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PEOPLE AGAINST RACE CLASSIFICATION (PARC)

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**THE PARC CRIMEN INJURIA CHARGE
LEGAL SUPPORT DOCUMENT PACK**

PROTECTING THE HUMAN DIGNITY OF OUR PEOPLE.

“Great things are done by a series of small things put together.”

- Vincent van Gogh

“Truth stays right, even if no one believes it, and lies stay wrong, even if everyone accepts them.”

“Self-respect is the foundation of dignity; it is the courage to define yourself on your own terms, not by the labels others impose.”

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THE PURPOSE OF THIS DOCUMENT

1. Why would anyone — in this case, PARC — create a legal document that could get people into trouble for using a term that has long been part of the identity and culture of a community in South Africa?

- (a) This is to correct the past injustice of forced identification. It is intended to put an end to old habits. Only after 1994, in a new and free democratic South Africa, were non-white South Africans given the opportunity to self-define. This also created the opportunity for people who identify as Khoi and San to have their original cultural names restored and officially recognised.
- (b) The name “Coloured” was created for the benefit and identity protection of “White” people. In order to keep themselves distinctly separated from the rest of the African people in Southern Africa and safeguard their race as “pure,” it became necessary to label others. Later, the apartheid laws were built and structured around these labels. Whenever someone claims to be protecting your identity as a “Coloured” person — encouraging you to be proud of who and what you are — they are, in fact, protecting their own identity of being referred to as either Black or White. We cannot discuss the terms “Coloured” or “Brown” in isolation without also referring to Black and White.
- (c) Proof of the notion that a so-called white European race needed protection against “inbreeding” with local citizens can be found in the Hansard Debates of the South African Parliament of 1950, on pages 2607 and 2608, during the introduction of the Population Registration Act of 1950. In those debates, members of parliament who opposed these laws warned the government of the dangers that would follow if they were implemented. The Hansard Debates of 1991, some 43 years later, describing the repeal of the Population Registration Act of 1950, record the dismantling of these race laws after decades of chaos, devastation, killings, and the worst excesses of the apartheid system. It is as if those earlier warnings echoed back to the government: “We told you so.”
- What must be noted here is how “race” was understood and used as a tool of power. The creation of four racial groups also served as a mechanism to make government administration easier, while at the same time erasing the tribal and cultural recognition of indigenous people.
- (d) Minority groups are often ignored in South Africa under majority rule. Too often, the rights and interests of minority identity groups are overlooked in favour of those of the majority. To hope for a majority vote in favour of a minority group seeking justice is, in most cases, a lost cause. This is why the problem of not being recognised by government as distinct from the name “Coloured,” or refusing to accept this imposed label, still persists 30 years after the dawn of a new democratic South Africa.
- (e) People generally resist being told what to do. This is why laws are necessary — to protect those who are perceived to “look like Coloured people” but do not wish to be labelled as such by society. It is unjust that society continues to generalise and refer to all individuals within this community as “Coloured.” Criminal laws would compel an end to such unwanted behaviour.

2. Why is the term Coloured derogatory?

- (a) First, try to understand where the term “white” people originated. In Europe, all people were “fair-skinned,” and there was no need to be referred to as white. It was only when European explorers began to travel, trade, and encounter other nations that they started labelling Africans, Asians, and Indigenous Americans in contrast to themselves. Using skin colour was the easiest method and required little intellectual effort to distinguish people from one another. This has remained the status quo ever since Europeans arrived in Africa. People of European descent introduced apartheid and sought separate development for their own community apart from the rest of the indigenous people of South Africa. They later introduced laws to protect the “purity” of their community in relation to their social status. The simplest form of identification was the white-looking skin that most of them had at the time, and for everyone else, the distinction was made by skin colours such as pink, yellow, brown, dark brown, black, and dark black.
- (b) Group names for people were originally based on territory, language, customs, and self-identification. The indigenous people, however, were never consulted on how they wished to be named; instead, nicknames or imposed terms were forced upon them whether they liked it or not. In the Census Report of 1891, the statistician-general explained the subdivisions under the term “Coloured.” Within this category, the Khoi and San nations were grouped under the sub-term “Hottentot,” which included the Khoikhoi (Hottentots), Namaquas, Korannas, and the Bushmen (San). The term “Coloured” therefore disguised the true identity of the first indigenous nations of South Africa.
- (c) The term “Coloured” has historically been defined as people of “mixed descent.” Anyone born of mixed parentage was referred to as Coloured. Two prominent groups that emerged from such ancestry (Europeans marrying or having children with indigenous people or slaves) were the Griquas and the Afrikaners. Many Afrikaans speakers were born from these situations, which is why it could be assumed that all Afrikaans-speaking people were one nation.

The 1891 Census Report states: *“Point 5. Mixed and other Coloured Races — The last class includes the great and increasing population which has sprung from the intercourse of the colonists with the indigenous races, and which fills the interval between the dominant people and the natives. Among them is an insignificant number of foreigners (Europeans).”* This means that the so-called “white” Afrikaner nation of South Africa is, by definition, mixed and Coloured. Furthermore, everyone born on African soil is no longer European or “foreign.”

- (d) The term “Coloured” has been used as a political playball by politicians to gain and sustain votes in elections. To illustrate this, why is it that, 30 years into a democratic South Africa, we are still grappling with this problem? Case studies have shown that some prominent South Africans who are Coloured by culture and family descent have at times been referred to as “Black” by politicians and the media, depending on the agenda. International media, meanwhile, are not permitted to call people “Coloured.” Instead, they use the terms “Black” or “people of colour.”
- (e) We also believe it is unacceptable to refer to people as “so-called Coloured.” This description carries the same degrading implication: that one is a “sub-human” being, born out of supposedly “pure” races.

3. What is the moral basis to regard the term Coloured as criminal in nature?

- (a)** To deliberately insult someone or a group of people — and to persist in doing so repeatedly without restraint — is wrong.
- (b)** To ignore the negative history of how this term was created, and to refuse to acknowledge its origin, is wrong.
- (c)** The term 'Coloured' literally denotes 'mixed descent.' However, this specific group is by no means the only population in South Africa identified as having mixed ancestry, whether in terms of culture, lineage, or faith. In fact, virtually all individuals and communities in present-day South Africa are of mixed descent.
- (d)** It is wrong to wish to be identified and publicly celebrated as a proud white or black person from a so-called "pure" race, while at the same time forcing someone else to accept a status of inferior descent — as if belonging to a sub-race. The term "Coloured" cannot be understood in isolation from the other racial labels.
- (e)** This term was used by the apartheid government to insult a particular group of people, referring to them as "left-overs" and as not being proper. It was a name imposed on slaves.
- (f) In Summary:**
The term 'Coloured' implies sub-race; it disguises and robs true identity; it creates deliberate political confusion; it places individuals into a hierarchy of superiority and inferiority; it links directly to poverty and slavery; it fosters comparison with those who 'look different'; it embraces otherness; it reminds people of the system of apartheid; it denies neutrality as a human being; it normalises acceptance of a derogatory label; it undermines self-respect; it keeps people in a state of confusion; it creates a low self-image and emotional harm; it undermines people's potential for success; it dehumanises people.

4. Why can't the term be accepted as an Identity name for certain people?

(a) Unsuitability of the term

The term "Coloured" literally means "mixed" and is not an appropriate name for identifying cultural or ethnic groups.

(b) Historical imposition

Under apartheid (pre-1994), this name was forcibly imposed on citizens without their consent. Even today, its continued use undermines efforts to rectify centuries of abuse. Children born after apartheid cannot claim this identity legally, as the term remains in the process of being decolonized from indigenous cultural group names.

(c) Lack of education does not justify usage

Insufficient education by parents or government regarding this term does not justify its continued usage. Right is right, even if nobody does it, and wrong is wrong even if everybody does it.

(d) Legal status

The term “Coloured” has no legal standing, having been repealed by Parliament in 1991. The Hansard Debates of 1991 record the reasons for this repeal, along with the abolishment of the Population Registration Act of 1950.

(e) Political and ideological implications

Acceptance of the term perpetuates apartheid-era ideologies. It reinforces racial hierarchies of superiority and inferiority and supports the false notion of “pure” races.

(f) Social confusion and harm

Claiming this term as the sole identity creates confusion and injustice for those who reject it, including the first indigenous cultural groups. People who may physically resemble “Coloured” individuals cannot be expected to accept the label.

(g) Government responsibility to upholding human dignity

It is wrong of the government to enforce the continued use of the term for the purposes of BEE and Affirmative Action. Alternative identification methods exist. Human dignity must take precedence over job, promotion, material or administrative interests.

(h) International acceptance

The terms “Black” and “White” are widely accepted for international use. However, in countries such as the UK and the USA, the term “Coloured” is regarded as a racial slur and is prohibited under hate speech, anti-discrimination, and anti-racism laws. South African courts, under Section 39(1)(a) of the Constitution, are required to consider international law when interpreting the Bill of Rights.

5. “What occurs when a speaker addressing a group refers exclusively to Black, White, Coloured, and Indian people, while omitting reference to other cultural groups?”

Such a practice conveys the assumption that the speaker is addressing all members of the audience and that everyone identifies with the traditional four race groups. This presumption is precisely what we seek to challenge. Practices that generalise in this manner, presuming that individuals who appear to belong to the ‘Coloured’ category must accept being addressed as such, are inherently exclusionary, misrepresentative, and undermine the recognition of diverse cultural identities.

It is therefore imperative that South Africans actively reject these outdated practices and demand the full recognition, acknowledgement, and inclusion of all cultural groups of South Africa in public speeches, official discourse, and government administration.

PEOPLE AGAINST RACE CLASSIFICATION IS COMMITTED TO EDUCATING THE NATION OF SOUTH AFRICA ABOUT NON-RACISM.

THE SCOPE OF THE CASE AND DOCUMENTS EXPLANATION

1. DISQUALIFICATION BY COURT – SEEKING A DECLARATORY ORDER

No person can approach a South African High Court to request that the name “Coloured” be criminalised, because the government, through Parliament, already repealed the use of the words “Coloured” and “Kleurling,” along with all other race groupings, on 27 June 1991. One cannot litigate against something the government has abolished. Our documents aim to highlight the reasons why the government chose to abolish these practices.

2. HANSARD DEBATES OF PARLIAMENT – INTRODUCTION OF THE POPULATION REGISTRATION ACT OF 1950

The Hansard debates reveal why the apartheid government introduced laws to enforce community segregation and separate development. Naming communities and registering their members by race was deemed essential. A recurring and hotly debated issue in Parliament was distinguishing white-looking European people from culturally mixed groups, referred to as “Coloured.” It was noted that they looked, spoke, and had similar lifestyles. The term “Coloured” served as an overarching label for Khoikhoi and San people, Malays, some indigenous groups, and others who could not easily be classified, simplifying administration for the government. This classification was imposed without consultation, and people were required to accept it whether they liked it or not.

3. CENSUS DOCUMENT EXTRACTS – 1865, 1875, 1891, 1901, 1911, AND 2022

Census reports, particularly the 1891 report, were collected from the Western Cape Archives and Records Service in Cape Town and are generally unavailable online. South Africa’s first census in 1865, conducted in the Cape Colony, classified people into four groups: (1) European/White, (2) Hottentot, (3) Kafir, (4) Other Aborigines. Notably, “Kafir” referred to thirteen Black tribes, illustrating how group names changed over time while the people themselves remained the same. The 2022 census reflects that 247,535 South African citizens do not accept the terms Black, Coloured, Indian, or White, instead using self-selected descriptions.

4. SOUTH AFRICAN HUMAN RIGHTS REPORT, 2018

The South African Human Rights Commission (SAHRC) demanded that the Presidency remove and cease the continued use of the name “Coloured” by 31 March 2019. The SAHRC acknowledged the harm associated with this term and determined that it should be abolished. They remain firmly committed to this position.

5. INTERNATIONAL LAW REGARDING THE USE OF THE WORD “COLOURED”

It is reasonable to state that a term may be regarded as acceptable in South Africa while being unacceptable internationally. In the United Kingdom and the United States, referring to someone as “Coloured” is considered offensive. South African courts, under Section 39(1)(a) of the Constitution, are obliged to consider international law when interpreting the Bill of Rights.

6. SOUTH AFRICAN PARLIAMENT ENDORSEMENT

On 22 September 2022, following People Against Race Classification's (PARC) petition for the abolishment of the word "Coloured," the National Council of Provinces (NCOP) anonymously accepted the application. Parliamentarians acknowledged that, based on PARC's submission, the name was problematic. They agreed the matter should be finalised at another level and discussed in the National Assembly. The delay is due to changes in parliamentary membership. Nonetheless, the highest law-making body in South Africa discussed and endorsed the matter. The legal interpretation remains to be finalised.

7. PARC PETITIONS

PARC has conducted several petition campaigns over the past fifteen years. Supporters can demonstrate agreement with PARC's vision by signing these petitions. The fourth petition specifically seeks support for the criminalisation of the word "Coloured," demonstrating that a portion of society feels offended by its continued use.

8. COMPARISON BETWEEN THE WORDS "KAFIR" AND "COLOURED" AS RACIAL SLURS

We compare the reason why the racial slur "kafir" is a criminal offence and the how the same elements of what is evident in this word compares to that of the "Coloured" term.

In South Africa, calling someone a "Kafir" or "Hotnot" can result in serious criminal charges. "Kafir" generally refers to Black people, while "Hotnot" refers to Brown or Coloured people. According to the 2022 census report, South Africa has 50 million+ Black people, 5 million+ Brown people, 4.5 million+ White people, 1.6 million+ Indians and Asians combined, and 247,535 individuals who selected the "other."

The feelings of Brown people are often overlooked because they are a minority. In 1994, the term 'Kafir' was criminalised for the majority of Black people, yet the equally insulting term 'Coloured' was ignored by the government and not criminalised.

Black, White, or any other people in South Africa should stop referring to individuals as "Coloured" or "Kleurling." Many do not know how it feels to be referred to by these terms, who accepts the label, or who rejects it. Continued use by Black or White individuals implies belief in "pure" racial composition — a concept that does not exist.

9. CONFUSION REGARDING CERTAIN PEOPLE'S RACE IDENTITIES

We present seven examples of prominent South Africans from "mixed-race" communities, illustrating how they were at times referred to as "Coloured" and at other times as "Black," depending on the agendas of politicians, the media, academia, their communities, and international expectations.

10. SUBJECTIVE NATURE OF *CRIMEN INJURIA* OFFENCE FOR “COLOURED”

A **subjective offence** means that whether an act constitutes a crime depends on how the **victim personally experiences it**.

For example, if someone addresses you with a racial slur, the law considers your **subjective experience of harm, insult, or impairment of dignity**. Even if another person might not feel offended, your sense of violation is sufficient for the act to be legally actionable.

- **Subjective** = judged by the victim’s feelings, perception, and personal dignity.
- **Objective** = judged by an external, reasonable standard, regardless of individual feelings.

In South Africa, some individuals have adopted the term “Coloured” as a self-identity, while others strongly reject it. The acceptance of the term by certain groups does not render it harmless. Its use remains problematic because of its **inherent historical roots in racial classification and its ongoing social implications**.

Those who embrace the label often do so without full awareness of its origins and degrading meaning. Unfortunately, since the advent of democracy, the government has failed to resolve these identity issues or adequately educate the public about the harms embedded in such terminology.

PARC, as a small civil rights organisation, lacks the national resources needed to reach all South Africans and raise awareness about the dangers of normalising this term.

The rights of those who reject the label must be protected. Legal recourse should be available for any person whose dignity is violated by the continued and reckless use of the term “Coloured.”

This **generational cycle of ignorance and racialised terminology must be broken and brought to an end without delay**.

CONTENT OF THE CRIMEN INJURIA OFFENCE

CHARGEABLE OFFENCE:

- (1) Referring to someone as “Coloured” or “Mixed race” is racist and hurtful because it spreads the false idea that “pure” races like black or white exist, and that others are sub-human offspring, when in fact all races and ethnic groups are mixed.
 - (2) The inherent historical, negative, dehumanising, and racist connotations of the word.
 - (3) It disguises and distorts the true identity of a particular group within our society.
-

It is important that the charge satisfies all **three elements** of the crimen injuria offence.

1. Unlawfulness

- The conduct must unjustifiably infringe on a person's dignity or privacy.
- It must be without legal excuse or justification (e.g. not in self-defense, not protected speech).
- The conduct must go beyond ordinary rudeness or insult — it must seriously harm dignity in the eyes of society.

Example: You told him or her how you felt about the use of the word and issued a warning.

2. Intentional

- The offender must have intended to injure, insult, or humiliate the other person.
- Intent can be shown by words, actions, or awareness that the conduct is offensive.
- Even if the offender denies intent, the court may infer intent from the circumstances.

For example: If someone refers to you by a name you've already said is offensive (e.g. “Coloured”), that can show clear intent. Once you have warned the person not to refer to you as a ‘Coloured’ person, any repeat of this conduct could result in criminal charges.

3. Serious Violation of Dignity or Privacy

- The conduct must objectively and subjectively impair someone’s dignity, reputation, or sense of self-worth.

