Obuasi DAO File 26 "Quarterly Intelligence Reports S.P.A."; RAO Files on Shelves 12 and 13, No. 80 (Ashanti M.P. 274/06), "Kobina Nkrumah, Kumasi, 29th April 1906, Requesting Return of His Daughter," statement by Chief Kofi Mintah before DC of Southern Ashanti at Fomena, 18 May 1906; D234 "Slaves and Pawns," Acting CWPA to Acting CCA, Sunyani, 22 Jan. 1908 (which includes both the £4 and £32 pawns); D1486 "Complaint from King of Wenchi"; D1573 "Return of a Girl"; D1766 "Requesting Permission," DC, Kumasi, to DC, Western Ashanti, 16 Mar. 1908; D2593 "Respecting Redemption."
75. Rattray papers, MS 107:3, 1803.
76. NAGK SCT 205/160, Bekwai Magistrate Court, Criminal Record Book, 7; D133, Bekwai DC's Diary, 3 Oct. 1930.
77. Emmanuel Terray, "La captivité dans le royaume abron du Gyaman," in C. Meillassoux, ed., *L'Esclavage en Afrique précoloniale* (Paris, 1975), 402-3.
78. See Wilks, *Asante*, 106-9; La Torre, "Wealth Surpasses," 130-31; McCaskie, "Office, Land and Subjects," 192, 197; see, further, Wilks, "Golden Stool," 29-30.
79. Rattray, *Ashanti Law and Constitution*, 48n.
80. Rattray, *Ashanti Law and Constitution*, 44, 48, 52.
81. Rattray, *Ashanti Law and Constitution*, 44.
82. Rattray, *Ashanti Law and Constitution*, 51.
83. A. A. Kyeremanten, "Ashanti Royal Regalia: Their History and Functions" (D.Phil. thesis, unpublished, Oxford University, 1966), 90 (quoted in Wilks, *Asante*, 693).
84. NAGK "Slaves and Pawns," Petition of the Omanhin and Chiefs of Mansu Nkwanta, 19 Feb. 1908, enclosed in C. H. Armitage, Acting CCA, 9 Mar. 1908.
85. NAGK D234 "Slaves and Pawns," Petition of "Kings, Chiefs and Head men of Adansi" to Governor (Fomena, 30 Nov. 1906).
86. For example, NAGK D234 "Slaves and Pawns," Memorandum from C. H. Armitage to CCA, quoted in Fuller's memorandum to Acting Governor, 5 Aug. 1905. Rattray describes the procedure in *Ashanti Law and Constitution*, 368-69. A specific case is documented in NAGK D2018, "Respecting Kwasi Amofa, Changing Security from Chief of Droboso for Yaw Mani's debt" (Ashanti M.P. No.531/08), [1908]. This relates

to a Wenchi man, Kwasi Amofa, who borrowed £70 from a man in Mampon in 1907, for which "The chief of Droboso stood security...as Kwasi Amofa was a leading personage in his village." But then (probably in 1908) Amofa moved to Tekyiman, and the Drobosohene withdrew his security.

87. Rattray, *Ashanti Law and Constitution*, 367-68.
88. This is a rather complex issue. See the discussion in Austin, "Rural Capitalism," 84-100, 156, 168-69; Wilks, "Land," 494-95; Marion Johnson, "Elephants for Want of Towns," *African Historical Demography*, 2 (University of Edinburgh: Edinburgh 1981), 317-18, 329-30.
89. Austin, "Rural Capitalism," 155-57.
90. This is how I interpret the mortgaging of "lands and villages" noted by various authors. See Wilks, *Asante*, 106-9; Wilks, "Golden Stool," 6; La Torre, "Wealth Surpasses," 129-31; T. C. McCaskie, "Office, Land and Subjects in the History of the Manwere Fekuo of Kumase," *Journal of African History*, 21 (1980), 192, 197. My position is set out in Austin, "Rural Capitalism," 165-69.
91. See Gareth Austin, "The Emergence of Capitalist Relations in South Asante Cocoa-Farming, c. 1916-33," *Journal of African History*, 28 (1987), 269-71.
92. For example, see R. S. Rattray, *Ashanti* (Oxford, 1923), 232; A. A. Y. Kyerematen, *Inter-State Boundary Litigation in Ashanti* (Leiden and Cambridge, n.d. but early 1970s), 110n. For details on the terminology of cocoa farm pledging, see 101-4.
93. On the latter point see Austin, "Rural Capitalism," 118-24.
94. I explore this more fully in Austin, "Indigenous Credit Institutions in West Africa, c. 1750-c. 1960," in G. Austin and K. Sugihara, eds., *Local Suppliers of Credit in the Third World, 1750-1960* (London, 1993). For a clear introduction to the theoretical debate about interlocked markets see Frank Ellis, *Peasant Economics* (Cambridge, 1988), 150-54.
95. NAGK D234 "Slaves and Pawns," "Executive Instructions with Regard to 'Pawns' and 'Slaves' in Ashanti," anonymous and n.d., but probably November or December 1907.
96. "Executive Instructions"; also see, in the same file, C. H. Armitage, Acting CCA, to Acting Colonial Secretary (Kumasi, 20 May 1908).
97. Wilks, "Golden Stool," 8-16; La Torre, "Wealth Surpasses," 99-104; Austin, "Rural Capitalism," 196-98.
98. Malcolm D. McLeod, "Gifts and Attitudes," in E. Schildkrout, ed., *The Golden Stool: Studies of the Asante Center and Periphery* (New York, 1987), 189-90.
99. Wilks, "Golden Stool," 5. In reporting his fieldwork on the oral history of Kintampo market in the late nineteenth century, Arhin observes that "what the older Ashanti regarded as the real measure of wealth" was "his hoard of gold dust" ("Market Settlements," 145).
100. Wilks, "Golden Stool," 7.
101. On war and tribute as sources of slaves, see Kwame Arhin, "The Financing of the Ashanti Expansion (1700-1820)," *Africa*, 37, 3 (1967), 290; Wilks, *Asante*, 177, 197-98, 499, 674-75, 680; D. J. E. Maier, "Military Acquisition of Slaves in Asante," in Henige and McCaskie, *West African Economic and Social History*, 119-32.
102. This generalization is based on the testimony of one authoritative source, K. Sapon, a former head of the stool traders for one of the major Asante stools, apparently Mampon (see note 13 above). In 1925, Sapon gave Rattray a detailed description of his experiences in the trade to Salaga, when he exported kola nuts and imported slaves for the *batahene*. The record of the interview is in the Rattray papers, MS 107:2, 1774-78. The published version is in Rattray, *Ashanti Law and Constitution*, 109-11. It should be noted that the chiefs' privileges were not absolute. Nana Sapon stated that ordinary free men competed to act as the *batahene*'s porters, because on top of what they carried

for him they were allowed to carry as many extra nuts as they could manage, to sell on their own account, toll-free, in this protected early market.

103. Cf. Arhin, "Succession and Gold Mining," 108. Raymond E. Dumett has emphasized the importance of free commoners in gold mining; see "Pre-Colonial Gold Mining and the State in the Akan Region: with a Critique of the Terray Hypothesis," *Research in Economic Anthropology*, 2 (1979), 37-68. Compare Emmanuel Terray, "Long-distance Exchange and the Formation of the State: the Case of the Abron Kingdom of Gyaman," *Economy and Society*, 3, 3 (1974), 315-45; Terray, "Gold Production, Slave Labor, and State Intervention in Precolonial Akan Societies: A Reply to Raymond Dumett," *Research in Economic Anthropology*, 5 (1983), 119.
104. On the latter period see La Torre, "Wealth Surpasses," 435-37.
105. La Torre, "Wealth Surpasses," 425-27, 439-43. As La Torre notes, Gold Coast slave prices recovered somewhat after c. 1820, but on his data they seem never to have returned to their levels of c. 1770-1807.
106. Wilks, *Asante*, 707-8; A. Norman Klein, "The Two Asantes: Competing Interpretations of 'Slavery' in Akan-Asante Culture and Society," in Paul E. Lovejoy, ed., *The Ideology of Slavery in Africa* (Beverly Hills, 1981), 153, 159; Klein, "Inequality," 1, 83, 99-100, 123f.
107. Kwasi Boaten, "Trade among the Asante of Ghana up to the End of the 18th Century," *Research Review*, 7, 1 (1970), 36. The Methodist missionary T. B. Freeman, who visited Asante perhaps more than any other European in the mid-nineteenth century, implicitly accepted the proposition that commoners owned slaves. He asked whether commoners, like chiefs, were allowed to sacrifice slaves at funerals (Papers of Thomas Birch Freeman, manuscript of unpublished book, n.d. but c. 1860, 38, 38b, Methodist Missionary Society Archive, School of Oriental and African Studies Library, University of London). Also, Bowdich referred to "the middling orders" as slave-owners (T. Edward Bowdich, *Mission From Cape Coast Castle to Ashantee*, 323). See, further, Kwame Arhin, "Aspects of the Ashanti Northern Trade in the Nineteenth Century," *Africa*, 40 (1970), 365; Austin, "Rural Capitalism," 174.
108. Arhin emphasizes the importance of pawn labor in "collecting, carrying and selling kola nuts" in the Kintampo area, after Kintampo replaced Salaga as the major center of the Asante northern trade in the last quarter of the nineteenth century ("Market Settlements," 144-45).
109. Arhin, "Market Settlements," 144-45.
110. The second part of this sentence is the more debatable, and it is hard to be sure given the gaps and ambiguities in the sources. My reading of the material I have seen is that "free" Asante subjects accounted for a clear majority of the pawn population, while foreign-born slaves may comprise as few as one or possibly two of the specific cases on which I have information.
111. Yao Donkor v. Eduo Acheampong, 20 Dec. 1904, NAGA ADM 53/4/1 Obuasi Civil Record Book 1904-7, 166-67.
112. Terray, "La captivité," 402.
113. For the late precolonial period see Arhin, "Market Settlements," 144; for the early colonial years see NAGK D234 "Slaves and Pawns," Soden to CCA, Obuasi, 11 Dec. 1906.
114. Gareth Austin, "Class Struggle and Rural Capitalism in Asante History," paper presented at the annual meeting of the African Studies Association, Chicago, Oct. 1988.
115. Rattray, *Ashanti Law and Constitution*, 21, 37.
116. On a related issue, Orlando Patterson relies on Rattray for his account of pawning in Asante; see *Slavery and Social Death: A Comparative Study* (Cambridge, Mass.,

- 1982), 124. His general view, which he applies specifically to Asante, is that debt bondage becomes true slavery if the debt is not repaid, which, he gathered from Rattray, happened only "occasionally" (124). However, this conclusion overlooks the fact that the debt remained until it was repaid. Patterson considers that Asante was a major exception to the general rule that debt servitude could be inherited. He concludes that debts were "almost never inherited by the debtor's children" (9), but as noted above, *awowa* status certainly could be inherited - by children, nephews and nieces within the same *abusua*. Second-generation non-slave pawns were, by definition, performing a duty to their matrilineages, and in turn they continued to await redemption by their kin. Thus, the pawn remained socially "alive," in contrast to the position of slaves (such as *nnonkof*) who, as Patterson has put it, characteristically suffered "natal alienation" and "social death" (5-8).
117. Note Klein's observation that Rattray appears coy on this point (Klein, "Inequality," 389).
118. NAGK D1766 "Requesting Permission."
119. Rattray, *Ashanti Law and Constitution*, 53.
120. Rattray, *Ashanti Law and Constitution*, 37; Rattray papers: MS 107:3, 1807-8.
121. Rattray, *Ashanti Law and Constitution*, 53.
122. Rattray papers, MS 107:3, 1807; cf. Rattray, *Ashanti Law and Constitution*, 50-51.
123. Rattray, *Ashanti Law and Constitution*, 51; Rattray papers, MS 107:3, 1951.
124. Rattray papers, MS 107:3, 1951.
125. Rattray, *Ashanti Law and Constitution*, 51.
126. Rattray papers: MS 107:4, 1950.
127. Rattray papers, MS 107:3, 1803, testimony of K. S[apon]. Cf. Rattray, *Ashanti Law and Constitution*, 50.
128. Bobich (NAGK D562 "Pawning," esp. K. Fosu's statement of 21 Mar. 1908); Yaa Penim (see note 36); and an anonymous pawn from Gyaman (NAGK D2593 "Respecting Redemption," Minute for CCA to CWPA, [Kumasi], 28 Jan. 1909).
129. For the former, see McCaskie, "State and Society," 494; NAGK RAO Files on Shelves 12 and 13, No. 80 (Ashanti M.P. 274/06), "Kobina Nkrumah, Kumasi, 29th April 1906, Requesting Return of His Daughter," statement by Chief Kofi Mintah before DC of Southern Ashanti at Fomena, 18 May 1906. On the latter see NAGK D1573, "Return of a Girl," Fell to CCA, Sunyani, 12 July 1910 and NAGK D234 "Slaves and Pawns," Acting CWPA to Acting CCA, Sunyani, 22 Jan. 1908. On both see NAGK D1766 "Requesting Permission."
130. Rattray, *Ashanti Law and Constitution*, 55.
131. Theodore H. Von Laue, "Anthropology and Power: R. S. Rattray Among the Ashanti," *African Affairs*, 75, 298 (1976), 33-54; and, especially, T. C. McCaskie, "R. S. Rattray and the Construction of Asante History: an Appraisal," *History in Africa*, 10 (1983), 187-206.
132. NAGK Obuasi DAO File 16 "Kumasi Villages in S.D.A.," DC Ashanti (CCA's Office) to CSPA (Kumasi, 9 Mar. 1909).
133. See, for example, Rattray, *Ashanti Law and Constitution*, 132-33 and n.
134. The following account is drawn from the description and analysis of the change in colonial policy towards slavery and pawning in Asante in Austin, "Rural Capitalism," 472-503. See also Raymond Dumett and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in S. Miers and R. Roberts, eds., *The End of Slavery in Africa* (Madison, 1988), esp. 95-100; and Akosua Perbi, "The Abolition of Domestic Slavery by Britain: Asante's Dilemma," *Legon Journal of the Humanities*, 6 (1992), 1-23.
135. NAGK D234 "Slaves and Pawns," Fuller to Acting Governor, 5 Aug. 1905,

- "Memorandum in Connection with Domestic Slavery in Ashanti."
136. NAGK D234, "Slaves and Pawns," Minute by Acting Attorney-General to Colonial Secretary, 14 May 1907, forwarded in Colonial Secretary to CCA, 22 May 1907.
137. NAGK D234, "Slaves and Pawns," Fuller to Colonial Secretary, 1 July 1907.
138. For a preliminary attempt, see Austin, "Rural Capitalism," 485-503.
139. Kyerematen, *Inter-State Boundary Litigation*, 110.
140. Acting CSPA to Omanhene of Adanse (Obuasi), 29 Apr. 1910, Obuasi Duplicate Letter Book, 1910, 79, NAGA ADM 53/1/7.
141. As a self-pawned man did in 1905, though his complaint was about the creditor's abuse of the deal rather than about pawning as such (see note 25).
142. Cf. John Dunn and A. F. Robertson, *Dependence and Opportunity: Political Change in Ahafo* (London, 1973), 61, 360.
143. J. W. A. Amoo, "The Effect of Western Influence on Akan Marriage," *Africa*, 14 (1946), 235.
144. Meyer Fortes, "Analysis and Description in Social Anthropology," Presidential Address to the British Association for the Advancement of Science, Section H, (1953), reprinted in Fortes, *Time and Social Structure and Other Essays* (London, 1970), 137, 142-44. Fortes began his Asante fieldwork in 1945.
145. Amoo, "Effect of Western Influence," 230.
146. Fortes, "Analysis and Description," 142-43; cf. Amoo, "Effect of Western Influence," 230, 235.
147. Grier, "Pawns, Porters, and Petty Traders," 327.
148. Cf. NAGA ADM 11/975 "Memorandum on the Vestiges of Slavery in the Gold Coast" by J. C. de Graft-Johnson, Assistant Secretary for Native Affairs (Accra, Oct. 1927), 19.
149. For French West Africa, see Martin A. Klein and Richard Roberts, "The Resurgence of Pawning in French West Africa During the Depression of the 1930s," *African Economic History*, 16 (1987), 23-37 (reprinted in this volume in revised form). For Asante, see NAGK SCT 205/160, Bekwai Magistrate Court, Criminal Record Book, 7, and D133, Bekwai DC's Diary, 3 Oct. 1930; NAGK Obuasi DAO File No. 1632, Kojo Pong's Cocoa Farms 1933 (sic: file mistitled, and original file number missing), item 174, Memorandum by DC Obuasi to DC Bekwai, 24 Sept. 1932. The second case may have been panyarring rather than pawning, but that seems rather unlikely since panyarring had been illegal in Asante since the reign of Asantehene Kwaku Dua I (1834-67) (Rattray, *Ashanti*, 234, and *Ashanti Law and Constitution*, 370). A further case apparently dating from this period is noted in G. Austin Fieldnotes, transcript of interview with Mr. J. W. Owusu, Bekwai, 30 Sept. 1987.
150. Gold Coast Government, *Annual Report on Ashanti* (Accra), for the years concerned.
151. NAGK D234, "Slaves and Pawns."
152. NAGK Obuasi DAO File 147, "Bekwai Riot"; NAGA ADM 11/1/773, "Bekwai Native Affairs," 422-23, 470-73.
153. See the tables in G. B. Kay, ed., *The Political Economy of Colonialism in Ghana* (London, 1972), 334, 348, 364.
154. Gold Coast Government, *Annual Report on Ashanti*.
155. Austin, "Rural Capitalism," 379, 453-57.
156. G. Austin Fieldnotes, interview with Opanyin Kofi Agyepong in Asiwa, Asante, 1 Sept. 1982.
157. Austin, "Emergence," 263-67.
158. Austin, "Rural Capitalism," 512-13.
159. Christine Okali, *Cocoa and Kinship in Ghana* (London, 1983), 103-5, 118-21, 130, 136-39, 144-46.

160. J. C. Muir, "Crop Surveys, Gold Coast," *Bulletin of the Department of Agriculture, Gold Coast*, 20 (1929[?]), 172-80; Muir, "Survey of Cacao Areas - Western Province, Ashanti," *Bulletin of the Department of Agriculture, Gold Coast*, 22 (1930), 66.
161. See Cocoa Surveys: Monthly Report, Feb. 1944, by W. H. Beckett, Officer-in-Charge, Division of Statistics and Surveys, Accra, in Arthur Jones Papers, vol. 3, MSS. Afr. s. 979, Rhodes House Library, Oxford.
162. Muir, "Crop Surveys," 173.
163. See, for example, Polly Hill, *The Migrant Cocoa-Farmers of Southern Ghana* (London, 1963); Austin, "Rural Capitalism," esp. 319, 329-31.
164. Austin, "Indigenous Credit"; Klein and Roberts, "Resurgence."
165. Gareth Austin, "South Asante Cocoa-Farming," 269-71; Austin, "Rural Capitalism," 244, 457-58. The same sort of transition seems to have happened earlier in those parts of the Gold Coast Colony in which cocoa farming was begun earlier than in Asante. See, for example, W. S. D. Tudhope, *Enquiry into the Gold Coast Cocoa Industry, Final Report* (Gold Coast Government, Sessional paper IV: Accra, 1919), 17.
166. See note 149 above.
167. Austin, "Emergence," 269-77.
168. Nick Van Hear, "Child Labour and the Development of Capitalist Agriculture in Ghana," *Development and Change*, 13 (1982), 504-5.
169. Rattray, *Ashanti*, 232; Kyerematen, *Inter-State Boundary Litigation*, 101-4, 110n.
170. Austin, "Rural Capitalism," chap. 8.
171. Karl Marx, "The Eighteenth Brumaire of Louis Bonaparte," (1852), reprinted in K. Marx and F. Engels, *Selected Works* (London, 1968), 96.
172. On all three, see the introduction to this volume; on the second point see also Claire C. Robertson and Martin A. Klein, "Women's Importance in African Slave Systems," in Robertson and Klein, eds., *Women and Slavery in Africa* (Madison, 1983), 11; on the third see, most relevantly for Asante, Terray, "La captivité," 403 (on Gyaman), and Dumett and Johnson, "Britain and the Suppression of Slavery," 94-95, 106 (for the Gold Coast Colony).
173. "Relation du Royaume de Judas en Guinée," quoted by Robin Law, "On Pawning and Enslavement for Debt in the Pre-Colonial Slave Coast," in this volume. See also Joseph C. Miller, "Imbangala Lineage Slavery," in S. Miers and I. Kopytoff, eds., *Slavery in Africa: Historical and Anthropological Perspectives* (Madison, 1977), 225.

CHAPTER 10



PAWNSHIP IN EDO SOCIETY: FROM BENIN KINGDOM TO BENIN PROVINCE UNDER COLONIAL RULE

UYILAWA USUANLELE

If the memories of Edo elders are accurate, the incidence of pawnship was low in the Benin Kingdom in the early twentieth century and was not significant enough in the economy to be remembered in tradition.¹ As elsewhere, a pawn (*iyoha*) was a person who was pledged as security for a loan, and he or she served the creditor until the debt was repaid or otherwise canceled.² A person could place himself or herself in pawn, or could turn a dependent - either a slave or free person - into a pawn. Adult self-pawning was known as *amuegbeom-wanyiyoha*, while *amuomwanyiyolu* referred to the pawning of third parties among the freeborn.³ Slaves were also pawned.

Apart from slaves, the major victims were children and women. Children were by virtue of their age dependents of their parents or guardians, who sometimes pawned them because of distressed circumstances. Women were regarded as subordinate to men and had an inferior political status in Benin society regardless of their age.⁴ Women could not enter into marriage relations without the approval of their fathers or senior male relations, who were entitled to dowries. The right of males to choose or otherwise approve husbands for female members of their family made women potential candidates for *amuom-wanyiyoha* because

loans could be converted into dowry. In this way *amuomwanyiyoha* came to facilitate marriage. It even afforded some people the opportunity of marrying their female dependents to well-to-do men and thereby receiving the concomitant benefits from such relations. This point is better appreciated when it is realized that the Edo attached great value to any association with successful men, as expressed in the saying *engfe ore oten Edo*, "the well-to-do is the brother of the Edo person."

An *iyoha* stayed with the creditor and rendered labor services. Although the *iyoha's* labor was the interest on the loan, it is difficult to quantify the amount or rate of interest.⁵ The responsibility for supplying the basic needs of the *iyoha* was undertaken by the creditor and in the long run reduced and even canceled whatever was gained from the labor, despite what benefits usually accrued from the contract. Local tradition frequently denies the financial advantages of pawn labor. As Melzian found out, the labor was considered to "quench the creditor's anger," whether or not there was actual benefit. In 1923, J. Warm, the District Officer of Kukuruku division, reported that "services rendered by a pawn were considered only as necessary for maintenance of the pawn."⁶ Nonetheless, the interest played a significant role in the economic considerations of *amuomwanyiyoha*. As Northcote Thomas reported,

The regulations as to loans appear to be somewhat indefinite. Length of time has apparently little or no influence on the interest payable. Interest is not necessarily expected though it may be offered as an inducement by a borrower who is anxious to get money.⁷

When a pawn was used as collateral on a debt, the interest might be low if the pawn were a child, but the longer a debt remained unpaid the more interest accrued to the creditor. In many, if not most, situations, the interest was considerable, no matter how calculated.

The *iyoha* was not necessarily given to the creditor until there was a default in payment,⁸ which was another reason the relationship between pawnship as a mechanism for guaranteeing a debt and collection of interest through the labor of the pawn were not directly related. The labor services rendered by the *iyoha* did constitute interest on a loan, but not in a fixed way that other forms of interest are often calculated. The *iyoha* can thus be regarded as security on a loan and the labor services as a means of maintaining the *iyoha*. Any benefit that arose beyond maintenance was desirable but not automatic.

The origin of *iyoha* seems lost in history. One can only speculate that the institution arose in response to problems arising from practices

such as the capture of debtors and the seizure of the property of law-breakers. Such measures were legally sanctioned means of enforcing payment or otherwise making restitution. The development of the institution of pawnship, had the effect of establishing another mechanism whereby contracts were enforced without the imposition of fines or through the use of force.⁹

The circumstances leading to borrowing that at times necessitated the provision of human collateral were largely those in which institutionalized welfare mechanisms failed to provide security. There were instances of destitution induced by laziness or illness, famine caused by the destruction of crops, ill-fortune requiring expensive sacrificial items, and judicial fines. Victims of such circumstances resorted to borrowing. This did not necessarily require the immediate extension of security for a loan, which largely depended on the relationship between the people involved and the disposition of the creditor. Where relations were cordial and the creditor well disposed, an agreement was reached as to when the debt would be repaid. If there were default in payment, only then would security be demanded.¹⁰ In some situations, the borrower provided collateral before it was actually required in order to win the confidence of the creditor.¹¹

Except among the Inerne group of the Edo, where a mother could not give out her child as security,¹² anyone under the control of the borrower was eligible to become a pawn. Though the pawning of wives was considered repugnant, even wives were pawned in extreme cases, as in the northern Edo area during the period of Nupe domination.¹³ In such situations, a husband sometimes moved with his wife to live in the creditor's house.¹⁴

The status of the *iyoha* in society was clearly defined; hence the saying "*iyoha ore ovien, ogha zegbe ere, orie*," meaning that the *iyoha* was not a slave, but that if he freed himself (by repayment of the loan or through amnesty) he would be gone.¹⁵ A slave, by contrast, could not leave. The *iyoha* of free status could not be disposed of or subjected to any treatment deemed fit for a slave. If the *iyoha* was a slave and unmanageable, then he or she could be sold in order to recover the money, if the creditor was unable to secure a replacement. In such a case, it was left to the debtor to buy back his slave at whatever price.¹⁶ The *iyoha's* status was also clearly distinguished from other members of the creditor's house, as expressed in the saying *iyoha ere ovbiomwan*,¹⁷ "the *iyoha* is not one's child." This proverb obviously implies that no matter how young the *iyoha*, he or she was not to be treated as one's child. In addition, once a freeborn person became an *iyoha*, he or she lost the social rights that would have applied in his or her own family and

suffered a loss of prestige until freedom was regained.¹⁸ Because of the degradation associated with the loss of status, people regarded *amuomwanyiyoha* as worse than slavery. Hence people strived not only to avoid it, but also to try to redeem members of their families who had been forced to become pawns.

The *iyoha* was obliged to work for the creditor. The tasks included household chores, farming, portage of goods, and many other activities, depending on the capabilities of the *iyoha*. Age and gender were factors of considerable importance. Since sexual relations between the creditor and an unmarried *iyoha* was not regarded as adultery,¹⁹ female *iyoha* might well render sexual services. In cases of *amuegbeomwanyiyoha* or self-pawning, the *iyoha* was entitled to some days off to raise money to repay the debt and regain freedom. In this case, also, the *iyoha* could be asked to produce a surety.²⁰ Where the *iyohya* was not allowed to work on his or her own account, the *iyoha* was released after a period of work deemed equivalent to the money borrowed. But redemption was dependent on the agreement between the creditor and the debtor, and to some extent on public and judicial opinion. Agreements were largely adhered to because they were reached in the presence of witnesses and bound by oath. The need for adherence was expressed in the saying *vba ta kpokpan yan, ei gi I iyoha wi* or *vba ta yiu oto ya, eigi iyoha wi*, "what was agreed upon prevents forfeiture of the *iyoha*."²¹

The *iyoha* of freeborn status almost always had to accept the agreement between the debtor and the creditor, and therefore had limited control over his or her own affairs. The *iyoha* was not responsible or liable for a crime which involved payment of fines. Such fines were added to the original debt which the creditor was expected to repay. Among the Bini, such fines were recorded in tied knots on a string, and the more the fine, the bigger the debt and consequently the more difficult the repayment and redemption.²² Also the marriage and parental rights of the *iyoha* were affected by the status of the individual. H. G. Avelings, the District Officer of Benin Division in 1923, learned that the marriage of the creditor to a female *iyoha* did not liquidate the debt. Furthermore, the lender had the right to give a female *iyoha* out in marriage.²³ Usually, however, the creditor did not have such rights over the *iyoha*. The family of the pawn determined matters of marriage. In fact the creditor required the permission of the debtor to marry the *iyoha* or otherwise to arrange a marriage. A marriage might liquidate a debt, but it was necessary to pay any difference between the dowry and the debt.²⁴ When the creditor provided a wife for the *iyoha*, he had rights to some of the children of the marriage if he so desired. The children of the *iyoha* were neither slaves

nor *iyoha*, unless the *iyoha* was a slave. When parents were originally slaves, the creditor's share of children from his *iyoha* made them his slaves; otherwise they remained freeborn dependents who remained in his household in perpetuity as adopted children.

In addition to the status of the *iyoha*, the disposition of the two parties affected the contract. It was not unusual for the creditor to write off the debt and even give presents to the *iyoha* on redemption. If male, the pawn might obtain a wife. The creditor sometimes married female *iyoha*, or she might be allowed to marry a dependent of the creditor. There are reported instances in which the creditor allowed the *iyoha* to retain his or her own share of the children who had been born during the period of pawnship, and men who acquired wives while serving as *iyoha* might even be able to keep them.²⁵

In circumstances of bad behavior, the treatment of the *iyoha* was different. The creditor had a right to secure a replacement for an unmanageable *iyoha*, but he only exercised this right if he or she was unable to control the *iyoha*. Apart from fines, punishments such as flogging and chaining (which could also be meted out to freeborn persons) were applied. When such measures failed to keep the *iyoha* under control, especially if the *iyoha* had been caught escaping, the *iyoha* could be made to swear an oath binding him or her to the creditor.²⁶ If a creditor pushed a pawn too hard, the *iyoha* had the right to seek a less exacting master, who had to buy out the debt before taking over the *iyoha*. In general, the ability of relatives to liquidate the original debt determined the future of the pawn.²⁷

In all situations, the creditor had to ensure the well-being of the *iyoha* and was supposed to inform the debtor whenever the *iyoha* was not in good health. If this was not done and the *iyoha* died, the creditor forfeited the money owed and was also held responsible for the death.²⁸ If an *iyoha* disappeared, as happened sometimes among the northern Edo, the creditor not only lost the money that was owed but also had to provide two persons as replacement for the pawn.²⁹ These various safeguards helped to ensure some level of humane treatment and usually protected the *iyoha* from being sold into slavery.

In spite of these measures, people still considered pawnship an abhorrent institution worse than slavery. This repugnance was expressed in the saying, *de ghe ama yi Iyoha, aghi ren emwin ne ehi ru no omwan*, "one who has not experienced *iyoha* would not appreciate the good that one's *ehi* (guardian spirit) has done." This expression recognizes the fact that the condition of the *iyoha* was a misfortune to be avoided whenever possible.

The development of pawning "into a more formal type of business agreement which reflected the growing commercial awareness of the peoples of West Africa," as observed by John Grace, does not seem to have taken place in the Benin Kingdom.³⁰ This was largely because there did not seem to have been major changes in the organization of the kingdom's economy except for the establishment of Benin trading settlements in tributary areas of the northeast Yoruba in the nineteenth century.³¹ The kingdom neither developed into a great slave-trading state nor established a plantation economy in response to trade with Europeans.³² Its economy depended largely on internal production and exchange which was not heavily tied to supplying the European trade. Hence the naval blockade of the coastal waterways in the nineteenth century did not have a significant impact on the economy.³³ As the British Consul Richard Burton observed, "the natives seemed to care little for the suspension of trade. It became painfully evident that they could stand the ordeal better than we could."³⁴

Production in the kingdom depended largely on other forms of labor, including family labor, *use* (communal) labor, and *iyegbeko* or *ogumwandia* (labor by clients), all of which were much more permanent and dependable than pawnship. Those most involved in commerce relied more on slave labor than pawnship, moreover. Slaves were not only regarded as property of great value, but their ownership was also regarded as prestigious. The labor of the *iyoha* was not as reliable because there was no guarantee of the length of service, and *iyoha* were usually more independent than slaves. In the absence of incentives and changes in the economy, the institution did not develop beyond the seemingly rudimentary form of collateral for a debt, with the labor constituting interest on the debt.

Other forces in the social organization of the kingdom further limited its development and curtailed many of the harsh features that might have developed in practice. The weak kinship system made members of the society largely dependent on state and other institutions in times of extreme need.³⁵ Certain societal values and practices which tended to weaken kinship ties also tended to safeguard members of the society against extreme wants that would have otherwise forced individuals into debt, with the result that people would become pawns.³⁶ Communal ownership of land, for example, made it possible for most people to gain access to land and thereby limited the extent to which people might have become dependent on persons or other lineage groups who controlled land. A man starting his own household was entitled to seed yams and a first wife from his parents, although he had to pay a small dowry, usually in the form of labor and presents. Furthermore, individuals usually could

count on the labor of their communities for building houses and caring for farms in times of serious ill health. Loans were even extended without conditions under such circumstances.³⁷

Clientage (*iyegbeko* or *oguumwandia*) was also possible for the extremely poor or lazy without resort to borrowing. The client became attached to a rich or powerful individual who provided basic needs in exchange for services. Early European visitors, such as Nyendaël, who observed the practice reported that

The King, the great Lords and every governor who is but indifferently rich, supports several poor people at their place of residence out of charity, employing those who are fit for work, in order to help them to a maintenance and the rest they keep for gods sake and to obtain this character of being charitable, so there are no beggars.³⁸

In addition, the grown sons or other relatives of the deceased assumed responsibility for widows and small children. This communal ethos ensured that social welfare helped limit the destitution which forced people into borrowing and resulted in pawning.

Because of these forms of protection, *amuomwanyiyoha* remained marginal in the economy and society of Benin Kingdom. It neither developed into a lucrative business nor a viable labor mobilizing institution. At best, it was an institution that facilitated marriage, and as a last resort, it provided for those in extreme need where social welfare mechanisms could be not be used.

The incidence of *amuomwanyiyoha* seems to have increased among those northern Edo groups whose political relations with the kingdom were severed. Many of these northern Edo came under Nupe domination in the nineteenth century. The Nupe emirates, which were the southern extension of Sokoto Caliphate, perpetrated slave raids in the name of Islam, and imposed new and possibly heavier taxes on the populations that were subjugated.³⁹ The general insecurity that resulted from this southern expansion led to the impoverishment of many people, with the consequence that the northern Edo people were more likely to resort to *amuomwanyiyoha* as a means of raising money to pay their taxes. This not only increased the practice of pawnship, but also brought about its modification. It was reported that "in Fulani [Nupe] days a child pawned for security [in the] payment of tax [which was] in default could only be redeemed by the payment of the cost of two slaves."⁴⁰ This intensification of the financial obligations of pawnship was only reversed at the end of the nineteenth century as a result of the British invasion and

the establishment of colonial domination of both the Benin Kingdom and the area of Nupe hegemony.⁴¹

Pawnship under British Colonial Rule

The colonial state promoted economic development that included private plantations controlled by expatriate companies and few indigenous capitalists and large timber concessions to foreign companies.⁴² Labor for these plantations and concessions was primarily recruited from migrant workers who were fed by locally grown food. Except for the sale of food to these companies, peasant production languished. The colonial state maintained an ambivalent attitude to peasant production. There was some effort to promote cash crops for export, but essentially the region continued to produce food crops which only had a local market and were largely devoted to subsistence.⁴³ In the face of the increasing monetization of the economy through the imposition of court fines, taxes, and the shift to cash payments for marriage payments, the population experienced a shortage of money. Even the timber concessions and plantations which provided wage labor in some areas did not introduce enough cash into the economy to relieve the general pressure on most households. Wages were low and labor contractors and employers devised various means of shortchanging the workers or otherwise confiscating part of their wages.⁴⁴ The result of these developments was increased impoverishment and the concomitant resort to *amuomwanyiyoha* in times of extreme need.

The colonial economy depended upon labor mobility. Hence the British regime enacted various proclamations aimed at regulating and eventually abolishing slavery. Other forms of servitude, including pawnship, and various customary practices deemed offensive to British principles of justice and morality also came under attack. Among the various decrees, the most important included the Slave Dealing Proclamation of 1901, the Slavery Abolition Ordinances of 1908 and 1916, and the Amendment of the Native House Ordinance of 1915. These measures had the effect of gradually undermining both slavery and pawnship. According to Igbafe, the colonial state used the threat of the redemption of slaves and the abolition of slave trading to blackmail Benin title holders into submission.⁴⁵

Under increasing pressure, the institution of pawnship underwent change, as people attempted various disguises and modifications to circumvent the legislation. The abolition and general amnesty granted to slaves, especially after 1914, resulted in an increase in the number of people entering into *amuegbeomwanyiyoha* or the use of oneself as security. Self-pledging was largely resorted to by newly liberated slaves

who needed money to establish their own households and other individuals short on cash. Self-pawning was especially noticeable in Ishan and Kukuruku Divisions, where there were fewer migrant laborers to buy food crops and few opportunities for employment and where cash-crop production was late in being introduced.

The major victims of pawning in the colonial period were children, especially females. The parents and guardians who controlled children could still obtain credit under the guise of domestic wage labor, whereby it could be made to appear that the money that was being borrowed was in fact payment for the services of the children. In other cases, the loan could be presented as the dowry payment for child betrothal.⁴⁶ Child marriage, therefore, became a useful method of disguising pawnship, but instead of the customary practice of allowing the child bride to remain domiciled with her parents or guardian until puberty the child bride now moved to the creditor "husband's" house as soon as money changed hands.⁴⁷ Among Christians, the practice of removing the child "wife" to the husband's house for Christian education also became a cover for *amuomwanyiyoha*. If the girl pawn later decided that she did not want to marry the creditor, she was usually allowed to find a husband who would liquidate the debt, and hence these cases of child "marriage" did not necessarily result in the real marriage of the pawn to the creditor. Unlike in precolonial times, when the girl had no choice in the matter, the Colonial Native Court Marriage and Adultery Rule required her consent. Females who were married as children, whether or not they were pawns, were legally entitled to the renunciation of child betrothal. The fear of prosecution if the transaction came to the notice of the authorities weakened parental and other male control over young women and thereby softened the practice of pawnship to some extent. The risks of discovery also limited the extent of maltreatment of the children *iyoha*.

Although colonial reports claimed that *amuomwan-yiyoha* was no longer being practiced by the 1920s,⁴⁸ pawnship persisted into the 1930s and beyond.⁴⁹ In fact the socio-economic changes of the colonial period imposed cash needs which impoverished many people at the same time that the communal ethos and social values were weakened. In places where opportunities to earn cash were not readily available, pawnship, continued longer than elsewhere. The gradual demise of the institution was not uniform either in time or space.

The practice of self-pawning underwent significant changes in the 1920s and 1930s. In precolonial practice, redemption under *amuegbeomwanyiyoha* only occurred after the repayment of the original debt. As we have seen, the contractual arrangement required labor services for the duration as interest on the debt. Under colonialism, the

time period for liquidation of the debt came to be fixed. There was no universal standard as to the terms of such agreements, which were individually negotiated depending upon the sum of money involved and the relationship of debtor and creditor. For instance, a man who was reported to have borrowed the sum of four pounds to enable him marry a wife before World War II worked on the creditor's farm until the creditor died in the late 1950s.⁵⁰ But there were many cases where the *iyoha* worked for a shorter period of time. This was a major transformation which changed the essential character of *amuomwanyiyoha* from security on loan to a form of contract labor. This development could have also helped to introduce peasants into wage labor. Another modification was the change of place of residence of the *iyoha*, who could now live in their own houses while they rendered labor services to their creditor. Also, the various inhuman practices associated with *amuomwanyiyoha*, including flogging, chaining, sharing of children, and taking of oaths, tended to disappear, because such practices might come to the notice of the colonial authorities.

While the majority of people who resorted to self-pawning were men, the number of women who married their creditors as a means of liquidating debts increased under colonialism. While legislation allowed women to divorce on condition that the dowry be refunded, many women found it difficult to acquire the necessary funds for the refund without borrowing money. Fines and marriage breakdowns resulting from adultery also required money that might force women to seek loans. The limited employment opportunities open to women led many into indebtedness, which sometimes forced individuals into marrying anybody who could repay their debt. Women thereby entered into another bondage, from which they could only free themselves on the refund of the new dowry. Marriage induced by indebtedness was similar to *amuegbeom-wanyiyoha*, which was based on the amount of the dowry refund or other debt that was outstanding. Many women refused to give into this new form of marriage and left their communities. In most cases, they turned to prostitution in distant places to make a living⁵¹

Although pawning continued into the 1940s and 1950s, the pressures imposed by the colonial state and the socio-economic changes that were underway continued to undermine the institution and induce further modifications. Both *amuomwanyiyoha* and *amuegbeomwanyiyoha* became less and less economically viable practices. Prohibition of them through legislation paved the way for their decline and eventual extinction. The full monetization of the economy meant that land, economic trees, implements and tools, machinery and vehicles all acquired a money value and, as commodities, could be bought, sold,

rented or pawned for money. In addition, cash earnings and wage employment increased, and in the boom of the 1940s, the production of agricultural raw material by peasant farmers became well established.⁵² The demise of *amuom-wanyiyoha* was finally sealed by the emergence of professional money lenders (*esusu*) and "Progressive Unions" which served as loan and thrift societies that charged monetary interest on cash loans.⁵³

Notes

1. Interviews with Pa Omoigui Oviawe, aged about 110 years, at his Igueliyase residence on 24/12/90; Madam Oyemen Aziegbe, aged about 75, at her Iruokpen residence in Abia quarters on 17/2/91; Madam Osemivonwa Evebe, aged 68 years, at Benin City on 2/2/91; and Pa Ekiomado Elaiho, aged about 96 years, at his Urhonigbe residence on 19/1/91.
2. Hans Melzian, *A Concise Dictionary of the Bini Language of Southern Nigeria* (London, 1937), 107.
3. District Officer (Benin Division) to Resident (Benin Province) 9/2/23 and Acting District Officer (Kukuruku Division) to Resident (Benin Province) 2/3/23, CSO 26/06827. All archival references are to the Nigerian National Archives, Ibadan (hereafter NAI).
4. Uyilawa Usuanlele, "The Impact of Colonialism on Bini Women of Benin Division 1897-1960: A Historical Assessment," unpublished paper presented at the symposium on "The Impact of Colonialism on Nigerian Women," Institute of African Studies, University of Ibadan, 16-19 October 1989, 3; Julius O. O. Unnmen, "The Impact of Colonialism on Ishan Traditional Marriage System," unpublished paper presented at the symposium on "The Impact of Colonialism on Nigerian Women," Institute of African Studies, University of Ibadan, 16-19 October 1989, 4; Esele O. Ohio, "Ora and Her Neighbours in Pre-colonial and Colonial Times: A-Study in Intergroup Relations," B.A. (Hons) Long Essay, unpublished, University of Ibadan, 1983, 23-24.
5. A.K. Ajisafe, *Laws and Customs of the Benin People* (Lagos, 1945), 45; J.U. Egharevba, *Benin Laws and Customs* (Nendeln/Liechtenstein, 1971), 63; C.G. Okojie, *Ishan Native Laws and Customs* (Lagos, 1960), 103; P.A. Igbafe, *Benin under British Administration: The Impact of Colonialism on an African Kingdom 1897-1938* (London, 1979), 250.
6. Acting District Officer (Kukuruku District) to Resident (Benin Province), 2/3/23, file 06827 vol. I. CSO 261068 (NAI).
7. W. Northcote Thomas, *Anthropological Report on the Edo Speaking People of Southern Nigeria, Part I* (New York, 1969), 98.
8. Interviews with Pa Elaiho Ekiomado and Madam Oyemen Aziegbe.
9. Egharevba, *Benin Laws and Customs*, 66.
10. Interviews with Pa Elaiho Ekiomado and Madam Oyemen Aziegbe.
11. Rex vs Imamomin and Ofagmor at Provincial Court at Ifon, Case No 28, 8/2/7, B.P. 517/17 (NAI).
12. Acting District Officer (Kukuruku District) to Resident (Benin Province) 2/3/23, CSO 26/06827 Vol. 1 (NAI).
13. Ibid.

14. Interview with Madam Osemwonwu Erebe, aged 85 years, at her Benin City residence on 26/12/90.
15. Interview with Pa Igunma Ighile, aged 82 years, at his Ugbugo village residence on 26/12/90.
16. District Officer (Benin Division) to Resident (Benin Province) 9/2/23, CSO 26/06827 Vol. I (NAI).
17. Interview with Dr. O.S.B. Omoregie, aged 62 years, at his Benin City residence on 2/2/91.
18. Acting District Officer (Kukuruku District) to Resident (Benin Province) 2/3/23, CSO 26/06827 Vol. I (NAI).
19. Egharevba, *Benin Laws and Customs*, 64.
20. Ajisafe, *Laws and Customs of the Benin People*, 45.
21. Ibid., 65.
22. District Officer (Benin Division) to Resident (Benin Province) 9/2/23, CSO 26/06827 Vol. I (NAI).
23. Ibid.
24. District Officer (Ishan Division) to Resident (Benin Province) 26/2/23, and Acting District Officer (Kukuruku Division) to Resident (Benin Province) 2/3/23; District Officer (Benin Division) to Resident (Benin Province); Egharevba, *Benin Laws and Customs*, 64; and interview with Pa Omogui Oviawe.
25. District Officer (Benin Division) to Resident (Benin Province) 9/12/23, CSO 26/06827 Vol. I (NAI).
26. District Officer (Benin Division) to Resident (Benin Province), 9/2/23, CSO 26/06827 Vol. I (NAI); Rex vs Oviasu and Osawe: Charge of slave dealing and using Juju for illegal purpose 6/1/13 in Criminal Court Record Notebook, pp. 57-63, BP 8/2/9 (NAI).
27. Interviews with Pa Ekiomado Elaiho and Pa Omoigui Oviawe.
28. Egharevba, *Benin Laws and Customs*, 64; and Acting District Officer (Kukuruku Division) to Resident (Benin Province) 2/3/23, CSO 26/06827 Vol. I (NAI).
29. Ibid.
30. John Grace, *Domestic Slavery in West Africa with Particular Reference to the Sierra-Leone Protectorate 1896-1927* (New York, 1975), 14.
31. A.E.C. Ryder, *Benin and the Europeans 1485-1897* (London, 1977), 276.
32. J.U. Egharevba, *Itan Edagbon Mwen* (Ibadan and Benin City, 1972), 1-2.
33. Uyilawa Usuanlele, "State and Class in Benin Division 1897-1959: A History of Colonial Domination and Class Formation," M.A. dissertation, unpublished, Ahmadu Bello University, 1988, 73.
34. Quoted in James D. Graham, "The Slave Trade, Depopulation and Human Sacrifice in Benin History," *Cahiers d'études africaines*, 5, 18 (1965), 322.
35. R. E. Bradbury, *The Benin Kingdom and the Edo Speaking People of South Western Nigeria* (London, 1973), 30; and Peter P. Ekeh, "Social Anthropology and Two Contrasting Uses of Tribalism in Africa," *Comparative Studies in Society and History*, 32, 4 (1990), 676.
36. Bradbury, *Benin Kingdom*, 30-31.
37. Edomwonyi Osadolo, "Benin System of Government and Culture," 1978 (unpublished), 43-45 (copy in author's possession). Also see various interviews.
38. Henry L. Roth, *Great Benin: Its Customs, Art and Horrors* (London, 1968), 46.
39. Hakeem B. Haruna, "A History of Religion in Etsako: A Case Study in Religious Conflicts and Resolution," in C.S. Momoh, et al., eds., *Nigerian Studies in Religious Tolerance: Religion, and Nation-Building* (Lagos, 1990), 111, 180-81.
40. Acting District Officer (Kukuruku Division) to Resident (Benin Province) 2/3/23, CSO 26/06827 Vol. I (NAI).

41. The Benin Kingdom and its related Edo speaking peoples were brought under British colonial rule between 1897 and 1906. Benin Province was divided into the three divisions of Benin, Ishan and Kukuruku.
42. Usuanlele, "Benin Division 1897-1959," chapter 4.
43. Ibid.
44. Ibid., 241-44.
45. Igbafe, *Benin under British Administration*, 81-82.
46. Commissioner of Province vs Eya of Benin, Ujomo and Aminatou 28/2/14 in Criminal Court Record Notebook, 291-291, BP 8/2/9 (NAI); Tribal customs and superstitions of the Southern Provinces of Nigeria, CSO 26/06827 Vol. I (NAI).
47. Police vs Aghedo Nwoko, Agbon Aghedo and Henry Amadasun case B/129c/46, 1946, BP 2625 (NAI); and various interviews.
48. District Officer (Benin Division) to Resident (Benin Province) 9/2/23, District Officer (Ishan Division) to Resident (Benin Province) 26/2/23, Acting District Officer (Kukuruku Division) to Resident (Benin Province) 2/3/23, CSO 26/06827 Vol. I (NAI); Pawning of person as security for Debt, BP 1721B Conference of Chiefs of Western Provinces, Agenda for Conference, BP 2625 (NAI).
49. Group interview with Madam Vero Aihueghian, aged 44 years, Madam Imasekha Egharevba, aged 68 years, and Madam Osemwonwa Erebe at Benin City on 2/2/91. They informed us that a friend of theirs who could not pay for treatment of an undisclosed ailment by a diviner/healer in the Ishan area was made to marry the diviner as settlement of the debt in 1986. They also informed us that another of her relations, also a diviner/healer, maintains several former lunatics who could not pay their fees after being cured. They serve as domestic labor in his compound in a village close to Benin City.
50. Interview with Madam Angelina Edo, alias Mama Benin, aged about 60 years, at her shop in Ijora, Lagos, 18/2/91.
51. Usuanlele, "Benin Division 1897-1959," 309-10; Report of Prostitution in Benin City, BP 65/27; and Prostitution 1943-7, Kukuruku Division 765.
52. Interview with Pa Aigbobo, aged about 100 years, at his Ugbugo village residence on 3/2/91; and interviews with Pa Iguma Ighile, Madam Oyemen Aziegbe and Pa Omogui Oviawe.
53. Money Lenders Ordinance, 1937-1941, BP 1423 (NAI); Stenographers Notes of Chief Conference, official and unofficial sessions, 1942, BP 17218 (NAI); and Usuanlele, "Benin Division 1897-1959," chapter 4.

CHAPTER 11



PAWNING AND SLAVERY ON THE KENYA COAST: THE MIJI KENDA CASE

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In the nineteenth century, Miji Kenda children who had been pawned were, as a rule, sold as slaves. The Miji Kenda, who lived in the immediate hinterland of the Kenya coast, were caught up in the dynamic expansion of plantation agriculture and its demand for labor. In the minds of pawn holders, the distinction between pawnship and slavery tended to disappear as the coast became part of the East African slave trade. In the late 1830s, the sultan of Zanzibar encouraged the development of coastal slave plantations and the export of slaves from the Kenya coast to other parts of the sultan's dominions and to Arabia.¹ As a result, pawnship was subsumed within slavery as one mechanism that generated new slaves for the expanding economy. From the middle to the late nineteenth century, a period marked by recurrent famine and endemic fighting in the coastal interior, Miji Kenda families pawned thousands of their children to coastal Muslims. Some became household servants, but most of these youngsters were shipped to Lamu, Pemba, the Somali coast, or the Hadramawt. Parents, who had pawned their children expecting to redeem them, were unable to do so. Instances of Miji Kenda parents traveling to Somaliland and Pemba in a vain effort to recover their children have been recorded.²

Pawning on the Kenya coast, in other words, ceased operating as a custodial arrangement and became instead a form of extortion practiced on destitute families. The standard exchange for a child whose family was starving was a mere sack of grain or two. Judging from the records of observers, mainly resident missionaries, Miji Kenda entered into pawning arrangements against their own wishes. Pawning flourished on the coast because the Miji Kenda were chronically poor at a time when pawn holders could sell pawns on the slave market at values far in excess of the original loan. For the Miji Kenda, known for their deep attachment to children, the years of pawning and slavery were an endless nightmare.³

The breakdown in traditional pawning arrangements, whereby pawns served as security for loans (usually contracted during a famine or period of similar distress), resulted from steadily higher values placed on labor in accordance with rising prices for chattel slaves. Even for pawns who remained on the coast with pawn holders known to their parents, pawn-redemption costs soared out of the reach of parents who already were miserably poor. Pawning *meant* destitution; just as selling pawns represented profiteering with modest investment. Pawning flourished because persons required but the scarcest capital to become pawn holders. Slaveholders on the coast were the wealthy few, but pawn holders were often commoners.

Origins of Pawning and Slavery

There is no firm evidence of pawning on the Kenya coast before the growth of the East African slave trade.⁴ Pawning may have existed before the nineteenth century, but it could not then have assumed the characteristics it did in the era of slavery. Early coastal Muslim town dwellers were in fact dependent for their food supply on the Miji Kenda and lived in small towns that could not be defended from Miji Kenda attacks.⁵ In times of famine, food was just as scarce on the coast as in the interior, if not more so, and the Miji Kenda possessed the power to enforce or violate pawning arrangements, depending on which community gave up the pawn. On the coast, as opposed to its hinterland, only the wealthy governing clan of Mombasa, al-Mazrui, appears to have possessed the means of acquiring pawns, but probably did so rarely. During a famine in the years before the slave trade, governor Abdulla b. Ahmed (1814-1822) sent at his personal expense many families of Duruma (one of the nine Miji Kenda groups) to Pemba island southeast of Mombasa. All were repatriated after the famine subsided. Mazrui chroniclers note that none of Abdulla b. Ahmed's predecessors had extended such a privilege.⁶ Whether or not this episode was associated with pawning is unclear, but if so then the return of the families indicates that the debt was repaid, worked off, or forgiven.

Twenty years later, when the next famine struck, Miji Kenda pawns were enslaved. In 1837, at the beginning of the famine, Duruma left some of their children in Mombasa for safekeeping. When they returned to the coast a year later to collect their children, the parents were sent away. The Duruma regarded the refusal to hand back their children a violation of the agreement and opted to retaliate by seizing cattle from the Mombasans. When the Duruma elders were lured into Mombasa, apparently under the guise of attempting a reconciliation, they were put in chains and held until their cattle were returned. This and similar incidents of the "Great Famine" of 1837-38 were reported by Ludwig Krapf, of the Church Missionary Society, who resided among the Miji Kenda.⁷

The old policy had changed because Mombasa had been placed under Zanzibar's Busaidi administration. In 1837, during the famine, the Zanzibar sultan's forces drove the Mazrui from Mombasa Island and installed one of the sultan's Busaidi relatives, Ali b. Nasur, as governor. Nasur's task was to import slaves from Zanzibar to develop grain plantations on the coast. During the famine, Nasur also encouraged his new Muslim subjects to capitalize on the Miji Kenda's misfortunes by sanctioning the sale of their children obtained as pawns. Krapf estimated that thousands of Miji Kenda were enslaved by the Mombasans during the famine, either through direct purchase with grain or kidnapping. Nasur personally sold hundreds of Miji Kenda to Arabia. "The same," wrote Krapf, "was done by all who were able to lay out a few dollars in this horrid speculation."⁸

Under Busaidi rule, the ability of the Miji Kenda to retaliate against coastal pawn holders who violated pawning agreements steadily dwindled. Garrisoned troops protected the towns and plantations north of Mombasa, attacked hinterland peoples, and in some cases raided among the Miji Kenda for slaves. Miji Kenda bows and arrows were no match for the Zanzibaris' muskets and guns. Economic sanctions were also out of the question. Because of recurrent famine, epidemics, and widespread insecurity, this poor, agriculturally based people no longer produced enough food for themselves, let alone their one-time coastal customers. Food in abundance, at any rate, was being produced by slaves on plantations run or protected by Busaidi forces. Miji Kenda cattle, in demand on the coast, were decimated by Maa-speaking "Kwavi" raids launched from the interior in the 1860s. Nor could Miji Kenda any longer deprive Mombasa of other valuable trade goods. The Miji Kenda and Kamba had once supplied the coast with all of its ivory, but after 1850 the ivory trade was taken over by long-distance caravans originating from Mombasa.

During the "Great" and subsequent famines, the notion that pawns were not saleable property was ignored by the major creditors. Increasingly, such men owned slave plantations and maintained extensive maritime trading

contacts. By the 1850s and 1860s their plantations in the Takaungu and Malindi districts produced grain for export to Zanzibar, Somaliland, and the Hadramawt. In times of famine, when thousands of Miji Kenda had no choice but to exchange their children for grain, individual planters had sufficient stores to acquire hundreds of pawns. These children were then carried by dhow and sold in Lamu, Somaliland, and Pemba.⁹ Salim b. Khamis, sheikh of Takaungu from 1876 to 1895, participated in the famine trade and, on one occasion, forced Giriama to sell him women and children for food.¹⁰

Pawns on the Coast

On the coast itself, in those cases where pawns were held rather than exported, redemption was rare. As slavery gave people market value on the coast, the cost of redeeming pawns, which normally equalled the cost of goods exchanged for the pawn, became subject to appreciation. Interest on the exchange goods, normally extracted from the pawn in the form of labor, was extracted instead in terms equal to the value of the pawn as chattel. Moreover the redemption value, as it appreciated, was transferable from pawn holder to pawn holder. Redemption therefore meant affording current slave prices rather than the value of goods (usually food) exchanged for the pawn. Krapf reported that in 1837-38,

[d]uring the great famine, [a coastal Muslim woman] provided an Mnika mother and her child with 20 measures of corn then to the value of 4 or 5 dollars. [After] they escaped to their home at [Rabai] the lady required her slaves, but these would not follow her to Mombasa. Therefore she came hither to request from the chiefs either the slaves or their value in money, which she said, amounted then to 24 dollars. The chiefs agreed to this demand.¹¹

Fifty years later, in the twilight years of legal slavery, pricing pawns in slave values was still practiced. In 1890 a Digo who had exchanged his child for \$5 worth of food during the 1884 famine was asked by the pawn holder in Mombasa to pay \$50 to redeem him, which the father could not afford.¹²

Redemption therefore mandated years, sometimes decades, of saving. A young Miji Kenda pawn, named Majaliwa, was raised in a large Swahili household containing twelve Miji Kenda pawns and eighteen slaves. Majaliwa had to wait until he was a fully grown before his father was able to redeem him. In the meantime, Majaliwa's pawn holder had given him to her manumitted house slave, Saidi, as his pawn. Majaliwa's father paid the

redemption money to Saidi. Majaliwa, remember, was the fortunate pawn; the others remained in the household.¹³

By mid-century, Miji Kenda themselves were deliberately blurring the distinction between pawning and slaving. As slavery became common on the coast, individual Miji Kenda kidnapped, exchanged, traded, seized, or used one another, according to the demand for slaves on the coast and in other Indian Ocean markets. Indebtedness was a common incentive in slave dealing. Among themselves, Miji Kenda acknowledged a creditor's right to seize his debtor's children (or, to seize his palm trees), and brothers were selling sisters' children to cover their debts.¹⁴ Slaves who originated from outside were also accepted in payment of debt owed by coastal Muslims. In 1847 Krapf observed that Muslim traders had "rendered it customary to pay off the debts they owed to an Emnika [Nyika, or Miji Kenda] by providing slaves [imported from Zanzibar or Kilwa]."

Suppose a Sooahili [Swahili] owes an Emnika 12 dollars. He gives him one slave whom he bought for 3-4 dollars, consequently he can pay off his debt with advantage. . . . Furthermore a Sooahili requires a few cows. He buys them with a slave. One cow costs in the Wakamba 6 or 7 dollars. One slave will satisfy the Sooahili request. Indeed I fear slaves will become the means of barter, the money in this country instead of clothes, beads. . . and dollars.¹⁵

In the presence of coastal slavery, efforts to enforce pawning agreements as such were themselves likely to descend into enslavement. Creditors who sold pawns made their own dependents potential prey of angry debtors, who might kidnap the children or relatives of their creditors and, if their pawned children were not restored, sell their creditor's children as indemnification. Slave raiding, which increased after the 1840s, also induced the parents of slave-raiding victims and their communities to resort to kidnapping as bloodwealth compensation.

Krapf wrote of a man of Rabai, one of the Miji Kenda groups, who had kidnapped a Duruma child and sold the youngster to Mombasa traders. The Duruma supporters of the child's father then threatened war on the Rabai, whereupon a Muslim trader with Rabai contacts compensated the Duruma father with some ivory and a slave. Wanting his child instead, the Duruma father went to Rabai and kidnapped a child of the Rabai man who had stolen his own.¹⁶ The case reveals how customary, or legal, transfers of children as surety for debts were being undermined by the kidnapping and selling of children. Kidnapping, whether to close a debt or force the return

of a pawn, became part of a pawning system that could turn creditors into debtors, and vice versa, and trap both in a circle of retaliation.

The Case of MeLugo

Among the Miji Kenda a protracted pawning entanglement, in which matrilineal claims over children were involved, was reported in 1860. The parties concerned belonged to the southernmost Miji Kenda group, the Digo, located in the Shimba hills. The Digo were alone among the Miji Kenda in operating both a dual clan system (of patriclans and matriclans, every Digo belonging to one each) and a matrilineal system of inheritance and rights over children. Two other Miji Kenda groups, the Duruma and Rabai, practiced dual clan systems but observed patrilineal rights. The remainder of the Miji Kenda, such as the Giriama, had only patriclans and patrilineal rights.¹⁷ Though perhaps coincidental, another telling feature of the Digo was their large-scale conversion to Islam in the years when slave trading and pawning reached a peak. Their conversion to Islam, the coastal Sunni law of which adhered to patrilineal inheritance, became an advantage for those with dependents who under Digo law would have been subject to control by matrilineal kin.¹⁸

In the days of pawning, a Digo mother and her child could fall prey to any of her brothers in the event he strove to build up capital, pay off debts, or develop trading contacts with coastal slaveowners. Pawning and slaving strained the Digo matrilineal system for these reasons and encouraged women either to flee with their children and seek a patron among the northern Miji Kenda or coastal Muslims, or to expatriate their children to missions. Yet escape fomented difficulties which few women could surmount. A case in point is that of MeLugo (lit. "mother of Lugo, a pseudonym used here, because her own name has not survived in the record), a Digo woman who elected to spend years in exile for the sake of her children and who, though preventing her brother from pawning her children, was unable to extricate them from the pawning cum slave system. She and her children discovered, in other words, that the success of their flight depended on incurring debts of their own, for which MeLugo's children were the only available surety, unless of course they seized others and offered kidnapped victims as payment.

The following account of MeLugo is based on two letters from Johann Rebmann, missionary of the Church Missionary Society (CMS) in Rabai. Rebmann's rather convoluted reports require effort to reconstruct, but MeLugo's plight emerges unmistakably.¹⁹

The story begins sometime in the 1850s, when MeLugo's daughter was claimed by her brother's family, apparently to be handed over as a pawn. Rather than release her, MeLugo sent the child with her son, Lugo, to the

CMS mission among the Rabai Miji Kenda, located in the hills west of Mombasa. There the children asked to stay and receive instruction, and the missionary-in-charge, Johann Rebmann, took them in. After some time, a party of Digo came to the mission and seized the girl and took her away. Lugo, though still a lad, understood why his mother had sent him to Rabai and why his sister was in danger. And knowing already how the system of pawning worked, he devised on the spot the means of rescuing her. Lugo followed the Digo who had taken his sister away and, when the opportunity presented itself, seized a young girl in the Digo party.

Lugo's sister was nevertheless pawned on the coast, leading to further embroilments. MeLugo apparently threatened to retaliate by killing the girl captured by Lugo. But she reconsidered and had Lugo sell her in Mombasa. MeLugo was then seized as compensation by the Digo who had taken her own daughter, so that now she, too, became a pawn. Lugo then redeemed her with the money from the sale of the girl. At this point, MeLugo forsook her Digo kin and took her son with her into exile.

MeLugo's troubles continued. Still grieving over the loss of her daughter, she hired a coastal Muslim to "steal" her back, and he succeeded. By then, MeLugo and Lugo were residing in Rabai. The presence of the mission afforded her protection, but MeLugo's presence among the Rabai Miji Kenda around the mission made the Rabai liable for MeLugo's actions. Soon, the Digo raided the Rabai and took a man as compensation for the debt they had acquired, because MeLugo had extricated her daughter as their pawn to a coastal creditor. These obligations were respected, moreover, by the Rabai, and the kidnapped man's relatives pressured MeLugo to return her daughter to the Digo.

MeLugo then fled from the Rabai with her family and settled among another Miji Kenda group, the Giriama. There MeLugo arranged for the marriage of her daughter to a man named Gunia, perhaps using the bride wealth as a means of establishing a home for herself and her other children. But within a year or two Gunia returned MeLugo's daughter, claiming she was barren, and demanded back his bride wealth. No doubt MeLugo had expended the bride wealth, and had no chance of recovering it. She therefore asked Gunia to write off her debt by taking back her daughter as a "slave." He accepted, but when Gunia later began to beat MeLugo's daughter, she fled from him and took refuge among the Kauma to the north. Gunia held MeLugo responsible for the loss, and so he seized MeLugo and her other daughters to indemnify himself.

