Disputes over Transfers of Belonging in the Gold Coast in the 1870s: Fosterage or Debt Pawning?

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Disputes over Transfers of Belonging in the Gold Coast in the 1870s:  
Fosterage or Debt Pawning?  

by Cati Coe  
for Fosterage in West Africa Reviewed  
edited by Erdmute Alber, Jeannett Martin, and Catrien Notermans

In her chapter in this volume, Erdmute Alber lays out a new way of thinking about fosterage, as the transfer of imagined belonging, drawing on the work of Suzanne Lallemand (1993), Esther Goody (1982), and Janet Carsten (2004), as well as Benedict Anderson’s concept of the nation as an imagined community (1983). Building on Alber’s theoretical discussion, this chapter examines how forms of belonging were imagined and conceptualized in the southeastern Gold Coast (now Ghana), in the late nineteenth century. In particular, I look at how fosterage was imagined in relation to a relationship to which it was considered similar: debt pawning. In debt pawning, a pawn went to live with another person known to his or her family in exchange for a loan; the child or older person would return to his or her family when the loan was repaid. I consider fostering and pawning relationships to be adjacent or contiguous relationships (Demian 2004) in the southeastern Gold Coast in the nineteenth century because people described a situation under dispute through these different relationships: they were similar enough in some of their shared rules and norms that people could argue that a particular situation was one or the other. At the same time, it mattered that a situation was defined in one way or another; these relationships were conceived as similar in some aspects but unlike in others. This paper highlights how people in the colonial Gold Coast imagined fosterage to be distinct from and similar to pawning.

Looking at relations of belonging under dispute focuses attention on three points. One is that belonging can be imagined in a variety of ways, and therefore, the degree of belonging-ness in various relations of belonging differs. As Alber notes, “there is a need to clarify empirically and much more exactly what is actually circulated when a child is taken by another person” (p. xxx).  

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Looking at situations under dispute highlights how different relations of belonging imply different kinds of obligations and rights, and that these relations can have legal and economic implications, along with social and emotional ones.

This point about what is at stake in these relationships relies on the insights of those working in the ‘English tradition’ described by Alber. Those studies analysed fosterage and adoption in terms of the transfer, sharing, delegation, surrender, and circulation of rights that accrued to parents—as these were culturally defined—to other persons according to culturally specific rules (Goodenough 1970, Goody 1982). In analysing fosterage in this way, they highlighted how people’s labour, companionship, and allegiance are in effect commodities, and access to them, as to other valued commodities, is universally subject to social regulation. Although we do not ordinarily think of it in this way, the rights people have in regard to these things are a form of property. Adoption and fosterage are transactions in parenthood as a form of property. (Goodenough 1970: 398-9)

Newer approaches to kinship have downplayed the notion of rights, in favor of concerns for how overlapping relationships develop over time, through everyday processes, and create feelings of relatedness and persons of a particular identity. However, Jeanette Edwards and Marilyn Strathern (2000) re-introduced the concept of relations with persons being a kind of property through the term ‘belonging,’ which they use to describe the sense of kinship among people in a small town in the north of England. This term has connotations of ownership, ‘of alienable possessions and inalienable possessiveness’ as well as of affect, as in ‘a feeling of belonging’ (153). While at least one scholar of fosterage criticizes rights-based kinship theories as derived from Western economistic thinking (Demian 2004), a focus on belonging helps elucidate West African conceptions of kin as a form of wealth and of social relationships as bound up in economic ones (Bledsoe 1980, Coe 2011).
In her discussion on fostering as the transfer of parenthood, based on research done in Ghana, Goody considered pawning to be close to fosterage, terming it ‘debt fosterage,’ because, as with fostered children, pawns’ jural identity remained linked to the lineage. What Goody finds significant in both pawning and fosterage is that parents’ and lineage rights to rearing, training and labour could be separated from their rights to the jural identity of the pawn who was still connected to his or her kin. Pawning highlights the benefit to the new household through the child’s labour, whereas fosterage emphasizes the benefit to the child through the sponsorship and training the new household provides, in return for the child’s labour. In considering pawning another form of parental role delegation, Goody thus highlighted the similarities between these two kinds of transfers of parental rights and responsibilities.

Elisha Renne (2005) draws a similar conclusion from her work on Yoruba fostering and pawning in the early twentieth century: while both practices transferred the child’s daily care, labour, and training to another household, because the child’s jural identity with the birth lineage was not severed, the lineage might eventually receive some of the benefits of the child’s training and care.

However, as the cases I discuss below show, we need to examine more closely what exactly is transferred from one person to another through fosterage, in comparison to pawning. I argue that although fosterage and pawning are transfers of imagined belonging, the kind of belonging associated with these relationships do not seem modeled on parenting per se. Parents may transfer children to another’s care or household, but may not always be transferring roles, rights, or responsibilities associated exclusively with parents. Rather, parenthood seems to be another kind of adjacent relationship, with which fosterage and pawning can be contrasted and compared.