For example: You have personally expressed to him or her how you feel about being referred to as ‘Coloured.’ Even if others do not find the term offensive, that does not justify infringing on your constitutional right not to be subjected to offensive language. The law must protect you from violations of your dignity.

The Courts will assess:

- (a) How the victim experienced the conduct (*subjective harm – was a warning issued*).
- (b) Whether a reasonable person would also see it as a serious affront (*objective test*).
- (c) Does the charge satisfy all the elements of the crime of crimen injuria?
- (d) The courts will consider the history and status of the word. Bear in mind that we are in a time of correcting the injustices of the past by decolonising our cultural group names.
- (e) The courts need to consider international law, according to *section 39(1)(a) of the constitution*. The impairment of dignity cannot be accepted as legal in South African law while being considered a crime internationally.

FINAL WARNING NOTICE

BEFORE PRESSING CHARGES OF CRIMEN INJURIA

AGAINST YOURSELF

You, _____, are hereby notified that referring to me as a “Coloured” person is **offensive, unwelcome, and harmful to my dignity**. I regard this term as equally degrading and offensive as the words “**kaffir**” and “**hotnot**.”

In terms of South African law, particularly under the offence of *crimen injuria*, I formally **warn you to cease and desist** from using this term in reference to me.

Be advised that any further use of the term after this warning **may expose you to criminal charges** for the unlawful, intentional, and serious violation of my dignity.

Kindly **educate yourself** using the attached documents **regarding the history** of this term.

Regards

Complainant : _____

Signature : _____

Date : _____

Witness : _____

Signature : _____

Date : _____

SAHRC's REPORT ON THE REMOVAL OF THE "COLOURED" CATEGORISATION 14 MARCH 2018

National Hearing Relating to the Human Rights Situation of the Khoi-San in South Africa
25-26 November 2015; 9-10 December 2015; 18 January 2016; 11-12 & 14-15 April 2016.



[EXTRACT FROM PAGE 81]

By **31 March 2019** the state had to remove the category "Coloured" from all forms because it conceals the true identity of the Khoikhoi and San people South Africa.

7.1 Identity and recognition

- 7.1.1 The State, through the Presidency and DAC, must take steps on or before 31 March 2019 towards removal of the forceful categorisation of Khoi and San peoples as "Coloured".
- 7.1.2 CoGTA, through the Minister, must ensure before 18 months of issuing of this report that official recognition of indigenous communities, through legislative and administrative processes, are equitable to the recognition of other traditional communities, and must not place an undue burden on Khoi and San communities desiring to receive official recognition from the State. In this regard, it is noted that "equitable" does not require the same treatment, but in noting the distinct context of the Khoi-San from other traditional communities, the department is required to meaningfully engage with the Khoi-San with a view of developing reasonable and practical procedures.
- 7.1.3 With regard to the above, and in line with Article 33 of the United Nations Declaration on the Rights of Indigenous Peoples, CoGTA must ensure that the membership criteria for the Khoi-San are determined in line with their customs and traditions, provided that such

¹⁵⁸ Section 13(1)(a).

SOUTH AFRICAN PARLIAMENT ON PARC'S PETITION

MEDIA STATEMENT

SELECT COMMITTEE ON PETITIONS RECOMMENDS PUBLIC ENGAGEMENT ON USE OF THE WORD 'COLOURED'

Parliament, Friday, 25 February 2022

The Select Committee on Petitions and Executive Undertakings considered a petition from the People Against Racial Classification (PARC), a community-based non-profit organisation. The petitioners are calling for the removal of the word "Coloured" from all government forms, private institutions and in the Employment Equity Act.

According to PARC representative Mr Glen Snyman, **the word "Coloured" is confusing, derogatory and racist and should be removed from government employment forms. The committee felt that PARC raises important issues that should be discussed by the public.**

The committee invited the departments of Home Affairs and Employment and Labour to participate in the meeting where the petition was considered. According to the Department of Home Affairs, the issuing of identity documents does not mention race; only the nationality of the person appears on the document. The Department of Employment and Labour urged the petitioners to reconsider the request to remove the word "Coloured" from the Employment Equity Act and to rather seek a national dialogue.

The Chairperson of the committee, Hon Zolani Mkiva said: "The Minister of Employment and Labour and the Minister of Home Affairs are clear that we are all South Africans and the classification that is there is intended to deal with the imbalances of the past." The committee urged the petitioners to engage their communities further so that there is unity going forward.

Furthermore, the committee recommended that there should be a national debate on the matter.

ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS, HON ZOLANI MKIVA.

For media enquiries or interviews with the Chairperson, please contact the committee's **Media Officer: Name: Jabulani Majozi (Mr)**
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**PARLIAMENTARY COMMITTEE
NCOP: PETITIONS AND EXECUTIVE UNDERTAKINGS
PEOPLE AGAINST RACE CLASSIFICATION PETITION
24 FEBRUARY 2022, PARLIAMENT VIRTUAL MEETING
CHAIRPERSON : MR Z. MKIVA**

MEETING MINUTES / SUMMARY

In this virtual meeting, the Committee in a virtual considered a petition from the People Against Race Classification (PARC), a community-based non-profit organisation. The petitioners called for the removal of the word “Coloured” from all government forms, private institutions and the Employment Equity Act.

The Committee invited the Ministers of Home Affairs and Employment and Labour to participate in the meeting where the petition was considered. According to the Minister of Home Affairs, the issuing of identity documents did not mention race; only the nationality therefore the issue did not have anything to do with the Department. The Minister of Employment and Labour urged the petitioners to reconsider the request to remove the word “Coloured” from the Employment Equity Act and to rather seek a national dialogue.

The Chairperson said: “The Minister of Employment and Labour and the Minister of Home Affairs are clear that we are all South Africans and the classification that is there is intended to deal with the imbalances of the past.”

The Committee urged the petitioners to engage their communities further so that there was unity going forward. It recommended that there should be a national debate on the matter.

Meeting report

The Chairperson noted that late in 2021 the Committee had received a unique petition for the removal of the word “Coloured” from all government forms, private institutions and from the Employment Equity Act. The Ministers were present to provide a response. The Committee was waiting for a submission from the South African Human Rights Commission. It had sent a letter requesting more time to make its submission.

People Against Racial Classification briefing

Mr Glen Snyman, a representative of People against Racial Classification (PARC) presented a petition on behalf of the organization for the removal of the “Coloured” from all government forms, private institutions and from the Employment Equity Act. The petition stated that the word "coloured" was confusing, derogatory, and racist. The use of the word also concealed the true historical identity of the Khoi and San people. The word should be removed from all important government documents and forms.

The petition also requested Parliament to review the race definitions of “African” and “Black” as defined by the Employment Equity Act. The EE Act defines “Black people” as a generic term which means Africans, Coloureds, and Indians. This definition created confusion.

Submission by Minister of Home Affairs

The Minister of Home Affairs, Dr Aaron Motsoaledi said that the government had previously used racial classification as a tool in state policy to control the population. Individuals were

racially classified according to the Population Registration Act 30 of 1950 and other laws like the Prohibition of Mixed Marriages Act. Those were repealed in 1991. The Home Affairs Department would only mention the nationality and the concerns in the PARC petition did not pertain to the department.

Submission by Minister of Employment and labour

Minister Thulas Nxesi noted that the petitioners had alleged that racial classification by the South African government was unconstitutional and offensive to the coloured people. PARC said “Black people” in the Employment Equity Act of 1998 created confusion by defining black people to include African, coloureds and Indians and that every South African citizen was an African including the white and Chinese people. All South African citizens were African by virtue of being born on the continent. The coloured group were black and where part of the black people described the Employment Equity Act of 1998. It was however important not to lose sight of both the past and the present South African context. It was important to remind people that apartheid systematically discriminated against black people even though they constituted 90% of the population. The deep scars of the system were still visible in the society. It had left behind a legacy of inequality in both the labour market and the society.

The disparity in the distribution of jobs, occupations and income revealed the effects of the discrimination. The discrimination was also against women and those with disabilities. The disparities were reinforced by social practices and other factors such as lack of education, housing, transport, and medical care that perpetuated discrimination. This was the context of the Employment Equity Act and the eradication of unfair discrimination was not going to remedy the situation, but policies, programmes and other positive actions designed to readdress the past were crucial. The elimination of unfair discrimination and commitment to the implementation of affirmative action were mutually reinforcing processes required to achieve substantive equality to give effect to equality as enshrined in section 9 in the Constitution. To ensure substantive equality, it was fundamental that given South Africa’s painful discriminatory past, the Employment Equity Act was enacted to give effect to the fundamental human right to equality. The purpose was to achieve equity in the workplace by promoting equal opportunity and fair treatment through the elimination of unfair treatment. In implementing affirmative action to redress the disadvantages in employment, it was imperative that the Employment Equity Act be interpreted in compliance with the Constitution. The racial classifications outlined in the EEA were not unconstitutional, but they were the means to achieve substantive equality to redress the imbalances. In *Minister of Finance and Others v Van Heerden*, the Constitutional Court ruled that for a measure to be held as permissible and not discriminatory, it had to meet three standards: categories of persons that had been disadvantaged, it had to be designed to protect and advance such person and it had to promote the achievement of equality.

The Constitutional Court was clear that to address unfair discrimination and substantive equality, restitution measures of affirmative action measure inclusive of race classification that accompanied them, were integral components required to achieve the fundamental human rights. In recent times, the Constitutional Court judgement in February 2021 in the case of *Solidarity v Minister of Labour* dismissed the application for leave to appeal on the basis that there were no reasonable prospects of success because the affirmative action measures inclusive of race classification were constitutional. These were indispensable instruments to achieve equality and they were not unconstitutional. He agreed with the argument expressed by the South African Human Rights Commission in their response to the petitioners that the restitution measures and race classification contained in the EEA and in various policies were constitutional.

The Chairperson noted he had invited the Minister of Arts and Culture as the Ministry dealt with identity, heritage and culture. Unfortunately, the Minister had other commitments but they would likely have another meeting.

Submission by Koi San people

Chief Cornelius Kock stated it was sad that the word "coloured" was still being used in the democratic dispensation after many dialogues to abolish it. It was still evident that if people were of a certain pigment, they were more eligible for a position of employment. The abolishment of the word "coloured" had to be through public consultation because there were many who were proud of the name coloured. Many had formed a way of life around it and branded it and made a living out of it. Since the commencement of the Traditional Koi San Leadership Act of 2019, Koi San was defined as Cape-Khoi, Griqua, Korana, San, or Nama people. All the mentioned groups had to apply for official recognition. Some of these groups had grouped themselves as coloured not knowing it was a derogatory term and a dog tag identity placed on them by the national government.

The classification in the Employment Equity Act perpetuated different weightings when it came to different opportunities. If the word "coloured" would be abolished the EEA would be subject to change. All South Africa citizens could not be called African if they were not born in African. They were to remain citizens but not Africans. It was premature to recognize other nationalities and settlers without correctly identifying ourselves first. To move forward they had to heal the past. Having a truth and reconciliation commission to educate those proud of being called coloured would ease its abolishment. Abolishing the word coloured was a must and would compel the change of documents in the public and private sector. He asked what would happen if they abolished the word "coloured" whom some held as an identity because they had no other identification, or they did not want another. What identity would fill that void? There was a need for a national debate as a strategy in fast tracking recognition of South African native communities and their identities.

Discussion

Mr K Motsamai (EFF, Gauteng) asked if the Koi San were benefitting from the government as other kingdoms that were identified as African.

Mr E Mthethwa (ANC, KZN) asked that besides abolishing the word "coloured" what else was the Committee to help with. Were they not proud it gave an indication of from where they came?

Mr E Mthethwa (ANC, KZN) said that there was nothing of moral equivalence to what had happened in the apartheid and what was happening in South Africa at that moment. They had made important strides to implement section 9 of the Constitution to achieve equality. It was disingenuous for people to think that if they used the word, it was in perpetuation of the old order. The government was not trying to do that; rather it was doing its best to deal with inequality. Therefore, that insinuation had to be corrected. He asked what did the petitioners want the Committee to do. He suggested that the issues were thrown into the public discourse and thoroughly consult the relevant authorities in these fields and solicit their views.

Ms C Visser (DA, North West) was inaudible and she would send a written question.

The Chairperson highlighted that PARC had also called for a national debate and that was welcomed. South Africans had different cultures but they were all united in diversity. He asked what exactly PARC wanted the Committee to do to help.

Mr Snyman replied that PARC wanted the Committee to rename the word "coloured" and then the race bloc. African was to change to black. Coloured was to be removed and "Other" to be included with the race blocs. They were to amend the Employment Equity Act race blocs.

The Chairperson asked PARC how it would deal with a significant part of the "coloured" community who still wanted to keep the term. Did Mr Snyman have the authority to speak on their behalf? Was it not an issue that required a debate and public education? It was more constructive to call for public engagement starting with people in that community on what they would want to be referred to as a people. Apartheid was a means to exclude the other races. The Ministers were correct that they were all equal before the law as South Africans. The classification that was there was intended to repair and to restore the dignity of all those abused. It was a progressive form of classification to deal with the balance. He was not negotiating that they wanted to change how they were referred to. He believed it was progress if the PARC started by engaging the coloured "community" to have their support.

Mr Snyman responded that he had been engaging the community for the past 12 years. However, who was going to call all coloureds together and facilitate the meetings and take a vote?

The Chairperson said he understood that this point of view and welcomed a national debate. The Committee was going to take the debate forward starting with the "coloured" community.

Home Affairs Minister Motsoaledi said the issue was of great importance but not relevant to the Ministry of Home Affairs because they had abolished it. It was relevant to the Ministry of Labour so the Ministry would take what the Committee would decide.

Labour Minister Nxesi said that they could not address imbalances without recognizing the race classifications with the whites at the top, coloureds, and Indians in the middle. It was important to identify disadvantaged groups and rightful beneficiaries for restitution and affirmative measures. The classifications in the EEA were solely as an instrument to achieve substantive equality for all and not a device to reinforce an apartheid discriminatory system. Society would struggle to implement the affirmative action measures without this. He asked the petitioners to reconsider their request for the removal of race classification in the EEA. If not, it could approach the Constitutional Court to provide clarity on the matter. He accepted the idea of a national dialogue.

The Chairperson thanked all in attendance and PARC for its petition. He highlighted that it was a very important issue that talked to the past and the present hence the Committee had to prioritise it. **The Committee accepted the proposal for a national debate, and they would try and find the best approach to ensure a constructive debate.** The Committee was going to engage with national broadcaster, SABC, and others in the discussion. The meeting was adjourned.

VOTING OUTCOMES ON PARC'S PETITION

22 SEPTEMBER 2022

The entire National Council of Provinces (NCOP) agreed with the content of our petition and acknowledged that the term 'Coloured' carries the weight of a racial slur.

They also agreed on the need for a national debate concerning the broader issue of identity in South Africa.

EXTRACT:

23. FOURTH ORDER [15:25]

Consideration of Report of Select Committee on Petitions and Executive Undertakings (Announcements, Tablings and Committee Reports, 30 June 2022, p 11) **Hearing of the People Against Race Classification petition held on 24 February 2022, as adopted on 24 June 2022.**

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

SEEKING A COURT DECLARATORY ORDER ON CRIMINALISING THE TERM COLOURED

1. What is a court declaratory order?

A South African declaratory order is a court ruling that clarifies or determines the existence or nature of a legal right, obligation, or status, even if no specific remedy or action is immediately required. These orders serve to resolve a dispute about a right that is existing, prospective, or contingent.

2. Who has the right and prerogative to make laws in South Africa?

On **3 Sept. 2021** in the matter of *Electoral Commission vs. Minister of Cooperative Governance and Traditional Affairs and Others*, concerning the local government elections of 2021, **The Constitutional Court stated that it can only abide by, and execute laws adopted by parliament.**

Under our constitutional system, **Parliament** (both the **National Assembly** and the **National Council of Provinces**) is the primary **law-making body**, as empowered by **Section 43** of the Constitution. Provincial legislatures also make laws on matters within their competence under **Schedule 4 and 5**, while local government can legislate by-laws within its delegated spheres.

In dismissing the IEC's application to postpone the 2021 local government elections, the Court reaffirmed its limited role in **interpreting and applying** — but not **making or amending** — the law. The Court emphasized that it must operate within the framework set by **constitutional and statutory law**, and that legislative discretion remains with **Parliament and the relevant Minister**.

3. Can Case law create or amend existing laws and to what extend?

This is a **grey area situation**. In South African law, **case law (judicial precedent)** does **not create new laws** in the same way that Parliament does through legislation, **nor can it amend existing legislation** directly. However, it plays a **critical role in interpreting, developing, and applying the law**, especially within the **framework of the Constitution**.

4. Does a law exists that declare the use of the “K-word” by citizens a crime?

No. Only case law exists to recognize it as a criminal act. South African society's experience and history with the word have led to its recognition as a crime. **The same can be said about the use of the word “Coloured.” The only excuse people might have for not acknowledging the term as offensive is that they may not know what else to call themselves if this name is criminalised.**

5. Does the judiciary have the right to make laws in South Africa? – NO.

Many times, our judiciary relies on **case law**—cases that involved substantial evidence, debate, and cost—as a valid basis to set a precedent in a given situation, effectively creating a new “policy” or legal principle. Such cases then become the foundation for future court decisions, providing a legal footing for subsequent judgments.