MeLugo was once more a pawn for a debt that only Lugo could settle. So her son returned to Rabai, borrowed 34 Maria Theresa dollars from Rebmann to redeem his mother, and agreed as payment to stay on the mission and work off his debt.²⁰ Later, after MeLugo died, Lugo married

and his wife was seized apparently as a method of foreclosing on his late mother's outstanding obligations. Lugo then borrowed the funds to redeem his wife. The sum was considerable; Lugo did not repay this debt until 1898.²¹

MeLugo's story illustrates how long a single pawning debt could endure among the Miji Kenda and the forms into which it could be converted. Her tragedy demonstrates, too, the costs born by parents who tried to safeguard their children after the difference between pawning and slave trading became indistinguishable on the coast and in the hinterland. In resisting a pawning arrangement, MeLugo defied her Digo maternal kin, broke off her marriage, relocated among strangers in Rabai and later Giriama, and accepted sole responsibility for her children. She failed. The daughter she strove for years to prevent from becoming a pawn was eventually sold to preserve herself and her other children. In the final balance, MeLugo's struggle merely delayed the settling of her brother's debt, magnified it, and left her son, Lugo, with the ultimate burden. MeLugo's daughter, whose transition from child to pawn to slave reflects what happened to pawns on other parts of the coast, had to flee her husband and abandon her mother and siblings in order to seek her freedom.

Pawning and British Rule

Under British administration, slave trading was legally prohibited, although the legal status of slavery was not abolished until 1907. During the first two decades of British rule, therefore, pawns remained in demand among slaveowners. Colonial rule meant that pawn givers and pawn holders now had to convince the colonial courts that acquiring pawns did not constitute slave trading. Their ingenuity was taxed by a series of restrictions on trafficking imposed when officials were unaware of the role played by pawning in the coastal slave trade. First under the Imperial British East Africa Company (IBEACO) in 1887 and subsequently under the East Africa Protectorate from 1895, policies directed against slavery and slave trading, though half-heartedly enforced, tended to reduce the value of pawns as slaves. In 1890 the IBEACO prohibited anyone under its jurisdiction from owning a Miji Kenda slave.²² And the Zanzibar sultan's decree of the same year prohibited, *inter alia*, the sale or giving of slaves, which in turn reduced slave prices and therefore the cost of redemption.²³ The issue as to whether or not pawning constituted slavery was not addressed directly, however, until 1898-99, when the coastal hinterland was hit by the Magunia famine. Approximately 15 to 20 thousand Miji Kenda were "on the verge of starvation," and as of June 1898 cases of "selling children" began to appear in the courts.²⁴

The Protectorate took the position that all children exchanged by their parents for food "will be set free." Parents were expected to feed them, and, in cases where there was no food, money to purchase food could be earned in the towns.

The African has so little altruistic feeling toward his children that he does not scruple to sell them to provide food for himself, even though he knows that by coming to the coast he can obtain the means of support by hard labour.²⁵

As the policy went into effect, large numbers of Miji Kenda children became destitute along with their parents. One missionary noted that

in the old days the people in times of famine sold their children and to a certain extent both were preserved, now no selling of children is permitted and both parents and children die of starvation.²⁶

As of mid-1899 R.W. Hamilton, secretary of the Seyidieh Province Famine Committee, estimated that of the estimated 2,000,000 people affected by the famine in the region, 40,000 children had perished. Surviving Miji Kenda children were nevertheless "being sold," in spite of efforts to "stop the offense."²⁷ Children wandering about in the hinterland were also falling prey to kidnappers.²⁸

The British legal campaign against parents of pawns induced new arrangements that remained within the law. The most common resort was leaving children at mission stations. The CMS mission at Frere Town, near Mombasa, fed and housed as many as one thousand "orphans" at one time, and hundreds found their way to other mission stations in the area.²⁹ Some remained on the mission permanently.³⁰ Coastal Muslim pawn holders also alleged to British officials that they took in famine-stricken Miji Kenda children "in order to make [them into] converts not as slaves." And in a 1901 case involving Tuva, a Giriama child from the Jilore area west of Malindi, the pawn holder claimed compensation for the upkeep of the child, which the court allowed. The Malindi court ruled, however, that "a Mahomedan has no legal claim to a child as against his lawful guardians. . . . Moreover, a child cannot be treated as a pawn or pledge to be held until such maintenance is paid."³¹

Other, novel arrangements also made legal restrictions on pawning more difficult for colonial officials to enforce. In 1898, the Malindi district commissioner, Kenneth Macdougall, presided over several cases involving Giriama female children, who according to the defendants had been betrothed to coastal Muslims. The defendants argued that such practices

were legal in terms of customary law, which the British were bound to respect. At this time, the coastal Muslim court clerk at Malindi, Fathili b. Omari, was distributing his handwritten copy of a chronicle about the Miji Kenda's ancestors, including a description of betrothal practices that bore close resemblance to those being reviewed by the court.³² Macdougall disallowed the claim and fined the persons involved, but his judgment was overturned by the judicial officer in Mombasa on the grounds that Macdougall could not prove that the practice departed from the "usual tribal marriage customs."³³ Officials then induced the Giriama elders to declare that betrothals of females before puberty would no longer be respected under customary law.³⁴

In the early twentieth century one British official was informed by the Giriama that, in the famine years of the late nineteenth century, the Giriama developed the practice of "poor marriage" (as distinct from standard marriage and elopement), which consisted of an agreement between a groom and his father-in-law to the effect that in lieu of the bride wealth (reckoned at 65 goats) for his daughter, the father-in-law would receive the bride wealth in the person of the first female child of the marriage. The effect of this arrangement, in other words, would require the groom, in return for a wife, to render up all rights over his child to the head of the wife's family.³⁵ In reverse circumstances, in which the groom had ample stock and the father of the bride was poor, bride wealth was exchanged for the girl when she was very young. The principal beneficiaries of such arrangements were likely to have been the few Miji Kenda, mainly Giriama in the northern region, who from the mid-1880s acquired large herds of stock, developed trading connections, and controlled hundreds of dependents who raised exportable cash crops, mostly grain. Coastal Muslims as well as heads of polygynous households acquired dependents through pawning and marriage arrangements in the late nineteenth century.³⁶ According to British officials, most of the Giriama children held as pawns had been "purchased" for food by other Giriama.³⁷

Foremost among the Giriama patriarchs was Ngonyo wa Mwavuo, who in earlier years had established himself as an ivory and slave trader. Based at Dida, west of Takaungu, a major slave trading outlet, he was the son of a Digo slave owned in Rabai, and was adopted by, if not pawned to, a Digo trader, who raised him. As slavery died out on the coast, Ngonyo and others moved into the fertile plantation areas being abandoned west of Malindi. From his base in Marafa, north of the Sabaki river, Ngonyo amassed a considerable fortune through marrying pawns, paying bride wealth, and adopting poor men in need of largesse. His forty wives and hundreds of other dependents, who constituted a new Giriama clan, cultivated large

stands of grain, which, after the collapse of the slave plantations, continued to command good prices on the coast.³⁸

Pawning, Kinship, and Status

During the days of slavery, the Miji Kenda lost thousands of pawns to the coast, but in their collective memory, they have rationalized this loss through the notion that they now have a strong link of kinship with their coastal Muslim neighbors. Intense humiliation arising from the necessity of surrendering young children has seemingly required a modification of tradition, almost as atonement for this tragic period in Miji Kenda history. Like other societies, Miji Kenda use myth to explain disagreeable divisions in their world and thereby to extinguish painful memories.

Traditions of clan origins collected in Rabai, for example, show how one Miji Kenda group has understood pawning mnemonically through matrilineal images. The following account of the founding of the Rabai matriclan, Kuva, indicates that junior matrikin were expected during famine to provide for the children of their seniors, in return for services unspecified:

Once there were two sisters, the elder of whom had children. There was a large famine, and the elder sister went to look for food, leaving behind her children with her sister. The younger sister neglected the children and didn't feed them. They suffered greatly, and were forced to eat the fruit of the Mkunazi tree [jujube, or buckthorn fruit] to survive. When their mother returned they complained about their treatment at the hands of their aunt. This led to the origin of the Kuva clan. Kuva means Mkunazi.³⁹

Among the Rabai, who had both patrilineal and matrilineal clans, the matrilineal determined responsibilities in times of distress or need. Matrilineal members treated one another's illness, and they were as a group liable to injury brought on by a curse against any one of its members. It constituted, in other words, a network of obligations for the well-being of its members. As one elderly Rabai man put it

If your mother dies, and there is a famine, your father [patrilineal] will not feed you. If there is a famine, your mother [matrilineal] will feed you. She cannot let you starve. When a child is born, it can kill his mother, and if his mother has no milk, she can kill the child. The father cannot kill the child nor the child the father. If

you kill somebody, your mother or Dzomba [mother's eldest brother] will give two persons to compensate the matriclan of that corpse.⁴⁰

Matriclans were likewise the means of creating kinship links with outsiders. Individual Rabai became blood brothers with a wide range of traders and hunters, from the coast well into the interior, primarily for joining trading networks or admitting settlers into their midst. The ritual of blood brotherhood, *kurya tsoga*, admitted the non-Rabai person into the matriclan of his fictional Rabai "brother."⁴¹ Similarly a slave woman who lived with a Rabai owner as his wife and bore him children was admitted into his matriclan.⁴²

The medium of matriclan membership, or at least the role of mother's brother, is also used to define the manner in which Miji Kenda children and women were attached to Swahili households on the coast in the nineteenth century and perhaps before. Such at least was asserted to me in 1973 by my host in Rabai, the late Nzaka wa Kunya, when we were visiting Begundo Fara, the son of Nzaka's mother's sister. Begundo's house stood in the valley below Nzaka's home, and atop a knoll between Rabai and the nearest Swahili town, Jomvu, which we could see clearly some five miles away in the direction of the coast. It was here I began to ask questions about maternal kin and the relations between Rabai and Jomvu.

There is a part of Jomvu known as Jomvu Nyungu. Many Rabai and Kamba women have gone there to marry. Many went there in times of famine, others were sold by their mother's brother into marriage. The Kauma and Chonyi are familiar to the people of Takaungu for the same reasons, and the Giriama in Malindi. The Duruma are numerous at Changamwe, where they commonly farmed the plots of Arabs.⁴³

The Rabai, who commonly refer to their Swahili neighbors as Wadzomba (lit., "maternal uncles"), attest to the absorption over generations of Rabai women and children into KiSwahili households, particularly in the agricultural settlements surrounding Mombasa. Rabai identify matrikin among the Swahili, though it is unlikely that the Swahili, who recognize maternal kin (*ukoo kwa kushoto*, or *ukoo kwa ujomba*), acknowledge any matrikin among the Rabai. The Swahili look down on the Miji Kenda, even today speaking of these hinterland folk as *Nyika* ("bush people") or *Shenzi* ("barbarians"). And as for Miji Kenda pawns, Swahili regard their existence as proof of Miji Kenda inferiority. From the Swahili point of view, the practice of pawnship was induced, not by coastal slave traders, but by the grasping, stupid, cold-hearted *Nyika*.

Say you have a brother. Now your brother goes and steals somebody's child. He takes the child, and they want compensation. Now you are poor, you have no money. You tell your brother "Take your nephew[i.e. my child] when you get somewhere, sell him, get some money and repay the people's money." This is the origin of the Nyika's slavery, all the people from around here, those people from our part of Africa, all of them. This is the only way they were sold. He has taken someone's child, he has no money. They catch him and will imprison him. His sister gives her child and tells him to sell him to get money for that master. These people long ago were stupid. That is why their children were enslaved.⁴⁴

Thus, the use of kinship terminology by the Miji Kenda to describe relationships that originated in transactions such as pawning or "selling into marriage" do not in themselves demonstrate that Rabai and other Miji Kenda interacted with Swahili in a single community regulated by kinship. It suggests, rather, that nineteenth century transactions on the Kenya coast, in which the Miji Kenda were demonstrably unequal partners, are rationalized by the Miji Kenda in the twentieth to represent exchanges between themselves and Swahili as historic equals.⁴⁵ Miji Kenda must also use history to suppress the tormenting memory that most Miji Kenda pawns did not go to live several miles away in Swahili villages, but were resold and exported from the coast permanently.

Notes

1. For East African slavery and the slave trade, see Frederick Cooper, *Plantation Slavery on the East Coast of Africa* (New Haven, 1977); Abdul Sheriff, *Slaves, Spices and Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy, 1770-1873* (London, 1987); and Fred Morton, *Children of Ham: Fugitive Slaves and Freed Slaves on the Kenya Coast* (Boulder, 1990).
2. Craufurd to Hardinge, 5 June 1899, CP 76/51; Macdougall to Craufurd, 11 March 1898, CP 75/46; Craufurd to Hardinge, 2 Apr. 1898, CP 96/178, Kenya National Archives, Nairobi (KNA).
3. Two missionaries who lived for many years among the Miji Kenda in the nineteenth century and the two who have left the most detailed account of their societies, Ludwig Krapf and Charles New, both remarked on the deep attachments of Miji Kenda toward their children. Charles New, *Life, Wanderings, and Labours in Eastern Africa* (London, 1971 [3d ed.]), 101, 117, Krapf journal, 13 to 27 Mar. 1845, CA5/M1, 558, Church Missionary Society Archives, London (CMS).
4. One coastal chronicle, the *Kitab al-Zanuj*, contains elaborate references to pawning practices between the Kashur, the purported ancestors of the Miji Kenda, and coastal

Muslims, but the reliability of the *Kitab* has been seriously questioned. See below under "Pawning and British Rule." None of the nineteenth-century or twentieth-century dictionaries of KiNika (Miji Kenda) and KiSwahili contain words equating to pawn in the sense used here. KiSwahili *baradhuli* (Kin. *bule*) and *mzuzu* (Kin. *msusu*) use pawn in the sense of dupe or simpleton, a person easily swayed. See "Pawn" in F. Johnson, dir., *A Standard English-Swahili Dictionary* and Johnson, *A Standard Swahili-English Dictionary* (Oxford, 1965) and *susu* in L. Krapf and J. Rebmann, *Nika-English Dictionary* (London, 1887).

5. Thomas T. Spear, *The Kaya Complex: A History of the Mijikenda Peoples of the Kenya Coast to 1900* (Nairobi, 1978), 71-72.
6. Sh. Al-Amin b. Ali Al-Mazrui, "The History of the Mazru'i Dynasty of Mombasa," Rev. James R. Ritchie, trans. (Mombasa: Fort Jesus Museum typescript), 43.
7. Krapf journal, 5/6 Sept. 1847, CA5/016, CMS; also see also Cooper, *Plantation Slavery*, 128; Spear, *Kaya Complex*, 137.
8. Krapf to Lay Secretary, 15 Jan. 1845, CA5/M1, 516, CMS. See also Krapf's "Memoir on the East African Slave Trade, etc." 1853, CA5/016, CMS.
9. Morton, *Children of Ham*, 38n72, 40, 48. See also Kirk to Granville, 14 Feb. 1885, FO 84/1724, Public Record Office (PRO). Asian traders near Takaungu, who possessed large stores of grain, were besieged by Miji Kenda to feed their children, but they abjured.
10. Hardinge to Salisbury, 12 Apr. 1896, FO 403/226, 174, PRO; A.M. Champion, "History of the Wa Giryama," DC/MAL/5/1, KNA. For other references to Salim and the slave trade, see Morton, *Children of Ham*, 48n114, 49, 120n9, 131.
11. Krapf journal, 8 Feb. 1847, CA5/016, CMS.
12. Binns to Lang, 10 Nov. 1890, G3A5/06, CMS. For other cases, Krapf journal, 16 July 1845, CA5/M1, p. 558; idem, "Memoir on the East African Slave Trade," 1853, pt. 3, CA5/016. Prices in Maria Theresa dollars.
13. S. Mirza and M. Strobel, eds. and trans, *Three Swahili Women: Life Histories from Mombasa, Kenya* (Bloomington, 1989), 21, 24, 31, 34.
14. New, *Life*, 111; David to Wright, 24 Apr. 1879, CA5/06, CMS; R. L. Playfair, "A Visit to the Wanika Country in the Vicinity of Mombasa," *Transactions of the Bombay Geographical Society*, 17 (1863-64), 274.
15. Krapf to Venn, 9 Dec. 1847, Mission Book, II, CA5/M2, 115-6, CMS; see also Krapf journal, 25 Sept. 1844, p. 504, CA5/M1, CMS.
16. Ibid. The matter appears to have ended there, or at least Krapf ceased commenting about it.
17. A. H. J. Prins, *The Coastal Tribes of the North-Eastern Bantu (Pokomo, Nyika, Teita)* (London, 1952), 60-68.
18. D. Sperling, "Some Aspects of Islamization in East Africa with particular reference to the Digo of Southern Kenya" (Nairobi: University of Nairobi Dept. of History Seminar, 1970). See also Spear, *Miji Kenda Complex*, 126.
19. Rebmann to CMS, 13 Apr. and 15 Sept. 1860, CA5/024, CMS.
20. Lugo eventually converted and remained with the CMS for years as a teacher.
21. Journal of Maria Ackerman, 28 Feb. 1898, G3A5/014(1898-99), CMS.
22. Proclamation re slavery of "friendly tribes," 1 May 1890, G3A5/07, CMS; P. L. McDermott, *British East Africa or IBEA: A History of the Formation and Work of the Imperial British East Africa Company* (London, 1893), 353-54.
23. For a discussion of Said's decree, see Morton, *Children of Ham*, 141-43.
24. Macdougall to Craufurd, 3 June 1898, CP 75/46, KNA.
25. Craufurd to Hardinge, 6 June 1898, CP 96/178, KNA. In the same letter, Craufurd opposed enforcing the 1890 decree, which freed all children born into slavery, on the

- grounds that freed children would be turned loose by their masters and forced to fend for themselves in the midst of famine.
26. Binns to Baylis, 9 Aug. 1899, G3A5/14, CMS.
 27. Hamilton to Craufurd, 4 July 1899, CP 92/157, KNA.
 28. Johnstone to Acting Senior Commissioner, Mombasa, 12 Aug. 1899, CP 79/68, KNA.
 29. Hamilton to Craufurd, 4 July 1899, CP 92/157, KNA; see also Hollis to Craufurd, 5 May 1898, CP 67/15, KNA. The missions had earlier taken in persons afflicted by famine, including entire Miji Kenda families. But refuge was provided mainly to non-Miji Kenda; in 1884, 200 Zaramu were brought to Frere Town from the Mrima coast by the British, and a number of children were left with the CMS mission by local slave owners who could not provide for them. The latter remained on the mission and were not reclaimed. Handford journal, 28 Dec. 1884, G3A5/02, CMS; Handford journal, undated, *Church Missionary Intelligencer* (March 1885), 162; Price to Mackenzie, 14 Nov. 1888, FO 541/28, 448.
 30. Binns annual letter, Jan. 1910, G3A5/18; Binns letter penned in Tasmania on furlough, n.d.[1911], G3A5/19, CMS.
 31. G. H. L. Murray to W. H. Jones, 26 June 1901, CP 99/205, KNA.
 32. Fathili's chronicle and several of its copies were published years later as the *Kitab al-Zanuj*.
 33. A. Hardinge to Salisbury, 18 March 1899, Parliamentary Papers, C. 9502, 26.
 34. R. F. Morton, "The Shungwaya Myth of Miji Kenda Origins: A Problem of Late Nineteenth Century Kenya Coastal History," *International Journal of African Historical Studies*, 5, 3 (1972), 397-423; For a fuller discussion of the *Kitab al-Zanuj*, see R. F. Morton, "New Evidence Regarding the Shungwaya Myth of Miji Kenda Origins," *International Journal of African Historical Studies*, 10, 4 (1977), 628-43. With regard to colonial enforcement of laws prohibiting slavery and slave trading, see Morton, *Children of Ham*, 137-45, 160-69.
 35. A. M. Champion, *The Agiryama of Kenya* (London, Royal Anthropological Institute of Great Britain and Ireland, Occasional Paper no. 25, 1967), 13. In the event of a wife's father's death, the claim on her child's bridewealth was presumed to pass to the wife's brother. See also W. Frank, *Habari na Desturi za Waribe* (London, [1953], 24), for similar difficulties arising for poor parents of marriageable children.
 36. Morton, "The Shungwaya Myth," 412-13.
 37. A. Hardinge, 1897-98 Report, Parliamentary Papers [c.9125], 22.
 38. Spear, *Kaya Complex*, 116-17, 121. Morton, *Children of Ham*, 96 & fn 79. See also C. Brantley, *The Giriama and Colonial Resistance in Kenya, 1800-1920* (Berkeley, 1981), 47.
 39. Interview with Matebwe wa Katembe, Chinyakani, Mwele, Rabai, 10 July 1973. A copy of my interview notes is deposited at Bird Memorial Library, Syracuse University. A similar tradition was related by Befukwe wa Kagumba, undated, Interview Book 1, 90.
 40. Interview with Nzaka wa Kunya, 22 March 1973, Mbuni chi Bauni, Rabai, Interview Book 1, 49-50.
 41. Interview with Nzaka wa Kunya, n.d., Interview Book 1, 42. Rabai, Digo, and Duruma alone among the Miji Kenda operated dual clan systems, and probably for that reason blood brotherhood often admitted the outsider in Rabai as well into patrilans. See T. J. Herlehy, "Ties that Bind: Palm Wine and Blood-Brotherhood at the Kenya Coast during the 19th Century," *International Journal of African Historical Studies*, 17, 2 (1984), 285-308; T. J. Herlehy and R. F. Morton, "A Coastal Ex-Slave Community in the Regional and Colonial Economy of Kenya: The WaMisheni of Rabai, 1880-1963," in S. Miers and R. Roberts, eds., *The Ending of Slavery in Africa* (Madison, 1988), 265-66.

^{42.} Interview with Nzaka wa Kunya, n.d., Interview Book 1, 34.

^{43.} Ibid.

^{44.} "Kaje wa Mwenye Matano," in Mirza and Strobel, *Three Swahili Women*, 39.

^{45.} The Miji Kenda also tried to reconstruct their history as a means of elevating their political status; see Morton, "New Evidence," 641.

CHAPTER 12



PAWNING, POLITICS AND MATRILINY IN NORTHEASTERN TANZANIA

JAMES L. GIBLIN

In precolonial times, according to an elderly farmer named Msulwa Mbega speaking at his home in the northeastern Tanzanian district of Handeni in 1983, if someone was taken captive as punishment for a crime or for reneging on a debt, one of his male kin would take a sister's son and kumwekea rehani kwa mtajiri namwambia, 'Tazama huyu kijana, nipe mali yako, niende nikamkombole ndugu yangu' [place him in pawn with a wealthy person and tell him, ['See this young man, lend me some of your wealth (in exchange for him) so I can go rescue my relative.']]

You could pawn your sister's child, Msulwa Mbega explained, because he or she belonged to your matrilineal clan (*ukoo*), but you could not pawn your own children because each of them "has his own *ukoo*." "That's why," he said, "you would bequeath your wealth to your sister's child (*mpwa*), because that's who would be able to preserve the *ukoo*."¹ Like much of the published literature on pawning, Msulwa Mbega's statement asserts that descent or kinship groups were chiefly responsible for pawning. Indeed,

his testimony is a classic example of the kind of evidence that has persuaded researchers that people were usually made pawns by their kin or by fellow members of a descent group. Studies from other regions of Africa, including several mentioned below, take this position. But did kinship actually give people the authority to decide that sisters' sons or other relatives would be pawned? Can we even be confident that pawn and pawner were usually kin? While the role of kinship and descent groups in pawning cannot be ruled out, this chapter will contend that in precolonial northeastern Tanzania, pawning was governed as much by politics as by kinship, and that this was true even in stateless societies. It will also suggest that the reason many sources, including the account by Msulwa Mbega, associate pawning with descent groups is not because it was necessarily kinship that gave people the power to pawn, or because pawning was always conducted among kin, but rather because kinship provided the idiom for discussion of the forces that actually governed pawning: political relations and political power.

For several reasons, northeastern Tanzania is an ideal place to examine the relationship between pawning and descent groups. First, it is clear that pawning occurred frequently in precolonial society. Although some sources hold that pawns were compensation for a crime or injury,² pawning is most often described as a resort during droughts and food shortages, when hungry people surrendered pawns for food.³ While some accounts, including a tradition quoted below that was recorded in the 1930s, say that the pawn's labor retired a debt, other sources describe pawns as a kind of collateral, and thereby imply that the labor of pawns represented only the interest on a loan. This is why residents of modern Handeni District assume that precolonial pawns would likely become permanent subordinate members of their new communities; having surrendered a pawn, a group would, of course, be smaller and would probably have less capability to repay its creditors.⁴

Second, political authority was highly decentralized in northeastern Tanzania in the nineteenth century. Hence precolonial farming communities appear at first sight to have constituted a typical "lineage society." Modern farmers believe, in fact, that their ancestors populated a series of small territories which were controlled by corporate matri-clans. The importance of the traditions that concern these matrilineal groups provides the third good reason to examine pawning and descent in northeastern Tanzania, because matriliney is the form of descent that has been closely associated with pawning elsewhere in Africa. The historical evidence on the relationship between kinship and pawning in this region raises questions about the conventional view that pawning was done by descent groups. The evidence shows that authority within precolonial

households and descent groups, and indeed the very ways in which people defined descent groups, were decisively affected by politics and political power.

Kinship and Politics in Pawning

No one presents the thesis that descent or kinship groups were primarily responsible for pawning with less ambiguity than Suzanne Miers and Igor Kopytoff, who argue that

a lineage in need of money, or forced to pay compensation for a homicide or some other crime, or unable to feed all its members in time of famine, might transfer all of its rights in a person to another lineage in return for goods or money... Alternatively the transfer of such rights could be temporary. This is usually called "pawning" in the literature and was extremely widespread.⁵

Similarly, Paul Lovejoy has placed pawning in the context of "lineage" societies that were "based on kinship" and has argued that pawns were desirable collateral because the strong affective ties of kinship between a pawn and the group that surrendered the pawn would virtually guarantee repayment of debts: "Pawns could be used in this capacity because they were directly related to the debtor."⁶ Likewise, Claude Meillassoux introduces the problem of pawning by speaking of, "individuals [who were] given in pawn by their families to a creditor."⁷

An even closer, though considerably different relationship between pawning and descent groups was proposed by Mary Douglas, who defined pawns as persons whose transfer "creates an enduring property by building up a pawn lineage belonging to an owning descent group." Indeed, she argued that the very solidarity of matrilineal groups in Central Africa derived from group control of pawns, since their "corporateness depended on joint property in pawns themselves forming associated descent groups." Thus she felt that precolonial society "would have been based on matrilineal corporate descent groups, owning and transmitting rights in pawns."⁸ In addition, Douglas believed that another function of pawning in the Central African "matrilineal zone" was that it allowed a pawn's holder a way of both "cutting down the claims of matrilineal kinsmen" and "counteract[ing] the tendency for men to join their mothers' brothers," by offering his sons the daughters of his pawn as wives.⁹

Studies such as these, which argue that pawning was conducted by kinship or descent groups and that pawning was particularly important in matrilineal societies, would certainly lead one to expect to find pawning by

matrilineages in the so-called "matrilineal belt" of northeastern Tanzania. Indeed, Thomas Beidelman in his contribution to the Ethnographic Survey of Africa confirms the existence of such practices. Among the speakers of Zaramo in the Dar es Salaam region, related Beidelman's sources, an individual could be pawned by one's mother's brother; among the Luguru, "one of the most important rights of a senior matrilineal kinsman was the authority to pawn or dispose of junior kin in compensation for wrongs committed by other lineage members"; and among the Kaguru "men of a matri-clan alone had the authority to pawn their matrikin for lineage debts."¹⁰

Hence there is no surprise in hearing Msulwa Mbega or other residents of this area describe pawning as a transaction performed by matrilineal groups. Like Douglas, they sometimes associate pawning with the origins and survival of matrilineages, though not in quite the same way that Douglas did. The missionary Thomas McVicar collected one tradition in the 1930s that confirms this association; matrilineal groups are referred to as "sibs." When he asked his neighbors why they recognized the authority of mothers' brothers rather than of fathers, they told him that

Once upon a time a certain chief went into the bush and killed a man of another sib. He was very upset because he knew that hostages must be supplied to the dead man's sib in order to work off the debt contracted by this loss. Returning home, he went to his wife, and told her what he had done and asked her for his sons so that he might send them to the sib of the dead man. His wife asked if he were mad to make such a demand. "You know," she said, "that you are asking for the impossible. How can you send your children since they are not of your sib? Seek elsewhere." He then went to his brother, told his story, and asked him for his children. His brother said, "Ask my wife." The chief did so, only to receive a reply similar to that given by his own wife. As a last resort he approached his sister, told his tale of woe, and was answered as follows: "Of course you can have my children. You are their head. You are the *mwigazi* [head of the matri-clan, see below]. You have the power of life and death over them. Take them and send them where you wish." The chief had found his friends and heirs.¹¹

But what exactly do people mean when they talk about the matrilineal groups that seem to have

enagaged in pawning? Throughout northeastern Tanzania, farmers regard themselves as belonging to groups that were established, they believe, by the first cultivating occupants of territories that in Hadeni District are called si in the Zigua language and nchi in Swahili. The original cultivating settlers, who in traditional accounts almost always included a male leader and several females considered to be the founders of matrilineages, are viewed as honored ancestors by those who inherit the name of their si (individuals customarily take the matrilineal si names of both parents).¹² The si name bearers believe that they belong to a large group, sometimes referred to as lukolo in Zigua and ukoo in Swahili, which comprises the matrilineages that descend from the female settlers.

The bearers of a common *si* name do not, however, make up a corporate descent group or political unit. Indeed, few people actually live in the neighborhoods believed to have been settled by the founders from whom they inherit their *si* names.¹³ In fact, most residents of Uzigua were probably tied to their *si* in the nineteenth century, just as they are in the modern day, only through inherited names and some sketchy, perhaps apocryphal information about *si* locations. It is the element of uncertainty surrounding *si* identities, however, that allowed them to play a part in consolidating precolonial loyalties grounded not in kinship, but in political relationships. Because everyone had an inherited relationship with at least two *si*, and because knowledge of *si* locations, relations among *si*, and membership in *si* groups was imprecise, the possibilities for rediscovering forgotten genealogical relationships were endless. Hence neighbors who were connected by proximity, cooperation in agriculture, and, most crucially, subordination to a patron or political notable might well find reason to believe that they also shared descent from common *si* founders, and might therefore participate together in rituals honoring ancestors.

Yet political relationships were much more meaningful than *si* identities, as the practice of naming precolonial settlements after incumbent village leaders, rather than according to *si* designations, indicates. One's mental map, consequently, reflected knowledge of political relations rather than descent.¹⁴ The past importance of politics is implicitly acknowledged by even the most traditionalist modern Handeni residents, who conceive of a precolonial social order based on descent groups living in autonomous *si*, for they must reconcile this image with their knowledge of political change. The unpublished depiction of precolonial Uzigua written in 1968 by Ernest L. Mkomwa and Godfrey

Nkwileh, for example, invokes the circumstances surrounding the emergence of notorious slave-trading chiefs of the nineteenth century to explain the origin of *si* group leadership.¹⁵ Mkomwa and Nkwileh argue that during the last turbulent precolonial decades, a period marked by constant warfare and slave raiding as Zanzibari slave and ivory trading spread throughout the Tanganyikan hinterland, *si* groups vested authority in leaders (*wegazi*, sing. *mwigazi*) who were knowledgeable about the history of inter-*si* relations. They did this, say Mkomwa and Nkwileh, because guidance about past conflicts with other *si* would help them to avoid marriages with old enemies, who were apt to treat wives obtained from their former opponents as slaves:

This was the source of the obligation to respect one's mother's brothers (*wajomba*). It was necessary that there be supervision of the *ukoo*, especially for the women.

In this way, Mkomwa and Nkwileh situate their idealized image of a kinship-based society in political history (just as does the tradition collected in the 1930s that is quoted above), and explain the origin of a descent group institution as a response to changing political conditions.

While *si* identities were not the basis of community organization, they did provide both an important sanction of political authority and also a means by which subordinates might be assimilated into communities. Captives and their children, for example, were given *si* names in the settlements of their masters.¹⁶ People altered *si* identities and associated traditions, moreover, sometimes to confirm genealogical links with newcomers, and in other instances to enhance the legitimacy of various leaders by showing not only that the leader possessed a genealogical connection with *si* founders, but also that they descended from a senior *si* founder, and therefore represented the dominant lineage in the *si*.

A notable instance of change in *si* identity involved Sonyo, one of the most famous slave-trading chiefs of late-precolonial Handeni. After the death of his father in 1884, Sonyo had to overcome opponents of his accession who said that his father had been a usurper. Sonyo tried to improve his standing among his subjects by integrating them into a *si* community under his authority. He did this by transferring the performance of ancestor propitiation to his father's burial place, which was located at least a day's walk from his village.¹⁷ Because everyone is ideally interred in one's *si*, the preferred location for propitiation of one's ancestors, Sonyo was in effect trying to persuade many of his subjects to honor *si* ancestors from whom he claimed descent. Although most of his subjects probably had no relationship with the *si* of Sonyo's father, who

was not a native of their village and had only moved there as an adult, traditions could be revised to accommodate newly discovered links with the founders of this *si*.

Should his subjects become convinced that they shared a *si* identity with Sonyo, they might consider him to be a *mwigazi*, or one of the "chief guardians of the laws and good order of each Zigua *si* group [*ukoo wa upande wa kuukeni*]." ¹⁸ As *wegazi*, rulers like Sonyo not only gained sanction for their authority, since "the *mwigazi* is deeply respected by those under his guardianship [*uigazi*]," ¹⁹ but also occupied a position which required their participation in many everyday events and affairs, including ancestor propitiation and the ceremonies marking passage through the stages of life. Constant intervention in domestic affairs granted the leaders who served as *wegazi* far-reaching influence and helped make their exercise of power appear as an essential though common place aspect of daily social interaction.

While Sonyo endeavored to turn *si* identities to his advantage, his opponents, united in part by a different *si* identity, argued that his father had taken control of their settlement against the inhabitants' wishes. Indeed, the name of Sonyo's father, Mani, or literally "uncultivated grass," suggests someone who rises without fostering, just as grass grows without husbandry, and thus carries the connotation of appropriation of power by an outsider as opposed to authority achieved through community consent. The reason why Sonyo had been forced to bury his father far away from his village, in fact, was because Sonyo's opponents, the bearers of the Kwa Luguru *si* name, repudiated Mani by refusing to permit his burial in their *si*. ²⁰ The modern members of the Kwa Luguru *si* community keep alive the views of the chiefs' adversaries in a story which, by contending that Mani conquered their village, disputes the version of his career related by the chiefs' descendants that stresses his peaceful assimilation into the settlement. ²¹

As this episode demonstrates, both rulers and their opponents altered *si* identities and traditions to cement loyalties, justify exclusion, legitimate power and challenge authority. Thus it is in their political context that statements about corporate descent groups and their activities, particularly pawning, must be evaluated, for defining these groups was a political process.

Chiefs, Households and Pawning: Evidence from the Spiritan Missions

Both traditions of the *si* communities as well as evidence of late-precolonial political conflict show that descent group identities were shaped by changing political loyalties. Hence statements such as the

remarks of Msulwa Mbega about the involvement of descent groups in pawning need to be treated carefully, for it appears that rather than serving as the basis of the groups that transferred rights in persons, descent instead provided an idiom in which political power, legitimacy and the obligations of leaders were talked about.

Further evidence about the involvement of political leaders in pawning and about the ways in which political authority could override kinship ties emerges from the records of the Spiritan, or Holy Ghost, missionaries, who, beginning in the late 1860s, established several mission stations in northeastern Tanzania. What makes their activities so interesting is that in several ways they emulated indigenous political notables: by integrating themselves into the political regime as chiefs, by respecting the commercial conventions of slave dealing and other forms of trade, by assuming the obligations that were incumbent upon all leaders, including the duty to provide protection, food reserves and healing, and finally by entering into an array of relationships, including pawning, that were common in the region.

Because they participated as chiefs in political and economic institutions, their own affairs produced a record of the activities and relationships in which indigenous chiefs were involved. The record of their activities shows, among other things, that the authority of chiefs superseded the claims of household heads and kin. Hence most individuals, including wives, clients, slaves and, most importantly for our purposes, pawns, were subject to multiple, overlapping forms of authority held not only by their masters, spouses and patrons, but also by political leaders.²²

The Spiritans initially established a presence in Tanganyika at Bagamoyo, the major port and slave trade entrepôt on the coast. From the beginning, because budgetary difficulties induced them to seek the least costly ways of procuring labor, the Spiritan fathers worked through the dominant economic institutions, even though they abhorred some of them, particularly the slave markets. They obtained many of the African inmates of their missions by purchasing, or as the Spiritans saw it "redeeming," chattels from slave dealers. At their hinterland stations, the Spiritans made further accommodation to indigenous institutions. Intent upon winning political as well as spiritual influence, they deliberately sought to provide the same wide variety of services, including patronage, protection against enslavement, healing and divination, that were the responsibility of rulers.²³ Thus they staked out spheres of influence within the region's political hierarchy, claimed authority over dependents, and integrated themselves into the networks of long-distance trade. By the 1890s, their palisaded station at Mhonda had become so formidable a political force,

particularly because mission allies used it as a base from which to launch raids into adjacent neighborhoods,²⁴ that the early German colonial administration would consider it to be one of the region's "major chiefdoms."

Because the Spiritans acted in many ways as chiefs, and assembled around them their own communities of subjects and clients, they inevitably found themselves in situations where the competing claims of political authority and kinship intersected. The incident involving the missionaries which best showed how layers of authority overlapped occurred in 1883, when a man became a dependent of the Mhonda mission after offering to make himself "something like a vassal" if the missionaries would intervene to save his wife and children, who had been sold into captivity by one of their matrilineal relatives. They were reclaimed by the Spiritans, in fact, just as a slave caravan was about to take them to the coast.

This episode, in which a man's authority over his household was contested by his affines, exemplified the conflicts which might drive people to pawn themselves or their dependents. When the wife's kin appeared to have prevailed, the man appealed to a more powerful authority by surrendering his independence. Once the household head had become a "vassal" (as the missionaries referred to him) of the Spiritans, however, their authority over his wife and children superseded the claims of both the matrilineal kin and the "vassal" himself. Accepting the man as a dependent gave the mission the right to control the members of his household and to nullify the claims of their matrilineal kin.²⁵ In this instance, when three parties asserted conflicting claims over dependents, one based on the prerogative of a husband and father, one based on matrilineal ties, and the third based on possession of wealth and political power, it was the missionaries, the political leaders who shared descent group identities with no one, who were successful.

This was only one of many ways, however, in which the Spiritans achieved control over dependents. Those who had been acquired through purchase from slave dealers lived usually within the mission compound in a state of servility; many clients, by contrast, lived outside the mission and retained most of their autonomy, even though they were often indebted to the Spiritans. Other mission dependents, of course, were pawns. The Spiritans naturally attracted people who sought protection and assistance by offering themselves or their dependents as pawns, because the

missionaries controlled firearms, cloth and other valuable imports, had established secure, fortified settlements, and accumulated livestock holdings and considerable food reserves. Maasai pastoralists as well as cultivators pawned themselves or their dependents in return for Spiritan protection and especially for loans of food during famines.²⁶ The missionaries also accepted pawns in compensation for crimes and injuries to mission dependents.

Spiritane engagement in pawning reached its peak in 1898-99, when the first German colonial tax collections, which took place in the midst of a catastrophic famine, caused a surge of pawning by desperate rate-payers. In February 1899, the Spiritan at Mhonda reported that so many of his neighbors were willing to pawn themselves to the mission in return for payment of taxes that even the "wealth of the Rothschilds" would not have sufficed to cover all the debts.²⁷

One of the most common patterns of pawning involved weaker leaders who placed dependents with wealthier, more powerful chiefs. In one instance where a village leader offered pawns to the Spiritans, he admitted that he had stolen money and cloth from them and transferred control over "five or six" settlements to the Spiritans as compensation.²⁸ Political leaders also pawned subordinates to the missions during the early German tax campaigns. One of those who sought help was the head of a famine-stricken settlement near Mhonda who, obliged in 1900 to pay one rupee for each of the seventy-two houses in his village, offered all his dependents to the mission as pawns should the Spiritan fathers agree to pay his taxes.²⁹

While the evidence from Spiritan sources by no means excludes the possibility that these leaders sometimes pawned their kin, it seems likely that these chiefs often obtained the ability to transfer rights in persons from their political positions, which enabled them to reach into other households to assert claims over subordinates. Yet politics and concepts of kinship nevertheless remained inextricably interrelated, for the power that allowed leaders to engage in pawning was undoubtedly legitimized, and sometimes challenged as well, by shifts in descent group identities that enabled chiefs like Sonyo to act as *wegazi*.

Conclusion

Historians and anthropologists have tended to regard pawning, like many African institutions, as part of a social order organized around kinship and descent. This tendency emphasizes the ascriptive nature of African social organization at the expense of its political life. From this perspective, the competitive, adaptive and fluid aspects of social organization tend to be subsumed by the stress on ascribed membership in groups which appear relatively immune to change, and relatively incapable of transformation in

changing political and economic circumstances. In her work on pawning, for example, Douglas saw Central African societies as being "emasculated" and "distorted" by invaders, particularly in the colonial period when abolition of "central institutions," such as the poison ordeal, "must have left an enormous gap in the indigenous social system."³⁰ Encouraging this approach, moreover, is the idiom of kinship in which many African societies couch their reflections on society and history, seniority and subordination, obligation and service, an idiom which endures, perhaps, because it allows *political* talk that is at once discrete yet pointed and precise yet open to a variety of interpretations.

As the evidence from northeastern Tanzania shows, however, kinship and descent did not always take precedence over political relations in precolonial societies and hence were not necessarily the basis for decisions relating to pawning. Instead, political power could give leaders the ability to prevail over subordinates and to override the authority of spouses, parents, household heads and matrilineal kin. Descent group identities were surely appreciated by political leaders as important sources of legitimacy and community solidarity, and for that reason, political notables modified *si* traditions and identities. Yet their authority over pawns and other dependents derived not from kinship, but from political power.

Notes

1. Interview with Msulwa Mbega (Gombero, Sept. 21, 1983).
2. Godfrey Dale, "An Account of the Principal Customs and Habits of the Natives Inhabiting the Bondei Country," *Journal of the Anthropological Institute*, 25 (1895), 225.
3. J. Kohler, "Beantwortung des Fragebogens über die Rechte der Eingeborenen in der deutsche Kolonien," Rhodes House, Micr. Afr. 480; Dr. Preun, "Slavery in East Africa," *Church Missionary Intelligencer and Record*, 13 (1888), 662; Interviews with Selemani Kidanga (Kwa Mkono, Dec. 23, 1982) and Asumani Nyokka (Kwediboma, May 11, 1983); "Die Sklavenfrage in DOA (1900)," Germany, Central State Archives (Potsdam), Reichskolonialamt (hereafter RKA) 1005/369-370; Anton Horner, "L'Oukami (Afrique Orientale)," *Les Missions Catholiques*, 6 (1874), 21.
4. Interview with Asumani Abdalla Mkomwa (Kwediboma, Sept. 16, 1982); Pangani District Book, vol. 3, Tanzania National Archives (hereafter TNA); Dale, "Principal Customs and Habits," 226, 230.
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24. Mhonda Mission Journal, Mar. 1881, July 17, 1883, Nov. 11-13, 1883, Feb. 4, 1884, Feb. 1 and 5, 1886, Jan. 12, 1887, Aug. 18, 1889. Also, Raoul de Courmont, "Rapport," *Annales de la Propagation de la Foi*, 61 (1889), 54ff.
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27. *Bulletin de la Congrégation du Saint-Esprit*, 19 (1898-99), 501-2; Mhonda Journal, Feb. 9, 1899, Jan. 3, 1900.
28. RKA, 856/113-115.
29. *Bulletin de la Congrégation du Saint-Esprit*, 22 (1903-04), 3.
30. Douglas, "Matriliny and Pawnship," 302, 311.

CHAPTER 13



PAWNING IN COASTAL NORTHWEST SIERRA LEONE, 1870-1910

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In northwestern coastal Sierra Leone pawning was one of several socially recognized devices for transferring the control of a person's labor - and thus product - from one party to another.¹ Other labor transfer institutions included adoption, wardship, clientage, wage labor and enslavement. In each - with the obvious exception of violent enslavement - an individual or group relinquished control over a person's labor in return for some benefit, tangible or intangible, immediate or expected in the future. Pawning, also called pledging, had an explicit and direct material return: a person's labor was temporarily transferred in order to receive goods, pay off an obligation, or obtain or guarantee credit. Pawning took several forms. Perhaps the most basic distinction was between pawning to facilitate a commercial venture and pawning to meet a debt, court fine or other obligation. Considering the latter, there was also a distinction between situations where adults pawned themselves and where family heads or others pawned dependents, particularly children, who had little or no choice in the matter. Yet, while the latter could be tantamount to enslavement, the former was not necessarily voluntary. Except for certain commercial forms, pawning was an indicator of poverty, a lack of social resources, and vulnerability. Thus, while it is useful to examine pawning institutionally, comparing it with various forms of labor transfer, it is also

necessary to investigate pawning decisions within the context of economic and other forces that affected people.

The nineteenth and early twentieth centuries saw fundamental changes in the institutions and processes of labor exchange and control. During that period, the region became strongly linked through commerce and migration with neighboring regions, including the upper Niger.² Freetown and the Sierra Leone Colony became an integral part of the region and had a deep impact in a number of ways. The British campaign against the Atlantic slave trade stopped direct overseas exporting quite soon after 1808. A sizable internal slave trade continued, however, until the 1890s when the French and British suppressed it. Indigenous slave holding grew substantially in the nineteenth century, stimulated in part by increased internal and overseas demand for products of the region.³ Although warfare was substantially reduced in sections nearer the coast during the later nineteenth century, wars periodically affected wide areas of Sierra Leone and promoted enslavement and slave trading. Estimates about the magnitude of slave holding must be tentative and cautious, but slaves accounted for perhaps 20 per cent of the region's population at the end of the nineteenth century.⁴ The households of big men and women, especially those located in the main production zones and commercial towns, often held substantial numbers of slaves, but many common families also owned one or a few.⁵ In the late nineteenth century, coastal society was highly stratified, and intra- and inter-state politics involved competition between those who had wealth, power, and office. Big men and women headed large households and dominated wide-reaching networks of kin, allies, and dependents.⁶ When short of food or goods, poorer families assisted one another through their bonds of kinship, affinity, and friendship, but they at times also turned to those above them.⁷ This could lead to pawning but it did not necessarily; much depended upon the relationship since those of rank were expected to provide for kin, clients, and others linked to them, who had some bargaining leverage. Such exchanges supported the hierarchical order.

Another economic option for common farming families as well as major households was to sell crops and commodities they produced. In the later decades of the 1800s, people in the area considerably increased their output of kola, palm kernels, and other cash crops and also intensified their participation in the wage labor market of Freetown and the littoral. A money economy operated in the rivers and was spreading inland well before colonial rule. Once the British established the Sierra Leone Protectorate they declared pawning illegal, imposed taxes, and extracted forced labor - and on January 1, 1928, formally abolished slavery. During the first decades of the twentieth century cash crop production and wage

labor grew at a much faster rate than in the late precolonial era. In both periods there were economic downturns and years of food shortage, but from the 1870s through 1920s the region did not witness widespread epidemic disease, drought, or other calamities which in some parts of Africa severely reduced resources, caused famine, and greatly intensified pawning.⁸

Families did experience serious food shortages during "hungry seasons" or when hardship struck. In the late nineteenth century, there are instances of kin pawning children for small quantities of rice.⁹ The colonial period brought taxes, forced labor, and conscription for military portage, all of which had a deleterious effect upon food production in certain years.¹⁰ Given the prohibition against pawning, there may have been an increase in wardship, adoption, and more disguised transfers of children.¹¹ Nonetheless, general food shortages did not take place and hence did not stimulate widespread pawning and other labor transfers. Rice production was ample to meet the caloric and starchy staple needs of people, and the region typically exported rice. Only a few bad rice harvests are recorded over the period from 1870 to the 1920s. When farmers anticipated that a rice harvest would drop below expectations or when stocks were low, they had a variety of fallback strategies: they devoted greater amounts of labor to agriculture; planted extra cassava, peanuts, or funde; and did more gathering, including the cutting of palm cabbages. Moreover, in both the precolonial and colonial eras kin, friendship, and patron-client networks provided food through reciprocity.¹² Finally, as Martin A. Klein and Richard Roberts have shown, in those regions of French West Africa where peasants had cash crops and other options for income, they generally did not have to pawn even during a serious economic downturn.¹³ Similarly in northwestern Sierra Leone, people gained income through sale of cash crops and wage labor, then bought food.¹⁴

If the commercialization of the economy was one factor that helped limit wide scale pawning, in certain ways market forces directly stimulated the practice. Debt pledging and other forms of pawning had long existed in northwestern Sierra Leone, but there is limited information prior to the 1870s except for descriptions of how it figured in overseas trade. Between the 1870s and the early 1900s, however, there is ample documentation. Even though the sources do not make it possible to measure the incidence of pawning, they do help to answer questions about why people pawned themselves and others, the degree to which pawning involved coercion, the relationship of pawning to slavery, and the policies and practices of African and colonial authorities.

John L. Grace has provided a valuable survey of pawning in his study of domestic slavery in Sierra Leone. Primarily using reports by colonial

officials, he suggests that the line between slavery, pawning, and wardship often was unclear, especially with children. British governors from the 1850s through the 1890s spoke against pawning and took administrative and legal actions in an effort to eliminate, weaken, or at least regulate the practice. These measures had limited effect.¹⁵ While on tours through the interior areas in 1895 and 1896, Governor Cardew declared that the impending Protectorate government would enforce laws against pawning, as well as slave dealing and trafficking. Ordinances of 1896 and 1897 declared such practices illegal, and the laws were modified and consolidated in Ordinance 33 of 1901, which remained the basic legislation until the years just before abolition.¹⁶ While eager to stop what they saw as trafficking, Cardew and many other officials (the "conservationists," as Grace has labeled them) were reluctant to tamper with "domestic institutions," particularly after the 1898 wars of resistance. Hence they allowed for gradual, individual manumission, rather than mounting a campaign to end slavery. In the early 1900s, District Commissioners heard cases of alleged slave trading that actually involved pledging. In 1902, the Commissioner of Karene District wrote that trials were held for three types of slave dealing, one being the pledging of children for debt. The 1903 Karene District Commissioner's Report noted that of the 23 convictions for slave dealing, many were for pledging; he felt the new legal concepts were not yet clearly understood.¹⁷ Most such officers and higher officials as well doubted, however, that pledging was a crime and felt that Africans had similar doubts.¹⁸ Though suppressed by the threat of judicial punishment, pawning apparently continued more informally and at a rather low level up to the abolition of slavery in 1928 and even thereafter. Wardship and related forms of transfer were widely practiced in the early colonial era.

Court cases, local testimonies, and other records from the late nineteenth and early twentieth centuries provide tentative answers to many questions about why people engaged in pawning, although they do not allow for an exhaustive analysis of pawning.¹⁹ The sources indicate that pawning was a complex and diversified institution and that people resorted to it for a variety of reasons. The social and legal theory that prevailed in the region defined pawning as follows: First, a pawn provided labor while the "master" provided a specific amount of goods or money; in some instances the pawn's labor was regarded as interest on a loan, and the pawn might also serve as a guarantor. Second, since a pawn was to be redeemed, the length of time a pawn worked for a "master" was limited and a pawn remained a member of his or her own kin group. Third, a pawn could not be sold, and transfer of a pawn's labor power from one party to another was regulated. However, unredeemed pawns could be and sometimes were

sold as slaves. Temne and other languages of the area contained precise words for "pawn," different from those signifying "slave." Pawns often wore certain tokens or in other ways were identified, presumably so that they would not be confused with slaves. Reportedly, if ill or lazy, a pawn was sent back and another demanded; if a pawn died, the obligation continued and had to be met.²⁰ In their courts, kings and lesser authorities handled pawning cases according to contract and inheritance law.

Institutionally and in practice, pawning fell on a continuum between slavery and free labor, as Paul Lovejoy has shown.²¹ On the one side, were labor-exchange relations that individuals could choose to enter. Adult men went in large numbers to Freetown and other places as wage laborers.²² They also could become clients of households heads, traders, or war leaders; besides specific rewards for their work, they gained skills, personal connections, or perhaps access to farm land.²³ Though women as a whole were less mobile economically, they had similar options, including trading linkages and migration. Clients or agents might marry into their patrons' families or build other links that converted specific contractual relationships into more diffuse and permanent ones.

There were also various exchanges in which parents or other adults relinquished authority over a child and a child's labor, but did not in return receive a direct payment, as with pawning.²⁴ It was quite common for families to send children to be raised in other households. In some instances this stemmed from food shortages or another problem that made it difficult to keep a child, but sometimes the motivations were more positive. Such adoption was a desirable transfer when the receiving household had greater wealth or higher social rank: the sending family hoped to secure a better material existence for the child, to gain in status by association, or perhaps to forge a useful social or commercial bond. The child might stay for many years, even being absorbed into the new household and taking on a new identity. For similar reasons many people, including high status families, sent children to be raised by Sierra Leoneans (Krios) in Freetown and the peninsula villages. Wardship was a particular practice whereby the children from the hinterland worked in the homes of Sierra Leoneans in return for boarding and the opportunity to attend school.²⁵ Many people also sent their young boys as *talibe* to do basic Koranic study with a learned *alfa*. Typically a youth stayed for several years and compensated for his education by working on the master's farm or around the house. This was regarded as a temporary transfer unless the master adopted the scholar into his own household or arranged a marriage with one of his female relatives or dependents.²⁶

In contrast with adoption and other long-term arrangements, pawning associated with commercial activities involved a precisely negotiated

contract and a delimited term of service. People gave pawns - kin, slaves, and other dependents - as guarantees for loans, or their labor served as interest, and pawning could facilitate other business activities. The practice existed from at least the days of the Atlantic slave trade. John Matthews, who spent considerable time in the Sierra Leone River and surrounding areas during the middle 1780s, reported that

Another method which they make use of to dispose of their slaves is, to put them in pawn either to ships and factories, or the native traders, for a limited time; and if they are not redeemed at the expiration of that time, they become slaves to the person to whom they were pawned.... It is customary, indeed, for people of all ranks to put their children out as pledges, but then they are careful either to redeem them in time or to pawn them to the resident traders or established factories; and these pawns are generally considered as a protection for your property...but are equally as liable to be sent off, if not redeemed in due time, as the pawned slave.²⁷

F. B. Spilsbury, who visited Sierra Leone in 1805 and 1806, made a similar but not identical observation: "If a king or any other person goes to a factory, or a slave ship, and procures articles which he is not at that time able to pay for, he sends his wife, sister, or child, as a pawn, putting a tally round their necks; the child then runs among the slaves until exchanged; and it is an invariable custom never to take these pawns away.... At Tasso Island, I saw a great number of pawns with their tallies."²⁸ Such practices reflected the nature of the slave trade, in which creditors had limited redress if those who borrowed goods refused to pay or absconded.²⁹

By the later nineteenth century, the credit situation was substantially different. For one thing, rulers, landlords (*diatigi*), and Colony officials provided an umbrella regulating credit and business practices more completely than during the era of Atlantic slave exporting. Second, because commerce in food, imported goods, and exports was highly competitive, traders were obliged to give goods and money as credit in order to attract customers and build networks among suppliers. Sierra Leoneans often complained that they furnished substantial amounts of credit and found it difficult to collect debts even though they used the rulers' courts. Big men who ran trading operations, assisted by kin, slaves, and other dependents, granted goods on credit but did not typically require a pawn. Often times the smaller-scale traders with whom they did business were tied to them through diffuse social and political networks; in effect they were clients.³⁰ Furthermore, when necessary, big men could rely upon

power, including laws of seizure, to deal with debtors. All in all, a rather extensive credit system developed in the region, of which pawning was one aspect, perhaps only a minor aspect, of its operation.

Small-scale traders especially resorted to pawning. Pawns were sometimes given to guarantee credit or to indicate good faith when repayment was not made within the stipulated time. A child's labor could serve as a substitute for an interest payment. There are also recorded instances where traders *stated* that they pawned people in order to raise resources to facilitate trade.³¹ For example, around 1880 a trader arrived at the household of a titled official in the Kambia area who usually hosted him. He was accompanied by a commercial partner and a girl said to be a daughter of the partner's wife. The men declared that they were short of provisions and pawned the child for 24 bushels of husk rice. It may well have been that the traders wanted the rice for a business stake. They gave a ring to the host as a token that the girl was not of servile status and promised that she would be redeemed with a slave. The traders never returned, but the girl's mother eventually came to claim her.³²

In a case brought before a British District Commissioner in 1900, a trader testified that some time previously he had pawned his wife and son to obtain a young man who could carry goods for him into "French" Guinea. The youth apparently was a slave. The trader redeemed his son when he had an opportunity but found it difficult to recover his wife because the person who originally held her had died; that man's brother had inherited her and was reluctant to acknowledge her status as a pawn. Later when the trader sold the youth he was apprehended by British authorities for slave dealing.³³

Commercial expansion brought a greater circulation of goods and increased indebtedness. Adult debtors sometimes covered their obligations to traders by carrying loads or doing other work. They could also raise money by pledging rice, palm bush, canoes, and other property. But an indebted person might also pawn himself or another person directly to the creditor or to a third party who would pay off the debt. In one case, a man living in the rivers pledged himself to a long distance trader in order to compensate for a debt. After working for the trader for some time, he met his remaining obligation by substituting a slave that he had borrowed from his father. Ostensibly, the slave was going to be redeemed, but the trader was arrested by Colony police and charged with transporting him for sale.³⁴ Some, perhaps many, of the Sierra Leonean traders living in the rivers received children or young adults as pawns to secure loans and to assist them as domestics or laborers.³⁵ Such arrangements could blend into wardship when children were sent to be raised in the Colony. Sierra Leoneans also gained access to the labor of pledges who were held by

indigenous men and women they married or lived with, including their landlords.³⁶

Indebtedness caused some people to exhaust their network of support and to run afoul of the courts. Chronic debtors risked having their kin and friends refuse to provide assistance, and in certain instances, a socially imposed discipline obliged them to pawn themselves. In his *Anthropological Survey*, Thomas states that refractory debtors could be dealt with not only by "medicine" or by action of a court or a "secret" society, but also by sale into slavery. Furthermore, he writes, it was possible for a "chief to loan the necessary funds to the debtor, relying upon his power of seizing the debtor or his heirs if the money was not repaid."³⁷ Thus, until slave trading was abolished, the threat of enslavement hung over the head of those debtors who could not gain sufficient support from kin or others, conditioning their decision to become a pawn.

Outside the realm of commerce, pawning resulted from poverty and misfortune. There are many instances where the precise reason why people pawned children cannot be determined, but where they received only small amounts of imported commodities.³⁸ The goods may have been needed for food, a ceremony, or some social obligation. Military attacks disrupted towns and villages, and undoubtedly in the aftermath some people had to pawn children; however, there is no evidence of widespread pawning generated by war, as occurred in certain parts of Africa.³⁹ Ordinary people were forced into pawning by unexpected events, or an inability to mobilize needed resources from kin and friends.⁴⁰

Court cases were one of the most common causes of pawning. Defendants who lost cases typically were required to pay fines or restitution. If they could not meet the amount or perhaps chose not to use their resources, they could either provide a pledge as direct compensation, or use a pledge to raise goods or money from a third party.⁴¹ Wealthy households had available stocks of goods that poorer households lacked.

If someone had a case, he would come...and ask.... The one who comes to beg the salt would talk the price. Some would pledge a small child - giving the child and getting the salt. It was the same method with cloth and tobacco.⁴²

In the 1880s a man and his son (reportedly about 12 years old) traveled down from Loko country to the lower Kolente River area. There the father was accused of wounding an oxen belonging to the wife of a Sierra Leonean trader (a women of Temne- and Susu-speaking background). He was taken to a chiefly court and obliged to pay as compensation twenty dollars or the equivalent amount in goods. Unable to do so, he pledged his

son to her. Some years later, when this matter came before Sierra Leonean government officials, the father had repaid only ten dollars; it was determined that the son would be restored on full compensation.⁴³ In another case, a man was accused of theft and in a local court was not fined but instead allowed to return the goods. Since he did not have enough wealth to make restitution, he pledged his daughter to the person from whom he had stolen. Eventually, after he paid some compensation, she was returned to him.⁴⁴ Other events could force a person into pawning. For example, in the Koya kingdom a youth alleged to have a reputation as a thief was charged with stealing from a Sierra Leonean trader. The youth was living in a household headed by a woman who apparently was not his kin. Because of the law that a household head was responsible for the behavior of those under his or her authority, the woman was fined £3 by a local authority. Not possessing the money, she had to pledge her own son. Later, in order to raise funds to redeem her son, she sought recompense in the court of a higher chief, arguing that a relative of the offending youth was his legal guardian and should be held responsible for the theft.⁴⁵

Such events raise questions about the connections between the needs of people to pawn and their places in social networks. In some instances where people were obliged to pawn children encountered a crisis when quite far away from their homes, which made it difficult to mobilize resources. They were under a political jurisdiction that prevented them from leaving until there was a resolution. In some cases where crimes were involved, those charged may have pawned themselves either because they did not wish to call upon kin or friends, or because they found them unwilling to help, as did chronic debtors. When young men accused of having "women friends" (which usually meant adultery) lacked sufficient means to pay compensation, they might have to pawn themselves or they might be pawned by those socially responsible for them.⁴⁶ Conversely, the importance of kin support is proven by the several instances above where a relative redeemed a pawn with money or a slave. If a husband pawned himself, his wife's kin could decide whether or not to use their resources to redeem him.⁴⁷

While pawns were differentiated from slaves by the nature of the original contract, markers they wore, and other means, the line between pawns and slaves often was thin. Slaves were pawned, slaves were used to redeem pawns, and pawns as well as their children could become enslaved, even sold, if not redeemed.⁴⁸ Since the amounts that creditors gave in exchange for pawns were usually less than the value of a slave, the initial sum could be retrieved by selling an unredeemed pawn. Once the British had legally established a fixed amount for slave redemptions - £4 for an

adult and £2 for a child - the same sum was often applied in pawn redemptions.⁴⁹

A pawn was especially vulnerable when one of the initial contracting parties was absent or deceased, as well as when years had passed from the original transfer. A case heard in 1917 illustrates this point. A woman testified that when she was a child she had been pledged by her family in return for £1. Her uncle later redeemed her and married her, but when he died another relative claimed that she was actually a slave. In his court, a chief treated her case as if she were a slave, deciding that she had to pay £10 to redeem herself and her children.⁵⁰ A wife was not always able to redeem a child if her husband had died. A woman testified that her husband had pawned their son for rice and later, when near death, had given her a slave girl so that she could redeem the son. The husband's brother, who had the legal claim to inherit, refused to let her take the girl. When the wife went to the ruler of the state, he determined that she had no right to the girl.⁵¹

The gender dimensions of pawning cannot be definitively resolved, but the evidence is suggestive. Adult women seem rarely to have pawned themselves. Although women were traders and did acquire debts, it appears that on the whole women had less mobility and economic autonomy than men, and hence were caught up far less frequently than men in the legal and economic difficulties that led to self-pawning. Furthermore, legally husbands could pawn themselves - or their children - but not their free wives; such women belonged to a different kin group, and husbands did not acquire the right to transfer their wives.⁵² In the one instance cited above there is a hint that the woman may have been a slave before she was married and thus lacked kin support.⁵³ For females, marriage not pawning was the likely transfer. In times of difficulty, kin groups could receive bride wealth by arranging marriages for their daughters, including young girls who remained with their families until they reached maturity. Available accounts suggest that boys and girls were about equally likely to be pledged, but, according to Thomas, at marriageable age a pawned girl frequently was redeemed - indicating that her kin group prized her as a source of bride wealth or to establish links with another family. If a girl was not redeemed by her family, however, the master typically would not allow her to marry a free man unless the prospective husband redeemed her, or he might marry her himself.⁵⁴ One final point is suggestive: unredeemed adult female pawns appear to have been more likely than men to slip into slave status. This may have reflected the fact that men had more opportunities to pay for their own redemption. Particularly during the colonial era, pawns like slaves could free themselves by selling cash crops or raising money.⁵⁵

In the late nineteenth century, the scale of pawning was limited by the absence of agriculture crises and famine and by the availability of resources through production and trade, the buffering capacity of networks, and migration to the Sierra Leone Colony. Slavery, adoption, wardship, and other mechanisms of labor transfer prevailed in a context of social and economic stratification and expanding capitalism. A certain amount of pawning took place for commercial reasons, but pawning was caused mainly by poverty, indebtedness, unforeseen events, and the exhaustion of social resources. Children were the most vulnerable in such situations. During the first decades of the twentieth century, British policy curtailed pawning, while other forms of transfer (except slave trading) continued to exist and wage labor expanded. Slavery remained strongly entrenched up until abolition. Pawning did not become an important means of labor mobilization in the later nineteenth and early twentieth centuries, as happened in some parts of Africa where slavery declined.⁵⁶

Notes

1. Northwestern Sierra Leone is defined here as the region from the Guinea border south to and slightly beyond the Rokel River and from the eastern foothills to the sea, roughly the area of the old Karene District. However, most of the data and findings in this article pertain to those sections near the coast that comprised the Port Loko and Kambia Districts.
2. The linkages with the interior had been growing stronger since the second half of the eighteenth century; see Allen M. Howard, "The Relevance of Spatial Analysis for African Economic History: The Sierra Leone-Guinea System," *Journal of African History*, 17 (1976), 365-88.
3. In this chapter the term "slave" is used for convenience. It would be more accurate to use African terms and to distinguish among different unfree statuses. For Sierra Leone, a number of scholars have addressed the subject, including Arthur Abraham, C. Magbaily Fyle, John J. Grace, Adam Jones, and Carol P. MacCormack, and their work is referred to in the notes below.
4. John L. Grace, who has done the most extensive research on slavery in Sierra Leone, accepts the figures that Captain W. B. Stanley, a long-time colonial officer, gave in 1922, namely that slaves constituted approximately 15 per cent of the population of the Protectorate but that the proportion varied greatly according to ethnic group. See *Domestic Slavery in West Africa with particular reference to the Sierra Leone Protectorate, 1896-1927* (New York, 1975), 169ff. Martin H. Y. Kaniki also accepts Stanley's general estimate, see "Economic Change in Sierra Leone During the 1930s," *Trans African Journal of History*, 3, 1-2 (1973), 86. The effort to correlate slavery with ethnicity is highly suspect, however; a more accurate correlation is with location, commercialization of agriculture, and linkages with interior and overseas trade. Because of these factors, the proportion of slaves in the northwest coastal region was probably higher than the Protectorate average.
5. Allen M. Howard, "Production, Exchange, and Society in Northern Coastal Sierra Leone during the 19th Century," in V. R. Dorjahn and B. L. Isaac, eds., *Essays on the Economic Anthropology of Liberia and Sierra Leone* (Philadelphia, 1979), 45-61.