Secondly, we need to distinguish between the rights to transfer belonging, on the one hand, and the nature of the belonging that is transferred, on the other. Pawning in particular highlights lineage—rather than parental—rights to transfer the belonging of a child: a parent may pawn a child
only because he or she is a member of the lineage to which the child belongs. In some cases, the
form of belonging may include the rights to transfer to the belonging to a third party, but not
always, and this is part of what is at stake in the imagined belonging that is under disputes in the
cases I describe.

Third, disputes highlight the degree to which social understandings of relationships are
shared or not shared. The concept of the transfer of rights and responsibilities implies a clear act
and definition of the situation among the parties involved. What the disputes I discuss reveal is that
at one moment—the moment of transfer perhaps—there may be enough of a shared understanding
of the relationship for events to proceed smoothly and various actions to be coordinated, but as
circumstances change, understandings that may have overlapped enough at one point may diverge,
resulting in a dispute. Furthermore, as Catrien Notermans points out in her chapter in this volume,
people may prize flexibility. The court cases I discuss show people making use of a certain
indeterminacy in relationships, as their own situation changes. Furthermore, new people may enter
the situation, or people who were involved may no longer be present, resulting in fewer shared
understandings and greater opportunities to create new meanings.

Here I find the insights of the new kinship studies very useful. Janet Carsten emphasized
how kinship is “a process of becoming, not a fixed state” consisting of “the many small actions,
exchanges, friendships, and enmities that people themselves create in their everyday lives” (1997, 12
and 23). Relatedness is never “a finished reality” (1997, 281) but is instead “an area of life in which
people invest their emotions, their creative energy, and their new imaginings” (2004, 9). Examining
relationships under dispute reveals how the nature of belonging can continue to be negotiated and
the transfer of belonging re-imagined over long periods of time, despite and through shared
understandings.
This chapter examines these points in relation to the movement of children through different households in the southeastern Gold Coast in the 1870s. This time period was one where urban areas on the coast were becoming more prominent as prime commercial centers; export agriculture in palm oil, rubber, and cocoa and commerce was expanding; and the British colonial government was superseding other authorities. As a result of the Basel Mission’s abolishing slave-holding among Christian converts in 1861, Accra slave-holders began discussing the ideology and mechanics of slavery, even though very few were members of the Basel Mission church: “The question of slavery is the current topic among the educated community of this place,” wrote a wealthy cotton exporter in Accra in 1867 (quoted in Parker 2000: 84). Only in 1874 did the British colonial government suddenly and formally outlaw slave dealing within the Gold Coast Colony through the Emancipation Ordinance, stipulating that the children of slaves were born free and allowing slaves to buy their own freedom. Pawning was treated as a form of slavery by colonial officials, but both slavery and pawning cases were dealt with inconsistently and ambivalently in colonial courts (Dumett and Johnson 1988). As a result, in the 1870s and 1880s, many cases involving slavery and pawning were brought to the colonial courts in Accra, constituting a set of characteristic “trouble cases” or “a body of disputes that clustered around specific fault lines of social and economic change” (Roberts 2005, 2). Some people tried to rescue their slave relatives from bondage, and masters tried to force slaves who had run away to return. Both before and after the Emancipation Ordinance, the colonial courts treated slaves’ bids for freedom with ambivalence, only pushing for it in cases of outright cruelty, because they were worried that banning slavery itself would lead to social and economic unrest, impoverishing a class of merchants on whom trade depended (Haenger 2000, Dumett and Johnson 1988). In my reading, decisions in cases where the slave-dealing or pawn transaction had recently happened were more likely to go against the creditor or slave-owner than in cases in which people had been slaves or pawns for many years. There were
no widespread revolts or rebellions by slaves after the Emancipation Ordinance; rather, slaves re-negotiated their terms of service from a stronger position (Parker 2000, Haenger 2000).

It may seem strange for an anthropologist to write a piece based on historical and archival research. I became interested in the history of fosterage in the southern Gold Coast through my research on contemporary transnational families from Ghana. Like other migrant parents from the Philippines or Honduras (Parreñas 2005, Schmalzbauer 2004), many Ghanaian parents who are living in the United States leave or send their children to stay with sisters and grandmothers in Ghana. Much of the literature on transnational families treats fosterage as something new for these families, but from my previous ethnographic fieldwork in Ghana and the prevalence of fosterage in the community where I worked, this seemed not to be so for Ghanaian families. I became interested in how fosterage changed over time, as people in contemporary transnational families used repertoires of parenting developed during an earlier period of migration in the early twentieth century.

