

## “Insufficiently Cruel” or “Simply Inefficient”? Discipline, Punishment and Reform in the Gold Coast Prison System, c. 1850-1957.

*‘The chief object of the Gold Coast Prisons today is reform rather than punishment’.*<sup>1</sup>

-Governor Guggisberg, 1927.

*‘My experience of fourteen months in prison convinced me moreover, that in a very short time prisoners lose all their individualism and personality...[and] are so unequipped to meet the outside world that it is little wonder that they hanker for the misery and boredom of their prison cell, a protective shelter for their lost and shattered souls’.*<sup>2</sup>

-Kwame Nkrumah, 1957.

Although they formed a key component of the coercive networks of colonial state, prisons – and penalty more widely – have only recently emerged as topics of interest in imperial histories.<sup>3</sup> Criminal justice and penal practices across British Africa were characterized by a focus on didactic deterrence and the maintenance of law and order.<sup>4</sup> Historians have generally agreed that colonial prisons differed from the Western penitentiary model in their conscious strategy to constrain bodies rather than discipline minds: these were punitive rather than panoptic institutions.<sup>5</sup> In Florence Bernault’s field-defining work on African imprisonment, she argues that colonial prisons became experiments in hybridity, moulding Western penal models onto African environments. Prisons were ‘tools of social disorder than civil discipline’, geared towards the establishment of colonial control and racial hierarchy, routinizing economic and political coercion.<sup>6</sup> However, whilst existing studies of prisons in Africa have been largely empirical and focused on prisons as a mechanisms of racial and economic coercion this

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<sup>1</sup> Frederick G. Guggisberg, *The Gold Coast: A Review of the Events of 1920-1926 and the Prospects of 1927-28* (Accra: Government Printer, 1927), p. 310.

<sup>2</sup> K. Nkrumah, *The Autobiography of Kwame Nkrumah* (London: Thomas Nelson & Sons, 1957), p.132.

<sup>3</sup> See T. Sherman, ‘The Tensions of Colonial Punishment: Perspectives on Recent Developments in the Study of Coercive Networks in Asia, Africa and the Caribbean’, *History Compass*, 7.3 (2009), 659-77.

<sup>4</sup> See David Killingray, ‘Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa’, in Florence Bernault (ed.), *Enfermement, Prison et Châtiments en Afrique: du 19e siècle à Nos Jours* (Paris: Karthala, 1999), 181-204.

<sup>5</sup> Bernault, ‘De l’Afrique ouverte à l’Afrique fermée: comprendre l’histoire des reclusions continentales’ in Bernault (ed.), *Enfermement, Prison et Châtiments*, pp. 15-64; Daniel Branch, ‘Imprisonment and Colonialism in Kenya, c.1930-52: Escaping the Colonial Archipelago’, *International Journal of African Historical Studies*, 38.2 (2005), 239-266; Stacey Hynd, ‘Law, Violence and Penal Reform: State Responses to Crime and Disorder in Colonial Malawi, c.1900-59’, *Journal of Southern African Studies*, 37.3 (2011), 431-47.

<sup>6</sup> Florence Bernault, ‘Shadow of Rule: Colonial Power and Modern Punishment in Africa’, in Frank Dikötter and Ian Brown (eds.), *Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America* (Ithaca: Cornell University Press, 2007), pp. 55-94.

chapter will argue that the figuration of imprisonment in the Gold Coast was also a result of dialogical tensions between ‘civilization’ and ‘violence’ within colonial and imperial governance, and that to fully understand the tensions which shaped punishment historians need to consider the interconnections between penal, political and moral economies of empire in Africa at local, colonial and imperial levels. A political economy analysis of colonial punishment alone does not fully explain the development of colonial prisons: the cultural and discursive norms which shaped penal policy must also be considered. Certainly, although the reports of individual colonial governments concentrate on committals and costs, the gaze of the imperial archive is also focused on the image conveyed by practices of imprisonment in Africa.

During the early stages of conquest and pacification across nineteenth and twentieth century Africa imperialism was marked by the idea of a ‘civilizing mission’ that tied Africa’s integration into a global capitalist economy with the liberation of the continent from its ‘primitive’ status.<sup>7</sup> This period saw the importation of imprisonment from England as a punitive but also modernizing measure, and the mobilization of prison labour to develop colonial economic and political infrastructure. In the inter-war years however, the apparent failure of the ‘civilizing mission’ led to the adoption of a policy of indirect rule through which Africa was to develop under British guidance, and African cultures were to be protected from the degenerative effects of too rapid social change and exposure to Western, urbanized cultures.<sup>8</sup> The inter-war years were therefore marked by an unresolved tension between colonial efforts to modernize, capitalize and industrialize Africa, and the fear that such efforts would ‘detribalize’ African communities, destroying social stability and culture, as well as endangering the colonial project. These tensions were replicated within prisons in the competing imperatives to ‘control’, ‘reform’ and ‘punish’ African convicts. By the late 1930s, and particularly after 1945, the emergence of anti-colonialism, African nationalism and the welfare state in Britain pushed the British Empire into a new welfarist, interventionist, developmental model of colonialism in order to justify its continued rule.<sup>9</sup> At this point, new technologies of rule and an increasingly universalist colonial penal model emerged, which stressed the need to reform offenders rather than punish them, and called for the widespread introduction of industrial training and education in prisons to create modern, economically productive and disciplined colonial subjects. This however proved more difficult to enact than London had anticipated. There was frequently a disconnect between the rhetoric of imperial reform and the reality of continued coercion and exploitation on the ground, particularly as colonial control came under threat from nationalist agitation and rising crime rates.

In the Gold Coast more specifically, a longer history of colonialism exposed the colony to a wide range of imperial influences, from the punitive early nineteenth century uses of penal labour and the ‘cat o’ nine tails’, to late nineteenth century reforms, the

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<sup>7</sup> Megan Vaughan, ‘Africa and the Birth of the Modern World’, *Transactions of the Royal Historical Society* 16 (2006), 143-62.

<sup>8</sup> Frederick Lugard, *The Dual Mandate in British Tropical Africa* (Edinburgh: W. Blackwood & Sons, 1923).