6. Allen M. Howard and David E. Skinner, "Network Building and Political Power in Northwestern Sierra Leone, 1800-1865," *Africa*, 54 (1984), 2-28.
7. For reciprocal giving and lending among a neighboring people see Michael Jackson, *The Kuranko. Dimensions of Social Reality in a West African Society* (New York, 1977), 73-77.
8. See Luise White, *The Comforts of Home. Prostitution in Colonial Nairobi* (Chicago, 1990), 32, 235.
9. One informant gave the following general statement: "Our old people used to do this. If you had plenty of rice and another had none, the second would go and take his son to the man who has rice and say 'I have come to bring you my son and you give me rice.' So they would talk a price. So he will leave the child and carry the rice. If they do not come to pay the debt, the child will remain there and will be working for the one who gave the rice" (Howard interview with Pa Almamy Follah, Port Loko).
10. The worst harvest appears to have been in 1909, when rains were erratic. Conditions were also severe in 1910, when people resorted to gathering palm cabbages and other famine foods, there is no evidence of increased pawning at that time. The Karene District Commissioner tried only two cases of slave dealing, actually pledging, in 1909 and three in 1910. Annual Report, Karene District, 1909, CSMP 230/1910, (SLA); Annual Report, Karene District, 1910, District Commissioner Karene 54/1911 (SLA); Annual Report, Headquarters District, 1909, CSMP 2516/1909 (SLA). During the First World War, government interference with the rice market and other factors caused temporary local shortages and high prices. These conditions occurred again immediately after the war. There was substantial hunger in some districts in 1919, but apparently without any increase in pawning. See chapter 7, "Production of Food and Export Crops during the Colonial Era," in A. M. Howard, *Production and Exchange in Northwestern Sierra Leone, 1780-1930* (forthcoming).
11. Into the 1920s, British authorities continued to report, disapprovingly, that wards were being sent to Freetown. Capt. W. B. Stanley, a long-term district commissioner who felt that domestic slavery was rather mild, stated in a widely circulated memo of 23 Apr. 1924, that children sent for training in the Colony were "in all probability" purchased with cash; CO 267/604, Cmd. 3620, Feb. 1928. Such statements must be assessed with care since many British officials at this time were strongly biased against Sierra Leoneans (Krio); see Akintola J. G. Wyse, *H. C. Bankole-Bright and Politics in Colonial Sierra Leone 1919-1958* (Cambridge, 1990), 63ff.
12. There are some references to the diet of slaves, which was generally poorer than that of their masters, and it is possible that in times of food shortage masters reduced the amount given to slaves.
13. They demonstrate conclusively the upsurge of pawning in the drier, poorer inland areas; see "The Resurgence of Pawning in French West Africa During the Depression of the 1930s," *African Economic History*, 16 (1987), 23, 33ff.; also in this volume.
14. From the 1910s, colonial taxes, rising demand for imports, and unsteady commodity prices increasingly led farmers to pledge their harvests to traders in order to secure loans or pay off their debts.
15. *Domestic Slavery*, 31-37, 97ff. He also discusses how the Aborigines Rights Protection Society and various missionaries tried to abolish or regulate pawning.
16. In addition to other provisions regarding transfer of people, the Ordinance stated that a person could be found criminally guilty if that person "places or receives any person in servitude as a pledge or security for debt, whether then due or owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called." Moreover, anyone who "aids, assists, counsels, procures, or commands any person to commit" a crime under the act could be tried as an accessory

- or as a principal offender; see Correspondence Relating to Domestic Slavery in the Sierra Leone Protectorate, particularly Desp. Gov. to Sec. of State, 30 Apr., 1924, Great Britain, Parliamentary Papers [Cmd. 3020].
17. Colonial Secretary's Minute Paper (CSMP) 1266/1903, Karene District Annual Report, 1902, Sierra Leone Archives (SLA); CSMP 1129/ 1904, Karene District Annual Report, 1903.
 18. The official interpretation - both racist and essentialist - was set out in a circulated memo of 1914 and in the General Orders of 1918. Grace notes that only one District Commissioner objected to that viewpoint; see *Domestic Slavery*, 202, 206-7.
 19. Although I interviewed many people from varied social backgrounds who supplied a good deal of information on slavery and slave trading, I have only limited oral data on pawning. A comprehensive study of pawning would require much more direct interviewing about it and other transfers, including marriage.
 20. This is based on various cases; also see N. W. Thomas, *Anthropological Report of Sierra Leone Part I. Law and Custom of the Timne and Other Tribes* (London, 1916), 155-71; Carol P. MacCormack, "Wono: Institutionalized Dependency in Sherbro Descent Groups," in Suzanne Miers and Igor Kopytoff, eds., *Slavery in Africa. Historical and Anthropological Perspectives* (Madison, 1977), 195; and John Grace, "Slavery and Emancipation among the Mende in Sierra Leone 1896-1928," in Miers and Kopytoff, *Slavery in Africa*, 418, 422, 429.
 21. Paul E. Lovejoy, *Transformations in Slavery. A History of Slavery in Africa* (Cambridge, 1983), 5ff.
 22. For historical statistics on migration, labor recruitment and control in Freetown, see Barbara E. Harrell-Bond, Allen M. Howard, and David E. Skinner, *Community Leadership and the Transformation of Freetown (1801-1976)* (The Hague, 1978), 31ff.
 23. Carol P. MacCormack, "Control of Land, Labor, and Capital in Rural Southern Sierra Leone," in Edna G. Bay, ed., *Women and Work in Africa* (Boulder, 1982), 41.
 24. As Miers and Kopytoff have shown with regard to slavery, such transfers were legitimate because kin groups possessed rights in persons and could transfer those rights, temporarily or permanently, partially or completely; see *Slavery in Africa*, 10ff.
 25. For the potentially abusive aspects of wardship, see Leo Spitzer, *The Creoles of Sierra Leone. Responses to Colonialism, 1870-1945* (Madison, 1974), 79-81.
 26. David E. Skinner, "Islam and Education in the Colony and Hinterland of Sierra Leone, 1750-1914," *Canadian Journal of African Studies*, 10, 3 (1976), 499-520. *Alfa* were occasionally accused of selling or pawning their students, although such abuses were very rare; see Native Affairs Minute Paper 256/1896 (SLA).
 27. *A Voyage to the River Sierra Leone on the Coast of Africa* (London, 1788), 156.
 28. *Account of a Voyage to the Western Coast of Africa* (London, 1807), 40. He also stated that if a pawn was taken, no trader of the same European nationality would again be allowed to operate at the place. For other commercial uses of pawning on the Guinea coast, see Lars Sundstrom, *The Trade of Guinea* (Upsala, 1965), 36-45.
 29. According to Miers and Kopytoff, the "pawn was not a hostage to insure good behavior but an object of equivalent value to the loan, and the whole transaction was a pecuniary one" (*Slavery in Africa*, 10). Matthews and Spilsbury, however, both suggest that such pawns were guarantors of good behavior as well as units of value. There are also some examples from a later period when slaves were transported from northwestern Sierra Leone to Rio Pongas for shipment overseas. Native Affairs Minute Paper (NAMP) 213/1892 (SLA). See also Joseph C. Miller, *Way of Death. Merchant Capitalism and the Angolan Slave Trade 1730-1830* (Madison, 1988), 179.
 30. According to Miller, there was a high incidence of pledging among the Imbangala in the late nineteenth century "owing to economic opportunities connected with the

rubber boom. The prospect of making a quick profit prompted lineage officials to offer dependents...in exchange for wealthy neighbors' trade goods, which they hoped to sell with sufficient gain to buy their dependents back and end up with their working capital intact;" see "Imbangala Lineage Slavery (Angola)," in Miers and Kopytoff, *Slavery in Africa*, 225. The descendants of large-scale traders whom I have interviewed do not claim that it was common practice to require pawns in return for a supply of trade goods. See, for example, Howard interviews with Alhaji Dumbuya, Port Loko, and Pa Almami Lahai, Melikori.

31. The testimony in the documents varies, and care must be taken in interpreting them. Sometimes a person gave a direct statement to an African or European official. In many instances, the person was seeking redress but in a few cases was accused of a crime. There are also questions about the meaning of words and their translation into English. For example, people often are recorded as referring to their "father," a term that could mean a senior relative, patron, or master as well as a biological father.
32. J. T. Allen, Sub-Officer, Kambia to Inspector General, 21 June, 1892, NAMP 18/1892 (SLA).
33. CSMP 979/1900 (SLA). In such cases it is impossible to tell if the trader intended from the start to sell the slave. There also are instances of traders living in Freetown who pledged relatives to people inland in return for money or goods; see CSMP 556/1904 (SLA).
34. There are other recorded instances of a person borrowing a slave from his father or another kin to repay a debt and free himself from pawnship; see, for example, NAMP 488/1894.
35. Detailed descriptions are found in Government Interpreter's Letter Book (GILB) 1876-78, encl. statements of 18 Dec. 1877 (SLA). The statements should be regarded with suspicion because they were made by children and youths taken to Freetown by agents of the *Alikali* of Port Loko. At that time, the ruler was involved in a dispute with a number of Sierra Leoneans and wished to incriminate them by accusing them of holding slaves. With only one exception, however, the statements clearly describe pawning arrangements. Four of the pawns who were young adults said that their masters trusted them and had regularly sent them to Freetown to conduct business.
36. Local Letters to Governor, 1870-71, Statements of persons sent by Bay Farima," 30 Nov. 1870 and 5 Dec. 1870 (SLA). It was also reported that Sierra Leoneans were able to employ slaves as laborers.
37. Thomas, *Anthropological Report*, p. 169. In 1845, Rev. Christian Schlenker, a C.M.S. missionary stationed in Port Loko, reported that among the Temne a creditor could claim a slave belonging to the debtor or seize the debtor himself and sell him if a man did not pay his debts; see C.M.S. microfilm 0192, report 4th quarter, 1845.
38. In one set of testimonies in 1877, traders were said to supply the following goods in exchange for pawns: for a girl, some pieces of cloth and a keg of gunpowder; for a boy, some pieces of cloth, one musket, some tobacco, and one keg of powder; for a boy, 16 kettles of rice. The musket and gunpowder suggest a military use, or hunting, which does not necessarily imply a food shortage since hunting was a regular source of protein. "Statements of 9 persons said to be slaves," 18 Dec., 1877, GILB 1876-1878 (SLA). In about a dozen cases (children and adults) between 1877 and 1896 the amount of goods received can be quite accurately measured: the value ranged from 15s. to slightly over £4. During the same period, 2 oxen or one cow typically sold for £4-5. John Iliffe has presented examples from many parts of the continent where poverty, debt, and calamity led to pawning; see *The African Poor. A History* (Cambridge, 1987), 50ff.
39. Both the oral and written records stress the dangers of enslavement when places were

attacked; oral sources also describe villagers following local big men to safety or in other ways avoiding warriors. An informant made the following statement regarding a big man of the precolonial period who had authority over eight villages and towns: "When the inhabitants made [rice] farms, they all brought him his share after the harvest because he was the father of them all. He had protected them from the onslaught of war and prevented them from being taken into slavery" (Howard interview with Alhaji Usman Fofana, Mamori village).

40. Among the "conversationists" who did not view pawning in a negative light was Capt. H. G. Warren, a long-term district commissioner. He stated that children were often "lent" from one family to another, with pawning to secure debts being one form of transfer (DC/Kar 121/1916, SLA). As with trading credit, a family might initially receive goods without having to furnish a pawn, but if they were unable to make a payment, they might have to provide a child to guarantee good faith.

41. The term "cassey" was widely used to mean a fine imposed on a person or group for law breaking. If a "cassey" was placed on a person he was given the option of paying; if he refused, or could not pay, he might then be seized. Once seized he might pledge himself in the expectation of redemption. See letter from Lawson to Jackson, Governor's Private Secretary, 22 Dec. 1881, GILB 1879-1881 (SLA).

42. Howard interview with Almamy Follah, Port Loko.

43. This case is interesting in a number of ways. The Sierra Leonean trader, a British subject, was accused of owning slaves. His wife testified that she had many slaves but none belonged to her husband. She also declared that although the boy was a free born person he was still her "slave" (the term used in the recorded testimony) until the full amount was paid. See Local Letters to Governor, 1870-71, Statement of persons sent by Bey Farima, 30 November, 1870 (SLA).

44. This case shows the varying responses that colonial administrators made to pledging cases. The transfer, made in 1898, was honored by officials, but an officer helped the man secure the return of his daughter after he made the payment (CSMP 1121/1903).

45. CSMP 328/1895.

46. There are a number of such cases recorded. In the following examples youths either pledged themselves or were pledged to traders for goods used to compensate the aggrieved parties: 1) a man, reportedly age 22, stated that his friends took him to a trader so that he could obtain money for the compensation - three pieces of grey cotton and two pieces of blue baft; 2) a man, also reportedly age 22, stated that his landlord took him to a trader to obtain three pieces of blue baft, two pieces of print, one piece of grey cotton, one keg of gun powder, and some miscellaneous small items; 3) another 22-year old man stated that his relatives took him to a trader in exchange for three pieces of baft and six pieces of grey cotton ("Statement of 9 persons said to be slaves," 18 Dec., 1877, GILB 1876-78, SLA).

47. According to Thomas, when a man pledged himself, his wife would return to her parents (*Anthropological Report*, 170). Affinal as well as kin ties were sustained by reciprocity, and therefore, if a husband pawned himself and could not meet his responsibilities to his wife, her obligations as well as her kin's were reduced.

48. Pawning could stimulate slave trading. For instance, if an indebted person pawned himself, then borrowed a slave to redeem himself, that slave might be sold by the recipient while the debtor might acquire a slave in order to replace the one used to redeem him (NAMP 488/1894). It is impossible to estimate whether a significant number of unredeemed pawns became slaves. There are several cases among the many hundreds of "escaped slaves" registered in Sierra Leone between 1874 and 1896 who had been pawns, but only one stated that she had been pledged, then taken for sale (Register of Escaped Slaves, SLA).

49. See, for example, NAMP 520/1896 and CSMP 507/1900.
50. Port Loko District Native Administration files, Dibia Chiefdom 17/1917 (SLA). An informant stated: "If it was a woman they brought (to pledge) and if she grew up and married and bore even 10 children, all would be slaves. The one who brought the woman that they hold now as a slave, if he wants the woman and her children, he will have to redeem all of them" (Howard interview with Pa Almamy Follah).
51. She told the District Commissioner of Karene that she would find another husband who would redeem her son (NAMP 507/1896).
52. Thomas explicitly states that among the Temne "A man might pawn himself or his children, but not his wife;" see *Anthropological Report*, 170.
53. There are several possible explanations for the statement by Spilsbury cited in footnote 28 above. The wives may themselves have been slaves.
54. *Anthropological Report*, 170.
55. In one revealing case a women was pledged by her brother to a man, but she then had a son by another man. The woman apparently remained unredeemed for a long period, and her son stayed bonded until he was an adult. When his father died, he inherited his father's grove of kola trees and used money earned by selling kola nuts to redeem himself from the person who had originally received his mother (Port Loko District Native Administration files, Dibia Chiefdom 20/1925, SLA).
56. Lovejoy, *Transformations*, 278-79. Evidence also fails to prove that pawning significantly inhibited the development of a wage labor force during the early colonial period, as has been found in some parts of Africa. See Suzanne Miers and Richard Roberts, eds., *The End of Slavery in Africa* (Madison, 1988), 45, 95ff. An assessment of the forces encouraging and inhibiting the rise of wage labor in the region would require a comprehensive study of all forms of labor control and transfer. The research of Ibrahim Abdullah on wage labor in Freetown and the Marampa mines is an important step in that direction. See "The Colonial State, Mining Capital, and Wage Labour in Sierra Leone, 1884-1945: A Study in Class Formation and Action," Ph D. thesis, unpublished, University of Toronto, 1990.

CHAPTER 14



INDIRECT RULE AND THE BRIEF APOGEE OF PAWNSHIP IN NIMBA, LIBERIA, 1918-30¹

MARTIN FORD

Scholars have described Liberia as "sui generis," having "a history and development somehow atypical of the continent as whole."² This reputation for uniqueness stems in large part from Liberia's never having been colonized by a European power. It was a colony, however, founded in 1822 by the descendants of American slaves. These Americo-Liberians, as they called themselves, established a string of settlements along the coast and claimed a vast interior, but generally failed to penetrate beyond a forty-mile constitutional zone, which they distinguished from the unexplored hinterland.³

After declaring independence from their American sponsors in 1847, the colonists enjoyed moderate economic success based on the production of sugar cane and coffee. Trade with the indigenous peoples for commodities like camwood, piassava, and palm oil added to this modest prosperity. Yet, prosperity was short-lived. The introduction of regular steamship service to Liberia in the 1870s and the onset of a world depression in the 1880s contributed to decline.

Economic malaise on the coast quickened Americo-Liberian interest in the hinterland. Liberian officials tried to enlist French and British aid in penetrating the interior, claiming a unity of purpose with the colonial

powers. They lost enthusiasm for cooperation in the 1880s when it became obvious that the Europeans coveted land that Liberia claimed. It was this combination of economic desperation and political threat - the need to raise revenues and to protect national borders - that compelled the Liberian government to sign border conventions with France and Britain in 1892, 1907, and 1911. Liberia agreed to establish a Frontier Force, through which it would exercise effective occupation of the hinterland. On the brink of bankruptcy, the government was hardly able to sustain a military campaign, but it risked losing the hinterland if it did not.

During the second decade of the twentieth century, the Liberian government launched a campaign of "pacification" aimed at bringing the hinterland peoples under its rule. Among the most contentious areas was the portion of the Franco-Liberian border that protruded between the French possessions of Guinée and the Cote d'Ivoire. In 1916, Liberia's Secretary of State Charles King urged the Frontier Force to secure the banks of the Mani (St. John) and the Nuan (Cestos) rivers and put an end to the French practice of "nibbling at our territories."⁴ From the perimeters of this territorial wedge, the Liberians extended their military campaign south of Mount Nimba, after which the region would be named. Exploiting cleavages among the segmentary Dan and Ma (Mano), government forces conquered the region in serial fashion. Shortly after subduing the local peoples, the Liberians established a hinterland administration, which is said to have been modeled after British indirect rule.⁵

In Liberia, administration of the interior was hampered by the same lack of funds as hindered conquest. But unlike the British system, interior rule suffered from no lack of personnel. Scores of Americo-Liberians and coastal Africans were detailed to the hinterland. Administrative positions in the interior became rewards for the men at the margin of the political patronage system in Monrovia, the capital, as well as for indigenous clients.

Indirect rule was less concerned with cutting costs than with raising revenues. This was particularly the case after 1913, when customs duties, the chief source of national income, were placed under receivership and used to repay a loan negotiated with Western creditors the year before. Military and civilian officials went without pay for many months and turned to living off the local population by extracting labor, materials, and cash, while rendering little in return.⁶

Pawnship became an integral part of this extractive system, contributing to the transfer of wealth from the interior to the coast while exacerbating the gap in wealth between indigenous farmers and chiefs. Pawnship, the exchange of a person as collateral for a debt, resembled several forms of preconquest domestic servitude. But the forced infusion of cash into the local economy and government policies that placed farmers in

debt endowed the institution of pawnship with new features that lacked precedent.

The Context of Pawnship in Nimba

At the time of conquest, the Dan of the Nimban forest were shifting rice farmers inhabiting small, dispersed villages that occasionally united in war against each other under the leadership of lineage and clan elders called *boumehnu* (sing. *boumehn*), who vied with each other for followers.⁷ The term *boumehn* literally means "wealthy person." *Bou* refers to material possessions: domestic animals, cloth, salt, mats, basins and ornaments, to name a few.

The term implied reciprocity. The uses of wealth, and not its accumulation, defined a successful leader.⁸ A *boumehn* was entitled to ritual dues from followers. He received portions of animals killed in the hunt and of produce from the farm. Followers rendered him offerings in recognition of past favors and in hope of future gain. In return, the *boumehn* provided his followers protection in times of conflict and interceded in disputes on their behalf, often paying damages for them.⁹ Moreover, he would help a client negotiate marriage or even give him a wife. By rendering such favors, a leader accumulated clients and created alliances.¹⁰

Living just beyond the range of the Poro, the pan-ethnic secret society that spans parts of Sierra Leone, Guinea, and eastern Liberia, the Dan were politically fragmented like the neighboring Ma and Kpelle peoples, perhaps even more so. The Liberians exploited this disunity in conquering the Dan between 1912 and 1918.¹¹ For administrative purposes, Monrovia divided the region into a graded series of territorial units, placing an administrative officer over each.

The secretary of war and the interior was charged with overseeing "Native Policy" in the provinces, the three major hinterland jurisdictions. Below him, district commissioners governed five interior districts. Each district was divided in two, one subdistrict administered by the district commissioner, himself, the other by an assistant district commissioner. The subdistricts were in turn split into sections, supervised by station masters. This ensemble kept a host of clerks, messengers, and hangers-on, most of whom were Americo-Liberians and assimilated Africans from the coastal region.¹²

The district commissioner was the most important figure in this hierarchy. In theory, he was to "assist the chiefs and work in harmony with them," serving as an intermediary between the government and the indigenous peoples.¹³ In practice, the commissioner ruled his district like a personal fief, generally free from Monrovia intervention. Chiefs served at

his sufferance, seldom questioning his authority without serious consequences.¹⁴

The officials at the top of the indigenous hierarchy were designated "paramount chiefs." Monrovia placed paramount chiefs in charge of the coalitions - "sections" or "tribes" in government parlance - that had surrendered to the invaders. These defensive confederations were considerably larger than preconquest political units, often uniting descent groups that were hostile before the threat of invasion forced them to set aside their differences. Thus, most paramount chiefs were administrative chiefs, without traditional authority and unrelated to many of their subjects. In contrast, town chiefs (or headmen), who formed the base of the hierarchy, were often lineage heads, whose charges were their kin.

The major function of this administrative hierarchy was to extract labor, materials and cash from the population through a system of quotas placed upon the quarters of the towns formed from preconquest villages.¹⁵ These quotas were varied. They ranged from the need for laborers for public works, to the annual collection of the hut tax and monthly requisitions of rice and palm oil, to the impromptu visits of passing officials demanding porters, livestock, food, palm wine, and women. Within three months of conquest, the Dan and Ma had constructed seventy-five miles of road. The following year, fifteen government farms were under cultivation in Nimba, and public works projects were underway in every major town. Such projects provided innumerable opportunities for officials, from the district commissioner to the lowly messenger, to translate infractions and delinquencies into fines.

The most striking aspect of these fines was their sheer exorbitance.¹⁶ For mishandling a hamper of rice valued at less than fifty cents, a carrier might be fined more than five dollars, and chiefs were forced to deliver hundreds of dollars for road delinquencies. Captain Thomas Mitchell, an American who served as commissioner general from 1916 to 1919, was at first hesitant to criticize this system. He eventually lamented that the people were being "practically bled to death" by fines that were "invariably...out of all proportion to the offense committed." In the 1920s, travelers provided ample testimony that Nimba's people were being "fined poor by the incessant demands of the highest to the lowest."¹⁷

Demands for cash were sudden and exorbitant, and the Dan were ill prepared to meet them. Dan society had been relatively isolated until shortly before conquest, its economy subsistence-based, with exchange almost exclusively by barter. On his first foray through Nimba in 1912, the American military adviser, Major Charles Young, commented in frustration, "They sell everything; give nothing and take no money, doing all business by barter."¹⁸ The hut tax was a particular hardship. It consisted

of an annual one dollar assessment against every dwelling. Because there was so little Liberian money in circulation, officials took payment in French and British coin. Unlike the French, who accepted tax payments in cash crops, the Liberians seldom accepted non-cash equivalents.

Whatever the demand, whether a quota of "boys" to build roads, a requisition of rice, or a designated tax payment, the town chief was the focus of collection efforts. If he failed in delivering the quota, soldiers were sent to collect it. In some cases, the headman indicated delinquent parties, who then endured the attentions of the soldiers.¹⁹ In others, he was held in lieu of the payment. District commissioners frequently imprisoned several chiefs at a time while waiting for ransom.²⁰

If local headmen bore the burden of government demands, paramount chiefs reaped the benefits. The quarter-quota system gave them access to unprecedented sources of wealth. In addition to commissions on tax receipts (as much as fifteen percent), they received labor kickbacks, court costs, and fines. Dutiful chiefs became cash repositories. As holders of cash, they were approached by subjects who asked for assistance in paying the tax. This was the context in which pawning came to prominence in Nimba.²¹

The Evolution of Pawnship in Nimba

One way for town chiefs to avoid mistreatment or incarceration was to give livestock and children in pledge to their administrative superiors in return for cash. In June 1919, Horace Sawyer, an American with the Franco-Liberian Border Commission, intercepted seven cows and four "little girls" sent to the coast by Samuel Cooper, station master of District Number 3. Sawyer's subsequent investigation produced several documents that give insight into the practice of pawning.²²

Cooper claimed to be acting on behalf of his brother-in-law, District Commissioner Boyma Sandimannie (1917-19).²³ Sawyer's inquiries revealed that the district commissioner frequently sent such caravans to the coast in care of messengers. Sherman Coleman, an old soldier who worked for Sandimannie, explained:

Chiefs would come to me and want to pawn their people; I would go to Mr. Sandimannie who would give me money to buy the people with. Their agreement...was that after a certain length of time had elapsed and the chiefs did not redeem them, they [the pawns] became the property of the District Commissioner. If the chiefs wanted to redeem them

before the time was up, they were required to pay from \$5 to \$8 in interest.

Coleman testified that Sandimannie had furnished him with \$113, which he used to obtain eight pawns (six girls, one woman, and one boy), paying between \$13 and \$20 each.²⁴ Sawyer was able to corroborate Coleman's testimony by interviewing the chiefs in question. They claimed they had been compelled to pawn the women and children to obtain money to pay the hut tax.

Sandimannie's behavior was not unusual.²⁵ Several months earlier, Rachel Smith, the widow of Commissioner Samuel Smith (1914-17), wrote Sandimannie requesting that an itemized account of the effects her late husband had accumulated in the interior be sent to her in Bensonville, a coastal settlement:

Relative to persons he may have up there, if you think it advisable for them to come, and think they'll be any use to me, you may send them. If not, you can dispose of them as you think best, and send me the money. But I wants [*sic*] all the minor ones.... I am in need of two women to assist me in my farm. So select two good ones to send down that won't give me trouble.²⁶

The account drawn up in response to her request listed four cows, two girls, five boys and a woman with child, all apparently pawned to her husband before his death. The five boys had already run away. The girls remained.²⁷

Ex-station master J. A. Johnson wrote Sandimannie the year before, asking his former boss to get him a "small girl" (a favor he implied the commissioner had rendered at least two other friends). He promised to reimburse his patron.²⁸ On learning of Sawyer's investigation, Secretary of Interior John L. Morris admonished Sandimannie to "be careful about those other articles," assuring him that he would prevent any search of his premises on the coast.²⁹ Although there is no direct evidence that Morris accepted pawns, the Dan were a major source of labor on the Morris plantation outside of Monrovia from the days of his father J. J. Morris, when he had been secretary of the interior.³⁰

This sparse though revealing documentation indicates that, while pawnship in Liberia was generally similar to the institution in other parts of West Africa, it was in many ways unique. Although the government called pawnship "a very old custom," the practice that emerged from enforced monetization in Nimba seems to have mixed elements of the Dan institution with aspects of Americo-Liberian adoption and the realities of a commercial relationship.

The Liberians had taken indigenous children into their households from the very first year of colonization. Throughout the nineteenth century, virtually all the children accepted into Americo-Liberian homes were from coastal groups. Some served as mere drudges, while others - probably the majority - were treated kindly and assimilated to the settler way of life. They came under different auspices. "Pawnship," "apprenticeship," "wardship," and "fosterage" were the labels used to cover a range of relationships, only some of which involved children transferred as surety for debt.³¹ By the 1920s, according to one report, "practically every negro family in Monrovia and other coast towns (had) such children in its household." As the economic crisis deepened on the coast, prompting a movement of personnel to the hinterland, previously remote groups contributed to the institution, and true pawns played a greater part in the flow.³²

Pawnship contributed to the tributary relationship joining the interior population with the coastal elite. This was so at least in part because interest payments were a crucial component of the local institution. Pawns were redeemable only upon payment of the pledge *and* a substantial interest charge, an important contrast to the institution in areas where the labor of the pawn serviced the debt.³³ If not reclaimed within an allotted period of time, pawns could be sold outright. Indeed, the caravans of pawns to the coast ensued from the debtors' failure to repay on time. Thus, interest seems to have helped fuel the flow of pawns to the Americo-Liberian settlements and to have obscured the difference between pawning and slavery.

Government Regulations

Because they had been slaves in the United States, the Americo-Liberian settlers fervently opposed the institution of slavery. They named their colony "Liberia," land of the free, and from the very first years of settlement, provoked the enmity of coastal chiefs by pursuing a vigorous campaign against the slave trade. Their constitution explicitly forbade slavery.³⁴ Yet, in extending their rule among the interior peoples, authorities compromised this abolitionist tradition. During the conquest of the interior, the Liberians recruited indigenous auxiliaries, allowing their allies to capture people, even setting fees for the redemption of the captives. Many of these captives remained unredeemed years after the military conquest.³⁵

Once Liberian authority was established in the interior, slavery was declared illegal, but pawnship was recognized. In 1923 eighteen regulations were enacted that blurred the distinction between the two forms of servitude, allowing pawnship to substitute for slavery.³⁶ For instance, the first regulation stated, "All pawns must be accompanied by a token, such as a ring placed on the finger, earring, leopard tooth, or bracelet." If the

exchange was transacted without benefit of this token, the transaction was "slave dealing." Thus, all that separated pawnship from slavery in official eyes was the transfer of a trinket. With or without the token, the effect on the person pawned was essentially the same.³⁷ Other regulations were aimed at curtailing abuses: pawns should give their consent; pawns should always be redeemable; pawns should be able to redeem themselves; no interest should be attached to the pawning transaction itself. Whereas the regulations appeared to uphold reforming sentiments, in practice pawnship was legalized as an oppressive institution. Theoretically, no one could be pawned without his or her consent, but because most pawns were children, they could not legally give consent. Whereas pawns might have the right to redemption, few were redeemed in practice.

In general, the regulations tended to solidify the advantage of the creditor vis-à-vis his client. Thus, if a pawn escaped or died, the holder was entitled to repayment of the loan or replacement of the pawn. If the pawn committed a crime, the holder could require restitution at the time of redemption. Furthermore, the holder could transfer the pawn to a third party, albeit with the knowledge of the owner.

Most important were the clauses regulating the relationship with female pawns, whom the holder could "take to wife." Not only did the creditor have sexual access to the female pawn, he could collect adultery damages if she took a lover (although sharing damages with the debtor was said to be customary). These two regulations were repeatedly invoked during pawnship's apogee among the Dan in the 1920s.³⁸

The Indigenous Perspective

Although pawning is said to have existed throughout West Africa before the colonial era, my octogenarian informants had difficulty placing the institution in a preconquest context. While they readily spoke of domestic slavery (*nuan*) as an age-old institution, they knew pawning (*truan*) primarily as a response to government demands for cash.³⁹ Their statements accord with the account a Ma authority offered to Commissioner-General John L. Morris in 1923. Morris investigated a dispute that ensued after the funeral of a chief who had died on his return from French Guinée. In Guinée, people from the Liberian side of the border had accused the chief of pawning them. The French authorities arrested and imprisoned the chief, releasing him only after he became ill. Shortly after his return home, the chief died, prompting a conflict between Ma on both sides of the border.

Commissioner Morris stated his belief that the local Ma pawned children across the border. When the accused denied this, Morris challenged them "to swear that you people do not sell your children or give them to the people on French side." A spokesman replied that before the

Liberian arrival, the Ma sold war captives into slavery, as well as those who violated secret society rules or who were unable to pay damages for adultery. Yet pawning, he claimed, was only a recent practice.⁴⁰

Anyone could be pawned. A man could even pawn himself, but children, particularly daughters, were the primary object of transactions. In a patrilineal-virilocal society, this made sense from the debtor's point of view. On marriage, a daughter would customarily reside with her husband's relatives, and her children would belong to his descent group. Thus, a daughter was viewed as more expendable than a son. If, indeed, the girl was more expendable than a boy to the debtor, she could be more desirable to a potential creditor. In acquiring a female pawn, a creditor gained many of the privileges of marriage but few of its responsibilities. Whereas true marriage required the husband to render the girl's parents gifts that might include bride service and bride wealth, these were not part of pawning.

If a man took a young girl in pawn for cash, he could have her raised as a future wife. He would then gain sexual rights to her with puberty, but paid no bride wealth. Considering the requirements involved in Dan marriage - gifts and services rendered the wife's family over the life of the union - such pawning was a true bargain. Moreover, in accord with the ethos of patrilineal descent, the children born to the pawned woman belonged to the man's lineage. If she ran away to her kin, he could seek immediate repayment of the debt just as he might demand return of the bride wealth were she his legitimate wife. More importantly, the creditor had a claim on the products of his pawns' labors. This may have been the most significant advantage in receiving women in pawn, for women were the mainstay of subsistence production. In sum, a pawned woman was like a wife, and pawning a woman was like marriage, but the pawning exchange was heavily weighted in the creditor's favor.

These advantages to the creditor do not explain the frequency of pawning in the 1920s.⁴¹ Neither do government demands that made men desperate for cash. Pawning was a reaction to extreme need, a "counsel of despair," as Klein and Roberts have said, but there was also an element of foresight, of calculation, to the debtor's decision to pawn a dependent, for pledging a daughter might earn a man more than a short-term gain of cash.⁴² Though the arrangement did not have the strength of the marriage contract, pawnship could become an alliance, nonetheless, establishing ties that approximated bonds with true affines (in-laws), particularly if a woman interceded for her natal family and her consort was willing to assist her kin. His willingness was the crucial difference. With marriage he was obligated to her family regardless of the burden. The pawning relationship relieved him of the mandatory sense of duty, yet many men felt obligated, nevertheless. Hence, by pawning a daughter to a monied man and

prevailing upon the fictive kinship tie the relationship sometimes established, a household head might shed tax or other cash worries for longer than a single year.

A surer way of achieving this goal was to see one's daughter legitimately married to a chief or official. If a debtor repaid the original loan and his creditor wished to keep his "wife" and children with him, he was obligated to initiate marriage negotiations entailing the payment of bride wealth. The hope that marriage would be the outcome of a pawning relationship may have influenced men to pawn female kin to chiefs and petty officials. The relationship between patron and client has been described as "lop-sided friendship."⁴³ Pawning represented the client's attempt to adjust the imbalance, that is, to gain equal standing with the creditor by becoming his kin.

Before conquest, chiefs had lent wives to dependents or exchanged women with peers. With indirect rule, they began to see greater benefit in pledging - sometimes giving - wives, sisters, and daughters to political superiors. The practice was common as early as 1923, when Monrovia forbade commissioners and their assistants to accept women from chiefs and subjects. But the regulation seems to have been ineffective.⁴⁴ A report of the 1929 assembly of chiefs in Kakata, which convened for two months and was attended by eight hundred chiefs, stated that the proceedings were mostly "dedicated to woman palaver [adultery disputes] between the natives, between the chiefs and natives, and between the chiefs, DC's, and Station Masters."⁴⁵

Before conquest, the exchange of women was largely reciprocal in nature, between descent groups, through the mediation of elders who were peers of each other. With the injection of cash into the local economy, and the creation of widespread indebtedness, men used pawnship to ally with their political superiors as they ionce had used marriage to unite with counterparts.

Pawning and Polygamy

One result of this transformation was that wives became harder to acquire for the average man. In its fervor to advance the circulation of cash, Monrovia made legal marriage contingent on payment of a bride price of \$12.⁴⁶ Previously, Dan marital exchange required bride wealth, a series of gifts and services that continued over the life of the marriage. The government-imposed payment transformed a process into an event. That the payment itself was well beyond the reach of most men is

*evident from a 1925 account of President King's tour of the hinterland. A "deputation of working boys" approached the president and explained their inability to pay the bride price, asking that chiefs pay it for them and take them and their brides in pawn until they could work and repay the debt.*⁴⁷

Monrovia also introduced a cash fine of £3 against men found guilty of sexual relations with others' wives. Because the holder of female pawns had rights virtually identical to those of a husband, he benefitted from the regulation, even if his pawn lived apart from him, as was the case with some women pawned to chiefs. Commissioners and chiefs levied these fines in their courts. They also fixed court costs as high as £5. Those who could not afford the costs were often forced to pawn themselves to the presiding official or to a spectator willing to advance the sum. It is thus not surprising that officials were accused of devoting "their whole attention to...trivial 'mammy' and debt 'palavers'."⁴⁸

Officials also manipulated pawnship to entrap additional pawns. For example, a League of Nations commission sent to Liberia in 1930 to investigate allegations of forced labor cited a common practice:

A man will take a number of women in pawn and place them at work on his farm. They, in turn, are encouraged to entice young men into intimate relations with them and the young men are immediately seized, fined, and made to work out the amount of the fine on the farm.⁴⁹

This sort of entrapment was said to have been particularly common among Americo-Liberian officials.

Dan chiefs achieved similar ends through adultery disputes in their courts and through a traditional institution anthropologists have called "male concubinage," whereby a man allowed a wife to take a consort on condition that her lover became his client.⁵⁰ Usually a wifeless man, the consort worked on his lover's farm. The children he sired were not recognized as his; they belonged to her husband's descent group. The practice seems to have been quite limited before Liberian intervention, when only the most successful *boumehnu* are said to have had more than three or four wives. Afterwards, however, chiefs were able to acquire many more women by exploiting their subjects' need for cash to pay taxes and fines. The more women that the chiefs obtained, the easier it was for them to get others. Women, especially if they were pawns, served as capital in accumulating surpluses that could be converted into debt relationships creating more clients, amassing larger surpluses, and acquiring additional wives. In creating a debt cycle between Dan chiefs and commoners based

on the payment of cash tributes and penalties, Liberian rule contributed to "hyperpolygyny" among prominent chiefs. Paramount chiefs and other officials often boasted in excess of fifty wives, among whom pawns were counted. This accumulation of women furnished the surplus upon which male concubinage is said to have been based.⁵¹

During the decade-long apogee of pawnship among the Dan, the distinction between female pawn and wife was often ambiguous because few pawns - male or female - were ever redeemed. Such was the pervasiveness and depth of indebtedness, the exorbitance of interest payments, and the paucity of cash, that pawns were seldom freed. No manumission of any significance seems to have occurred until President Charles King outlawed pawnship on September 29, 1930. King stated that, whereas the "ancient custom" was "likely to lead to...practical enslavement," it would thereafter be considered a criminal offense. Not surprisingly, his proclamation met with "the vigorous protests of the native chiefs."⁵²

Conclusion

Although pawnship in Liberia was occasionally termed "involuntary servitude," the institution was less harsh than slavery. Before conquest, the Dan used slavery to banish criminals. Most captives were traded toward the savanna, never to be seen again by their kin. By contrast, people pawned to chiefs remained accessible to friends and relatives. Even those sent to Liberian settlements on the coast might be visited by kin, particularly as traffic between Monrovia and the interior increased with the opening of the Firestone plantation in the late 1920s.

Work on the Firestone plantation outside Monrovia drew many laborers from the interior, providing them with cash and weakening the chiefs' grip on their subjects. Government guarantees of labor for the plantation may have helped the ban on pawnship succeed. Whereas pawnship thrived in colonial West Africa until World War II, in Liberia it disappeared rapidly after 1930. Once free, many pawns chose to remain with the families to whom they had been pledged, particularly children and female pawns who had borne children for their holders.

If pawnship was less oppressive than slavery, it was nevertheless part and parcel of a harsh administrative system, in which officials at the lower end of the hierarchy were suborned by, and paid homage to, those above them. Pawnship contributed to the accumulation of women and dependents by chiefs and their hinterland superiors, becoming part of a flow of resources up the political hierarchy. This unequal exchange was more than a mere transfer, because pawns generated additional wealth for their holders through their labor and childbearing capacities. Pawnship must therefore be

seen as a crucial contributor to the disparities in wealth that indirect rule exacerbated between the coastal elite and the interior population and between hinterland chiefs and their subjects.

Notes

1. The field research on which this paper is based took place in Nimba County, Liberia, from 1984 to 1986 and was supported by grants from Fulbright-Hays and Sigma-Xi, the Society for Scientific Research. A month of archival research at the Archives Nationales du Guinée in Conakry and the Liberian National Archives in Monrovia was supported by a Lounsbery Grant from the American Museum of Natural History. Research at the National Archives in Washington, D.C. was partially funded by a dissertation grant from the State University of New York at Binghamton. I gratefully acknowledge these sources of support. I would also like to thank Paul Lovejoy for his gracious sharing of documentary sources and Millie Riley for her editorial comments.
2. Wolfe Schmokel, "The United States and the Crisis of Liberian Independence, 1929-1934," in Jeffrey Butler, ed. *Boston University Papers on Africa* (Boston, 1968), 305.
3. Republic of Liberia, "Acts of Legislature of Liberia," (Monrovia, 1904-05), 26, section 5.
4. Secretary of State C. D. B. King to Captain Thomas C. Mitchell, Commissioner General, Liberian Boundary Commission at Zinta, 6 Dec. 1916 (Liberian National Archives, Monrovia [hereafter LNA]). King would become president in 1920.
5. J. Gus Liebenow, *Liberia: The Evolution of Privilege* (Ithaca, 1969), 57; Warren L. d'Azevedo, "Indigenous Cultural Institutions and Government Administrative Policy in Liberia" (paper presented at the History and Culture Study Seminar on Liberia, Sierra Leone, and Senegal, 28 June - 10 Aug. 1985).
6. In 1915, President Daniel E. Howard reported to the legislature that government employees were due an average of six months' back pay; see "The President's Message to the Special Legislature, March 10, 1915," Records of the Department of State Relating to Internal Affairs in Liberia, 1910-29 (hereafter RDSL), 882.51/651.
7. The term "Dan" predates French and Liberian intervention, but its origin is unclear. Today, the Dan call themselves *Danpomehn*, "Dan-speaking people." They are known as *Gio* in Liberia and by a variety of names in the literature, including *Geh*, *Ngon* and *Yacouba*. Their distribution extends from the semi-savanna of the Touba region in Ivory Coast southward into the thick forests of southern Nimba in Liberia. They are closely related linguistically and culturally to their western neighbors, the Ma. Perhaps the chief distinction between the two peoples was that the Ma belonged to *Poro*, the pan-ethnic society, while the Dan did not.
8. *Boumehn* (*bou* = material goods, *mehn* = person) can be interpreted as "rich man," but according to the late Rev. Tom Jackson, an expert on the Dan language, *bou* had "dual significance when referring to a chief. He got benefit from his people. They got benefit from him" (personal communication, Rev. Tom Jackson, 24 Mar. 1988).
9. The Dan and Ma traditionally imposed penalties for adultery and other misdeeds, which were payable in domestic animals and material goods such as cloth and brass basins, not in cash. The Liberians introduced cash to the system when they set ransoms for captives taken during their military campaigns against the interior peoples.
10. Another Dan term for leader, *mehnva*, meant "big-man" (*mehn* = person; *va* = big/plentiful). The Dan leader was like the Melanesian big-man, whose authority was "two-sided." See Marshall Sahlins, "Poor Man, Rich Man, Big-Man, Chief: Political Types in Melanesia and Polynesia," *Comparative Studies in Society and History*, 5, 3

- (1963), 285-303.
11. Although conquest spanned the 1912-18 period, fighting was not continuous. The government's coastal campaign against the Kru in 1915 and the economic depression brought by World War I distracted Liberian attentions from Nimba, making conquest an intermittent affair.
 12. Officials in Monrovia were never able to give an accurate count of government employees in the interior (Major Charles Young, Military Attache, "Report on the Liberian Frontier Force," 9 Oct. 1912, RDSL, 882.20/309).
 13. President Daniel E. Howard, *Laws Governing the Commissioner and the Liberian Frontier Force in the Interior* (Monrovia, Executive Mansion, 3 Feb. 1916), 4, RDSL, 882.00/578.
 14. Reed Paige Clark, General Receiver of Customs, "Statement of Recommendations," 24 Apr. 1916, RDSL, 882.00/540.
 15. Town "quarters" are usually defined as residential sections, but this is an oversimplification. Lineages (*gun* in Dan) were the basis of pre-conquest Dan villages. Often, a village consisted of no more than a single lineage. After subjugating the Dan, the Liberians insisted that villages be merged into "towns." Thus the quarters represented kinship neighborhoods as much as residential sections.
 16. For instance, early in the military campaign, G. B. Lee, an American representing the Liberians in the boundary negotiations with the French, complained that a soldier charged a chief £5 for a hamper of rice left out in the rain (G. B. Lee to Lieut. J. H. Martin, 12 Aug. 1914, LNA). Similarly, one Sergeant Boyce forced a carrier to pay £20 for the loss of a hamper of rice (Report of the Secretary of War and Interior on his Trip to the Hinterland, February 16 to May 31, 1918," RDSL, 882.00/591). These hampers were usually valued at two shillings.
 17. Mitchell to Bundy, 30 May 1918, RDSL, 882.00/591. President Tubman (1944-71) would recall that when he made his first tour of the hinterland after assuming office, "I discovered that District Commissioners were unrestrained in their imposition of fines upon you and your people;" see E. Reginald Townsend, ed. *President Tubman of Liberia Speaks* (London, 1959), 113. These statements accord with the recollections of the Dan, the comments of European and American travellers, and the findings of the League of Nations Commission of Inquiry, a three-man body charged with investigating allegations of slavery against Liberian officials in 1930.
 18. Major Charles Young, "Report Browne Relief Expedition," 25 Jan. 1913, RDSL, 882.00/450.
 19. Soldiers mistreated delinquents in a variety of ways, including use of the *kpankpan*, a constricting device tightened around the shin; beatings with a "country whip;" and confinement in what Schwab called the "pepper sack," a palm frond hamper in which the debtor was bound along with cassava leaves (for goats to eat), hot pepper, ordure, etc. Thus confined, the delinquent was set out in the sun, or the rain, until redeemed; see George Schwab, *Tribes of the Liberian Hinterland* (Cambridge, Mass., 1947), 441.
 20. League of Nations, *Report of the International Commission of Inquiry into the Existence of Slavery and Forced Labor in the Republic of Liberia* (Washington, 1931), 57. The League of Nations Commission reported that Commissioner David Carter imprisoned nineteen town chiefs on one occasion. During the same period, he fined ten town chiefs \$412 for road delinquencies, forcing them to pawn children to meet the debt (League of Nations, "Commission of Inquiry," 114, 21).
 21. The Dan and Ma also pawned children to itinerant Mandingo traders, who took the children to their homes in Guinée. The government opposed the removal of Liberian subjects to French colonies and seems to have put a stop to the practice by imposing severe penalties around 1920.

22. Horace A. Sawyer to Secretary of Interior, 7 June, 1919. Sawyer intercepted one group of pawns, but learned that another consisting of five girls had also been sent to the coast ("Confidential Report of the American District Commissioner H. A. Sawyer on the Subject 'Traffic in Human Beings'," 10 Oct. 1920, RDSL, 882.5048/-).
23. Ties of kinship ramified throughout the interior administration, as they did among the coastal elite. Officials sometimes shrugged off their subjects' threats that they would carry complaints about their behavior to Monrovia with claims that influential relatives would protect them (cf. "Liberia Official Gazette," 31 Aug. 1925, p. 6).
24. H. A. Sawyer, District Commissioner, to T. C. Mitchell, Commissioner-General, 6 Sept. 1920, enclosure no. 3, "Sworn Statement of Gendemeh" (aka Sherman Coleman), RDSL, 882.5048/-.
25. After serving as secretary of war and the interior from 1916 to 1920, John L. Morris was appointed acting commissioner-general in 1922 by President C. D. B. King. On his first tour of the hinterland as commissioner-general, he took pawns from petty officials on at least two occasions (J. L. Morris to Commissioner M. A. Ketter, Jorquelleh District, 10 Aug. 1922, RDSL, 882.51/1545).
26. Sawyer to Mitchell, enclosure no. 5, Rachel A. Smith to Boyma Sandimannie, 3 Mar. 1919, RDSL, 882.5048/-.
27. Sawyer to Mitchell, enclosure no. 6, Wallace F. Moore, "Memo of the Effects of the Late Commissioner Samuel N. Smith to Commissioner B. Y. Sandimannie," 3 Mar. 1919, RDSL, 882.5048/-.
28. Johnson to Sandimannie, 18 Dec. 1918; Sandimannie to Johnson, 14 Jan. 1919, RDSL, 882.5048/-.
29. Quoted in Sawyer to Mitchell, 6 Sept. 1920, p. 6, RDSL, 882.5048/-.
30. As secretary of the interior, the older Morris sponsored the visits of upcountry chiefs to Monrovia. These visits were intended to impress the hinterland leaders. They also cemented relations between chiefs and prominent coastal officials. Tappe, one of the first Nimban *boumehnu* to cooperate with the Liberians, visited the capital in 1916, the year John L. Morris succeeded his father as secretary. The Morris farm outside of Monrovia became a prime stopping place for Dan laborers in transit between Monrovia and Nimba. Ibrahim K. Sundiata notes that J. L. Morris was indicted on forced labor charges in 1930; see *Black Scandal: America and the Liberian Labor Crises, 1929-1936* (Philadelphia, 1980), 52.
31. Reverend E. E. Smith maintained that the coastal peoples took the initiative and sought to sell their children to the settlers, but these overtures were generally refused. Nonetheless, Smith does report that settlers sometimes offered presents to the parents of boys in order "to satisfy them," whereupon the "lads are engaged or secured for a term of years." See "Does the System of Apprenticeship in Liberia Savor of Slavery?" *Liberia-Bulletin*, 1 (Nov. 1892), 20.
32. Raymond L. Buell, *The Native Problem in Tropical Africa* (New York, 1928), vol. 2, 750. Commentators on Liberia, even those critical of the republic, were liable to view pawnship in benign terms, conceding, for example, that pawns were probably "just as happy as they would have been in their own environs," and that few attempted to escape; see Sir Alfred Sharpe, "Introduction," in Henry Fenwick Reeve, *The Black Republic: Liberia; Its Political and Social Conditions Today* (London, 1923; reprint, New York, 1969), 25. The correspondence suggests, however, that many pawns were not content, nor was running away unusual, which may have been one reason why girls were in greater demand than boys. They were less likely to flee.
33. Interviews with Kipo Suomi of Tuonwie, 29 Sept. 1985 and Dan Yao of Peiglo, 15 Sept. 1985.
34. "There shall be no slavery within this Republic; nor shall any citizen of this Republic, or

- any person resident therein, deal in slaves either within or without this Republic, directly or indirectly" (Article I, section 4. Constitution of the Republic of Liberia).
35. Proper disposal of these "war captives" was a topic of discussion during President C. D. B. King's conference with hinterland chiefs in 1925 ("The Liberia Official Gazette," 31 Aug. 1925, p. 3).
 36. Republic of Liberia, "Regulations for the Government of the Hinterland," Monrovia, 1923, Article 19, p. 5.
 37. League of Nations, Commission of Inquiry, 14.
 38. Ibid.
 39. At first, the Dan seem to have pawned livestock to meet their debts. But animals were rapidly lost to the procession of soldiers and government officials who toured the interior. Prominent chiefs accumulated those that remained, and pawning children seems to have become more prevalent than pawning animals.
 40. John L. Morris, Commissioner General, "Investigation of the Alleged Killing of French Subjects by Liberian Chief, Boui, G'Bai Section, Sanoquellah, December 6, 1923," enclosure with Bussell to Castle, 13 Oct. 1924, RDSL, 882.51/1706.
 41. Firestone began operations at its Harbel plantation on the coast in 1926 but did not employ large numbers of laborers from Nimba until the 1930s.
 42. Martin A. Klein and Richard Roberts, "The Resurgence of Pawning in French West Africa during the Depression of the 1930s," *African Economic History*, 6 (1987), 33; also in this volume.
 43. Eric Wolf, "Kinship, Friendship, and Patron-Client Relations," in Michael Banton, ed., *The Social Anthropology of Complex Societies* (London, 1966), 16.
 44. Republic of Liberia, "Departmental Regulations," p. 6.
 45. Francis to State, 10 June 1929, RDSL, 882.00/797. In 1931, District Commissioner George Dunbar was said to have assembled a virtual harem, enlisting the services of an elder sister to act as matron for the women and girls he received from his chiefs; see Winifred J. Harley, *A Third of a Century with George Way Harley* (Newark, Delaware, 1973), 36.
 46. The notion of bride price as *quid pro quo* for a woman was unknown. Schwab, for example, provides inventories of goods as examples of "typical dowry [*sic*] price," but concedes that a fixed sum was a government introduction (*Tribes*, 189-90, 415).
 47. "Liberia Official Gazette," 31 Aug. 1925, p. 4.
 48. Mitchell to Bundy, 30 May 1918, RDSL, 882.00/591. Charles S. Johnson, the African-American sociologist who served on the League of Nations Commission of Inquiry, noted that pawns regularly served several years in satisfying the five pound sterling court debt; see *Bitter Canaan: The Story of the Negro Republic* (New Brunswick, N.J., 1987), 90.
 49. League of Nations, "Commission of Inquiry," 21; "Liberia Official Gazette," 15 Sept. 1930.
 50. James L. Gibbs, "Some Judicial Implications of Marital Instability among the Kpelle" (Ph.D. thesis, unpublished, Harvard University, 1960), 23, 25.
 51. Philip Porter, "Population Distribution and Land Use in Liberia" (Ph.D. thesis, unpublished, University of London, 1956), 89.
 52. Charles H. Huberich, *The Political and Legislative History of Liberia* (New York, 1947), 903.

CHAPTER 15



PAWNS, PORTERS, AND PETTY TRADERS: WOMEN IN THE TRANSITION TO CASH-CROP AGRICULTURE IN COLONIAL GHANA¹

BEVERLY GRIER

The exploitation of women's unpaid labor in agriculture has been central to the process of capitalist accumulation in colonial and postcolonial Africa. In areas of southern and eastern Africa, where colonial penetration took the form of European capital in agriculture, mining, and industry, rural women's subsistence production helped subsidize the low wages paid to male migrant laborers. In western Africa, where colonial penetration took the form of peasant export crop production, women's continued production of subsistence crops and their labor contributions to the export agricultural sector were crucial factors lowering the costs of production of coffee, cocoa, palm oil, and peanuts. Though colonial officials subsumed women's labor under the general category of "family labor," they were keenly aware of the benefits capital derived from the preservation of certain exploitative aspects of precapitalist gender relations. Upon these relations depended capital's ability "to obtain unskilled labour at a rate less than ordinarily paid in industry," implied a South African government report in 1944.² With unpaid "family labor" and

with access to "tribal" land, the Gold Coast director of agriculture wrote in 1918, African farmers produced cocoa more cheaply than farmers in any other country with which he was acquainted.³

In those colonies where Africans retained control over the land, the joining together of precapitalist gender relations with the capitalist world economy also supported the accumulation interests of certain groups of African men. This essay focuses on the role played by gender relations in the transition to export agriculture in Ghana during the late nineteenth and early twentieth centuries. It looks at the relationship between women's labor and the process of capital accumulation, both at the global level (by British and other European capital) and at the local level (by owners of cocoa farms, by cocoa traders, and by rural creditors, who were overwhelmingly men). The essay also examines the mechanisms by which the colonial state reinforced a particular role for women in the rural economy. I argue that an alliance was forged earlier in this century between the interests of metropolitan capital (protected locally by the colonial state) and the interests of patriarchy; that alliance took concrete form as the British administrative policy known as "indirect rule," or rule through traditional leaders.⁴ Some women successfully resisted the resulting intensified exploitation of their labor power, but most did not. At independence in 1957, the unpaid labor of most women in the cocoa-growing regions of Ghana continued to enrich someone other than themselves.

The essay begins with a reconstruction of gender and class relations in precolonial southern Ghana among the matrilineal Akan, the predominant ethnic group in cocoa production.⁵ It was on the basis of these precapitalist relations of production that the transition to export agriculture was made in the closing decades of the nineteenth century. The second section examines some of the changes generated by the rapid expansion of cocoa production and the ways in which the continued subordination of women and the intensified exploitation of their labor were central to that expansion. The final section looks at the colonial state as an important factor in helping to guarantee an agricultural labor force that was unpaid and overwhelmingly female.

Reconstructing the African past requires an interdisciplinary approach sensitive to relations of power and exploitation, particularly in light of the available resource materials. Researchers into Ghana's immediate past are fortunate to have at their disposal a wealth of nineteenth- and early twentieth-century materials written by Ghanaians as well as Europeans. The accounts of traders, travelers, missionaries, colonial officials, legal scholars, historians, and anthropologists provide a rich basis for developing a sense of the texture of everyday life.⁶ The main drawback of

this material is the specific gender, class, and ideological perspectives from which it was written since it largely reflects the world view of white, upper-class men in an age when patriarchy and racism were not questioned. Even the work of early Ghanaian scholars reflects their patriarchal and aristocratic backgrounds and their European education.⁷

The work of R. S. Rattray, which is drawn upon extensively in this essay, illustrates many of these problems.⁸ Rattray headed the Anthropological Department in Asante in the 1910s and 1920s. Part of his task was to reconstruct African customs and institutions in their "pure" (that is, precapitalist) form. The Anthropological Departments in British African colonies helped determine which African customs were suitable for recognizing, reinforcing, and even reshaping, so that they could be incorporated into the framework of indirect rule. Although Rattray's reconstruction de-emphasized and distorted the struggles between dominant and subordinate groups in Asante, his emphasis on the legal and ideological dimensions of precapitalist Asante social and political order and his inclusion of gender relations as central to production and reproduction make his work a source that cannot be ignored by the researcher.

Class and Gender Relations in Precapitalist Southern Ghana

In those precapitalist African societies where land was plentiful, labor scarce, and technology simple, the struggle to control labor power was at the heart of social and political organization.⁹ Within the village setting on the eve of colonial rule in southern Ghana, gender, age, and descent formed the bases upon which surplus labor was appropriated. The complex and contradictory combination of relations between men and women, between male elders and male youths, and between people of free and local descent and people of unfree and foreign descent produced the overall domination of village society by male elders who claimed to be of free and local descent. Village elders used political-juridical, religious, and ideological mechanisms to support their domination of other groups in local society, a domination aimed primarily at gaining and maintaining access to and control over the labor power of women, male youths, and slaves. Because of the double reproductive power of women - as producers in an agricultural system in which women performed most of the tasks and as reproducers of the labor force - they were particular objects of control.¹⁰

The forest region of southern Ghana was and is inhabited largely by matrilineal people of the Akan linguistic group, whose subgroups include the Asante (Ashanti), Fante, Akim (Akyem), and Akwapim, among others. The typical Akan village was composed of two or more lineages or large extended families. Each lineage was headed by a senior male who adjudicated disputes between members, performed certain religious func-

tions, and represented the interests of the lineage within the village. The heads of important lineages (those that were wealthy or those whose ancestors claimed first settlement of the village) sat on the chief's council of elders and court. Court fees and fines were critical to the ways in which village elders accumulated wealth in gold from and gained access to the labor of fellow villagers. The judicial system was critical, therefore, to the impoverishment and reduction in status and class (through debt servitude and enslavement) of the ordinary person.

Ideologically each lineage or *abusua* was "one person" (*nipa koro*) and "one blood" (*mogya koro*).¹¹ However, claims of common descent obscured unequal and exploitative relationships based on descent or origin. The descendants of slave women married to free men were nominally free and there was a maxim against disclosing their origins. However, it was asserted with equal force that birth "settled the status of an Ashanti for all time."¹² In theory and, for the most part, in practice, only those who claimed free birth could call themselves *odehye* (royal or aristocrat) and accede to lineage offices; only freeborn male lineage members could become lineage heads, sit on the chief's council of elders and court, and become chief of the village. Slave or foreign origin also carried with it inferior rights to land in the natal or adopted village.

Let us consider the hypothetical male-headed "family" or "domestic establishment" constructed by Rattray earlier in this century. A focus on this household allows us to analyze a wide range of domestic labor relationships beyond the blood-related kin group: relationships between married men and women, between parents and children, and between free and unfree members of a household. The head or "father" of this domestic group, according to Rattray, "ruled over and controlled" the following categories of his kin: younger brothers and sisters; sisters' children; grandchildren by his sons who had married his uterine nieces (the offspring of "cross-cousin" marriages); household slaves, and the children of his female slaves or of male slaves who had married his slaves; and, with certain restrictions, pawns or debt servants. Under the matrilineal system of descent, the household head had "considerably less control" over his wives, his own children, and his grandchildren. According to Rattray, "All these belonged to another clan [i.e. lineage], and . . . in all really important matters, [they] would seek advice and, if need be, assistance from the head of their own family who resided elsewhere and ruled over just such another family."¹³ We focus first on the relationships between the household head and his uterine nieces - those blood-related female dependents over whom the head had the greatest legal control. We then turn to his relationship with his daughters, wives, female slaves, and female pawns.

Uncles and Nieces

The household head was legally responsible for his uterine nieces (and nephews). This meant that he was ultimately responsible for their debts, torts, and crimes. In "exchange" for such responsibility, one might say, the uncle had the legal right to place in "pawn" his niece or any other dependent for whom he was legally responsible. A pawn was a person or thing (such as piece of cloth or gold ornament; later, a tree crop or a parcel of land) "given to a creditor (*osikani*) by a debtor (*okafoni*) as security for what he owes, on the understanding that, on repayment, the person or thing will be returned to the original owner."¹⁴ While the decision to place a dependent in pawns had to be taken in consultation with other elderly members of the lineage segment, the uncle's decision was final. This gave him enormous power over his dependents, for the person reduced to the status of a pawn was only a step away, in terms of legal rights, from full bondage or slavery. An uncle who pawned his dependent could in fact take the next step: if the need or occasion arose, he could sell the dependent "outright," that is, into slavery. The uncle could reclaim his dependent from pawns or slavery upon repayment of the loan or purchase money but this often did not occur, particularly if his lineage was poor: to redeem a relative sold into slavery, twice the purchase price had to be paid.

An uncle had the power to choose a husband for his niece and could compel her to divorce her husband. The uncle could threaten his niece's husband with divorce as a way of securing a loan from him. As we shall see, it was very much in the interest of the husband to advance this money and take his wife as his pawn. The pawn wife's reduced legal status gave the husband enhanced access to and control over her labor power and that of any children born to her while she was his pawn.

Fathers and Daughters

As we have seen, a father had less legal power over his children than did the children's maternal uncle. Even if the child lived with her father and the father profited from her labor, the uncle had ultimate legal responsibility and control. A father did not even have access to the property of his daughter or son, but could gain greater legal control over the labor power and property of his child by taking her or him as a pawn. "An uncle was expected to give the father of the person he wished to pawn 'the first refusal,' that is, to ask him if he would not himself like to take his own children as his pawn."¹⁵ A father who took his child as his pawn became responsible for half the debts the child might incur, the child's uncle being responsible for the remaining half. The father could thenceforth demand half of all the profits made out of his child's individual

property or half of any treasure trove (such as a gold nugget) found by the child. Finally, "The father had now a legal right to the child's services, and . . . might take him [or her] away on trading expeditions without asking the permission of the [child's] *abusua* [lineage]. He might beat him [or her] if he [or she] refused to obey. *Osikani ne panyin* ('the creditor is the elder'), i.e. he has the power. A husband was always expected to take his wife in pawn," Rattray was told, "and a father his child, should it have become necessary for the *abusua* to pawn these persons. Not to do so was considered disgraceful."¹⁶

There were particular arrangements for a female child pawned to her father. If she married, her father-master rather than her lineage head received the largest part of the "thanks money" or *aseda* that gave the marriage (or any transaction) legal status. According to Rattray, "The father had more control over the daughter than either the husband or the woman's *abusua*."¹⁷ All profits made out of her individual property were now shared equally between the woman and her father.