Drawing on records from court cases in the 1870s in Accra, I argue that people associated different kinds of belonging with relationships of fosterage and pawning. In particular, these relationships conferred different rights in controlling a child’s residence, accessing his or her labour, and transferring those rights to a third party. However, the nature of belonging could be contested because these relationships looked similar on a day-to-day level in terms of living arrangements, were used as euphemisms for one other, and could generate a sense of belonging in an emotional sense. Furthermore, extensions of money or credit took place alongside the movement of a child, signaling the multi-faceted nature of adult alliances. In part due to negotiations over the nature of belonging, the kind of belonging associated with these relationships changed over time.
Courts in the Gold Coast in the 1870s

As was the case elsewhere in colonial Africa, there were multiple court systems operating simultaneously, both British courts drawing on English common law and chiefly courts using ‘customary law.’ Each chief had his own tribunal, and there were often disputes over who had jurisdiction over a case. Both chiefs and the colonial government used court fees to raise money. In chiefly courts, cases were decided before a local chief and his elders who regularly heard cases that could not be resolved by a lineage head, the first line of recourse for many disputes. The record of previous decisions was in the memories of the participants, and the language of the court was the local language. In the colonial courts, cases were heard before the Commandant or a person delegated by him to be magistrate, and there were detailed records of court proceedings, including questioning of witnesses. However, because the verbal exchange was usually in local languages and the written account is in English, the written account is an approximation or summary of what was a discussion in Ga (the language of Accra and its environs), Fante, or Twi languages. Accra and Cape Coast had the best judicial records (Gocking 1991), and I draw on the Accra files extensively for this paper, particularly court transcripts at the High Commandant’s Court in Accra (1866-1902).

Because of the extent of the summation of witnesses’ reports, one can gain some sense of how people negotiated the terms of belonging in court.

Situations that came to court were those of conflict, in which people had differing interests and conceptions of what ought to be. Courts were part of a process of contestation, some of which is visible to us and some of which is not. What is missing from court records are conflicts that never made it to court due to practical matters such as the cost or difficulty of traveling and getting witnesses to the court. It is evident from the Gold Coast archival records that those who lived closest to the colonial courts and were more wealthy were most likely to use them, particularly in the
earliest period. Some hired lawyers to represent them, increasing the cost of bringing a case to court.

The Gold Coast of the 1870s was characterized by ‘a highly competitive free market in judicial service, with litigants moving freely between different African and European courts in order to secure a successful outcome to a particular dispute’ (Parker 2000: 85). Litigants would use one court to appeal the judgment of another (Parker 2000). Furthermore, sometimes chiefs were called in as experts on ‘customary law’ to the Commandant’s court. Gocking (1997) has called this ‘two-tier, linked judicial system’ ‘flexible and adaptive’ in which the two systems affected one another over time (64, 63). As legal anthropologists and historians have argued, rather than opposing these two court systems—‘colonial’ and ‘traditional’—they should be understood in relation to one another as a set of resources that people drew upon to resolve conflicts (Griffiths 1997, Roberts and Mann 1991). Although it is tempting to think of the court system as fixing and making static fluid and flexible ways of imagining belonging and relatedness, we should resist that temptation, but rather see the courts as one element in a range of strategies that people were using to negotiate the terms of belonging.

Disputes over Belonging

I turn now to three court cases, which hinge directly on the nature of a person’s belonging to others, which come from the Civil Commandant’s Court in Ussher Town, Accra in the early 1870s and were ruled on by various people appointed as magistrates or the Commandant himself. All three court cases occurred before the formal abolition of slave trading in 1874, at a time when the court only recognized ‘domestic slavery’ as an issue in situations of ‘1mal treatment or cruelty in which case the slave will be manumitted,’ as the court ruled in another case in 1869 (2Arkee Barkalle vs. Ngorbee, 16 November 1869, 3SCT 2/4/7).
In the first case, Tawiah brought Johanna to court for pawning Tawiah’s daughter, Abbah (Tawiah vs. Johanna, 2 Aug. 1871, SCT 2/4/8). The court case begins with Tawiah’s testimony. “Tawiah states about four months ago, I gave my daughter to Johanna to teach her to work.” In Goody’s terms, this would seem to be a fostering relationship in which the parental responsibility of training Abbah was delegated to another woman outside of the family. What I want to highlight from this limited testimony, but substantiated by other court cases as well as more contemporary interviews and conversations, is that there is no emic term for what anthropologists call ‘fosterage,’ speaking, I believe, to the fact that was an unmarked, and unremarked upon, aspect of daily life.