Under **Section 239 of the Constitution**, an organ of state includes: “...any department of state or administration in the national, provincial, or local sphere of government...”

Therefore, the **Office of the Chief Justice (OCJ)** qualifies as an organ of state because: It is a national department, and it exercises public powers and performs public functions under legislation, including the **Public Service Act**, and it receives its budget and budget approval from **Parliament**.

Because of this, the judiciary **cannot be considered fully independent**, and non-politically elected judges **do not have the authority to create, amend, or repeal laws** that have not been approved by Parliament—which represents the will and voice of the people of South Africa.

6. On what basis is a declaratory judgment made?

Although a declaratory order or judgment can help provide clarity on a particular matter, it must be noted that such a judgment **cannot rewrite the law, correct what is wrong, or declare wrong what is right**.

It also needs to be questioned and kept in mind that while a single judge or a panel of judges may decide on a matter, **by whose authority and prerogative is this done?**

INTERNATIONAL LAW

IN THE UNITED KINGDOM THE TERM “COLOURED” IS A CRIMINAL OFFENCE AND REGARDED AS HATE SPEECH

Section 39(1)(a) of the Constitution of the Republic of South Africa obliges South African courts to consider international law when interpreting the Bill of Rights.



Extract: Point number 160 to be considered.

Terms relevant to identity

154. Language is constantly evolving, and recommended terminology helps judges identify terms which may now be considered outdated/informal, or even offensive.
155. Language that was formerly used to describe a person's ethnicity is sometimes no longer recommended. It should be noted that there can be differences in opinion over some terms, so whilst some words are clearly unacceptable, for others there may not be any one correct answer about whether the term is right or wrong. Some guidance is provided below:
156. **BAME or BME:** These are generally no longer used because they do not differentiate between people with diverse backgrounds, and who have been subjected to different life experiences and patterns of discrimination, while emphasising certain ethnic-minority groups (Asian and black) and excluding other and white ethnic minorities. The term can create a misleading interpretation of data.
157. Where possible and relevant, we talk about the particular racial or ethnic group. Where this is not possible, we have used ethnic minority, or ethnic minority groups and people from ethnic minority backgrounds, rather than minority ethnic. This mirrors the language used by the Equality and Human Rights Commission, the last census, and generally by the government.
158. An ethnic minority person should not be referred to purely as an "ethnic person". Nor should the term of "ethnic communities" be used to describe ethnic minority communities, as every individual and community has an ethnicity. An ethnic minority person should not be referred to as a noun, ie "an ethnic".
159. **People of colour/coloured:** The term "people of colour" tends to be used more in the USA than in the UK. This term has been criticised as it blurs the separate identities of the groups it covers, and does not include white ethnic minority groups.
160. "Coloured" is offensive and must be avoided. A person of the older white generation in the UK may feel that they are being polite by using the word "coloured" rather than "black", however this is considered outdated and offensive. "Brown" (as a reference to South Asian people) should also be avoided.
161. **Black:** It is now generally recommended to use the term "black" to describe people of African-Caribbean or sub-Saharan African descent. People of South Asian descent may or may not describe themselves as "black": there may be different views between older and younger generations. This term should only be used as an adjective, eg "a black person", not as a noun ("a Black"). There are different views on whether the terms "black" and therefore "white" should be written with a capital letter, and this can vary in the research reports. Often it depends on whether the terms are being used in a political context and, indeed, who is encompassed by "black". For consistency in this chapter, we have used lower case letters, unless the group's name includes a geographical place, eg Asia, Indian or Black Caribbean.
162. **West Indian/Afro-Caribbean/African Caribbean/African:** The term "West Indian" was formerly used as a phrase to describe the first generation of post-World War II settlers from the West Indies and, in particular, many older people from that community will describe themselves so. Whilst the term "West Indian" would not always give offence, it is inappropriate to use it unless the individual concerned identifies themselves in this way, as it is otherwise considered outdated.
163. "African Caribbean" is the term now much more widely accepted. It has largely replaced the earlier term "Afro-Caribbean". As with "West Indian", this may be used as a self-description by some people, but may be seen as outdated.

UK OFFENSIVE LANGUAGE GUIDELINE

ITV OFFENSIVE LANGUAGE GUIDELINES

The Ofcom Broadcasting Code requires that broadcasters apply “generally accepted standards” to offensive language in programmes, to ensure that:

- material that may cause offence is justified by context
- children are protected from unsuitable material by appropriate scheduling

There are no “banned” words in the Code, and there is no absolute right for viewers not to be offended by language used in TV programmes. Ofcom’s most recent research on audience attitudes suggests viewers accept offensive language being used for dramatic impact, for humour, to reflect real life, or to inform and educate. The research also shows increasingly relaxed attitudes about the use of swear words, as long as the strongest language is only broadcast after the watershed, and parents are given sufficient information to inform decisions about what their children watch. But they are increasingly concerned about discriminatory language, particularly around race.

Context is all-important, and the use of offensive language must be justified by its context, eg why it appears in the programme, the nature of the likely audience given the scheduling, what warnings were given, who is speaking and who is being spoken to, the perceived intention or purpose of programme-makers, presenters or contributors, and what the audience expectations are for the schedule slot, the genre of programme, and the channel.

Offensive language is a part of British culture, and ITV is proud that its programmes are at the heart of that culture, and reflect British society. This guidance is informed by research on viewer attitudes published by Ofcom, and by previous Ofcom adjudications. It provides general guidance for all programmes on ITV channels, and the examples of offensive words are not exhaustive – within the last decade some words have largely dropped out of use, whilst new ones are constantly arriving.

Any use of offensive language is always both an editorial and a compliance issue, and should be considered carefully and discussed with commissioners and compliance advisors. Producers should not assume that a post-watershed slot of itself makes *any* amount of offensive language acceptable. After 21:00, the transition to more adult material must not be too abrupt, so focus should be given especially to the early part of those programmes starting at 21:00.

Producers should also not assume that any offensive language can be dealt with for pre-watershed broadcast simply by “bleeping” or “dipping” that language. Excessive or repeated language, even masked, may still render the tone of some programming unsuitable for pre-watershed broadcast, and further editing (ie completely removing some dialogue or images) may be required.

Ofcom’s research suggests three broad groupings of words –

Mild – unlikely to concern audiences in most circumstances and requiring limited context

Moderate – greater potential for offence, and a higher level of context required, based on audience reasonable expectations

Strong – highly offensive, and clear contextual justification required.

In summary, ITV's expectations pre- and post-watershed are as follows: **Pre-watershed**

- The strongest language (see below) should not appear in any programme, and other offensive language only exceptionally
- Moderate and mild language (see below) should only be used where editorially justified by the context
- No offensive language should appear in children's programmes **Post-watershed**
- The strongest language should generally be avoided in programmes likely to still attract a significant "family" audience (eg *I'm a Celebrity Get Me Out Of Here*, *Britain's Got Talent*)
- For programmes starting at 21:00, the strongest language should generally be avoided in pre-title and recap sequences, and in the early part of the programme
- Offensive language should only be included if editorially justified by context

Post Watershed only (21:00)

<p>Motherfucker, Cunt</p> <p>Fuck, Fucking</p>	<p>These words are regarded as the "strongest" offensive language, and should never be used before the watershed. They require clear editorial justification even post-watershed.</p> <p>In programmes starting at 21:00, "fuck" and "fucking" should generally be avoided in pre- titles sequences and recaps, and used only sparingly in early scenes.</p> <p>Specific advice should be sought from a senior compliance manager for the use of "cunt".</p>
<p>Gash, Flaps, Beef-curtains, Punani, Pussy Hole, Jap's eye, Cocksucker, Cum, Nonce, Prickteaser, Slut</p> <p>Beaver, Clunge, Fanny, Milf, Minge, Ho, Pussy, Slag, Slapper, Skank, Snatch, Whore, Sket, Bloodclaat, Bumberclat, Cock, Dick, Dickhead, Wanker, Prick, Knob, Knob- head, Shag, Tosser, Tool, Twat, Bukkake, Dildo, Jizz, Spunk, Rapey</p>	<p>These words are regarded as "strong" and are generally unacceptable before the watershed.</p> <p>These words are regarded as "moderate" but are generally inappropriate before the watershed (unless there was particularly strong editorial and contextual justification).</p>

Discriminatory Language (generally Post Watershed)

<p>Nigger, Paki, Chink, Chinky, Ching Chong, Slope, Pikey, Gippo, Gyppo, Raghead, Towelhead, Coon, Darky, Dago, Wog, Golliwog, Golly, Coloured, Negro, Sambo, Spade, Choc Ice, Nig-nog, Gook, Honky, Jap, Kraut, Spic, Wop, Taff, Fenian, Prod, Taig, Polack, Sheeny, Kike, Yid, Heeb, Kafir/Kuffar, Papist, Half-Caste, Jungle Bunny, Uncle Tom, Chinaman, Bud bud, Coconut, Curry Muncher,</p>	<p>Derogatory racial and religious terms, or those derived from historical racial terms, or those about LGBT or disabled people, require strong editorial and contextual justification at any time.</p> <p>Specific advice should be sought from a</p>
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<p>Monkey, Paddy, Sheep-Shagger, Tinker, Cracker, Freshy, Jock, Nazi, Oriental, Taff, Uppity, Bible Basher, Hun, Muzzie, Tarrier, Jew</p> <p>Faggot, Homo, Queer, Poof, Ponce, Batty Boy, Nancy, Pansy, Fairy, Bender, Bent, Shirt Lifter, Queer, Queen, Bum Boy, Bumclat, Bummer, Faggot, Fag, Fudge- Packer, Chi-Chi Man, Butt Bandit, Mincing, "that's Gay"</p> <p>Lezzie, Lezza, Lesbo, Dyke, Muff Diver, Carpet Muncher, Rug Muncher</p> <p>Tranny, Gender Bender, He-She, Chick with a Dick, Shemale, Transsexual</p> <p>Retard, Mong, Schizo, Spastic, Spaz, Spakka, Cretin, Cripple, Special, Window- licker, Vegetable, Div, Mental, Loony, Nutter, Moron, Psycho, Invalid, Deaf and Dumb, Dwarf, Midget, Flid, Handicapped, Mentally Challenged, Tone Deaf, "Wheelchair bound"</p>	<p>senior compliance manager for any inclusion of "Nigger".</p> <p>Pre-watershed, the use of discriminatory language is acceptable only exceptionally with strong editorial and contextual justification (eg in factual or drama programmes dealing with racism, homophobia or disability as a discussion topic or theme).</p> <p>Some terms may cause more or less offence depending on the user, and the purpose/ context. Some language may be deemed less offensive if used in a "reclaimed" context, rather than as a derogatory term eg "Queer" or "Dyke" as used by some LGBT people.</p> <p>Some terms (eg "mental", "nutter", "loony") may cause less offence if used lightheartedly and/or without intention to insult, but not if applied to people with learning difficulties.</p>
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Pre-Watershed

<p>Frigging, Frickin', Shit, Shite, Bullshit Shag, Screw, Tits, Bollocks</p> <p>Arsehole, Bastard, Bellend, Tart, Munter, Slapper, Son of a Bitch, Twat</p>	<p>This language is considered "moderate" but compliance advice should always be sought on inclusion pre-watershed.</p> <p>Some terms may be less acceptable where there is less audience expectation of this language appearing in the particular genre of programme.</p>
<p>Arse, Ass, Balls, Bawbag, Bum, Boobs, Bloody, Bigger, Crap, Damn, Goddamn, Piss, Pissed, Pissed off, Sod, Sod off, Effing, Feckin', Feck</p> <p>Bint, Bitch, Cow, Minger, Git, Old Bag, Ginger, Coffin Dodger, Chav</p> <p>Gammon, Karen, Boomer, Remoaner, Snowflake</p>	<p>There is more viewer tolerance towards occasional use of this mild language before 21:00.</p> <p>Note repetition and cumulative effect – one-off use of a mild term may be acceptable, but repeated uses in the same programme may not be.</p> <p>These "political" derogatory terms are generally regarded as mild.</p>
<p>God, Goddamn, OMG, Jesus, Jesus Christ</p>	<p>"God", "Oh My God" or "OMG" are generally seen as innocent and inoffensive expressions of emotion or surprise.</p> <p>"Jesus" or "Christ" used as exclamations may still offend some religious people, but are generally viewed as acceptable pre- watershed where the use by the speaker is spontaneous</p>

SA PARLIAMENT HANSARD DEBATES

THE HARMFUL STIGMA LINKED TO “COLOURED” IDENTITY

SA Parliament Hansard Debates - Population Registration Repeal Act 1991

12435

TUESDAY, 11 JUNE 1991

12436

first place they are responsible to their people and their family, their siblings, their nation. If hon members stand by them, they cannot lose, and they will be happy and they will share the future with us as neighbours.

*Mr F J VAN DEVENTER: Mr Speaker, I am standing here to tell you that I am grateful for the opportunity to participate in the debate on the repeal of this Act today. [Interjections.] I am grateful because for the first time there is a very clear illustration in this House of the fear of the narrowminded that they will not be able to maintain themselves within a situation in which they are not protected by laws. I am grateful that I can look the world in the eyes as a White Afrikaner. I am not ashamed of that, and no person can take that away from me or change it. [Interjections.] I am grateful that I can look the world in the eyes and tell the world that I am a White Afrikaner without needing a symbol in a book to indicate it.

If what the hon member for Bethal said was correct, namely that if this Act discriminated, it was wrong and those things should have been averted, I want to ask him the following. This Act has its tentacles in many laws, which are basically blatantly discriminatory, and he knows that. Is he in favour of the abolition of those laws if this Act is retained? Is he in favour of that?

*Mr C D DE JAGER: We can debate that!

*Mr F J VAN DEVENTER: Now the hon member is silent.

*Mr C D DE JAGER: I am not silent! We can debate that!

*Mr F J VAN DEVENTER: The hon member is silent because he knows in his heart of hearts that the CP wants to use this Act as a vehicle to make discrimination part of the South African future. [Interjections.]

We cannot live with that. The hon member Mr H D K van der Merwe, with his customary threats which were slung at us here, put forward the standpoint that the right of the White man and the Afrikaner to be White and an Afrikaner, was being taken away. May the good Lord ensure that the day never comes when I will be so weak and have so little belief in my own value and social values that I have to look for laws to protect those social values. [Interjections.] The day the Afrikaner walks that road, the day the

Afrikaner heads in that direction, he is approaching his end. [Interjections.]

I should like to take this opportunity to look at what the repeal of this Act will mean for the future of South Africa. My race and ethnic context is not dependent on a symbol or a figure. I am what I am and I am proud of it. I am not apologising for that. [Interjections.] What I want to say today is that this Act, and the enforcement of this by other laws in South Africa, reserved opportunities for a specific group in South Africa. [Interjections.] That is wrong, and the hon member for Bethal conceded that that was wrong. For the first time I and millions of South Africans will experience what it is like to say that I am an Afrikaner or a Zulu or a Xhosa by choice. That is a choice which one can exercise with pride because one wants to and can be.

Equally true is the “belong to” syndrome, and that is why the question of what one may or may not do is being rejected today. In the Statute Book of the Republic of South Africa there will no longer be protection for reserved privileges or the withholding of them because one is what one is. The country and its opportunities are open to everyone. As South Africans we can grasp those opportunities and do more with them than in the past, because our legs need not buckle under the burden of frustration which was part of our lives for so long.

We are forcing a gap for the recognition of human dignity. This Act which we are repealing today, and which has its tentacles in so many other laws on the South African Statute Book, by implication has—or so it is experienced by millions of South Africans—an inferiority connotation with which the NP as well as the bodies which have to enforce it can no longer live.

Secondly, it gave South Africans a choice of either accepting the prescriptions of the law and in so doing being party to discrimination against themselves, or of contravening the law and running the risk of falling foul of the law. The fact that we saw very little of the latter type of resistance, is proof of our people’s desire and striving to live as decent, disciplined and law-abiding citizens.

This gives me a tremendous amount of hope for the future. If people are able to show self-discipline despite a feeling that their human dignity is being affected, as we have seen in

I shall reply in full to the lady who wrote the following rubbish to me on 20 May:

Ons neem waar op televisie dat u uself by die Afrikaner wil voeg. U, meneer, sal met respek in der lewe nooit 'n Afrikaner wees nie. U mag my taal praat, maar deel van my Afrikaner-volk nooit!

I want to ask this lady what about my uncles by birth, who are sitting in the CP. Are they Afrikaners? I continue:

Soort soek soort, elkeen apart met 'n trots as volk. Word liever 'n trotse kleurling, soos die Rehoboth-basters is, 'n trotse volk.

I do not know whether this lady knows that a "ling" is a thing, and I am not a "Kleurling". I am a South African, that is why I am so glad that this Act is going to be abolished today.

I quote further:

Dan het ek vir u respek, anders nie. U sal, as u 'n trots as kleurling het, nie ander volke wil binnedring nie.

I ask again, what about my uncles? I continue:

U sien, die huidige Regering het nie meer 'n volkstrots nie, daarom wil hulle hul heil by die kleurlinge soek en dis stories aan u op wat soos soetkoek klink.