Husbands and Wives

A married woman's legal guardian was not her husband but her maternal uncle (or eldest brother). If she were freeborn and not a pawn of her husband, she retained control of her private property after her marriage. However, as was the case with a father in relation to his children, there were ways in which a husband could establish more control over his wife's labor power and property. These can best be seen by examining two forms of marriage that a freeborn woman could enter into in Asante: *adehye awadie* and *awowa awadie*.

The *adehye awadie* ("royal" marriage) was the marriage between a freeborn man and a freeborn woman. Rattray wrote that "Such a union is, from the woman's . . . point of view, the highest or most desirable form of marriage."¹⁸ It involved the giving of the "thanks money" or *aseda* (also known as *tiri nsa*) usually by the groom's father and its acceptance by the bride's father; he, in turn, gave part of it to her uncle, who shared it among his lineage segment. The *aseda* could take the form of drinks or cash. It was an acknowledgment on the part of the contracting parties that the union had taken place. What rights did the husband have in such a marriage? First, once the *aseda* was paid, the husband had exclusive sexual claim on the woman. In the event of the wife's adultery, he could claim damages from the corespondent in the chief's court. Any children resulting from the woman's extra-marital affair were claimed by the husband. In other words, it was he, not the natural father, who had paternal claims on the children's labor power when they resided with him. It was to him that they were offered as pawns if their mother's lineage segment

needed a loan. In case of divorce, the *aseda* had to be returned by the wife's father and lineage segment. Second, the husband acquired the right "to profit by the fruits" of his wife's labor and, as just noted, that of her children. These were, according to Rattray, the household maintenance activities of farming, cooking, and childcare. He might also take his wife on a trading expedition (as a carrier or porter) but would have to get her uncle's permission first. The husband became responsible for his wife's debts, torts, and crimes though he could not pawn her. He also had to provide for her maintenance and that of her children. If she were living with him, this involved primarily the provision of shelter and a plot of land on which to farm.

The second type of marriage, the *awowa awadie* (pawn or "pledge" marriage) was a union between a freeborn man and a freeborn woman, the latter standing in relation of pawn to the husband. Rattray noted that it was not surprising that "many women formerly stood in the double relationship . . . of wife and pawn," since "the lower the status of the wife the more desirable from the husband's point of view."¹⁹ A woman might marry a man to whom she was already pawned, or she might become a man's pawn after having first contracted an *adehye awadie*. In either case, it was in the process of securing a loan from the man or husband that the woman's guardian placed her in this inferior legal position. A man who stood as both husband and creditor described the arrangement by saying "*Ma to me ye*" ("I have bought my wife").

The husband-creditor-master stood in the following relationship to his wife-pawn. First, the wife was required to reside with her husband (indicating that wealthy men were more likely to have their wives residing with them). The wife now had to "rise up when called upon and accompany the husband to his farm, to cook for him, and to perform the household duties." Hitherto, apparently, she was under no legal obligation to do these tasks.²⁰ Second, the wife was required to disclose to her husband the amount of her personal property and to share equally with him all future profits derived from it. Third, the husband now assumed responsibility for only half his wife's debts, torts, and crimes (previously it was the entire amount), her uncle assuming the remaining half. Fourth, the husband could claim half of any treasure trove found by the wife. Finally, the husband could take his wife on a trading expedition without getting the prior consent of her uncle.

More on Pawns

The woman or girl who became the pawn of a man to whom she was not married was even more subordinate. Her creditor-master had the right to the fruits of all her labor. He could set her to work doing a number of

subsistence or wealth-generating tasks (such as trading, collecting kola nuts, panning for gold, or carrying goods to and from market). He had the right to "marry" her, i.e., have sexual intercourse with her. This did not "burn the debt." Children of such a union (which was really concubinage) remained under the legal guardianship of the woman's uncle. The creditor could pay *aseda* ("thanks money") for the woman but this did not mean he had married her in any sense previously discussed. In this case, the payment gave him the right to file for damages in case of her sexual infidelity. He could compel the girl to marry the man of his choice and take part of the *aseda*. It is important to note that a girl or woman might also become the pawn of another woman. A female creditor had the right to the fruits of the pawn's labor power, just as a male creditor did. Usually she gave the pawn to her son in marriage and received part of the *aseda*.

Rattray found a definite order of preference of dependents likely to be pawned by the elder or legal guardian. It was as follows: (1) married sister and married niece, (2) unmarried sister and unmarried niece, (3) nephew, (4) brother, (5) mother, and (6) slave.²¹ This order was quite consistent with the premium placed on women as producers (particularly in agriculture) and as reproducers of the labor force. A guardian had a ready-made (and likely willing) creditor in the husband of his sister or niece. The guardian had to search (but probably not too far) for a creditor to whom he could pawn his single sister or niece. The creditor gained by having an unpaid laborer and a concubine. The guardian's brother would not be as valuable because the creditor did not have sexual access to the male pawn or, more important, access to the labor of his children. The guardian's mother was likely to be beyond the age of childbearing. It was also probably a disgrace to pawn one's mother. Finally a slave, for whom money had been paid, might run away. As we shall see, a man's children by his female slave were the only children over whom he had complete control.

Slaves

Among the members of Rattray's hypothetical family were slaves who had been recently acquired and the descendants of slaves who had been incorporated into the household head's lineage segment by marriage or adoption. A considerable proportion of the population of southern Ghana in the nineteenth century consisted of slaves and their descendants. Until the second half of the nineteenth century, domestic slaves in West Africa were overwhelmingly female, as most male slaves were sold into the overseas export market.²² As the overseas market for slaves declined after mid-century, many of the men, women, boys, and girls captured in war or

bought in savannah and Sahelian markets were put to work in the forest region growing cash crops such as palm oil for export.

Only two of the four categories of slaves in Asante concern us here: the *odonko*, a woman or man who was not of local origin and who had been purchased in the market; and the *akoa pa* or *akoa troro*, a woman or man of free and local origin who, as a result of misconduct or debt, was sold into slavery by her or his lineage segment. A freeborn person could not be sold directly into slavery, however. She or he had first to be reduced to the status of a pawn. Marriage to one's own female slave was highly desirable. As one of Rattray's informants told him: "When a master married his own [slave], and had children by her, the offspring of such a union were the only children over whom he had any real authority. The degraded status of a mother alone gave an Ashanti father the privilege of claiming rights over his children which we might consider a man's natural prerogative."²³

To summarize, we can say that *all* women were "perpetual jural minors": no matter their age, individual wealth, or descent, they fell under the legal guardianship of a male.²⁴ Their situation contrasted sharply with that of freeborn men. The latter were only temporarily dependent on the uncle or older brother. Once married, a young man might appropriate the labor power of his wife and children and use the profits to begin accumulating a store of wealth that would reduce his vulnerability to being pawned or sold into slavery by his uncle or elder brother (who was still in the technical sense his legal guardian). Thus, as has been pointed out by Terray and most recently by Jeanne Henn, freeborn men moved from one "class" to another in their lifetime, whereas freeborn women did not.²⁵

Women could gain this degree of access to and control over someone else's labor *only* by advancing money on loan and taking a non-relative in pawn or by purchasing a slave. These methods of appropriation by women call attention to the fact that gender relations were one aspect of class relations, not class relations themselves in African societies in which pawning and slavery were integral. Women, then, could and did exploit the labor power of other women and of girls, men, and boys. However, the chances of a woman's becoming a creditor or slave owner were slimmer than a man's. In fact, during most of the nineteenth century, many women were themselves in some form of legal bondage as pawns or slaves. With few opportunities to earn the money necessary to acquire a pawn or slave of their own, only a relatively few women - most probably those from wealthy lineage segments - could do so. Women, then, were more likely to be laborers (and bound laborers at that) for someone else, which meant that they did not even reap the benefits of their own labor power.

Between 1890 and 1918, the fertile forest belt of southern Ghana became the world's largest cocoa producer.²⁶ During this period, exports of raw cocoa beans from Ghana rose from 80 pounds to more than 170,000 tons. What role did the precapitalist gender relations outlined above play in this phenomenal expansion? In what ways were these relations reinforced by the newly emerging colonial economy? In what ways were they undermined or otherwise transformed? Before we can answer these questions, the nature of economic, social, political and legal change generally in southern Ghana during this period must be outlined.

A Century of Continuity and Change

In 1807, Britain declared the external slave trade illegal for British subjects and in 1821 assumed control of a number of trading and military forts along the coast of Ghana. Over the course of the next few decades, the British extended their administrative, judicial and military influence far into the hinterland. By 1901, most of contemporary Ghana was under formal British control.

The colonial period as a whole in Ghana can be divided into two periods on the basis of official attitudes towards the social relations of production in agriculture. From the 1850s to the eve of the First World War, Britain was concerned primarily with increasing the export of cheap raw materials and the import of manufactured goods, particularly Manchester-made cotton cloth. For most of this period, officials on the coast had neither the military might nor the manpower to intervene in local social relations of production. Thus they tended to accept the adjustments Ghanaians themselves were working out in response to the decline of the external slave trade and the rise of industrial Europe. The result was a land policy that favored commercialization (leases, sales, and mortgages) and individualization of tenure and a labor policy that favored the retention of many of the coercive fetters of the precapitalist era. It was only in the early 1900s that British officials realized the contradictory effects of their policies in Ghana: the commercialization of land provided an avenue of escape for many of the males of the servile and cheap labor force in agriculture and added the price of land to the costs of production; and a market in land that was strengthened by actions of the state helped create the conditions for the emergence of a rural proletariat. The First World War, therefore, ushered in the second period of colonial rule characterized by efforts to strengthen noncapitalist social relations believed to be more conducive to the cheap production of agricultural commodities. By focusing briefly on aspects of change and continuity in the areas of land tenure and labor, we can lay some of the groundwork necessary for under-

standing how women's labor was incorporated into the new agricultural export economy.

Under precolonial Akan law, it was possible for chiefs and lineage heads to sell land permanently to "strangers" - Africans who were not members of local lineages - and to Europeans, though the occasions for such sales were rare before the nineteenth century. There were also provisions for "self-acquired" or individual property, though these were rarely applied to land.²⁷ During the eighteenth century a few wealthy African merchants had rented or bought land from chiefs in the Akwapim hills for the purpose of growing food crops for urban markets and for passing cargo and slave ships.²⁸ During the first half of the nineteenth century, chiefs and lineage heads in these areas increasingly alienated land to stranger farmers eager to take advantage of the rising demand in Europe for palm oil products. These strangers included wealthy men of free ancestry and poorer men seeking to escape certain limitations on land use and ownership faced by people of slave origin in the village setting. They regarded the land they purchased as family or lineage land if relatives had helped make the purchase; otherwise, they regarded the land as their individual property and asserted the right to mortgage, sell, or bequeath it without consulting family members. A similar process of individualization of land tenure was occurring in those areas where local farmers were growing cash crops on land allocated to them by their chief. Once they planted this land with a permanent tree crop like oil palm or cocoa, they regarded it as their individual (or family) property rather than that of the chiefdom. The colonial courts gave considerable support to these individual and "freehold" rights, particularly under the tenure of Supreme Court Chief Justice Sir W.B. Griffith (1895-1911).

During much of the nineteenth century European merchants advanced goods to African merchants (primarily men) who, in turn, exchanged the goods for agricultural produce through subagents. If a merchant or trader defaulted, his creditor seized his property in the form of slaves, goods, buildings, or land. When in 1833 slave holding was made illegal for British subjects, including Africans living in British coastal settlements, Africans in commerce turned increasingly to the use of buildings and land as security. This change in the credit system was further reinforced by the Bankruptcy Act of 1858. By the 1890s, when cocoa cultivation was beginning to spread, the property of judgement debtors, including land, was routinely seized and sold for payment. Witnesses told the West African Lands Committee (1912-15) that European creditors usually went through the British courts to settle their claims against debtors, while African creditors went through village chiefs' courts or merely seized the property of traders who owed them money or goods.

As a consequence of these pressures from Africans and Europeans alike, the buying, selling, and mortgaging of land had become sufficiently widespread in the cocoa-growing districts by the First World War for British officials to express fears about the possible emergence of a class of landless laborers.

The ties that bound a servile labor force were not as easily broken as land holding and use customs. The British and other Europeans were keenly aware of the role family, slave, and pawn labor played in local agricultural production and in the economy in general. They were also aware of the social and political turmoil and economic dislocation that would occur if they intervened in labor arrangements. From the 1820s to 1874, the year in which domestic slavery, pawning and the slave trade were outlawed, British officials at the coastal forts routinely returned fugitive slaves and pawns to their masters unless cruelty was proven. During this period officials also leased slaves from African owners, using them as soldiers at the forts, and possibly participated in the slave trade itself. Upon the heels of the 1874 order abolishing slavery followed the Masters and Servants Ordinance, the objective of which was to prevent wholesale desertion by former slaves.²⁹ Thus it should not be surprising that during the very decade in which cocoa began to assume importance (the 1890s), it was reported that as many as 5,000 boys and girls had been bought as slaves and that the practice of procuring these children from the interior for sale on the coast had increased. Similar reports continued to come in well into the 1920s.³⁰

Christian missions also employed unfree labor. It is significant that the Swiss Basel Mission, which was heavily involved in encouraging indigenous farmers to produce for the export market and buy imported European goods, also leased slaves and pawns from converts and used them for a wide variety of purposes. Basel missionaries did little to encourage their own converts to free their slaves and pawns until the 1860s - forty years after their arrival.

While the actions and activities of the colonial state, European missionaries, and African slave traders and owners tended to reinforce servile bonds, the rapidly changing economic circumstances of the second half of the nineteenth century facilitated the loosening of those bonds, particularly for men. Male slaves and pawns and the male descendants of slaves could flee the village and survive autonomously elsewhere in the colony. Previously, the lone person on the road or in town risked being kidnapped and (re)sold into slavery; at the very least, he had to attach himself in a subordinate way to a new family. Wage work was now available as carriers, sharecroppers, and mine workers and in the construction of buildings, roads, railways and harbors. Female labor was

also used for these purposes, but girls and women were less likely to flee the village, for reasons that will become clearer shortly.

Specific written references to the labor of women and girls in the newly emerging cocoa economy of southern Ghana are not very numerous. Women appear to have been largely invisible to officials. However, the available references make it clear that female labor played a central role in almost every aspect of cocoa production and sale. It is also clear that some women and girls managed to exploit the labor of others. From the written record, women emerge as having played a central role as security for loans for male kin who needed capital to buy land or pay other debts, as porters headloading palm oil and cocoa to market centers, and as family laborers on cocoa and food farms. But they also seem to have played a role as small cocoa traders, possibly as moneylenders, as farmers in their own right, and as plaintiffs in the colonial courts in disputes over the customary laws governing the inheritance of cocoa farms.

Women and Girls as Security for Loans

As "cocoa fever" caught on, an increasing number of men migrated to areas where chiefs were selling land. The system of land purchase is a subject too complex to be treated in detail here.³¹ Suffice it to say that most purchasers were men, buying as individuals or as part of a group of men who pooled their resources. In some instances, these groups or "companies" were composed of kin members; in other instances, they were composed of unrelated townsmen. Land purchasing companies, particularly those whose members were not related by blood, distributed the land on the basis of the amount of money each member contributed. Very often, poor members did not have the cash to contribute. Their share would be put up by a "big man," that is, a wealthy man who was willing to lend money. Repayment of the loan could occur through a sharecropping arrangement whereby the debtor's future cocoa yields were shared (on a one-third basis) with the creditor for a specified period of time. Very often security for the loan was a female relative - a pawn - turned over to the creditor for his - or her - use.

In 1918, W.S. Tudhope, the director of agriculture, made an extensive tour of the cocoa-growing regions of southern Ghana, inquiring into many aspects of cocoa production and sale. When he raised the question of how farmers acquired the capital to buy land, he was told by one witness that "a man may start a farm with practically no capital and work hard himself, pawning his children [or nieces and sisters] in the first place for an advance to buy the land."³² This informant obviously came from a patrilineal group; an Akan man would have referred to his matrilineal dependants. Given the scarcity of capital, it is reasonable to assume that

pawning female relatives was a very common way of getting a loan for the purchase of land in the early years and that pawning increased in spite of its illegality. It is important to note also that younger men, men of lower--class backgrounds and slave ancestry were able to relieve their own subordination through migration and through the support of patriarchal controls over women: their ability to buy land (and escape the demands of an elder or former owner) often came at the expense of their niece's, sister's or daughter's freedom.

Another route to indebtedness and, hence, reduction in the status of women grew in importance in time: off-season loans by African cocoa traders or brokers who turned around and bought the farmer's harvest at a considerable discount. The most comprehensive study of cocoa production and trade in Ghana, the Nowell Commission, found in 1938 that indebtedness to cocoa traders was widespread among producers, large and small. By the Depression of the 1930s, many cocoa producers had already pledged or mortgaged their farms in this way and were left with no way of securing additional capital other than by pawning a female relative. According to the Commission's *Report*, "Although this method of financing is illegal, one farmer volunteered to us the remark that he could always hand over *four or five of his nieces* when he needed capital."³³

The British were eager to hold Ghana up as an example of prosperity based on indigenous export production. However, they ignored the fact that during the First World War as well as during the Depression of the 1930s, the dramatic drop in cocoa prices coupled with the rise in prices of imported goods put a squeeze on the peasantry and caused considerable hardship and poverty. Borrowing was the common way to relieve the hardship but when the peasant farmer borrowed, as we have seen, it was at the expense of his female dependants. The director of agriculture noted in 1918 that many indebted cocoa farmers were "crippled for life" - that is, they would probably never recover their mortgaged farms.³⁴ He should have added that many women and girls were reduced to the status of debt servitude, probably for life. It was they who paid the price of Ghana's incorporation into the world capitalist system as a cocoa producer. Moreover, as we shall now see, the exploitation of women's labor power was greatly intensified by the new export-based economy.

Women and Girls as Porters

From the foregoing, it is clear that men with capital to advance were in a position to acquire control over the labor power of other people, especially the female relatives of indebted cocoa producers. Vast numbers of laborers were needed on the cocoa farms and to transport the beans. Before the 1920s, when the railways and lorry roads were completed, goods were

headloaded to and from the coast. Annually thousands of tons of cocoa beans were transported from farm to market center and then to port by porters, who carried every trade good imaginable on the return journey. It was in the interest of traders to lend money to cocoa producers and imported goods consumers, since lending enabled them to acquire the services of vast numbers of cheap pawned laborers. Perhaps it is only by linking trading to money lending and the acquisition of pawns that we can account for the substantial number of female porters officials observed. In 1911, an officer of the Gold Coast Medical Department wrote:

In the course of my journey I frequently noticed the distressed appearance of the cocoa carriers along the road. All day long a procession of them passed to the south, old men and women, children of all ages, each staggering under a too heavy burden, adults often carrying loads of 200 lb or more, their condition of profuse perspiration and laboured breathing recalling the appearance of an athlete in distress after some supreme effort.³⁵

During the 1913 cocoa season, "a continuous stream of carriers of *both sexes* was noted at Mangoase, the numbers of which 'had to be seen to be believed.'"³⁶ The carrying was "in the hands of young adults, *principally girls*, who were carrying loads of cocoa evidently quite beyond their physical strength."³⁷ Not all female porters were pawns but a significant number of them probably were.

Women and Girls as Family Labor on Cocoa Farms

From the very beginning, the labor of women and girls was critical to the production of cocoa. Studies of the organization of cocoa production in the 1930s and 1940s point to female labor as the main source of permanent labor.³⁸ In the labor-intensive processes of establishing a cocoa farm (clearing the virgin forest, planting the cocoa seeds or seedlings, and intercropping with food crops), of weeding the farm, of harvesting, drying and fermenting the beans, and of conveying the dried beans to the nearest market center, the labor of women and girls predominated.

Who were these female laborers? They were the sisters, nieces, wives, and pawns of Akan men. In some cases, particularly in Asante as late as the 1920s, they were slave wives and their children. From the point of view of customary law, cash earned from cocoa production did not have to be shared with any of these family laborers, though their maintenance had to be provided for. Yet, these women and children performed the bulk of the labor in farming enterprises that considerably enriched many owners.

In addition to their new activities on cocoa farms, women and girls continued to perform their usual household tasks of fetching water and firewood, growing and processing food, cooking, caring for children, and maintaining village roads and streets.

Women and Girls as Cocoa Traders

The 1918-19 report of the director of agriculture is one of the few to mention women or girls in connection with cocoa trading. To the director, Tudhope, and many officials of the time, cocoa traders were enemies of peasant producers because their loans were believed to open the way for the proletarianization of the rural population. It is not surprising, then, that when Tudhope does mention females as cocoa traders, he does so disparagingly:

...there are what may be more appropriately termed "*Petty Buyers*." ...[T]heir means being limited their operations are accordingly restricted, and having obtained a few loads of cocoa as cheaply as possible they hawk it amongst the larger buyers.... This class consists of all classes of the community, irresponsible, semi-educated and illiterate men and women, boys and girls who have only one incentive, viz: - to make money, and over whom there is no control.³⁹

The participation of women and girls in small-scale cocoa trading warrants some exploration for, in Ghana, there has long been a noticeable sexual division of labor in commerce. Women have generally specialized in the sale of processed and unprocessed foodstuffs, fish, kitchen utensils, cloth, local medicines, locally made alcoholic beverages, and homemade crafts, whereas men have generally dominated the buying and selling of cocoa and larger items. Two seemingly contradictory but closely related explanations present themselves for the participation of some women in cocoa trading. The first has to do, again, with pawning. One of the many uses to which a pawn's or a slave's labor was put in the precolonial period was petty trading for the owner. Generous owners allowed pawns and slaves to trade a little on their own account. Such a privilege reduced tensions between master and slave or pawn and helped secure the latter's overall cooperation.

The second explanation involves the efforts made by subordinated groups - slaves, pawns, and blood-related dependents - to take advantage of the new colonial economy to gain control of their labor power. As already noted, men and boys could now flee the village and survive outside kinship arrangements. However, women and girls had few

opportunities to escape bad marriages, bondage through pawning, and the intensification of their labor. Domestic service was one employment option but, without a guardian, a woman was vulnerable to sexual exploitation. A young woman in town without a guardian was likely to be branded a "prostitute" and treated as such. In fact, many young girls and women had to turn to prostitution as a means of survival. Cocoa trading, even if only in small amounts for a larger buyer, must have been another option for women seeking greater autonomy, along with carrying goods.

Women as Cocoa Farm Owners

There were several routes by which women could acquire cocoa farms of their own: through land grants from their chief, purchase, inheritance, or gift. In each case, factors related to gender intervened to reduce their ability to generate wealth from their individual farming activities. In the village of Akokoaso during the early 1930s, W. H. Beckett found that 39 percent of the independent cocoa farmers were women.⁴⁰ However, the mean acreage of the farms owned by women was four times smaller than the mean acreage of farms owned by men. Access to land was not the reason for the smaller sizes of women's cocoa farms in this case, though a woman's access to village land was mediated through her male kin or her spouse. The critical problem for women in Akokoaso was labor. Women's own labor power was focused on food farming and on helping male kin and spouses with their cocoa farms. More important, unlike their uncles, brothers, and husbands, women could not legally compel anyone - including children, siblings, nieces, nephews - to work for them unless that person was their pawn (or slave in previous days). The size of a woman's cocoa farm, then, was limited by the labor she could spare, by the willingness of her kin members and spouse to help her out, and by her ability to acquire a pawn or hire a laborer.⁴¹ Even if women migrated and purchased farms (and some did), they were limited by their ability to obtain labor other than that of kin or spouse.

Colonial officials noted a growing tendency of Akan women and children to challenge the customary laws of inheritance in instances in which they had assisted their husband or father in the making of a cocoa farm. Throughout the colonial period, the courts, customary and colonial, generally decided these cases in favor of the "custom," that is, in favor of the man's matrilineage. However, officials and some chiefs encouraged the man's rightful heir (his brother or sister's son) to make a gift (usually lifetime, sometimes permanent) to the deceased's conjugal kin when it was clear that the latter had contributed substantial unpaid labor to the development of the cocoa farm. So strong was the pressure from wives and children for a share in such farms that more than a few chiefs decreed a

new "custom": if a man died intestate and his wife and children had worked to develop his property, they should receive a certain percentage of that property. However, such decrees were resisted fiercely by blood kin. Another solution was for the man to make a gift of part of his cocoa farm property to his wives and children before his death. But even a gift had to be agreed to by the man's lineage and "thanks money" or *aseda* paid. Christine Okali found in the 1970s that some women were refusing to work on their husband's farms because of the uncertainty of ever benefiting.⁴² However, they risked being sued for divorce, depending upon the type of marriage they had contracted. The refusal to work deserves further research from an historical point of view as it is critical to understanding women's responses to the use of their labor.

Of course, matrilineal Akan women were in a contradictory situation: while they could be exploited as wives and daughters, they could benefit as sisters and nieces. Through inheritance and gift, sisters and nieces often obtained either part of a large cocoa farm or a piece of virgin land owned by their legal guardian. Typically, these women had helped their guardian develop his part of the land first and were given a smaller parcel as their reward. (The largest part went to the guardian's legal heir, who was always a male.) This land was considered lineage or family land and was not alienable without the permission of the family head. However, the fruits of this cocoa farm were the property of the woman and the farm could be passed on to her heir - usually a daughter - upon her death.

The Colonial State, Patriarchy, and Women's Labor Power

Throughout the nineteenth century, most British officials at the coastal forts viewed African customs with disdain. Only a minority defended African chiefs and systems of government; most favored replacing chiefs with white administrators. During the first decade of this century, the official view took a 180-degree turn. The new ideology regarded Akan political and legal institutions as essentially "democratic" in character. Akan women, Rattray was keen to point out, enjoyed a great deal of respect in their society and a high degree of equality with men.⁴³ By 1910 the dominant official view was that most African customs were worthy of preservation, and should constitute the foundation of African development. The new view of indigenous institutions and customs found concrete expression in the policy of indirect rule.

The key to understanding the state's new attitude toward African customs and traditions lay in growing official awareness after the turn of the century of the role these institutions played in providing cheap raw materials for European consumption. The peasant's ability to produce cheaply depended upon his access to land and labor for which he did not

have to pay and upon his continued self-sufficiency in food production. After a tense period during the First World War when cocoa prices plummeted and producers tried to withhold their crops until prices rose, the director of agriculture wrote that "The ideal to be aimed at," in the social organization of cocoa production, was "moderately sized plantations which can be maintained for the most part by the individual peasant proprietor with his own labour and that of his family; with the further reservation that all his eggs should not be placed in one basket."⁴⁴ The director was aware of the extent to which cocoa producers were producing less of their own food and considered food self-sufficiency an important buffer against volatile or declining world cocoa prices. With regard to the costs of production he wrote:

There is no doubt that land has shown a tremendous appreciation in value due to cocoa; nevertheless the bulk of the cocoa is grown on family or stool [village] lands for which no such original outlay was necessary, and, I have no hesitation in saying, - without minimizing the expense and labour entailed, - that cocoa can be more cheaply produced in this country than in any other country with which I am acquainted.⁴⁵

It is against this backdrop that we should interpret the words of Governor Frederick Guggisberg, who wrote in the 1920s that African customs should be preserved because they were the "bulwark" against the too rapidly disintegrating forces of "western civilization."⁴⁶

Another official was even more explicit. Sir Hugh Clifford was governor of the Gold Coast from 1912 to 1919 - crucial years for the expansion of cocoa production - and of Nigeria, another cocoa producer, from 1919 to 1925. In response to a request by British cotton-growing firms for assistance in introducing large-scale plantations in British West Africa, Clifford argued that "the white man was the most expensive of God's creatures" in the tropics.⁴⁷ Not only did he require living under circumstances similar to those at home, but the land and the labor for his enterprises had to be purchased. By contrast,

The cocoa-farmer of the Gold Coast, or the ground-nut or cotton-cultivator of Nigeria, knows nothing of these things. His individual holding is comparatively small, and is usually capable of being tilled by himself and the male and female, adult and juvenile, members of his family . . . the individual native farmers, when once

they have ascertained that there is a profitable market awaiting a particular kind of produce, are hampered by no such delays or financial considerations [in obtaining land], and on the contrary are able forthwith to take up and plant as large an area as they are capable of utilising.⁴⁸

It should be clear that Clifford's description of rural relations of production in southern Ghana was not quite accurate. Indeed it was a carefully constructed idealization of the African peasant's relations of production, for Clifford was aware of the enormous changes that had occurred in the rural areas as oil palm and cocoa production spread in latter half of the nineteenth century. During his tenure as governor of both Ghana and Nigeria he was instrumental in helping to revive and reshape many aspects of the old precapitalist order that were beneficial to patriarchy and the cheap production of cocoa. The political framework for such idealized peasant social relations (or "peasant mode of production") was indirect rule.

The policy of indirect rule reinforced the legal and coercive powers of chiefs and male elders over their historic dependants and of males over females. It helped guarantee girls and women as an unpaid source of labor on the farms and in the trading and other enterprises of uncles, elder brothers, husbands, fathers, and creditors. The village courts were central to shoring up these relations. Many of these courts were in a state of decay at the end of the nineteenth century in the areas of southern Ghana in closest contact with the British. Controlled by chiefs and male elders for the purpose of reinforcing their class and gender domination, the courts had become the specific focus of rural class struggle in these areas. Increasingly, ordinary people took their disputes to the British judicial officials at the coastal forts and inland stations. The law applied by these officials was neither purely English nor purely Akan, but often a mixture of concepts of the social relationships reflected in each. Chief Justice Griffith asserted that so superior was "British justice" to "native justice" from the point of view of the ordinary people that the chiefs' courts in much of the Gold Coast Colony were in use only for minor disputes by the end of the century.⁴⁹ He also wrote that "The people who advocate the restoration of these native courts are not the masses but the chiefs and elders."⁵⁰

It is significant, then, that between about 1910 and 1935, a series of Native Authority Ordinances was passed for Asante and the Gold Coast Colony giving these courts the legal, administrative, and coercive backing of the colonial state. The chiefs, "with their respective councillors authorised by native law," were given jurisdiction over most civil and criminal

matters arising in their villages and districts in which the claimants were Africans: the ownership, possession, or occupation of land; divorce and other matrimonial causes between Africans married under customary law; paternity, succession to property, and debt; petty assault, slander, causing a nuisance, and willful disobedience of the orders of a chief. "Customary law" was defined as a body of rules "which obtains and is fortified by established native usage." Acknowledgement was made of the importance of keeping the law fluid so that it could respond to "changing practices."⁵¹ However, it was the chiefs themselves who were given authority to determine what was "custom," pending final approval by colonial officials. Grades of courts were defined with corresponding scales of fees and fines. As in the precapitalist era, fees and fines were distributed among the court members and constituted an important source of income for them. Chiefs were also allowed to keep prisons and to impose sentences of up to three months. In theory, it was possible to appeal cases from the lower to higher grades of "native courts" and from these courts to the courts of colonial administrators acting as judges (for Asante, in particular), up to the Supreme Court.

As in the precolonial era, the courts' members were men of aristocratic or free Akan origins. These men carried with them into the colonial era certain class and gender interests which they could continue to protect within the framework of the new legal system. Perhaps the clearest illustration of the way in which the law was rewritten to protect their interests in the unpaid labor power of women and girls was the redefinition of "pawning" that appears to have taken place sometime during the colonial period. In a description that was rather sympathetic to women, J. B. Danquah described pawning in 1928 without calling it by that name:

Now, if one is marrying a member of a family not very well-off, one may be asked to pay head-money ranging from £10 to £20 or more. This amount may be used in paying a family debt. When this is the case a good clanswoman would not make herself the cause of any trouble to her family by leaving them in their debt when by staying in marriage she could get them out of hardship. She would therefore endeavour to keep her temper under control to prevent a possible rupture of her married life. The psychological effect of this on the character of the woman is obvious.⁵²

Danquah was a distinguished lawyer, legal scholar, and member of the royal family of Akyem Abuakwa. The head chief of Akyem Abuakwa was one of the closest government advisers and an important actor in the

consolidation indirect rule from the 1910s to the 1940s. There is no doubt that Danquah was aware of the illegal status of pawning. That he could write about it so casually suggests that it was undergoing redefinition at this early date. By the 1940s and 1950s, when noted anthropologist Meyer Fortes did his work on the Asante, pawning appears to have been considered just another type of African marriage (and one quite acceptable to British officials). After discussing the formalities of a legal Asante marriage, including payment of *aseda*, or "thanks money," Fortes went on to explain:

A further payment may be demanded from the husband at any time during the marriage. If there is urgent need for money in the lineage segment to which the wife belongs, her mother's brother, as her legal guardian, can, with the consent of the other members of the segment, ask the lineage head to demand *tiri sika*, or head money, from her husband. Any amount may be asked for. *It is in reality a loan for an indefinite period which serves as a pledge of the fidelity of the wife.*⁵³

What is interesting about Fortes' description is that the extra payment appears to have been required to ensure the woman's sexual fidelity. During Rattray's time, the *aseda* had been sufficient. Two possible explanations for this change can be suggested. The first is that in an increasingly monetized economy "thanks money" had lost some of its value. Only by locking a woman into a marriage through the indebtedness of her lineage could a man demand a woman's fidelity. Second, it is possible that women had successfully increased their own autonomy and could no longer be bond by the payment of *aseda* alone. In any event, a coercive and exploitative precapitalist relationship had become relegitimized and harnessed to local and metropolitan accumulation.

Conclusion

This chapter ends with the colonial period. If my assumptions are largely correct, then it has a number of implications beyond that time and beyond Ghana. First, the achievement of Ghanaian independence in 1957 added yet another "layer" or social stratum that had an interest in maintaining the inferior legal position of women - all those who relied upon the state as a source of income, in particular, upper-level bureaucrats and the military. The Cocoa Marketing Board, the state monopoly purchasing organization that was introduced by the British at the outbreak of the Second World War, appropriated half or more of cocoa producers' incomes and redistributed them to support the state bureaucracy and state corporations.

Early postcolonial African bureaucrats and politicians used rhetoric that was similar to the rhetoric of colonial officials (for example, the need to "respect African traditions") in an attempt to justify the perpetuation of servile social relations in agriculture that exploited women as an unpaid labor force. Second, the paper has implications for other parts of peasant Africa, English- and French- speaking, where the social relationships in agriculture were and are similar.

Third, the study points to the value of bringing together the very different but yet in some ways very similar experiences of peasant and settler Africa. For too long, these areas of Africa have been researched and theorized about discretely, when the reality is closer to that of "two sides of the same coin," the coin of harnessing noncapitalist relations of production and exploitation to capitalist accumulation. Finally, the paper has implications for the study of "underdevelopment." If underdevelopment is to be understood in Andre Gunder Frank's terms as the "structural generation of poverty," then women in Ghana are clearly at the center of the structures of Third World impoverization.⁵⁴ Again, the experience of women in Ghana is not unique. More research needs to be done on the complex historical linkages between capitalism, patriarchy, and the state so that solutions to the problems of underdevelopment take into account core relationships in the Third World.

Notes

1. Originally published in *Signs: Journal of Women in Culture and Society*, 17, 2 (1992), 304-28.
2. Union of South Africa, *Report of the Witwatersrand Mine Native Wages Commission* (Pretoria, 1944), quoted in Isaac Shapera, *Migrant Labour and Tribal Life* (London, 1947), 204.
3. W. S. Tudhope, *Enquiry into the Gold Coast Cocoa Industry. Final Report, Sessional Paper No. IV, 1918-1919* (Accra, 1919), 12. A preliminary report by the same author was published in the preceding year: *Enquiry into the Gold Coast Cocoa Industry. Interim Report, Sessional Paper No. II, 1918-1919* (Accra, 1918).
4. The colonial state and certain indigenous social elements worked toward the preservation of all aspects of the old order that were beneficial to law and order and the accumulation needs of European capital. These issues are examined in greater detail in Grier, *Creating a Peasantry: Land, Labor and the State in Colonial Ghana* (forthcoming). See also Grier, "Contradiction, Crisis, and Class Conflict: The State and Capitalist Development in Ghana Prior to 1948," in Irving Leonard Markovitz, ed., *Studies in Power and Class in Africa* (New York, 1987), 27-49. For a summary of the theoretical approach guiding this essay, see Aiden Foster-Carter, "The Modes of Production Controversy," *New Left Review*, no. 107 (Jan.-Feb. 1979): 44-74. For a study of the transformations wrought by cocoa in Asante that uses a conception of capitalism based on market relations rather than production relations, see Gareth Austin, "The Emergence of Capitalist Relations in South Asante Cocoa-Farming, c. 1916-1933," *Journal of African History*, 28, 2 (1987), 259-79.

5. For a fuller discussion, see Polly Hill, *Migrant Cocoa-Farmers of Southern Ghana: A Study in Rural Capitalism* (London, 1970 [1963]).
6. See, for example, T. Edward Bowdich, *Mission From Cape Coast Castle to Ashantee* (London, 1966 [1819]); Joseph Dupuis, *Journal of a Residence in Ashantee* (London, 1966 [1824]); Brodie Cruickshank, *Eighteen Years on the Gold Coast of Africa* (London, 1966 [1853]); Great Britain, *Report from the Select Committee on the State of the British Settlements on the Western Coast of Africa* (London: H.M.S.O., 1865), V [412], *Minutes of Evidence*. An important secondary source is Ivor Wilks, *Asante in the Nineteenth Century: The Study and Evolution of a Political Order* (Cambridge, 1975).
7. The best known early Ghanaian accounts include Carl Christian Reindorf, *History of the Gold Coast and Asante* (Basel, Switzerland, 1895); John Mensah Sarbah, *Fanti Customary Laws* (London, 1968 [1897]), *Fanti National Constitution* (London, 1968 [1906]); J.E. Casely Hayford, *Gold Coast Native Institutions* (London, 1970 [1903]); J.B. Danquah, *Gold Coast: Akan Laws and Customs and the Akim Abuakwa Constitution* (London, 1928).
8. R. S. Rattray, *Ashanti Law and Constitution* (London, 1969 [1929]), and *Ashanti* (London, 1969 [1923]).
9. See Emmanuel Terray, "Long-distance Exchange and the Formation of the State: The Case of the Abron Kingdom of Gyaman," *Economy and Society* 3, 3 (1973), 315-45; Ivor Wilks, "Land, Labour, Capital and the Forest Kingdom of Asante: A Model of Early Change," in J. Friedman and R. M. Rowlands, eds., *The Evolution of Social Systems* (Pittsburgh, 1978), 487-534; and Jack Goody, *Technology, Tradition and State in Africa* (New York, 1971).
10. Cf. T. C. McCaskie, "State and Society, Marriage and Adultery: Some Considerations Toward a Social History of Pre-Colonial Asante," *Journal of African History*, 22, 4 (1981), 477-94, and "Office, Land and Subjects in the History of the Manwere Fekuo of Kumase: An Essay in the Political Economy of the Asante State," *Journal of African History*, 21, 2 (1980), 189-208.
11. See Meyer Fortes, "The Lineage in Ashanti," in his *Kinship and the Social Order: The Legacy of Lewis Henry Morgan* (Chicago, 1969), 257.
12. Rattray, *Ashanti Law*, 34.
13. *Ibid.*, 7.
14. *Ibid.*, 47.
15. *Ibid.*, 19.
16. *Ibid.*, 51.
17. *Ibid.*, 52.
18. *Ibid.*, 24.
19. *Ibid.*, 48.
20. *Ibid.*, 49.
21. *Ibid.*, 48.
22. See "Introduction," in Claire C. Robertson and Martin Klein, eds., *Women and Slavery in Africa* (Madison, 1983), 3-25.
23. Rattray, *Ashanti Law*, 39-40.
24. Marcia Wright uses the term "perpetual jural minor" in "Bwanikwa: Consciousness and Protest among Slave Women in Central Africa, 1886-1911," in Robertson and Klein, *Women and Slavery*, 246-67, and Terray uses "perpetual youths" in "Classes and Class Consciousness in the Abron Kingdom of Gyaman," in Maurice Bloch, ed., *Marxist Analyses and Social Anthropology* (New York, 1975), 85-135.
25. See Terray, "Class Consciousness," and Jeanne Koopman Henn, "The Material Basis of Sexism: A Modes of Production Analysis with African Examples," Boston

- University, African Studies Center, Working Paper No. 119, 1986.
26. Cocoa was preceded by several export crops, the most important of which were oil palm products. The production of these crops laid the groundwork for the rapid expansion of cocoa. See Marion Johnson, "Migrants' Progress, Part I," *Ghana Geographical Association Bulletin*, 9, 2 (1964), 4-27, and "Migrants' Progress, Part II," *Ghana Geographical Association Bulletin*, 10, 1 (1965), 13-40; and Hill, *Migrant Cocoa Farmers*. For regional studies of cocoa production, see Gareth Austin, "Rural Capitalism and the Growth of Cocoa-Farming in South Ashanti" (Ph.D. thesis, unpublished, University of Birmingham, 1984), and "The Emergence of Capitalist Relations;" and John Dunn and A.F. Robertson, *Dependence and Opportunity: Political Change in Ahafo* (London, 1973), 41-67. For a good general overview of the development of labor in export agriculture in southern Ghana which, however, neglects the role of women, see Inez Sutton, "Labour in Commercial Agriculture in Ghana in the Late Nineteenth and Early Twentieth Centuries," *Journal of African History*, 24, 4 (1984), 461-83.
27. See Sarbah, *Fanti Customary Law*, chaps. 3-6, and Sir William Brandford Griffith, "A Note on the History of the British Courts on the Gold Coast," in Great Britain, Colonial Office, West African Lands Committee [WALC], *Correspondence* (London: H.M.S.O., 1916 and 1917). Customary land law was rewritten during the colonial period in an attempt by officials to bar permanent sales and mortgages ending in forfeiture.
28. See Johnson, "Migrants' Progress, Part I."
29. See Gerald M. McSheffrey, "Slavery, Indentured Servitude, Legitimate Trade and the Impact of Abolition in the Gold Coast, 1874-1901: A Reappraisal," *Journal of African History*, 24, 3 (1983), 349-68. Cf. Raymond Dumett and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti, and the Northern Territories," in Suzanne Miers and Richard Roberts, eds., *The End of Slavery in Africa* (Madison, 1988), 71-116.
30. See "Correspondence Respecting the Alleged Slavery in the Gold Coast Colony. No. 1. The Aborigines Protection Society to the Colonial Office" (August 20, 1890) in Gold Coast, *Correspondence Respecting the Administration of the Laws Against Slavery in the Gold Coast Colony* (London: H.M.S.O., May 1891, c. 6354); and Robert Davison, "African Labour: Studies of Migrancy and Industrial Relations within a Factory in the Gold Coast" (Ph.D. thesis, unpublished, University of London, 1955), chap. 4.
31. For details, see Hill, *Migrant Cocoa-Farmers*, chaps. 2 and 3.
32. Tudhope, *Final Report*, 11.
33. Great Britain, Colonial Office, *Report of the Commission on the Marketing of West African Cocoa* [Chair: William Nowell] (London: H.M.S.O., 1938, Cmd. 5845), 24. Emphasis mine.
34. Tudhope, *Interim Report*, 7.
35. Gold Coast, *Medical Department Report, 1911* (Accra: Government Printer, 1911), quoted in Davison, "African Labour," 98.
36. *Ibid.* Emphasis mine.
37. *Ibid.*, 99. Emphasis mine.
38. See especially W. H. Beckett, *Akokoaso: A Survey of a Gold Coast Village* (London, 1944), based on research conducted between 1932 and 1935, and Koransang: *A Gold Coast Cocoa Farm* (Accra, 1945); and C. Y. Shephard, *Report on the Economics of Peasant Agriculture in the Gold Coast* (Accra, 1936).
39. Tudhope, *Final Report*, 8.
40. Beckett, *Akokoaso*, 61.

41. For parallel findings based on research conducted in the 1950s and 1970s see, respectively, Hill, "Women Cocoa Farmers," *The Economic Bulletin* (of The Economic Society of Ghana), 2, 6 (1958), 3-5; Dorothy Dee Vallenga, "Matriliny, Patriliney and Class Formation Among Women Cocoa Farmers in Two Rural Areas of Ghana," in Claire Robertson and Iris Berger, eds., *Women and Class in Africa* (New York, 1986), 62-77; and Christine Okali, *Cocoa and Kinship in Ghana: The Matrilineal Akan of Ghana* (London, 1983), chap. 4.
42. Okali, *Cocoa and Kinship*, chap. 4.
43. Rattray, *Ashanti*, chap. 3.
44. Tudhope, *Interim Report*, 7.
45. Tudhope, *Final Report*, 12.
46. Frederick Gordon Guggisberg, *The Gold Coast: A Review of Events of 1920-1926 and the Prospects of 1927-1928* (Accra, 1928), 244.
47. Nigeria, Nigerian Council, *Correspondence Relating to the Policy to Be Adopted with Regard to Projected Commercial Enterprises for Cotton Growing on a Large Scale in the Tropical African Colonies and Protectorates* (Lagos, 1920, Sessional Paper no. 1), 4.
48. *Ibid.*, 4, 6-7.
49. Griffith, "A Brief History of British Jurisdiction."
50. Quoted in Gold Coast (Colony), *Report of Commission on Native Courts* (Accra, 1951), 5.
51. *Ibid.*, 16.
52. Danquah, *Akan Laws and Customs*, 150, referring to his own state of Akyem Abuakwa.
53. Fortes, "Kinship and Marriage Among the Ashanti," in A. R. RadcliffeBrown and Daryll Forde, eds., *African Systems of Kinship and Marriage* (London, 1970), 281. Emphasis mine.
54. Andre Gundar Frank, *Latin America: Underdevelopment or Revolution* (New York, 1970), chap. 1.

CHAPTER 16



IWOFA*: AN HISTORICAL SURVEY OF THE YORUBA INSTITUTION OF INDENTURE

E. ADENIYI OROGE

The existing accounts of the *iwofa* system are generally concerned with three issues. First, they stress the contractual nature of the system with a view to establishing that *iwofa* was an institution distinct from slavery. Second, they argue that an *iwofa*, a person rendering service to a creditor in lieu of interest on a loan received, cannot be aptly described as a pawn in the sense common in England where goods (not persons) are held, but not used, by the creditor as a security for a debt. Third, they make generalized statements about the composite function of *iwofa* as a system of credit alleviating the hardships of the poor and the needy, and also providing facilities for apprenticeship and education, apart from being a source of labor supply in a society without a system of wage labor.¹ By and large these accounts, though useful, are synchronic, for they provide precious little evidence on the growth of the institution over the years and, in consequence, fail to bring into focus the increasing significance which the institution began to acquire as a source of labor supply, especially in the realm of agriculture and related industries, from the 1890s when, as a result of the British penetration of the Yoruba interior, the institution of domestic slavery which had hitherto provided the bulk of the labor force

began to disintegrate.² This article seeks to overcome the limitations of existing analyses by viewing *iwofa* not as a static but as a dynamic social institution.

The origin of the institution is shrouded in the dim nonliterate past, but as the institution was evidently a product of a monetized economy, it can safely be conjectured that *iwofa* came into being sometime after the introduction of the cowrie currency in Yorubaland, an event which is yet to be dated with any precision but could not have been later than the fifteenth century.³ "Pawning" oneself, one's children, other relatives or slaves evidently arose from unequal distribution of wealth, and the coming of the Atlantic trade, in which the Yoruba participated actively from the seventeenth century, was capable of giving a boost to the practice since it was kings, chiefs and other, principal men that benefited most from the trade. The etymology of the word *iwofa* (sometimes rendered as *ofa* or *isofa*) is today unknown,⁴ and this in itself lends support to the view that the institution was of considerable antiquity.

The institution appears to have existed only on a very small scale and only in a few places in the Yoruba country in the period before the nineteenth century. For example, the institution was unknown in Lagos until after 1865⁵ and was only introduced among the Ijebu after 1892.⁶ One possible explanation for the late emergence of the institution in Lagos and Ijebu probably consists in the fact that the two southern locations, because of their proximity to Benin,⁷ received fairly regular supplies of cowries and hence did not experience the kind of scarcity of cowries which, as will be shown subsequently, often impelled other Yoruba people to resort to "pawning." A second explanation is the fact that the two locations were relatively free from wars and raids until the nineteenth century and hence were spared the travails of seeking loans wherewith to pay the ransom of captured relatives and friends. Other explanations can be advanced but they need not delay us here.

Growth of the Institution

Iwofa as an institution thrived largely on calamity. Wars, raids, famine, scarcity of cowries and imperative heavy expenses that could not be met by normal efforts were potent factors in the growth of the institution. The nineteenth century, with its many wars and predatory raids, therefore, witnessed a phenomenal growth of the institution. At the fall of the Egba towns in the 1820s, for example, many families must have found themselves in the same pathetic condition as that which plagued the family of William Moore (alias Odusina), who later became a pastor of the Anglican Communion and was stationed at Oshiele. Moore was captured as a child along with his mother, grandmother, sister and little

brother. While he was sold into foreign slavery and could not be redeemed, his captured relatives were sold into local slavery from which they were only redeemed through the assistance of his uncle and his mother's uncle, who had to put themselves in pawn in order to obtain the necessary ransom money.⁸ After his return to Abeokuta in early 1851, Moore learnt with much grief that his mother and grandmother were again captured at the fall of Oba, the town in which they lived, and that efforts were being made to redeem his mother who had been sold into slavery in the Ijebu country. The family of Samuel Ajayi Crowther, who later became the first African Bishop of the Anglican Communion, shared the same fate at the fall of Osogun in the Ibarapa district when Yoruba Muslims aided by Fulani jihadists ravaged Oyo and its environs in the 1820s.⁹ The practice of putting persons in pawn in order to obtain money for the redemption of their relatives from slavery continued probably until the present century. In 1880 the Rev. William Moore reported that one Isaac Akibola had been "pawned" to him by the father in order to redeem the boy's mother.¹⁰

The Yoruba wars of the nineteenth century were characterized by long sieges which often resulted in famine within the beleaguered communities. Thus during the long siege that culminated in the fall of their city in 1825, the Owu people were reduced to dire straits for food and had to resort to eating "those large beans called *popondo* (or *awuje*) hitherto considered unfit for food."¹¹ Tradition does not record the fate of children in the famished city but if what happened elsewhere, first in Abeokuta and then in Ijaye, is anything to go by, then many Owu children must have been pawned by their parents to save them from what Samuel Johnson has described as the "fatal work" of famine.¹²

After the destruction of their towns (reckoned at 153)¹³ in the 1820s, the remnants of the Egba founded a new settlement at Abeokuta in 1830. Their nascent town faced a serious threat from the Ijebu who were determined to eliminate it. The Egba found themselves in a state of siege as it were and not many could venture out of the new town to farm. Food became very scarce and only those in Itoko and Ijemo quarters who had access to their farms had enough to eat. In consequence, "desperate people pawned their children, wives, or themselves" to the Itoko and Ijemo people.¹⁴

Similar acts of pawning occurred in Ijaye when the town was besieged by Ibadan troops in 1860-62. The siege occasioned what has been described as "an increasingly desperate famine" and although some quantity of *awuje* beans occasionally filtered through from Egba farms, most of this went to Ijaye soldiers, and nonsoldiers got very little or nothing at all. In consequence, "many were obliged to put their children

in pawn, not only to the missionaries for ready cash, but also to Egba soldiers and traders."¹⁵ Between March and August 1860 the Baptista alone received eighteen children in pawn,¹⁶ and by the end of the following year they had evacuated more than seventy such children to Abeokuta, while some others, whose parents objected to their being sent to Abeokuta, were left in the care of the Rev. R.H. Stone in Ijaye until early 1862.¹⁷ The Rev. Adolphus Mann, Anglican missionary at Ijaye, who since 1859 had acquired some reputation as a critic of the *iwofa* institution, at first frowned on the procedure of the Baptists which tended to encourage the practice of putting children in pawn, but by November 1860 he too had begun to gather children by the method he had criticized. Before the war, Mann had only two children in his boarding house, but by October 1861 he had evacuated thirty-three with the aid of the Ijaye Relief Fund organized by the Church Missionary Society (C.M.S.) at Abeokuta.¹⁹ It may be mentioned here in passing that the first three African Baptist ministers in Nigeria came from among the pawns evacuated from Ijaye in the 1860s. The first of them, Moses Ladejo Stone, was made a pastor in 1880.²⁰

The impression is sometimes given that parents in the famine-stricken parts of Yorubaland in the nineteenth century put their children in pawn because they "had nothing to sell in exchange" for vital commodities, such as food.²¹ This view ignores the advantages which the pawn was expected to derive from his state of peonage and tends to represent those who put their children in pawn in times of famine as selfish and depraved. While it is true that the parent of the pawn derived some benefit from the loan given him, this benefit was outweighed by the many advantages which the pawned child himself derived from the terms of the indenture. One such advantage was that even in such turbulent times the creditor-master was by law required to protect the life of his pawn.²² It was a serious crime on the part of a creditor to suffer his pawn to die in questionable circumstances. A creditor was usually a person of considerable affluence and probably of some social importance and thus better able than the debtor to ensure the safety of the pawned child.

Another advantage was that, by being put in pawn, the child was transferred from the famished home in which he stood in danger of death by starvation to a better-provisioned home in which he was likely to have enough to live on. With his source of food supply thus secured, the child was no longer in danger of being kidnapped in the course of wandering about in search of food. He was also not in danger of being enslaved in the course of waiting for his parents who often had to go in search of food for the family. The Egba, for example, unscrupulously

enslaved many hungry Ijaye children who wandered longingly into their camp for meals of *awuje* beans.²³ Yet the Egba were allies of the Ijaye when this happened in 1860-62. Joseph Wright was captured as a child at Oba in the Egba country in the 1820s when his parents left him and their other children behind and went in search of food for the family.²⁴ The *iwofa* institution did not altogether eliminate such dangers to the children of poor parents; nevertheless it represented a peculiar welfare scheme whereby the rich sought to alleviate the hardships of the poor.

Given the hindsight of history and guided by the careers of many like Moses Ladejo Stone, for whom peonage provided an avenue to survival and success, we are now in a position to say that the decision of Yoruba parents to put their children in pawn in times of famine stemmed more from parental love than from depravity and selfishness. The fact that they chose to put their children in pawn rather than sell them into slavery meant that they hoped to recover such children in the future as soon as the fortune of the family improved. Putting a child in pawn in times of wars and famine represented an attempt by parents to reduce to the minimum the risk to the child's life and freedom and to secure his future.

The Yoruba wars of the nineteenth century, especially when they disrupted communication with coastal markets, often resulted in scarcity of cowries not only in the areas directly involved but also in the areas adjoining them. Thus during the Ijaye war (1860-62) and the subsequent Kutuje war (1862-65), cowries were in short supply not only in Ijaye and Ibadan but also in Oyo and to a lesser extent in Abeokuta, which still had access to Lagos. The accounts of the missionaries then resident in these areas are replete with stories of grave privations occasioned by the scarcity of cowries.²⁵

What is of immediate interest to us is the encouragement which this poor circulation of currency gave to the practice of putting persons in pawn on the part of the mass of the indigenous population. Scarcity of cowries had the same effect as famine, for in places such as Ibadan, where food was readily available in the 1860s, many families did not possess the money with which to buy it.²⁶ Apparently David Hinderer, the Anglican missionary at Ibadan, could not secure many pawns, for owing to the scarcity of cowries, he "could not afford to buy even the smallest morsel of meat" and had to borrow money to effect the ransom of Christian converts brought as captives from Ijaye by Ibadan warriors.²⁷

However, there were wealthy indigenous traders and war chiefs who came to the aid of impecunious families. One such trader was Madam Ogunsola, a relation of the Alafin of Oyo who was resident in Ibadan

and who in the troubled period of the Ijaye war managed to carry on substantial trade with Lagos through her many slaves. An untitled woman of considerable largesse, Madam Ogunsola came to the aid of Mr. and Mrs. Hindew in their plight by supplying them "with all necessities"²⁸ and must have brought comfort to many indigenous families in similar plight by taking their children in pawn.

It was probably partly in an attempt to improve the military fortunes of Ibadan and partly in response to the outcry of impecunious families for the safety of their children that the two leading Ibadan war chiefs, Ibikunle and Ogunmola, initiated at the time of the Ijaye war a custom whereby each Ibadan war chief went to war with a number of children called *baba-ni-nma-sa*. These children were apparently pawned to war chiefs by their parents, who found it difficult to feed them under the circumstances then prevailing. According to Samuel Johnson, the *Baba-ni-nma-sa* "were all dressed in red uniforms and were to sit around their master whatever may be the condition of the fight."²⁹ This scheme, which amounted to an aberration of the *iwofa* system, was conceived of by the two leading Ibadan war chiefs as a means of training youths in military tactics at first hand after the pattern of the military training scheme for youths established by Agaja in Dahomey in the eighteenth century.³⁰ Whatever may have been the merits of the scheme as a method of military training, there is no doubt that it did not accord the children who participated in it the same protection as the true *iwofa* system made available.

In spite of its defects as a welfare scheme for the children of poor parents, the *baba-ni-nma-sa* system lingered on in Ibadan until the 1880s. This was partly because the scarcity of cowries which began with the Ijaye war continued in Ibadan until the 1870s and partly because Ibadan embarked on the Kiriji war, which was to last for sixteen years, against the Ekitiparapo in 1877. As the war developed, most of the commercial routes leading to Ibadan were closed. In consequence there was little money in circulation, and as the Rev. Daniel Olubi wrote concerning the time: "There is a general cry among the people for want of cowries. . . . Food is cheap but no money to purchase them [sic]. A man can be pawned for ten heads [of cowries] or ten shillings."³¹ Many accounts of the period corroborate the evidence of Olubi and emphasize the growing incidence of pawning in Ibadan occasioned by the dearth of cowries. They also reveal that men and women pawned themselves as well as their children and slaves.³² Lucky parents managed to raise loans from traders and missionaries but the less fortunate had to receive loans from war chiefs who might decide to take their pawns to the battlefield as *baba-ni-nma-sa*. It is on record that Babalola, the son and heir of

Balogun Ajayi Ogboriefon, who took 400 *baba-ni-nma-sa* to Kiriji in c. 1880, lost 140 killed and wounded in his first fight, while by the end of his third fight the remnants had been wiped out.³³ It was apparently after this catastrophe that the custom was discontinued in favor of the genuine *iwofa* system.

The attempt at the militarization of the *iwofa* service, which began in the military republic of Ibadan at the time of the Ijaye war, appears to have had no parallel in Ijaye and Oyo, both of which were similarly affected by the scarcity of cowries brought about by the war. However, the *iwofa* contract was common in both places. Mention has already been made of the growing incidence of pawning in Ijaye in the 1860s, and reports concerning Oyo in the same period indicate the same phenomenon. One such report was by Andrew Wilhem, Anglican missionary agent in Oyo, who lamented that the same scarcity of cowries that compelled him to leave his kitchen without a roof had already forced many people in Oyo to put themselves in pawn.

Another factor in the growth of the *iwofa* institution was heavy expenses which, because they could not be met by normal efforts, often drove individuals to put themselves, their children or their slaves in pawn.³⁴ The list of such expenses compiled from nineteenth century documents is a long one, but those relating to religious obligations, funerals, marriages and court fines stand out prominently.

The obligatory expenses with regard to religion included those resulting from the performance of propitiatory sacrifices prescribed by the priests of the traditional deities for people suffering from ill-health or misfortune. In a society where the masses of the people believed in the direct intervention of the deities in mundane affairs and where the germ theory of disease was unknown, it is little surprising that people strained themselves to meet the demands of the priests. Even where herbal preparations were known to provide remedies for certain complaints, it was not uncommon to couple them with sacrifices in order that total cure might be obtained. The financial implications of these sacrifices, in addition to the doctor's fees, were at times so heavy that patients, being unable to pay, surrendered themselves as *gba-mi-o-ra-mi* (perpetual house servants) to the healers.³⁵ Alternatively, they generally resorted to pawning in order to raise the required money. Pawning was preferred to borrowing money on interest in such circumstances. A woman in Oshielo lamented to William Moore in the early 1850s:

The Orisas [deities] do demand of us more than we have, so that many of us are obliged to pawn ourselves or our children, or to borrow money upon usury, and so have a troubled mind about our debts all the days of our

lives.³⁶

Missionary accounts may be somewhat suspect on the general question of the encouragement which the traditional religion gave to pawning, but after due allowances have been made for the bias of the missionaries and due notice has been taken of the role of traditional religion amongst the Yoruba even in our own times, there is little ground for doubting that the Yoruba did spend a good deal in the nineteenth century not only to sustain the traditional faith but also to propitiate the traditional deities whose favor was considered essential to personal and social well-being. To disown a lineage deity or treat a communal one with less than its accustomed respect was to invoke calamity on the group. Thus, bearing the expenses appertaining to inheriting the god of one's dead parent was not just a filial obligation but an imperative social duty. In the 1850s, for example, inheriting *obatala* from a dead parent could cost as much as the equivalent of N100,³⁷ which was not an insignificant sum in those days. *Ifa gbigba*, which implied either inheriting the Ifa oracle of one's dead parent or being initiated into the secrets of the Ifa oracle after due training, cost between 40 and 80 bags of cowries in the 1870s, hence some people did "pawn themselves to take Ifa."³⁸ Perhaps the most expensive of the initiation ceremonies was that of Orisa Oko. This deity was "the god of farming," as its name implies, but its social function transcended the promotion of fertility and plenty. Those accused of witchcraft were brought before it, and even where a person was cleared of the charge, he or she was still required to pay no less than the equivalent of N100.³⁹ In the unsettled conditions of the nineteenth century it was advantageous to be a devotee of Orisa Oko, for all such devotees were exempt from being sold into slavery and were to be released, free of ransom, on being captured. Women predominated among the devotees of Orisa Oko, and were easily known by small flat pieces of white- and red-painted clay worn on the forehead. However, the expenses of the initiation ceremony were, in the words of James Johnson, "simply ruinous" and generally provided occasion for pawning.⁴⁰

The annual festivals of the various communities also constituted an incentive to pawning. In Ibadan in the nineteenth century, for example, there were three principal gods, the annual ceremonies of which involved the whole of the town's populace. They were Orisa Oko, the god of farming, Ogiyan, a god whose locus in the Yoruba pantheon is unascertainable but whose annual worship in Ibadan was marked by "men, women and children . . . flogging one another," probably as a means of promoting warlike qualities among the populace, and Oke

Badan, the patron deity of Ibadan whose annual festival aimed at promoting solidarity.⁴¹ Everybody was expected to be present at the annual rites of these gods, and some families, presumably those specially dedicated to the worship of these gods, had to "send even their own children to serve in pawn" in order to raise the money required for these rites.⁴² The families so dedicated to various communal deities enjoyed certain privileges in return for their religious duties to these communities but default in these duties implied certain ruin.⁴³

There were also expensive purification rites which various religious groups performed whenever a family was struck by a tragedy regarded by society as divine visitation for an offence committed, such as theft, lying and perjury. The most common and the most expensive of these purification ceremonies in the nineteenth century were probably those performed by Sango priests whenever a house was struck by lightning. The inmates of the house were not allowed to sleep in any house, but in booths or blacksmiths' shops, until the thunderbolt believed to have set the house ablaze was dug up and removed by Sango priests. Apart from purchasing various articles needed for the purification ritual and paying crushing fines, including eleven heads of cowries, a goat and a slave to the king or head of the town, they were also expected to pay something in order to obtain permission to rebuild the house.⁴⁴ At times the victims of the wrath of Sango had become so impoverished by these exactions that they were unable to rebuild their houses for a long time.⁴⁵ In Ibadan in the 1860s it was not unusual for such victims to pay as much as 200 bags of cowries, if they were considered well-to-do, or between 32 and 80 bags, if they were poor. As a result, the unfortunate victims were "often obliged to put their children to [*iwofa*] service in order to raise money sufficient to meet the demands" of the Sango priests.⁴⁷

There is no doubt that the idea of purification stemmed originally from the genuine beliefs of the Yoruba concerning the supernatural and that the goal of purification was one of social well-being. However, it appears that by the middle of the nineteenth century there had arisen among the Sango priests a number of religious frauds who prostituted the idea of purification to the meaner ends of moneymaking and sheer vendetta. These frauds, it was believed, acquired and perfected a method of inducing lightning and, according to a contemporary, "in most cases it is [they] who set fire to the houses during a heavy tornado pretending that it was done by lightning and it is well known too that they are acquainted with a kind of herbs or leaves which attract lightning, and which they frequently put under the thatch of houses."⁴⁸ The activities of these frauds was thought to have increased the incidence of lightning and involved many families in considerable purification expenses which in

turn increased the recourse of the poor to pawning. In Ibadan, Basorun Ogunmola succeeded for a time in curbing these religious frauds, but after his death in February 1857 the fraudulent practice was again on the increase. Are Latosa (1871-86) was less successful in his attempts to check the fraudulent ones among the Sango priests, whose activities were biting harder as a result of the scarcity of cowries that began in the 1870s. Thus when a civil war threatened in September 1875, two of the three charges levied against the great warrior-chief were that he failed to check the increasing activities of the Sango incendiaries and that he did not make sacrifice for the increase of cowries in the town.⁵⁰ The Are's own house was gutted by fire in March 1882, possibly through the action of those who felt he should check incendiaries more effectively.⁵¹

Funeral expenses among the Yoruba were generally heavy in the nineteenth century. In the 1820s it was not unusual for a corpse to be buried with as many as twenty valuable cloths, besides those used in lining the inside of the grave. Rich velvets and other expensive materials were used for interment and even in the late nineteenth century a contemporary reported that it was the ambition of every person "to have a large stock of such cloths laid by for his funeral."⁵³

Over and above the dead man's own [cloths], his children, relatives, connections and slaves bring, each one, his own contribution as a last token of respect.⁵⁴

Coffins were rarely used except for the well-to-do, and then they were generally filled with cloths. Cowries, jewels, beads and a lamp were similarly buried with the corpse. The practice of burying the dead with many cloths and other articles stemmed from the Yoruba belief in another state of existence.