We do not know from the court records why Tawiah decided that Johanna would be a good person to teach Abbah to work. While I hesitate to extrapolate from the present into the past, I will note that contemporary reasons given for placing a young person with another woman for training are either that the child can learn from an adult with a particular skill or business, or that the child might become a more disciplined person from living with someone not swayed by affection for the young person (Coe 2008; see also Bledsoe 1990 and Renne 2005). Contemporary ideology considers training to be a parental responsibility in the sense that a parent ensures it is provided, but the training itself is usually delegated to another institution (school) or person (skilled craftsperson). Regardless of the reasons why Johanna was chosen to teach Abbah or why Abbah needed training, Tawiah said that her intention in giving Abbah to Johanna was so that she would learn from her.

Tawiah continued her testimony, explaining the reason for the dispute: ‘She [Johanna] pawned my daughter and I knew nothing about it.’ Note that there are two aspects to this complaint: one is that Johanna pawned Tawiah’s daughter to a third party; the second is that Johanna did not seek Tawiah’s permission prior to doing so. Tawiah argued, implicitly, that her reason for giving her daughter to Johanna—to teach her to work—did not give Johanna the right to
pawn Abbah to a third party, without her permission. Thus, Tawiah argued, some aspects of Abbah’s belonging had been transferred to Johanna, although she did not specify which aspects. I assume that at minimum Johanna was able to control Abbah’s daily labour and that Abbah moved in to live with Johanna, an assumption I make because Tawiah only got to know of the pawning after it happened. Johanna probably also disciplined Abbah and gave her food. Although Johanna was no doubt doing what Tawiah had previously done when Abbah had lived with her, calling this a transfer or delegation of parenthood seems an overstatement. Other kinds of belonging had not been transferred by giving Abbah to Johanna, Tawiah argued, including the right to transfer Abbah’s belonging to others. This illustrates Alber’s point that belonging can be plural, of many different kinds. Abbah belonged, in some ways, to both Tawiah and Johanna, but in different ways.

In her defense, Johanna claimed another definition of the relationship which gave her a greater degree of rights in Abbah’s belonging. The summary of her statement in the court record was, ‘I pawned this girl for twelve heads [of cowries] as I wanted the money. The mother of the girl owed me three heads.’ Through her statement, Johanna suggested that she had the right to pawn Tawiah’s daughter Abbah because of a loan she had given Tawiah. I should note that both these sums—three heads and twelve heads of cowries—are low for child pawns. In twelve other court cases involving pawning in the five years prior to the Emancipation Ordinance of November 1874, the mean loan for a pawn, not counting interest, was 44 heads of cowries, although there was great variation (the range was 6-170 heads). Although the debt was much less than the going rate for a child pawn, Johanna seemed to be arguing that because of Tawiah’s debt, Abbah was, in essence, her pawn, and she could transfer Abbah to another person in exchange for a loan in her own time of need. Based on data from Asante in 1874 and 1905, even had Abbah been Johanna’s pawn, she did not have the right to re-pawn Abbah—to transfer her belonging—without informing Tawiah and giving her an opportunity to first redeem Abbah (Austin 2005: 144).
Another case in the same year involved a woman pawning a child to another woman: a woman, Abrocoo, pawned a man’s daughter to another woman, Korley, to whom Abrocoo owed money. ‘Korley testifies, I did receive Addaman’s daughter in pawn from a woman called Abrocoo for a debt she owed me.’ How the first woman, Abrocoo, came into possession of the man’s daughter was not part of the court record. Korley had first summoned Addaman to a chiefly tribunal to force him to redeem his daughter and repay her loan, but later returned the girl to her father, and so the case was dismissed by the colonial court (Addaman of James Town, Accra vs. Korley of Ussher Town, Accra, 27 October 1871, SCT 2/4/8). In the case of Tawiah vs. Johanna, on the other hand, the third party was not so willing to return Abbah to Tawiah without having the loan repaid.

The colonial court decided against Johanna and in favor of Tawiah: Tawiah gained custody of her daughter, Johanna was fined twice what she was paid during the pawning transaction, and the third party to whom Johanna had pawned Abbah could bring Johanna to court for the twelve cowries she had exchanged for Abbah, who had now been taken away from her. Although the court’s judgment is somewhat surprising given their usual desire to honor economic transactions made according to local understandings, except in cases where cruelty could be proven, what interests me here is the argumentation of the two women in the dispute process.

The women presented different definitions of the situation, which implied different rights to Abbah. While their definitions of the situation varied, they did not seem to disagree on the rights that accrued to those definitions of the relationships. In other words, Johanna did not tell the court that she had the right to pawn Abbah because Abbah had been given to her for training purposes. Instead, she proposed a different definition of the situation, in which Tawiah owed her money and she was in need of money, implying that Tawiah refused to or could not pay her back.
Their forms of argumentation imply that there was some shared understanding between Tawiah and Johanna about what kinds of imagined belonging accrued to fosterage and pawning. If these relationships entailed different kinds of belonging to the child attached to them, this raises the question: what made these relationships like one another? If Tawiah and Johanna seemed to share an understanding of what made fosterage and pawning unlike one another, how could they present the same situation differently? In other words, although participants agreed on the difference between these kinds of relationships, in court they proposed an interpretation of the relationship that corresponded to their interests, suggesting that there was some negotiability around these categories.