<sup>9</sup> See Frederick Cooper, *Decolonization and African Society: The Labour Question in French and British Africa* (Cambridge, 1996).

economic mobilization of convict labour during the high of imperialism in the early twentieth century, before the modernization and Africanization of prisons as the Gold Coast became the first black African colony to transition towards independence in 1957. Discourses and practices of surrounding the translation of British models of imprisonment into the Gold Coast were indelibly marked by the perceived need to both ‘control’ and ‘civilize’ the local population, leading the aims of imprisonment to be more political than penal, with a focus on punishment/severity, productivity/efficiency and reform/welfare. Imprisonment will here be investigated as a lens on the tensions permeating colonial states and societies from an imperial to a local level: between the universalist policies of the Colonial Office in London and the particularist practices of colonial governments; between reformist and retributive tendencies within penal systems, and between African and colonial conceptions of crime and punishment. This chapter will draw on archival records from London and Accra to investigate how metropolitan cultures of imprisonment were translated in the colony. These developments will be contextualized against the socio-legal background of shifting conceptions of race, deviance and crime in the colony.

There is limited historical evidence available on patterns of punishment in the pre-colonial period. The lands that became the Gold Coast have a long history of transnational contact from regional migration, trading and multiple imperialisms, leading to cosmopolitan legal cultures.<sup>10</sup> Many local African systems of justice were primarily based on restitutive principles, with a focus on compensation and reconciliation between parties rather than the punishment of an individual offender by the state. Control over people, not space, was key and consequently judicial strategies did not prioritize spatial confinement.<sup>11</sup> Social isolation through enslavement, spiritual sanctions and physical punishment, including pinioning, mutilation and execution, instead dominated methods of punishing serious offences.<sup>12</sup> However as the Gold Coast became a central node in the transatlantic slave trade, there emerged a regional history of physical confinement and detention for economic, if not judicial, purposes as slaves were held in fort dungeons before being transported.<sup>13</sup> The development of criminal justice and imprisonment in the British Gold Coast was intermittent. In the early 1780s, with America’s independence cutting off previous routes for transportation, Britain sent a small number of convicts from England to the Gold Coast and Senegambia as soldiers and agricultural labourers to establish a British presence, highlighting the political function of colonial penalty from the outset. The failure of these settlements however, with gross immorality and crime in convict-staffed forts, led to public scandal and the collapse of this venture.<sup>14</sup> With the expansion of British imperialism in the nineteenth century, legal and penal systems in British West Africa were directly imported from the metropole and then adapted to local conditions through pragmatism rather than ideological commitment to the ‘majesty’ of British law or penal modernity. In the aftermath of the abolition of the slave trade, from

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<sup>10</sup> Roger Gocking, *The History of Ghana* (Westport: Greenwood Press, 2005).

<sup>11</sup> Bernault, ‘Shadow of Rule’, p. 56.

<sup>12</sup> See J. E. Casely-Hayford, *Gold Coast Native Constitutions* (Frank Cass & Co., [1903]1970); R. S. Rattray, *Ashanti Law and Constitution* (Oxford: Clarendon Press, 1929).

<sup>13</sup> Paul E. Lovejoy, *Transformations in Slavery: A History of Slavery in Africa*, 2 edn. (Cambridge: Cambridge University Press, 2000).

<sup>14</sup> Emma Christopher, *A Merciless Place: The Lost Story of Britain’s Convict Disaster in Africa* (Oxford, OUP, 2011).

1828 to 1842 British rule centred on coastal trade forts governed by a Committee of Merchants who aimed to promote the growth of 'legitimate trade' in the region.<sup>15</sup> The slave dungeons of coastal forts at Accra, Elmina and Cape Coast were transformed into gaol cells filled with inmates, who were often held in chains. These prisons however were largely custodial affairs, and many inmates were incarcerated for debt rather than criminal offences: flogging and fines were preferred as methods of punishment and discipline.<sup>16</sup> With the re-establishment of formal imperial control in 1843, the implementation of English common law was formalized in the Bond of 1844 between Britain and the 'Protected Tribes', which established that 'murders, robberies and other crimes and offences [should] be tried and inquired of before the Queen's judicial officers and the chiefs of the district'. British officials had jurisdiction in and around the forts and gradually took over the punishment of offenders from local chiefs, whom it was feared were using convicted criminals as human sacrifices to bolster their ritual authority.<sup>17</sup> Prisons thus became a marker of the 'civilization' and 'modernity' supposedly brought to the Gold Coast by British rule against the 'barbaric' violence of local custom.

As colonial rule became more firmly established in the coastal region, so did its mechanisms of social control, from the Supreme Court to Gold Coast police to the prisons.<sup>18</sup> By the 1860s Colonial Office circulars requested that colonial prisons be placed on the same basis as English gaols: the separate system, a minimum diet, and penal labour.<sup>19</sup> These structures however quickly proved unworkable. Officials presumed solitude to be particularly hard for 'communal' Africans to bear and thus the separate system seemed appropriate to the punishment of African criminals. But as the main available detention sites were communal cells in fort dungeons, it proved impossible 'adequately to make the prisoners feel the want of social intercourse which every prisoner should experience', with inmates working and sleeping together in gangs of four to twenty men.<sup>20</sup> The individualizing nature of the Western penitentiary was almost entirely absent. The 1896 Blue Book noted that Accra, Elmina and the Dutch forts cells had proven 'not suitable for modern prison discipline', but the 'swish' [mud] prisons which emerged upcountry were also built around communal cells and conditions were even less sanitary or secure.<sup>21</sup> The minimum diet was also difficult to translate into an African context: with malnourishment common in many communities, any diet severe enough to be worse than a normal diet outside of the prison was likely to be potentially hazardous to health, and a colonial government which declared itself a 'civilizing' force could not

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<sup>15</sup> D. Kimble, *A Political History of Ghana: The Rise of Gold Coast Nationalism, 1850-1928* (Oxford: Clarendon, 1963), p. 204.