It was this same belief that gave rise to the practice of immolating slaves at burials and not any love of the macabre. Among the western Yoruba the practice was largely reserved for the burial of kings and chieftains, but among the eastern Yoruba it appears to have been a mark of respect for most adults. For example, in Itebu among the Ikale the corpse of a man was left uninterred for about five months "because the relations have not got any means to procure a slave who is to be buried . . . with the deceased."⁵⁵ The man obviously died poor, yet it was thought he deserved a slave to serve him in the other world. Among the Ondo, there was the custom of rewarding industry whereby those who "had labored so hard and got rich" had slaves, specially bought for the occasion, immolated at their burial, subject to the approval of the *lisa* of Ondo.⁵⁶ For each slave thus immolated the *osemawe* (king) received one slave from the relatives of the deceased.⁵⁷ The wealthy ones in Ondo

even made a habit of buying "beautiful young women in reserve for their funerals."⁵⁸ Dying was, indeed, an expensive business among the Yoruba.

The most expensive aspect of Yoruba funerals was probably the accompanying feast. In the case of a chieftain or any person of importance, it was the custom for the corpse to lie in state for a full week, during which time, according to a nineteenth-century observer, "ample food is provided for the guests, and continual supplies of drink, native beer, palm wine and trade gin and rum are indulged in."⁵⁹ Another nineteenth-century observer disclosed that a sum of from fifteen to thirty pounds spent on such feasts "would be considered ordinary"⁶⁰ and that "on one occasion at the funeral of a wealthy native, rum and gin charges alone are said to have come up to a thousand bags of cowries, £500 in English money."⁶¹ It is little surprising, therefore, that families often had to "pawn their children . . . in order to provide a great funeral,"⁶² and that funerals constituted one of the "very prolific sources of debt" in Yorubaland. Extravagant funeral feasts continued well into the present century, and in the 1930s, as Delano observed, families were still obliged "to send four or six of their number out as *iwofa* to raise the necessary money."⁶⁴ It is quite easy for the undiscerning to dismiss expensive funerals as being calculated to win cheap applause. The fact is, as Farrow had noted, that the Yoruba (at least those of the nineteenth century) sincerely believed "that the soul of the dead cannot attain to the realms of the departed spirits, unless and until the body is duly and respectably buried; otherwise it wanders about, or hovers near the body, in terrible restlessness."⁶⁵ It was this belief that justified expensive funerals as well as the readiness with which people entered into *iwofa* contracts for the debt incurred therefrom.

Expenses on marriages in the nineteenth century are not well documented. However, many accounts of the period state in a generalized manner that funerals and marriages were the two great causes of debt and pawning.⁶⁶ Although the dowry or bride wealth in the nineteenth century was considerably lower than it was in the 1930s when it stood at between twenty-five and thirty naira,⁶⁷ many young men saved themselves the expenses of marriage with freeborn women by making wives of female slaves that came into their hands.⁶⁸ Marriage with freeborn women implied numerous expenses and obligations. Apart from paying the bride wealth and supplying labor to the family of his fiancée or wife when called upon, a man was also expected to help them defray any extraordinary expenditure incurred through a misfortune, such as a heavy fine, to help redeem his fiancée from pawn, and "to help pay debts incurred in the funeral celebrations of his fiancée's or wife's father,

mother, grandfather or grandmother."⁶⁹ This almost limitless liability for the debts and obligations of others which marriages with freeborn women implied encouraged the practice by young men of making wives of their female slaves.⁷⁰ It also necessitated careful inquiries into the circumstances of the family of the girl a man wished to take to wife. Marriage into a profligate family implied financial ruin. However, since not all men were able to marry into well-to-do families or acquire female slaves as wives, a considerable number of, young men had "to pawn themselves before they could take wives."⁷¹

It is not possible to discuss all the various crimes that carried heavy fines. Just one example selected from several of its kind will suffice here. In most of the Yoruba country in the nineteenth century, man stealing committed in one's own town or in an allied town was a very serious crime. Death, enslavement and judicial spoliation (locally known as *ile bibo* or *kirikiri*) were the usual penalties for this offence, but a ruinous fine might be substituted following a successful plea for leniency.⁷² Chief Nasi of Ondo had sold an Ondo girl into slavery in about 1852, but his crime was not discovered until 1877. The Lisa Edun, who was the second in rank to the Osemawe of Ondo, demanded that the extreme penalty of the law, which was death, be imposed on the guilty chief, but the plea of leniency entered by the Rev. Charles Phillips mitigated the criminal's punishment somehow. In addition to paying for the redemption of the slave woman he was ordered to pay a fine of about N220 and N24 as costs.⁷³ In all he must have spent about N300 - not an insignificant sum in those days. Little wonder he had to pawn one of his children to the missionary to raise part of the money. As has already been noted, heavy fines such as this usually occasioned pawning not only with the family of the criminal but also within that of his son-in-law.

It will be quite misleading to end this section without mentioning that loans were sometimes received on *iwofa* terms on occasions less calamitous than the ones discussed in the preceding paragraphs. For example, the capital to be invested in a trade, and presumably that required for making a new farm, could be raised through the *iwofa* system. Parents not in dire need of money sometimes put their children in pawn for paltry sums, especially when they wanted them to learn certain trades or to receive a kind of discipline which they were themselves unable to effect.⁷⁶

Loans on interest, as distinct from loans obtained through *iwofa* agreements, were recognized in Yorubaland in the nineteenth century but these loans were made on such terms that made many prefer the *iwofa* loans. Cash interest on a loan could take either of two forms. It was

called *eda* when a fixed interest of say 1,000 cowries was payable periodically (e.g., every market day) on the loan received. On the other hand, the interest was called *ele* when the interest was payable in a lump sum, together with the principal, at a given time.⁷⁷ Apart from the fact that the rate of interest was to be determined by the creditor as he thought fit, a debtor who defaulted could be seized and then sold into slavery with the permission of the authorities. If he was not found, his surety or relative could be treated in like manner.⁷⁸ Alternatively, the creditor could send a licensed distrainer, called *ogo*, to enter the premises of the debtor and there do anything whatever to irritate him and members of his household. It was a public offence to lay hands on the *ogo* and the only way to get rid of him was by paying off the debt.

The unpleasantness which generally attended the raising of loan on *ele* and *eda* combined with the factors already discussed to make the *iwofa* system what Bishop Crowther once described as "a custom of relief."⁸⁰ By the middle of the 1870s the custom had spread to Lagos, where since 1861 the weathering impact of the British colonial administration on domestic slavery, the major source of labor supply, had begun. The custom was yet to be adopted among the Ijebu but in other parts of Yorubaland in 1877 it was widespread enough to be described as "very common."⁸¹

***Iwofa* and the Missionary Enterprise**

Christian evangelization began in the Yoruba interior with the establishment of a post by the Church Missionary Society (C.M.S.) at Abeokuta in 1846; and by 1860 other large towns, such as Ibadan, Ijaye, Oyo, Ilesha and Ogbomosho, had received missionaries. The Yoruba interior, until after 1892, did not provide a favorable environment for the work of Christian evangelization nor for Western education, which was ancillary to it, for the masses of the freeborn "nursed contempt for Christianity" since "to become a Christian meant a complete dissociation of oneself from the family compound, and consequently loss of social family privileges and undesirable enstrangement."⁸²

In a society where most freemen despised Christianity and where only a few friendly chiefs allowed their children to be brought under Christian instruction, the missionaries learned very early in their careers in the Yoruba country that their best chance of making converts and of recruiting children for the schools lay in redeeming slaves and in taking in pawn children of distressed parents in urgent need of money. Thus the traditional institutions of domestic slavery and *iwofa* proved to be of definite evangelistic value.

Sometime after his arrival in Abeokuta (probably from 1851), the Anglican missionary, Rev. Henry Townsend, began to receive donations for the redemption of slaves and the acquisition of pawns from a Miss M. A. S. Barber of Brighton, England. In 1852, the missionary recorded the success of his experiment in the following statement:

The class of persons most teachable and most likely to be useful are those hitherto taught in the school of adversity; these are Jesas, Jebus, [Oyo] Yorubas, Ottas, etc. in our churches here, being prepared, I trust, by the Lord to become messengers of peace to their own country people but they are for the most part slaves or pawns.⁸³

This statement amounted to a declaration that the Church would henceforth further its work by capitalizing on the plight of people in distress, such as slaves requiring money for their ransom or impecunious parents desiring money to meet an emergency on the traditional *iwofa* terms.

In 1957, Miss Barber, working in close touch with the Anglican missionaries in the Yoruba interior, appealed for the help of Christian friends in England in formally establishing a fund for such "works of Christian benevolence" in the Yoruba country.⁸⁴ By constantly advocating the need for such a fund in the *Coral Missionary Magazine*, she was enabled to raise some money. With this money, known as the Coral Fund, Anglican missionaries, especially in Abeokuta, Lagos, Otte and Oshiele, were able to effect the redemption of many slaves, children as well as adults, and to receive many children in pawn for money loaned to their parents. By January 1860 Townsend had twenty-six Coral Fund children of various ages in his boarding house. In 1863 Dr. Harrison, the Anglican Medical Officer, whose wife ran sewing and embroidery classes, had fourteen Coral Fund girls aged between 12 and 20.⁸⁶ At the time of Miss Barber's death in 1864, the missionary newspaper, *Iwe Irohin*, disclosed that there were in Abeokuta alone seventy-two Coral Fund children, "besides some at Lagos, Otte, and six at Oshiele."⁸⁷

The Coral Fund did not die with its initiator and it continued to provide the Anglican mission with money for the redemption of slaves and the acquisition of *iwofa*, although in a progressively diminishing manner. In the 1870s, for example, the Rev. William Moore appears to have been the only Anglican missionary operating the Coral Fund in the Yoruba country. The Coral Fund children in his charge numbered only

fifteen in 1880. Eleven of them were *iwofa*, while the remaining four were children ransomed from domestic slavery.

The Coral Fund was not the only means by which the Anglican mission acquired pawns, nor was the Anglican mission the only mission that acquired pawns. Mention has already been made of the Ijaye Relief Refund organized by the C.M.S. at Abeokuta, which enabled the Rev. Adolphus Mann to evacuate thirty-three pawns from Ijaye in 1861. On many occasions individual Anglican missionaries delved into their pockets for money wherewith to redeem slaves and acquire pawns. The Coral Fund did not operate at Ibadan, where Hinderer, except for spasmodic donations from Christian friends in England, had often to redeem slaves and acquire pawns at his own personal expense and at times by borrowing money and by stinting on food.⁸⁸ William Moore, who in 1880 had eleven pawns he had acquired with the Coral Fund, also had in his possession four other pawns he had obtained at his own personal expense.⁸⁹

Similar private acquisition of pawns was practiced by African missionaries and missionary agents of the Anglican Communion in Ibadan and its outstations. Table I gives a breakdown by sex of the pawns acquired at personal expense and for personal use by such missionaries and missionary agents in the Ibadan area for 1879.⁹⁰ The table, apart from indicating that males outnumbered females in *iwofa* service by as much as 3 to 1, also documents the boost which the Anglican missionaries gave to the *iwofa* institution in their private capacity and in their private quest for domestic labor, apart from that demanded by strictly evangelistic considerations. Thus the Anglican missionaries continued to swell their congregations through the acquisition of pawns, an exercise in which they outdistanced the other missionaries, including the Baptists, who, as has been mentioned, collected more than seventy pawns during the Ijaye war. In like manner they excelled all the other missionaries in the winning of converts through the redemption of slaves.⁹¹ However, the acquisition of pawns by the missionaries as a means of winning converts must not be unduly exaggerated. In 1884, the Anglican mission, which was by far the largest of the missions, had a total of only 3,071 adherents, made up of freeborn, slaves and pawns, in all its stations in the Yoruba Interior.⁹²

Lack of finance evidently constituted a severe limiting factor to the effort of the missionaries in acquiring pawns and redeeming slaves. The Methodist missionaries appear to have suffered the greatest financial handicap. They had no special fund for redeeming slaves or securing pawns and they received little assistance from Christian friends in England. It was the difficulty and ridicule which he experienced in

finding money in 1861 for redeeming Mrs. Green and her two children from slavery and peonage that compelled Thomas Champness, the Methodist missionary at Abeokuta, to recount his past difficulties in similar circumstances and to call himself only "a poor Methodist Preacher."⁹³

Table I

Gender of Pawns at Ibadan, Oyo, Ogbomosho, Ilesha (1879)

	<u>Pawns</u>	<u>Boys</u>	<u>Gir</u> <u>ls</u>
<u>Ibadan</u>			
Rev. D. Olubi,	4	3	1
Mr. W. S. Allen	1	1	-
Mr. Samuel	3	2	1
Johnson			
Mr. J.	2	1	1
Okusehinde			
Mr. F. L. Akiele	3	2	1
Mr. R. S.	1	1	-
Oyebode			
<u>Oyo</u>			
Mr. T. Williams	4	3	1
<u>Ogbomosho</u>			
Mr. D. Osi	4	4	-
<u>Ilesha</u>			
Mr. G. Vincent	2	1	1
Total	24	18	6

The relatively better-circumstanced Anglican mission held the pride of place in the Yoruba mission field and was virtually unchallenged until the coming of the Roman Catholic missionaries. In the 1880s the Association for the Propagation of the Faith had a fund which was "to enable Roman Catholic missionaries to redeem slaves, secure 'pawns'

and educate them as interns."⁹⁴ Consequently, most of the children in St. Joseph's, Topo, near Badagry, which was an institution combining primary education and agricultural training, were either slaves redeemed or pawns acquired from Whydah, Porto Novo, Abeokuta and other places by Roman Catholic missionaries.⁹⁵

E. A. Ayandele, in recognition of the services rendered to the cause of missionary enterprise by slaves and pawns in the precolonial era, has rightly observed that "without slaves sag pawns no schools or churches could be erected in Yorubaland."⁹⁶ One needs only add that schools and churches, if erected, would have remained virtually empty without them. In this sense, *iwofa* as well domestic slaves were of definite value as instruments of Westernization and social change.

It is a curious irony that the Anglican mission which profited most from the existence of the *iwofa* institution was also the first to launch a crusade against it from 1877. Before this date, Anglican missionaries not only held pawns but also did not object to pawn holding by members of their congregations. What they generally frowned at was the pawning of children by converts to heathen creditors. However, the Rev. James Johnson, the puritanical African cleric, became the Superintendent of all the C.M.S. stations in the Yoruba interior in 1876 and was based at Abeokuta. Johnson found slave holding incompatible with his brand of Christianity and decided in favor of a "pure" church in which members would hold neither slaves nor pawns. In his view the *iwofa* system was "slavery in another form and with another name."⁹⁸ It was at Ibadan between March and May 1877 that he formally launched his antislavery crusade in his "addresses . . . against slavery, slave-buying, slave-catching and slave-holding," with pawn holding included in the term "slave-holding."⁹⁹

The general details of Johnson's antislavery crusade, which rocked the entire Christian community in Abeokuta and nearly cost him his life, are too well known to detain us here.¹⁰⁰ However, attention needs be drawn to three major results of the crusade that are relevant to the *iwofa* question. The first of these was that as a result of a Minute issued by the C.M.S. Secretariat in London in 1879 at the request of James Johnson, all ministers and others in the pay of the C.M.S., except W. Allen of Ibadan, had liberated their slaves and pawns by the first of January 1880.¹⁰¹ Members of the laity were not required by the Minute to dispense with their slaves and pawns immediately but were entreated "to shake themselves free from this foul blot on their Christianity."

Another result of the crusade was that the Minute of 1879 recognized the *iwofa* question as a "complicated one" and that "some at least of the Agents of the Society have become implicated in the practice

through kindness." Nevertheless, the Minute directed that in the future actions aimed at acquiring pawns "should be taken not by individual Christians, still less by ministers and catechists, but by the Church." This meant, in effect, that members of the laity could not acquire new pawns.

The third result of the crusade was a special conference of representatives of the C.M.S. clergy and laity which was held at Lagos on the issue of domestic slavery (including pawn holding) from the 16th to the 23rd of March 1880, with Bishop Crowther in the chair and Rev. Valentine Faulkner as Secretary.¹⁰² The conference was significant for the wealth of information that it collected from participants on the *iwofa* institution. There was, for example, little support at the conference for the view expressed by James Johnson that the *iwofa* institution was "slavery in another form and with another name." Rev. D. Williams of Ake, supported by a number of other Africans drawn from both the clergy and the laity, maintained the thesis that an *iwofa* was not a slave. Williams said:

A country proverb showing that a pawn is not a slave is "Afotele ko je ki a pe Iwofa. li eru." Aforesaid words do not allow of a pawn being called a slave.

He was here stressing the contractual nature of the *iwofa* service, a point which was also taken up in the following statement by the Rev. D. Olubi, together with the humanitarian implications of the *iwofa* system:

Pawns are no slaves for these reasons . . .

(a) In the case of grown-up pawns, even with heathen, they have a certain amount of labor to perform daily, and also stated times of rest, in order to enable them to pay off their debt.

(b) It is considered as pity shown to the sufferer of which he will ever be grateful; and the fact is, if monies are not lent out then, a day or two will leave them a home confiscated, and people all sold into slavery. In such cases to remedy this they give out not only their slaves (for not all have), but their own children, parting with them for the time being in order to enjoy a peaceful and happy home. These children are at liberty to return home to see their parents, or when there is any important transaction in the family, to stay away for so many days. They can also be removed to another place according to pleasure, if the master is a hard one. But it must be remarked that lazy children are pawned that

they may be taught to work, and this is done if even [the parents] are not straitened. This is not a very rare case.

(c) To deny a sufferer this [loan] when you are in a position is considered uncharitable.¹⁰⁴

The Chairman of the conference, Bishop S. A. Crowther, also presented a paper, which, apart from confirming the views expressed by Williams and Olubi, also stated in brief the legal obligations of a creditor-master or pawnee towards his pawn. The following quotation is quite apposite:

The pawn is never considered by the pawnee as his slave, nor can he be sold away by him as such; should anyone sell a pawn the relatives will manage to return the loan, and the person pawned will then be demanded with heavy damages. In case of a pawn being seriously ill, he is removed to the house of his family to avoid complications in case of his death. But an unpaid loan or a pawn may be claimed by the relatives of the pawnee after many generations.¹⁰⁵

The law against the sale of pawns appears to have been strictly observed. For example, Bowen reported in 1850 that a slave who died in pawn would not be buried until the corpse had been seen by his master. It was necessary to delay interment thus in order that the master "may know that his slave has not been sold by the creditor."¹⁰⁶

After the conference of 1880, the practice of holding slaves and pawns was still much in evidence among the Anglican laity, as shall be seen subsequently. As far as they were concerned the Minute of 1897 was a dead letter. When in 1887 the C.M.S. headquarters made an attempt to re-open the matter, the Rev. J. B. Wood cautioned that it was inexpedient.¹⁰⁷ This was a time when Catholic priests were swaying public opinion in favor of the French by espousing indigenous institutions, such as domestic slavery and *iwofa*. Two years later, the C.M.S. agents in the Yoruba country warned their Secretariat in London that antislavery propaganda of the type once undertaken by James Johnson would result in "a wholesale slaughter of the Native Christians, the plundering and expulsion of our beloved white missionaries, and a total extirpation of Christianity."¹⁰⁸ There the matter rested for a while. The dissolution of the institutions of domestic slavery and *iwofa* could not be procured through Christian sermons and entreaties.

The Climax

Labor was the scarce factor of production in Yorubaland, for the Yoruba people hated the idea of working for wages: "The simple name "laborer" is very odious to the people; a pauper would rather . . . go to gather sticks or leaves in the bush for market than be engaged as a day laborer."¹⁰⁹ In the absence of wage labor, the institutions of domestic slavery and *iwofa* provided the only means outside the family whereby an entrepreneur could procure a somewhat steady labor force for himself. However, the former of these institutions began to disintegrate when, with the Ijebu Expedition of 1892, the British based at Lagos commenced an active interior policy characterized by the use of force. Between 1892 and 1895, every military expedition undertaken by the British in the Yoruba interior was attended by a mass liberation of slaves without compensation to their owners. So many were the domestic slaves liberated in the course of the Ijebu Expedition of May 1892 that a contemporary remarked that the loss of domestic slaves occasioned "the greatest outcry" among the Ijebu and went further to say that "slavery as an institution . . . was doomed to disappear."¹¹⁰ Still more slaves deserted their masters when "after the Jebu war their eyes became open, and they did not like to remain and be called slaves."¹¹¹ Similar mass liberation and desertion of slaves followed the bombardment of Oyo by the British in November 1895.¹¹² Although Abeokuta was not treated to the fire of British maxims and scout pounders like Ijebu and Oyo, it too shared in what was one of the direst consequences of the British penetration of the Yoruba interior. For example, it was reported concerning Abeokuta in the years immediately succeeding the Ijebu expedition that "large numbers of slaves have bolted into [Lagos] and this often from masters who have been far from harsh to them."¹¹³ Captain Robert Lister Bower, who became the first Resident and Travelling Commissioner in Ibadan in 1893, did so much to aid the desertion of slaves that he soon earned from the Ibadan people the nickname *Oninure idi Ogungun ti o wipe ki eru we di omo*, "the do-gooder under the Ogungun tree who holds out freedom to all slaves."¹¹⁴ From 1894 similar mass desertion of slaves began in Ogbomosho.¹¹⁵

In an era of increasing British interference with the institution of domestic slavery, the *iwofa* institution remained for a long time almost the only extrafamilial source of recruiting labor, as the majority of the slaves forcibly liberated or induced to desert by the British did not become wagelaborers.¹¹⁶ Although a clandestine trade in slaves went on and continued to sustain the institution of domestic slavery until the 1920s,¹¹⁷ the risk involved was so great that only a tiny minority could venture to obtain labor through this source.

The labor problem occasioned by the British official presence in the Yoruba interior demanded some adjustments on the part of the Yoruba people. By the middle of the 1890s many of them had begun to switch their attention from the highly labor-intensive palm oil industry to the cultivation and preparation of rubber, kola and cocoa which require relatively little labor.¹¹⁸ The growing popularity of these export crops enabled many freed slaves to engage in peasant cash cropping rather than working as agricultural wage laborers.¹¹⁹ The switch notwithstanding, the demand for and the cost of agricultural labor remained very high. A few cash-crop farmers, like J. P. L. Davies, who employed wage laborers, complained rather bitterly about the very high cost of agricultural wage labor.¹²⁰ This situation continued into the present century. In 1918 Governor Lugard instructed government officials to canvass the use of hand carts by the southern Yoruba, and of pack animals by the northern Yoruba, in order to minimize the demand for human labor in agriculture.¹²¹ The solution for many a Yoruba farmer lay not in the employment of either hand carts or pack animals, but in the intensification of the age-old *iwofa* system.

The mass desertion of slaves accompanying the British penetration of the Yoruba interior brought ruin to many homes and created the kind of conditions that often compelled the Yoruba people to resort to pawning. The Rev. James Johnson reported in 1898:

Both last year and this I found some houses with which I had been familiar in very great distress by this desertion of slaves and the houses in some cases in very ruined condition. I remember being spoken to this time, by one man of importance contrasting his former position to the present, almost with tears running down his eyes.¹²²

James Johnson, whose uncompromising antislavery stand came near to precipitating a major crisis in Abeokuta in 1879, took alarm at the dislocation of both the society and the economy which the mass liberation of slaves had already entailed and recommended to the British administration as follows: "I think before slaves should be free, there should be an interregnum - the slaves in their own interests as well as of their masters might serve a time, say five years."¹²³ The extent of the social and economic disruption brought about by the mass liberation of slaves can be imagined from the more tolerant attitude now being adopted towards the institution of domestic slavery by this puritanic cleric who had once risked his life in an attempt to effect the abolition of the institutions of domestic slavery and *iwofa* within the Anglican

Church. *Eni lobirin ko ni ni so, eni lleru ko ni ni so* (loss of wives and loss of slaves) came to be associated with the coming of the British in many parts of the Yoruba country.¹²⁴ From the 1890s, therefore, many families that had fallen on hard times as a result of the increasing British interference with domestic slavery were obliged to seek loans on *iwofa* terms from those that had managed to survive the onslaught.

It was in the crisis of the British penetration that the *iwofa* institution attained its climax. The Ijebu, who had suffered the greatest loss of slaves, introduced the institution into their society sometime between 1892 and 1898.¹²⁵ From other places where the institution had previously existed there were also reports indicating substantial increase in the use of pawns. One such report was that of the Rev. Thomas Harding, the Anglican missionary in Ibadan, who visited the farm of a Christian convert at Agbirigidi in August 1892. He wrote:

There are about seventy people here, the greater number of whom are heathen, who are pawns work on the farm to pay the interest upon money which they have borrowed. . . . Some of these heathen, being thus brought into personal contact with Christianity, learn to know Jesus as their Savior.¹²⁶

This extensive pawn holding by a member of the C.M.S. church was remarkable in view of the fact that the C.M.S. Minute of 1879 had described pawn holding together with slave holding as "a foul blot." Since no such extensive pawn holding was reported among the Christian converts in Ibadan before this time, it seems reasonable to assume that many of the seventy pawns were newly acquired. At the time of the British penetration, pawn holding was fast becoming the rule rather than the exception among Christians and non-Christians alike. Pawn holding on a similar scale existed among the Christian elite who popularized the cultivation of cocoa and other cash crops through their Agege plantations and who founded the African Church early in the present century. Although the Agege planters employed laborers on yearly contracts (known as *ise odun*) from among interior Yoruba people desiring to learn about cash-cropping, it was through the traditional *iwofa* system that they raised the greater part of their labor force. Thus, J. K. Coker, the most prominent of them in the period from 1904 to 1920, who employed about 200 laborers per year, more often than not accepted "labor as interest and security in the traditional fashion" on the small loans he regularly made to laborers and small farmers.¹²⁷ In 1909, the *iwofa* system was described as obtaining "all over the country," while those held in pawn in the large towns, such as Ibadan, Oyo and Abeokuta,

were being reckoned either in "thousands" or in "hundreds and hundreds."¹²⁸ In the same year the Bale of Ibadan estimated the number of *iwofa* in Ibadan at 10,000, adding "that it would be difficult to find a compound in Ibadan where one or more persons had not been pawned."¹²⁹

The *iwofa* institution showed no signs of waning until the third decade of the present century. In 1917 there were still individuals holding forty or more *iwofa*, such as the one Delano encountered in an Egba village near Owode.¹³⁰ Until 1927, when the British dealt a hard blow against the institution, as will be shown below, the tendency on the part of wealthy persons, especially farmers, was to acquire more and more *iwofa*, for "a farmer's wealth was not measured by the gold standard but by the man-power working on his farm."¹³¹ It was sometime in the period between 1892 and 1927 that the practice began whereby the guarantor in an *iwofa* agreement, known as *onigbowo*, received the sum of sixpence from the creditor on the same day the latter advanced the money. As a result, the *onigbowo* was also called *agbegba* (one who received sixpence).¹³² Originally, the guarantor received no payment for his services. It is likely that this payment was intended as an incentive to guarantors and that its introduction was meant to boost the number of pawns.

The Last Days of *Iwofa*

The first attempt by a British administrator to abolish the *iwofa* system was probably that made at Ibadan by F. C. Fuller in May 1899. As the Commissioner for Ibadan, Fuller proposed to the Bale in Council that the *iwofa* system be abolished. He was probably moved to make this proposal by the various activities of the antiliquor movement which since 1895 had been linking the growing incidence of pawning with debt incurred through excessive use of gin and rum at social functions.¹³⁴ Since Fuller did not propose an alternative means of obtaining the credit facilities and the labor which the *iwofa* system had been providing, the Bale in Council rejected his proposal.

In 1901 the Egba United Government resolved that no person "should be dealt or traded in, purchased, sold, bartered, transferred or become a slave."¹³⁵ The help of the Railway authority in Abeokuta was sought by the E.U.G. in implementing this resolution. Since then the Railway Commissioner assumed the power of sheltering and liberating fugitive slaves.¹³ Shortly after, the Railway Commissioner sought power to shelter and liberate children in pawn as well, but the Governor for the Southern Protectorates ruled that children in pawn "should not be sheltered by the railway."¹³⁷

Although Captain C. H. Elgee, the Resident at Ibadan from 1907, claimed in 1909 that the British colonial administration was doing "all in their power to discourage pawning,"¹³⁸ little evidence has been found in support of this claim. Elgee made this claim while sitting as a member of the Committee of Inquiry into the Liquor Trade of Southern Nigeria, and although the missionaries who gave evidence before this Committee in 1909 drew the attention of the British colonial administration to the *iwofa* institution by linking it with debt incurred through excessive drinking of gin and rum, no step was taken by the colonial administration to abolish the institution. In 1912, however, the British colonial administration passed the Money-lenders Ordinance which was aimed at regulating the business of money lending and which, probably, was meant to induce people to borrow on interest rather than on *iwofa* terms.

In 1916, Lugard's administration passed Ordinance No. 35 which abolished the legal status of slavery in Southern Nigeria. A section of the Ordinance dealt with the system of holding persons in pawn. It sanctioned the practice by adults of putting themselves in pawn but sought to modify the traditional terms of *iwofa* agreement by stipulating that a pawn could only pledge his labor for a limited time.

If the time is unlimited, the labor rendered will count in liquidation of the debt, and the pawn may at anytime abandon the contract, and leave the creditor to take what action he likes in a court. Three pence per diem, if the pawn is feed and housed, and 6d if he is not, will be taken as the value of a full day's labor.¹³⁹

The Ordinance also provided that a creditor could not be seized against his will, but if the creditor had acted in ignorance of the law he would be leniently treated. The most significant aspect of the law was that it forbade the practice of putting children in pawn. Apparently the law was not rigorously applied until after 1927, for only a few cases under it have been found in the period before that date. However, in Ijero Ekiti people were being heavily fined by the Provincial Court in 1917, especially for putting children in pawn.¹⁴⁰

One major weakness of Ordinance 35 of 1916 was that it recognized a plea of ignorance in matters relating to pawning. On this ground alone, it was possible that many cases were not even taken to court. The second weakness was that the section which put pawning on a par with slave dealing was not sufficiently publicized. Finally, the law did not delimit the period of childhood by age. It was probably in order to remove these weaknesses and to combat pawning more effectively that W. A. Ross, the

Senior Resident, Oyo Province, issued the following public notice on the first of February, 1927:

It is His Majesty the King's wish that the present system of IWOFA shall cease as not being in accordance with the principles of civilization particularly where children are concerned.

2. No boy or girl under the age of 16 years shall be engaged as an IWOFA after the 28th February, 1927.

3. With effect from 15th August, 1927, the labor of an IWOFA shall be paid for at a fixed rate per 100 heaps, and the value of the labor shall be calculated towards the extinction both of the debt and the interest thereon.

4. All debts are recoverable in the Native Courts or Provincial Court.

5. The rate of pay will be as follows:

In Oyo Division 2d per 100 heaps

In Ibadan Division 3d per 100 heaps

In Ife Division 3d per 100 heaps.¹⁴¹

The other provinces issued similar public notices at different times in 1927. The public notice issued by the Resident, Abeokuta Province, Mr. F. B. Adams, on the 6th of July 1927 agreed in substance with the one cited above but differed from it in a few minor aspects. In place of paragraph 3 of the Oyo notice, the Abeokuta notice reads instead:

With effect from Christmas Day, 1932, the labor of an Iwofa shall be paid for at a fixed rate of 3d per 100 heaps of yams or 6d for a full day's work, and the value of the labor shall be calculated towards the extinction of the debt and the interest thereon. The interest shall not be more than 60 percent.¹⁴²

It is thus clear that the Abeokuta notice made greater concessions to pawn holders in respect of adult pawns than the Oyo notice. However, in implementing the provisions of these notices, greater seriousness of purpose was shown than ever before, and greater attention was given to the issue of child pawning. Two months after the notice prosecution of offenders began in Abeokuta. Between 1927 and 1934 there were 42 cases of illegal pawning in Abeokuta Province.¹⁴³ The exertions of the Alake of Abeokuta, Oba Ladapo Ademola II, to bring an end to child pawning were

very remarkable. For example, in September 1927 he personally reported one Falola to the District Officer, Egba Division for pawning a ten-year old girl, named Yetunde, for the sum £7:10s. Falola was sentenced to 3 months imprisonment with hard labor but was given an option of £10 fine.¹⁴⁴

The drive against child pawning was similarly taken in hand in the other provinces. In 1933, Mr. H. L. Ward-Price, the Resident for Oyo Province, had one Oyewale of Ogbomosho imprisoned for pawning his five children in order to obtain money with which to bribe Bale Oyewumi and others so that he might be elected for the chieftaincy title of Bale Alapa of Ogbomosho. This is just one of the many cases that featured in the province following the public notice of 1927. In spite of the exertions of the British administrators and their attempts to fight child pawning through the courts, the practice of putting children in pawn, though substantially reduced, was still in evidence in the 1930s and beyond.¹⁴⁶

In 1937 the administration in the Southern Provinces addressed itself to the question of adult pawning as well. "Pawning" was described as "a definite encroachment on personal liberty," and the Residents were asked to make suggestions "as to the best way to hasten its suppression."¹⁴⁷ In consequence, an amendment was made to the penal code in 1938, forbidding all acts of pledging personal work and labor as interest on loan, as well as the marriage of any female child under the age of 13. The law aroused newspaper protests as well as petitions from individuals. The West African Pilot of July 5, 1938 argued that the *iwofa* "fulfills a definite need in the economic system of the people." It added, "If it does not, how can an illiterate man in need of money obtain it since he cannot from a banking house and he cannot or does not want to dispossess himself of his land by selling it?" Little notice was taken of these protests by the administration, and the prosecution of offenders under the law went ahead. On their own part, those who found it difficult to reconcile themselves to the abolition of the *iwofa* institution perfected methods of circumventing the law. The professional letter writers aided them by drawing up agreements which could never be interpreted to mean pawning if the matter leaked, and could offer them due safeguards if their debtors defaulted.¹⁴⁹ The *iwofa* institution proved to be very resilient, and there are still faint echoes of it, especially in the rural areas of Yorubaland. Thirty-four persons were convicted for pawning in the period from 1945 to 1947, six in 1948 and six again in 1949.¹⁵⁰

This article, in spite of the length, does not claim to be a comprehensive study. The topic of *iwofa* is a very large one, a detailed study of which can throw useful light on the dynamics of Yoruba society and culture. *Iwofa* is virtually a virgin field; sociologists and

anthropologists, armed with their methods of field survey and social research, should cooperate with historians in carrying out a detailed study of this very important institution, especially now, when many direct participants and eyewitnesses are still here with us.

Notes

*Editors Note: This article is published in memory of Dr. Oroge, who was tragically killed in summer 1985 in Lagos, Nigeria. The paper was originally presented at the University of Ife in 1975. The editors wish to thank Dr. Oroge's next of kin for permission to publish the article as a memorial.

1. See, for example, Samuel Johnson, *The History of the Yorubas from the Earliest Times to the Beginning of the British Protectorate* (1956 ed., Lagos), 126-30; "The Laws and Customs of the Yoruba Country," enclosed in Egerton to Crewe, 11 Apr. 1910 (this valuable document, authored by Henry Carr, C.A. Sapara-Williams, E. H. Oke, Obadiah Johnson, A. Edun and W.T.G. Lawson, was produced at the request of Sir Walter Egerton, the Governor of Southern Nigeria 1906-12); P. C. Lloyd, *Yoruba Land Law* (London, 1962), 309-11; I.O. Delano, *The Soul of Nigeria* (London, 1937), 71-77; The Oni of Ife, "Iwofa," *ODU: Journal of Yoruba and Related Studies*, 3 (1956), 16-18. N.A. Fadipe, *The Sociology of the Yoruba*, F.O. Okediji and O.O. Okediji, eds., (Ibadan, 1970), 189-93, classes *iwofa* as a system of pawning without any reservation. J. C. Anene also accepts *iwofa* unequivocally as a system of pawning; see "Slavery in Traditional African Society," in Anene, ed., *Essays in African History* (Ibadan, 1966), 2.
2. On the disintegration and the eventual extinction of domestic slavery, see E. Adeniyi Oroge, "The Institution of Slavery in Yorubaland with Particular Reference to the Nineteenth Century," Ph.D. thesis, unpublished, University of Birmingham, 1971, 360-420.
3. In a most penetrating study Marion Johnson of the University of Birmingham has shown that cowries had been established a form of currency at Benin and the Forcados River before the Portuguese arrived on the coast in the fifteenth century. It is possible, according to her, that the shell currency which the Portuguese found at Benin may have consisted of "small olive shells, somewhat similar to cowries, but lacking the characteristic lip...found in large numbers on some West African beaches." See M. Johnson, "The Cowrie Currencies of West Africa" Part I, *Journal of African History*, 11, 1 (1970), 18. This theory is plausible in view of the importance attached to Olokun (the Goddess of the Sea) in the Yoruba pantheon as the Mother of Fortune (*Yeye aje*). There are also references in the Ifa divination corpus (Odu), e.g., Odi Meji, which suggest that shell currency was introduced to the Yoruba interior from Ado Ibini (Benin). The European imports of true cowries (*cypraea moneta*) to the Benin area began in about 1515. In view of the early trade between Benin and the Yoruba hinterland, especially in beads and country cloths, and in view of the institutional evidence already cited, it is not plausible that cowries spread to the Yoruba country from Dahomey only. in the eighteenth century, as Marion Johnson suggests (35). For details of the early trade between Benin and the Yoruba country, see J. D. Fage, *A History of West Africa* (Cambridge, 1969), 45 and 60.

4. In the course of my field work, no two informants agreed on the derivation of the word *iwofa*. The existing written accounts show similar disagreement. Henry Carr et al., in "The Laws and Customs of the Yoruba Country," render the meaning of the term as "the drawing" of the debtor into the service of the creditor. S. Johnson writes (*History of the Yorubas*, 126-27): "The derivation of the term is probably from Iwo, the entering into, and Efa, a period of six days; hence an Iwofa is one who enters into a recurrent sixth day service." Even the terms on which the *iwofa* worked for his creditor-master as spelled by Johnson himself do not bear out this suggested derivation.
5. Report from the Select Committee on British Settlements on the West Coast of Africa. Evidence of Col. Ord, Q8627, 337, P.P. 1885, vol. 1, 412.
6. Evidence of J.A.O. Payne, enclosed in Denton to Chamberlain (Conf), 4 June 1898, C.O. 147/133.
7. See footnote 3, where I have argued that Benin in early times supplied cowries to the Yoruba country. S. Johnson, *History of the Yorubas*, 119, also points out that it was easier for places nearer the coast to obtain cowries than those inland.
8. M.A.S. Barber, *Oshielle, or Village Life in the Yoruba Country* (London, 1857).
9. J.F.A. Ajayi, "Samuel Ajayi Crowther of Oyo," in P.D. Curtin, ed., *Africa Remembered* (London, 1967), 305, esp. note 45.
10. Minutes of Conference held at Lagos, Mar. 16, 17, 18, 19, 22 and 23, 1880, G/A21/4 Encl. 25.
11. Johnson, *History of the Yorubas*, 209.
12. Ibid.
13. J.F.A. Ajayi and R. Smith, *Yoruba Warfare in the Nineteenth Century* (Cambridge, 1964), 69.
14. S. O. Biobaku, *The Egba and Their Neighbours* (Oxford, 1957), 17-18.
15. Ajayi and Smith, *Yoruba Warfare*, 98.
16. S. B. C. Phillips to Taylor, 4 Aug. 1860, cited in Ajayi and Smith, *Yoruba Warfare*, 94n4.
17. R.H. Stone, *In Africa's Forest and Jungle or Six Years among the Yorubans* (London, 1900), 185-86.
18. See T.J. Hutchinson, "The Social and Domestic Slavery of Western Africa, and Its Evil Influence on Commercial Progress," *Journal of the Society of Arts*, 23 (1875), 316-17.
19. Mann to Vann, 2 Oct. 1861, C.M.S. CA2/066,
20. J.F.A. Ajayi, *Christian Missions in Nigeria 1841-1891* (London, 1965), 139.
21. See, for example. Ajayi and Smith, *Yoruba Warfare*, 98.
22. D. Hinderer to Major Straith, 20 July 1855, C.M.S. CA2/049(a); Paper read by Bishop Crowther embodied in the minutes of Conference held at Lagos, Mar. 16, 17, 18, 19, 22, and 23, 1880, C.M.S. G/A21/4 Encl. 125; Johnson, *History of the Yorubas*, 129.
23. Johnson, *History of the Yorubas*, 344.
24. P.D. Curtin, "Joseph Wright of the Egba," in Curtin, *Africa Remembered*, 324.
25. See, for example, Hinderer to Vann, 10 Mar. 1861, Hinderer to Venn, 2 Aug. 1861 and Hinderer to Venn, 10 Mar. 1863, C.M.S. CA2/049(a).
26. Ajayi and Smith, *Yoruba Warfare*, 102; see also 98, where it is shown that this factor was also partly responsible for the growing incidence of pawning in Ijaye.
27. Hinderer to Vann, 10 Mar. 1863, C.M.S. CA2/049(a).
28. Letter from F. L. Akiele to Archdeacon Mackay, 7 July 1926, cited in George Jenkins, "An Informal Political Economy," in J. Butler and A.A. Castagno, eds., *Boston University Papers on Africa: Transition in African Politics* (London, 1967).

There is need for field research on Madam Ogunsola, who escaped the notice of Samuel Johnson, the historian of the Yoruba, and who, for some unknown reason, did not come up for mention in Hinderer's papers.

29. Johnson, *History of the Yorubas*, 443-44.
30. I.A. Akinjogbin "The Expansion of Oyo and the Rise of Dahomey, 1600-1800," in Ajayi and Crowder, eds., *History of West Africa* (London, 1971), 324. Akinjogbin claims, without citing any evidence, that Oyo "may already have been using" the system of *baba ni nma* as before the eighteenth century, but Johnson states categorically that it was Ibikunle and Ogunmola who initiated the custom.
31. Olubi to Fenn, Annual Letter, 26 Feb. 1879, C.M.S. CA2/075.
32. See, for example, Report from J. Johnson, Aug. 1877 and J. Johnson to H. Wright, 9 May 1879, C.M.S. CA2/056.
33. Johnson, *History of the Yorubas*, 444.
34. Andrew William, Oyo Report (undated., received in London Jan. 1866), C.M.S. CA2/011.
35. Johnson, *History of the Yorubas*, 121.
36. Barber, *Oshielle*, 69.
37. Ibid., 79.
38. Andrew Sanu to V. Faulkner, A Review of Evangelistic Tours, 1879, C.M.S. CA2/037(b).
39. Barber, *Oshielle*, xix.
40. Johnson to Wright, Annual Report, Jan. 1880, C.M.S. CA2/056. The drumbeat of the deity emphasizes the expensiveness of the initiation ceremony in the saying "*Orisaoko ko is'eru enikan*" ("to be invested with Orisa Oko one needs to be assisted by others"). See S. Johnson, *History of the Yorubas*, 34, concerning the cost of initiation into the mysteries of Sango.
41. Olubi to Penn, Annual Letter, 28 Dec. 1875, C.M.S. CA2/075.
42. Ibid.
43. This accounts in part for the role conflicts experienced by Christian converts in the nineteenth and early twentieth centuries. In traditional society a person who suffered the ritual responsibility of his family (known as *oro ile*) to fall into abeyance was deemed an outcast ("*Eni oro ku le Vori ko se ba sire mo*").
44. Johnson, *History of the Yorubas*, 36-37.
45. The house of Aiyemi, father of Ajayi Crowther, which was struck by lightning at Osogun sometime before 1821. had not been rebuilt at the time of the capture of Ajayi in 1821. See Ajayi, "Samuel Ajayi Crowther," 301.
46. Olubi, Journal Extracts for the Half Year ending June 1869 C.M.S. CA2/075.
47. Johnson, *History of the Yorubas*, 36.
48. Journal Extract of D. Hinderer for the quarter ending 25 June 1856, C.M.S. CA2/049(b).
49. I.B. Akinyele, *Iwe Itan Ibadan, Iwo, Ikirun ati Osogbo* (Ibadan, n.d. [prob. 1911]), 69.
50. Olubi, Journal Extracts for the Half Year ending Dec. 1875, C.M.S. CA2/075. See also Olubi, Journal Extracts for the Half Year ending Dec. 1873, C.M.S. CA2/075.
51. Akinyele, *Iwe Itan Ibadan*, 100.
52. Curtin, "Joseph Wright of the Egba," 327-28.
53. Johnson to Wright, Annual Report, Jan. 1879, C.M.S. CA2/056.
54. Ibid.
55. Nathaniel Ogbonaiye, Journal Extract for the quarter ending Dec. 1879, C.M.S. CA2/011.
56. Young to Mission Secretary, 26 Feb. 1876, C.M.S. CA2/098.
57. Extracts from Journals of C. N. Young for the last quarter, C.M.S. CA2/098.

58. Journal of Charles Phillips for three quarters ending 31 Dec. 1878, C.M.S. CA2/078.
59. S. S. Farrow, *Faith, Fancies and Fetich* (London, 1926), 107. Farrow was an Anglican missionary in Yorubaland in the 1880s.
60. Johnson to Wright, 2 Aug. 1879, C.M.S. CA2/056.
61. Johnson to Wright, Annual Report, Jan. 1879, C.M.S. CA2/056.
62. Farrow, *Faith, Fancies and Fetich*, 108.
63. Report from Rev. J. Johnson, Aug. 1877, C.M.S. CA2/056.
64. Delano, *Soul of Nigeria*, 117. See also R. E. Dennett, *Nigerian Studies, or The Religious and Political System of the Yoruba* (first publ. 1910; London, 1968), 31-32.
65. Farrow, *Faith, Fancies and Fetich*, 108.
66. See, for example, Report from Rev. J. Johnson, Aug. 1877, C.M.S. CA2/056; Andrew William, Oyo Report, Jan. 1866; S. Johnson, *History of the Yorubas*, 129.
67. William Bascom, *The Yoruba of Southwestern Nigeria* (New York, 1937), 59.
68. Johnson, *History of the Yorubas*, 324.
69. Fadipe, *Sociology of the Yoruba*, 75-76.
70. See Oroge, "Institution of Slavery in Yorubaland," 307-11, 342, 343, 345 and 352, concerning slave wives.
71. Andrew William, Oyo Report, Jan. 1866; C.M.S. CA2/011.
72. Oroge, "Institution of Slavery in Yorubaland," 124-28.
73. Journal of C. Phillips to 31 Dec. 1871, C.M.S. CA21078.
74. An undated letter embodied in the Minutes of the Conference held on Domestic Slavery at Lagos. Mar. 1880, C.M.S. G/AZI/4, Enc. 125.
75. Johnson, *History of the Yorubas*, 129.
76. Ibid., 129-30. See also Minutes of Conference held at Lagos, Mar. 1880, C.M.S. G/AZI/4 Inc. 125.
77. Paper presented by Bishop Crowther, embodied in the Minutes of Conference held at Lagos, Mar. 1880, C.M.S. G/AZI/1, Encl. 25.
78. Townsend to Vann, 5 Jan. 1864, C.M.S. CA2/085; Townsend to Wright, 11 Nov. 1875, C.M.S. CA2/085; Olubi to Fenn, 26 Dec. 1876, C.M.S. CA2/075.
79. Johnson, *History of the Yorubas*, 130-31.
80. Paper presented by Bishop Crowther, embodied in the Minutes of Conference held at Lagos, Mar. 1880, C.M.S. G/AZI/4 Enc. 125.
81. Report from Rev. J. Johnson, Aug. 1877, C.M.S. CA2/056.
82. E.A. Ayandele, *The Missionary Impact on Modern Nigeria, 1842-1914* (London, 1966), 332.
83. Townsend to Vann, 29 July 1852, C.M.S. CA2/085(a).
84. Barber, *Oshielle*, 195n.
85. Townsend, Annual Letter for 1859 dated 30 Jan. 1860, C.M.S. CA2/085.
86. Harrison to Vann, 28 Sept. 1863. Also Jane Harrison to Venn, 30 Dec. 1863, C.M.S. CA2/045.
87. Minutes of Conference held at Lagos, Mar. 1880, C.M.S. G/AZI/4 Enc. 125.
88. See, for example, Hinderer to Vann, 10 Mar. 1863, C.M.S. CA2/049(a).
89. Minutes of Conference held at Lagos, Mar. 1880, C.M.S. G/AZI/4 Enc. 125.
90. Ibid.
91. See Oroge, "Institution of Slavery in Yorubaland," 268, for a detailed treatment of the work of redeeming domestic slaves undertaken by the various missions.
92. *Church Missionary Gleaner*, 1884, 72.
93. *Wesleyan Missionary Notices*, 1861, 210; *ibid.*, 1863, 13.
94. Ajayi, *Christian Missions*, 137.
95. Ibid., 115, 142.

96. Ayandele, *Missionary Impact on Modern Nigeria*, 333.
97. See, for example, Journal of H. Townsend for the quarter ending 25 Dec. 1846, C.M.S. CA2/085(b).
98. Johnson to Wright, Annual Report, Jan. 1880, C.M.S. CA2/056.
99. Ibid.
100. E.A. Ayandele, *Holy Johnson: Pioneer of African Nationalism, 1836-1917* (Ibadan, 1970), 113-33; R.W. July, *The Origins of Modern African Thought* (London, 1968), 279-86; Oroge, "Institution of Slavery in Yorubaland," 275-81.
101. Minute on Domestic Slavery in the Yoruba Mission 1879, C.M.S. G/A21/4 Enc. 126, Minutes of Conference held at Lagos, Mar. 1880, C.M.S. G/AZ1/4 Enc. 125.
102. C.M.S. G/AZ1/4 Enc. 125.
103. Ibid.
104. Ibid.
105. Ibid.
106. T.J. Bowen, *Central Africa; Adventures and Missionary Labors in Several Countries in the Interior of Africa from 1849 to 1856* (Charleston, 1857), 101.
107. Wood to Lang, 14 Sept. 1887, C.M.S. G/AZ1/6.
108. C.M.S. Agents to Secretaries 14 June 1889, C.M.S. G3/A2/5.
109. Statement by Rev. D. Williams, C.M.S. G/AZ1/4 Enc. 125.
110. Johnson, *History of the Yorubas*, 623.
111. Evidence of J. A. Otuma Payne enclosed in Denton to Chamberlain (conf.), 4 June 1898, C. O. 147/133.
112. S.G. Pinnock, *The Romance of Missions in Nigeria* (Richmond, 1918), 75; Carter to Chamberlain, 9 January 1896, C. O. 147/104.
113. McCallum to Chamberlain, 20 Dec. 1897, C. O. 147/121.
114. Akinyele, *Iwe Itan Ibadan*, 213. Bower set up his quarters outside the Ibadan town walls under an Ogungun tree. The reference "*Oninure idi Ogungun*" is still applied today in Ibadan and Oshun Divisions to anyone straining himself to offer help to another person who has not really called for it. Thus Bower's exertions on behalf of domestic slaves appear to have been seen as unnecessary.
115. N.D. Oyerinde, *Iwe Itan Ogbomoso* (Jos, 1934), 126.
116. Oroge, "Institution of Slavery in Yorubaland," 393-94.
117. Ibid. 418-19. See also G.O. Olusanya, "The Freed Slaves' Homes - An Unknown Aspect of Northern Nigerian Social History," *Journal of the Historical Society of Nigeria*, 3, 3 (1966), 524.
118. J.D. Webster, "The Bible and the Plough," *Journal of the Historical Society of Nigeria*, 11, 4 (1963), 43.
119. Freed slaves had been involved in the cultivation of rubber since the 1890s. Evidence of J.A.O. Payne, J.P.L. Davies and others, Denton to Chamberland (conf.), 4 June 1898, C. O. 147/133.
120. Ibid.
121. Frederick D. Lugard, *Political Memoranda* (London, 1918), 244.
122. Evidence of Rev. James Johnson enclosed in Denton to Chamberlain (conf.), 4 June 1898, C. O. 147/133.
123. Ibid.
124. Oyerinde, *Iwe Itan Ogbomoso*, 125.
125. Evidence of J. A. O. Payne enclosed in Denton to Chamberlain (conf.), 4 June 1898, C. O. 147/133.
126. *C.M.S. Gleaner*, 20 (1893), 23.
127. Webster, "Agege Plantations," NISER Conference Proceedings, Mar. 1962, 126-27.

128. The Native Races and the Liquor Traffic United Committee, The Liquor Traffic in Southern Nigeria as set forth in the Report of the Government Committee of Inquiry of 1909, An Examination and a Reply (London, 1910), 41-42.
129. *C.M.S. Gleaner*, 37 (1910), 74.
130. Delano, *Soul of Nigeria*, 71.
131. Ibid.
132. Ibid.
133. Akinyele, *Iwe Itan Ibadan*, 132.
134. For details of the antiliqor movement see Ayandele, *Holy Johnson*, chap. 10.
135. Enclosure in MacGregor to Chamberlain, 10 Aug. 1901, C. O. 147/156.
136. Ehrhard to Allen 11 Aug. 1901, N.A.I. Abe Prof 9/2.
137. Minute by H. E. on subject of "Pawns" in Abeokuta, 20 January 1903, N.A.I., MP 2990.
138. The Native Races and the Liquor Traffic United Committee.
139. Lugard, *Political Memoranda*, 236.
140. Ekiti Provincial Court 5/1917, cited in Lloyd, *Yoruba Land Law*, 310.
141. Public Notice, 1 Feb. 1927, N.A.I., Oyo Prof 1028/989.
142. Public Notice, 6 July, 1927, N.A.I., Abe Prof.
143. Secretary Southern Provinces to Resident, Abeokuta Province, 16 June 1937, N.A.I., ABP 341/63.
144. Alake of Abeokuta to Resident Abeokuta Province, 9 June 1936 and its enclosures.
145. N.A.I., "Ogbomosho Matters," Oshun Division File No. 1/2; OS 70 Vol. 2 Enc. 135.
146. Delano, *Soul of Nigeria*, 72.
147. Secretary, Southern Provinces to Resident, Abeokuta Province, 16 June 1937, N.A.I., ABP 341/63.
148. Ibid., Penal Code Amendment 1938.
149. This had been going on since the 1930s. See Delano, *Soul of Nigeria*, 71-72.
150. C.W.W. Greenidge, *Slavery* (London, 1958), 70.

CHAPTER 17



PAWNS AND POLITICS: THE PAWNSHIP DEBATE IN WESTERN NIGERIA

JUDITH BYFIELD

Pawnship, like slavery, was an integral part of the economy of Yorubaland. Both institutions came under increasing scrutiny as the evolving colonial state began the process of transforming local social and economic institutions. The two systems were often paired in discussions with some officials, suggesting that pawnship was a form of slavery. Pawnship and slavery, however, did not share the same logic. Slavery transformed persons into commodities and highlighted their alienation from the corporate community.¹ This marginalization underlay the ability of different groups within a society to use slaves to enhance their position.² Though slaves performed a variety of roles in Yoruba society, they were denied the right to participate in certain organizations, and they could be alienated from the community at the discretion of their masters.³

Pawns, by contrast, were not aliens to their community. They retained their independence and political rights, while slaves lost both.⁴ Yoruba pawnship did not give the creditor any vested rights in the person of the pawn, their offspring, or their property. The status of the pawn was not hereditary nor did it define the social position of the pawn's immediate family or lineage.⁵ Idealized accounts of the institution masked some of its most exploitative features.⁶ Nonetheless, the distinctions between pawnship

and other structures of dependency remain important, for neither the similarities nor the points at which they interfaced were fixed. The degree of similarity between pawnship and slavery was the outcome of historical processes which must be appreciated as indicators of larger socio-economic change.

In Yorubaland, pawnship, or the *iwofa* system, dates back to at least the fifteenth century with the introduction of the cowrie currency.⁷ It was a method of obtaining credit and labor whereby the borrower, or a substitute, worked for the lender in lieu of interest on the loan. The institution underwent a dramatic expansion by the end of the nineteenth century due to increased market activity, dislocations caused by the prolonged Yoruba civil wars, and, most important, the decline of slavery. The dynamic nature of the institution was reflected quantitatively in the expansion of persons being pawned and qualitatively in the increased cost of credit expressed in fees for contracting loans and greater labor demands.

Pawnship is often associated with economic crisis. Oroge's study of Yoruba pawnship and Roberts and Klein's analysis of the resurgence of pawnship during the depression in French West Africa underline the fact that pawnship "thrived on calamity."⁸ Pawnship, however, was not only important during periods of economic distress; it was equally important during periods of economic expansion because it was one of the main sources of credit. In early colonial Nigeria, pawnship was central to the accumulation of capital and the expansion of the colonial economy. Though pawnship was important in both precolonial and colonial Yoruba economies, there have been few detailed analyses of the institution. Oroge's ground-breaking study remains the most comprehensive historical analysis of the institution in Yorubaland,⁹ but the paucity of detailed studies on pawnship prevent a fuller appreciation of the ways in which the institution interfaced with other structures of credit and labor mobilization.

In order to arrive at a more comprehensive picture of pawnship, it is essential that studies explore the social definition of the institution as well as its structural role in the political economy. Like slavery, the causes and consequences of the varied use of pawns contributed to the transformation of the balance of political and economic power in a society.¹⁰ This chapter begins such an analysis of pawnship in Yoruba society in general, and Abeokuta specifically, in the nineteenth and early twentieth century. It examines the role of pawnship in the precolonial and early colonial economies. The importance of pawnship to the colonial economy was not lost on colonial officials and administrators, for it contributed to the dormant policy initiatives on pawnship until larger geopolitical concerns after World War I demanded that policy makers address the institution. Although Oroge suggests that the colonial state was trying to abolish

pawnship from the end of the nineteenth century, I contend that abolition was not the initial concern of colonial officials.¹¹ The chapter examines the tortured efforts by the colonial state to retain the system with a few modifications and the later effort to abolish the institution.

Although the debate on pawnship began in the nineteenth century, the chapter focuses on the discussions in the 1920s because it was during this decade that the institution attracted the greatest attention from colonial officials. The deluge of information resulted from discussions on slavery in the mandated territories. As the spotlight was turned on Cameroon, the Colonial Office demanded reports on the progress of the extinction of slavery and pawnship in Nigeria. Yorubaland in general, and Oyo and Abeokuta provinces in particular, featured prominently in these discussions because pawnship was widespread and apparently entrenched in these areas. Archival documents show that even though the debate was reduced to the question of whether or not pawnship constituted a form of slavery, this simplistic rendering masked an array of complex issues - the availability of labor, access to credit, and international politics.

These issues ultimately shaped the state's ambivalent position on pawnship. In spite of its rhetoric, the state only modified the certain aspects of the institution during the 1920s and did not move to abolish pawnship until the 1930s. An analysis of these debates provide new insight into the cast of characters and conflicts in the colonial office as well as a deeper understanding of pawnship itself because the politically charged lobs by the opposing factions in the colonial office were based in empirical data from contemporary Yoruba communities.

Pawnship and Society in the Nineteenth Century

The *iwofa* system was a complex social institution that met a variety of economic needs within Yoruba society. It was one of several methods of raising capital - others being *esusu*, *ele*, and *eda* - as well as a form of investment. In the *esusu*, a rotational credit club, members put in a minimum amount of money at designated intervals (e.g., every market day) and each person received the entire fund in a set rotation.¹² *Ele* and *eda* were two systems of borrowing money that involved the payment of interest. Under the *eda* system, a fixed interest determined by the creditor was payable periodically (e.g., 1,000 cowries every market day). Under *ele*, the interest, again determined by the creditor, was payable in a lump sum with the principal at a given time. Loans under these systems involved greater liability to the borrower because if the borrower defaulted, he or she could be seized and sold into slavery with the permission of the authorities.¹³

Johnson maintains that Yoruba society did have a concept of pawnship similar to the European understanding of pawnship, where a person or item was held as collateral for a loan. He argued that the Yoruba term for that type of pawning was *fi dogo*, although *fi dogo* was applied only to goods and chattels and never humans. Pawnship, by distinction, was a contract between the lender, the *olowo*, and the worker, *iwofa*, and witnessed by the *onigbowo*, the sponsor, who exchanged the promise of service for money. It was the law that irrespective of the amount of the loan, the service was in lieu of interest, and only the principal was to be repaid, whether the payment was made after a few days or many years.¹⁴ The *onigbowo* guaranteed the loan and was held responsible for repayment if the *iwofa* refused to work or failed to repay the loan.¹⁵

The *iwofa* system provided certain advantages to the borrower that the other methods of securing credit did not. For instance, under the *esusu* system one had to belong to the club in order to take advantage of it. Members had to meet their obligations at the required time or the solvency of the club was undermined. Furthermore, depending on one's place in the rotation one could not always get money to meet emergencies. If a member had already received the fund during the current cycle, he or she could not get the fund again until a new cycle began. Through the *iwofa* system the borrower could raise capital as the need arose; he or she determined the repayment schedule of the loan, and the debt remained fixed since no monetary interest was calculated. For the creditor, the *iwofa* system was an investment in labor. The *iwofa* was required to work for the creditor until the loan was repaid. This became particularly important as slavery began to disintegrate and the demand for labor was at a premium.

Nineteenth-century sources suggest that this system of contracting loans was primarily open to freeborn men and women. Johnson, in particular, stressed that borrowers did not lose any of their rights or privileges as free members of the community.¹⁶ Restricting the right to make contracts preserved the social position of freeborn borrowers. However, pawnship and slavery did intersect at several points. Fadipe reported that slaves, with their master's permission, could pawn themselves in order to raise the money for their redemption, though he gives no indication of how prevalent manumission was during the nineteenth century.¹⁷ In addition, a borrower could substitute a slave to work as the *iwofa* in his or her place. T. J. Bowen, the first Baptist minister to visit Abeokuta, observed "a corpse tied up in mats, and suspended horizontally between two stakes, four or five feet from the ground," a half mile from Badagry. He was informed that "they dispose of slaves who die while in pawn for debt [in this manner] so that the master, on coming down from the interior, may know that his slave has not been sold by the creditor."¹⁸

Providing a slave *iwofa* did not give the creditor any property rights in the slave, creditors could not sell the slave to satisfy the debt. Creditors, nonetheless, had full disposal of the slave's labor since the slave *iwofa* resided in the creditor's compound. The way in which pawnship and slavery intersected gave borrowers greater flexibility in obtaining loans. Long-distance traders, for example, could obtain loans along the line of their trade routes by easily depositing a slave *iwofa* with each creditor.

The tasks performed by pawns fell within the sexual division of labor, with men performing agricultural or male-specific tasks, and women doing domestic or other female-specific tasks. Adult male pawns were required to clear a piece of land equal to 100 yam heaps or an equivalent in their creditor's farm once in a four-day week. On average this was about one morning's work. There were local variations. For example, among the Egba, a whole day's work was required rather than one morning.¹⁹ The evidence suggests that by the twentieth century creditors were able to demand more work from borrowers. By the 1920s, adult male pawns were expected to give two days' service out of the four-day Yoruba week on his creditor's farm. There was some flexibility in the sequence of days that an *iwofa* worked for his creditor as long as the number of days that the *iwofa* worked for the *olowo* and for himself were equally divided.²⁰ The minimum amount of labor calculated in terms of yam heaps also increased. In a memo to the Secretary, Southern Provinces, Capt. Ross, the Resident of Oyo Province in 1924, detailed the classifications of *iwofa* that he had come across in Oyo province. The classifications were determined by the amount of money borrowed and stipulated the required amount of work for each class. The minimum called for tilling 200 heaps every five days.²¹ The adult male *iwofa* was responsible for his own maintenance and upkeep, as was a married female *iwofa*, who did not live with the creditor, but returned to her own home each day. Married female pawns could either work for the creditor or pay the creditor a specified amount each week out of the proceeds of their own work.²² Although freeborn pawns did not lose their freedom or any rights or privileges in principle, in practice, this ideal image was blurred particularly in the case of a child *iwofa*. Johnson argued that the problems incurred in keeping a young *iwofa*, such as the tendency to run away, was often a deterrent to accepting one for service.²³ Other sources suggest, however, that the use of children as pawns was quite widespread.²⁴

Child pawns lived in the creditor's household and were completely at the *olowo*'s disposal. The *olowo* was responsible for the child's upkeep and maintenance, but the *iwofa* knew his or her own family and did not lose any rights or privileges in the family's lineage. Young unmarried girls often lived in the creditors' households until they were of marriageable age, and their bride price went toward the repayment of the loan.²⁵ It is unclear,

however, how young men in service established their independence as adults if the loan remained unpaid. Though no child could be forced to remain an *iwofa* against his or her will,²⁶ Fadipe acknowledged that children were often forgotten on the creditor's farm. Many rebelled against their indefinite term of service by running away. If the child could not be convinced to return, the loan was either repaid or another person was substituted.