In both fosterage and pawning relationships, as Esther Goody argued, a child changes residence and labours where he or she lives, but does not lose his or her ties to the birth parent. The foster parent or creditor feeds and clothes the child during the shared period of residence, and also disciplines the child. Pawns had less control over their residence and visits than other young people, in that a pawn running away caused the creditor to pursue the debtor for repayment of the debt or return of the pawn. There is some evidence that while a fostered child could visit back and forth, a pawn would not. Because that legal process was set in motion only by the pawn’s running away, however, on the surface fosterage and pawning would look similar in that a child is living with someone other than his or her mother and, as a member of that household, is contributing to its general welfare.

Furthermore, both kinds of belonging create a relationship not only between the child and the adult with whom he or she stays, but also between the adults involved in the transfer of belonging. Both pawning and fosterage could entail social as well as economic aspects of alliance-making. Pawning was not simply an economic transaction but depended on personal networks between debtors and creditors. Debtors turned to people they knew—sometimes the friend of a
friend—for credit. Pawning required trust on both sides: debtors did not want the creditors to mistreat their children, and creditors needed to trust that the debtor cared enough about the pawn that he or she would redeem the pawn and repay the loan (Falola and Lovejoy 1994). Thus, in contrast to slavery, loans secured by a pawn were generally given between people known to one another, hence the wide range in the amount of the loan given for a pawn. Fostering could also have aspects of patronage, both social and economic, as argued in ‘the French tradition’ (Lallemand 1993, Etienne 1979; see also Bledsoe 1990). One interpretation of the dispute is that Tawiah had received a small loan from Johanna—although perhaps not at the time that she gave Abbah to Johanna, but subsequently or prior to Abbah’s transfer. She could have been in Johanna’s debt for the same reasons that she asked Johanna to train her child: hypothetically, because of Johanna’s social and economic standing in relation to Tawiah, and because they were involved in economic exchanges together (as fellow traders, for example).

For Esther Goody, the similarity between fosterage and pawning was that a parent’s responsibilities for training, rearing, and sponsorship could be transferred to another person. In contrast, in this case and in two others that I will describe more briefly below, what makes fosterage and pawning similar to one another is that a child lives with and works for a non-relative and that they create an economic and social relationship between a birth parent and the sponsor of the child. This does not seem like a transfer of parenthood. Rather, parenthood exists alongside the kind of imagined belonging associated with fosterage and pawning. The plurality of belonging can easily cause the kind of conflict related above.

Johanna seemed to agree that fosterage was not pawning; it was on the basis of Tawiah’s debt that she could make her claim that she had a right to transfer Abbah’s belonging to a third party. Yet there is a slippery slope between them because of the similarities in the child’s living and labouring situation and the relationship between the adults—to take Tawiah’s view, a fostered child
is in danger of changing status and becoming a pawn. We shall see further slipperiness of categories in the cases below.

*Quamin Yaw vs. Mansah and Adooquaye Lydia vs. Lum Yoccor, 1873*

In two other, more detailed court cases from 1873, a third form of belonging—slavery—is brought to bear in the dispute, as a potential interpretation of the situation. Slavery entails even greater rights for the master than pawning, in which the child’s legal belonging is completely transferred from his or her lineage to the owner, and the master can transfer the belonging to another person with greater impunity. Through slavery, ‘the individual, usually a child, would now be totally at the disposal of the recipient lineage, to which he would ‘belong,’ and which could do with him as it wished, just as it could with those born in the group’ (Miers and Kopytoff 1977: 10). This kind of belonging was inherited, in that the belonging of a slave’s children could also be transferred. Pawns, on the other hand, expected to be redeemed by their relatives and did not lose their identity as a member of their family of origin. However, practically, slavery and pawning were not so different in this regard because in the Gold Coast in the 1870s, debtors generally paid high interest (up to fifty per cent) on loans even when guaranteed by a pawn (‘Asante, Mohr and Werner on Slave Emancipation Commission, dd 26 Jun 1875,’ Jenkins 1970; see also 8Quamin Amissah vs. Orbarkoo Ya Yow, 9 November 1969, SCT 2/4/7 and 9William Pappa Feo of Accra vs. Noye of Accra, 13 February 1872, SCT 2/4/8). Thus, while some pawns were redeemed after a few months, the high interest rate generally made it difficult for debtors to reclaim their relatives, and cases existed where pawns had lived with the creditors for many years (twelve years in the case of 10Arkee Barkallee vs. Ngorbee, 16 November 1869, SCT 2/4/7 and nine years in the case 11Edward Repino Pinto of Ningo vs. Appiadjaye of Ningo, 14 February 1872, SCT 2/4/10).
In both the cases discussed here, relatives of the woman or the woman herself claimed that the relationship was that of just living with a distant relation—a relation by marriage and not a member of her lineage—which implied a freedom to come and go. Anthropologists would understand this relationship to be one of fosterage. The distant relation, on the other hand, claimed co-residence based on a debt or a sale. Both situations involve an adult woman whose belonging was transferred much earlier in her life, showing that people could re-negotiate the nature of the belonging over time, as circumstances changed with births and deaths.