<sup>16</sup> Great Britain, *Report of Her Majesty's Commissioner of Inquiry on the State of the British Settlements of the Gold Coast, at Sierra Leone and the Gambia, 1841*, Parl Papers Session 1842, vol 12, p.15. See R. Rathbone, 'Locking Up or Locking Out?' (unpublished conference paper).

<sup>17</sup> Bond of 1844 cited in J. J. Crooks, *Records Relating to the Gold Coast Settlements from 1750-1874* (1923; reprint, London, 1973), p. 296.

<sup>18</sup> Gold Coast, *A Note on the History of the British Courts in the Gold Coast Colony*, (Accra: Government Printer, [1904]1936); W. H. Gillespie, *The Gold Coast Police, 1844-1938* (Accra: Government Printer, 1955).

<sup>19</sup> See Government of the Gold Coast, *Prisons Ordinance, 1876*.

<sup>20</sup> Government of the Gold Coast, *Annual Report of the Prisons Department 1897*(Accra: HMSO, 1898) [hereafter Prisons Annual Report], Government of the Gold Coast, *Annual Report[s] for the Year Ending 1900-06* (Accra: HMSO, 1901-07) [hereafter Blue Book[s]].

<sup>21</sup> Blue Book 1896.

legitimately allow prisoners under its direct care to suffer such illness, leading to protracted debates over the rations accorded to African prisoners.<sup>22</sup> More broadly, prison diets in Africa were not simply punitive but served to racially categorize convicts, with African, Asian and European prisoners receiving ‘culturally appropriate’ diets. Most significantly however, the third pillar of the separate system, penal labour, ran counter to the economic imperatives of colonialism. In a post-slave trading economy which required the creation of a new capitalistic labour market, local authorities preferred to put Africans into productive labour rather than seeing them toil uselessly on the treadmill, crank or shot drill, highlighting tensions between ‘punishment’ and ‘productivity’. Imprisonment was to be didactic, teaching the value of hard work to ‘lazy’ Africans. The archival record reveals that by the 1850s prisoner chain-gangs were already being deployed to build and maintain roads.<sup>23</sup> In 1902 Acting Superintendent of Prisons Major Kitson combined punitive and productive aims by ordering that Africans should work any hours in any job ‘so long as the work he is doing is objectionable and hard to him’, with convicts working in everything from ‘scavenging’ to sanitation, agriculture and conservancy.<sup>24</sup> Meanwhile, the treadmill and crank drill built at Ussher Fort broke down and were left to rot.

During the scramble for Africa at the turn of the twentieth century, British control of the region expanded with the purchase of the Dutch Gold Coast in 1872 and the annexation of Ashanti and the Northern Territories in 1902-3. Imperial expansion was accompanied by a hardening of racial attitudes, particularly during the era of scientific racism. Colonial law and punishment at this point fulfilled military and political needs to establish control rather than to deter crime. Initial political resistance was met with military force, exile or execution, but once control had been established the focus of penalty shifted to the routinization of colonial hegemony and the production of African subjects.<sup>25</sup> Colonial perceptions of race, ethnicity and African ‘criminality’ shaped the moral and political economies of imprisonment. As legal and bureaucratic authority increased there was a growing increasing numbers of Africans found themselves captured by expanding spaces and categories of colonial criminality. By 1895 approximately half of the 2006 persons in gaol were in penal imprisonment, with only one in six being debtors.<sup>26</sup> Criminalization expanded as the colonial state developed, with rates of penal imprisonment averaging around 1:500 between 1925 and 1955, whilst committal rates were closer to 1:300.<sup>27</sup> The majority of these were short, arbitrary detentions, with between seventy to ninety per cent of inmates annually sentenced to less than six months of imprisonment. Many of these sentences were for petty theft, infringement of colonial bye-laws, or served in default of payment of fines or taxes. Consequently, many Africans were imprisoned for offences they did not recognize as ‘crimes’, morally or within customary law. For colonial states, deviance became a racial trait, encompassing the

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<sup>22</sup> See shifting rations awarded between diets recorded in 1872 and 1876 Blue Books; TNA CO 859/378 Prison Diet 1953.

<sup>23</sup> *Blue Book 1850*.

<sup>24</sup> *Prisons Annual Report 1902*.

<sup>25</sup> See TNA CO 96/362/80 Ashanti Political Prisoners 1902-3; A. Adu Boahen, *Yaa Asantewa and the Asante-British War of 1900-1* (Oxford: James Currey, 2003).

<sup>26</sup> *Blue Book 1895*.

<sup>27</sup> This is in line with other colonies in British Africa, but much higher than England and Wales, where rates were between 1:1100 to 1:2700 in the same period.

entire spectrum of the African population.<sup>28</sup> Gold Coast prisons certainly followed the general colonial model of prioritizing racial segregation within prison walls, with European and Asian prisoners held separately from Africans.<sup>29</sup> But with the Gold Coast lacking a large settler population, racial ordering was perhaps a less significant penal imperative than in colonies like Kenya or Rhodesia. Ethnic stereotypes instead strongly shaped sentencing: whilst colonial courts were more likely to find Ga, Fante and Asante offenders capable of premeditated offences, tribes such as the Dagomba from the Northern Territories were regarded as particularly prone to violence. Lagosians and Nigerians however were regarded by both colonial and Gold Coast Africans to have marked criminal tendencies and were notably overrepresented in prisons.<sup>30</sup> Local discourses of power also shaped structures of imprisonment. African agency in translating imprisonment can be seen in the development by African chiefs of ‘bush prisons’ attached their Native Courts. Chiefs came to view these prisons as a vital adjunct to their power and forced Gold Coast authorities to formalize their existence in the 1910 Native Jurisdiction Bill and Native Prisons Ordinance.<sup>31</sup> These ‘Bush Prisons’ worried prison officials as they were largely unregulated by central authority, and were prone to corruption and poor conditions, but as they provided vital labour for local economies they were retained throughout the colonial period.<sup>32</sup>