The *olowo*'s rights in the *iwofa* lay in his command of the latter's time and labor. A creditor could not extend his claim to include sexual privileges from a female *iwofa*. If an *olowo* wished to marry an *iwofa* he still had to go through all the necessary steps associated with marriage and the loan was considered part of the bride price.²⁷ If an *olowo* impregnated a female *iwofa*, he forfeited the debt and the child belonged to the girl's family. If he then wished to marry her, he still paid bride price. If she was betrothed, the *olowo* had to pay damages to the fiancé, in addition to forfeiting the debt. He also risked being fined by the authorities.²⁸

The system expanded during the nineteenth century with the increasing monetization of Yoruba economies and disruptions resulting from the civil wars. There is little evidence of pawnship in Lagos before 1865, or in Ijebu before 1892.²⁹ However, it was practiced in Abeokuta from the time of the town's establishment in the 1830s. The Owu war of 1821, in which Ife and Ijebu joined forces against Owu, resulted in the destruction of Owu and the Egba towns which supported it. It contributed to a dramatic demographic reconfiguration of Yorubaland as refugees fled south. Around 1830, Egba who had fled from their homes in the forests finally settled in the area now known as Abeokuta. Famine was rife in the first years, and out of desperation many families pawned their children to Ijemo and Itoko farmers, who owned the land, for money to buy food.³⁰ Children were pawned for one head of cowries (equivalent to 6d.), while women and adult men were pawned for two heads.³¹ Pawning received another boost during the Ijaye war (1860-62). The conflict between Ibadan and allied Ijaye and Egba forces began with a long siege that resulted in a full scale famine in Ijaye. In order to obtain food, Ijaye residents pawned their children to both missionaries and Egba soldiers and traders for ready cash. Some Egba soldiers and traders collaborated in selling some of the pawns into slavery at Okeodan or Badagry.³²

The continuous wars of the nineteenth century interrupted farming, trade and the food supply and reduced many families to such levels of desperation that members were pawned to ensure their basic survival, as well as that of their family. Families also resorted to pawning in order to raise ransoms for members who had been captured and enslaved.³³ The

impact of these wars on borrowing was noted by James Johnson, a CMS missionary in Abeokuta, who remarked in 1879 that

chiefs and people are busy with a war. . . . People may be found ready to pawn themselves for 10/-, whereas before the war from £6 to £10 was considered an ordinary sum for which they would thus sell themselves, their relatives and their slaves.³⁴

The availability of pawns during war encouraged social innovation. In Ibadan, for example, two war chiefs, Ibikunle and Ogunmola, developed a training corps of young male pawns, known as *Baba-ni-nma-sa*, who accompanied them during the Ijaye war.³⁵ As the wars created havoc for many people, the premium on security and protection contributed to the rise of important military chiefs and traders with private armies. By being able to offer protection as well as loans, this class of military chiefs and traders enhanced their concentration of wealth, and their burgeoning households became the economic nerve centers in many Yoruba towns.³⁶

Though the wars created one important context compelling people to resort to pawning, social obligations also weighed heavily in people's decisions to borrow money. Religious obligations, funerals and marriages necessitated borrowing, for they usually entailed the outlay of substantial sums of money. James Johnson observed that "funeral expenses are . . . a heavy item in this country. From £15 to £30 spent on them would be considered ordinary even by Christians. Almost one's life's labors are thrown away upon them."³⁷ Marriage and the *iwofa* system were particularly intertwined because marriage was one of the major reasons that men sought loans as well as an important avenue through which families could raise the money to pay off loans. When female pawns were old enough to marry, their fiancés were effectively forced to pay off the loan.³⁸ The loan was usually calculated into the bride price, but in some cases it was demanded in addition to the bride price.³⁹

Individuals also used the *iwofa* system to acquire capital for economic investments such as trade or a new farm. Some viewed the pawnship as an apprenticeship program, for some parents specifically engaged their children to craft specialists in order to have them learn the craft.⁴⁰ The decision to engage children in new learning environments does not mask the underlying economic motive of obtaining capital, for Yoruba societies also recognized other forms of apprenticeship where the teacher did not provide loans.

Though slavery and pawnship were distinct from each other, they were the two most important ways of obtaining labor in nineteenth-century Yorubaland. Missionaries made an uneasy peace with the *iwofa* system

because it was virtually impossible to obtain free labor. They utilized pawnship to obtain both labor and converts. Accepting pawns was sometimes intended to help obviously distressed families as was the case during the Ijaye war, but missionaries readily remarked that they had few choices in a society that looked down on wage labor. One missionary bemoaned the fact that laborers that were available to him were often slaves or pawns to other people.⁴¹ The willingness of church officials to accept pawning was apparent at the conference on domestic slavery held in Lagos from March 16-23 in 1880. They argued that

there are no hired servants. The Yoruba people in the interior who are far from any civilizing influence hate the very idea of being paid. They would rather work for you without pay, as they may call it, but you are under obligation.⁴²

Some missionaries suggested a fixed rate for the labor given by a pawn so that their service would end after a specific time. It is unclear, however, if these suggestions were ever implemented.⁴³

The "Official" Debate

As the colonial state extended its control over Yorubaland, officials were very early on confronted by pawnship. In a letter to the Colonial Secretary in 1902, Cyril Punch, the Railway Commissioner in Abeokuta, remarked that slaves were becoming rare and the whole farming industry depended on the pawn system. In the same letter he asked whether or not young pawns should be returned to their parents.⁴⁴ Responding to this query, William MacGregor, the Governor of Lagos, stated that he "could see no reason why a man should not engage himself . . . or why a child should not be engaged."⁴⁵ He added that a parent who pawned a child had really disposed of his parental rights, and further stipulated that children in pawnage should not be sheltered by the Railway Commissioner for they were not slaves.⁴⁶ MacGregor's support of both child and adult pawning distinguished him from his successors, who did not approve of child pawning. Nonetheless, his successors struggled to reconcile their support of the *iwofa* system with the myth of the colonial state as the upholder of a new social and economic order.

The first major discussion of the *iwofa* system in Abeokuta began in 1915 as Governor-General Frederick Lugard prepared legislation abolishing the legal status of slavery which included child pawns under the article on slave dealing. The debate elicited a lengthy description of the *iwofa* system from the Secretary of the Egba Native Authority, A. Edun, in which he detailed the parties involved in the transaction of the loan and

their responsibilities and safeguards, particularly as they applied to children. His description differed slightly from Samuel Johnson's on some key points. He argued that the *iwofa* "voluntarily offer[ed] his services for certain stipulated periods in lieu of payment of interest," the *onigbowo* received a 6d. fee at the time of the transaction from the *olowo*, who was usually given a bonus of two shillings at the time of repayment.⁴⁷ In another document, he emphasized on the Alake's behalf that "no young person can be an *iwofa* who is not of an age to be able to decide for himself . . . , e.g. the age of 12 and above."⁴⁸ Edun's description of *iwofa* encapsulated both the response of the Egba authorities to the concerns of the Lagos government, as well as significant changes within the institution.

In contrast to Edun's assertion that the period of service was stipulated, nineteenth-century sources stress the lack of a time limit on service. While it is possible that pawns were able to renegotiate that aspect of the contract, it is more likely that Edun's assertions were a gloss for the benefit of the Colonial Office. The bonuses to both creditors and sponsors show that the cost of credit had increased since the nineteenth century.⁴⁹ Given the higher cost of credit, it is unlikely that borrowers would have been in a strong enough position to renegotiate indefinite service.

Edun's memorandum was answered promptly by the Governor's Deputy and relayed through the Commissioner of Abeokuta Province, W. C. Syer.⁵⁰ The deputy charged that pawning "children for debt is regarded as slave-dealing and is contrary to the law, whether legally permitted under the Native Law and Custom of Egbaland." In response to Edun's charge that the Lagos government was trying to place the Native Authority on the bed of Procrustes because the custom appeared foreign to British legal ideas, the deputy declared that "it is not a question of the matter being foreign to a legal idea or a system of jurisprudence, but whether it is or is not slavery." However, he quickly added, "the same objection does not apply in the case of an adult who in consideration of a loan voluntarily contracts to work for the lender either as part payment of or interest on the loan. That is in the nature of a contract and freedom of contract has always been recognized under the British Flag."⁵¹

Edun's analogy to Procrustes, the Greek giant who stretched or shortened captives to fit his iron bed, was appropriate, for the deputy went to great lengths to emphasize that as a voluntary contract between two parties, pawnship fell within the protection of legal recognition. Pawnship between adults was not considered slavery and therefore was not illegal. Child pawnship, however, was interpreted as slavery because it lacked this element of voluntary consent. The fact that the system embodied dependent economic relations that were prone to gross exploitation even between the contracting parties was not of particular concern.

Lugard acknowledged his support for the institution of pawnship in his Political Memoranda. He argued that

When the person pawned has, of his (or her) own free will, pledged his labor for a limited time in redemption of debt, the contract need not be interfered with. If the time is unlimited, the labour rendered will count in liquidation of the of the debt, and the pawn may at any time abandon the contract, and leave the creditor to take what action he likes in a Court. . . . If the creditor dies the contract may be liquidated to his heir.⁵²

He stipulated that if the pawn was seized by the creditor against his will he would be released and the amount of time he had been detained would count toward the liquidation of the debt. In cases where the pawn was not the debtor but a proxy, seizure by the creditor would be considered enslavement and the court could award the pawn compensation. In spite of these apparent safeguards to the debtor, Lugard also urged that

The Court would of course take into consideration *bona fide* ignorance on the part of the seizer of the pawn, the length of time for which the pawn had been enslaved, and whether the seizure had involved any special cruelty or hardship, and the treatment of the pawn.⁵³

He thereby simultaneously provided safeguards against prosecution of creditors. His discussion of child pawns, however, was much more straightforward,

Whenever a small child is seized, or given, as a pawn, the case will be treated as one in which the consent of the pawn was not obtained, and no excuse that "adequate arrangements for safe-guarding the freedom of the child" were made will be accepted.⁵⁴

Lugard's position on pawnship was reminiscent of his position on slavery. While abolition of the legal status of slavery gave slaves the right to assert their freedom, it did not compel masters to emancipate them, for "so long as the two work harmoniously together, the law does not interfere with their relations toward each other."⁵⁵ Lugard's aim was to change neither the relationship between master and slave nor that between debtor and creditor. In the case of pawnship he only sought to modify those elements of the system that lacked voluntary consent. The wholesale questioning of the *iwofa* system did not begin until the 1920s when the discussion was moved

from the colonial office to the international arena of the League of Nations Slavery Committee.

The impending international scrutiny motivated the Colonial Office to review the progress that had been made toward the abolition of slavery in the colonies. Since pawnship came under legislation on slavery, it too would come under scrutiny. Suddenly the Colonial Office found itself in a dilemma, and, as one official noted, "a position of some embarrassment."⁵⁶ Up until that point, officials had rarely interfered with pawnship.⁵⁷ The spotlight that was turned on the institution engendered a rigorous internal examination. The earlier accommodation with pawnship was now questioned. The new debate centered on whether or not the *iwofa* system was a form of slavery and therefore illegal.

In 1922, Residents and District Officers were sent a questionnaire on Native Customs and Habits. Pawnship was included under the subject of slavery. The responses were later compiled into a report on "Tribal Customs and Superstitions of the Southern Provinces."⁵⁸ It appears that this effort to document local customs on slavery and pawnship was inspired by Britain's role as one of the Mandate powers in the Cameroon.⁵⁹ The report on "Tribal Customs" showed that slavery and pawnship had not been extinguished, though slave dealing had been dramatically suppressed. It also showed that there was great variety in how pawnship was practiced throughout the territories.⁶⁰ Furthermore, the report indicated that the greatest prevalence of pawnship was in Western Nigeria - Yorubaland.⁶¹ This point is surely contestable since no one had accurate figures.⁶² Nonetheless, this perception, coupled with the acknowledged importance of the institution by administrators in the Yoruba provinces, created the context which focused most of the ensuing debate on pawnship on Yorubaland. The Resident of Oyo Province, Capt. Ross, became the chief spokesperson for the maintenance of the institution and one of the major strategists behind the modifications that were introduced in 1927.⁶³

Ross argued that "the custom of borrowing and paying interest in the form of service . . . is universal throughout the Yoruba country and [was] one of the rocks in the foundation of national life and existence."⁶⁴ He insisted that this custom had been wrongly described as pawning under the Slavery Ordinance. The *iwofa* was neither a pledge nor security for the loan. Therefore, the institution was not illegal under the statutory definition of slavery. Ross ceded that he had contributed to the perpetuation of the mistake by referring to the pawn as a pledge in the notes he submitted to the report on "Tribal Customs."⁶⁵ He insisted that the conditions under which a pawn lived did not constitute slavery for the pawn was a free agent able to regulate his own life, did not lose any status and could not be placed in service without his or her consent. Ross even dismissed the charges that

child pawnship was reprehensible by equating various aspects of pawnship to practices in Britain. He argued that "the child pawned has no less choice in entering the service of the lender than the boy or girl who is sent to a boarding school in England, . . . and the a female pawn was in no worse plight than the female domestic in England." "Pawns", he suggested, "resembled very closely those pauper children, who, in Great Britain are boarded out with respectable peasant guardians by the parochial boards."⁶⁶ He concluded that any attempt to abolish the system would throw the country into chaos, "cause widespread dissatisfaction and unrest, and result in considerable dislocation of trade."⁶⁷

Ross, with the assistance of the Alafin of Oyo, was successful in convincing Governor Hugh Clifford that the system as it stood was legal and a bedrock of the Yoruba economy. Clifford in turn informed the Secretary of State for the Colonies that

it would be neither fair nor wise for my Government to attempt arbitrarily to interfere with the custom which meets with universal acceptance, which has never given rise to any complaint, and the abolition of which would engender a widespread sense of grievance, would plunge innumerable families into financial embarrassment and would prevent large numbers of them from discharging family obligations to which they attach great and, in some instances, superstitious importance.⁶⁸

Ormsby-Gore, the Under Secretary of State for the Colonies, dismissed Clifford's argument that the government leave the system in place. He contended that a policy of inaction would not only be impossible to defend, but would compromise Britain's participation through the League of Nations in pressing reforms on other governments with similar malpractices. He elaborated that the League of Nations had established a Commission on Slavery to which Sir Frederick Lugard had been appointed as the British member. The Commission was considering the best way to approach the Liberian Government on the question of slavery and the pawning of women. It would have been embarrassing if "after pressure of this nature had been brought to bear on the Liberian Government, it transpired that the practice of pawning still continued in parts of Nigeria and that no active steps for its suppression were being taken by the Nigerian Government."⁶⁹ The discussion made clear that the effort to address pawnship was very much influenced by public opinion and the role that Britain wanted to play in the League of Nations.

The pressure to do away with the system was relieved somewhat after Ormsby-Gore determined that Yoruba pawnship did not come under the ban on slavery reached by the League of Nations in the 1926 Convention.⁷⁰ Ross urged that it was unnecessary for the state to take any action against the *iwofa* system. His argument that pawnship was not illegal, however, was challenged by other officials in the Lagos government. F. H. Ruxton, Lt. Governor, thought that Ross was "somewhat reactionary in his outlook on native affairs,"⁷¹ while Capt. J. Davidson (the Acting Lt. Governor) argued that the system could only be called slavery and that Ross softened the whole question to make it sound innocuous. Nonetheless, he argued that Ross stood on safer ground when it came to the matter of expediency. "The most we can do," he wrote "is to tread warily and gradually wear the system down; in the meantime safeguarding the pawnee to the utmost."⁷² While there was sharp division on the legality of pawnship and whether or not it constituted slavery, there was consensus that the system could not be abolished.

A compromise solution was reached in 1926, but not promulgated until 1927. It was decided that the changes would be presented as instructions issued by Administrative Officers to the Native Courts rather than Orders or Rules under the Native Authority Ordinance.⁷³ The new regulations made it illegal for children under 16 to be used as pawns after February 28, 1927, and declared that after August 15, 1927, the labor of an *iwofa* should be paid at a fixed rate, the value of which was to go toward extinguishing the debt and the interest.⁷⁴ All debts were recoverable in the Native courts or the Provincial courts. Certain important exceptions to the general ruling were made in Abeokuta. In 1929, the Resident and Alake agreed on a compromise whereby child *iwofa* could be kept if they were employed as laborers at the rate of 5s. (or so) per month,⁷⁵ and payment of the *iwofa* did not go into effect until December 25, 1932.⁷⁶

The value of labor was fixed at different rates - 2d per 100 heaps in Oyo Division, 3d per 100 heaps in Ibadan Division, and 3d per 100 heaps in Abeokuta or 6d. per full day's work.⁷⁷ Ruxton proposed a formula to calculate the length of service which insured that pawns worked for their creditors for substantial periods of time. His formula compounded interest annually so that to extinguish a £10 debt an *iwofa* would have to work six days a week for 3 1/4 years.⁷⁸

This compromise reduced those features that the state could not defend - the indefinite length of service and the use of child pawns. Clearly, it was not an effort to abolish the institution. The proclamation, nonetheless, raised concern among lenders, to whom loans were still outstanding. To reassure chiefs, many of whom were creditors, Abeokuta's Resident, F. B. Adams, stressed the benefits to both creditors and lenders under the new

proclamation. The new system, he argued, would encourage borrowers to work off their debt as quickly as possible, and creditors would have more consistent laborers as they monitored the actual number of days their pawns worked. He also stressed the fact that this time the state would enforce the ban on child pawns.⁷⁹ In anticipation, the Egba Farmers Association requested that the Native Authority establish a Labour Bureau to help them obtain labor in the absence of slaves and pawns.⁸⁰ It is difficult to ascertain how severely the new ruling affected farm labor, but sources suggest that the abolition of child pawnship had a particularly telling effect on women who depended heavily on child labor.⁸¹

Between 1927 and 1934, forty-two child-pawning cases were heard in Abeokuta Native Courts. The cases show that even though the state was determined to prosecute those who flouted the ban on child *iwofa*, people were still willing to risk detection and continued using the *iwofa* system.⁸² The District Officers of Egba Division and Ilaro Division in Abeokuta Province noted in 1937 that pawning was still very widespread primarily in the farming districts. The District Officer of Egba Division argued that the state's attempts to regulate the rates of interest and the amount of service had been a failure, though both predicted that over time the institution would die a natural death.⁸³ John Blair, the District Officer in Ilaro Division, reported that borrowers were no longer substituting others to work in their place, and increasingly farmers preferred to pawn their land rather than people. The latter development reflected changes resulting from the 1927 proclamation on pawnship, as well as the increasing commoditization of land. Written agreements between the creditor and borrower also began to appear. Delano reported that he saw several of these documents which could never be interpreted as embracing an illegal transaction, but which could protect the creditor's investment if the transaction was ever exposed in court.⁸⁴

It was not until 1938 that colonial officials began to consider abolishing the *iwofa* system entirely by taking action against self-pawning.⁸⁵ In Abeokuta, a special committee charged with canvassing the town to assess community reaction reported that most people were against abolishing the system, but would support stricter regulations through the courts, such as registering agreements with the President of the Courts.⁸⁶ The state once again adopted a gradualist approach in the face of the support for the retention of pawnship. While new *iwofa* contracts were declared illegal, existing agreements were still valid. Officials concluded that it was not desirable to institute criminal proceedings in every case of self-pawning, and therefore limited prosecutions by stipulating that criminal charges could not be brought against those who contracted loans before August, 10 1938.⁸⁷ After the Conference of Western Provinces Chiefs in 1942, where

delegates accepted Abeokuta's recommendations, the colonial government began plans to implement the proposals which allowed debtors to ask the Native Courts to assess the amount owed and order repayment either by work for a definite period or cash payments by instalments.⁸⁸ In Abeokuta, grade "A" and "B" courts were given jurisdiction to enforce the criminal code on pawning.⁸⁹

It is evident from the documents that pawnship continued into the 1950s, and Falola argues that it even continued into the 1960s.⁹⁰ In a 1948 memo to the Chief Secretary in Lagos, the Secretary of the Western Provinces wrote that in Abeokuta it was commonly believed that people still pawned themselves and their children. Nonetheless, farmers complained that the scarcity of pawns had upset agriculture. It was more common, however, in Oyo province, particularly in Oyo and Ibadan Divisions.⁹¹ Since the state's initial concern with pawnship was strongly influenced by its concern about its international image,⁹² officials failed to examine in great detail why the institution continued. They were aware of the importance of *iwofa* labor to agricultural production, but there is little evidence to suggest that they explored the other side of the system - credit. In order to address the question of persistence, it is important to examine the way in which credit and debt permeated society. The final section of this chapter explores issues around debt and credit specifically in Abeokuta.

Credit and Indebtedness in Abeokuta

The railway reached the outskirts of Abeokuta in 1899. Although many chiefs looked at the coming of the railway with trepidation because they feared slave desertions, the railway revolutionized trade in Abeokuta. It made it easier for agricultural products to reach Lagos and for European merchants to get to producers. By 1902, the Railway Commissioner noted that several European merchants had concluded contracts to lease land from the Egba government.⁹³ Ajisafe, a local Egba historian, observed that the proximity of European merchants was initially heralded by petty traders and consumers, "who had hitherto patronized the native merchants [but] now preferred buying from and selling direct to the European merchants."⁹⁴ The European firms also extended credit which undermined the position of some middlemen while expanding opportunities for others to enter trade. The development of cocoa production, which was largely dependent on pawn labor,⁹⁵ the kola trade, and expanding opportunities for wage labor in the European stores and on the railway, also fed the expansion of trade and a generalized rise in prosperity in Abeokuta.⁹⁶

Credit from the European stores was invested in trade. Capital for productive and social investments still had to be raised from other sources;

thus the importance of the *iwofa* system did not decline. The *iwofa* system was still vital to those seeking to establish new farms, slaves trying to raise redemption money and men raising bride price. Bride price rose dramatically in Abeokuta during the first two decades of the century. By the 1920s it was as high as £50. High bride price contributed to what Fadipe characterized as a tendency toward a commercialization of marriage.⁹⁷ He argued that parents sought to cash in on the rise in prosperity by demanding greater bride price, and that in some communities it was considered more fortunate to have girls because it could be turned to economic advantage. The depression of the early 1920s curbed the rise in prosperity, and between the 1920s and 30s Abeokuta was wracked by substantial economic decline.

It appears that credit became increasingly difficult to obtain during the 1920s. The depression began in the first quarter of 1920. Colonial officials described trade as being at a "dull level."⁹⁸ The downturn reduced the availability of credit and increased the insolvency of debtors. In Council meetings, members spoke of houses being dismantled and the parts sold in order to pay debts.⁹⁹ The economic crisis propelled the European firms in Abeokuta to attempt to reach greater numbers of producers and consumers directly. In 1925, the firms began opening retail shops throughout Abeokuta town. It was anticipated that they would be able to reduce the number of bad debts and kill the business of the "native" middleman entirely.¹⁰⁰ Though Egba middlemen were bitterly opposed to the retail shops, the Resident noted that they were powerless to prevent their establishment. He suggested that the bulk of the population benefited from their presence, as did owners of the shops who gained substantial rents from the firms.¹⁰¹

While some Egba traders looked upon this situation with alarm, some colonial officials saw the restrictions on credit as a blessing in disguise. Capt. Royce, an Assistant District Officer, argued that the retail shops would have the desirable effect of driving a number of young men with little education and no capital back into farming because they were unable to obtain credit from European firms as in the past.¹⁰² While the expansion of retail stores did curtail credit for some, it did not have the impact that colonial officials desired. In the 1927 Annual Report, the Resident complained that the methods of trading left much to be desired. The European firms gave out large quantities of goods on credit to a "native" trader who was generally covered by a surety. The surety was sometimes not even of great value. The trader, in turn, gave out goods on credit in smaller quantities, such that "a hundred pounds worth of goods may be divided among twenty or more people."¹⁰³

A very similar principle operated in the retail shops, although clerks were supposed to sell on a strictly cash basis. They dispensed goods on the

sale or return system, so that on the 25th of each month customers had to pay for the items taken on credit or return the unsold stock. Firms overlooked the practice as long as the stocks were correct at the end of the month. Invariably, some consumers were unable to meet their obligations and falsifying returns of sales became a "necessary concomitant of the system."¹⁰⁴ By 1928, firms were less tolerant of the system and the Annual Report noted that the situation was improving, for the stores were exercising greater control over their credit customers.¹⁰⁵

The downturn in the economy affected traders and producers severely. The value of the *adire* (tie-dyeing) industry, for example, one of the major industries in Abeokuta, fell from £500,000 before 1928 to £200,000 by the mid 1930s.¹⁰⁶ While the state remained aloof from the ongoing changes in the credit structure, various segments of Egba society put forward initiatives that were aimed at reducing the debt burden and opening new avenues of credit. Initiatives around divorce and land tenure, two major issues that galvanized heated debate during the 1920s, were directly influenced by this concern over debt and credit.

Marriage, as was pointed out earlier, was one of the major reasons that men went into debt. Divorce became a particularly important topic of discussion within the larger debate on debt, and several resolutions on refunding bride price were passed in 1922.¹⁰⁷ High divorce rates in Abeokuta compounded the problem because in many cases the bride price was not refunded and former husbands remained pawns, still in debt, and without wives.¹⁰⁸ Ademola, the new Alake appointed in 1920, attempted to redress this situation by reviving and altering an old Egba custom, *dipomu*, through which he detained women in the palace until their dowry was refunded.¹⁰⁹ Previously, *dipomu* had enabled men or women who were experiencing a crisis to seek refuge in the palace. The system in practice under Ademola, however, was limited only to women involved in matrimonial disputes. They could be brought to the palace either by their parents or their husbands, or sent by the courts for refusing to accept the husband chosen by the parents, or for being unable to refund their bride price following a divorce.¹¹⁰

The *dipomu* system and the demand that divorce cases be presented in court were attempts to stem the high level of divorce. It was hoped that the courts would distinguish between what were considered sound reasons for divorce and what the Council referred to as "frivolous" divorce. Aside from the economic considerations, the initiatives around divorce were also efforts to reassert and reestablish control of Egba women and junior men. Council members complained that as a result of European civilization, parents had lost control of their children.¹¹¹ In the debate that raged in the Council, the Alake lamented that in the old days, a girl who ran away from her husband

would have been shackled and returned to him.¹¹² Under British rule, parents could no longer resort to such measures and for some Council members the lack of such coercive measures contributed to the high divorce rate. The chiefs also complained that young men had lost respect for them and were having adulterous liaisons with the wives of obas or wooing girls away from their betrothed.¹¹³ It was clear from the Council discussions that gender and intergenerational conflicts were heightened by the larger economic crisis.

While the chiefs in the council lamented over these unscrupulous young men, they were also seeking to protect their access to women. They steadfastly resisted efforts to lower bride price which would have made it easier for young men to marry and for women to refund the bride price.¹¹⁴ Legislation was not passed until 1936 which limited bride price to £15.¹¹⁵ As the debate on divorce continued and the council tried to create a formula to ensure that husbands at least got back the money they may have borrowed to pay the bride price, other segments of Egba society attempted to open new avenues of credit by demanding changes in the land laws.

The principle of private property had taken root in Abeokuta from as early as the 1870s. However, when European firms first began to lease property in Abeokuta at the turn of the century, the Egba United Government made it illegal for anyone to sell or mortgage houses or land to foreigners. Such transactions were only legal between "natives of Egbaland." Private individuals could lease houses and land to non-Egba, but only with the consent of the Alake and Council. The bill also stipulated that houses, real estate, household furniture and tools of a tradesman could not be seized for debt.¹¹⁶ All the components of this bill were later incorporated into the 1913 Sale of Land Order which extended the ruling by stipulating the number of years that land and buildings could be leased - 30 years in the case of agricultural land and 21 years in the case of building land.¹¹⁷ The original ordinance was intended to confine Europeans to Ibara and prevent them from entering the town, and to limit the amount of credit Europeans extended to Egba middlemen and consumers. It was feared that rights to sell or mortgage land to foreigners would have resulted in large-scale alienation of Egbaland to Europeans.¹¹⁸ Lord Lugard consented to this ordinance particularly because it placed a decided check on European acquisition of land.¹¹⁹

In 1922, a group of middlemen and traders petitioned the Alake and Council to rescind the parts of the land ordinance that forbade the sale or mortgage of land to foreigners. This petition generated lengthy debates in the Council. A number of council members sympathized with the traders' desire to be able to raise capital. They argued that Europeans would be prepared to extend more credit, if they knew they could claim property if

difficulties arose. They felt that this measure was necessary because, there were a number of houses in the town valued between £1,000 and £2,000 and yet their owners could not use them as collateral to raise even a £10 loan. Furthermore, it was pointed out that the scale of dismantled houses was a direct result of the inability of house owners to use their property as collateral.¹²⁰

The arguments of the sympathizers were tempered by those who feared that the repeal of this provision in the ordinances would result in even greater indebtedness followed by the loss of property to foreigners. It was feared that unscrupulous members of the community would take advantage of these changes to sell property that did not belong to them. Cautious council members demanded that the proposal should limit the right to sell or mortgage property in the town. Family lands and houses, and property in the rural districts were thus excluded from the final proposals. The desire of the Egba traders to use land as collateral fomented a major debate on land. Although the issue was not resolved for decades to come, it set in motion the appointment of a Commissioner of Lands for the whole of Nigeria and a major study of Yoruba land tenure in 1932 by H. Ward-Price, Ross's successor as Resident of Oyo Province.¹²¹

The strategies employed by these various segments of the Egba community to obtain credit and pay their debts highlight the severity of the depression and the continuation of the *iwofa* system. The colonial government made several attempts to regulate money lending in order to reduce the interest rates on loans, but they made no attempt to establish other measures through which people could obtain credit.¹²² The question of the government providing loans was raised specifically in relation to ex-slaves, many of whom needed credit. When questioned by the Slavery Committee of the League of Nations, as to whether any remedial measures, such as loans, were being taken to assist ex-slaves, colonial officials responded:

there is general agreement that no special measures for dealing with ex-slaves are necessary, desirable or practicable. . . . The remedy seems to lie not in subsidising the ex-slaves, who appear to have adequate means without such help but in encouraging any aspirations on their part towards liberty and in resisting the rapacity of those who wish to exploit them.¹²³

In other words, ex-slaves like other members of the community were left to devise their own avenues and mechanisms for obtaining credit.

Conclusion

Pawnship reflected one aspect of the important struggle to control and command labor, but equally important, pawnship provided access to capital. The nineteenth century was in part characterized by major civil wars causing the instability and calamity on which the *iwofa* system thrived. Although contemporary sources emphasized safeguards within the institution that protected the *iwofa*, it is clear that prevailing conditions influenced the system and that creditors and borrowers struggled to maximize their advantages. Aberrations like the *Baba-ni-nma-sa* and the Egba soldiers who sold pawns into slavery occurred during wartime when creditors had temporary opportunities. However, there is little of evidence shifts in the relative advantages for creditors and debtors, although it is known there were periods when individuals pawned themselves for £6 and other times when the rate was only 10/-.

Pawnship intersected with slavery, but it does not appear that Yoruba pawnship deteriorated into slavery. Those who had slaves but needed money were able to place the slaves in pawn, but those without slaves worked for the creditor, or pressed dependent family labor into service. As slavery declined, pawnship helped fill the demand for labor. Child pawnship may have increased as a result of this transition from slavery.

The need for credit was even greater in the twentieth century as Yoruba society became increasingly commoditized and former slaves asserted their autonomy. In this context where facilities to secure credit were limited, the exchange of labor for capital was highly valued. Pawnship in this period facilitated the creation and expansion of new social classes. Credit from European stores helped expand an entrepreneurial class that was in turn able to extend credit to other segments of Yoruba society through the *iwofa* system. The downturn in the economy after 1920 capped the expansion of this class, but it did not diminish the importance of the *iwofa* system as an even greater pool of debtors competed for scarce capital. It is possible that the economic crisis of the interwar period reinforced the importance of pawnship as commodity prices fell and money became increasingly scarce.

In spite of their rhetoric to the contrary, colonial officials supported the continuation of the *iwofa* system because it was vital to the economic base of the region. It is clear that the decision to move decisively, though gradually, against pawnship resulted from the impending scrutiny from the League of Nations and Britain's desire to be an assertive player on the Slavery Committee. Legislative measures against pawnship without concrete alternatives invariably meant that the institution continued to thrive.

This analysis of pawnship in Abeokuta only touches on some of the issues that need to be considered as we refine our conceptualization of this institution. Further research and analysis are needed to determine the

complex ways in which pawnship and gender intersected, for women were not only victims of pawnship. In Yoruba society, women utilized the *iwofa* system as both borrowers and creditors. Future analysis will hopefully show how pawnship helped transform the balance of social and economic power between social classes as well as the balance of power between men and women.

Notes

1. Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold* (Chicago, 1991), 13-15. Meillassoux argues that even though the conditions of slaves varied considerably, Suzanne Miers and Igor Kopytoff (*Slavery in Africa: Anthropological and Historical Perspectives* [Madison, 1977]) err in positing slavery along a continuum with kinship. He suggests that there was no continuum between the two levels rather a qualitative change as slavery contaminated and reified kinship relations.
2. Frederick Cooper, "The Problem of Slavery in African Studies," *Journal of African History*, 20, 1 (1979), 107.
3. N. A. Fadipe, *The Sociology of the Yoruba* (Ibadan, 1970), 180-89.
4. Samuel Johnson, *The History of the Yorubas* (London, 1973), 128.
5. The Yoruba definition of pawnship differed dramatically from that in the pawnship systems in Central Africa described by Mary Douglas; there one's status as a pawn was inherited, and creditors appeared to have property rights in pawns similar to those of slave owners; "Matriliney and Pawnship in Central Africa," *Africa*, 34 (1964).
6. Samuel Johnson, in particular, paints the institution in very glowing terms; see *History of the Yorubas*, 126-31.
7. E. A. Oroge, "*Iwofa*: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75, and in this volume.
8. Oroge "*Iwofa*," 76; and Martin Klein and Richard Roberts, "The Resurgence of Pawning In French West Africa during the Depression of the 1930s," *African Economic History*, 16 (1987) (also in this volume). Mary Douglas too associates pawnship primarily with economic crisis and also assumes that the institution had remained relatively unchanged. See Douglas, "Matriliney and Pawnship."
9. Important discussions of pawnship also appear in Fadipe, *Sociology of the Yoruba*; Johnson, *History of the Yorubas*; Toyin Falola, *The Political Economy of a Pre-Colonial African State: Ibadan, 1830-1900* (Ife, 1984); I. Delano, *The Soul of Nigeria* ([1st ed., 1937] Nendeln. 1973). For other examples of pawnship in west Africa, see Raymond Dumett and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti and the Northern Territories," and Don Ohadike, "The Decline of Slavery among the Igbo People," in Suzanne Miers and Richard Roberts, eds., *The End of Slavery in Africa* (Madison, 1988); and Beverly Grier, "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana," *Signs*, 17, 2 (1992) (also in this volume). Also see Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge, 2nd ed., 2000), for a more general discussion.
10. Cooper, "Problem of Slavery," 103-25.
11. Oroge, "*Iwofa*," 96. Oroge argues that the first attempt by a British administrator to abolish the *iwofa* system was made by F.C. Fuller in Ibadan in 1899 and suggests that later rulings under Lugard and Clifford were continuations of this impulse.

12. William Bascom, *The Yoruba of Southwestern Nigeria* (Prospect Heights, 1984 [2d ed.]), 27.
13. Oroge, "Iwofa," 86. Creditors could also recover loans by hiring a person, called a distrainer, who harassed the borrower and caused havoc in the borrower's compound until the loan was repaid. Often lepers were hired as distrainers. Creditors sometimes seized a relation of the debtor and held him or her prisoner until the debt was repaid, or took things in the market and informed the sellers that the debtor was responsible for the bill. See Fadipe, *Sociology of the Yoruba*, 164.
14. Johnson, *History of the Yorubas*, 126-27.
15. A. Edun, Secretary, Egba Native Administration (ENA), Memorandum on the Egba Native Custom of Ofa, Ake Palace Papers (APP) 3/1/47, National Archives, Ibadan (NAI).
16. Johnson, *History of the Yorubas*, 128. The same distinction was made by nineteenth-century missionaries in Yorubaland. They acknowledged that in some cases the conditions of a pawn were not better than for a slave. Nonetheless, they argued that the two systems were largely independent of each other. They stressed that the great evil of the pawnship system was that it did not set limits on the time of service; see Manumission of Slaves in Abeokuta, CMS Y 2/2/3.
17. Fadipe, *Sociology of the Yoruba*, 186. In addition to the purchase price, a slave seeking manumission had to pay three amounts which were fixed. The first, bargaining money, was set at 200 cowries; the second, going-out-of-bondage money, was 2,400 cowries; and, the third, stripping money, 4,400 cowries. The name of the final fee derived from the fact that the slave to be emancipated had to be stripped naked by his master just as he had been delivered by the professional dealer.
18. T. J. Bowen. *Adventures and Missionary Labours in Several Countries in the Interior of Africa from 1849-1856* (London, 1968 [2d ed.]), 101.
19. Johnson, *History of the Yorubas*, 127.
20. In some cases the *iwofa* worked nine days for the *olowo* and five days for himself, or for two months out of the year; see A. Edun, Memorandum on the Egba Native Custom of Ofa, p. 1; APP 3/1/47 (NAI). Also see Fadipe, *Sociology of the Yoruba*, 190.
21. According to Ross, there were four classifications of *iwofa* in Oyo. The *kosinko* or *kolojo* was a borrower of £10 or more, and was expected to till 400 heaps daily. He lived on the lender's farm or reported to work daily. The *kosinko* was given food by the lender and land to farm for himself on his own time. The *agbadako*, a borrower of £5 and under, was expected to pay interest in kind, i.e., dye or yams. The most common type of borrower was the *ijagba*, who borrowed between £2.10.0 and £7.10.0, and was expected to till 200 heaps every 5 days. The fourth classification, the *Alagbada*, was to have been an innovation since the British occupation. This class of *iwofa*, borrowed for trading purposes and was expected to pay a cash interest of 30-60 per cent on the loan. It is unclear from the memo if this interest was paid in addition to service. See Memo dated 17 Oct., 1924, CSO 26/1, 06827, vol. 2 (NAI).
22. Fadipe, *Sociology of the Yoruba*, 190.
23. Johnson, *History of the Yorubas*, 129.
24. C. Partridge, "Notes on Native Law and Custom in Egbaland," *Journal of the African Society*, 10, 40 (1910). These notes were compiled in 1906 by Sholanke, the deputy registrar, but revised, updated and published in 1910 by Partridge, the Resident of Abeokuta.
25. Fadipe, *Sociology of the Yoruba*, 193.
26. Edun was particularly emphatic about this point in his memorandum; see A. Edun, Memorandum on the Egba Native Custom of Ofa, p. 1, APP 3/1/47 (NAI).
27. Memorandum on Pawning of Children, from C. W. Alexander, Resident, Abeokuta

- Province to the Secretary, Southern Provinces, Lagos, Feb. 13, 1923, CSO 26/1, 06827, vol. 1 (NAI).
28. Fadipe, *Sociology of the Yoruba*, 192.
29. Oroge, "Iwofa," 75-76.
30. Before 1821, the Egba lived in a number of townships that together constituted the three Egba provinces. During the Owu war, in which the town of Owu was razed, a number of towns in the northern part of Egbaland which had supported Owu were destroyed by the victorious Ife and Ijebu forces. This onslaught forced the southward migration of thousands of Egbas. They initially settled in Ibadan but were soon forced to move again and settled in Abeokuta, which was part of the farmlands belonging to the Egba townships of Ijemo and Itoko. See, S. O. Biobaku, *The Egba and Their Neighbors* (Oxford, 1957); and A. Mabogunje and J. D. Omer-Cooper, *Owu in Yoruba History* (Ibadan, 1971).
31. Food was particularly expensive. One basket of corn sold for 25 strings (equivalent to 3d.), while a load of yams sold for one head and 25 strings (equivalent to 9d.); see A. K. Ajisafe, *History of Abeokuta*, 3d ed. (Lagos, 1948), 37.
32. J. F. A. Ajayi and Robert Smith, *Yoruba Warfare in the Nineteenth Century* (Cambridge, 1971), 98-99.
33. Oroge, "Iwofa," 77.
34. James Johnson, letter dated May 9, 1879, CMS CA 2/056.
35. Oroge, "Iwofa," 79.
36. E. A. Oroge, "The Institution of Slavery in Yorubaland with Special Reference to the Nineteenth Century," Ph.D. thesis, University of Birmingham, 1971. Oroge offers an important discussion of the role that slavery played in strengthening the social and economic position of military chiefs and large scale entrepreneurs in Yorubaland. It was not uncommon for some of these households to have upwards of 500 slaves. The Iyalode of Ibadan during the 1860s, Madam Efunsetan, was said to have 2,000 slaves on her farms. Pawns were one category of clients that also filled the ranks of these households. Also see Bolanle Awe, "Militarism and Economic Development in Nineteenth Century Yoruba Country: The Ibadan Example," *Journal of African History*, 14, 1 (1973); Awe, "Women, Trade and Politics in Nineteenth Century Yorubaland," in F. Steady, ed., *The Black Women Cross-Culturally* (Cambridge, 1981); and Toyin Falola, *The Political Economy of a Pre-Colonial African State: Ibadan, 1830-1900* (Ife, 1984).
37. James Johnson to Wright, Aug. 2, 1879, CMS CA 2/056.
38. Fadipe, *Sociology of the Yoruba*, 193. Isaac Delano, a Nigerian government clerk, devoted an entire chapter in *Soul of Nigeria* to the *iwofa* system. In it he told of an *iwofa* he knew who had two pawns. The man "purposely refrained paying his debt as he had borrowed the money to pay the dowry on his wife, and their first child being a girl, he was waiting for a man to marry the girl to pay the debt." See Delano, *Soul of Nigeria*, 70.
39. Summary of Council Meeting, July 22, 1915 by W. F. Sosan, Clerk of Council, ECR 3/1/13, (NAI).
40. Johnson, *History of the Yorubas*, 129-30.
41. Letter from W. Faulkner, June 9, 1879, in Manumission of Slaves in Abeokuta, CMS Y 2/2/3.
42. See Manumission of Slaves in Abeokuta, CMS Y 2/2/3.
43. Faulkner suggested that after adding the interest and principal the creditor should determine the number of days of work the *iwofa* owed him based on a salary scale, with men's labor valued at 1/- a day, women's at 9d. and children's at 6d.; letter from W.

- Faulkner, June 9, 1879, in Manumission of Slaves in Abeokuta, CMS Y 2/2/3.
44. Letter from Punch to Colonial Secretary, Sept. 11, 1902, No. 238/1902, in Letter Book 1900-03, Abe Prof 9/2 (NAI). After the railway reached Abeokuta in 1899, the Railway Commissioner, the Lagos government's representative in the town, unofficially acted as the town's resident.
 45. Letter from William MacGregor Jan. 20, 1903, No. 2590/02, Administrative Minute Book Relating to Egba Affairs, 1900-1904, Abe Prof. 2/1 (NAI).
 46. Ibid.
 47. A. Edun, Secretary, Egba Native Administration, Memorandum on the Egba Custom of Ofa, APP 3/1/47 (NAI). He noted that *ofa* was the Yoruba word used to describe the system, while *iwofa* was the name given to the borrower. As the discussions continued the word *ofa* seems to have fallen out of use and *iwofa* was used to describe the institution as well as the borrower.
 48. Letter from Edun to the Commissioner, Nov. 5, 1915, APP 3/1/47 (NAI).
 49. This feature is absent in Johnson's account and in the CMS records. Oroge suggests that the practice of paying 6d. to the guarantor began after 1892; Oroge "*Iwofa*," 96.
 50. Abeokuta under the Egba United Government ceded its sovereignty to the Lagos Government in 1914, thus only coming fully under British laws from that point on. It is likely that this memorandum was prepared in response to the ordinances on slavery which were finally gazetted in 1916. Ordinance 35 abolished the legal status of slavery in the Southern Provinces after August 31, 1916. Seizing and holding a pawn against his or her free will, and giving or seizing a child as a pawn were defined as slave dealing and included in the general law on slavery contained in Criminal Code 369. See, Frederick D. Lugard, *Political Memoranda: Revision of Instructions to Political Officers* (London, 2d ed., 1970 [1918]), 218-20, 236.
 51. Letter from W. C. Syer, Commissioner, Abeokuta Province, 3 Nov. 1915 to A. Edun, Secretary Egba Native Administration, APP 3/1/47 (NAI).
 52. Lugard, *Political Memoranda*, 236.
 53. Ibid. (his italics).
 54. Ibid.
 55. Ibid., 218. His policies succeeded in meeting the requisites of Britain's antislavery position, while maintaining slavery and off setting the social and economic dislocation that they associated with emancipation. For further discussion of the development of Lugard's policy on slavery, see Louise Lennihan, "Rights in Men and Rights in Land: Slavery, Labor and Smallholder Agriculture in Northern Nigeria," *Slavery and Abolition*, 3 (1982), 111-39; Jan Hogendorn and Paul Lovejoy, "The Development and Execution of Frederick Lugard's Policies toward Slavery in Northern Nigeria," *Slavery and Abolition*, 10 (1989), 1-43; and Lovejoy and Hogendorn, *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897-1936* (Cambridge, 1993).
 56. Memo to the Secretary, Southern Provinces, Pawning: Crim Code Section 369 (3) & (7), 2/6/26, CSO 26/1, 06827, vol. 2.
 57. Oroge, "*Iwofa*," 97. Oroge notes that the laws were not rigorously applied until after 1927.
 58. Correspondence between the Resident of Oyo Province, Capt. Ross, and the Secretary, Southern Provinces, Sept. 21st, 1926, CSO 26/1, 06827, vol. 2 (NAI).
 59. Britain began submitting annual reports on Cameroon to the League of Nations in 1922 in which they outlined their efforts to eliminate slavery. See League of Nations, Advisory Committee of Experts on Slavery, Third (Extraordinary) Session of the Committee, Geneva, Apr. 15-24, 1936, 13.
 60. For example, the District Officer in Benin City reported that in most cases the pawn was a slave and that a free-born pawn was considered to be of lower status than a slave. The

Resident in Okigwi Division in eastern Nigeria reported that if a debtor was unable to pay his debt, the creditor could seize a goat, sheep or child from his compound and hold it as a pledge. If no arrangement was made after the seizure, the creditor could sell the pledge. The District Officer from Asaba Division in Benin Province noted that a girl's redemption could be obtained by marriage, but if a young boy was not redeemed the creditor paid his dowry for a wife and after the pawn died the creditor could claim the wife and any children as his property if the original loan was still outstanding; CSO 26/1, 06827, vol. 1.

61. In a memo to Col. L. E. Amery, Secretary of State For the Colonies, Hugh Clifford, the Governor of Lagos, pointed out that the report showed that the practice was disappearing in other parts of the Southern Provinces, but was still common in the Yoruba provinces; see Memo dated Nov. 5, 1923 from Clifford to the Sec. of State and the response from the J. H. Thomas to Clifford, Mar. 28, 1924, CSO 26/1, 06827, vol. 1. The Colonial Office went so far as to suggest that Oyo was the most important province on this question; Minutes on file, "Pawning of Children," C.O. 583/121, #56699, Public Record Office (PRO).
62. See Ohadike, "Decline of Slavery among the Igbo People," 454.
63. Ross served as Resident of Oyo Province from 1914 to 1931. He was one of the few officials to have a permanent station, much to the envy of his successor H. L. Ward-Price. See H. L. Ward-Price's memoir of his service in Nigeria, *Dark Subjects* (London, 1939), 273.
64. Memo from Ross to Secretary, Southern Provinces, Oct. 17, 1924, CSO 26/1, 06827, vol. 2.
65. Ibid.
66. Ross to the Secretary, Southern Provinces, Mar. 14, 1923, CSO 26/1, 06827, vol. 1.
67. Ibid.
68. Clifford to Amery, Dec. 31, 1924, CSO 26/1, 06827, vol. 1 (NAI).
69. Ormsby-Gore to Hugh Clifford, Mar. 31, 1925, CSO 26/1, 06827, vol. 1.
70. Precis on "Pawning of Children" from Ross to the Secretary, Southern Provinces, Sept. 21, 1926, CSO 26/1, 06827, vol. 2 (NAI).
71. Memo from the Secretary, Southern Provinces to Chief Secretary Lagos, CSO 26/1, 06827, vol. 1. (NAI). Ross' contention that the system was not illegal was even referred to the acting Solicitor General, C. W. V. Carey, who determined that it was illegal under the Criminal Code. See Memo from Ruxton to the S.S.P., June 2, 1926, CSO 26/11, 06827, vol. 2 (NAI).
72. Memo from J. Davidson, Acting, Solicitor General, to Secretary, Southern Provinces, June 24, 1925, CSO 26/1, 06827, vol. 1 (NAI).
73. It was recommended that the notice read "It is the King's wish that the present system of Iwofa shall cease as not being in accordance with the principles of civilization, particularly where children are concerned." See Minutes of Conference at Government House, Sept. 2, 1926 and Memo from F. H. R. Ruxton to The Secretary, Southern Provinces, Nov. 1, 1926, CSO 26/1, 06827, vol. 2 (NAI).
74. Ross argued that the age should be set as low as ten years, but was outvoted on this point.
75. Egba Administration Bulletin, Mar. 30, 1929, p. 43 (NAI).
76. Oroge, "Iwofa," 98.
77. Ibid.
78. Memo from F. H. Ruxton, Nov. 1, 1926 to the Secretary, Southern Provinces, CSO 26/1, 06827, vol. 2 (NAI). He calculated that at 60 per cent interest, the total amount owed the first year would be £16. Working six half days a week, at a rate of 6d. per

day, the *iwofa* would reduce the debt by £7.16.0, thus having a balance of £8.4.0. In the second year, 60 per cent interest would be added to that balance, thus bringing the total amount owed to £13.2.5. Working the same amount of time, the *iwofa* would reduce the debt to £5.6.5. at the end of the second year. With 60 per cent interest added to the balance, the *iwofa* now owed £8.10.3. At the end of the third year, the balance £1.9.3., with the new interest charge would total £2.6.9. To completely extinguish the debt, the *iwofa* would have to work an additional 94 days.

79. See Minutes Egba Council Meeting, Dec. 22, 1927, APP 3/1/47 (NAI). It appears that in the past the intermittent nature of the *iwofa*'s labor commitment affected the level of production, farms sometimes "spoil". Adams gave the Council an example of how the labor would be calculated. In a case where an *iwofa* borrowed £10 the total owed with interest would be £16. At 6d. per day an *iwofa* had to work 640 days in order to extinguish the debt. His formula differed from Ruxton's, in that it did not compound interest annually. It will be necessary to examine court cases in order to determine which formula the courts used in pawnship disputes.
80. Report of the Extraordinary Meeting of the Egba Farmer's Association, Aug. 24, 1927. Beginning in 1928 farmers needing labor were encouraged to register their names and submit applications at the Labour Bureau Office at Ake. They had to pay a fee of 2/6d. for any workers engaged through the Bureau. Workers could register with the Bureau free of charge and were guaranteed a minimum wage of 9d. per day. By 1929 the Alake claimed that the effort was futile for all the applicants preferred to be messengers or shop-boys. See Report of Egba Farmers Association, Aug. 24, 1929, ECR 1/1/27 (NAI).
81. Minutes of Committee Meeting on Adult Iwofa System, Centenary Hall, Abeokuta, Sept. 17, 1938, APP 3/1/47 (NAI).
82. Memo from President Native Court, Ake "A" Abeokuta, to District Officer, Egba Division provided a summary of the 42 child *iwofa* cases. In all the cases the children involved were younger than the legal requirement (16 years), and in a number of the cases, the children involved were even under ten years old. Judgement was delivered against the borrower contravening the law and the creditor for accepting the child. The ages of the children involved contradicted Edun's suggestions in 1915 that the minimum age of child pawns was twelve.
83. H. Thompson, District Officer Egba Division, to the Resident, Abeokuta Province, July 1, 1937, ABP 341 (NAI); and Letter from Resident, Abeokuta Province, to The Secretary Southern Provinces, Aug. 3r 1937, ABP 341 (NAI).
84. Delano, *Soul of Nigeria*, 72.
85. A proclamation was issued in Oyo province declaring that it was a criminal offense to pawn any person or to hold any person in pawn; Memo from the Secretary of Western Provinces to Chief Secretary to the Government, Lagos, May 1, 1941, CSO 26/2, 11604.
86. Minutes of Committee on Adult Iwofa, Sept. 17, 1938, APP 3/1/47 (NAI).
87. It was even suggested that cases should only be brought with the consent of the police. See Memo from the Chief Secretary to the Government to the Secretary, Western Province, Ibadan, June 7, 1941, CSO 26/2, 11604; and Memo from the Secretary of Western Provinces to Chief Secretary to the Government, Lagos, May 1, 1941, CSO 26/2, 11604.
88. Letter from the Deputy Governor to Oliver Stanley, Secretary of State for the Colonies, Apr. 12, 1943, CSO 26/2, 11604 (NAI).
89. Memo from Acting Secretary, Western Province to Chief Secretary to the Government, Lagos, Oct. 12, 1943. The memo listed the names of the courts which could hear criminal cases on pawnship; CSO 26/2, 11604 (NAI).
90. In this volume.

91. "Pawning of Persons as Security for Debt" from Secretary Western Provinces to Chief Secretary to the Government, Lagos, Nov. 8, 1948, CSO 26/2-11604 (NAI). In a memo from the Acting Secretary of the Eastern Province to the Chief Secretary, Lagos in the same file, it was noted that pawnship was in decline but was still a fairly frequent occurrence in parts of Calabar Province where people pawned themselves in order to raise tax money. In Owerri it was still common to find women who were destitute pawns themselves to the *osu* juju. They were welcomed into the *osu* community, though no money was usually exchanged. See Ekechi chapter in this volume.
92. In his report to the Chief Secretary to the Government, Lagos, discussing his attendance of the October 1925 Session of the Permanent Mandates Commission, Ruxton was critical of the report that Britain submitted and argued that "if we accept to play the game at Geneva, let us play it better than anyone else;" Memo, Nov. 29, 1925, CSO 26/2, 11799 (NAI).
93. Letter from Cyril Punch, Railway Commissioner, to the Assistant Colonial Secretary, Lagos; Letter Book 1900-03, Abe Prof. 9/2 (NAI).
94. Ajisafe, *History of Abeokuta*, 95.
95. As early as 1902, Cyril Punch the Railway Commissioner in Abeokuta reported that slaves had become very rare, and that the entire farming industry depended on the pawn system; Memo from C. Punch to the Colonial Secretary, Sept. 11, 1902, Abe Prof. 9/2, Letter Book, 1900-03. The 1901-02 Annual Report - Nigeria, also noted that farmers used little hired labour because the rates were so high. Europeans paid 9d. per diem and 1s. per diem for transport work; ECR 1/1/3 (Abeokuta).
96. See A. L. Mabogunje, "The Changing Pattern of Rural Settlement and Rural Economy in Egba division, South Western Nigeria," M.A. thesis, University of London, 1958; and B. A. Agiri, "Kola in Western Nigeria, 1850-1950, A History of the Cultivation of Cola Nitada in Egba-Owode, Ijebu-Remo, Iwo and Ota Areas," Ph.D. thesis, University of Wisconsin, 1972.
97. Fadipe, *Sociology of the Yoruba*, 77. It is quite possible that bride price was even higher, but the 1922 regulation on the refund of "dowries" allowed husbands to claim only a maximum of £50; Native Court Rule - Refund of Dowry, Passed June 29, 1922; ECR 1/1/73 (NAI).
98. Annual Report Abeokuta Province 1920/21, p. 38, CSO 21/N309 and Annual Report Abeokuta Province 1923, p. 13, CSO 26/1-09234. At the beginning of 1920, kernels for example, one of the major export items from Abeokuta, sold for £35 per ton. By the end of April the price for kernels dropped 40 per cent. By 1922 kernels went for £10.5.0 per ton and rebound slightly to £11 per ton in 1923.
99. Minutes of Council Meeting, Aug. 14, 1922, Abe Prof. 6/4, 6/22B. Members told of houses valued at £400 being dismantled and the parts sold for £60 in order to pay a debts as low as £10.
100. Abeokuta Province Annual Report, 1925, pp. 23-24, CSO 26/2, 1875, vol. 3 (NAI). In 1900, Governor MacGregor forced the Egba United Government to allow the Railway Commissioner to live within the town wall. His residence was established at Ibara, which was technically within the town walls but still some distance from the center of the town. When European firms first opened shops in Abeokuta in 1901 they were allowed to lease property only in Ibara, and it appears that they remained concentrated there until this period.
101. Abeokuta Province, Annual Report 1926, pp. 29-30, CSO 26/2, 11875, vol. 4 (NAI).
102. Annual Report Egba Division, 1926, ECR 1/1/37 (NAI).
103. Abeokuta Province, Annual Report 1927, pp. 22-23, CSO 26/2, 11875, vol. 5 (NAI).
104. Ibid. The Resident also argued that this "demoralizing" system of credit also occurred in

produce buying.

105. Annual Report, Abeokuta Province 1928, CSO 26/2, 11875, vol. 6.
106. Proceedings of the Adire Cloth Committee, July 1936, Abe Prof. 4, D29 (NAI).
107. Although the terms "bride price" and "dowry" are interchangeable in the documents, Yoruba society did not use a dowry system; Native Court Rule - Refund of Dowry, June 29, 1922, ECR 1/1/73 (NAI).
108. As one chief pointed out, "In many cases he [the husband] will pawn himself in order to raise a loan for payment of the dowry. He serves his master and having got the women in his house, finds her deserting him and claiming divorce at the instigation of a seducer. This usually constitutes a great hardship to the husband, for he is not only deprived of the services of a wife to look after him and give him food on his return from the farm, but he has actually to continue to serve because the seducer is unable to refund him his money to get another wife." See Minutes of Council Meeting, July 15, 1935, ECR 1/1/67 vol. 2 (Abeokuta). The number of divorce cases heard in Native Courts for 1927, 1928 and the first half of 1929 totalled 8,267. The number of adultery cases for the same period totalled 2,031. Copies of Correspondence, July 2, 1929, A.P.P. 3/1/26 (NAI).
109. Annual Report Abeokuta Province 1920/21, Addendum to Political Report on Egba Division, CSO 21/309. Delano suggests that in the old days, *dipomu* was actually the method that women used to secure divorces. In cases of ill-treatment, women went to the palace and took hold of one of the pillars. Their husbands could not touch them there for it was considered an insult to the king to touch a woman in "the land of refuge"; see *Soul of Nigeria*, 142.
110. Minutes of Council Meeting, Oct. 24, 1927, ECR 1/1/38 (Abeokuta).
111. This perception was not new. At the turn of the twentieth century, the deputy-registrar in Abeokuta complained that "the family system [was] breaking down, owing to the influx of civilization." He gave several examples to buttress his claim including the fact that husbands no longer held absolute power over their wives, seduction and adultery were more prevalent, and "children will not allow themselves to be pledged for debt, as had been customary." See Partridge, "Notes on Native Law and Custom in Egbaland."
112. Minutes of Council Meeting Sept. 25, 1926, ECR 1/1/33 vol. 1 (Abeokuta). The Alake told of one of his sisters who did not want her husband and ran off to Ibadan. She was brought back to Abeokuta in shackles and returned to her husband. She was shackled during her first pregnancy and finally left him again after her third child.
113. Minutes of Council Meeting July 5, 1928, ECR 1/1/40 (Abeokuta).
114. In 1915, the then Alake and Council resisted efforts to set a fixed bride price, arguing that bride price was set according to the circumstances governing the contract of the marriage. For example, if the girl was a pawn, the prospective husband had to redeem her as well as pay the necessary engagement expenses; Memo from W.F. Sosan, Clerk of Council, July 24, 1915, APP 3/1/13 (NAI). By the time Ademola was installed bride price was allowed to float up to ₦50. The Balogun of the Christians raised the issue of lowering bride price in 1925, 1929 and 1932, but the Alake and other chiefs insisted that if the dowry were fixed at a lower rate, those husbands who had spent large amounts would not recoup their expenditure after a divorce. See Minutes of Council Meeting, June 18, 1925, Abe Prof 2/9-33/25 (NAI) and Minutes of Council Meeting Feb. 18, 1932, ECR 1/1/54 vol. 1 (Abeokuta).
115. Fadipe, *Sociology of the Yoruba*, 77. It is quite possible that bride price was even higher, but the 1922 regulation on the refund of "dowries" allowed husbands to claim only a maximum of £50; Native Court Rule - Refund of Dowry, Passed June 29, 1922; ECR 1/1/73 (NAI).
116. Egba United Government Notice, May 29, 1903, Correspondence Book, 1900-04, APP 5/1/1 (NAI).

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- ^{117.} See Egba Government Gazette, Jan. 27, 1913. A native of Egbaland was defined as any person with one or both parents Egba or of Egba descent; a slave in Egbaland who redeemed himself and intends to reside permanently in Egbaland; or all persons of Yorubaland and not of Egba descent who have shown an intention of permanently residing in Egbaland.
- ^{118.} See Minutes of Council Meeting Aug. 14, 1922, Aug. 17, 1922 and Oct. 16, 1922, Abe Prof 6/4 - ABP 11/22B (NAI).
- ^{119.} Lugard to Harcourt, Nov. 17, 1913, C.O. 520/128 #2176 (Public Record Office).
- ^{120.} Minutes of Egba Council Meeting, Aug. 17, 1922, Abe Prof 6/4, ABP 11/22B (NAI).
- ^{121.} Minute of Egba Council Meeting Feb. 3, 1927, ECR 1/1/33, vol. 1. (Abeokuta).
- ^{122.} Oroge, "*Iwofa*," 97.
- ^{123.} League of Nations: Report on Slavery, CSO 26/1-06827, vol. 1 (NAI.), 21-22.

CHAPTER 18



PAWNSHIP IN COLONIAL SOUTHWESTERN NIGERIA

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As Oroge first demonstrated, pawnship was an integral aspect of labor recruitment and credit in Yorubaland at the turn of the twentieth century.¹ Christian missionaries and the Yoruba-educated elite were concerned to justify the continuation of pawnship rather than to promote its abolition. Their efforts were spent trying to distinguish pawnship from slavery by arguing that it was a decent and humane practice. For example, Chief I. O. Delano, the distinguished author and cultural nationalist, acknowledged the prevalence of pawnship and justified its existence as a standard of wealth.² Delano's observations accurately reflect the attitudes towards pawnship in the first two decades of the century. This chapter explores the continuity of pawnship in the later decades of colonial rule.³

By the end of the First World War, Article 369 of the Criminal Code made pawnship, especially of children, a criminal offense punishable as a form of slave dealing, with imprisonment of up to seven years. This Article was actually a repetition of Section 4 (3) of the 1874 Ordinance on Slavery. Its enactment was necessary because the earlier ordinance had had little impact on the prevalence of pawnship. Many cases of pawnship were reported in the 1920s, including reports of violations of Section 369 (4) of the Criminal Code which forbade "placing and receiving a person in pawn."⁴ Violations were widespread, as was well known to officials.⁵ Not

only did people continue to recruit pawns but they also insisted upon formal contracts, prepared by Public Letter Writers, which outlined the terms between creditors and debtors.⁶ These documents were admissible as evidence in the Native Courts when creditors petitioned for the repayment of loans. In 1923 the central government in Lagos admitted that the prohibition of pawnship, despite the fact that it was a criminal offense, was yet to be enforced with any rigidity or consistency.⁷ The reports compiled in 1923 were unanimous in their conclusion that pawnship was practiced in many Yoruba communities.⁸

In the 1930s and 1940s, officials continued to admit that pawnship existed. Widespread investigations revealed its survival, even in the Yoruba communities located in northern Nigeria where it was believed that the combined influence of Islam and colonialism would have brought about its demise.⁹ Documented sources become silent only in the 1950s. However, oral sources are unanimous that even then there were pawns, working on farms in Ekiti, Ibadan, and Ondo, in the textile industries at Ede and Iseyin, and in the ceramic industries at Ilorin and Abeokuta. The evidence suggests that pawnship survived, although its scale was limited, and that there were changes in its practice.

The imposition of colonial rule provided the opportunity for pawnship to spread. Pawnship became common among the Ijebu following the British conquest.¹⁰ The decline of slavery is said to have encouraged the growth of pawnship, as many people sought the means to respond to the labor shortage resulting from the decline of slavery.¹¹ The need for cash, for example, to meet the increasing costs of bride wealth and the imposition of colonial taxation also promoted pawnship, although more evidence is needed before any conclusion can be reached about the relative importance of various factors.

Perhaps the major reason for the survival of pawnship was that most of the conditions that promoted debt bondage in the nineteenth century remained important in the colonial period. A 1923 report provided a summary:

The contract is usually entered into, in cases where from the native point of view the borrower has very pressing need for an advance; usually some benefit to the family is involved, for instance if family property requires expenditure or a house is to be built, or money must be raised for the due observance of the funeral rites of a deceased member of the family.¹²

These were some of the reasons that Samuel Johnson and the missionaries gave for pawnship in the nineteenth century.¹³ Contemporary observers

such as the *ooni* of Ife, Adesoji Aderemi, and N. A. Fadipe, the first to write a sociology of the Yoruba, added other reasons mentioned by nineteenth-century authors as well: the shortage of labor, the effort to raise funds for vocational and leadership training for youth, the desire to help the poor, the need to settle previous debts, and the usefulness of a mechanism to raise capital for productive investment.¹⁴ The most important reasons related to the expenses associated with marriages and funerals. Although there were other methods of raising money, pawnship was the most widespread, mainly because it was the best investment for a creditor who not only collected back the money in the end but also benefited from cheap labor in the meantime.¹⁵

In relying on pawnship as an option, neither the creditor nor the debtor regarded the institution as "criminal" or a violation of any official regulation. Its continued relevance was linked to the demand for labor and money. Culture provided the ideology to legitimize it, because: (a) it was better to borrow than to steal; (b) children required discipline to grow up as responsible members of society, and often they could obtain such discipline in the homes of others; (c) children were obliged to help their parents, and pawnship was one of the ways of doing so; (d) it was more honorable to raise money through pawnship than to renege on the social payments involved in funeral rites, bride wealth, and other obligations.