In the first case, Quamin Yaw said that his niece—to be precise, his sister’s daughter—Larcoe and her three children had been living with her ‘aunt’ Mansah for the past thirty-eight years, but that Mansah was claiming them all as her ‘slaves’ (Quamin Yaw vs. Mansah, 22 July 1873, SCT 2/4/10). The long back story behind this case, which had gone to court before, was revealed through the testimony of witnesses. One of the defense witnesses testified that Mansah ‘used to be uneasy at being barren so she gave her husband $32 to buy a slave.’ When her husband Akrong returned with a boy child, Mansah was annoyed, saying she had wanted a girl. Her husband responded that someone in the coastal town of Ada was in debt to him through trading, and he went there and returned with Larcoe, thus implying that she was his debt pawn, given to him in lieu of repayment of the debt. The witness said, perhaps in response to a question from the court, that at the time Larcoe was pawned she could not yet walk (that is, she was a baby) and ‘it is not usual to put a baby in pawn.’ Most pawns were older because they were more useful for their labor, but in this case, it seems that Mansah hoped to raise Larcoe as her daughter, essentially to adopt her, and perhaps this is why she wanted to purchase a young child, who would not only lose her legal identity as a member of her lineage but would also feel emotionally connected to Mansah.

In the court case in 1873, Larcoe’s maternal uncle and Mansah argued about what kind of belonging best defined that between Larcoe and Mansah. Quamin Yaw, her uncle, claimed
strenuously that the relationship was one of fosterage. He said that Larcoe was living with Mansah’s husband Akrong because Akrong had been married to Larcoe’s aunt in addition to his marriage to Mansah: ‘13Larcoe was delivered to Akrong because he was married to her aunt,’ and ‘14I never made any claim [on Larcoe to return home] as Akrong was my brother-in-law.’ Because Akrong was a relation by marriage, according to Quamin Yaw, it was of no concern that Larcoe was living with him. Or, in the words of the Taki Tawia, the Ga Mantse or ‘King of Accra’ as understood by colonial officials, reporting on the prior court case that had come before his tribunal, ‘15He [Quamin Yaw] gave as his reason for not making any claim that as she was living with her aunt, he did not mind.’ Quamin Yaw also said, ‘16I never received any money on account of Larcoe, nor did either my sisters,’ and that he was traveling when Akrong took Larcoe. However, he did admit that he and Larcoe’s mother had been trading with Akrong, and a man whom he had delegated to deliver goods to Akrong had not done so but run away with them. He thus highlighted fostering-with-a-brother-in-law as the dominant relationship, with the debt incurred through a trading relationship a secondary and minor matter. Quamin Yaw, as Larcoe’s maternal uncle, was functioning as a representative of her lineage in making a claim on her belonging.

For others in the court case, the money loomed larger in definition of the relationship, and the relevant question was whether Larcoe was a pawn or a slave, and whose money—Akrong’s or Mansah’s—was used in the transaction. Husbands’ and wives’ properties are kept separate from one another, and go to their families on their deaths. Thirteen or so years after Larcoe arrived in Mansah’s household, Akrong was killed in a Danish expedition near Keta, in the now Volta Region. When his relatives inherited his property, they sold Larcoe, thus treating her as Akrong’s slave and her belonging as transferred to them in the inheritance. Mansah brought Akrong’s relatives to the Ga Mantse’s court. There, Mansah argued successfully that Larcoe was her pawn; as a result, Larcoe could not be sold by her husband’s family. The Ga Mantse remembered his previous ruling when
reporting to the colonial court in 1873, saying, ‘There is no law in the family by which a person pawned can become a slave after a certain time.’ Yet, questioned by the court, he agreed that there was no evidence to support either the case for pawning or for slavery, as it was one person’s word against another’s.

Instead, the Ga Mantse seemed to base his decision against fostering on the fact that there was not much of a relationship between Quamin Yaw and Larcoe: ‘I asked the Plaintiff [Quamin Yaw] how it was that such a long time elapsed without making any claim. Larcoe was also asked if she ever visited her family. She said no.’ As a result of these answers, he ruled in Mansah’s favor, that Larcoe was her pawn. He seemed to assume that if Larcoe had been fostered, she would have had a chance to visit her family.