Imperial, as well as local colonial, politics shaped the nature of imprisonment and penal reform in the Gold Coast with metropolitan precedent informing not only the initial infrastructure and ethos of prisons, but the impetus for reform. In 1895, the Gladstone Committee on Prisons in England declared that deterrence and reform were to be the joint objectives of prison, and advocated the abolition of the penal reform and the separate system.<sup>33</sup> Although its reforms were not intended for imperial consumption, they were gradually, if fitfully, adopted across British Africa during the 1900-30s. With its established systems of punishments and self-professed status as a model colony, the Gold Coast quickly adopted the rhetoric of modern penal reform in its annual reports, memoranda and new prison regulations in 1922.<sup>34</sup> Implementing such reform in practice however proved a protracted struggle. As in many other fields, there was a distinct discrepancy between official rhetoric and the reality of colonial reform in prison. Reform was limited by institutional inertia and financial constraints, with Prisons Departments were treated as the ‘Cinderella service’ of colonial administrations.<sup>35</sup> Prison administration in the 1900-20s was marked by a lack of any clear philosophy of treatment at a local level, and as such many prisons ‘degenerate[d] into mere caretaking

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<sup>28</sup> Bernault, ‘Shadow of Rule’, p. 65.

<sup>29</sup> Europeans sentenced to long terms of imprisonment were usually transported back to England to serve out their sentence.

<sup>30</sup> Prisons Department Report 1938-9. It may also have been due to Nigerians being less able pay fines, either through poverty or lack of social networks within the Gold Coast.

<sup>31</sup> See J. E. Casely Hayford, *Gold Coast Native Institutions* (Frank Cass & Co.: London, 1970[1903]), p. 274.

<sup>32</sup> Gold Coast, Sessional Paper VIII 1919-20, *Report on the Prison Department and Proposals for its Reorganisation*.

<sup>33</sup> Great Britain, *Report from the Departmental Committee on Prisons*, C. 7702, Parliamentary Papers, 1895.

<sup>34</sup> Government of the Gold Coast, Prison Regulations of 1922.

<sup>35</sup> Hamilton, ‘Crime and Punishment’, p. 13; TNA CO 912/3, Treatment of Offenders Sub-Committee Draft Minutes 21 December 1937, Colonial Penal Advisory Committee Papers Distributed 1937-40.

institutions' which were badly run and underfunded.<sup>36</sup> The 1920 report which initiated the reform and modernization of the prison system in the Gold Coast notably documented 'strange tales....told of the Gold Coast Prisons'; 'is it not true that their gates are commonly opened to visitors by the prison clerk? And what of the escort warder who was sent out in charge of a firewood gang, and having been observed stealing cassava from a farm, returned to gaol, his hands tied with rope, under escort of his own prisoners? Again, was it at Axim or Winnebah that convict prisoner 'Ace of Spades' on being told that his time had come for discharge, remonstrated in this wise [sic] "what for you go sack me"'.<sup>37</sup>

As such tales indicate, although colonial law formally 'criminalized' large numbers of Africans by convicting them of minor offences, local officials often regarded such people as 'primitive', 'deviant' or simply disobedient rather than innately criminal, because many felt Africans lacked the intellectual and cultural sophistication to harbor criminal intent. Governor Nathan had argued to Secretary of State Joseph Chamberlain in 1901 that 'The British Prison System as adopted in Africa had failed as a deterrent for crime, not because it was insufficiently cruel but because the large group of people with but faintly developed criminal instincts were not deterred by the disgrace of prison as they were in England'. Both prisons and colonial categories of 'crime' did not translate easily into African idioms of control and deviance. Administrative reports routinely noted that aside from petty theft and 'homicides during sudden gusts of passion' there was little serious crime.<sup>38</sup> The main categories of criminal offence resulting in imprisonment were larceny, housebreaking, wounding and assault. Many prisoners were migrant labourers from the Northern Territories who had travelled south but been unable to find work and tended 'to offend more from circumstances than innate criminality'.<sup>39</sup> Within judicial and penal administrations there was a certain sympathy for short term inmates, many of whom were incarcerated after failing to pay fines or taxes, and it was generally recognized that imprisonment did such men more harm than good by exposing them to 'moral contagion'. Such sympathy facilitated the adoption of reformist discourse, even if the resources for actual change. It was only in 1920-30s that 'criminal types' emerged in colonial discourses, as part of wider fears concerning detribalization and unemployment in urban environments. Only these 'habitual offenders' or recidivists were regarded as having a criminal mindset, and therefore deserving of firm discipline.<sup>40</sup> With recidivism rates running at over twenty percent by the 1930s, repeat offending was blamed on a growing criminal culture in urban areas, difficulties for ex-convicts in finding employment on discharge, and to the lack of stigma attached to imprisonment among local communities: 'among a very large proportion of inhabitants a term in prison is no disgrace, on discharge a convict is welcomed everywhere by his friends and relations

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<sup>36</sup> ADM 14/15 Sessional Paper VIII Leg Co 1919-20, cited in Seidman, 'Prisons in Ghana', p. 442.

<sup>37</sup> Gold Coast, Sessional Paper VIII 1919-20, *Report on the Prison Department and Proposals for its Reorganisation*.

<sup>38</sup> cited in R. B. Seidman, 'The Ghana Prison System: An Historical Perspective', in A. Milner (ed.), *African Penal Systems* (London: Routledge & K. Paul; 1969), pp. 431-69; GNA ADM 5/1/62 Northern Territories of the Gold Coast Annual Report 1922-3.

<sup>39</sup> Government of the Gold Coast, Prison Regulations of 1922.