Pawnship also survived because the colonial state, in spite of occasional attacks on the institution, encouraged its continuity. In the first place, the demand for cash crops required farm labor and workers in the distributive network. Social and political changes affected access to labor and thereby made pawnship thrive. During the nineteenth century, large-scale farmers were members of the dominant class (as warriors or chiefs) with access to slaves and many dependents. The end of the wars and the imposition of colonial rule led to the decline of slavery. Access to labor became more and more dependent on market forces, notably the payment of wages, but the resort to older institutions such as the cooperative work group and pawnship were transitional forces in the decline of slavery.

Contemporary observers were aware of the linkage between the colonial economy and pawnship. When the issue of pawnship was raised in the Legislative Council in 1924, the First Lagos Member asked whether the government was aware that child pawnship existed because of the need to meet the demands of the poll-tax laws, as a means to the adoption and religious education of children, and as the major means of raising loans.¹⁶ British administrators in the field expressed similar views. They noted that pawnship facilitated access to labor and feared that its abolition would dislocate the economy. In the 1920s, Ross warned that abolition "would

throw the country into chaos, cause widespread dissatisfaction and unrest, and result in considerable dislocation of trade."¹⁷

Consequently, the law prohibiting pawnship was not enforced. Government officials passively waited for cases to be reported. This was an ineffective procedure in terms of abolition, as the majority of the population did not regard pawnship as a crime. Indeed, many people avoided the police and the courts generally. To initiate legal proceedings on pawnship involved yet another problem. By dragging creditors to court, debtors faced social condemnation because many members of the public considered such behavior as a sign of ingratitude to benefactors. The majority of the cases that reached the courts or political officers were occasional "discoveries" by administrators, or they were cases that involved the failure of a debtor to settle the loan in a mutually agreed manner. Most cases related to children, suggesting that the use of adults posed fewer problems.

Pawns realized that they gained very little if their cases reached the courts. In most cases, a chief presided, and the pawn was required to repay the loan. Yoruba judges generally had nothing against the practice. As a result, the Secretary of the Southern Provinces concluded in the 1920s that the government should not expect any positive cooperation from the chiefs, who "see no harm in the practice themselves and would know how keenly any interference with it would be resented by the people."¹⁸ During the same period, the officer in charge of Ondo reported that the chiefs were not eager to punish people who engaged in pawnship: "An occasional glaring case is met with a fine in the Native Court but this only happens when the matter cannot be hushed up."¹⁹ As is discussed in greater detail below, many colonial administrators were no more enthusiastic in bringing about the end of pawnship than the indigenous judges.

Pawnship and the Colonial Administration

Like slavery, pawnship was one of the institutions slated for destruction following the inauguration of the colonial state. Unlike slavery, however, pawnship survived much longer. Official attitudes fell into three major phases: a period of tolerance until the 1920s; attacks on child pawnship in the late 1920s; and reform measures after the 1930s to modify the terms of contracts in order to remove what were believed to be the worst features of the system.

In general, colonial administrators did not agree that pawnship should be abolished. Many of them agreed with the Yoruba elite that pawnship was vital to the economy, and showed little commitment to its abolition. Their interest in comparing it with slavery was to show that it was not evil. The Governor informed the Colonial Office in 1923 that he had no

evidence to conclude that pawnship was a "barbarous native custom." Rather,

It is a Native Custom of long standing hedged round with many and adequate safeguards to protect the 'pawn' from ill-treatment. However repugnant to European ideas it is part of the life of the people and not regarded by them as in any way akin to slavery; there is no loss of social status. Paradoxically as it may seem it tends to strengthen the family tie as showing that it is necessary for all members of the family to make sacrifices for the general good of the family.²⁰

In addition, administrators believed that pawns contributed to the economy. They argued that the Yoruba evolved pawnship to satisfy the requirements of their society, primarily the supply of labor for agriculture. They believed that the abolition of pawnship would be resisted by the people because it was beneficial to both the creditor and the pawn.

The 'Olowo' or lender is provided with labour in his farm or other occupations, the "Iwofa" or pawn obtains the money to meet his present necessity and in carrying out his contractual obligation acquires frequently a habit of industry, otherwise lacking, which he is able to put good use during the time he is still an "Iwofa" and subsequently.²¹

There was also a strong objection to abolition:

The question of how any changes would be received by the people generally is important as they will be very jealous of any interference with what they consider their rights in this respect. The total prohibition of the system would be a serious error both politically and industrially. The abolition of one of their fundamental customs and usages would be deeply resented by the people and grave dissatisfaction would result. Industrially the effect would be severely penalised.²²

Rather than abolish pawnship, administrators concentrated their energies on measures to reform it. As many were opposed to the use of children, the government was particularly interested in reforms that would prevent their exploitation. With respect to adults, the concern was to make the pawn's labor the means to pay the interest and the loan.

In the light of the government's commitment to reforms, I analyze here the details of the official position throughout the period. Only a few of the administrators started with any enthusiasm for abolishing pawnship. The second administrator of Ibadan proposed abolition to the Chiefs-in-Council in 1899, but met with no cooperation, although his successor was to boast in 1909, without any evidence, that the practice was on the decline.²³ His counterpart in Abeokuta was initially successful in persuading the Egba authorities to agree to use constitutional means to abolish pawnship, although nothing concrete was achieved.²⁴ In 1915, the Commissioner of Abeokuta Province circulated a notice warning that "to pawn a child for debt is slavery," although he allowed adult pawnship because this was a voluntary contract.²⁵ The response by the Egba chiefs was very tactical: they denied that children were used and at the same time justified their use by saying that all children who served as pawns did so voluntarily, that they were above the age of twelve, and that they understood the contract.²⁶ The chiefs suggested that when children above the age of 12 were pawned, they should accept the arrangement, thereby perpetuating the institution. In what was likely to be the first effort to modernize pawnship, Egba Authorities established a register of pawns, but this failed because the public refused to cooperate.²⁷ At the end of 1915, the Resident lamented that nobody took his anti-pawnship law seriously, even if they understood the message that he was putting across.²⁸ Rather than a decline in pawnship, by 1924, there was actually an increase as many young men pawned themselves to be able to afford the increased cost of bride wealth.²⁹

In the revised Ordinance No. 35 of 1916, pawnship was considered a lesser evil than slavery and was partially condoned.³⁰ The 1916 Ordinance touched upon two issues which occupied most of the Administration's attention in subsequent years. The first was child pawnship which was opposed, and which was prohibited by law. The second was the need to use the pawn's labor not just as interest on the loan but as part of the liquidation of the loan itself. The Ordinance mentioned "three pence per diem, if the pawn is fed and housed, and 6d if he is not" as the "value of a full day's labour." But the Ordinance existed on paper only. Lagos did not want any "hasty action" because pawnship was accepted as legitimate. Officials were more concerned to report that the people violated the regulation and that pawnship was likely on the increase. They were less enthusiastic in talking about what they did to eradicate it. They dismissed as voluntary and "quite legitimate" cases of adult pawnship that were reported to them.³¹ Several administrators were even criticizing the policy that attacked child pawnship, proposing instead that what was necessary was to reform the practice to minimize child abuse.³² In the mid-1920s, the attitude of government was

summed up by the Secretary of the Southern Provinces when he noted its "policy of inaction."³³

High-ranking officials in Lagos, including the Solicitor General, were critical of administrators in the field who continued to argue that pawnship was acceptable, and wanted to press for the prosecution of those who used children as pawns. The critical position of Lagos was influenced by pressure from London. Since 1924, the Colonial Office had disagreed with the moderate position of Lagos on pawnship, and in fact instructed the government that every opportunity should be used to discourage it and that reforms should be initiated leading to its abolition.³⁴

In 1926, Lagos decided to embark on a firm course of action against child pawnship. The first proposal was to instruct Ross, the Resident of Oyo province, to tell the *alaafin* of Oyo that pawnship was illegal and that "in future, cognisance of the offence will be taken in Provincial Court."³⁵ Ross, who had little respect for the views emanating from Lagos and London, promised that he could control the chiefs but not "the economic upheaval and panic" that might follow.³⁶ Further suggestions were made in Lagos to abolish child pawnship, to limit the practice to males, and to ensure that there was no cruelty in the treatment of pawns. There were other proposals which recommended that children under the age of twelve should be excluded from pawnship, that the contracts which involved those between the ages of 12 and 18 should be approved by the Native Courts, and that the courts should be given the power to probe into how a creditor treated a pawn.³⁷

What was to be the first major action against child pawnship was taken in 1927 when a number of provinces prohibited it and indicated that offenders would be tried and convicted. For the first time, child pawnship was defined, as well as who a child was: "no boy or girl under the age of 16 years shall be engaged as an IWOFA."³⁸ Lagos also instructed its officers to impress upon all the Native Court judges that the "giving of children as Iwofas is clearly illegal and it is their plain duty to bring to the notice of the court and the D.O. any offenses against the law which may come to their knowledge."³⁹

The anti-pawnship proclamation of 1927 was a half-hearted and incoherent measure against pawnship. It failed to undermine the institution, and the focus was more on reforms than on prohibition. Lagos went to the extent of warning all the administrators in the field to exercise a great deal of caution in their announcement of the proclamation, in order not to cause alarm.⁴⁰ Adult pawnship remained legitimate. What the government did was to attempt to impose contractual terms favorable to pawns by establishing the equivalent of the pawn's labor as a daily wage. In Abeokuta, the labor of a pawn was fixed at "3d per 100 heaps of yams or 6d

for a full day's work, and the value of the labour shall be calculated towards the extinction of the debt and the interest thereon. The interest shall not be more than 60 percent."⁴¹ A similar provision in Ibadan added that debts could be recovered in the courts, and that the rate of pay would be "2d per 100 heaps" in Oyo division and 3d. in Ibadan and Ife divisions.⁴² In Ijebu-Ode, where the same law was repeated, in spite of the claim of the *awujale* (king) that there were no child pawns, the Resident added the provision that a pawn should work for three years at most to pay a loan of £10 and its interest.⁴³

The major achievement of the 1927 regulation was the conviction of a number of people for child pawnship, especially in Abeokuta where over forty people were arrested between 1927 and 1934.⁴⁴ The convictions document shed some light on the institution.⁴⁵ Most pawns were girls between the ages of 8 and 15, which supports the conclusion drawn from oral evidence about the prevalence of female pawns. The amount for which girls were pawned was between £5 and £20, and the common reasons for debt were the expenses of funerals, marriages, and illness. The decisions of the courts were in most cases draconian: the creditor forfeited his money for engaging in an illegal act and paid a fine to the court in addition; the debtor was either sentenced to prison with hard labor for a minimum period of three months or asked to pay a heavy fine to the court, between £3 and £15, an amount based on the loan specified in the contract. The pawn was released to the parents or other relatives with instructions that redemption was permanent.

So heavy was the penalty that many people resorted to perjury. To avoid the courts or unfavorable decisions by the courts, pawnship was presented as a family arrangement for the custody of children who had lost their parents. In the case of girls, the most common lie was to say that the loan was bride wealth. Many creditors were said to have responded by requesting immediate repayment of the loan, transferring the pawns to other towns (with the consent of their parents) in order to prevent a crisis, bribing chiefs and minor officials to avoid the courts, etc. In all, less than 50 cases were recorded, in a town where pawns ran into the many hundreds, suggesting that the measures to avoid the courts were largely successful. When the creditor, the debtor, and the *onigbowo* cooperated, it was very difficult to detect the use of children as pawns. It was certainly not in the best interests of any of the parties to go to court, as all were punished, and the creditor lost his money in addition.

There was no other major official response until 1935 when some missionaries in Eastern Nigeria attacked the *osu* ("caste") system,⁴⁶ and pressure was put on Lagos to investigate the institution of pawnship in general. Thereupon, Lagos instructed all the districts in the country to

investigate pawnship. The conclusion was that pawnship existed in eastern and western Nigeria; in the case of the west, it was described as being on the increase. The administrators at Abeokuta admitted that nothing could be done to prevent an adult from "working for a creditor in order to repay a debt."⁴⁷

Many administrators advocated reforms that would minimize the exploitation of pawns, although most of the suggestions made in the 1920s had little or no impact. The most common one was to determine the monetary value of the pawn's service, which was then to be deducted from the loan. In November 1926, Lagos fixed the maximum earning capacity of a pawn at £7 16s. per annum. Administrators in the field believed that this was low, and suggested that a pawn should be entitled to not less than 9d. per day.

The debate on the value of labor was a secondary issue to the continuation of pawnship itself. The real problem was that the entire labor of the pawn, irrespective of the value thereby attached, was interest on the loan. When labor was not offered for a particular period, the lost interest had to be added to the loan, thus increasing the debt burden. To maintain a grip on the debtor, the contract stressed not the loan itself but the interest. The higher the loan, the longer the duration of pawnship.

The government believed that one other way of helping pawns was to fix the interest on loans at a maximum of 20 per cent. The attempt by Lagos to enforce this interest rate met with failure, however. Administrators did not agree with the fixed nature of the rate. The D.O. of Abeokuta concluded that the "salary" of a pawn was not even enough to obtain redemption:

Should the loan exceed £13 the sum of £17.16s. would not repay a year's interest at 60% so that it would be impossible for the pawn ever to repay the debt, e.g. the interest on a loan of £14 at 60% is £8.8s., so that at the end of the first year the debt would have increased to £14.12s. and would continue to increase.⁴⁸

The D.O. added another dimension overlooked by Lagos: adult pawns worked both for the creditor and for themselves. He calculated that if a pawn received 9d. a day, this would fetch a total of £6.15s. per annum for a total of 180 days. If the pawn's "salary" was to settle part of the loan, the interest on the highest loan must be less than £6. 15s. per annum.

This diligent officer suggested an alternative proposal, perhaps the most comprehensive proposal for reform on the matter. First, he wanted the government to base any reform on the following measures: a loan must not exceed £25 (according to him, this was the limit of most loans); the interest rate should be 20 per cent ("thus on a loan of £25, the interest at the end of

the first year would be £5 leaving £1.15s. to be applied towards the reduction of the debt"); and the bonus should be pegged at 10 per cent without any interest whatsoever. On these assumptions and on his calculation that a pawn's labor per annum was worth £6 15s., he concluded that the pawn would have to work for seven years and nine months to discharge a debt of £25. At the end of that period, the pawn would have supplied labor to the value of £52 6s. 3d., an amount which he described as "a very fair return to the Olowo for any risk he may run." He also wanted the government to fix the duration of service: a loan of £5 should be extinguished by one year's service and that of £25 by eight years.

This and similar proposals suggest that the government was aware of some of the problems experienced by pawns, and that it was interested in reforms. However, all the proposals ignored the fact that the parties could not be controlled, that most of the contracts were informal, and that only a few cases were reported. They failed to devote much attention to satisfying creditors, who were the most important of the parties because they had the money to lend and some had power and influence in their communities. Finally, they did not consider the reasons that forced people into pawnship, leaving them with little power to negotiate.

By the mid-1930s, Lagos was becoming frustrated because of the resilience of pawnship. In 1938, the government issued another proclamation to eliminate pawnship. It repeated the illegality of child pawnship and went on to condemn adult self-pawnship as well, describing it as a violation of "personal liberty" and prohibiting it altogether:

It is hereby notified for general information that it is a criminal offence to pawn any person or to hold any person in pawn. The pawning of persons is forbidden both by the British Government and by the Native Authority. Henceforth any person who is convicted of giving, receiving or holding a person in pawn will be punished.⁴⁹

This proclamation did not specify the punishment, and there was in fact no intention to institute proceedings against all offenders. The response to it by the public varied from condemnation to silence. For instance, in Abeokuta, where the Resident called a meeting of all the prominent chiefs to tell them that the government was ready to fight pawnship, he received a polite answer which promised that the chiefs would discuss the matter.⁵⁰ When the chiefs reconvened a few weeks later, they were unanimous in saying that abolition would cause hardship, especially to farmers who had no access to daily paid workers, and that it was desirable to recover all loans. If the government was interested in changes, the chiefs advised that there

should be two safeguards: "When a loan is given, agreement should be made and registered before the President of the Court in the area, stipulating the amount raised on loan, the witness thereon, and the terms of service for the repayment of same; and that such repayment be reckoned as on the principal and interest."⁵¹

In the same year, 1938, Lagos decided to pursue a policy that would discredit pawnship by forcing pawns to take creditors to court and arranging to pay loans in instalments. Government was surprised to learn that child pawnship continued, in spite of official abolition, and decided to continue to convict those who were caught. Conviction was not easy. Since it was legal for people above the age of 16 to engage in voluntary pawnship, it was simple to lie about a pawn's age or to say that girls were future wives of creditors.

The first evidence of the enforcement of regulations on adult pawnship came at Ibadan in 1941, when two private prosecutions were instituted against the *olubadan*. The cases were dismissed as "malicious."⁵² Attempts at enforcement were undermined when many other Yoruba chiefs pressured the government to avoid prosecuting cases of pawnship. In the early 1940s, the policy was to forgive pawn holders and attempt to prevent them from acquiring new pawns. In 1941 the Secretary of the Western Provinces came up with two proposals which were later adopted:

(a) no prosecution shall be commenced in respect of a pawning that took place before a specified date, say that of the proclamation of 10/8/1938, and

(b) a prosecution may continue to lie in respect of any case of pawning, but no condition shall be recorded against the pawnee in respect of a pawn accepted before a specified date although the person pawned shall be entitled to regain his liberty as a result of such a prosecution.

In an attempt to test the response of the indigenous authorities, the government referred the issue of pawnship to the 1942 Conference of Chiefs of the Western Provinces. The comments of the chiefs provided the guidelines for policy for the 1940s. The chiefs provided a working definition of pawnship. They also distinguished between what they called objectionable and unobjectionable pawnship. The main criterion for this distinction related to interest on a loan. It was not objectionable if a pawn's service reduced both the original loan and also paid the interest. But it was objectionable if the work of a pawn only counted as the interest on a loan or if a debtor used a person other than himself as a pawn. These were

ingenious modifications, designed not to abolish pawnship but only to reduce the length of service of a pawn by counting his service as part of the repayment. In order to retain the institution, the chiefs agreed that "in the case of self-pawning the debtor should have the right to ask the Native Court to assess the amount owing and order repayment either by work for a definite period or cash payments by instalments." These recommendations were accepted. In 1947 it was made clear in some provinces that the labor of a pawn was 6d. per day and that the service would be calculated as the interest on the loan and a payment on the debt itself.

When the Colonial Office asked Lagos in 1943 for court returns, the reply was that pawnship was illegal, that government was capable of dealing with the few cases that came to light, and that officers ensured that cases of pawnship were detected. The figures that accompanied the reply were extremely low, which was consistent with the remarks. Only sixteen people were said to have been convicted for pawnship between 1938 and 1942. From the figures, Lagos concluded that objectionable pawnship was not prevalent.⁵³ Nonetheless, additional legislation was introduced, and in 1943, the last major regulation was announced:

Any person who places or receives any in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called or known, is guilty of slave dealing and is liable to imprisonment for seven years.⁵⁴

After 1943, official reports showed a consistent decline: there were only thirteen prosecutions between 1943 and 1948; in 1948 pawnship was said to be "practically unknown" in Ijebu, Warri and Benin Provinces; and by the 1950s, the official position was that pawnship had become inconsequential. As the details of the official response shows, the decline was not due to any major attempt by the government to abolish pawnship but to other developments related to the broad changes of the era, to which I now turn my attention.

Towards the Demise of Pawnship

It is clear that pawnship survived the colonial period, but the incidence of pawning began to decline, especially from the 1920s onward, when its essential aspects were threatened, jettisoned or redefined. Initially there was a decline in the use of children as pawns and, consequently, an increase in self-pawning. The last stage of its demise or transformation to other forms of labor and contractual relations occurred only in the late 1950s and the beginning of the 1960s, however. New methods of obtaining loans had

largely replaced debt bondage by this time, as banks and other institutions became firmly established. Mortgaging land and crops now became the methods to raise money and secure debts. By the late 1950s, furthermore, domestic servants were becoming more common than pawns in households. Domestics had been hired in previous years, notably by well-paid civil servants, missionaries, and aliens. While the use of domestics as labor is yet to be studied historically, it is clear that it was one of the forms of employment that replaced pawnship.

The need for loans remained strong from the 1920s through the 1950s. There were always reasons for seeking loans, but the reasons for pawning began to change. Furthermore, there was greater concern as to whether or not to pawn a child or to enter into a relationship of self-pawning. Oral evidence confirms that people became more and more careful before taking out loans that required the use of pawns. One informant made an important distinction between (a) *oninakuna* and *apa* (a spendthrift and a prodigal) and (b) *inawo ti ko se ye* (inevitable expenses). This categorization was a conscious attempt to justify "essential" borrowing that might require the placing of someone in pawn. Oral evidence emphasizes that most people used pawnship as means "to help their children," that is, to provide them with a skill, either through apprenticeship in small-scale craft and industrial organizations or through the purchase of the tools needed for a craft. Loans were even taken out for school fees. Parents pawned themselves or pawned one child to assist another, usually a girl to help a boy or a junior brother to help the senior. Informants agree that people continued to borrow for funeral expenses for a "decent burial." And social pressure for the lavish entertainment of visitors persisted. Both funerals and entertainment consumed great sums of money, and the need to pay for these expenses continued to provide a legitimate reason to seek loans and thereby arrange for pawning.

Despite these reasons for pawning, other reasons that had once been important in generating pawns declined in significance. For example, men appear to have stopped putting their relatives into pawn in order to marry additional wives, as was common in the nineteenth century. Oral evidence seems to reflect contemporary values which discourage people from going into debt for purposes of marriage. How present values have affected the memories of informants is difficult to determine, however. Attitudes towards borrowing in order to marry clearly have changed, but it is unclear when this happened. There is also a consensus among informants that pawning to cover religious expenses (including the worship of gods and ancestors, sacrifices, and payments to priests), which was prominent in the nineteenth century, declined in importance during the colonial period.⁵⁵ This change probably arose with the spread of Christianity and Islam,

which undermined the indigenous religion, and the increasing belief in rational, scientific explanations for disease and the environment.

The pressure against the pawning of children was evident as early as the 1920s. Compliance with the conditions of pawnship became a factor in maintaining control over pawns, and it was recognized that as a child matured, it was possible that a pawn would want to terminate the contract on the grounds that he or she was not a party to the pawning agreement in the first place. As noted in 1923,

At the present day the increase in civilization and the advent of schools has broadened the child's outlook on life and rendered him at an early age less pliable to meet the demands of the parents, while the constant supervision of Political Officers, the institutions of the Native Courts and introduction of British law and justice have placed a check on the actions of the parents. Thus in the majority of cases where the child given in pawn has reached an age of about 12 years the "Olowo" realises the necessity of ascertaining that the child is a willing party to the transactions.⁵⁶

Although child pawnship survived the 1920s, the observation that children did not always agree with the decision of their parents to pawn them was correct. Evidence from Abeokuta in the 1930s shows that several children went to the D.O. to report their parents for pawning them.

In addition to the observation that creditors had to involve the children in fresh negotiation when they matured, desertions became a common form of rebellion.⁵⁷ When a child pawn deserted, the debtor and the *onigbowyo* were given eight to ten days either to return the child, provide a substitute, or pay the debt.⁵⁸ None of these options was easy to meet. After the 1927 proclamation which prohibited child pawning, desertion had to be carefully handled, lest the creditor himself get into trouble with the government. An interesting case in Abeokuta in 1938 brings out the dilemma. One boy named Surakatu deserted but refused to go back to his parents, fearing that they might return him to the creditor. Instead the boy went to the D.O., and the father was forced to tell the truth:

I pawned my son to Asani for a sum of £15 about 15 years ago and when the law prohibiting pawning of children came into force about ten years ago, it was mutually arranged between us that Surakatu should become his [Asani's] labourer at the rate of 6d per diem, and an agreement paper was made to confirm same. Since then, my son Surakatu continued to serve

him in that capacity until he ran away from him 30 days ago. When I heard that my son ran away, I wrote a letter to Asani begging him that if I did not find my son in 6 months time I could start paying the amount, but to this letter no reply was received. I therefore went to the D.O. to lay my complaint, and the D.O. told him that if he wanted his money he should go to the Native Court to take action for his money. Since then no step was taken by him.⁵⁹

There were also increasing pressure on the part of women to protect their children either from being forced into pawnship or from being ill-treated as pawns. By the 1950s, many women opposed the pawning of their children on the grounds that their husbands intended to use the money to marry another woman or to engage in unnecessary social activities. Women were also concerned for the future well-being of their children. It was now necessary to obtain the consent of mothers before pawning their children. Creditors insisted on this consent in order to prevent women from encouraging their children to desert or otherwise not to cooperate. The privilege of other lineage members to pawn their nephews, nieces, brothers and sisters, as they had in the nineteenth century and the early decades of this century, was also eroded as more and more women asserted their influence.

Consequently, many creditors would not take children as pawns. The mechanisms to control child pawns had weakened. Parents and creditors found it difficult to stop children from running away, especially as opportunities for education expanded. Many child pawns left the villages for the cities to seek any means of livelihood that would give them an independent status. The attention that administrators had focused on children was also a factor. While regulations were not always effective and often not enforced, creditors became less and less comfortable in dealing with children. Those associated with the Christian churches and with the government, in particular, avoided children in preference for adults who would not reveal their status as pawns should there be problems. Third, contracts which involved children became more and more complicated. The pressure on children to go to school, learn a craft, and live in the cities undermined the attitudes of adults toward pawning their children. In the 1950s, the utilitarian benefits of education were known to the most people. The prospect for success in life was no longer associated with apprenticeship, which had been one justification for pawning children. With the campaign for universal primary education in the Western Region, the climate was no longer conducive to child pawnship.

In the case of adults, the second source of recruitment, the opportunity cost of labor through pawnship rose in the light of competing alternatives with wage labor. As early as 1923, a D.O. was able to predict the impact of wage labor on pawnship:

The system of paid labour which the people have become accustomed to through the construction of large capital works by the government is gradually being introduced into agriculture. People are also becoming unwilling to advance money under the "Ofa system" as the Iwofa more frequently desert in order generally to find employment at a daily wage.⁶⁰

More and more people preferred to explore alternatives to pawnship as daily paid workers for the government or as laborers and messengers for private firms. Many engaged in jobs previously considered odious (e.g., as porters, cleaners, truck pushers). Women took to prostitution rather than become pawns. In areas with cash crops, wage and contract labor spread.

Despite the unwillingness of many people to become pawns or to place their children in pawn, loans given in return for labor continued to be acceptable. There were shifts in opinion such as the wisdom of using children if they could go to school and make good salaries thereafter, but the change in opinion occurred slowly. The training of girls in formal schools was unusual for most of the time, but early marriage was being discouraged and there were problems with forcing women to marry men they did not like. The problems of recovering loans, forcing pawns to work, and the difficulties of using children, all threatened the continuation of pawnship.

Alternative sources for loans affected the incidence of pawning as well. Especially important in this regard has been the emergence of lending institutions. The development of the banking industry provided an option for the elite and wage earners to raise loans without resort to pawning. Similarly, the spread of cooperative societies for thrift and credit, especially after the Second World War, and the proliferation of unions and societies (based on friendship, ethnicity, and/or religion) provided alternatives to pawnship. People with money became more interested in investing in *alajo* (mobile "banks" that specialized in savings and lending services) than in the labor of pawns. Exactly when the *alajo* emerged and acquired prominence remains unknown; just as the details of their activities are unclear.⁶¹ What is certain is that these *alajo* invested in trade rather than in production, and hence there was little interest in the labor of potential pawns. The *alajo* demanded money, instead of service, as interest on loans. The *alajo* were thus operating like modern banking institutions. The major complaint

against *alajo* was that interest rates were very high, sometimes as much as 100 per cent.

Besides the disinterest of the *alajo* in labor, these new institutions also undermined pawnship in another way. They enabled debtors to use their own labor and that of their relatives to earn income which could be used to repay their debts. Unlike pawnship, which meant a loss of labor, the conditions imposed by the *alajo* allowed the retention of labor. Despite the high interest rate, there was a preference for borrowing from the *alajo* rather than from the *olowo*, who required labor in the form of pawns. It now was possible for adults to avoid self-pawning because people could borrow money in other ways and use their own labor and other available means to liquidate debts. The oral evidence on the 1950s and 1960s is clear that the majority of those who continued to raise loans through pawnship were (a) farmers and the urban poor and (b) those with limited access to the various lending institutions. As other alternatives developed and as more and more people had access to them, the role of individuals as money lenders began to be redefined.

Colonial laws made provision to protect the interests of money lenders. The recovery of debts was enforced legally by the Native Courts, and defaulters could be punished by imprisonment. Money lenders were also shrewd in recovering their money by embarrassing the debtors and their relations. Cases of lenders seizing livestock, clothes and other property became common as well. Sometimes, individuals and lineages were forced to sell land and crops in order to pay debts.

With the development of institutions for savings and loans, the use of property, instead of labor, became the principal form of collateral. In 1937 and 1938, some Egba chiefs told the Resident that there was no need to worry much about pawnship because it would die a natural death as people who needed money began to realize that it was better to pawn their land, houses or crops instead of themselves.⁶² As the pawning of people declined, those in need of cash began to mortgage land or crops instead of labor. The use of cocoa trees as collateral became especially widespread. It was possible to borrow as much as £7,100, using cocoa trees as security, with the creditor reaping the fruit as interest and the debtor maintaining the trees until the loan was repaid.

The eventual demise of pawnship was perhaps brought about by the combination of the problems and changes analyzed above. The changes and their consequences did not come at once; neither did they affect all communities at the same time. The decline affected places and people in different ways and periods. In 1923, for example, the chiefs of Ijebu denied that their people used children as pawns, and were even very emphatic that girls could not be compelled into marriage.⁶³ Similar observations applied

to Epe, Badagry, Owo and Lagos.⁶⁴ Oral evidence on the late 1930s confirms the gradual decline of child pawnship, which affected the future of the institution in general. The reasons for the decline were not the same. For instance, in Ijebu, parents either invested in the education of their children or made use of the children in their own trade. Many left Ijebuland for other places in the country. In these new locations, the Ijebu migrants engaged in the aggressive pursuit of money, not through pawnship but by taking bold risks in different economic sectors.

In the case of Owo, the need to use children in a different way was partly responsible for the decline of child pawnship. First, in the case of girls, pawnship was replaced by early betrothal. The would-be husband paid part of the bride wealth in advance, and treated the girl first as a source of cheap labor and later as a wife. This arrangement was difficult for the administrators to detect, which partly explains the poor documentation on it. In Eastern Nigeria, where a similar arrangement was widely reported, officials concluded that parents swore that it was a *bona fide* marriage contract in accordance with native custom. No administrator could obtain proof to the contrary. In the case of Owo, the practice represented a major shift in the practice of pawnship, one that converted a loan to bride wealth. Should the girl desert, either the "loan" was repaid or a new suitor had to find the money to offset it. For the creditor to claim the money from the parents or the new suitor, he must not have had sex with the girl. Unlike the case of pawnship, the girl's labor was not a service on the "loan"; consequently there was no need to provide an alternate if the girl deserted. In the case of Lagos, pawnship declined for a variety of reasons, including the opportunities to earn wages or to go to school, the emphasis on trade (which required less labor compared to agriculture), the objections of girls to arranged marriages, and rapid urbanization which weakened the grip of parents on their children.

Reports on the 1930s indicate regional differences in the continuation of pawnship. It was still prevalent in Abeokuta and Oyo provinces and in Ondo district, but it was in decline in Ijebu and Lagos.⁶⁵ Reports for 1937 and 1943 indicated a further decline in many places and its disappearance in a few others.⁶⁶ The regional disparities were partly attributed to the differences in access to labor for farm work. While it was easier to get hired labor in Ijebu, it was difficult to recruit casual labor or daily paid labor in Abeokuta. Evidence for the 1940s and 1950s, while still documenting the existence of pawnship, reveals three developments which suggest that the institution was in its last years. First, the number of pawns was diminishing. Both archival and oral evidence suggest this. Reports for 1948 concluded that pawnship had disappeared in Ijebu province, and that there was a considerable decline in Ondo province, except perhaps in Ondo division.

There were still many cases of both adult and child pawnship in Abeokuta, "but any such pawns and their creditors are careful to deny their status if challenged."⁶⁷ In Oyo province, no case of pawnship was reported for Ife and Ilesa for the three years 1945 to 1948, but it was still common in Ila, Oyo and Ibadan Districts. Very few cases reached the courts; only 12 prosecutions were recorded in Oyo province between 1945 and 1947.⁶⁸

By the late 1940s, a large number of pawns were described as migrants and uneducated, which suggests that pawnship was a mechanism to recruit alien labor. The presence of pawn migrants indicates that most indigenes who needed money probably had alternative sources of credit or income. This may well have been true in the cocoa belt, where farmers with access to good land and with adequate labor made money. For those who still required labor, the extensive use of domestic servants began to replace pawns. The concept of domestic labor borrowed both from the ancient tradition of pawnship and from the modern one of wage labor introduced by the British: children were used to make money (as in pawnship) but a monthly income was collected (as in wage labor).

The pressure of colonial changes led to the modification or the elimination of several aspects of pawnship, with the result that the institution declined and was gradually replaced by new methods of raising money and paying off loans. The emphasis on the use of property, instead of labor, as collateral was a radical change in the ways in which debts were secured. "Pawning" was reconceptualized in such a way that land, houses and crops replaced people as collateral for loans, with monetary interest being collected instead of the labor of pawns. The circulation of labor continued, for those with the means had access to the labor of the poor and the marginalized. Only now, domestics receiving wages have replaced pawns as domestics servants. In other areas of work, hired laborers are employed, and once again they work for wages.

Notes

1. E. Adeniyi Oroge, "Iwofa: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75-106 (also in this volume).
2. I. O. Delano, *The Soul of Nigeria* (London, 1937), 71.
3. Unless otherwise stated, information and interpretations are derived from oral evidence, which was collected in 1989. Unlike slavery, informants were most willing to admit that they were once pawns or that they had kept pawns, and hence the oral data are particularly rich. The bulk of the oral evidence relates to the 1940s and after, which is particularly important since written evidence is scanty for this period. Among my principal informants were: Olatunji Olaniran (male, 70+, interviewed at Okeho), who was a pawn as a young boy and who kept pawns himself later in life; Modupe Ajayi (female, 64, interviewed at Saki), who became a widow in 1953 and a pawn a year later; Olubisi Akinnibosun (female; 55+, interviewed at Abeokuta), who had sixteen pawns in

c. 1950; Mustafa Akanni (male, 80+, interviewed at Ile-Ife), who had been pawned three times in his life for a total of twenty seven years; Aduke Olojo (female, 60+, interviewed at Saki), who became a pawn in the 1940s when she lost her father and the family needed money for the funeral, to which she attributed her poverty; Babatunde Ayorinde (male, 75+, interviewed at Osogbo), who served as a pawn until the mid-1950s; Olatunji Fatunla (male, 80+, interviewed at Ibadan), who used pawns extensively, as did his father before him; Lawuyi Olayinka (male, 75+, interviewed at Ibadan), who married two of his pawns; Olawale Bolaji (female, 60+, interviewed at Abeokuta), who as a young girl was a pawn in the textile industry; Dele Alao (male, 65+, interviewed at Ikoyi), who served as an *onigbowo* at Ikoyi and Apomu; Bose Audu (female, 70+, interviewed at Apomu), who for 12 years in the 1940s and 1950s was a pawn making soap with other pawns; Alhaji Yekini Abass (male, 80+, interviewed at Ibadan), who was an *onigbowo* who kept four pawns for over ten years; Olawoyin Babatunde (male, 70+, interviewed at Ijebu-Ode), who married a pawn as his first wife; Omoniye Babajide (male, 60+, interviewed at Ikire), who was a pawn for three years; Olabisi Odetola (female, 65+, interviewed at Ibadan), who was pawned to a trader for 11 years; Aduke Ojutiku (female, 70+, interviewed at Ikire), who married the creditor who had loaned her father the money to send her brother to school; Alhaji M. Ogundeji (male, 80+, interviewed at Iseyin), who served as a pawn for twenty years; Babatunde Kupoliyi (male, 70+, interviewed at Ibadan) who inherited two pawns from his father; Babajide Awosanya (male, 60+, interviewed at Ijebu-Ode), who lived in a house where pawns were kept; Olawale Fadahunsi (female, 70+, interviewed at Ile-Ife), who was pawned to her relations; Yesufu Akomolafe (male, 74+, interviewed at Sagamu), who pawned himself to raise money to marry; Adegbola Olubogun (male, 63+, interviewed at Ikire), who had two friends who were pawns in the 1950s; Iyabo Abinusawa (female, 72+, interviewed at Ikire), who was a pawn as a girl and later as a widow; Akinola Lalude (male, 80+, interviewed at Ado-Ekiti), who worked as pawn for five creditors; Olusola Ajakaiye (male, 60+, interviewed at Sagamu), who married a pawn; Olufemi Ola (female, 70+, interviewed at Ado-Ekiti), who married the creditor's first son; Sheriff Seriki (male, 61, interviewed at Iseyin), who was a pawn to a *babalawo* (diviner) at Iseyin in the 1940s and 1950s, then converted to Islam in 1964 and is now a prominent religious leader at Ikoyi; Lilian Olayiwola (female, 70+, interviewed at Ibadan), who was pawned by her father's brother; Oluwaseyi Martins (male, 65+, interviewed at Abeokuta), who worked as a court clerk and listened to complaints by pawns in the 1950s; Allen Aluko (male, 80+, interviewed at Ibadan), who was a slave and then a pawn; Mobolanle Oluwaseyi (female, 60+, interviewed at Ado-Ekiti), whose mother had many pawns; Adeola Ajala (female, 72+, interviewed at Osogbo), who had two pawns in the 1940s; Olabisi Adewale (female, 68+, interviewed at Abeokuta), who was a pawn until the early 1960s; Ajayi Aderibigbe (male, 90+, interviewed at Saki), who had more than ten pawns over a period of twenty years; Adeyinka Osindero (male, 80+, interviewed at Osindero), who was a pawn as a boy and an *onigbowo* as an adult; Adefolu Motolani (male, 58, interviewed at Ibadan), whose parents had six pawns.

4. Pawning of Persons. Enclosure titled "Extract from S.S.P. File No. 1000/1923," CSO 26/2/11604, National Archives, Ibadan (hereafter NAI).

5. See, for instance, Status of slaves in Nigeria, CSO 26/2/11009 (NAI).

6. Kumosi, a Public Letter Writer at Abeokuta, prepared a document for one Dorcas Oredola which read as follows: "I the undersigned Dorcas Oredola of Ago Owu, Abeokuta, do hereby receive on loan from P. Osinloye of Imo, Abeokuta the sum of £11 sterling under the suretyship of Abudu Baki of Ijeja, Abeokuta who receives the usual sum of 6d as surety according to Egba customary laws and institution and in lieu of interests on the said sum of £11 my daughter Siji hereby volunteers to serve the said P.

- Osinloye as a servant girl, stay with and work for him in any part of Abeokuta or Nigeria and continue in his service till the said sum of £11 is repaid failing which legal step shall be taken to recover payment of the said sum of £11 with costs." See Iwofa or Pawning-Egba system of, Abe Prof 3/4/40/23 (NAI).
7. Tribal Customs and Superstitions of the Southern Provinces of Nigeria (ii) Practice of pawning children as security for debts of parents, CSO 26/06827 vol. 1 (NAI).
8. Hugh Clifford to Colonial Secretary, 31/12/1924, CSO 06827 vol. 1 (NAI).
9. Resident, Ilorin Province to the Secretary, Northern Provinces, Kaduna, 1 Oct. 1934, CSO 26/06827 vol. 2 (NAI).
10. Denton to Chamberlain (conf.), 4 June 1898, C.O. 147/133 (Public Record Office). See the evidence of J. A. O. Payne.
11. Oroge, "Iwofa," 92-96.
12. Memorandum on Iwofa, CSO 26/06827 vol. 2 (NAI).
13. Samuel Johnson, *The History of the Yorubas from the Earliest Times to the Beginning of the British Protectorate* (Lagos, 1921), 126-30; Minutes of Conference held in Lagos, Mar. 1880, Church Missionary Papers (hereafter CMS) G/AZ1/4.
14. The Oni of Ife, "Iwofa," *Odu: Journal of Yoruba and Related Studies*, 3 (1956), 16-18; and N. A. Fadipe, *The Sociology of the Yoruba*, ed. F. O. and O. O. Okediji (Ibadan, 1970), 189-93.
15. As other types of loans and methods of loan recovery have yet to be studied, the conclusion here is tentative.
16. Enclosure, Chief Secretary (Government) to the Secretary Southern Province 29/11/1924, CSO 26/2/11604 (NAI).
17. Report by Ross, CSO 26/2/11604.
18. CSO 26/2/11604.
19. Ibid.
20. Minutes by Secretary, Southern Provinces, 1923, CSO 26/06827 vol. 1 (NAI).
21. Enclosure, Memorandum from the District Officer, Egba Division to the Resident, Abeokuta Province, 19 Jan. 1923, Abe Prof 3/4/40/23 (NAI).
22. Ibid.
23. Chief I. B. Akinyele, *The Outlines Of Ibadan History* (Lagos, 1946), 132; The Native Races and the Liquor Traffic United Committee, *The Liquor Traffic in Southern Nigeria as Set Forth in the Report of the Government Committee of Inquiry of 1909: An Examination and a Reply* (London, 1910), 42.
24. Iwofa System, Ake Palace Papers (hereafter APP) 3/1/47 (NAI).
25. Iwofa System; letter by Commissioner, 3 Nov. 1915, APP 3/1/47 (NAI).
26. A. Edun, Secretary, Egba Native Administration, to Commissioner, Abeokuta Province, Ibid.
27. Minutes of Council Meetings, Ake Prof 6/4/ ABP 6/22B (NAI).
28. Correspondence Book, 1913-1915; see the letter from Resident to Alake, 16 Nov. 1917, Ake Papers 3/1/12 (NAI).
29. See the Minutes of January to June 1925, Abe Prof 2/9/ABP 33/25 (NAI).
30. Frederick D. Lugard, *Political Memoranda: Revision of Instructions to Political Officers* (London, 2d ed., 1970 [1918]), 236.
31. See, for instance, Pawning of Children, Ije Prof 3/4/c.8/1923 (NAI).
32. For instance, in 1923, the D.O. of Abeokuta suggested that child pawning be allowed, but that children under the age of 12 be exempted and the Courts should have the power to terminate the contract if the creditor engaged in child abuse (Abe Prof 3/4/40/23).
33. CSO 26/06827 vol. 2.
34. Secretary of State to Hugh Clifford, 31 Mar. 1925, CSO 26/0682 vol. 1 (NAI).

35. Ibid.
36. Senior Resident to Secretary, 8 July 1926, *ibid.*
37. Abe Prof 3/4/40/23.
38. Public Notice of 1 Feb. 1927, Oyo Prof 1028/989 (NAI).
39. Ibid.
40. Ije Prof 3/11/conf. 8/27 (NAI).
41. Public Notice of 6 July 1927, ABP 341/63 (NAI).
42. Public Notice of 1 Feb. 1927, Oyo Prof. 1028/989 (NAI).
43. Ije Prof 3/11/8/27 (NAI).
44. Resident to Secretary, Southern Provinces, June 1937, ABP 341/63 (NAI).
45. For a case-by-case documentation, see APP 3/1/47 (NAI).
46. Pawning of Persons, CSO 26/2-11604 (NAI); see the correspondence on Eastern Nigeria.
47. Ibid., Abeokuta.
48. Abe Prof 3/4/40/23 (NAI).
49. Secretary, Ibadan to Lagos, May 1941, CSO 26/2/11604 (NAI).
50. Discussion re Iwofa system, APP 3/1/47 (NAI).
51. Minutes of Committee on Iwofa, 17 Sept. 1938, APP 3/1/47 (NAI).
52. Secretary, Western Provinces to the Chief Secretary to the Government, Lagos, May 1941, CSO 26/2/11604 (NAI).
53. Governor's Deputy to the Right Hon. Oliver Stanley, 12 Apr. 1943, CSO 26/2/11604 (NAI).
54. CSO 26/2/11604.
55. Oroge, "Iwofa," 80-83.
56. Abe Prof 3/4/40/23.
57. Secretary's Office, Western Provinces, Ibadan, to the Colonial Secretary, Lagos, May 1941, CSO 26/2/11604 (NAI).
58. Ije Prof 3/9/c.8/1923 (NAI).
59. Complaint by Surakatu, APP 3/1/47 (NAI).
60. Abe Prof 3/4/40/23 (NAI).
61. For a tentative discussion, see Toyin Falola, "My Friend the Shylock: Moneylenders and Their Clients in Southwestern Nigeria," *Journal of African History*, 34 (1993).
62. APP 3/1/47 (NAI).
63. Ije Prof 3/11/c.8/27 (NAI).
64. Extract from Official Report, 17/2/1943, Nigeria (Pawning of persons), CSO 26/2/11604 (NAI).
65. Letter from the Alake to the Resident, 9 June 1936, APP 3/1/47 (NAI).
66. Extracts from official report of 27 Jan. 1943, CSO 26/2/11604 (NAI).
67. Secretary, Ibadan, to Lagos, 8 Nov. 1948, CSO 26/2/11604 (NAI).
68. Ibid.

CHAPTER 19



THE RESURGENCE OF PAWNING IN FRENCH WEST AFRICA DURING THE DEPRESSION OF THE 1930s ¹

MARTIN A. KLEIN and RICHARD ROBERTS

The Depression of the 1930s made itself felt in Africa in 1931 and 1932 with a sharp drop in commodity prices, which threatened the ability of many Africans to sustain themselves and to provide for their children. It also threatened colonial governments, which saw thin resources strained. Faced with a dramatic decline in revenues, the response of the French regime in West Africa was to tighten tax collection and cut back on staff and services.² This, in turn, placed a heavy burden on individual households, which responded in varying ways to the decline in income and the persistent demands for revenue. In cash-crop areas, people had difficulty, but generally found ways to pay their taxes. In many poor areas, where migrant labor was the major source of revenue for taxes, there were few ways to earn money and many people were forced to pawn children, usually girls. In some areas, the administration clearly encouraged the practice.

Pawning was widespread in precolonial Africa, but the functions it filled varied according to the social, economic, and political dynamics of the society in which it was found. Mary Douglas has argued that pawning offered the men of less differentiated matrilineal societies of Central Africa a "special kind of adaptation to the basic residential and authority problem

pawn's labor was the interest on the debt. The pawn and the slave did similar work, but the pawn was not a slave because he or she remained a member of the original lineage.¹⁵ Pawns could be redeemed at any time, they remained or were supposed to remain in the area, and they kept their own names.¹⁶ In contrast to slavery, in which the master owned the offspring of his female slaves regardless of the progenitor, the children of a female pawn were still considered to be full members of her family.¹⁷

Nevertheless, within the restraints of traditional law, pawning was an institution that could be shaped to meet the needs of different situations. The Depression was just such a period, but the conditions were new. The traditional reason for pawning (famine) was exacerbated by capitalist influences that arose because of the Depression. During the Depression, pawning became important as a way for people in poorer areas to cope with economic distress. In the 1930s, property relations had not developed to the point where land could serve as security for loans, and family heads still had substantial control over their off-spring. The best possible form of security for loans remained people and not property. As E. A. Oroge has written, pawning "thrived largely on calamity."¹⁸ Surprisingly, most reports submitted to territorial governors in 1931 suggest that the institution had disappeared or had become insignificant.¹⁹ Only a detailed report by Robert Arnaud on Upper Volta recognized that pawning was widespread.²⁰ Many administrators assumed that pawning had declined because creditors could use colonial tribunals to collect debts. They failed to recognize that a pawn provided greater security to the creditor. In explaining the absence of data, the lieutenant governor of Dahomey wrote that it was "very difficult to track it down because it is considered natural by the natives and the parties involved are in agreement to hide it for fear of legal action."²¹ He was probably right.

French administrators responded ambivalently to the resurgence of pawning to the extent that they were aware of it at all. In their efforts to reshape the economy of their West African colonies, many administrators appear to have been confused by the multivariant character of pawnship. Some saw it as a form of slavery.²² Others saw it as the beginning of the contract relations which they were seeking to establish.²³ Many administrators argued that France had a commitment to respect African customs and institutions. For most, this was an excuse not to get involved with institutions they did not fully understand. Since most pawns were girls and women, a reform of pawning meant tinkering with African customs of marriage, household authority, and family structure. When the administration finally acted, it found itself forced to regulate both pawning and forced marriages.

Pawning Attracts Attention

The colonial administration was thus aware that pawning existed, but probably did not see it as a problem.²⁴ District level reports do not mention pawning with any regularity before the end of 1933 or the beginning of 1934. The issue was brought to their attention late in 1933 by Mgr. Thevenoud, the Vicar Apostolic of the White Fathers in Ouagadougou, one of the few genuinely successful Catholic missions in French West Africa.²⁵ Since 1888, the Church had been the most important group pressing the colonial administration on the slavery issue. The Church was also very concerned about the status of women, particularly about forced marriage and what it saw as the "sale" of women. Thevenoud wrote directly to the governor general in Dakar complaining of the sale of thousands of girls in the Cercle of Ouahigouya during the previous six months.²⁶

In the middle of 1934, a Catholic senator, Gustave Gautherot, wrote to the minister of colonies about a specific case. Using information from Thevenoud, Gautherot charged that a father had been forced to "sell" his daughter for 35 francs, that a chief had recommended other "sales" and that guards tied up family heads and did not release them until after daughters had been "sold" and taxes paid. Most important, he accused the local administrator, Le Houx, of complicity in these actions. Gautherot also pointed out that the "sales" had occurred even after the White Fathers had offered to pay the tax for some families if they promised not to "sell" their daughters.²⁷ Though Thevenoud and Gautherot threatened to write the Anti-Slavery Society, they never did so, preferring to exert pressure behind the scenes.

Pressed by Dakar and Paris, du Fousset, the lieutenant governor of the Soudan, claimed that Thevenoud exaggerated the importance of what had happened.²⁸ He explained how pawning differed from slavery. Le Houx, however, essentially conceded Thevenoud's charges:

This was not exactly a sale of a daughter by her father, but more of a kind of pawning (*saisie-gage*) practiced at the instigation of village chiefs. The child was given by her close relatives to a third party during the absence of her father who had gone to the chief to pay his tax. The amount of the agreed loan, a mere 20 Francs, was used to pay the tax, after which the father was freed.²⁹

A lot of pawning would have taken place without any encouragement from the administrator. The district of Ouahigouya was particularly badly hit by the Depression. It produced little for market, relying on the income of migrants who sought work in the Ivory and Gold Coast colonies. With the sharp drop in commodity prices in 1931 and 1932, the demand for Mossi

labor was very much reduced. Furthermore, 1931 was a drought year. The resurgence of pawning in the 1930s reveals how capitalist forces emanating from the world market interacted with the more traditional famine conditions that had promoted pawning in the past to create a new situation in which there was a resurgence of pawning, long after it appeared that the institution was in decline.

Scandal in Sangalan

The resurgence of pawning would probably have attracted little attention had all administrators been astute enough to keep their distance and if they had ensured that chiefs had also done so. Some, however, were quite indiscreet. One particularly scandalous situation arose in Sangalan, a district in western Guinea. The Sangalan case developed not because of missionaries, but because of political rivalry within the Fulbe elite. The basic causes of this scandal were the commodity price collapse of 1931-32 and the 1932 reorganization of the local administration. In hope of reducing expenses, the predominantly Diallonke district of Sangalan was divided up between four Fulbe cantons. As in Upper Volta, capitalist forces in the form of the Depression account for the rise in pawning, compounding the distress arising from poor harvests.

In 1936, the African secretary of the canton chief of Labé district in Guinea wrote to the district administrator about forced requisitions of young girls. In its subsequent inquiry into the events of Sangalan, the administration found evidence over the preceding years of the "survival of practices, no longer exactly characterized, but seemingly similar to one of the larval forms of slavery."³⁰ Most of the men of Sangalan migrated annually to work on the peanut fields of Senegambia. Migrants were not paid, but were given fields of their own to work. Income brought home by the workers was usually sufficient to pay the annual tax, with enough left over to buy necessities. Sangalan farming was left in the hands of women and old men and provided only meager returns. With the collapse of peanut prices in 1931-32, Diallonké migrants in Senegambia found less work, and those who found work saw their income eroded by the collapse of prices. Thus, the sharp drop in prices effected both migrant and landlord.³¹ Many migrants returned home in sufficient time to plant, but drought affected the region from March to August, and grasshoppers devoured what survived.³² The tax still had to be paid, and the Fulbe canton chiefs, who were the former slave-owning class, were not sympathetic to the plight of their Diallonké neighbors. According to their own depositions, the Diallonké possessed "nothing except girls to marry."³³

When many of the Diallonké could not pay their tax, the administrator, De Cantelaar, put pressure on one of the chiefs, Alfa Mamadou Diallo of

Bara, to find some way to collect. When Diallo said they could not pay unless they pawned their daughters, De Cantelaar responded "that the Diallonké had to manage as best they could to find the money and that he did not want to know how they got it."³⁴ Diallo rightly interpreted these instructions as a go-ahead and publicized what seems to have been a sort of auction among Fulbe family heads. He convoked those who could not pay to

furnish a number of girls to the market of Bara, where they were united with the heads of Fulbe families armed with money, livestock, or cloth. In the presence of their parents, these girls were delivered to their acquirers and the product of these sales were given to the canton chief.³⁵

Of the 45 girls brought to Bara, 24 were pawned, five of them to Alfa Mamadou. The girls ranged in age from 7 to 16. By the time the case was investigated in 1936, two of them were married and four had fled. There were other girls pawned separately by their fathers, in total 74 according to the lieutenant governor.³⁶

The Sangalan affair forced the administration to confront two questions. First, was pawning a commercial transaction involving the involuntary exchange of persons? If so, it was a violation of the anti-slavery law of 12 December 1905, which prohibited any alienation of personal liberty. The second question was a more complex one. Could wives be pawned, presumably without their permission?³⁷ More important, young female pawns often were sexually mature or grew into maturity while living in a creditor's house. Some of them were eventually taken as wives, while others were essentially concubines. This brought the Catholic church into the picture. Perhaps the most important issue to the Church during this period was the creation of marriage that was voluntary, monogamous, and divinely sanctioned. Though the difference between African custom and French law was probably not as great as the missionaries believed, they made transactions in women a central part of their program. "Although slavery has almost completely disappeared," Holy Ghost Superior General A. Le Roy wrote, "it persists and is maintained in conditions all the more odious in that only the woman is subjected to it."³⁸ Pawning thus was seen in the context of transactions in women, which included bride price. This was an issue on which the attitudes of the Church converged with those of the French Left, which came to power in 1936. The administration thus found itself looking not only at pawning but also at legislation on marriage.³⁹

The Resurgence of Pawning: Data from Elsewhere

Ouahigouya and Sangalan were not isolated cases. Pawning expanded throughout French West Africa, but particularly in the poorer areas of the interior. In Koutiala, pawning had increased sharply and in 1937, 300 pawns were reported, although the exact number of new pawns cannot be known. In Bandiagara, there was a similar increase after 1930, largely among women and girls and among both Fulbe and Maraka. The administrator claimed that there was no dissatisfaction among the pawns, but he feared that many families would never be able to redeem them.⁴⁰ Oral sources confirm the importance of pawning in this period. Most of our Macina sources knew cases of pawning.⁴¹ In Satadougou, Sikasso, and Tougan the same situation prevailed. There was no slave trade but there was an increase in pawning: "During recent years of inadequate crops, some young girls have been sold by their parents, who were pressed by necessity, but these sales were often sanctioned by marriage."⁴²

In Segu in 1935, over 1,000 pawns were reported, and the administrator warned that this constituted "a return to slavery."⁴³ In Koulikoro, the administrator reported that pawning was widespread among Bambara and Malinke, but rare among the Soninke, perhaps because it was frowned on by Islam or because in mercantile communities such as the Soninke there was a greater availability of real property.⁴⁴ In Mauritania, the acting governor could find only one case, the pawning of a slave by a Soninke in Guidimakha. Both the borrower and lender received two-year sentences. This punishment must have seemed especially harsh, since slavery still existed in Mauritania and was openly tolerated by the administration.⁴⁵

In a number of colonies lieutenant governors denied or minimized the importance of pawning. Thus, the lieutenant governor of Senegal reported that pawning was "totally unknown or had long been abandoned."⁴⁶ This was probably true for most of the country. Wage labour and cash crops made income available in much of the country, though some poor regions of eastern Senegal and the Casamance must have experienced the same dilemma as the Diallonke of Sangalan. In the Ivory Coast, the governor claimed in 1938 that pawning only existed in four cercles: Bobo-Dioulasso, Tabou, Daloa, and Bouaflé.⁴⁷ We are sceptical of this claim not only because pawning was widespread among Akan- and Mande-speaking peoples, but because seven years earlier Robert Arnaud's detailed report had underlined the existence of pawning in many parts of Upper Volta, which had since been incorporated in the Ivory Coast.⁴⁸ Arnaud had written:

In some regions, pressed by need and especially in time of famine, natives agree to place their children with

more fortunate neighbors as a guaranty for loans which are given to them.⁴⁹

But not all pawning resulted from economic misery. In 1927 Boufoune Coulibaly pawned his brother Nama to Labasse Fofana, the chief of the Somonos of Koulikoro, as a guarantee against an advance of dried fish, salt, and spices valued at 1,035 francs. It is not clear whether he planned to redeem his brother with the profits from his commercial venture, but it was likely that by 1933-34 he was no longer able to do so. His brother and eight other pawns, however, took the initiative in November 1933 and went to the resident of Koulikoro and the mayor of Bamako in November 1933 to complain of ill-treatment. They were immediately pressed into road construction for 14 days before being returned to their creditor's village.⁵⁰ From both oral and archival sources it is clear that pawning increased during the depression. The unrelenting demand for cash to pay taxes and to buy necessities no longer produced locally led to greater commercialization of both labor and goods. The safety net necessary to West African cultivators was gone. At the same time, the colonial administration was ruthless in collecting taxes. African memories of the period are filled with tales of people being beaten or held hostage till taxes were paid, often forced to sit in the sun, or pastoralists whose last animal was sold at auction.⁵¹

Administrative Action

In Ouahigouya, the pawning contracts were annulled, the girls were returned to their parents, and further pawning was prohibited.⁵² In Sangalan, the pawned girls were immediately returned to their families.⁵³ The Fulbe chiefs who arranged the exchanges were stripped of their positions and imprisoned, in some cases receiving sentences as long as twenty years. The next year, however, the administration recanted and considerably reduced the sentences, but the district was reorganized again to decrease Fulbe authority over the Diallonké.⁵⁴ In the Koulikoro case, the nine pawns and their families were called before the resident in February 1934 and were instructed to repay their debts. If they were unable to do so, they were to return to the service of their creditor. Anticipating one of the administration's responses to pawning, Boufoune Coulibaly asked that the wages his brother should have received during the seven years of his pawnship be used to discount the original loan.⁵⁵

Between 1934 and 1936, administrators responded in diverse ways to the increase in pawning. Some, like the administrator in Koulikoro, defended the institution. Others, as in Sangalan and Ouahigouya, under pressure from above, moved decisively and harshly against it. At the same

time, there was an effort to minimize the political consequences. Letters moved up the chain of command, first from the lieutenant governor to the governor general, and then from governor general to minister of colonies, each trying to prove to his superior that pawning was not a morally objectionable institution.⁵⁶ Jules Brevié, the governor general, argued that the Malinke *tonomasigi*, of which the Mossi institution was a variant, was not slavery and that there was no alienation of liberty. It was, he suggested, like poor families in rural France putting their children into service with wealthier families.

Increasingly, however, it became clear to higher authorities that some kind of action was necessary. Brevié became convinced that he had to deal with pawning, but by transforming rather than abolishing it.⁵⁷ Pawning was a troublesome issue for the colonial administration because it lay in a vague middle ground between two ideals to which the colonial state was formally committed: the ideals of free labor and of respect for African institutions. Many administrators were careful to differentiate between pawns and slaves. Before deciding what to do about pawning, the administration had to decide what pawning was. There was, however, no consensus among administrators on this question. The administrator from Segou saw it as the resurgence of slavery.⁵⁸ His colleague from Koulikoro interpreted it as a regularized labor contract:

Neither the moral nor the material situation of the pawned persons suffers any diminution: Free they are and free they remain. . . . Indeed, the people pawned are better treated and better considered by their creditors than the domestics in other locations. It is not rare to find that a child, pawned, winds up part of the new family by marriage. . . . Because both people and goods are equal it is difficult to establish a comparison between the simple pawning of a person and the simple contract of work. . . . This custom obviously is little compatible with the principles of our civilization. Under the regime of property, people are always distinguished from goods. . . . The notion of property is still imprecise among the natives. . . . The land is not susceptible to appropriation, but people are.⁵⁹

This interpretation posed some awkward problems. The labor contracted was that of a third and potentially unwilling party, who could not leave and whose freedom was therefore constrained until the loan was repaid. The length of service was indefinite and a pawn could remain with his or her creditor for many years.⁶⁰ Moreover, the pawn did not receive a wage, since

the value of his or her labor effectively served as interest on the original loan. The indefinite term of service and the lack of payment for labor rendered were potential sources of abuse, and they clearly reflected the unfree nature of the relationship between the pawn and the creditor.

In response to the discussions of the resurgence of pawning, Governor General Brevié suggested making the hidden value of labor extracted from pawns reflect the established wage rates in the colony:

To control these effects, manifestly in contradiction with the most elementary notions of equity, it is necessary to establish bases to evaluate the level of profit resulting to the creditor. . . Depending upon the regions, the daily wage rate would be as follows:

minors	
8-10 years old	.25F/day
10-12 years old	.40F/day
12-14 years old	.50F/day
14-16 years old	.75F/day
16-18 years old	1.00F/day
adults	1.50F/day

Thus, the person pawned will normally cease to be at the disposition of the creditor as soon as the total [wages] acquired in payment for his services equal the amount of the debt, plus the need for a certain percentage as interest. The creditor, having been paid in kind, the debt shall be paid.⁶¹

If pawning were amenable to regulation as a labor contract, then the issue of unfree labor could be avoided. But the sticky problem with pawning as represented by the Ouahigouya and Sangalan scandals was that it dealt primarily with women and girls. How could the administration distinguish between pawning, outright sales, and marriage? How could the administration distinguish between bride-wealth payments, loans, and commodity transactions?

Paris under the Popular Front reacted with a steadier hand. The minister of colonies, Marius Moutet, did not doubt that some of the practices associated with Sangalan were indeed difficult to reconcile with French concepts of "liberty and the individual, and more generally, of the dignity of man." But Moutet argued that close regulation of customary practice and broad interpretation of the notion of a labor contract missed the point:

Even if [the cases] were "sales" or only "pawnings", we can presume that only extreme poverty would bring the

natives to consider them. It is, then, the cause of the misery that we must attack, and raise the standard of living of the masses, especially in regions where acts of this nature attest to their misery.⁶²

The only way this could be done was through fuller integration into the capitalist economy, but protected by the principles of the Popular Front.

Between June 1936 and May 1937, the governor general issued two circulars which addressed the linked problems of pawning and forced marriages. The first one, issued in 1936, responded to the questions raised by Thevenoud and Gautherot and by the Sangalan affair and addressed the thorny problem of forced marriages and the "sale" of girls. In mandating changes in customary marriage, this circular tinkered with the nature of household organization and particularly the authority of the household head to control and dispose of the labor and the physical person of those under his authority. Brevié, the author of the circular, was evidently ambivalent about his recommendations, but he was aware of the need to pre-empt criticism at home, where pressure came from both Catholic women's groups and the growing women's movement associated with the Popular Front.⁶³

"It is necessary to remember," Brevié wrote,

that our position in this regard is most delicate. On the one hand, we formally committed ourselves at the moment of conquest - a commitment which we have oft repeated - that we will respect the customs, mores, and traditions of our subject populations. On the other hand, our *action civilisatrice*, the contact and diffusion of our ideas within the indigenous milieu has raised both material and moral aspirations that we can not repress under the pretext that they conflict with some venerable customs, which are no longer relevant because of the pressure of new ideas and new needs. [These new regulations are] thus born of the spirit of assuring a persuasive and constant action [towards establishing] the superior right of the individual: 1. no marriage can be contracted with girls younger than 14 years and boys younger than 16; 2. the consent of the future spouses is necessary to the validity of the marriage; and 3. the consent of those who exert paternal power is necessary to the validity of the marriage if the (bride and groom) are under the traditional age of legal consent.⁶⁴

Brevié's instructions constituted a radical policy departure. The position of the senior administration had been to keep the rights of women and the

regulation of marriage at arm's length. As Governor Brunet had pronounced in 1920, "the task of the emancipation of the individual which our ideological concepts incline us to follow, risks profoundly troubling the native order and loosening a social system upon which our domination rests."⁶⁵ It is beyond the scope of this study to explore the relationships between the increasing freedom to choose marriage partners, its consequences for the structure of African households, and the long-term relationships between men and women, but the processes of shifting the locus of production away from the household and the erosion of the power of the household head are central questions in colonial social history.⁶⁶

The second circular, issued in May 1937, analyzed the institution of pawning and the role of the Depression in increasing its use. Brevié underlined the conflicting imperatives of respect for traditional institutions and for France's "civilizing" principles. He suggested that one approach would be to use the pawn's labor to reduce the debt. But that could not easily be done. It was necessary to avoid any action that consecrated "a custom that cannot be conciliated with our conviction on the respect for liberty and human dignity." He therefore suggested that the courts apply the 1905 law prohibiting the alienation of individual liberty. But he suggested that they do so prudently, avoid rigidity and use persuasion and education. In other words, he told them not to push hard, to use light penalties if any at all.⁶⁷ In fact, if we read between the lines, the message to the local administrator was to do as little as possible.