As in the case of Tawiah vs. Johanna, the participants seemed to agree about the non-convertibility between the states of slavery, debt pawning, and living with one’s ‘aunt’—the wife of one’s uncle by marriage—despite the slippage between these categories in practice. These states implied different rights in the person—who was then a middle-aged woman who had three children of her own—and thus to whom she and her children belonged. Because of the evidence of the various witnesses, the Ga Mantse’s testimony, and the previous rulings of his chiefly tribunal, the colonial court, after much deliberation, agreed with Mansah’s definition of the situation—that Larcoe was her debt pawn and that her lineage—in the person of Larcoe’s maternal uncle Quamin Yaw—had little claim to control the residence of her and her children unless they could repay the debt.

In the same year, there was another case about whether the relationship between two women, relations to one another, was that of living with a foster parent or debt pawning (Adooquaye Lydia of Accra vs. Lum Yoccor of Accra, 11 Feb. 1873, SCT 2/4/10). Lydia Adooquaye brought Lum Yoccor to court, to either give her service or redeem herself. Lydia
Adooquaye testified that Lum Yoccor’s father had pawned her for 170 heads of cowries twenty-four years ago. Lum Yoccor told a different story: her father had gone to Sierra Leone and married there, returning to Accra with his wife. On his return, her father’s niece, Lydia Adooquaye, asked Yoccor Lum’s father for ‘one of his children to stop with her,’ and out of his children, Lum Yoccor was chosen. This language of stopping or staying suggests fosterage. A previous case of this family had been heard before the chief of Jamestown, who testified before the court that Lum Yoccor’s father owed Lydia Adooquaye 140 heads and he had ruled that Yoccor should stay with her as a pawn until his father could repay his debts. When Lum Yoccor’s father died, Lum Yoccor reported that Lydia Adooquaye told her that she was her slave and asked for repayment of a loan from Lum Yoccor’s mother. Lum Yoccor reported to the colonial court, ‘I told my mother, I am not responsible for my father’s debts.’ She added that her father had no right to pawn her as he was not a member of her lineage. Only if her mother had been her father’s slave would he have had that right, and she said her mother had accompanied her father to the Gold Coast as his ‘sweetheart,’ not his slave.

However, as a stranger living with her husband far from her family in Sierra Leone, the mother may well have had fewer enforceable rights against her husband’s claims to their children, since her lineage members were far away and could not protect her children. Although a previous case before Governor Ussher had been decided in Lydia Adooquaye’s favor—that Lum Yoccor should reimburse Lydia Adooquaye for her father’s debts or ‘stop [stay] with her’—the Civil Commandant decided to dismiss the case, and that Lydia Adooquaye could not claim Lum Yoccor’s services.

In these two custody cases, the relationship of pawning/fosterage is between women but the court case is prompted by the death of a man whose role as a creditor or debtor needed to be investigated. The sense of shared understanding about the situation may be more fragile because one of the parties involved in the transfer was no longer able to negotiate on his own behalf. This suggests that the death of someone allows for the possible definition or re-negotiation of a
relationship that looks the same in terms of the everyday practices of co-residence, household service, food sharing, and discipline. It is also possible that the question of the nature of a person’s belonging can remain fluid until a major event like a death or the transfer of a child to a new household.

Changes in Belonging

Disputes were situations in which participants thought about definitions of reality, and what fit commonsensical categories of imagined belonging and what did not. They served as times when the differences between these kinds of belonging could be re-affirmed, as in the Ga Mantse’s statement that a pawn did not become a slave, but also where the distinctions between the categories seemed to grow fuzzy, since they could all be used to define a particular relationship. What these practices meant in relation to one another was argued out in ongoing conversations and arguments, some of which were made public in the courts.

Over time, the constellation of these relationships—how these relationships were defined in relation to one another—shifted. In the early twentieth century, pawning moved away from fosterage and became increasingly associated with wage labor (the debt became wages), marriage (the debt became marriage payments), and fatherhood (the debt became care) (Allman and Tashjian, Coe 2012). These changes are part of long-term changes in children’s belonging in West Africa, in which pawning and slavery seem to have both disappeared and been re-invigorated under these adjacent relationships. In Nicolas Argenti’s view from the Cameroon Grasslands (2010), slavery seems to be reborn under the sign of fosterage, as rural children go to live with distant urban relatives or non-kin as house servants, relations which are often exploitative. Elisha Renne (2005) notes that among the Yoruba in southwestern Nigeria, even though fosterage is still common, fosterage, whether among kin or non-kin, is increasingly being recast in social memory as akin to slavery, as a practice where
children are treated inhumanely, in contradistinction to parenting. Thus, fosterage seems to have taken on some of the meaning of slavery and pawning that have conceptually disappeared.