<sup>40</sup> Alexander Paterson, *Report on a Visit to the Prisons of Kenya, Uganda, Tanganyika, Zanzibar, Aden and Somaliland* (Moriya: Government Printer, 1944), p. 27.

who regard his imprisonment as a bit of bad luck, consequently he feels no moral obligation to keep out of prison in future'.<sup>41</sup>

The need to transform both the wider prison population and burgeoning 'criminal elements' into colonial subjects drove reformist policies in the inter-war years. The arrival of a new technocratic, reformist governor, F. G. Guggisberg, in 1927 kickstarted local reform in the colony. Governor Guggisberg stated in a 1927 report that '[t]he chief object of the Gold Coast Prisons today is reform rather than punishment...[primarily] through trade training'.<sup>42</sup> The following years' Blue Book report to London asserted that prisons were 'gradually emerging from a system of negative prevention to one of training and reformation'.<sup>43</sup> The major focus on imprisonment was thus ostensibly shifted from punitive deterrence to disciplining and re-socialization through the teaching of a trade to create economically productive citizen-subjects. Although Seidman argues that this shift occurred 'not from any clearly articulated concept of penology but to explain what was being done in fact', it can equally be read as part of a larger re-orientation of colonial penology as officials drew on emerging networks of professional knowledge and metropolitan overview of criminal justice increased in the wake of various scandals.<sup>44</sup> In addition, the effects of the Great Depression and changing ideas of African labour drove reconceptualizations of the form and function of prison labour.<sup>45</sup>

Bernault argues that colonial prisons were not supposed to reclaim and transform individual Africans, but rather to promote the reproduction of the dominant power through racial hierarchy and economic development.<sup>46</sup> The economic determinants of penalty however shifted over time, being most significant during the early colonial period. Courts normatively handed sentences of imprisonment 'with hard labour' but the content of this labour was not specified. Prisoners formed a reserve pool of cheap labour for the Gold Coast government, which was particularly useful during the expansion of colonial rule in 1890-1920s as slave and forced labour decreased: in effect, penal labour became a hidden form of forced labour.<sup>47</sup> In the early nineteenth century, unskilled labour dominated, with 'degrading' sanitation and conservancy work that could not easily be filled with free labour comprising the majority of man-hours, before in later years there was a shift to agricultural production and semi-skilled service labour.<sup>48</sup> Prisoners worked at both the coalface and the ornamental façade of colonialism: the 1902 report noted that prisoners at James Fort Accra were employed at the polo and cricket grounds, the racecourse, Christiansborg gardens and in tending the Governor's yard.<sup>49</sup>

Convict labour proved a crucial financial fillip to early colonial governments striving to meet imperial demands for self-sufficiency and efficiency, with the Prisons

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<sup>41</sup> *Prisons Department Report 1934-5*.

<sup>42</sup> Frederick G. Guggisberg, *The Gold Coast: A Review of the Events of 1920-1926 and the Prospects of 1927-28* (Accra: Government Printer, 1927), p. 310.

<sup>43</sup> Gold Coast, *Blue Book*, 1928-9.

<sup>44</sup> TNA CO 544/90/13, Visit of H. G. Bushe to West Africa: Report, 1932.

<sup>45</sup> See G. St. Orde Browne, *The African Labourer* (Oxford: Oxford University Press, 1933).

<sup>46</sup> Bernault, 'De l'Afrique ouverte', p. 40.

<sup>47</sup> Kwabena O. Akurang-Parry, 'Colonial Forced Labor Policies for Road-Building in Southern Ghana and International Anti-Forced Labor Pressures, 1900-1940', *African Economic History*, 8 (2000), 1-25.

<sup>48</sup> *Prisons Department Report 1935-6*.

<sup>49</sup> Prisons Department Report 1902. Prisoners also routinely provided labour for District Officers. See Laura Boyle, *Diary of A District Officer's Wife* (Oxford: Alden Press, 1968), p. 18.

Commissioner proudly noting that the gross value of labour in 1902 was £8117 against a total cost for the department of £10,215.<sup>50</sup> Penal labour was formally abolished as unworkable and inappropriate in 1907 and officially replaced with the idea of prison labour as a financial asset to the colonial state.<sup>51</sup> As part of this shift to productive labour, industrial training was introduced to create a pool of semi-skilled workers, with convicts being trained as masons, carpenters, tailors, brickmakers and other trades. In the Gold Coast, annual reports noted with pride the growth in prison industry outputs from £413 in 1904 to £2693 in 1908.<sup>52</sup> Commodities production aimed to boost flows of material goods and encourage African 'wants' to draw communities further into the capitalist global economy. Annual prison reports kept careful and detailed records of the number of items produced and the costs-saved to government departments from both prison labour and industries: this could be a significant percentage of the outlay, with a gross revenue of 1929-30 of £32,658 against £50,013 total expenditure.<sup>53</sup> The reformist impact of trade education was however negated by limited training facilities, skills which were inappropriate for local markets – such as book-binding and bootmaking – and by the simple fact that the majority of prisoners were serving sentences which were too short to allow effective training.<sup>54</sup> Agriculture had always been a major occupation for African convict labour. But with inter-war concerns about whether industrial training was appropriate and effective for ordinary Africans, and growing fears about detribalization and criminalization in urban areas, prison agriculture took on new moral and political dimensions. Many senior prisons officials held that rather than being given industrial training, African convicts should be taught modern agricultural methods to make them 'better peasants', reclaiming them from crime through encouraging them to return to their 'natural', rural lifestyles. It is unclear however, how many officials truly believed this, and how many were simply seeking a justification for the lack of reform within their prisons, or looking to use agricultural labour to keep costs down as the Depression told hold of colonial economies and budgets.<sup>55</sup>

The colonial archive of the inter-war years reveals a shift in the colonial and imperial gaze, from a primarily political and economic approach, to an increasingly humanitarian consideration of the nature of imprisonment. Moral economies of reform were strongly shaped by the tension between 'civilization' and the perceived necessity of violence in colonial disciplinary techniques. Prison discipline regulations were copied directly from the English model, but adapted to local conditions for practical and ideological reasons. There was a persistent dichotomy in colonial penalty between the desire for 'harsh' discipline to punish and maintain order, and the desire for a more 'humane', modern disciplinary regime that operated in accordance with metropolitan standards of penalty. According to departmental reports, in 1901 there were 3231 punishments for 482 prisoners (a ratio of 6:1), including 71 floggings, 1416 shot drills, 145 crank drills, and 339 encasements in leg irons. The twentieth century however saw

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<sup>50</sup> *Prisons Report 1902*.

<sup>51</sup> Killingray, 'Punishment to Fit the Crime?', p. 191; Coldham, 'Crime and Punishment in British Colonial Africa', 57-66; Gold Coast, *Prisons Report 1908*.