Conclusion

It is not clear whether the Depression had the same effects in other parts of Africa. Mary Douglas treats the institution of pawning as a precolonial one. Her discussion, however, is ahistorical. Much of her data dates from the interwar period, but she is not concerned with change during that period.⁶⁸ Oroge speaks of it as waning in the third decade of the century, but his data suggest that pawning in Yorubaland was still important in the 1930s and continued into the post-war period.⁶⁹ Yoruba areas were like Senegal, where other sources of revenue were available. Pawning also seems to have increased, during the Depression, in Northern Nigeria, an area which resembles the French Soudan.⁷⁰ Other studies in this volume also suggest that pawning increased in the 1930s.

It is not clear how important pawning was before the colonial conquest. Precolonial sources often speak of the sale of children, but it is not clear whether these children were actually being sold as slaves or pawned by relatives. Nor is it clear whether unredeemed pawns became slaves. If, as we believe, a high percentage, probably a majority of those enslaved in the eighteenth and nineteenth centuries, remained within Africa, the distinction

may not be important. Pawnship was an institution that transferred labour from the poor to the rich as effectively as sale did. We do not know how widespread pawning was, but it clearly existed in most precolonial West African societies. With the end of the slave trade, it may have become more important as a source of concubines and domestic labor. Our informants, however, treat it as a characteristic of periods of disaster and suggest that it was not widespread during normal years.

The Depression was a different kind of disaster, but it created a similar need for money. As exports declined in value and revenues decreased, the administration cut back on administrative costs, reducing the number of both French and African employees. At the same time, the peasants' taxes were increasingly essential to local budgets and local administrators were under pressure to maintain the flow of revenue. There is no doubt that many administrators told chiefs to have people "sell" or pawn their children. On the other hand, it was probably not necessary to tell them to do so. In societies where famine was a regular occurrence, pawning was a traditional survival mechanism.

Pawning seems to have been rare in areas where the hard-pressed peasants had other options. The problem was that in much of the interior, the options were few, and drought compounded the peasant's problems. Given the data cited in this chapter, it is probable that the total number of pawns was in the tens of thousands. Some of these pawns were returned to their families by the administration, but probably very few. The administration had neither the will nor the capacity to track down every case. Such action came only when there was a scandal. Chiefs and contracting parties were punished, but in most cases it was light punishment, a month's suspension or a reprimand. There is no evidence of any penalty levied against the administrators involved.

The problem, however, was in the process of resolving itself. Incomes were already rising, and they were to rise even more after World War II. Pawning was a counsel of despair. For Yorubaland, Ologe cites prosecutions in the late 1940s, but none after that. Falola, in this book, shows otherwise. Our oral sources have suggested that in French West Africa pawning disappeared quickly after the war.⁷¹ There were probably isolated cases during and after the war, but we have no data on them and our sources all speak of the phenomenon as one of drought and depression. When disaster struck again in the years after 1968, pawning seems not to have been a serious option to those in need. By this time, fathers no longer had the same control over their families, there were relief supplies available, and for most, there were other sources of credit available.

1. An earlier version of this chapter, in slightly modified form, was published in *African Economic History*, 16 (1987), 23-37.
2. Catherine Coquery-Vidrovitch, "Mutation de l'impérialisme français dans les années 30," *African Economic History*, 4 (1977), 103-52; and her "L'Afrique coloniale française et la crise de 1930: Crise structurelle et genèse du sous-développement," *Revue Française d'Histoire d'Outre-Mer*, 63 (1976), 386-424.
3. Mary Douglas, "Matriliney and Pawnship in Central Africa," *Africa*, 34 (1964), 301-13.
4. Robert Rattray, *Ashanti Law and Constitution* (Oxford, 1929), chaps. 3 and 6; A. Norman Klein, "Inequality in Asante: a Study of the Forms of Slavery and Social Servitude in Pre- and Early Colonial Akan-Asante society and culture," Ph.D. thesis, unpublished, University of Michigan, 1980.
5. E. Adeniyi Oroge, "Iwofa: An Historical Survey of the Yoruba Institution of Indenture," *African Economic History*, 14 (1985), 75-106 (also in this volume). See also Charles K. Meek, *Law and Authority in a Nigerian Tribe* (London, 1937), 205; G.T. Basden, *Niger Ibos* (London, 1938), 253; Daryll Forde and G. I. Jones, *The Ibo and Ibibio-speaking Peoples of South-Eastern Nigeria* (London, 1950), 24.
6. For more on the complexity of the relationship between the creditor and the pawn, see Roberts' interviews with Fama Keita, 18 Jan. 1977, Segu; Bamakan Kulubali, 27 Feb. 1977, Segu; Al Hajj Mokhtar Mangane, 19 Feb. 1977, Segu; Baba Soko, 9 Jan. 1977, Segu; Amadu Sanogo, 8 Jan. 1977, Sinsani; Klein's interviews with Mantala Coulibaly and Yakubu Santara, Feb. 1981, Bamako; and interviews conducted by Aly Kampo for Klein in Macina. All of these interviews are available at the Institut des Sciences Humaines, Bamako. Roberts' interviews are also available at the Archives for Traditional Music, University of Indiana and at the Green Library, Stanford University. See also Maurice Delafosse, *Haut-Sénégal-Niger* (Paris, 1911), vol. 3, 55-57; Henri Labouret, *Les Manding et leur Langue* (Paris, 1934), 59; Henri Ortoli, "Le gage des personnes au Soudan Français," *Bulletin de l'Institut Français d'Afrique Noire*, 1 (1939); Montserrat Paulau Marti, *Les Dogon* (Paris, 1957), 81; Abbé Joseph Henry, *Les Bambara* (Munster, 1910); on the Minianka and Senufo see B. Holas, *Les Senufo* (Paris, 1966), 119; for the Voltaic region, see Robert Rattray, *Tribes of the Ashanti Hinterland* (London, 1932), vol. 1, 263, 268, vol. 2, 349, 582; Meyer Fortes, *The Web of Kinship among the Tallensi* (London, 1949), 138-39. See also Deherme, "L'esclavage en A.O.F.," 1906, Archives de la République du Sénégal (henceforth ARS) K 25; Coste, "Coutumes juridiques, Cercle de Segu," 1 Apr. 1897, ARS 1 G 229; Inspecteur des Affaires, "Contrat des mises en gage," 14 June 1934, Archives Nationales du Mali (henceforth ANM) 1 D 211. There is also a discussion of pawning in F. J. Clozel and Roger Villamur, *Les coutumes indigènes de la Côte d'Ivoire* (Paris, 1902).
7. Aly Diallo of Seno spoke of two periods, the "great famine" and the Depression. See also Amadou Guinda Ba of Bandiagara and Bada Bocoum, Mopti.
8. Denise Paulme, *Organisation sociale des Dogon* (Paris, 1940), 106; Ortoli, "Gage des personnes," 320.
9. ARS, K 113 (26).
10. Paul Marty, *Etudes sur l'Islam et les tribus du Soudan* (Paris, 1920-21), vol. 4, 177-78.
11. Gallieni noted that a man might pawn his wife when she no longer pleased him. Pawning provided new cash in contrast to a divorce, which might require the return of bridewealth. See Joseph Simone Gallieni, *Mission d'exploration du Haut Niger Voyage au Soudan Français: Haut-Niger et Pays de Ségou* (Paris, 1885), 427.
12. Klein interview, Mantala Coulibaly, Bamako, Feb. 1981.
13. Rapport sur le trafic des femmes et des enfants, cercle de Bandiagara, 16 Jan. 1933, ANM 1 D 210.
14. *Les Bambara*, 254.

15. This is stressed in French reports and by informants (Klein interviews: Mantala Coulibaly and Yakubu Santara).
16. There is, however, one report from a Minianka area of a pawn being taken outside her village by a trader. At this point, the pawn would no longer have been protected by a network of social relations. In short, a pawn was subject to abuse and illegal actions, probably more so than most people (Report by M. Lem, ARS 2 K 13).
17. Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold* (Chicago, 1991), chaps. 1 and 5; Martin Klein, "Women in Slavery in the Western Soudan," in Martin Klein and Claire Robertson, eds., *Women and Slavery in Africa* (Madison, 1983), 67-88; Martin Klein and Paul Lovejoy, "Slavery in West Africa," in Jan S. Hogendorn and Henry Gemery, eds., *The Uncommon Market. Essays in the Economic History of the Atlantic Slave Trade* (New York, 1979), 181-212.
18. Oroge, "Iwofa," 76.
19. ARS 2 K 5 (26).
20. Rapport sur l'esclavage en Haute Volta, 26 Nov. 1931, ARS 2 K 5 (26).
21. Lt. Gov. Dahomey to Gov. Gen., 4 Dec. 1931, ARS 2 K 13 (26).
22. Gov. Gen. to Min. Colonies, 17 Nov. 1936, Archives Nationales de la France, Dépôt d'Outre-Mer (hereafter ANFOM) Aff pol 541-4.
23. Res. Koulikoro to Comm. Bamako, 17 July 1935, ANM 1 D 200.
24. See reports prepared for League of Nations: ARS K 113 (26), 2 K 1 and 2 K 6; ANM 2 E 134 (1931) and 2 E 135 (1935).
25. Upper Volta had been divided between neighboring colonies in 1932 as an economy measure. This may explain why the Lt. Governor of the Sudan discussed events among the Mossi in terms of the better-known Malinke institution, the *tonomasigi*.
26. Msgr. Thevenoud to Gov. Gen., 21 Dec. 1933, ARS 2 K 8 (26).
27. Senator Gautherot to Min. Colonies, 12 June 1934, ARS 2 K 8 (26).
28. Lt. Gov. Du Fosset to Gov. Gen. 20 July 1934, ARS 2 K 8.
29. Admin. Le Houx to Lt. Gov. Soudan, 2 June 1934, ARS 2 K 8 (26).
30. Gov. Gen., confidential to Minister of Colonies, 17 Nov. 1936, ANFDOM, Aff. Pol. 541-4.
31. Philip David, *Les Navetanes* (Dakar, 1980), chap. 2.
32. Inspector Cheruy, Report, 30 Dec. 1936, Dakar, ANFDOM Aff pol 541-4.
33. See ARS 2 K 7 (26) and ANFDOM Aff pol 541-4. The major source is the Cheruy report cited above.
34. Gov. Gen. to Min. Colonies, 17 Nov. 1936, ANFDOM Aff pol 541-4.
35. Gov. Gen. to Min. Colonies, 17 Nov. 1936, ANFDOM Aff pol 541-4.
36. Lt. Gov., Guinée Française to Gov. Gen., 27 Feb. 1937, ARS, 2 K 7.
37. Ortolé, "Gage des personnes," 317-19.
38. Note of 12 Mar. 1933, Archives of the Holy Ghost Fathers, Chevilly-Larue, France, 62 B 1.
39. Circular, Gov. Gen. to Lieutenant Governors, 25 June 1936, ANFDOM Aff pol 541-4. On mission policy in Senegal, see Holy Ghost Archives, esp. 62 B and 649 A. Of particular concern are reports to Catholic women's groups by Mgr. A. Le Roy, the Superior-General.
40. Rapport 16 Jan. 1933, ANM 1 D 210.
41. Of fourteen Macina informants, two knew of no cases but were familiar with the institution. A third suggested it was rare, but the others spoke of it as something common. Some vividly described the financial pressures and coercion by the guards sent around to collect taxes.
42. Report from Tougan, 23 Jan 1934; Sikasso, 19 Jan. 1934; Satadougou, 15 Jan. 1934, ANM 1 D 210.

43. Extrait du procès-verbal de passation de service concernant le cercle de Segou en date de 30 Avril 1935, ANM 1 D 211.
44. Resident Koulikoro to Comm. Bamako, 17 July 1935. ANM 1 D211. Among more orthodox Muslim peoples like the Soninke, a slave could be pawned, but the pawning of kin was much less likely.
45. Acting Gov. Mauritania to Gov. Gen., 12 Oct. 1937. ARS 2 K 13 (26). See E. Ann McDougall, "A Topsy Turvy World: Slaves and Freed Slaves in the Mauritanian Adrar (1910-1950)," in Suzanne Miers and Richard Roberts, eds., *The End of Slavery in Africa* (Madison, 1987).
46. Lt. Gov. Senegal to Gov. Gen. 6 Oct. 1937, ARS 2 K 13 (26). A report of 10 Dec. 1931, ARS 2 K 5 (26) suggested that pawning had once been very important in Senegal.
47. Lt. Gov. Côte d'Ivoire to Gov. Gen., 27 Jan. 1938. ARS 2 K 13 (26). The *cercles* that reported pawning are in very different parts of the country.
48. Arnaud, "Rapport sur l'esclavage en Haute Volta," submitted to Gov. Gen. 26 Nov. 1931, ARS 2 K 5 (26).
49. Arnaud, "Rapport sur l'esclavage."
50. Boufoune Coulibaly, cultivator from Kaboulabugu, Canton of Fani to Res. Koulikoro, 7 Feb. 1934; Nama Coulibaly, village of Kaboulabugu to Gov. Soudan Français, 17 Feb. 1934, ANM 1 D 211.
51. These tales run through many of our interviews. The bitterest memories of both forced labour and tax collection were of the guards, African employees who were expected to do the administration's dirty work.
52. Admin. Ouahigouya to Lt. Gov. Soudan, 2 June 1934, ARS 2 K 8 (26).
53. Lt. Gov. Guinée Française to Gov. Gen., ARS 2 K 13 (26).
54. Gov. Gen. to Lt. Gov. Guinée Française, 1 June 1937, ANFDOM Aff pol 541-4.
55. Nama Coulibaly to Lt. Gov. Soudan Français, 17 Feb. 1934, ANM 1 D 211.
56. Lt. Gov. Soudan Français to Gov. Gen., 20 July 1934; Gov. Gen. to Min. Colonies, 6 Oct. 1934, ARS K 8 (26).
57. Gov. Gen. to Min. Colonies, 6 Oct. 1934, ARS, 2 K 2; many of same arguments were made in Lt. Gov. Soudan to Gov. Gen., 20 July 1934, ARS, 2 8; and in a note of 4 Sept. 1934 from the Procureur-Général, which held that the act of pawning a third person was clearly a violation of the 1905 law.
58. Extrait du procès-verbal des passation de service concernant le cercle de Segou, 30 Apr. 1935, ANM 1 D 211.
59. Jouve, Res. Koulikoro to Comm. Bamako, 17 July 1935, ANM 1 D 200.
60. Inspecteur des Aff. Indigènes, "Contrat de mise en gage," 14 June 1934, ANM 1 D 211.
61. Gov. Gen. to Lt. Gov. Soudan Française, n.d. 1934, ANM 1 D 211.
62. Min. Colonies to Gov. Gen., 30 Dec. 1936, ANFDOM Aff pol 541-4.
63. Eve Currie and the Organisation Feminine kept pressure on the Popular Front, which produced legal safeguards for women in French colonies in 1939. The file on the meetings of women's movement leaders with the Minister of Colonies was filed with the pawning scandals in ANFDOM Aff pol 541.
64. Circular, Gov. Gen. to Lieutenant Governors, 25 June 1936, ANFDOM Aff pol 541-1.
65. Gov. Gen. Brunet to Lieutenant Governors, 5 Oct. 1920, ANFDOM Aff pol 541-1.
66. See Claire Robertson, *Sharing the Same Bowl: A Socioeconomic History of Women and Class in Accra, Ghana* (Bloomington, 1984); R. Roberts, "Women's Work and Women's Property: Household Social Relations in the Maraka Textile Industry of the 19th Century," *Comparative Studies in Society and History*, 26 (1984), 229-50.
67. Circular 296, AP/2, 10 May 1937. ARS 2 K 13 (26).
68. Douglas, "Matriliny and Pawnship," 301-2.
69. Oroge, "Iwofa," 96-99.

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- ^{70.} Paul E. Lovejoy and Jan S. Hogendorn, *Slow Death for Slavery. The Course of Abolition in Northern Nigeria* (Cambridge, 1993).
- ^{71.} See Klein interviews, Mantala Coulibaly and Yakubu Santara, Feb. 1981.

CHAPTER 20



"WHAT IS AND WHAT IS NOT THE LAW:"¹ IMPRISONMENT FOR DEBT AND THE INSTITUTION OF PAWNSHIP IN THE GOLD COAST, 1821-1899.

KWABENA AKURANG-PARRY

Imprisonment for debt, an institution for enforcing debt-payment, existed in British West Africa,² namely the Gold Coast, Sierra Leone, Lagos, and the Gambia.³ Despite the corpus of literature on economic change and institutional transformations, including problems of credit and loans, in the Gold Coast, the subject of imprisonment for debt has been overlooked.⁴ Equally, a spate of studies on labor forms and capital accumulation in the Gold Coast has not addressed institutional linkages between pawnship and imprisonment for debt.⁵ Indeed, these assertions are true for Africa as a whole: studies dealing with problems and prospects of economic change, in particular, during the era of the so-called "legitimate" trade⁶ have not examined imprisonment for debt.⁷ Imprisonment for debt in British West Africa sought to facilitate trade by eliminating credit problems,⁸ fraud, and dishonesty that posed barriers to commercial activities.⁹ An editorial of the *African Times* (London) succinctly summed up the policy of imprisonment for debt as "a mere

intervening link between foreign slave trade and a general legitimate commerce."¹⁰

This study examines the policy of imprisonment for debt in the Gold Coast between 1821 and 1899. Imprisonment for debt in the Gold Coast was formally introduced¹¹ by the Charter of 17 October 1821.¹² The Charter placed the Gold Coast under British authorities in Sierra Leone, consequently, the laws of Sierra Leone "including the law of imprisonment for debt there at that time in operation" were enacted in the Gold Coast.¹³ Pointing to further areas of research, I argue that the failure of imprisonment for debt as an agency of debt-payment in a period of economic transformation, reinforced and expanded pawnship. I show that efforts by the Colonial Office, colonial state, and the African intelligentsia to reform the policy failed to yield any positive, workable results. Consequently, the policy of imprisonment for debt remained woefully inadequate as a viable means of enforcing debt-payments. Faced with insurmountable problems of debtors' insolvency, creditors preferred human pawns as a requisite collateral from those who sought loans from them. The study is divided into three parts. The first section examines institutional features and nuances of imprisonment for debt in the Gold Coast. The second and third parts deal respectively with problems inherent in the policy and the efforts to reform it. The last section illustrates the similarities between imprisonment for debt and pawnship, and explains how imprisonment for debt reinforced pawnship.

Imprisonment For Debt: Policy and its Implications

The paucity of sources makes it difficult to examine how the policy of imprisonment for debt in the Gold Coast changed over time, especially in the precolonial period. Scanty data on the precolonial period deals with how the British authorities in the Gold Coast sought to use English laws and ordinances in flux to reform the policy in the 1850s and 1860s.¹⁴ Indeed, it was not until the 1880s that the colonial state began to seriously examine problems inherent in imprisonment for debt.¹⁵ This was due to expansion in the colonial economy with its corresponding loan and credit problems. In the 1880s, a number of debtor fugitives¹⁶ from the colony were arrested in the backwaters of the protectorate and sent back to the colony for prosecution.¹⁷ Inspector R.A. Firminger, based at Praso, the main colonial post on the border between Asante and the Protectorate,¹⁸ was instrumental in the arrests. On March 19, 1886, Firminger reported that "Cudjoe Yena was arrested for debt and taken down in custody as far as Fanti Yancoo-masie [Yankumasi], where he borrowed the amount of claim and paid it."¹⁹ Firminger wrote that "many of those anxious to return to [Kumasi]"²⁰ are in debt at Cape Coast, and

have literally run away from their creditors."²¹ That Firminger accosted numerous debtor fugitives in the frontiers of the protectorate and Asante suggests that the incidence of debtor-fugitive was widespread.

From the early 1890s, the colonial state took the policy of imprisonment for debt more seriously than it had done in the preceding two decades: it began to keep records of numbers of people incarcerated for debt.²² As a result, the 1893 *Annual Report* shows that out of 1,589 persons "committed to prison" 134 were debtors.²³ For its part, the 1894 *Annual Report* indicates that 181 out of a total of 1,644 prisoners for that year were debtors.²⁴ Four years later in 1898, the number of debtor-prisoners shot up to 421.²⁵ The breakdown of the 1898 figures for the coastal administrative centers was as follows: Accra (177), Elmina (66), Winneba (55), Saltpond (42), Akuse (37), Axim (35), Kwitta [Keta] (6), and Adda [Ada] (3). On the other hand, the remote areas of Tarkwa registered (0), Chama [Shama] (0), Dixcove (0), and for an unclear reason, Cape Coast, an important coastal administrative and commercial center also registered zero.²⁶ The 1898 figures show that important trading and marketing centers like Accra, Saltpond, and Winneba, that had significant credit facilities, tended to have greater incidence of debtor-imprisonment than less developed areas, for example, Shama and Dixcove. Also, the presence of colonial authorities in Accra, the colonial capital, and district administrative centers like Saltpond and Winneba, tended to have higher numbers of debtor-prisoners than areas far removed from centers of colonial administration.

Furthermore, the available evidence throws light on aspects of age, gender, and imprisonment for debt. Firminger, reporting from Praso, noted that "'Quassie Fusu' is a boy, now a prisoner arrested for debt."²⁷ What is puzzling is the type of debt that the boy had contracted. Extrapolation of the evidence suggests that the boy was a slave or a junior-kin who had been forced to bear the burden of debt for the original debtor. Imprisonment for debt was not gender specific: male and female debtors could be imprisoned. In 1883, Mr. Chas W. Thompson, an Assistant Inspector of the Gold Coast Constabulary, who was later appointed the Commissioner of the Western Province, writing about the chief of Tarkwa, Kobina Angoo's civil court and debtor-prison, noted that "another hut for female prisoners is about to be erected."²⁸ This suggests that there were female debtor-prisoners and that they were kept separate from male-debtor prisoners.²⁹

The policy of imprisonment for debt was administered in the Colony. In the 1880s, debtors who had fled from the colony to the protectorate were arrested and sent back to the colony for prosecution and imprisonment.³⁰ The evidence suggests that a considerable number of

debtors in the colony fled to the backwaters of the protectorate to avoid honoring their debt-payments. This confirms the argument that colonial policies were more effective in the colony than in the protectorate.³¹ Thus, the problem of debtor-fugitives prevailed in the protectorate, a subject that needs further research.

Yet another important feature of imprisonment for debt was that debtor-prisoners paid for their up-keep in the prisons. The Chief Magistrate and Judicial Assessor, Mr. James Marshall, writing in 1874 about a woman imprisoned for debt, noted:

she could do nothing for herself, and where her liabilities incurred daily by the sums paid for her subsistence, and which it is custom on the Gold Coast to incorporate as a portion of the original debt which must be paid before the debtor is discharged from prison. Any debtor therefore who is sent to prison from a real inability to pay is consigned to hopeless imprisonment.³²

This means that debtors serving prison sentences could accumulate additional debts, and their release from prison depended on their ability to pay for the cumulative costs of their imprisonment, including food and other necessities, and the principal debt that had led to their incarceration in the first place.

Chiefs and Imprisonment For Debt

The institution of chieftaincy was an integral part of the administration of imprisonment for debt. The colonial state implemented the Native Jurisdiction Ordinance (NJO) of 1878 in 1883,³³ formally recognizing indigenous rulers' trial of civil cases, including debt-related ones.³⁴ Indigenous rulers had tried debt-cases in the precolonial period, therefore, the NJO sought to streamline their judicial roles in the colonial period.

In a correspondence to the Colonial Office in 1874, the new Chief Magistrate and Judicial Assessor, Sir David Chalmers, who had succeeded Marshall, described the role of indigenous rulers in the policy of imprisonment for debt:

in every respect... a native chief or king... can substitute for imprisonment any other order which the equity of the case requires and he can entertain proposals of the debtor for arrangement even after a period of imprisonment has been undergone.³⁵

In 1883, Inspector Dudley visited Wassa and wrote about "chiefs" who tried "civil debt cases."³⁶ Also, in March 1888, E. Algeron Barnett, Assistant Inspector of the Gold Coast Constabulary, noted in a report on his mission to Asante that

the Chief of Insabang [Nsaba in the Protectorate] also requested me to bring before your Excellency the following cause:- The Aquana Swaidru [Agona Swedru] people had brought debt cases to him, and on the decision being given against them they refused to pay or take any notice.³⁷

The fact that the Nsaba chief "also requested" strongly indicates that some other chiefs had made similar requests. Barnett advised the Nsaba chief to contact the

District Commissioner of Winneba [who] was the officer before whom he should lay his complaint, and also that if a person refused to abide by his decision, it was very easy for the litigant to go to the District Commissioner's Court.³⁸

According to Barnett, the chief explained that "taking those steps [in the presence of a District Commissioner] lowered the respect held by his people for him, and he trusted I would report it to your excellency at headquarters."³⁹

Also, indigenous rulers were allowed to imprison debtors in the chief's prison,⁴⁰ for example, King Tackie of Accra operated a debtor-prison.⁴¹ From the standpoint of colonial officials, the chiefs' prisons were not properly maintained. Marshall described King Tackie's prison as "filthy", indicating that he had once written an unflattering report on that prison.⁴² It should be stressed that by the 1890s peripheral areas between the Colony and the Protectorate, such as Akuapem and Akyem Abuakwa, were operating the chief's court under the NJO.⁴³

More informative, and which affords a case study, is the account given by Thompson regarding Chief Kobina Angoo's operation of a debtor prison in 1883 under the NJO.⁴⁴ According to Thompson, Chief Angoo's courtroom was about 18 feet square. The court had a clerk whose name was Joseph Taylor "a native of Cape Coast who has received education and is able to write and speak English correctly... somewhat conversant with the procedure of the Commissioner's court at Cape Coast."⁴⁵ The proposed pay for Taylor was 2s. per day and he was to commence work immediately, and the court usually allowed the following costs:

Fees of court, 6s. 6d.; court messenger's fee, 1s.; allowance to witnesses, 2s. to 5s varying with the gravity of the cause and the position and place of abode of the witnesses."⁴⁶

The court dealt with five cases every week and most of them were debt-related cases, for example, the week before Thompson's arrival in Wassa the following cases had been heard: "Three personal suits for debt for (1) ,4 9s. 3d.; (2) ,1 7s. 6d.; and (3) a small amount."⁴⁷ Chief Angoo's prison was a "hut" of "ordinary bamboo divided into two apartments," and "another hut for female prisoners is about to be erected."⁴⁸ There were three men in the prison, two debtors - one had spent eleven days and the another nine days - and the third man was waiting for a trial. The gaoler was paid 3d. per day subsistence for each prisoner he guarded. According to Thompson, the three prisoners claimed that they were "perfectly satisfied with the quality and quantity of food they got."⁴⁹

These examples suggest that indigenous rulers exercised considerable powers in the adjudication of debt cases until the period of formal colonial rule when colonial courts began to exercise jurisdictional powers over judgements passed by the chief's court. The Nsaba case, noted earlier, exemplifies that colonial courts could overrule cases adjudicated in the chief's court. Thus, the colonial administration and indigenous states played complementary roles in the administration of the policy of imprisonment for debt. The colonial state used colonial courts to adjudicate debt cases, while the coastal forts and castles served as prisons for debtors sentenced by the colonial courts.⁵⁰

Problems Inherent in the Policy of Imprisonment For Debt

Administration of the policy of imprisonment for debt was beset with concatenated problems. In 1874, Marshall opined that the operation of the law of imprisonment for debt was plagued by "injustice" which on so many occasions had hindered the operation of the law. According to him, problems of imprisonment for debt were insurmountable, hence it should be abolished.⁵¹ In that same year, Lord Carnarvon, the Colonial Secretary, sought to rectify problems hindering the administration of the policy imprisonment for debt in the Gold Coast. In a correspondence to Marshall, Carnarvon raised the

whole question of law properly applicable to the Gold Coast Settlements. With respect to this subject [imprisonment for debt] generally and more especially to the reform and reenactment of the local statute.⁵²

Carnarvon stressed that "I have only to request that the attention of the Queen's Advocate may be early directed to this important subject."⁵³

Referring to Marshall's "observations on the law of sureties" Carnarvon stated that "I have to observe that as the present law does not appear to work satisfactorily some amendment ought to be made in it."⁵⁴ In sum, the policy of imprisonment for debt in the Gold Coast was beset with numerous problems.

One major problem that faced the policy of imprisonment for debt was that "at the inception of colonial rule, there was no "debtor prison either at Cape Coast or at any of the forts and the settlements."⁵⁵ As a result, "debtors have been all these years incarcerated in the criminal gaols under the same gaolers and assistants as the criminals."⁵⁶ For this reason, in 1881, Governor Samuel Rowe wrote to the Surveyor General of the Gold Coast, noting that he had "again and again intended to remind" the Surveyor General of "the proposed alteration in the prison for the accommodation of debtors."⁵⁷ Governor Rowe categorically stressed that

You [the Surveyor General] were to let me have a ground plan of the prison so that I might judge of the position of the wooden partition which it was proposed to separate the Debtors from the Criminal Prisoners."⁵⁸

Indeed, Thompson's account of King Angoo's debtor prison in Wassa points to the same problem of a lack of separate prison facilities for criminal and civil offenders. Overall, the poor state of the debtor-prisons posed problems to the enforcement of the policy of imprisonment for debt.

Furthermore, paucity of colonial officials plagued successive colonial administrations in the Gold Coast from the 1840s, exacerbating problems inherent in imprisonment for debt. The lack of adequate personnel was due to high mortality rate of colonial officials and numerous absence due to officials' return trips to England to seek medical care.⁵⁹ Prior to the imposition of formal colonial rule in 1874-75, Marshall, who was responsible for imprisonment for debt, had returned to England. Subsequently, in 1874, Carnarvon in his bid to reform the policy in the Gold Coast, sought information from Chalmers, the new officer responsible for the policy. But Chalmers' knowledge of the policy was limited, hence he failed to address the concerns of Carnarvon. Since there was no European on the Gold Coast versed in the subject, Carnarvon had to turn to Marshall, who was enjoying his retirement in England, to seek answers.⁶⁰

More important, Carnarvon's queries led to a series of revealing, sometimes hostile exchanges between Chalmers and Marshall. Among other things, Marshall asserted that imprisonment for debt in the Gold Coast was simultaneously abolished⁶¹ with the passing of the English

Debtor's Act of 1869. In contrast, Chalmers insisted that the English Debtor's Act of 1869,⁶² had nothing to do with "Her Majesty's Colonial Dominions."⁶³ While Marshall called for the abolition of the policy, Chalmers disagreed, arguing that abolition "would be an encouragement to fraudulent dealings."⁶⁴ Chalmers explained that the "obligation of debt-payment [was] recognized and that non-payment of debt occur in exceptional circumstance" in the Gold Coast. The practice was that "where a debtor is himself unable to pay, his family which includes a much wider circle than in England" would pay for the debt.⁶⁵

Despite Chalmers' arguments in favor of imprisonment for debt, he conceded that ascertaining individual ownership of property in the Gold Coast was a difficult task. As a result, the application of the English Act of 1869 with its bankruptcy laws⁶⁶ had not been effective in the Gold Coast. Additionally, the English Act of 1869 "presupposes the possibility of affecting the future earnings of the debtor," but that could not be realized on the Gold Coast.⁶⁷ Chalmers explained that

a dishonest debtor has so many and so great facilities for placing his property out of the reach of the creditor that if imprisonment be abolished our law has little or no control among native Africans' strict accountability in debt is miserably recognized and enforced.⁶⁸

In sum, Chalmers believed that imprisonment for debt had its problems, but it was at any rate useful.

Another problem stemmed from ambiguous ordinances and laws that characterized imprisonment for debt. Such ordinances and laws were based on English legal and constitutional precedents. Overall, the application such English laws and ordinances in flux created a number of problems.⁶⁹ Writing to H.W. Herbert, the Colonial Secretary, in August 1874, Marshall revealingly stated:

I feel considerable difficulty in dealing with any question with what is and what is not the law on the Gold Coast, for it appears to me, it is a matter which has been left very much to the direction not merely of the Chief Magistrate, but of every commandant as magistrate at the various coast towns. The peculiar nature of the British jurisdiction has given rise to a great amount of vagueness as to how far, or in what manner English law prevails there.⁷⁰

Furthermore, Marshall explained that records of cases of debt were not kept and as a result magistrates lacked legal precedents with which to

judge cases.⁷¹ Certainly, the dichotomous, equivocal interpretations of imprisonment for debt, that characterized the respective viewpoints of Marshall and Chalmers, reveal ambiguities that limited the effectiveness of the policy.

Indeed, by the 1890s, efforts to reform the policy of imprisonment for debt had not been fruitful. Debtors complained that creditors, including those holding pawns, were using the courts to enforce arbitrary debt-payments. For their part, creditors complained that imprisonment for debt gave debtors excuses to put off their debt payments.⁷² In 1888, the *African Times* reported that King Kwame Fori of Akuapem had told Governor Griffith that "he and his chiefs were anxious to know how they could recover debts due them."⁷³ Commenting on this to the Colonial Office, Governor Griffith noted that he had "referred them to the courts of law, in which they admitted that they could rely upon the evenness with which the law was administered."⁷⁴ There is no doubt that Governor Griffith's version was subtly crafted to meet expectations of the Colonial Office. It is doubtful whether King Kwame Fori and his sub-chiefs expressed faith in the courts. Whatever be the case, the enquiry by the king and his sub-chiefs was prototypical of intractable problems associated with the failure of the courts to enforce debt-payments. Indeed, ten years later, in 1899, the *Gold Coast Aborigines* wrote a critical report, proclaiming that "abolition of the imprisonment for debt" in the Gold Coast "seems every day more and more a necessity for the hour."⁷⁵

Efforts At Reforming the Policy of Imprisonment For Debt

Several efforts were made to reform the policy of imprisonment for debt. In his detailed reply to Carnarvon's reform proposals of 1874,⁷⁶ Chalmers threw light on efforts that had been made in the precolonial period to reform the policy. Chalmers revealed that in accordance with the Ordinance of the Gold Coast of 22nd, September 1856:

all the courts are vested with power to delay execution of their decrees for three months - a period which in case of an honest debtor having incurred debt in any reasonable or bona fide manner would generally be sufficient to enable him to make arrangement for payment.⁷⁷

The three months period allowed debtors sufficient time to honor their debt-payments instead of going to prison. But this policy did not benefit creditors who had to wait additional three months to find out if debtors

would repay their debts. Additionally, Chalmers explained that decrees of the Judicial Assessor were not

by any legal necessity followed by imprisonment... as the Judicial Assessor had full discretionary power however in every respect... he can substitute for imprisonment any other order which the equity of the case requires.⁷⁸

Thus, the Judicial Assessor did not always have to resort to imprisonment, but could use other methods to enforce debt-payments. Also, Chalmers cited the application of the English Insolvency Ordinance of 1858 as a means of reforming the policy of imprisonment for debt in the Gold Coast. According to him "In those cases again which are governed by English Law, the chief magistrate and subordinate magistrates can relieve under the Insolvency Ordinance of 1858."⁷⁹ This ordinance gave magistrates legal latitudes to decide debt cases. The apparent problem identified by Chalmers was that it "requires restrictions in order to guard against its being abusively applied as well as amendments in other particulars."⁸⁰ Chalmers stated that the application of the Insolvency Ordinance of 1858 had enabled the "coast populations" to diminish the extended family's role in normative obligation to pay for the debts of its members.⁸¹ It is apparent that both the 1856 and 1858 Ordinances favored debtors since the authorities, at least, from a theoretical standpoint, could intercede on their behalf, giving them ample time to repay their debts. In fact, Chalmers wrote that under the existing laws there were ample powers for "relieving the unfortunate honest debtor whether under native or English law."⁸² Commenting on the deficiencies that plague the policy of imprisonment for debt, Marshall revealed that there was an "ordinance for the administration of the property of deceased persons."⁸³ According to him, the ordinance was "practically in abeyance in that no official administrators existed, and that property was therefore administered very much according to the discretion of the chief magistrates."⁸⁴ Marshall further revealed that an "Ordinance for the regulation of Court of Civic and Criminal Justice" was passed under the administration of Colonel Conran. This ordinance "existed only in manuscript" and officials of the court had no idea that it existed.⁸⁵

In addition to Carnarvon's effort to address the problems of imprisonment for debt, Lord Derby, another occupant of the office of the Colonial Secretary, sought to reform the policy in 1883. Commenting on Governor Griffith's circular to district commissioners, seeking their opinions on how best to rectify the existing policy,⁸⁶ Derby wrote:

whatever decision may be found desirable should be applied to the whole Colony and not only Accra alone... In the meantime, however, I am disposed to think it may be advisable to abolish the system of imprisonment for debt, except in cases of fraud.⁸⁷

Derby stated that he had enclosed a copy of the English Debtors Act of 1869 and remarked that he would "be glad to know whether" Governor Rowe was of the "opinion that similar provisions would meet the circumstance of the Gold Coast."⁸⁸ Thus, the Colonial Office took active interest in the problems posed by the policy of imprisonment for debt. It would appear that Derby's effort bore fruits: eventually the colonial government passed the Ordinance No. 23 to "provide for the regulation of the native prisons."⁸⁹ The paucity of evidence does not allow for an assessment of this ordinance. What is clear from the evidence is that the problems discussed above continued to jeopardize the administration of imprisonment for debt.

The Gold Coast press, championed by the African intelligentsia, plaintively called for reforms in the administration of the policy.⁹⁰ In 1881, the *Gold Coast Times* reported that those affected by the inadequacies of the imprisonment for debt had formed an association with this objective:

for the purpose of inviting general discussion as to advisability of forming an Association to have branches at Cape Coast, Accra, and Lagos for the purpose of agitating for the remedy of the defects which unquestionably exist in the present law of imprisonment for debt in] the Gold Coast...⁹¹

The association spelt out other shortcomings, including the fact that the laws of imprisonment for debt were "unjust", "ambiguous", and "uncertain in their effect."⁹² Indeed, throughout the last quarter of the nineteenth century, the African intelligentsia campaigned, sometimes sporadically, to reform the existing policy of imprisonment for debt.⁹³

Toward a Theory: Imprisonment For Debt As a Cause of Pawnship

Pinpointing some of the normative practices that were common to both imprisonment for debt and pawnship, I argue that imprisonment for debt caused and reinforced pawnship. As I have demonstrated, several problems weakened the application of the laws and ordinances of the policy. The evidence shows that the administration of imprisonment for debt was sporadic, besides attempts at reforming the policy did not go far

enough. Ordinances of imprisonment for debt tended to protect the interests of debtors and not those of creditors. For these reasons, creditors preferred human collateral as the surest way to protect their capital from the cumulative effects of insolvent debtors.

Among scholars who have studied pawnship in the Gold Coast,⁹⁴ Kaplow has come closest to identifying linkages between imprisonment for debt and pawnship. Her views are worth quoting at length:

A second traditional form of servitude which merchants put to commercial use was pawning... The African merchants sought to insure the return of petty traders to the coast and the repayment of their debts by taking pawns from their families in return for goods on credit. When petty traders disappeared or defaulted the merchants had the pawns locked up in the British fort... a number [of pawns]... had been languishing there for several years. Other such pawns the merchants detained in their houses, using them as they did their domestic slaves.⁹⁵

This occurred in the 1840s and was still the norm in the colonial period. Kaplow does not show why creditors jailed "pawns" instead of putting them to work to benefit their capital. The question is whether those locked-up by merchants were really pawns or not. The evidence I have uncovered does not disentangle this puzzle either. What is patently clear, as I will argue, is that those who were locked-up tended to be women who were no longer in their productive years. On the other hand, those who engaged in pawn-labor for creditors or merchants were young females in their prime. One aspect of imprisonment for debt involved debtors who provided pawns to creditors only after they had failed to pay for their debts.⁹⁶ Thus, this practice was different in the sense that a pawn was introduced into the contractual relationship between borrowers and creditors only after the former had failed to honor their debt-payments. Debtors in such situations pawned junior female kin-members. The evidence is silent on the terms of payment, that is, whether a pawn's work covered both principal and interests on loans. Whatever be the case, creditors benefited from pawn-labor, sometimes in perpetuity. Extrapolation of the evidence suggests that the reproductive capacities of pawns were also exploited. Also, debtors could care less so long as creditors were willing to hold pawns. Thus, this form of arrangement no doubt reinforced and increased pawnship in the Gold Coast.

Aspects of imprisonment for debt that reinforced pawnship in the Gold Coast were the Ordinance of the Gold Coast of September 22,

1856, and the Insolvency Ordinance of 1858, both of which were extended into the colonial period.⁹⁷ The Ordinance of the Gold Coast of September 22, 1856, vested the courts with the "power to delay the executions of their decrees for three months" to enable "honest debtors" to make "arrangement for payment."⁹⁸ For its part, the Insolvency Ordinance allowed debtors to declare bankruptcy. According to Marshall, "any debtor therefore who is sent to prison from a real inability to pay is consigned to hopeless imprisonment until allowed to be declared bankrupt."⁹⁹ To what degree both ordinances affected the institution of pawnship is difficult to gauge. Certainly, debtors' declaration of bankruptcy hindered the capital accumulation of creditors. Thus, creditors may have overcome problems with debtors' insolvency by demanding collateral in the form of human pawns as security to safeguard debt-payment. There is no doubt that the Insolvency Ordinance was applied in other parts of West Africa: letters from different parts of West Africa, critical of the ordinance, were sent to the editor of the *African Times*.¹⁰⁰

Additionally, Marshall wrote that a debtor could be imprisoned "until someone is charitable enough to go security [sic] for him and be accepted as such by the creditor."¹⁰¹ The ambiguity underlying "go security" suggests two things. One was a form of pawnship, a situation that allowed a "relative" of the debtor to work for the creditor, while the debtor made preparations to pay for the debt. The other one was when someone intervened on behalf of the debtor-prisoner by assuring the creditor that the debt would be paid. The first explanation is more plausible because it was more beneficial to the creditor. Again, this strongly points to the fact that the failure of imprisonment for debt to enforce debt-payment reinforced pawnship.

Similar to the above and also disadvantageous to creditors was another practice that allowed debtors to compel other people to serve their prison sentences on their behalf. This problem occurred in both the chief's prisons and the colonial prisons. In 1874, Marshall reported that

At Accra Commandant Paul brought under my notice the case of a woman who had been detained for nine months in prison for debt. On examining into the case I found that she out of pity had been persuaded to stand security for a man who had been for three months imprisonment for debt in the close and filthy prison of King Tackie... Having got the woman to stand security for him he [the debtor] was released.¹⁰²

In fact, Marshall revealed that King Tackie allowed those who had been sentenced to imprisonment to substitute other people to serve prison terms on their behalf. The debtor, according to Marshall, was "one of the principal merchants"¹⁰³ who was the "son of [a] Portuguese." Rather strangely, the debtor disputed the debt and refused to pay. Since the woman could not pay she was kept in prison beyond the three months imprisonment that the original debtor should have served. Subsequently,

she was accordingly summoned before the sitting Civil Commandant and a warrant was issued for the sale of her effects although the debtor himself was a man of property and within reach.¹⁰⁴

Confusing as this may appear, it is a convincing evidence of patriarchal domination and control at work.

While the above case deals with the chief's court and debtor-prison, Marshall revealed a case that involved a debtor-prison operated by the colonial state. In 1874, he visited the Elmina Castle prison and "obtained the release of all the debtor prisoners except two by insisting that the 'original debtors'" should be held accountable. Among those freed were

an old grey headed woman and her daughter who were imprisoned as securities for the old woman's son who was living at Cape Coast but who on being sent for and told to change places with his mother, quickly made arrangement for the payment of his debt.¹⁰⁵

Mr. Marshall further explained that women had been imprisoned for debts that they were in no way involved in contracting.¹⁰⁶

These two cases offer a number of formidable interpretations. First, debtors did not directly bear the punitive measures or the stigma of imprisonment. Once again, this cogently explains why creditors preferred pawns to imprisoning their defaulting debtors. Second, those who caused other people to be detained as security for their debts were influential male members of society. Third, it is probable that in reality those who served prison terms on behalf of original debtors did not freely offer to do so. Fourth, it is more likely that the so-called "pawns" were not "mothers" and "sisters", but people of servile origin associated with debtors' host-kinship groups. Lastly, these cases strongly suggest that a greater number of "pawns" who served prison terms on behalf of debtors were women, and why the present evidence suggests that they tended to be older women defies a rigorous analysis. Juxtaposed with Kaplow's conclusion, noted above, the evidence illuminatingly suggests that "pawns" who worked for creditors were in the prime of their productive

years, while those "pawns" who served prison terms on behalf of debtors had passed their productive years. This shows that creditors exercised some prerogatives in choosing individuals that prospective debtors wish to use as pawns to obtain loans, and this undoubtedly promoted pawnship.

In a perceptive analysis, Marshall revealed that the policy of imprisonment for debt itself stimulated pawnship:

Mr. Chalmers appears to be satisfied with the native modes of dealing with debtors and with the custom of a whole family being held liable. In my opinion, this custom is a source of much injustice and oppression. Also, the Kings and Chiefs but too often greatly increase original debts by extortionate demands for sums, and the fetish, as well as for themselves all of which leads to a large amount of pawning and selling of relations and slaves in order to pay these demands.¹⁰⁷

Thus, the chief's court that served as an administrative machinery to resolve debt cases paradoxically placed individuals and families into financial liabilities and provided avenues for debt-bondage and other forms of involuntary servitude.

Conclusion

The policy of imprisonment for debt was formally instituted to remedy problems of overseas trade, especially credit facilities granted to African middlemen by European merchants and firms. With the expansion in the economy from the 1830s, credit and loans became prevalent, and as Kaplow suggests, by the 1840s, "pawns" were being imprisoned to enforce debt-payments. I have shown that the institution of imprisonment for debt in the Gold Coast was more complex than the interpretations and conclusions that inform Kaplow's study. Imprisonment for debt was not only an economic institution, it was also inextricably linked with both indigenous African and English social and political institutions.

Several attempts at reforming the policy of imprisonment for debt failed to yield any useful changes. Overall, the policy was beset with inconsistencies and ambiguities. The application of English laws and ordinances that were in a state of flux in administering imprisonment for debt in the Gold Coast posed problems. For one thing, the institution had components of African normative practices that were not addressed by the application of English laws and ordinances. For another, paucity of colonial officials that plagued British administration, did not benefit the policy. These problems had double-pronged significance: for one thing they favored debtors, and for another, they were disadvantageous to

creditors. The unequal, conflicting benefits explain why creditors preferred human pawns as collateral for loans, consequently, reinforcing and expanding pawnship.

I have raised several novel questions, one of which is the dialectical linkages between imprisonment for debt and pawnship. I have shown that the inept policy of imprisonment for debt increased human-pawning. Undeniably, further research is needed to clearly delineate the impact of imprisonment for debt on credit facilities, pawnship, and other forms involuntary servitude. Such a study, among others, should seek to illuminate the intersection of the changing English laws and African normative practices and its impact on structures and procedures of imprisonment for debt. Also, future studies should examine debtor-fugitives, why "pawns" were imprisoned, the feminization of "pawn" imprisonment, and the treatment of debtor-prisoners. Future approaches to the study of imprisonment for debt may adopt a comparative, regional approach encompassing the whole of West Africa. Lastly, considering economic change and demise of unfree labor forms in the early twentieth century, an examination of the institution in that period of flux will be in order.

Notes

1. Marshall to Herbert, August 14, 1874, in Gold Coast Despatches from Secretary of State to Governor, National Archives of Ghana, Accra (hereafter NAGA), ADM 1/1/38.
2. The British authorities in the Gold Coast extended the English policy of imprisonment for debt, including the Insolvency Ordinance 1858 and the Debtors Act 1869, to the Gold Coast. See, for example, Queen's Advocate to Berkeley, June 27, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38. The policy of imprisonment for debt existed in England for over six hundred years, and in the nineteenth century, it became a topic of great, polemical concern to social critics, including the novelist Charles Dickens. see Jay Cohen, "The History of Imprisonment for Debt and its Relation to the Development of Discharge in Bankruptcy," *The Journal of Legal History*, 3 (1982), 153. For a fuller account of imprisonment for debt in England, see, for example, Abraham L. Freedman, "Imprisonment for Debt," *Temple Law Quarterly*, 2 (1928), 330-365; Cohen, "The History of Imprisonment for Debt," 153-171; and Paul Hess Haagen, "Imprisonment for Debt in England and Wales" (Ph.D. thesis, Princeton, 1986).
3. See, for example, *African Times* (London), March 28, 1874; *African Times*, May 30, 1874; *African Times*, June 30, 1874; *African Times*, July 30, 1874; *African Times*, August 29, 1874; *African Times*, May 2, 1881; *African Times*, September 1, 1881; and Gold Coast Despatches from Secretary of State to Governor, 1878 Pt. 2, April 24, 1878, No. 53, NAGA, ADM 1/1/45.
4. See, for example, Edward Reynolds, *Trade and Economic Change on the Gold Coast, 1807-1874* (New York, 1974); A.J.H. Latham, *Old Calabar 1600-1891: The Impact of the International Economy Upon a Traditional Society* (Oxford, 1973); Susan B. Kaplow, "Primitive Accumulation and Traditional Social Relations on the Nineteenth Century Gold Coast," *Canadian Journal of African Studies*, 12 (1978),

- 19-36; Gareth Austin, "Indigenous Credit Institutions in West Africa c.1750-1960," in Gareth Austin and Kaoru Sugihara (eds.), *Local Suppliers of Credit in the Third World, 1750-1960* (New York, 1993), 93-159; and Peter Haenger, *Slaves and Slave Holders on the Gold Coast* (Basel, 2000), 61-73.
5. See for example, R.S. Rattray, *Ashanti Law and Constitution* (Oxford, 1929), chapters 3 and 6; Reynolds, *Trade and Economic Change*, 18-19; Polly Hill, *The Native Tribunal of Okoroase-Akwapim: Selected Land Cases 1918-1919* (Legon, 1974), 9-14 and 24-30; and Poly Hill, "The Native Tribunal of Okoroase-Akwapim: Selected Land Cases, 1918-1919," in John Hunwick and Nancy Lawler (eds.), *The Cloth of Many Colored Silks* (Evanston, 1996), 135-137 and 141-144; John Grace, *Domestic Slavery in West Africa* (New York, 1975); 13-14; Kaplow, "Primitive Accumulation," 19-36; Mary McCarthy, *Social Change and the Growth of British Power in the Gold Coast* (Lanham, 1983), 15; Raymond Dumett and Marion Johnson, "Britain and the Suppression of Slavery in the Gold Coast Colony, Ashanti and the Northern Territories," in Suzanne Miers and Richard Roberts (eds.), *The End of Slavery in Africa* (Madison, 1988), 94; Austin, "Indigenous Credit Institutions," 93-159; Gareth Austin, "Human Pawning in Asante, 1800-1950: Markets and Coercion, Gender and Cocoa," in Toyin Falola and Paul Lovejoy, (eds.), *Pawnship in Africa* (Boulder, 1994); 119-159; and Beverly Grier, "Pawns, Porters, and Petty Traders: Women in the Transition to Cash Crop Agriculture in Colonial Ghana," in Falola and Lovejoy, (eds.), *Pawnship in Africa*, 161-186.
 6. For a historiographical overview and comprehensive studies, see Robin Law (ed.), *From Slave Trade to "Legitimate" Commerce: The Commercial Transition in Nineteenth-Century West Africa* (Cambridge: 1995).
 7. See, for example, A.G. Hopkins, *An Economic History of West Africa* (New York, 1973); Latham, *Old Calabar 1600-1891*; R. Olufemi Ekundare, *An Economic History of Nigeria 1860-1960* (New York, 1973); Patrick Manning *Slavery, Colonialism and Economic Growth in Dahomey 1640-1960* (Cambridge, 1982); David Northrup, *Trade Without Rulers: Pre-Colonial Economic Development in South-Eastern Nigeria* (Oxford, 1987); and Jane I. Guyer, (ed.), *Money Matters: Instability, Values and Social Payments in the Modern History of West African Communities* (Portsmouth NH, 1994); and Law (ed.), *From Slave Trade to Legitimate Commerce*.
 8. For credit relationship between Africans and Europeans and their implications, see, for example, Reynolds, *Trade and Economic Change*, 14-15 and 150-155; Kaplow, "Primitive Accumulation," 19-36; and Austin, "Indigenous Credit Institutions," 130-133.
 9. Gold Coast Despatches from Secretary of State to Governor, 1875, April 16, 1875, No. 55, NAGA, ADM 1/1/39.
 10. *African Times*, May 30, 1874.
 11. See, for example, Gold Coast Despatches from Secretary of State to Governor, 1874, September 4, 1874, No. 165, NAGA ADM 1/1/38; Gold Coast Despatches from Secretary of State to Governor, 1874, June 29, 1874, No. 132, NAGA ADM 1/1/38; and Gold Coast Despatches from Secretary of State to Governor, 1874, September 4, 1874, Encl. in No. 165, NAGA ADM 1/1/38.
 12. The Charter referred to all the "forts and settlements on the Gold Coast" previously controlled by the African Company. See The Queen's Advocate to Berkeley, June 27, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
 13. *Ibid.* See also Gold Coast Despatches from Secretary of State to Governor, 1874, September 4, 1874, Encl. in No 165, NAGA ADM 1/1/38.

14. See, for example, Queen's Advocate to Berkeley, June 27, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
15. See, for example, Firminger to Governor, May 15, 1886, Encl. in No 24, in Further Correspondence Respecting the Affairs of the Gold Coast, Parliamentary Papers, 1886, C. 4906 (hereafter C. 4906).
16. For this concept, see Haagen, "Imprisonment for Debt", 313-337. Among other things, he argues that flight abroad by debtors in England and Wales "became an obvious response to insolvency." The destination of debtor refugees was the other side of the English Channel or the Irish sea.
17. C. 4906, Firminger to Governor, May 15, 1886, Encl. in No 24.
18. For a geographical account of this corridor, see Rowe to Kimberley, October 17, 1881, Encl. 7 in No. 7, in Further Correspondence Regarding Affairs of the Gold Coast, Parliamentary Papers 1882, C. 3386 (hereafter C. 3386); C. 3386, Rowe to Kimberley, October 17, 1881, Encl. 9 in No. 7; Encl. 10 in No. 7; Encl. 11 in No. 7; and Encl. 12 in No. 7. For a fuller account, see Kwabena Akurang-Parry, *Rethinking the Slaves of Salaga: Post-Proclamation Slavery in the Gold Coast, 1874-1899*, (forthcoming).
19. C. 4906, Firminger to Governor, May 15, 1886, Encl. in No 24.
20. Cudjoe Yena sent a letter to the Asante Queenmother and princes of Kumasi that there many Asantes on the coast who wished to return to Asante and that they had elected him chief over them. It happened that Yena and many others were in debt and just wanted to escape to Asante without having to pay for their debts. See C. 4906, Firminger to Governor, May 15, 1886, Encl. 1 in No. 24.
21. Ibid.
22. It is hoped that future search of the archives will reveal additional figures: undoubtedly, the large number of debtor-prisoners suggests that the policy had been vigorously administered before 1893.
23. *Gold Coast Colonial Reports 1893*, NAGA, ADM 5/1/2, 23.
24. Governor Maxwell to Mr. Chamberlain, October 2, 1895, No. 158, in *Annual Report for 1894*, C. 7944-10 (hereafter C. 7944-10).
25. *Gold Coast Departmental Reports, 1898*, NAGA, ADM 5/1/75, 274.
26. Ibid.
27. C. 4906, Firminger to Governor, May 15, 1886, Encl. 1 in No. 24.
28. Thompson to Colonial Secretary, December 21, 1883, Encl. 8 in No. 13, in Further Correspondence Respecting the Affairs of the Gold Coast, Parliamentary Papers, 1885, C. 4477 (hereafter C. 4477).
29. A report on Asante in 1906 reveals that female debtors were imprisoned: 11 of the 67 debtor-prisoners for that year were females. Ashanti [Asante], *Colonial Annual Reports, 1906-1907*, 17, NAGA, ADM 5/1/16.
30. See, for example, C. 4906, Firminger to Governor, May 15, 1886, Encl. 1 in No. 24.
31. See Akurang-Parry, "Administration of Abolition Laws," 152-154.
32. Marshall to Herbert, August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
33. C. 4477, Thompson to Colonial Secretary, December 21, 1883, Encl. 8 in No. 13. For a fuller account of the NJO, see, for example, David Kimble, *A Political History of Ghana 1850-1928* (Oxford, 1963), 457-469.
34. See, for example, C. 4477, Rowe to Derby, January 21, 1884; No. 13; and C. 4477, Acting Colonial Secretary to Thompson, November 15, 1883, Encl. 1 in No. 13.
35. Queen's Advocate to Berkeley, June 29, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
36. C. 4477, Dudley to Colonial Secretary in Charge of Native Affairs, July 23, 1883,

- Encl. 2 in No. 14; and C. 4477, Dudley to Assistant Colonial Secretary, October 13, 1883, Encl. 4 in No. 14.
37. Barnett to Governor, May 8, 1888, Encl. in No. 5, in Further Correspondence Respecting the Affairs of the Gold Coast, Parliamentary Papers, 1888, C. 5615 (hereafter C. 5615).
38. Ibid.
39. Ibid.
40. For additional information on Native Prisons, see for example, Gold Coast Government Gazette 1876-1880, April 27, 1876; and Despatches from Governor to Secretary of State, 1880-81, April 7, 1880, No. 101, NAGA, ADM 1/2/24. As late as in 1921, Chief W.A. Nyako of Kpong, operated a debtor-prison. See Kpong Native Affairs, November 22, 1921, NAGA, ADM 11/1/604.
41. Marshall to Herbert, August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
42. Ibid.
43. See Francis Agbodeka, *African Politics and British Policy in the Gold Coast 1868-1900*, (London, 1971).
44. C. 4477, Rowe to Derby, January 21, 1884; No. 13; and C. 4477, Acting Colonial Secretary to Thompson, November 15, 1883, Encl. 1 in No. 13. In fact, the Assistant Colonial Secretary in charge of Native Affairs, Chas D. Turton, sent a lengthy letter to Inspector Dudley of the Gold Coast Constabulary, seeking to know about the institutional procedures of the chief's courts in the Wassa district. The questions posed by Turton included whether the decisions of the chief's court was recognized by subjects, customs and traditions of the courts, the nature of punishments, the average number of cases brought before the courts weekly, and the number of prisoners in the district. See C. 4477, Turton to Dudley, June 12, 1883, Encl. 1 in No. 14.
45. C. 4477, Thompson to Colonial Secretary, December 21, 1883, Encl. 8 in No. 13.
46. Ibid.
47. Ibid.
48. Ibid.
49. Ibid.
50. Marshall to Herbert August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
51. Ibid.
52. Carnarvon to Marshall, September 4, 1874, No. 165, in Gold Coast Despatches from Secretary of State to Governor, 1874, NAGA ADM 1/1/38.
53. Ibid.
54. Ibid.
55. Marshall to Herbert August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
56. Ibid.
57. Proposed Alteration in Debtors Prison, Local No. 6, dd. January 3, 1882, in Gold Coast Despatches Secretary of State to Governor, 1881, ADM 1/1/53.
58. Ibid.
59. See, for example, Gold Coast Despatches from Secretary of State, 1876-77, March 13, 1877, No. 79, NAGA, ADM 1/1/21; and Gold Coast Despatches from Secretary of State to Governor, 1883, Pt. 1, April 20, 1883, Encl. in 142, NAGA, ADM 1/1/60; and Griffith to Knutsford, January 26, 1891, No. 7, in Correspondence Respecting the Administration of the Laws Against Slavery in the Gold Coast Colony, Parliamentary Papers, 1891, C. 6354 (hereafter C. 6354).

60. Carnarvon to Marshall, September 4, 1874, No. 165, in Gold Coast Despatches from Secretary of State to Governor, 1874, NAGA ADM 1/1/38.
61. The Debtors Act, 1869 brought to an end "that power of imprisoning their debtors, by way of satisfaction, which creditors have more or less fully possessed for above five centuries." The law came into effect on New Year's Day, 1870. See G. Manley Wetherfield, *Manual of Bankruptcy and Imprisonment for Debt Under the Bankruptcy and Debtors Acts 1869: An Epitome of the Law Under these Statutes* (London, 1870), 149; for a fuller account, see 149-166.
62. For this Act, see *ibid.* The Act included the legal relationship between creditors and debtors; petition and adjudication of cases; the powers and duties of courts and trustees; bankrupt's property; proof of debt and dividends; and abolition of imprisonment for debt.
63. Queen's Advocate to Berkeley, June 29, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
64. *Ibid.*
65. *Ibid.*
66. See Wetherfield, *Manual of Bankruptcy*, 75-85.
67. Queen's Advocate to Berkeley, June 29, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
68. *Ibid.*
69. See, for example, Marshall to Herbert, August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38; *African Times*, September 1, 1888; and Griffith to Holand, March 2, 1888, No. 3, in No. 8 Gold Coast Visit of Governor Sir Brandford Griffith to the Eastern Districts of the Colony, 1888, C. 5249 (hereafter C. 5249-5).
70. Marshall to Herbert, August 28, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
71. *Ibid.*
72. See, for example, *African Times*, July 30, 1874; *African Times*, November 1, 1881; *African Times*, February 1, 1882; *African Times*, July 1, 1882; *African Times*, December 1, 1885; and *Gold Coast Aborigines* (Cape Coast), July 22, 1899.
73. *African Times*, September 1, 1888. Furthermore, the King "said that the cocoa plants the Governor had sent him had all failed," also they wanted the merchants of Ada to pay them in cash instead of gin for their palm oil." See also C. 5249-5, Griffith to Holand, March 2, 1888, No. 3.
74. C. 5249-5, Griffith to Holand, March 2, 1888, No. 3.
75. *Gold Coast Aborigines*, July 22, 1899.
76. Gold Coast Despatches From Secretary of State to Governor, 1874, September 4, 1874, No. 165, NAGA ADM 1/1/38. See also, *African Times*, March 28, 1874; *African Times*, May 30, 1874; *Gold Coast Times*, December 24, 1881; and *Gold Coast Aborigines*, July 22, 1899.
77. Queen's Advocate to Berkeley, June 29, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
78. *Ibid.*
79. *Ibid.*
80. *Ibid.*
81. *Ibid.*
82. Marshall to Herbert August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
83. *Ibid.*
84. *Ibid.*

85. Ibid.
86. Derby to Rowe, January 13, 1883, No. 32, in Gold Coast Despatches from Secretary of State to Governor, 1883 Pt. 1, NAGA, ADM 1/1/59.
87. Ibid.
88. Ibid.
89. Hodgson to Knutsford, August 27, 1889, No. 74, in No. 74 Gold Coast Report on the Blue Book for 1888, C. 5897-4 (hereafter C. 5897-4).
90. See, for example, *Gold Coast Times*, December 24, 1881; and *Gold Coast Aborigines*, July 22, 1899. For a recent work on anticolonial activities of the African intelligentsia in the Gold Coast, see, for example, Kwabena Akurang-Parry, "'A Smattering of Education' and Petitions as Sources: A Study of African Slaveholders' Responses to Abolition in the Gold Coast Colony, 1874-1875," *History in Africa* 27 (2000), 39-60.
91. *Gold Coast Times*, December 24, 1881.
92. Ibid.
93. See, for exaple, *Gold Coast Aborigines*, July 22, 1889.
94. See note 5.
95. Kaplow, "Primitive Accumulation," 31.
96. Queen's Advocate to Berkeley, June 29, 1874, No. 132, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
97. Ibid.
98. Ibid.
99. Marshall to Herbert, August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
100. See, for example, *African Times*, June 30, 1874, a letter from Fernando Po; *African Times*, July 30, 1874, a letter from Debtors prison, Lagos, and an editorial notes on the Gambia; *African Times*, August 29, 1874, a letter from Sierra Leone; *African Times*, May 2, 1881, general comments on the subject, but specifically on the Gold Coast. See also *African Times*, June 30, 1874; *African Times*, September 1, 1881; and *African Times*, April 1, 1882.
101. Marshall to Herbert, August 18, 1874, in Gold Coast Despatches from Secretary of State to Governor, NAGA ADM 1/1/38.
102. Ibid.
103. Ibid.
104. Ibid.
105. Ibid.
106. Ibid.
107. Ibid.

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