I wonder how "soetkoek" sounds. I know what it tastes like! She concludes:

Wees trots op u volk, dan wil u nie tussen die Blankes wees nie.

That is the kind of thinking which we still find among people who say that this Act has to remain on the Statute Book.

Today there are still members of my family who are classified as Black. With the abolition of this Act they are now being made equal to me and everybody else. It is just a pity that clause 1(3) is still necessary. If people did not take so long, negotiations could have progressed further and this measure would not have been necessary.

this Act these marriages are recognised, as long as no other marriage has been entered into.

Mr A J LEON: Mr Speaker, we heard very eloquently from the hon member for Reigerpark exactly how this Act has *par excellence* been an example of a statute which produced humiliation and a sense of inferiority among those who were obliged to submit to an investigation of their family histories, social habits and physical appearances. Those of us who were never part of that humiliation can only sympathise and say: Thank God it is now coming to an end! I do not think we should be too squeamish today to recall that the kind of investigations which were used in terms of this Act were actually inquiries into the precise racial admixture of one's parents, the colour of the friends one kept and the extent to which one's hair, fingernails, lips and other physical features inclined one towards either the Caucasian or the Negroid. That is what we are getting rid of, and of course we welcome it.

There is an aspect of this Act and its abolition which I believe is important. With the collapse of formal apartheid as evidenced in this Bill, we are uniquely poised to take South Africa into a new, different and better culture, one based on the enforcement of rights within a climate of liberty.

Twenty years ago—it is well-remembered—the hon the Minister of Foreign Affairs said in his maiden speech that South Africa should become a signatory to the Universal Declaration of Human Rights. In my own maiden speech last year I argued the same point and said that we had lost a golden opportunity when we declined to heed the hon the Minister's call to acknowledge that declaration affirmatively. However, the Government today—next week in fact—can salvage this omission and endorse the declaration. In view of the historic move which South Africa is making in abolishing racial classification, I believe we should send such an affirmative signal, together with the repeal of this Act, that we will immediately become a signatory to the Universal Declaration of Human Rights.

I do not see how you can expect the co-operation of the people to a situation like that. It is quite clear and it needs no argument, that we can only carry out a national registration if you carry public opinion with you, if you carry the wholehearted co-operation of the people with you. That was the report of the Select Committee which sat in 1935. It was said also by the Department of the Interior which made a report at that time. They said a system like this could not succeed and be carried out successfully unless you have the wholehearted co-operation of the people concerned. When you have a situation created under the law which makes it almost impossible for the people to co-operate, you cannot expect success. The Native people will think they will be subjected to another pass. The Coloured people will not know where they are. They will be chivvied about by nondescript enumerators and then they will have to appear before a director or a board, to retain their rights. Surely, how can you expect co-operation from the population of the country in those circumstances? I think it is an intolerable situation. The friction will be such that these people will be driven to evasion. We have seen what has happened in the country. Take our pass laws. We see that our pass laws have led to this result. They are not obeyed, but they are disobeyed and flouted. Thousands or tens of thousands of people are in gaol or under punishment from day to day and from year to year in this country. It is all because the people concerned will not co-operate. They think it is an injustice which is applied to them.

The PRIME MINISTER: Would you abolish those laws?

Field-Marshal SMUTS: No, I do not want to abolish them. My point is this. Unless you carry the people with you in legislation of this nature, you simply leave the door open to disobedience, to flouting of the law and to evasion.

The MINISTER OF THE INTERIOR: Then you should advocate the abolition of all laws.

The MINISTER OF JUSTICE: To be logical then, you should abolish the law.

Field-Marshal SMUTS: I am not talking about abolition. I am saying that the sort of thing we see in regard to the pass laws we shall see in regard to this legislation. There is no question about that. I think even Europeans will resent, in a large measure, what is being done here. By means of this legislation you create a feeling of injustice, a feeling of unfairness, a feeling that people do not get fair play, which must make it almost impossible to expect a willing obedience of this law.

The MINISTER OF JUSTICE: Why?

Field-Marshal SMUTS: It makes it almost impossible to carry out this law effectively. The Coloured people will simply look upon this Bill, if it is passed, as a slur upon them.

The MINISTER OF THE INTERIOR: Why?

Dr. VAN NIEROP: Do you think it is?

Field-Marshal SMUTS: Cannot hon. members on the other side put themselves in the place of the other man for a moment? Cannot they do it? This card, given to a Coloured man, with the endorsement on it that he is a Coloured man . . .

Dr. VAN NIEROP: What is wrong with it?

The MINISTER OF THE INTERIOR: They are proud of it.

Field-Marshal SMUTS: Yes, just as the hon. the Minister would be proud in similar circumstances.

Dr. VAN NIEROP: What is wrong with it?

Field-Marshal SMUTS: I say that it is trifling with justice and fair play. This Bill, if it becomes law, will lead to a state of affairs in which even this card will be looked upon as being in the nature of a pass.

Dr. VAN NIEROP: But Europeans will have it, too.

Field-Marshal SMUTS: You cannot judge these matters by what Europeans in other countries think about it; other countries whose circumstances are entirely different from the circumstances in our country. This idea that there is some stigma attached to this card will spread amongst our people. And you will find opposition not only among the Natives who will look upon it as another pass, or the Coloured people who will look upon it as a new stigma, but even among the Europeans.

The PRIME MINISTER: Is it a stigma to call a Coloured man a Coloured person?

Field-Marshal SMUTS: Hon. members opposite who, with their ideological ideas, rush into this thing, may find out that they are making a very great mistake from their own point of view. I can well imagine our white women saying: "Why should we carry this document when Native women are exempt?"

Dr. STEENKAMP: That is their apartheid.

1950

to encourage it in our legislation. That was the basis on which the Nationalist Party went to the electorate and the Nationalist Party is endeavouring in every possible way to give effect to the policy that they advocated. I want to state clearly that when the Nationalist Party introduced apartheid administratively on our trains and in the post offices, the other side of the House ardently fought against it. At a later stage we introduced legislation. We have the Prohibition on Mixed Marriages Act in which this difference is recognised while at the same time there is no discrimination. The other side of the House fought that legislation tooth and nail. We introduced the Immorality Bill and that was fought tooth and nail by the other side of the House. Again they are fighting against this Bill because it recognises the different racial groups in this country. I want to put this question: What is the practical difference between the liberalist, who says that he does not believe in the colour bar in this country and that he does not believe in the purity of the races, and the attitude which the United Party adopts in consistently refusing to recognise the difference between the races in our legislation? Yesterday they went a good deal further and the Leader of the Opposition, speaking on their behalf, stated that it was impossible at the present time to recognise the difference between the races and to make any distinction between them. He said —

You are trying to classify what is unclassifiable.

That is the truth of the matter as regards these two viewpoints in connection with the future of white South Africa. There is practically no difference between the viewpoint of the extreme liberalists and the viewpoint of the United Party. If we adopt the attitude today that it is impossible to bring about racial segregation on a colour basis then we must also admit that in future it will be impossible to keep the European race pure. Then it is clear that we have already lost the battle. Why has that change come about? In 1922, for instance, the Rt. Hon. the Leader of the Opposition said that there must be absolute segregation in South Africa. In those years he pleaded for absolute segregation. He advocated that the Natives in South Africa should only be migrant labourers. Even in 1936 the Rt. Hon. member voted with Gen. Hertzog in favour of our segregation laws, but in 1944 in a speech in the Cape Town City Hall, he completely discarded the principle of segregation, and again in 1948 he stated very clearly that segregation as we know it and as contained in the Hertzog legislation, has become a practical impossibility. It is very clear to us why the Rt. Hon. member has undergone this transformation. The hon. member has come to

the conclusion that apartheid, in every respect, has become a practical impossibility. Firstly, the Rt. Hon. member stated that apartheid in the commercial sphere was impossible and impracticable. Subsequently the Rt. Hon. member stated that apartheid and the differentiation between racial groups socially was impracticable and offensive. It was for that reason that we encountered opposition from the other side of the House when we introduced apartheid in post offices, on the trains and in other places. Now the Rt. Hon. member states that differentiation between the races on the ground of colour has also become an impossibility and that it is impracticable and offensive. I put this question: If that is the point of view of the Rt. Hon. the Leader of the Opposition, what alternative is left to us? It seems to me that he is consistently adopting the attitude that differentiation between the various colour groups in South Africa is impossible and that it is therefore in practice impossible to follow a policy of apartheid. But if the Rt. Hon. the Leader of the Opposition, at this advanced stage in his life, accepts the principle that in practice it is impossible to draw a line of distinction between European and non-European in South Africa, I can assure him that white South Africa will really not honour his memory. Yesterday he did his utmost to fill the people of South Africa, especially white South Africa, with a feeling of despair. He informed the people, and especially white South Africa, that our hopes of having a white race in years to come have been destroyed because even today it is not practical to draw a line of distinction. I quote what the Rt. Hon. member said —

You are trying to classify what is unclassifiable.

The hon. member for Rondebosch (Col. Jordan) in his conceit — or is that the wrong word — went even further and made the accusation that we on this side of the House honour the principle of Hitlerism because we believe in the building up of a nation on the foundation of blood. I want to assure the hon. member that if the United Party in South Africa discards that cornerstone of blood, as far as colour distinction is concerned, our White race will fight them with all the intelligence and the power God has given us. We will fight that principle and we will fight the United Party on that point from the north to the south and from the west to the east. If the United Party identifies itself with the hon. member for Rondebosch and accepts that principle we will fight it with the last drop of our white blood and the last drop of sweat of our labour. I want to assure the United Party that if they have reached the stage where they discard the principle of purity of blood in the building up of a nation, we will fight them as long as we have any breath left.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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Vol. 312

CAPE TOWN, 28 JUNE 1991

No. 13342

KAAPSTAD, 28 JUNIE 1991

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1491. 28 June 1991

No. 1491. 28 Junie 1991

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 114 of 1991: Population Registration Act Repeal Act, 1991

No. 114 van 1991: Wet op Herroeping van die Bevolkingsregistrasiewet, 1991

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
-]** Words underlined with a solid line indicate insertions in existing enactments.

ACT

To repeal the Population Registration Act, 1950; to amend or repeal certain laws so as to abolish the distinction made therein between persons belonging to different races or population groups; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1991.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment and repeal of Acts, and savings

1. (1) The Acts mentioned in Schedule I are hereby repealed to the extent set out in the third column thereof. 5

(2) The Acts mentioned in Schedule II are hereby amended to the extent set out in the third column thereof.

(3) The population register as compiled in terms of the Identification Act, 1986 (Act No. 72 of 1986), and as it exists at the commencement of this Act shall remain in force and of effect until the repeal of the Republic of South Africa Constitution 10 Act, 1983 (Act No. 110 of 1983).

CENSUS REPORT DOCUMENTS OF SOUTH AFRICA

This file consists of single **extract copies** of the original census reports that are stored at the **Western Cape Archives and Records Services** in Cape Town, South Africa.

This office is situated in **Roland Street 72, Cape Town CBD**.

Telephone number is: **021 483 0405**.

Email address is: **archives.clientservices@westerncape.gov.za**

Website address: **<https://www.westerncape.gov.za/cas/service/western-cape-archives>**

RESEARCH PURPOSE:

The author of this document conducted research on the first censuses carried out by the South African government. He aimed to understand how the population was classified in the early years, which community groups existed, what their names were, and how this eventually led to the four race groups used in modern-day South Africa. The first census was conducted by the Cape Colony under the direction of the Governor in 1865.

First census of the Cape Colony	-	5 March	1865
Second census of the Cape Colony	-	5 April	1875
Third census of the Cape Colony	-	5 April	1891
Fourth census of the Cape Colony	-	17 April	1904
Fifth census of the Union of South Africa	-	7 May	1911

WHERE CAN I FIND THESE REPORTS AT THE ARCHIVES OFFICE?

Inventory of Cape Colony Publications : **7/1 – CCP & CCP 4/11/6**

CENSUS **Vol. 4 / 11 / 1 - 6** , page 142

Journal of Jan van Riebeeck

WHAT ARE WE TRYING TO PROOF?

We seek to expose the truth that the race group label “Coloured” was never a name chosen by the people it describes — it was an umbrella term forced upon a wide range of indigenous tribes and ethnic communities in South Africa. This name was enforced on them through colonial and apartheid policies, stripping people of their true identities and histories. Over time, the label “Coloured” became a tool of erasure, disguising the true identities of the country’s first peoples. It was deliberately used to lump diverse groups into a single category, not for recognition or unity, but **to make it easier for the government to control and classify**. At its core, the system behind this label was meant to uphold white supremacy by **maintaining the so-called purity of the white race** and drawing a sharp line between 'them' and everyone else.

1865

SCHEDULE A.

CENSUS—1865, Division of *Serravallo Islet* Field-comrcty of *Serravallo Islet* No. _____
 or _____ Ward No. _____
 Town of *Farin Grande Island*

NAME	SEX Insert M. or F.	AGE	OCCUPATION	EDUCATION			AT SCHOOL		RACE White or European (E) Hottentot (H) Kafir (K) Other Aborigines (O)	Place of Birth	Deaf, Dumb, or Blind.	REMARKS
				Can Read and Write.	Can Read only.	Sunday School only.	Day School or Other.					
<i>G. M. Gassman</i>	<input checked="" type="checkbox"/>	<i>20</i>	<i>Farmer</i>	<i>Can</i>				<i>E</i>	<i>Serravallo Islet</i>			
<i>David Banton</i>	<input checked="" type="checkbox"/>	<i>17</i>						<i>No</i>				
<i>David Banton</i>	<input checked="" type="checkbox"/>	<i>19</i>	<i>Shipman</i>					<i>No</i>				
<i>W. Annah</i>	<input checked="" type="checkbox"/>	<i>70</i>						<i>No</i>				
<i>John</i>	<input checked="" type="checkbox"/>	<i>18</i>						<i>No</i>	<i>Grande Island</i>			
<i>William</i>	<input checked="" type="checkbox"/>	<i>16</i>						<i>No</i>	<i>Grande Island</i>			
<i>James</i>	<input checked="" type="checkbox"/>	<i>40</i>						<i>No</i>	<i>Grande Island</i>			
<i>W. Endlich</i>	<input checked="" type="checkbox"/>	<i>11</i>						<i>No</i>	<i>Grande Island</i>			
<i>Mathy</i>	<input checked="" type="checkbox"/>	<i>3</i>						<i>No</i>	<i>do</i>			
<i>Rachel</i>	<input checked="" type="checkbox"/>	<i>10</i>						<i>No</i>	<i>do</i>			
<i>Maty</i>	<input checked="" type="checkbox"/>	<i>8</i>						<i>No</i>	<i>do</i>			
<i>Larah</i>	<input checked="" type="checkbox"/>	<i>14</i>						<i>No</i>	<i>do</i>			

CENSUS OF THE CAPE COLONY.—1865.

I.—SEX AND RACE.													
	Male.		Female.		TOTAL.	European.		Hottentot.		Kafir.		Other.	
CAPE TOWN.													
The Municipality* ... ..	...	14,045	...	14,412	28,457	...	15,118	...	628	...	274	...	12,437
GREEN POINT.													
The Municipality ... ..	...	440	...	468	908	...	729	...	7	...	16	...	156
ROBBEN ISLAND.													
The General Infirmary ... ..	...	284	...	174	458	...	266	...	49	...	34	...	109
CAPE DIVISION.													
Papendorp	522		513			544		18		409		64	
Liesbeek Rivier	359		334			450		15		23		205	
Rondebosch	991		1,211	2,202		1,378		16		6		802	
Newlands	1,785		1,958			1,955		3		...		1,785	
Wynberg	1,171	14828	1,275	5291	16119	1,242		3		2		1,199	
Klassenbosch (Constantia)	630		583			369		8		3		853	
Diep Rivier	328		311			230		75		...		334	
Downs, No. 1 and 2	482		453			287		2		1		645	
Noord Hoek	429		368			391		243		5		158	
Simon's Town & Wildschutbrand	1,350		1,198		2548	1,231		168		21		1,128	
Kuils Rivier and Tygerberg	438		335			268		63		5		437	
Paalen	279		235			170		3		...		341	
D'Urban	385		359			353		320		6		65	
Koeborg, No. 1	342		268			270		312		8		20	
" No. 2	367		279			337		174		3		132	
Blueberg	374		309			273		29		5		376	
		10,252		9,989	20,241		9,748		1,452		497		8,544
STELLENBOSCH.													
The Municipality	1,427		1,548		58064	885		27		60		2,003	
Environ	563		440			338		5		9		651	
Klapmuts	381		293			204		62		3		405	
Bottelary	204		148			107		1		21		223	
Eerste Rivier	710		559			403		40		13		813	
Hottentots' Holland	840		765			428		28		56		1,093	
Moddergat	550		489			347		17		7		668	
		4,675		4,242	8,917		2,712		180		169		5,856
PAARL.													
The Municipality	2,434		2,495		4929	1,978		43		67		2,841	
Wellington	1,190		1,251		2441	1,011		24		1		1,405	
Groot Drakenstein	661		520			393		33		...		755	
Klein do.	590		520			501		34		2		573	
Dal Josaphat	349		310			336		17		6		300	
Wagonmaker's Valley	721		693			512		63		19		820	
Groeneberg	424		345			383		86		11		289	
Paardeberg	274		231			160		18		...		327	
Achter de Paarl	521		393			442		20		41		411	
Fransche Hoek	610		537			577		17		2		551	
Missionary Institution "Pniel"	263		251			11		15		...		488	
		8,037		7,546	15,583		6,304		370		149		8,760
MALMESBURY.													
The Municipality	654		592			597		56		...		593	
Riebeeck's Kasteel	585		497			565		486		3		28	
Voor do.	458		344			339		2		15		446	
Honigberg	354		303			554		96		7		...	
Mosselbanks Rivier	347		301			337		285		12		14	
Voor Zwartland	383		368			361		13		10		367	
Zwartland	635		494			480		52		19		578	
Mission Station "Abbotsdale"	156		157			14		11		1		287	
Achter Zwartland	420		331			541		180		19		11	
Voor Groenekloof	496		503			427		281		3		288	
Groenekloof	181		140			80		144		3		94	
Mission Station "Mamre"	652		545			16		1,168		2		11	
Behind Groenekloof	255		230			180		184		1		120	
Schryver's Hoek	236		222			220		212		2		24	
Saldanha Bay	328		268			236		141		30		139	
Paardeberg	273		205			216		36		1		225	
St. Helena Bay	941		744			813		468		16		388	
Zout Rivier	514		460			538		268		3		165	
		7,868		6,704	14,572		6,514		4,083		147		3,828
PIKETBERG.													
The Village	271		272			211		11		1		320	
Voor Piketberg	408		386			398		144		6		246	
Achter do.	540		430			657		299		3		11	
Verloren Vallei	429		382			503		55		5		248	
Great Berg Rivier	547		485			750		182		8		92	
Mission Station "Wittewater"	51		74			7		13		...		105	
Do. "Goede Verwacht"	216		235			...		107		1		343	
Twenty-four Rivers	679		632			648		531		13		119	
		3,141		2,896	6,037		3,174		1,342		37		1,484

* Convicts, 646 Males; Military, 523 Males, 172 Females.