<sup>52</sup> *Prisons Report 1908*.

<sup>53</sup> *Prisons Report 1929-30*.

<sup>54</sup> Only prisoners serving over six months imprisonment were eligible for trade training. However in 1954-5 it was estimated that 70% of those eligible were released before training was completed.

<sup>55</sup> *Prisons Report 1931-2*.

the emergence of a new ‘imperial humanitarianism’ which drove changing attitudes towards the infliction of pain on the colonized body.<sup>56</sup> In prison discipline this translated into a shift from physical discipline to ‘modern’ disciplinary techniques.<sup>57</sup> In line with metropolitan humanitarian sentiment, crank drills and leg irons were quickly phased out, despite Prison Superintendent Kitson’s protests that discipline was being weakened by ‘the lightness of the present punishments inflicted on half-civilized prisoners’.<sup>58</sup> Shot drills dropped from 1416 in 1902 to 183 in 1903, and ended entirely by 1934. Instead, marks system and the removal of privileges emerged in the inter-war years as key disciplinary tools, including prisoners earnings, visitations, and permission to play warri [boardgame] in cells or listen to wireless broadcasts.<sup>59</sup>

Corporal punishment had long been regarded as particularly appropriate for Africans, both as a ‘indigenous practice’ and as a language of discipline that Africans could understand, with many colonial officials believing that Africans understood pain but lacked the intelligence to respond to psychological means of behavioural change. In colonial penology, physical punishment served to construct and demarcate racial difference, with only non-white colonial subjects flogged.<sup>60</sup> In the Gold Coast whipping and flogging with the ‘cat o’ nine tails’ were incorporated from maritime penal traditions and were frequently used in the nineteenth century as both a judicial penalty and within prison discipline, before corporal punishment declined in the twentieth century.<sup>61</sup> This shift in penal violence can be viewed as part of a wider colonial shift towards restricting – or at least routinizing and sanitizing – the use of corporal punishment, as changing cultural sensibilities and humanitarian pressure made officials increasingly uncomfortable with the infliction of non-essential, direct physical violence by the state on subject African bodies.<sup>62</sup> However, this was no unilinear ‘civilizing process’ and there remained a persistent vein of coercive violence in imprisonment, defying Foucault’s model of a transition away from ‘sovereign’, physical punishment in modern penal regimes.<sup>63</sup> Prisons remained central sites of colonial violence, as evinced by the centralization of executions at Accra, Sekondi, and Tamale, and the enforcement of court-awarded sentences of corporal punishment within prison precincts. Violence was sanitized, bureaucratized and discursively recast, not eradicated. Canings and whippings continued to be widely used for juvenile delinquents and in Native Courts.<sup>64</sup> Even in the post-war welfaristic period, the ‘cat’ remained a significant symbolic marker of colonial power, with over thirty floggings handed down for mutiny, incitement and gross personal violence against warders within prisons in the 1950s, in addition to its use as a court sentence.

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<sup>56</sup> R. Skinner and A. Lester, ‘Humanitarianism and Empire: New Research Agendas’, *Journal of Imperial and Commonwealth History*, 40.5 (2012), 729-47.

<sup>57</sup> M. Foucault, *Surveiller et Punir: Naissance de la Prison* (Paris: Gallimar, 1975).

<sup>58</sup> GNA CSO 15/9/92, Mechanical Means of Restraint in Prison, 1935; *Prisons Report 1903*.

<sup>59</sup> *Prisons Report 1937-8*.

<sup>60</sup> Steven Pierce, ‘Punishment and the Political Body: Flogging and Colonialism in Northern Nigeria’, *Interventions* 3, 2 (2001), 206-21; Bernault, ‘A Shadow of Rule’.

<sup>61</sup> See Judicial Department Reports, Prison Department Reports, Blue Books.

<sup>62</sup> TNA CO 323/1399/3, Penal Reform in the Colonies: Corporal Punishment, 1936-7.

<sup>63</sup> N. Elias, *The Civilizing Process: Sociogenetic and Psychogenetic Investigations* (Oxford: Blackwell, 2000[1939]); Foucault, *Punir et Surveiller*.

<sup>64</sup> GNA CSO 15/1/108, Corporal Punishment Returns 1937-42.

Prison discipline remained contested throughout the colonial period, although rates of punishment dropped to 1:10-15 inmates in 1920-50s. One reason for continued disciplinary issues was the questionable relationship between prisoners and their guards. The poor quality of warder staff had been noted from the nineteenth century, as European warders tended to drink themselves to death upon arriving on the Gold Coast, whilst African warders were prone to ill-discipline and corruption.<sup>65</sup> An investigation into a ‘fracas’ at Kumasi prison in September 1946 among 200 recidivists revealed that key among their complaints was misconduct of the warders and allegations warders were stealing food.<sup>66</sup> Prisoners were often thought to be ‘more intelligent and of a superior class’ than their warders, leading to the inversion of power structures.<sup>67</sup> Micro-relations of power dictated the daily realities of imprisonment. Some convicts were able to effectively establish informal relations with guards which disrupted the hierarchies of power. Warders could be awed by the supernatural powers claimed by some inmates. Max Fohtung, a Chief Warder in the 1940s, told of how one prisoner, Mubanga, used demonstrations of his ‘magic’ – escaping from handcuffs, making padlocks open by themselves, making police guards fall asleep and stealing their guns – to demand extra rations and blankets, £5 in cash, cigarettes, and gin or whisky from his guards.<sup>68</sup> Prisons walls could be porous, in both physical and cultural senses.<sup>69</sup> Escapes were certainly common, particularly from swish prisons and labour gangs, but isolation from society did also not always occur for inmates. Ideas of power and subjecthood from outside could affect prisoners’ experiences, from fears of magic to ideas of rights, dignities and citizenship, as prisoners increasingly began to collectively protest about their treatment in the late-colonial era, mirroring protests in the streets outside.<sup>70</sup>

The Second World War forced the rejustification of Britain’s empire in the face of global calls for self-determination and domestic needs to harness the economic potential of colonies, propelling a move towards a new ‘welfaristic’, developmental model of colonialism.<sup>71</sup> In legal and penal arenas this translated into increased imperial influence on penal policy, particularly with the establishment of the Colonial Office’s Advisory Committee on the Treatment of Offenders, which espoused a universal reformist model for colonial penalty and drew extensively on metropolitan penal models and expertise, counting Margery Fry and Alexander Patterson as key consultants.<sup>72</sup> Like many countries, the Gold Coast experienced a sharp post-war crime boom.<sup>73</sup> Previous fears of

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<sup>65</sup> Annual Report of 1902; GNA, ADM 1/50, Despatch No.239, Governor to Secretary of State, 25 August 1901.