In Akuapem in southeastern Ghana today, where I have done my research since 1998, slavery and pawning are, as among the Yoruba, associated with the dishonorable past and not considered relevant descriptions for relationships in the present. However, only one person with whom I spoke felt that there was an association between slavery and fosterage, and used slavery to refer exclusively to fosterage with non-kin, a form of fosterage associated with housemaids. As among the Yoruba, fosterage is becoming increasingly marked in distinction to parents raising their own children, with fosterage increasingly criticized. The distinctions between parenthood and fosterage seem to be the kinds of imagined belonging under dispute in Akuapem today, in distinction to those between fosterage, pawning, and slavery that I have described from Accra in the 1870s. Thus, the relationships considered adjacent or contiguous—the relationships defined by their similarity and differences to one another—have shifted, pointing to changes in how belonging is imagined.

Conclusion

In examining disputes over transfers of imagined belonging from Accra in the 1870s, I have made three arguments. As Alber suggests, belonging is plural—in the sense that it can be held by different people as well as entail different kinds of relationships. The plurality of belonging makes it ripe for conflict and being shaped according to people’s singular interests.

Parenthood is not transferred in fosterage or pawning. Although parents may be the actors who engage in the transfer, they are not necessarily transferring the kind of belonging associated with parenthood. In particular, they are not necessarily transferring the right to transfer a child’s belonging to someone else. Instead, different kinds of belonging exist alongside one another, as
contiguous or adjacent relationships. These relationships may be mis-understood or mis-represented for one another, as people act according to their interests, revealing the slipperiness and similarities between these categories even as people affirm the distinctions. In Accra in the 1870s, fosterage, slavery, and pawning looked similar in many aspects, in which a girl gave service to the woman (non-kin or distant kin) with whom she was living, and in which debts accrued between the people associated with her (whether parents or lineage members) and the woman with whom she stayed. However, in these disputes, people affirmed that fosterage, pawning, and slavery were different, and that fosterage gave far fewer rights to the woman with whom a young person stayed than did pawning and slavery, particularly in terms of the rights to transfer her belonging to someone else.

Disputes highlight how the actors involved had different interests and presented different imaginings of a person’s belonging. The last two cases in particular show how negotiations can take place over a long period of time, raising questions about the degree of shared understanding. It seems that only when an event occurred that involved the re-negotiation of relationships—as when someone died or a child ran away—did people contest the terms of that belonging through the various courts, showing in their claims the instability and messiness of these cultural categories. The similarities between slavery, pawning, and fosterage from the outside meant that despite their conceptual differences, the determination of actual belonging could be argued in court, attesting to the flexibility of belonging in West African contexts. Furthermore, because there were many different courts, and kinds of courts available in Accra, actors clearly shopped around at the different courts, seeking a favorable understanding of the kind of belonging which pertained.

One might expect that these categories of social belonging might merge or become more similar under time. There is some evidence that this has happened in other parts of West Africa. Argenti (2010) has argued that memories of slavery remain alive because of children’s experiences of
contemporary fosterage in which they are exploited as housemaids, and Renne (2005) shows how people in Ekiti, Nigeria no longer distinguish between pawnning and slavery, and between fosterage and slavery. However, in Akuapem, the area of Ghana that I know best, slavery, pawnning, and fosterage remain conceptually distinct, with slavery and pawnning no longer relevant categories with which to think about social relations. Instead, it is the adjacency of fosterage to parenthood which now makes children’s belonging fraught, signalling how belonging has changed over time due to people’s negotiations of what it means.
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_Notes_
1However, Goody (1982) also said that debt fosterage was closer to the modern institution of the housemaid than to fostering.

2There are some summations of cases heard by chiefly tribunals from the 1860s in Akuapem, in the Basel Mission Archives.

3This point is illustrated by a court case from Berekuso in 1907 where a woman pawned her son to her niece’s husband, a man whom her son had helped on his farm before. ‘I used to farm for the accused,’ the son told the court, and he continued to do so as a pawn. However, ‘formerly accused used to let me visit my mother but this time accused did not allow me to do so, because my mother pawned me’ (Rex vs. Osaku, 15 January 1907, SCT 2/5/16).

4Despite high interest rates, one debtor was able to redeem his grand-daughter after four months (Queen by Iyee Coffee vs. Takee Ammah of Akropong, 28 Mar. 1870, SCT 2/4/7).

5This case seemed to have been prompted by a court case two weeks before in which Mansah successfully argued that Larcoe was her slave, taking her and her children back from the father of two of her children.

6This case disrupts Jack Goody’s distinction between fostering and adopting societies; as Lallemand (1993) suggests, adoption and fosterage can co-exist.

7Gareth Austin (2005) similarly shows slippage between categories in a case in which a pawned man in Asante was later claimed to have been sold (144).