DISTRIBUTION OF THE POPULATION.

Distribution of the Population.
 TABLE I.—Shewing the inhabited Houses and Huts, and Population in the different Cities, Towns, Villages, Field-corneties and certain other Localities according to the Census of March, 1875.

CITIES, TOWNS, VILLAGES, FIELD-CORNETIES AND OTHER LOCALITIES.	HOUSES.	HUTS AND TENTS.	TOTAL.		EXCLUSIVE OF EUROPEAN OR WHITE.		EUROPEAN OR WHITE.		MALAY.		HOTTENTOT.		FINGO.		KAFIR AND BETSHUANA.		MIXED AND OTHER.	
			Persons.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
CAPE DIVISION:																		
Cape Town	4132	3	33,239	16,235	17,004	6,489	7,777	9,746	9,227	2,959	3,440	176	159	11	6	118	38	4,154
Green Point	196	3	1,425	629	796	125	186	504	610	19	42	6	12	..	..	8	..	132
Robben Island	26	..	532	365	187	163	58	202	129	6	2	25	12	1	..	27	10	34
Papendorp	218	2	1,211	587	624	288	335	299	289	51	55	4	3	..	..	2	..	277
Rondebosch	280	..	1,902	811	1,091	282	388	529	703	77	100	3	5	..	..	6	5	278
Newlands and Claremont	708	49	4,197	2,044	2,363	1,073	1,325	971	1,038	277	345	6	13	1	..	4	1	966
Wynberg	411	10	2,504	1,196	1,308	533	651	663	657	127	156	2	11	..	..	2	..	484
Simon's Town	364	19	2,447	1,445	1,002	521	486	924	516	150	137	1	3	..	1	9	..	345
D'Urban (Village)	21	1	392	177	215	79	99	98	116	..	..	..	..	..	..	4	..	99
Liesbeck River	102	4	914	453	461	219	237	234	224	15	17	..	1	..	..	..	..	219
Klaarbosch	160	78	1,243	631	612	448	444	183	168	68	89	9	4	..	..	7	..	351
Diep River	124	96	855	443	412	308	284	135	128	9	14	1	4	..	..	3	..	266
Downs	113	32	807	418	389	247	249	171	140	..	..	3	1	..	..	2	..	248
Noordhoek	111	45	878	446	432	242	219	204	213	30	27	10	6	1	..	8	..	186
Witschitsbrand	20	15	262	151	111	90	63	61	48	1	..	75	59	1	..	..	..	4
Kuils River and Tygerberg	65	67	935	593	422	337	279	166	143	5	4	76	53	..	..	6	1	221
Paalen	85	10	582	302	280	170	132	132	148	1	..	120	103	1	..	4	1	28
D'Urban (Field-cornety)	62	8	479	244	235	178	176	66	59	2	3	3	4	..	..	2	..	169
Koebeg I	26	11	659	367	292	243	178	124	114	5	5	143	90	..	..	8	2	81

CENSUS TABLES, 1891.

PART I.—POPULATION AND DWELLINGS.

Population: General Summary.

TABLE I.—Showing the Population of the Colony according to the Census of April, 1891.

Population.	Persons.	Males.	Females.
The Colony	1,527,224	767,327	759,897
European or White.. .. .	376,987	195,956	181,031
Malay	13,907	6,713	7,194
Hottentot	50,388	26,248	24,140
Fingo	229,680	108,566	121,114
Kafir and Bechuana	608,456	306,635	301,821
Mixed and Other	247,806	123,209	124,597

The Hottentot Race detailed.

TABLE II.—Showing the Number of Persons, Male and Female respectively, of each distinct Tribe of the Hottentot Race.

Name of Tribe.	Persons.	Males.	Females.
Hottentot	42,891	22,341	20,550
Namaqua	70	44	26
Bushman	5,296	2,807	2,489
Koranna	2,131	1,056	1,075

The Kafir and Bechuana Races detailed.

TABLE III.—Showing the Number of Persons, Male and Female respectively, of each distinct Tribe of the Kafir and Bechuana Races.

Name of Tribe.	Persons.	Males.	Females.
Amaxosa	249,484	120,438	129,046
Tembu	184,754	92,709	92,045
Pondomise	30,647	15,198	15,449
Bada	24,556	11,727	12,829
Xesibe	11,766	6,496	5,270
Bomvana	11,638	5,926	5,712
Kafir (unspecified)	8,694	5,105	3,589
Bechuana	18,371	9,986	8,385
Easuto	39,563	22,489	17,094
Damara	1,621	902	719
Pondo	7,229	3,545	3,684
Hlangweni	8,627	4,098	4,529
Zulu	11,486	8,016	3,470

CAPE OF GOOD HOPE CENSUS, 1891.

The Mixed and Other Coloured Races detailed.

TABLE IV.—Showing the Number of Persons, Male and Female respectively, of the Mixed and Other Coloured Races in detail.

Name of Race.	Persons.	Males.	Females.			
				Persons.	Males.	Females.
Mixed.. .. .	239,792	118,539	121,253			
Indian .. .	1,453	1,065	388			
Mozambique .. .	1,858	1,110	748			
Griqua .. .	3,998	1,970	2,028			
Others* .. .	705	525	180			
				Persons.	Males.	Females.
*Including—Abyssinian .. .				1	1	
American Indian .. .				2	2	
Arab .. .				27	20	7
Briqua .. .				268	137	131
Brazilian .. .				3	3	
Chinese .. .				215	215	
Creole .. .				26	20	6
East Indian .. .				1	1	
Japanese .. .				2	2	
Malagasy .. .				48	37	11
Moor .. .				1	1	
Negro .. .				51	31	20
Persian .. .				1	1	
Peruvian .. .				2	2	
Turk .. .				36	32	4
West Indian .. .				15	15	
Zanzibari .. .				6	5	1
TOTAL .. .	705	525	180			

Population, Dwellings and Area: Summary.

TABLE V.—Showing the Number of Males and Females of each Race; the Number of Inhabited Dwellings, and the Area in Square Miles for each Section of the Colony.

	European or White.		Malay.		Hottentot.		Fingo.		Kafir and Bechuana.		Mixed and Other.		Inhabited Dwellings.	Area in Square Miles.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
SECTION I. The Colony proper, as constituted and bounded in 1875 ..	174,032	162,906	6,294	6,803	22,928	21,102	40,739	42,538	129,049	123,310	112,520	114,264	156,588	191,416
SECTION II. The late Province of Griqualand West, annexed in 1880..	16,264	13,406	415	388	2,552	2,134	1,238	547	20,837	10,441	7,890	7,263	14,906	15,107
SECTION III. The Native Territories, annexed since 1875 ..	5,660	4,719	4	3	768	904	66,589	78,029	156,749	168,070	2,799	3,070	105,113	14,698

CENSUS TABLES, 1904.

PART I.—POPULATION AND DWELLINGS.

Population: General Summary.

TABLE I.—Showing the Population of the Colony according to the Census of April, 1904.

Population.	Persons.	Males.	Females.
The Colony	2,409,804	1,218,940	1,190,864
European or White	579,741	318,544	261,197
Malay	15,682	7,882	7,800
Hottentot	91,260	47,027	44,233
Fingo	310,720	147,286	163,434
Kafir and Bechuana	1,114,067	545,442	568,625
Mixed and Other	298,334	152,759	145,575

The Hottentot Race detailed.

TABLE II.—Showing the Number of Persons, Male and Female respectively, of each distinct Tribe of the Hottentot Race.

Name of Tribe.	Persons.	Males.	Females.
Hottentot	85,892	44,220	41,672
Namaqua	62	34	28
Bushman	4,168	2,185	1,983
Koranna	1,138	588	550
Total	91,260	47,027	44,233

The Kafir and Bechuana Races detailed.

TABLE III.—Showing the Number of Persons, Male and Female respectively, of each distinct Tribe of the Kafir and Bechuana Races.

Name of Tribe.	Persons.	Males.	Females.
Amaxosa	324,225	159,005	165,220
Tembu	266,284	128,001	138,283
Pondomise	50,557	24,242	26,315
Baca	36,083	16,692	19,391
Xesibe	14,456	6,924	7,532
Bomvana	19,741	9,682	10,059
Kafir (unspecified)	14,602	7,865	6,737
Bechuana	101,876	51,301	50,575
Basuto	70,104	37,352	32,752
Damara	2,454	1,319	1,135
Pondo	187,766	89,335	98,431
Hlangweni	12,710	5,753	6,957
Zulu	13,209	7,971	5,238
Total	1,114,067	545,442	568,625

CAPE OF GOOD HOPE CENSUS, 1904.

The Mixed and Other Coloured Races detailed.

TABLE IV.—Showing the Number of Persons, Male and Female respectively, of the Mixed and Other Coloured Races in detail.

Name of Race.	Persons.	Males.	Females.
Mixed	279,662	138,967	140,695
Indian	8,489	7,648	841
Griqua	6,289	3,025	3,264
Mozambique	1,433	856	577
Chinese	1,380	1,366	14
Others*	1,081	897	184
GRAND TOTAL	298,334	152,759	145,575

	Persons.	Males.	Females.
*Including—Abyssinian	28	18	10
Afghan	25	25	...
Arab	189	168	21
Ashanti	1	1	...
Assyrian	117	74	43
Briqua	78	33	45
Chilian	1	1	...
Cingalese	5	5	...
Creole	45	42	3
East Indian	35	33	2
Egyptian	21	16	5
Japanese	33	31	2
Krooman	114	111	3
Liberian	1	1	...
Malagasy	47	18	29
Moor	2	2	...
Negro	112	96	16
Persian	4	4	...
Philippino	27	27	...
Somali	12	12	...
South American	1	1	...
Swahili	57	57	...
Turk	15	15	...
West Indian	82	82	...
Zanzibari	24	24	...
TOTAL	1,081	897	184

Density of the Population and of Dwellings: Summary.

TABLE V.—Showing for the Colony and for each of the three Sections, the Area; Number of Inhabited Dwellings; Number of Persons and of Inhabited Dwellings to the Square Mile; and Number of Persons to the Inhabited Dwelling.

	THE COLONY.	SECTION I. The Colony proper as consti- tuted and bounded in 1891.	SECTION II. The Native Territories as constituted and bounded in 1891.	SECTION III. The Native and Other Terri- tories annexed since 1891.
Area in Square Miles	276,995	206,860	14,693	55,442
Total Population (All Races)	2,409,804	1,489,691	632,884	287,229
Number of Inhabited Dwellings	455,999	257,198	138,159	60,642
Number of Persons to the Square Mile	8.70	7.20	43.07	5.18
Number of Inhabited Dwellings to the Square Mile	1.65	1.24	9.40	1.09
Number of Persons to the Inhabited Dwelling	5.28	5.79	4.58	4.74

Education of the People—General Summary according to Races : Proportions per cent. Opvoeding van 't Volk—Algemene opsomming naar de Rassen : Proporties percent.

TABLE II.—Showing, for the Union and for each Province, the Proportions per cent. of Persons, Males, and Females of each Race, of the different Degrees of Education, according to the Census taken on 7th May, 1911.

TABEL II.—Aantonende, voor de Unie en voor iedere Provincie, de Proporties Percent van Personen, Mannelik en Vrouwelik, van elk Ras van de verschillende Graden van Opvoeding, volgens de Census genomen op 7 Mei 1911.

PROVINCE AND RACE. PROVINCIE EN RAS.	READ AND WRITE. LEZEN EN SCHRIJVEN.			READ ONLY. SLECHTS LEZEN.			NEITHER READ NOR WRITE. NOCH LEZEN NOCH SCHRIJVEN.			UNSPECIFIED. NIET GESPECIFICEERD.		
	Per- sons.	Males. Manne- lik.	Fe- males. Vrou- welik.	Per- sons.	Males. Manne- lik.	Fe- males. Vrou- welik.	Per- sons.	Males. Manne- lik.	Fe- males. Vrou- welik.	Per- sons.	Males. Manne- lik.	Fe- males. Vrou- welik.
	Per- sonen.	Manne- lik.	Vrou- welik.	Per- sonen.	Manne- lik.	Vrou- welik.	Per- sonen.	Manne- lik.	Vrou- welik.	Per- sonen.	Manne- lik.	Vrou- welik.
UNION OF SOUTH AFRICA—UNIE VAN ZUID-AFRIKA— All Races—Alle Rassen.....	23·16	24·26	22·00	1·40	1·42	1·39	75·34	74·21	76·53	0·10	0·11	0·08
European or White—Europeanen of Blanken.....	75·93	76·83	74·89	1·37	1·35	1·40	22·55	21·67	23·57	0·15	0·15	0·14
*Other than European or White—Anderen dan Europeanen of Blanken.....	8·83	9·15	8·49	1·41	1·44	1·39	89·68	89·31	90·06	0·08	0·10	0·06
*viz.—nl.— Bantu.....	6·81	7·18	6·44	1·16	1·19	1·13	91·98	91·56	92·39	0·05	0·07	0·04
Mixed and Other Coloured—Gemeengde Rassen en Andere Gekleurden.....	20·75	20·22	21·35	2·93	2·81	3·06	76·06	76·68	75·36	0·26	0·29	0·23
CAPE OF GOOD HOPE—KAAP DE GOEDE HOOP— All Races—Alle Rassen.....	27·02	27·54	26·52	1·53	1·57	1·50	71·36	70·79	71·91	0·09	0·10	0·07
European or White—Europeanen of Blanken.....	76·19	76·07	76·31	1·38	1·41	1·35	22·37	22·45	22·29	0·06	0·07	0·05
*Other than European or White—Anderen dan Europeanen of Blanken.....	12·57	12·22	12·91	1·58	1·62	1·54	85·75	86·04	85·47	0·10	0·12	0·08
*viz.—nl.— Bantu.....	9·21	9·10	9·31	1·03	1·10	0·97	89·66	89·68	89·64	0·10	0·12	0·08
Mixed and Other Coloured—Gemeengde Rassen en Andere Gekleurden.....	23·63	21·87	25·42	3·37	3·23	3·51	72·90	74·80	70·98	0·10	0·10	0·09
NATAL— All Races—Alle Rassen.....	10·37	11·93	8·98	0·76	0·83	0·70	88·77	87·11	90·25	0·10	0·13	0·07
European or White—Europeanen of Blanken.....	81·59	82·25	80·84	1·07	0·99	1·16	17·18	16·62	17·82	0·16	0·14	0·18
*Other than European or White—Anderen dan Europeanen of Blanken.....	4·00	4·72	3·36	0·73	0·81	0·66	95·18	94·34	95·92	0·09	0·13	0·06
*viz.—nl.— Bantu.....	3·11	3·08	3·13	0·64	0·67	0·61	96·24	96·24	96·26	0·01	0·01	†
Mixed and Other Coloured—Gemeengde Rassen en Andere Gekleurden.....	9·96	12·97	5·50	1·34	1·51	1·09	88·05	84·82	92·83	0·65	0·70	0·58
TRANSVAAL— All Races—Alle Rassen.....	23·87	24·74	22·69	1·44	1·36	1·54	74·60	73·80	75·70	0·09	0·10	0·07
European or White—Europeanen of Blanken.....	75·41	77·57	72·64	1·28	1·22	1·36	23·09	20·99	25·79	0·22	0·22	0·21
*Other than European or White—Anderen dan Europeanen of Blanken.....	6·74	7·71	5·41	1·49	1·41	1·60	91·72	90·82	92·97	0·05	0·06	0·02
*viz.—nl.— Bantu.....	5·88	6·73	4·71	1·43	1·35	1·54	92·65	91·86	93·74	0·04	0·06	0·01
Mixed and Other Coloured—Gemeengde Rassen en Andere Gekleurden.....	20·72	31·51	26·68	3·10	2·95	3·36	66·87	65·25	69·62	0·31	0·29	0·34
ORANGE FREE STATE—ORANJE VRIJ-STAAT— All Races—Alle Rassen.....	31·08	32·86	29·11	2·15	2·09	2·21	66·61	64·89	68·52	0·16	0·16	0·16
European or White—Europeanen of Blanken.....	73·16	74·43	71·67	1·72	1·67	1·79	24·84	23·65	26·23	0·28	0·25	0·31
*Other than European or White—Anderen dan Europeanen of Blanken.....	10·20	11·40	8·91	2·35	2·31	2·40	87·35	86·19	88·59	0·10	0·10	0·10
*viz.—nl.— Bantu.....	9·95	11·20	8·62	2·27	2·21	2·32	87·75	86·55	89·03	0·08	0·04	0·08
Mixed and Other Coloured—Gemeengde Rassen en Andere Gekleurden.....	13·17	13·74	12·52	3·44	3·41	3·46	82·50	81·97	83·12	0·89	0·88	0·90

† Denotes that the percentage is so small that it has no significance.
† Duidt aan dat 't percent zo min is, dat 't van geen belang is.