<sup>66</sup> GNA CSO 15/9/377, Fracas between prisoners, DC Kumasi to Chief Commissioner Ashanti, 23 September 1946. See also *Prisons Department Report 1934-5* for a similar occurrence in September 1934.

<sup>67</sup> Annual Report of 1902. Discipline among prison staff remained poor throughout the period – in 1954-5 there was 1253 disciplinary offences from 1324 staff with 49 dismissed.

<sup>68</sup> RHL MSS.Afr.s. 2137/1 Chilver, ‘Autobiography of Max Fohtung’.

<sup>69</sup> Branch, ‘Imprisonment and Colonialism’, 242.

<sup>70</sup> GNA CSO 15/9/377, Fracas between prisoners, DC Kumasi to Chief Commissioner Ashanti, 23 September 1946. [GNA references??]

<sup>71</sup> Miers and Roberts, ‘Introduction- The End of Slavery in Africa’, p. 16.

<sup>72</sup> See Colonial Office, *Report of the Committee on the Treatment of Offenders* (London: HMSO, 1954); TNA CO 912 series. Late-imperial models of imprisonment were also shaped by wider global discourses of modern penology including the United Nations’ International Penal and Penitentiary Commission.

<sup>73</sup> See Richard Rathbone, ‘The Government of the Gold Coast after the Second World War’, *African Affairs*, 67, 268 (1968), 209-18; Gold Coast, *Statement of the Gold Coast Government on the Report upon*

'detrribalization' intensified amidst economic development, rapid urbanization, post-war unemployment, and burgeoning political unrest. For Prison and Welfare officials, the causes of criminality were firmly located in the dangers of burgeoning urban environments and rapid cultural change. According to J. C. Hamilton, Assistant Director of Probation Services, 'Criminals are not born...[but] are made so, as a result of their environment and upbringing... In West Africa today we have a threat of an increase in crime in the future due to many causes, not least being the sudden rush to large towns, with its consequent overcrowding and poverty and the impersonal life of the community'.<sup>74</sup> It was a combination of post-war disruption and burgeoning nationalist, anti-colonial agitation that brought the Gold Coast prison system to crisis point. Before the war, the average daily prison population had been around 1900 persons, but by 1951 it was 3300 and increasing. Overall committals rose from 9548 in government prisons in 1938-9 to 20,087 in 1954-5. There were also three to four thousand committals annually to the 36 Native Authority Prisons. By 1957 the daily average was 4412 prisoners, with overcrowding running at 148%. Reformist impulses simply could not cope with this rapid expansion and as Hamilton admitted in his 1953 pamphlet: '[o]vercrowding, drabness and enforced idleness are the hallmarks of too many of our prisons'.<sup>75</sup> In an attempt to maintain order after 1947 recidivists and 'bad hats' were transferred to Ussher Fort, Accra, where 'strict discipline, which had been relaxed in proportion to modern standards of reform' was again imposed.<sup>76</sup>

With economic development and post-war unemployment, the role of prisons in colonial economies declined. This, combined with the imperial development turn, brought penal reform to the fore once more. The Prisons Service was almost entirely 'Africanized' in the run up to independence, with C. B. Moses taking over as Director of Prisons in 1953.<sup>77</sup> The Prisons Department continued to draw heavily, if unsuccessfully, on metropolitan policies however. Attempts were made to inculcate a reformist concern among African public opinion and better reintegrate prisoners into society with the introduction of Prison Visitors', probation and 'after-care' systems, but these measures were very limited in effect.<sup>78</sup> Modernizing post-war reform efforts included creative and intellectual activities with the introduction of adult education classes, guest lectures, quizzes, libraries (although it was noted that the donated 'Tunnelers of Holzminden' was probably not suitable reading), films and radio broadcasts. Such efforts however remained concentrated at central prisons, and later reports were forced to concede that, behind the rhetoric, education programmes had 'failed lamentably'.<sup>79</sup> The aim was less to produce better, educated citizens than to assuage metropolitan criticism of the 'primitive' nature of colonial imprisonment. With limited resources, reformist efforts refocused on a manageable, malleable, sub-category of offenders: juvenile delinquents. The post-war era saw the rapid development of juvenile courts and reformatories, based on metropolitan

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*the Gold Coast Police* by. Colonel A. E. Young (*Commissioner of the Police for the City of London* (Accra: Government Printer, 1952).

<sup>74</sup> J. C. Hamilton, *Crime and Punishment in West Africa*, West African Affairs (Accra, 1953), pp. 3-10.

<sup>75</sup> Hamilton, *Crime and Punishment in West Africa*, pp. 15.

<sup>76</sup> Government of the Gold Coast, *Annual Report on the Treatment of Offenders during the Year 1953-4* (Accra: HMSO, 1954) [hereafter *Treatment of Offenders Report*].

<sup>77</sup> *Treatment of Offenders Reports, 1950-57*; Seidman, 'Prisons in Ghana', p. 461.

<sup>78</sup> *Prisons Report 1938-9*.