Table 10.1 Population of the Cape Colony, 1670—1820

Year	European freeburghers	Free blacks	Burghers' slaves	Khoikhoi and Bastaards
1670	125	13	52	not enumerated until 1798
1690	788	48	381	"
1711	1,693	63	1,771	"
1730	2,540	221	4,037	"
1750	4,511	349	5,327	"
1770	7,736	352	8,220	"
1798	c. 20,000	c. 1,700	25,754	14,447
1820	42,975	1,932	31,779	26,975

DEFINITION OF "NATIVE."

58. One of the first difficulties presented in connection with the consideration of laws was the varying definitions therein of the term "Native." So great indeed is the variation that in the same Colony it has several meanings.

59. In the CAPE COLONY, for instance, the practice is to define "Native" in every Act in which the word occurs. The definition in one of the latest Acts, *viz.*, No. 40 of 1902, relative to Native locations, is :—

" Any Kafir, Fingo, Zulu, Mosuto, Damara, Hottentot, Bushman, Bechuana, Koranna or any other aboriginal Native of South or Central Africa, but shall not include any Native while serving in any of His Majesty's Ships and while in uniform."

60. The Glen Grey Act enumerates Kafirs, Fingos, Basutos, Zulus, Hottentots, Bushmen, and adds "and the like."

61. In the Liquor Law, 1898, the definition is :—

" Any Kafir, Fingo, Basuto, Damara, Hottentot, Bushman, or Koranna."

62. In NATAL there is a special law, No. 14 of 1888 (To Extend and Define the Meaning of "Native"), of which clause 1 reads :—

" The word 'Native' shall mean all members of the aboriginal races or tribes of Africa south of the Equator, including liberated Africans commonly called 'Aman-

The definition of "Coloured" in the Old Age Pension Act of 1928

and Secretary for the Devent carrying out of the purposes and objects of this Act.

definitions.

20. In this Act, unless inconsistent with the context—
- “applicant” means a claimant for a pension;
 - “commissioner” means the commissioner of pensions appointed under this Act;
 - “coloured person” means any person who is neither white nor—
 - (a) a Turk or member of a race or tribe whose national or ethnical home is Asia; nor
 - (b) a member of an aboriginal race or tribe of Africa; nor
 - (c) a Hottentot, Bushman or Koranna; nor
 - (d) a person who is residing in a native location as defined in section *nineteen* of the Natives Taxation and Development Act, 1925 (Act No. 41 of 1925), under the same conditions as a native; nor
 - (e) an American negro;
 and includes a member of the race or class commonly called Cape Malays and of the race or class commonly called Griquas;
- “Minister” means the Minister of Finance or other Minister administering this Act;
- “pensioner” means a person who draws a pension under this Act;
- “prescribed” means prescribed by regulation made and in force under this Act;
- “this Act” includes all regulations made and in force thereunder.

21. This Act may be cited as the Old Age Pensions Act, 1928, and shall come into operation on the first day of January, 1929.

oor die algemeen tot betere verwesenliking van die doeleindes en oogmerke van hierdie Wet.

20. In hierdie Wet, tensy uit die samehang anders blyk, Woordom beteken—

- „aanvraer”, iemand wat op ’n pensioen aanspraak maak;
- „kommissaris”, die kragtens hierdie Wet aangestelde pensioenkommissaris;
- „kleurling”, iemand wat nie blank is nie en ook nie—
 - (a) ’n Turk of ’n lid van ’n ras of stam wie se nasionale of volks-tuiste Asië is; of
 - (b) ’n lid van ’n inboorlingras of -stam van Afrika; of
 - (c) ’n Hottentot, Boesman of Koranna; of
 - (d) iemand wat woon in ’n natuurlelokasie, soas omskrywe in artikel *negentien* van die Naturellen Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925) in dieselfde toestand as ’n naturel; of
 - (e) ’n Amerikaanse neger,
 en omvat ’n lid van die ras of klas wat gewoonlik Slamaaiers genoem word en van die ras of klas wat gewoonlik Griekwas genoem word;
- „Minister”, die Minister van Finansies of ander Minister wat hierdie Wet uitvoer;
- „pensioentrekker”, iemand wat kragtens hierdie Wet ’n pensioen trek;
- „voorgeskrywe”, of „voorgeskrewe”, by ’n regulasie, wat kragtens hierdie Wet uitgevaardig en van krag is, voorgeskrywe; en
- omvat „hierdie Wet”, al die regulasies wat uit kragte daarvan uitgevaardig en van krag is.

21. Hierdie Wet mag aangehaal word as die Ouderdoms-Kort titel pensioenwet, 1928, en tree op die eerste dag van Januarie en in- 1929 in werking.

Source: From the book of Dr Ruben Richards, **Hottentot Hospitality**, pages 313 and 314.
ISBN nr. 9780620 938648

List of tribes in South Africa that Jan van Riebeeck came in contact with during his 10 year stay in Cape Town.

Khoikhoi groupings in 1662:

Nr	Tribe name	Profile
1	Goringhaikonas	The Strandlopers where Autshumato (Harrie) was considered the Chief. Live in the Cape Peninsula area.
2	Goringhaiquas	Also known as the Kaapmans (Kaappmans) led by Chief Gogosa. Live in the Cape Peninsula area. Krotoa (Eva) who worked as an interpreter at Jan van Riebeeck's Castle, was born from them.
3	Gorachouquas	Also known as the Tobacco Thieves led by a chief named Choro.
4	Cochoquas	A khoi group sometimes referred to as the Saldanhars because they were located in Saldanha Bay. One group was led by Oedasoia and the other by Gonemma.
5	Little Chariguriqua	A group who reside in Saldanha Bay and are loyal to Oedasoia, chief of one of the Cochoqua groups.
6	Namaquas	A people rich in cattle and tall in physical stature. They are located beyond Saldanha Bay, Namakwaland and Griqualand.
7	Chainoquas	The chief or King of this group was known as Sousa. This group was located over Sir Lowry's Pass in the Caledon/Hermanus area.
8	Heesequa	A group beyond the Chainoquas. Live between Swellendam and Mossel Bay.
9	Hancumquas	These are cultivators of Dacha, which, when chewed has similar side effects as opium. They are also beyond the Chainoquas.
10	Chamaquas and others	And next to this group one will find the 11. Omaquas, 12. Attiquas, 13. Houtunquas and 14. Chauquas – all subsisting like the Hancumquas.
15	Outeniquas	Live in the George and Knysna area.

CENSUS REPORT OF THE CAPE COLONY - 1891

xvi

Comparison for Electoral Provinces, Divisions, and Census Districts.

87. I have, however, derived a correct comparison of results for 1875 and 1891 of all the areas comprising the Fiscal Divisions as they existed at the former date. Details of this comparison will be found in Tables XII, XIII, and XIV (pages 8 to 13), showing the population enumerated in 1891 for each Electoral Province, Electoral Division, and Census District or Fiscal Division, as constituted at the date of the previous Census, compared with the population enumerated at that date.

Increases in Census Districts. Tables XII, XIII and XIV.

88. These Tables disclose Increases in all the districts except Peddie, Fort Beaufort and King William's Town. The decreases in these districts, and the very small increase in the population of Victoria East, commensurately with the large increases in the Transkeian Territories, are due in great measure to the deportation of large numbers of natives across the Border of the Colony, as also to the attraction of lucrative employment presented to large numbers of the male native population by the Diamond and Gold Fields and the railway extension works.

DISTRIBUTION OF POPULATION.

Tables XIX, XX, and XXI.

89. I have prepared a Summary of the Total Population of each Census District, classified according to Races, and Summaries of the Urban and Rural Population respectively of each Census District.

Urban and Rural Areas.

90. I had some difficulty in determining all the areas which could be legitimately included as Urban. It was originally intended so to include every Town and village under Municipal Government or Board Management; but a consultation with the Census Supervisors indicated that such was not desirable in all cases, and induced a modification of the original scheme. Ultimately each case was considered and determined on its merits.

Most populous and least populous districts.

91. It will be seen that the Cape District, with a population of 97,283 (all Races), and King William's Town with 86,983, are far in advance of all the other Districts in point of Numbers. Engcobo comes next in numerical order with 55,493, Kimberley with 48,306, Queenstown with 43,895, and so on. Walfish Bay and Port St. John's with only 768 and 301 persons, respectively, close the list.

Largest Urban Areas.

92. The towns and villages in the Cape District have a population of 85,084, by far the largest Urban total in any one District. The township of Kimberley, with Beaconsfield, Warrenton and Kenilworth, together contain 40,231 inhabitants. Port Elizabeth comes next with an Urban population of 24,126.

Detailed Distribution. Table XXII (pages 30-51).

93. The Annexures contain also a detailed distribution return of the Population for each Census District, each Town, Village, Field Cornetey, Mission Station, Location, &c., separately, distinguishing the Urban from the Rural Population.

Municipalities, Divisional Council Wards, and Villages under Board Management.

94. As already explained (para. 34) the enumeration was so arranged as to admit of a separate tabulation for each of the Areas into which the Colony is divided for fiscal as well as judicial purposes.

This separate tabulation will enable Municipal and Divisional Councils and Village Management Boards to derive the total population of each sex, European and Coloured, in each Municipality, in every Ward as constituted for Divisional Council purposes, and in every Village under Board Management.

Municipal Districts of Cape Town.

95. As Cape Town is the only City wherein separate local Municipal Districts are recognised by law for election and other purposes, the population in each such District is further separately shown.

RACE DISTINCTION.

Suggested enumeration of different European Nationalities.

96. When the arrangements for taking the Census were under discussion it was suggested that an attempt should be made to ascertain the relative numbers of the population of English, of Dutch, of French and other European descent. This it was thought might well be done by adding to the Householder's Schedule a column to indicate the language spoken by each separate individual,—the mother tongue, or "moeder taal," in fact. This proposal was not abandoned until it had been clearly demonstrated that no satisfactory result would ensue except at such extra cost as would have been altogether incommensurate with the real value of the information elicited, which, at best, would have been only approximately correct.

97. On the Householder's Schedule, as finally determined, the following instruction appeared:—

Instructions on Householder's Schedule as to Race Distinction.

Race.

- “ Insert ‘ E ’ for European or White, and ‘ Mixed ’ for coloured persons of mixed Race.
- “ For others specify whether Chinese, Hindu, Mozambique, Malay, Hottentot, Bushman, Bechuana (including Basuto), Fingo or Damara.
- “ If Kafir, insert ‘ K,’ and add whether Xosa, Tembu, Pandomise, Baca, Xesibe, or Bomvana.”

98. The population, as tabulated from the forms filled up in accordance with the above instruction, falls naturally into two main classes, the European or White and the Coloured. The European or White population consists of the descendants of the original Dutch Colonists and French Refugees, and of the immigrants, chiefly of British and other Teutonic Races, who more recently entered the Colony.

Two Main Classes: White and Coloured.

99. In the absence of specific particulars of the nationalities of the European or White Race it is impracticable to determine the exact numbers of each, but a comparison of the Religions with the Birthplace results appears to indicate the following approximate numbers, viz. :—

Estimate of relative numbers of English, Dutch, French and other European descent.

Those of Dutch and French origin	...	...	...	230,000
English, Scotch, Irish, &c.	...	...	...	130,000
Other Europeans	...	...	...	16,000

100. The Coloured population is, in this as in the Census of 1875, divided into five classes, viz. :—

Classification of Coloured population. Malay.

I. *The Malay.*—The observations at page 3 of the Census Report of 1875 are quite applicable to this class of the community at the present day, and are worthy of repetition here, viz. :—

- “ Originally of Asiatic origin this small class has become so leavened with foreign elements as to owe its distinctive existence rather to the bond of a common and uniform faith— Mohammedanism, than to any feeling of race. Designated by themselves as Muslim (Islamsche) the national name ‘ Malay ’ has, to a large number of colonists among whom they live, lost its proper signification and become synonymous with ‘ Mohammedan.’ It results therefore that a great number of persons of mixed race and many negro proselytes have been included in this class because they are Mohammedans, and also that many have been returned as Malays when not Malays because of the association of their origin with that of the mass of a people with whom they are identical in all but faith.”

I would but add that this people retain at the present day not only the bond of a common faith, but they also occupy a distinct social position, they affect a distinct costume, and observe distinct habits and conditions of life, which have enabled them to sustain their individuality as a distinct class of the community.

II. *The Hottentot.*—The second class includes all returned as Hottentots, Namaquas, Korannas, and Bushmen.

Hottentot.

III. *The Fingoes* form part of the Bantu Family, but their peculiar relations with the Colony as involuntary immigrants within its boundaries, and their intelligence and progress in civilization lead to their being here separately considered.

Fingo.

IV. With the *Kafir Proper*, among whom are representatives of all the tribes south of Delagoa Bay, are classed the kindred races of the Bechuana, of whom the mass in the Colony belongs to the Basuto branch.

Kafir and Bechuana.

V. *Mixed and other Coloured Races.*—The last class includes the great and increasing population which has sprung from the intercourse of the colonists with the indigenous races, and which fills the interval between the dominant people and the natives. Among them is an inconsiderable number of foreigners.

Mixed and Other.

101. The Numbers of each Race, as enumerated on 5th April, 1891, are as follows :—

Numbers of each Race.

Race.	The Colony.			Section I.			Section II.			Section III.		
	Persons.	Males.	Females.	Persons.	Males.	Females.	Persons.	Males.	Females.	Persons.	Males.	Females.
European or White	376,987	195,956	181,031	326,938	174,032	162,906	29,670	16,264	13,406	10,379	5,660	4,719
Malay	13,907	6,713	7,194	13,097	6,294	6,803	803	415	388	7	4	3
Hottentot	50,388	26,248	24,140	44,030	22,928	21,102	4,686	2,552	2,134	1,672	768	904
Fingo	229,680	108,566	121,114	231,277	107,739	123,538	1,735	1,238	547	144,618	66,880	78,029
Kafir and Bechuana	608,456	306,635	301,821	252,359	129,049	123,310	31,278	20,837	10,441	324,819	156,749	168,070
Mixed and Other	247,806	123,209	124,597	226,784	112,520	114,264	15,153	7,890	7,263	5,869	2,799	3,070
Total	1,527,224	767,827	759,397	956,485	485,562	470,923	83,375	49,196	34,179	487,364	232,569	254,795

102. In 1875, when the last Census was taken, the proportions per cent. of the population, in the Colony as then constituted and bounded, were (i) European or White 32.84; (ii) Other than European or White, 67.16. Had no native areas been annexed in the interval the proportions in 1891 would have been (i) 35.23, and (ii) 64.77. The

Proportions of the White and Coloured Population.

annexation in 1880 of the late Province of Griqualand West did not materially affect the proportion; but the addition of the Transkeian Territories has considerably reduced the percentage of Europeans, which now figures at 24·68.

Proportion of each Race.

103. The proportions of each Race to the total population in the Colony and its Sections are as follows:—

Race.	The Colony.	Section I.	Section II.	Section III.
European or White	24·68	35·23	35·59	2·13
Malay	0·91	1·37	0·96	†
Hottentot	3·30	4·60	5·62	0·34
Fingo	15·04	8·71	2·14	29·67
Kafir and Bechuana	39·84	26·38	37·52	66·65
Mixed and Other	16·23	23·71	18·17	1·21

† There are only 7 Malays in Section III.

Practically, therefore, the European or White Race represents one-fourth, and the Coloured Races three-fourths of the Total Population of the whole Colony. In Sections I and II combined the European or White Race represents a little over one-third and the Coloured Races a little under two-thirds of the population. In the Transkeian Territories (Section III) the European or White Race represents but one-fiftieth of the population. Forty-nine fiftieths belong to the Coloured Races, nearly all Aboriginal Natives.

Proportions of Urban and Rural Population. Table XVII.

104. Of the Total Population of the Colony only one-fifth is Urban, of which a little less than half are European or White, about a fifth are Malays, Hottentots, Fingoes, and Kafirs, and about a third belong to the Mixed and Other Coloured Races.

The remaining four-fifths of the Total Population dwell in Rural Areas, and of their number only 18·35 per cent., or less than a fifth, are Europeans. The Fingoes are very slightly in excess of the Whites. About one-half, 47·29 per cent., belong to the Kafir and Bechuana Races, and the remaining one-tenth to the Other Coloured Races.

The Numbers and Proportions per cent. of the several Races to the total population in Urban and in Rural Areas, respectively, are as follows:—

Race.	URBAN.		RURAL.	
	Number.	Per Cent.	Number.	Per Cent.
European or White	155,462	48·58	221,525	18·35
Malay	13,159	4·11	748	0·06
Hottentot	8,299	2·59	42,089	3·49
Fingo	7,597	2·37	222,083	18·40
Kafir and Bechuana	37,529	11·73	570,927	47·29
Mixed and Other.. .. .	97,973	30·62	149,833	12·41
Total	320,019	100·00	1,207,205	100·00

Proportion of each Race in Urban as compared with Rural Areas.

105. Taking the Races separately we find that the number and proportion of each in Urban as compared with that dwelling in Rural Areas is:—

Race.	URBAN.		RURAL.		TOTAL.	
	Number.	Proportion per cent. to Total of each Race.	Number.	Proportion per cent. to Total of each Race.	Number.	Per Cent.
European or White	155,462	41·24	221,525	58·76	376,987	100·00
Malay	13,159	94·62	748	5·38	13,907	100·00
Hottentot.. .. .	8,299	16·47	42,089	83·53	50,388	100·00
Fingo	7,597	3·31	222,083	96·69	229,580	100·00
Kafir and Bechuana	37,529	6·17	570,927	93·83	608,456	100·00
Mixed and Other	97,973	39·53	149,833	60·47	247,806	100·00
Total	320,019	20·95	1,207,205	79·05	1,527,224	100·00

106. I append a Return showing the relative proportions of European or White, and Other than European or White persons in each of the Census Districts or Fiscal Divisions of the Colony, arranged in order of precedence according to the predominance of the European population. It will be seen from this table that whilst the highest percentage of Europeans in any one Census District is only 56.23, the largest percentage of Coloured persons is as high as 99.84, and that whilst the smallest percentage of Europeans in one District falls as low as 0.16 the percentage of Coloured is in no single District lower than 43.77.

Proportions of the Races in each Census District, 1891.

In only nine Districts do the Europeans outnumber the Coloured Races, in the remaining eighty-four the Coloured Races predominate. The Europeans in the Cape Division very nearly equal 50 per cent. of the total population. The lowest percentages of Europeans are found in the Native Territories, where the White Population falls below one per cent. of the total in eleven Districts. In five Districts it is less than two per cent., in one it is under three per cent. In one District it is only three-and-a-half per cent., and in one a little over four per cent. In the Colony proper the lowest percentage is found in Herschel, which has only 0.77 whites and 99.23 blacks in every hundred of the population. Peddie comes next with 8.82; King William's Town has only 9.89; Victoria East, 13.99; Queens-town, 14.71, and Wodehouse 18.65 per cent. of Europeans; Piquetberg with 56.23 per cent., and Elliotdale with only 0.16, are respectively at the top and bottom of this "table of precedence."

Census District.	European or White, per Cent.	Other than European or White, per Cent.	Census District.	European or White, per Cent.	Other than European or White, per Cent.	Census District.	European or White, per Cent.	Other than European or White, per Cent.
1. Piquetberg ..	56.23	43.77	32. Kimberley ..	42.04	57.96	63. Xalanga ..	20.26	79.74
2. Port Elizabeth	54.86	45.14	33. Beaufort West	41.94	58.06	64. Bathurst ..	19.93	80.07
3. Sutherland ..	54.61	45.39	34. Colesberg ..	41.80	58.20	65. Bedford ..	19.70	80.30
4. Riversdale ..	54.58	45.42	35. Middelburg ..	41.72	58.28	66. Barkly West	19.47	80.53
5. Ladismith ..	54.47	45.53	36. Ceres ..	41.65	58.35	67. Komgha ..	19.38	80.62
6. Knysna ..	53.53	46.47	37. Hay ..	41.44	58.56	68. Wodehouse ..	18.65	81.35
7. Robertson ..	53.04	46.96	38. Calvinia ..	41.21	58.79	69. Mount Currie	16.55	83.45
8. Prince Albert	52.74	47.26	39. Carnarvon ..	40.88	59.12	70. Queenstown ..	14.71	85.29
9. Fraserburg ..	51.08	48.92	40. Worcester ..	40.31	59.69	71. Victoria East	13.99	86.01
10. Cape ..	49.90	50.10	41. Albany ..	40.17	59.83	72. K. W. Town	9.89	90.11
11. Barkly East ..	49.86	50.14	42. Richmond ..	39.58	60.42	73. Peddie ..	8.82	91.18
12. Swellendam ..	49.62	50.38	43. Clanwilliam ..	38.67	61.33	74. Walfish Bay	4.04	95.96
13. Bredasdorp ..	49.51	50.49	44. Paarl ..	38.51	61.49	75. Matatiele ..	3.51	96.49
14. Albert ..	49.21	50.79	45. S. Cynsburg ..	37.95	62.05	76. Umtata ..	2.89	97.11
15. George ..	49.15	50.85	46. Graaff-Reinet	37.87	62.13	77. Mount Ayliff	1.75	98.25
16. Oudtshoorn ..	48.50	51.50	47. Somerset East	35.86	64.14	78. Umzimkulu ..	1.54	98.46
17. Willowmore ..	48.05	51.95	48. Humansdorp ..	34.86	65.14	79. Butterworth ..	1.44	98.56
18. Caledon ..	47.74	52.26	49. Stellenbosch ..	34.59	65.41	80. Mount Frere	1.28	98.72
19. Aberdeen ..	47.53	52.47	50. Uitenhage ..	34.30	65.70	81. St. Mark's ..	1.21	98.79
20. Mossel Bay ..	47.28	52.72	51. Port St. John's	34.22	65.78	82. Idutywa ..	0.85	99.15
21. Victoria West	47.17	52.83	52. Murraysburg ..	33.64	66.36	83. Tsomo ..	0.79	99.21
22. Phillipstown ..	46.95	53.05	53. East London ..	33.42	66.58	84. Herschel ..	0.77	99.23
23. Prieska ..	46.93	53.07	54. Tulbagh ..	32.99	67.01	85. Kentani ..	0.66	99.34
24. Aliwal North ..	46.78	53.22	55. Cathcart ..	30.79	69.21	86. Mt. Fletcher	0.62	99.38
25. Hope Town ..	46.74	53.26	56. Maclear ..	27.99	72.01	87. Engcobo ..	0.59	99.41
26. Uniandale ..	46.67	53.33	57. Herbert ..	26.82	73.18	88. Ngamakwe ..	0.57	99.43
27. Jansenville ..	44.50	55.50	58. Alexandria ..	24.16	75.84	89. Qumbu ..	0.55	99.45
28. Malmesbury ..	43.38	56.62	59. Stutterheim ..	22.74	77.26	90. Tsoo ..	0.27	99.73
29. Cradock ..	43.31	56.69	60. Namaqualand	21.94	78.06	91. Mquanduli ..	0.24	99.76
30. Hanover ..	43.11	56.89	61. Fort Beaufort	21.36	78.64	92. Willowdale ..	0.23	99.77
31. Tarka ..	42.31	57.69	62. Stockenstrom.	21.35	78.65	93. Elliotdale ..	0.16	99.84

I annex a similar Return (Table IX of Part XI, Supplementary Tables), showing the proportion of each Race, separately, to the population of each Census District or Fiscal Division, arranged in order of precedence according to the predominance of each Race.

DETAILED CLASSIFICATION OF (i) THE HOTTENTOT, (ii) THE KAFIR AND BECHUANA AND (iii) THE MIXED AND OTHER COLOURED RACES.

Detailed Race classification.

(i) The Hottentot Race.

107. At the previous Census a large number of persons were enumerated and tabulated as Hottentots, who did not belong to that Race [see Report, Census of 1875, volume I, page 3]. To guard against a similar error in 1891 the following special instructions were issued to all Enumerators:—

Hottentots. Tables II and XXIV.

Please note that there are comparatively few pure bred individuals of the Hottentot Race extant, and that it is not intended that persons should be classed as Hottentots unless the distinctive characteristics of that Race predominate.

Where the Hottentot characteristics predominate, then, although the individual is of a mixed race, he should be classed as a Hottentot; otherwise it would be safer to enter him simply as of a mixed race.

In 1875, as many as 98,561 persons were recorded as belonging to the Hottentot Race. In 1891 the total *in the whole Colony* was 50,388, and in Section I it was only 44,030. Unfortunately it is not possible to determine to what extent the decrease of 54,531 in Section I is due to the operation of the more stringent instructions in 1891, and to what extent the numbers have diminished through natural agencies.

Table XXIV.

The Enumerators in 1891 were specially instructed to distinguish so-called Hottentots from Namaquas, Korannas and Bushmen, respectively. The detailed distribution shows that of the total then enumerated viz., 50,388, only 70, or 0·14 per cent., were returned as Namaquas, chiefly found in Griqualand West, 5,296, or 10·51 per cent. as Bushmen, principally located in the Districts of Calvinia, Carnarvon, Colesberg, Hope Town, Philipstown, Prieska, and Hay; and 2,131, or 4·23 per cent., as Korannas, found principally in the Districts of Victoria West, Barkly West and Kimberley. The remainder, 42,891, or 85·12 per cent., were described simply as "Hottentots."

(ii) *The Kafir and Bechuana Races.*

108. In 1875, for good and sufficient reasons no doubt, all the members of the Kafir and Bechuana Races were classed under one head and no tribal distinctions were attempted. In arranging for the Census of 1891 I felt that the annexation to the Colony of the Transkeian Territories with their hordes of Natives, politically and geographically subdivided with well defined lines of demarcation, rendered it of the utmost importance that an attempt should be made to show the numbers belonging to each of the principal Tribes. I could not help feeling at the same time that whilst the attempt would be beset with difficulties and would materially add to the cost of the Census, there was more than a possibility of comparative, if not absolute, failure.

In order to avoid the embarrassment of too much detail, the Enumerators were instructed to distinguish only the main tribes, such as:—1. Amaxosa, 2. Tembu, 3. Pandomise, 4. Baca, 5. Xesibe, 6. Bomvana, 7. Bechuana, 8. Basuto, 9. Damara, 10. Pondo, 11. Hlangweni, and 12. Zulu.

I am pleased to be able to report that the result has been most satisfactory. The instructions were so well carried out that the fullest particulars under all the above heads were procured in respect of all Kafirs except 8,694, returned as "Unspecified." The detailed classification discloses the following numbers and percentages of the several Tribes.

(i) The Amaxosa Kafirs (249,484, or 41·00 per cent. of the Kafir Race) are fairly distributed throughout the Colony, but are located in large numbers in the Districts of Albany, Alexandria, East London, Fort Beaufort, King William's Town, Somerset East, Uitenhage, Elliotdale, Idutywa, Kentani, and Willowvale.

(ii) The Tembus (184,754, or 30·36 per cent.), like the Amaxosa, are found in nearly every District, and chiefly in the Districts of Albert, Herschel, Queen's Town, Wodehouse, Engcobo, Mqanduli, St. Marks, Umtata, and Xalanga. These two tribes together constitute the bulk of the Kafir Race. The Amaxosa is numerically greater than, and the Tembu nearly equal to the Fingo Race.

(iii) The Pandomise (30,647, or 5·04 per cent.), predominate in the Districts of Qumbu, Tsolo, Engcobo, and Umtata.

(iv) The Baca (24,556, or 4·03 per cent.). The Districts of Mount Frere, with 12,594, Umzimkulu, with 8,333, and Mount Ayliff, with 1,342, account for the bulk of this Tribe.

(v) The Xesibe (11,766, or 1·93 per cent.). All but 98 of this Tribe are located in East Griqualand and Tembuland, chiefly in the Districts of Mount Ayliff, Matatiele and Engcobo.

(vi) The Bomvana (11,638, or 1·91 per cent.), nearly the whole of which are found in the District of Elliotdale.

(vii) The Bechuana (18,371, or 3·02 per cent.), of which 16,041 dwell in the late Province of Griqualand West.

(viii) The Basuto (39,583, or 6·51 per cent.). This Tribe is scattered widely over the whole Colony. 16,381 are recorded in Section I, of which 6,839 are in the Districts of Aliwal North and Herschel, 5,577 in Section II, principally in Kimberley, and 17,625 in Section III, principally East Griqualand.

(ix) The Damara (1,621, or 0·27 per cent.). One-third of this Tribe are located in the District of Namaqualand, while as many as 207 have found a footing in the Cape and 106 in the Stellenbosch District.

(x) The Pondo (7,229, or 1·19 per cent.), nearly one-half being confined to the District of Umzimkulu.

(xi) The Hlangweni (8,627, or 1·42 per cent.), nearly all located in the District of Umzimkulu.

(xii) The Zulu (11,486, or 1·89 per cent.). Of this Tribe 4,126 were found in the District of Kimberley, 3,733 in Umzimkulu, and 1,016 in Matatiele.

(xiii) The Tribal Names of 8,694 Kafirs, or 1·43 per cent., were either unspecified, or so obscurely returned, as not to admit of classification under the above heads.

109. The subjoined simple Table shows at a glance the number and percentage of each of these Kafir Tribes:—

Numbers and Proportions.

Kafir Tribe.	Persons.	Proportion per Cent.
1. Amaxosa	249,484	41·00
2. Tembu	184,754	30·36
3. Pandomise	30,647	5·04
4. Baca	24,556	4·03
5. Xesibe	11,766	1·93
6. Bomvana	11,638	1·91
7. Bechuana	18,371	3·02
8. Basuto	39,583	6·51
9. Damara	1,621	0·27
10. Pondo	7,229	1·19
11. Hlangweni	8,627	1·42
12. Zulu	11,486	1·89
13. Kafir Unspecified	8,694	1·43
Total	608,456	100·00

(iii) *The Mixed and Other Coloured Races.*

110. The total population under this head is 247,806, and includes, in addition to Cape born Coloured persons of Mixed Race, foreigners of coloured races, such as Indian, Chinese, Mozambique, &c. Of the Indians who number 1,453, or 0·59 per cent., the District of Kimberley accounts for 915. The Chinese and Japanese number 217, or 0·09 per cent. Of the 215 Chinese only 5 are returned as in the Cape District, 19 at Port Elizabeth, and 185 at Kimberley. The Mozambique, 1,858, or 0·75 per cent., are fairly distributed throughout the Colony in small numbers. They are most numerous in the Districts of Cape, Graaff-Reinet, Paarl, and Kimberley. Other African Foreign persons number 59, or 0·02 per cent., of which 51 are returned as Negroes. Other Foreign persons number 161, or 0·06 per cent., of which 27 are Arabs, 43 are Malagase, 36 are Turks, and 15 West Indians.

Mixed and Other. Tables IV and XXIV.

Coming next to South African Coloured persons of Mixed Race, the Griquas with a total of 3,998, or 1·61 per cent., are to be found principally in the Districts of Barkly West, Hay, Herbert, and Kimberley. The Briqua number 268, or 0·11 per cent. Of these 32 are returned as in Beaufort West, 41 in Hanover, and 95 in Richmond. All other Coloured persons of Mixed Race number 239,792, or 96·77 per cent. These are distributed generally throughout the Colony, the bulk in Section I, which contains 223,606. Section II accounts for 11,127, and Section III for the balance, 5,059.

PROPORTIONS OF THE SEXES.

111. In 1865, to every 100 males of the total population of all Races there were 94·08 females. Between 1865 and 1875, by the annexation of the late Province of British Kaffraria, a large native population was added to the Colony. It was this annexation no doubt that increased the proportion of females in 1875 from 94·08 to 95·06; for if the population enumerated in 1875, in the territories annexed between 1865 and 1875, be excluded from the comparison, the proportion of females to every 100 males in the remaining Area would show a decrease of 0·08 per cent. in the interval,

Number of Females to every 100 Males. Table VI.

121. The Number of Females to every 100 Males of all Races in the several Census Districts varies considerably. There are 48 Districts in which the Number is in excess of the average (99·03) for the whole Colony, viz. :—Albany, Alexandria, Bathurst, Bedford, Bredasdorp, Caledon, Ceres, Clanwilliam, Fort Beaufort, George, Herschel, King William's Town, Komgha, Ladismith, Mossel Bay, Oudtshoorn, Paarl, Peddie, Queen's Town, Riversdale, Robertson, Stellenbosch, Stockenström, Swellendam, Tulbagh, Uniondale, Victoria East, Wodehouse, Matatiele, Mount Ayliff, Mount Fletcher, Mount Frere, Qumbu, Tsolo, Umzimkulu, Elliotdale, Engcobo, Mqanduli, St. Mark's, Umtata, Xalanga, Butterworth, Idutywa, Kentani, Nqamakwe, Tsomo, Willowvale, and Walfish Bay. The highest Number of Females to every 100 Males, 139·25, is in the District of Walfish Bay, and the lowest, 47·93, is in the District of Steynsburg. The small proportion of Females to every 100 Males in the lastnamed District is due to the presence of 1,976 Males temporarily employed there on Railway Construction Works, the removal of which would increase the proportion of Females to 81·87 to every 100 Males.