<sup>79</sup> *Prisons Report 1944-5*.

borstals, to combat the perceived rise in delinquency. Delinquency was taken as symptomatic of wider social crisis, and thus ‘reforming’ deviant youth served to secure the ‘future’ of the colonial project.<sup>80</sup> Similarly, with rising numbers of women imprisoned on revenue, health and price control or profiteering offences, there was a renewed focus on health, hygiene and domestic training in the reform of female inmates, aiming to turn economically productive women into ‘good mothers’ and wives. To combat the sharp increase in prison inmates, and tap the potential reservoir of labour they constituted without interfering with ‘free labour’ markets, colonial states increasingly turned to building low-security camps – a ‘prison without walls’– for first offenders in rural locations.<sup>81</sup> The prison camp system had been appropriated from America, and introduced into Burma and Palestine for infrastructure projects, before transferring across to Tanganyika and then spreading to the rest of British Africa.<sup>82</sup> Combining modern approaches and supposedly ‘traditional’ employment the prison camps at Ankaful and Maaombi became symbols of reform and were regarded as an ‘invaluable aid towards further development’, with prisoners trained in modern agricultural methods like contour farming, crop rotation and soil conservation.<sup>83</sup> These reforms however barely scratched the surface of imprisonment, and a climate of internment, violence and dehumanization continued to shape the majority of prisoners’ experiences.<sup>84</sup>

In the run up to independence, prisons became not simply sites of colonial power but also a focus of anti-colonial protest. During the Accra riots on Sunday 29 February 1948, liquor bottles were thrown over the walls of Ussher Fort and the prisoners who were on exercise ‘rapidly became unmanageable’. The mob forced open the outer gates and a large number of prisoners escaped.<sup>85</sup> Prisons became even more significant as a site of anti-colonial protest when, after the Accra riots, leading nationalists including future Prime Minister Kwame Nkrumah were incarcerated, with crowds gathering outside James Fort prison to sing ‘Kwame Nkrumah lies mouldering in a cell’. Nkrumah’s writing provides a rare insight into African experiences of imprisonment, if from a privileged perspective. He wrote that ‘it was something of a shock to me to discover that, as a political prisoner, I was treated as a criminal...It was difficult to imagine that there could be worse treatment if the minimum of health and sanity of the inmate were to be preserved’. Nkrumah recounts frequent complaints about poor food and hygiene, the demoralizing effects of boredom and privation, and the constant struggle to find writing materials.<sup>86</sup> However, if colonial officials intended imprisonment to destroy nationalist sentiment, this plan backfired. Political prisoners routinely formulated political statements and strategies, which were written on toilet paper and smuggled out of the jail,

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<sup>80</sup> See S. Hynd, ‘Pickpockets to Pilot Boys: Juvenile Delinquency in Colonial Ghana, c.1929-57’ [under review].

<sup>81</sup> *Prisons Report 1944-5*.

<sup>82</sup> TNA CO 323/1344/3, Prison Labour Camps in Colonies, 1935; TNA CO 912/2, Offenders Sub-Committee Circulars 1947-59.

<sup>83</sup> *Treatment of Offenders Report 1947-8*.

<sup>84</sup> See M’Carthy Committee [check].

<sup>85</sup> *Treatment of Offenders Report 1947-8*.

<sup>86</sup> K. Nkrumah, *The Autobiography of Kwame Nkrumah* (London; Thomas Nelson & Sons, 1957), pp. 126-36.

and Nkrumah even won the 1951 general election from within prison, his election to the Legislative Council immediately forcing his release.<sup>87</sup>

## Conclusion

Prisons in the Gold Coast served not simply to contain, or punish, or reform the African body, but also reflected the image of colonial rule and its contradictions: between civilization and violence, exploitation and reform, punishment and humanitarianism. This chapter has highlighted the tensions between individual reform, the need for 'discipline' and the creation of productive labour, particularly when the prison system became increasingly overcrowded by short-term inmates. As the colonial period progressed prisons became less about confinement and more about control. Whilst nineteenth century prisons were largely custodial affairs, marked by poor conditions and discipline which could oscillate between harsh and inept, by the twentieth century as British colonial expanded, the political and economic functions of imprisonment came to the fore. Whether prisoners were being used to carry buckets of 'nightsoil', build roads, or to manicure the Governor's lawn, prison labour proved an invaluable source of income for the colonial state. The imperial as well as colonial contexts must also be considered in analyzing imprisonment. Pressure from London to reform prison systems across British Africa increased throughout the inter-war period, with prison administrators caught between the conflicting needs to reform the system on more modern and 'civilised' lines in accordance with Colonial Office instructions, and to make imprisonment harsh enough to meet local demands for social and crime control. For much of the colonial period, the impetus for reform in the Gold Coast went hand-in-hand with calls for stronger penal discipline, indicating the continued belief in 'civilizing violence' among some colonial authorities. Rhetorics of reform were adopted from metropolitan and global penal policies but failed to disrupt the inefficiencies and violence inherent in colonial prisons in the Gold Coast, even in years preceding independence: there was a translation of penal policy rather than practice in many instances. Whilst the rhetoric of reform was rarely matched by its reality, a focus on colonial discourses highlights for the historian the shifting position of imprisonment in colonial penalty and concerns about how continued violence and exploitation reflected negatively on the supposed 'modernizing' and 'civilizing' nature of colonialism. In their failure to eradicate crime and reform individuals prisons demonstrated the limits both of colonial power and reformist impulses. More detailed research in the Ghanaian archives, particularly on upcountry and Native Authority imprisonment, would allow for a more nuanced analysis of limits of reform and the daily experiences of African prisoners. Ultimately, prisons here have been shown to serve as a microcosm of the colonial state in its contradictions, its criminalization of African subjects and its lasting coercion.

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<sup>87</sup> After independence in 1957, punishment had to be re-translated to fit new post-colonial contexts. Like most other African nations, Ghana retained the general penal and legal infrastructures inherited from colonialism. There was however an increase in penal severity to protect Ghana's social and economic development, with the introduction of harsh minimum sentences, and the use of political imprisonment against Nkrumah's opponents. See R. B. Seidman and J. D. Abaka Eyison, 'Ghana' in A. Milner (eds.), *African Penal Systems*, pp. 61-87; GNA ADM 5/3/164, White Paper on the Report of the Committee of Inquiry into Ghana Prisons WP 14/68; D. Odotei Thompson, *I Was Nkrumah Prisoner* (Accra, undated).