Number of Females to every 100 Males in the several Census Districts. Table XV.

122. In the District of Kimberley the large number of Males, native and other, engaged in the Diamond Mining Industry, accounts for the abnormally low proportion of females, viz., 56·82.

Proportion in Mining Areas.

123. In the District of Robertson by a singular coincidence the number of Females of all Races is exactly equal to that of the Males.

Equality in District of Robertson.

124. Taking the proportions of Males and Females in every 100 of the Population in 1891, as compared with 1875, for Section I, we have the following results :—

Proportion in every 100 of Population in 1891 and 1875.

RACE DISTINCTION.	1891.		1875.		Increase in 1891.	
	Males.	Females.	Males.	Females.	Males.	Females.
European or White	51·65	48·35	52·33	47·67	.	0·68
Malay	48·06	51·94	47·91	52·09	0·15	..
Fingo	48·92	51·08	49·57	50·43	..	0·65
Kafir and Bechuana	51·14	48·86	51·28	48·72	..	0·14
Mixed and Other (including Hottentot)	50·02	49·98	50·76	49·24	..	0·74
All Races	50·77	49·23	51·27	48·73	..	0·50

DENSITY, AREALITY, AND PROXIMITY.

125. The Surveyor-General's Department have been able to recompute, for purposes of the Census, the Areas of the several Census Districts with greater precision than before, owing to the provision of separate maps of each. With the object of illustrating the so-called Density (or shall I say the sparseness) of the population some interesting computations have been made, the results of which will be found in Tables VI and XVI.

Corrected Areas of Census Districts. Tables VII and XVI.

126. Dividing the population by the Area expressed in Square Miles, we derive the number of persons to the square mile, the so-called "Density."

Density.

127. Dividing the Area, expressed in Acres, by the number of persons we derive the number of Acres per head of the population, the so-called "Areality."

Areality.

128. To determine the "Proximity" is not quite so easy. By "Proximity" in respect of any Census District we mean the distance in yards which would separate one person from another if all the inhabitants of the district were placed at equal distances from one another. In calculating Proximity we have to divide the district into as many equal allotments as there are individuals, and in order that each may be so placed as to be equi-distant from his fellows, we have to construct out of his allotment a regular hexagon and place him in the centre.

Proximity.

129. By means of a simple formula we can then compute the distance between each, or the "Proximity." I have found it most convenient to derive the Proximity from the Density. The formula then involves a constant Logarithm, viz. :— $\text{Log.} \left(\frac{\sqrt{2}}{\sqrt[4]{3}} \times 1,760 \right) = 3\cdot2767474$; and if D be the Density, P the Proximity, and A the constant logarithm above quoted, the formula takes the simple expression, $\log. P = A - \frac{1}{2} \log. D$.

Formula.

[EXTRACTS] FOR EDUCATIONAL PURPOSES

BASTAARDS

or ...



HUMANS

*the unspoken heritage
of coloured people*

Origins/ Identity/ Culture & Challenges

Volume 1

Dr RUBEN R RICHARDS

Terminology

Identity labels and terms used to describe people of colour in South Africa are contentious given the many centuries of racism and abuse which was facilitated by the pejorative labelling of such people. Strangely, the same is not true when labelling and talking about white people and their identity even though whites are as racially and culturally diverse as any, and represent in many instances the most reprehensible and murderous aspect of the human condition. And yet, white identity labels are presumed unproblematic and never explained with the kind of rigour applied to indigenous labels.

Any retelling of the history of South Africa and attempts at defining and reconstructing South African identity and culture must, of necessity, travel through a minefield of terminology. The enquirer is challenged to find ways to lay bear many racist presuppositions and find ways to expose the essential core that unites our humanity.

The word *Khoisan*

Scholars writing on indigenous matters, especially Khoisan history and heritage, generally preface their work with long explanations which provide the reader with etymological and morphological analysis which, of course, has enormous linguistic and academic value in terms of historical and sociological context. [See Abrahams (2000:51-52), de Wet (2006:11-12), Besten (2006:2-4), Gabie (2014:1-6), Schweitzer (2015)].

It bears mention that the word now commonly written “Khoisan” was originally invented by German anthropologist Leonard Schultze in 1928 and spelt as *Koisan* to describe the indigenous Khoikhoi and Bushmen inhabitants of South Africa. Two years later Isaac Schapera, a social anthropologist at the London School of Economics specialising in South Africa, popularised the word *Khoisan* which has entered both the academic and popular vernacular. Low (2004) in his

thesis on Khoisan healing points out that *Khoisan* is a European constructed compound word comprising old Nama *khoi*, or modern *khoë*, meaning people in most *Khoë* languages, and S_n (*Saan*), or more conventionally San, being the *KhoëKhoë* word used for Bushmen. While Schapera's use of Khoisan was restricted to the 'Hottentots' (Khoi) and the Bushmen (San) with particular focus on the Cape pastoralists, Low's definition and use is linguistically, culturally and historically much broader with the following distinctions made:

As a matter of convenience I have taken the liberty of using the word 'Khoi' as a means of referring to Nama and Damara as opposed to *Khoikhoi*, which is used predominantly for historical Cape pastoralists, and *Khoë* which, as a linguistic category, includes Nama, Damara and the Bushmen groups Hai//om and Nharo. The San people I encountered frequently referred to themselves as Bushmen. This may reflect repossession of a word that in former times held negative connotations amongst the San, or indicate that 'Western' sensitivity over the word Bushmen has been just that. Regardless, I use San and Bushmen interchangeably, as do the people to whom the label is applied (Low 2004:iii).

Boezak (2015) leaning on the work of historians such as Bredenkamp (1982), Elphick and Giliomee (1992) and social commentary by scholars such as Abrahams (2013) provides a useful and succinct summary regarding terminology:

The two names [Khoi and San-*my emphasis*] indicate the division that came about 2,000 years ago when *herding* had been introduced as an optional life-style. ... Khoekhoen means "genuine people" (better explained in Afrikaans as *mense-mense*) and Sa- means "to gather", while the plural (with -n) means "gatherers" (of veldkos). The names "*Hottentotten*" and "*Bosjesmannen*" (Bushman) were given to us by the Dutch. Originally the Khoë-San were ONE hunter-gathering community, "... who acquired livestock from early agricultural migrants into the region, probably speakers of Bantu languages."

Boezak quotes Abrahams (2013) who says:

There is simply no evidence to make a systematic distinction between who hunted and gathered for a living, and people who also herded cattle, sheep and goats. We all hunted and gathered, even if we kept livestock. We all shared a set of values, arts and culture. There is absolutely no evidence that our people came from

anywhere else. Cows did, not people, after all, we had bartered and traded for centuries.

The word *Coloured*

The academic rigour applied to words such as Khoisan is also applied to the word coloured – a matter discussed below in more detail in Chapter 10 – *After Mandela*. However, it is worth mentioning that the coloured label enjoys a mixed review: some reject the label; others embrace it; others redefine it. Indeed a minefield and no consensus yet.

The rejectionists say it is an imposed Apartheid word. Others use quotation marks [“ ”] as a qualifier when using the word. Still others preface the word by saying “so called”. Many coloureds are beginning to claim their indigenous Khoisan ancestry over and above their European or slave ancestry – a rejectionism of a different kind. However, many coloureds still prefer to define their identity via their European ancestral lineage since it still carries with it economic and cultural advantages.

Way forward

The terminology and sociological labels used to describe the indigenous Khoisan people and their descendants have been imbued with and premised on racist presuppositions which lead us back to the focus of this book namely the humanity of people of colour in general and that of indigenous people in particular. I would hazard a guess and say that two decades into our democracy, most South Africans are still ambivalent (if not ignorant) about Khoisan history, heritage and culture, notwithstanding the fact that the defining character, values and symbolism underpinning South African national identity is Khoisan, the ancestors of coloured people ... and others. At least it is so on paper, if not yet etched into the psyche and soul of the entire nation. Constitutionally speaking, our nation has entrenched Khoisan mythology and identity as the bedrock of who we are as a people. Practically, and in everyday life, this is not yet a reality. Let's join hands and get there as fast as we can.

I will use terms interchangeably and without prejudice.

About the Author

Ruben Richards is a multi-skilled South African – author, speaker and teacher - a blue collar tradesman with a PhD in the social sciences, specialising in Biblical Studies. He holds degrees from South Africa, USA and Switzerland including qualifications in engineering. Ruben is widely travelled across North America, Europe and Africa and has accumulated a wealth of experience and expertise in both the public and private sector. He has held executive level positions across a wide range of sectors including business, government, academia, industry and civil society. Ruben is the quintessential African Renaissance professional. He has served as a consultant to international agencies such as the United Nations Development Program and the European Union.



However, Ruben is better known to many for his role alongside Emeritus Archbishop Desmond Tutu in South Africa's Truth and Reconciliation Commission where he was responsible for the Human Rights Violation Committee in the capacity of Executive Secretary. Ruben continues his local and international peace building and restorative initiatives through his Foundation, a South African registered non profit organisation. On 26 November 2015 the Institute for Justice and Reconciliation conferred upon the Ruben Richards Foundation the prestigious National Reconciliation Award for its work in confronting exclusion in society.²

For more information see: www.rrf.org.za

Ruben Richards Foundation

Non Profit Organisation number: NPO 116-249

Public Benefit Organisation number: PBO 930 042 988

I must point out, at the outset, that this work must be seen as a part of the process of reflecting, re-interpreting and re-crafting a national narrative that is incomplete and imperfect, from which critical pieces have been previously excised, distorted or completely dislocated from their appropriate context.

Within this framework it therefore follows that this book is primarily aimed at interrogating the disposition, conditions and representation in this national narrative of the Coloureds, a significant population group within the South African nation. It matters when people in power provide definitions and descriptions since these are generally taken as authoritative and therefore undisputable. Notwithstanding the terse definition of coloureds as per the Population Registration Act (1950), the voices of prominent leaders and influential people have reinforced what have become dominant and stereotypical images defining coloureds.

[Box 2]

DEFINING COLOURED

... any person whose father and mother belonged to one of the native races of Africa or Asia until and in the fourth generation ... and eligible for military call up.

Paul Kruger
First President of ZAR Boer Republic
Zuid-Afrikaansche Republiek (Transvaal)
From 1883 until 1900

Coloureds are an appendage to the whites.

Jan Smuts
Prime Minister of the Union of South Africa
From 1919 until 1924 and from 1939 until 1948

The coloured owes his origin to us and knows no other civilisation than that of the European although he is sometimes lacking in appreciation of it, and even speaks the language of the European as his mother tongue.

JBM (Barry) Hertzog
Prime Minister of the Union of South Africa
From 1924 until 1939

A coloured person means a person who is not a white person or a native.

Population Registration Act (1950)

[Coloureds and Indians] must not think that the colour of their skins will protect them. The minority groups will all have to contend with an unrestricted domination by the Bantu if a multi-racial state comes into being. And I say it unequivocally that the people of South Africa cannot accept the consequence of a multi-racial state unless the Whites, the Coloureds and the Indians are prepared to commit race suicide.

HF Verwoerd

Prime Minister of the Republic of South Africa

From 1958 until 1966

Coloureds are the left-overs. They are the people that were left after the nations were sorted out. They are the rest. The coloureds were always under the wings of the whites. They have never been on their own.

Former First lady, Marike de Klerk

Wife of FW de Klerk, State President of South Africa

From 1989 until 1994

Gone are the days when we talk about so-called coloureds. They are not superior to anyone or inferior, they have a culture to be proud of. The ANC needs to recognise this and give them its full support.

Rev. Chris Nissan

Former Western Cape Leader (1994)

African National Congress

Coloureds come from white men raping black women.

Mtsiki Mazwai

Artist and activist

Quoted in the Citizen newspaper (2017)

Recognising that there already exists a large body of work on the coloureds in South Africa, this work seeks to add to the discourse by looking at how, over four centuries, a people's location in the historical narrative shifted from the centre, where they were owners and custodians, to the margins, where they have very little agency (i.e. almost totally dispossessed and disempowered); in short, a shift from land owner to serf-slave worker.

trauma, and dispossession, thoroughly divested of everything, culturally strip-mined, not succumbing to annihilation and yet retaining the core of our humanity? Is it not the case that this ‘unwanted and rejected’ population group, initially called Bastards / Bastards / Bastaards have triumphed and survived attempts at complete assimilation into European-based culture and identity? Could we refer to this group as a remnant that carries the future of the South African nation in its DNA/genes? Remnant thinking must surely be better than thinking of ourselves as helpless victims of Nazi-inspired apartheid white supremacy? Dare we think of ourselves as the descendants of the first nation people of this land (i.e. the KhoeSan) and a solution to our nation’s problems? Or is this a bridge too far?

Ancestry of Western Cape coloureds

The Department of Molecular Biology and Human Genetics of the University of Stellenbosch conducted a series of genetic studies, led by Professor Eileen Hoal, regarding the ancestry of the Western Cape’s coloured population. Samples from nearly 1000 of the province’s residents who identified themselves as coloured were compared with samples from the region’s major ancestral population – European, Khoisan, non-Khoisan African and Asian. Two findings emerging from this study are worth emphasis. First is that researches confirm that the Khoisan have contributed the most to the genetic make-up of coloureds living in the Cape today (35 percent), followed by African (27 percent), European (25 percent) and Asians (10 percent). The second finding is that “more than 60 percent of the maternal DNA found in the coloured population came from Khoisan women. Prof Hoal is quoted as saying: *"It's heartening if you have heard what is said about the Khoisan dying out - genetically that is not true"* (Samarasekera 2010, see also Britz 2006).

Coloured nationalism versus non-racialism

In this quest to engage this highly controversial question of coloured identity, there are some critics who may well ask if I am a coloured

nationalist with a narrow ethnic agenda who wants a separate coloured homeland based on self-rule by coloureds for coloureds, much like the Verwoerd dream? Others may wish to cast me as a leftist Marxist Trotskeyite, who, like many coloured intellectuals in the 20th century, rejected the label coloured as a social construct of a racist regime? At the most extreme scale of criticism I could well be labelled as anti-African or anti-white, but such are the risks when traversing this topic.

My limited appraisal of the past 400-500 years of colonial interface between Europe and South Africa is that coloured people, who dare I say represent a unique community which emerged during colonial times, have almost been written out of history. What I mean by this is that coloureds are not represented as leading actors on the stage of history. On the contrary, coloured identity has been burdened by shame and disgrace rather than pride and self assurance and legitimate heirs to the land of their birth.

I will show in more detail in subsequent chapters how colonial and post-colonial society in South Africa was *unable* as well as *refused* to accommodate heterogeneous cultural heritage as embodied and epitomised by coloured people. My argument is that colonial society was not able to conceptualise of a non- or multi-racial society where all are equal partners in the socio-political and cultural space of any given society.

I will also argue that it was Adam Kok I, the proto-type coloured, the progenitor, the baster, the bastard, the child of a white father and mother of colour, an indigenous woman, who more than 250 years ago, dared to constitute an inclusive non-racial (multi-racial) community which was subsequently labelled Griqua as per the prompting of the missionaries. The name Griqua, over time, has become overladen with a biological race paradigm. Rarely does the name conjure up notions of an inclusive and non-racial society that affirms cultural heterogeneity.

Waldman (2007:23) describes well how the apartheid government experienced difficulty in defining the Griqua who at one stage during

the 1950's were classified as African. Eventually Griqua were classified coloured by the apartheid government. A significant point that is often missed is that Griqua identity is deeply embedded in indigenous Khoi and even Korana roots. Such has been forcefully asserted in every major Griqua structure or house, including the Le Fleurs, the Koks (all branches), the Barendse and the Kraalshoek clans at local and international forum dealing with recognition of Khoi and San indigenous rights. An important point also, is that many of the Griqua delegates at the Kimberley 1 Khoisan dialogue rejected as racist the position put forward by Tommy Ntsewa, a government representative attending the conference, who asserted that the said delegates could not claim association with the indigenous forebears who were here at the outset of colonialism.

Notwithstanding a high degree of 'wilful' ignorance and a lack of historical writings about South Africa's indigenous history and heritage, I hold the view that Adam Kok I was the Mandela of the 18th century colonial era. He was not a Griqua per se, although subsequent Griqua identity is traced back to him. Too easily is he put into a tribal and racial box when in fact he was the proto-type non-racial South African, but who fundamentally respected and celebrated indigenous heritage and culture. Unfortunately, Kok and his non-racial project were tribalised by colonial society and historiography seems to trivialise his accomplishments by casting him as a tribal leader. Kok continues to be presented as the founder of a sub-tribe of a sub-tribe of the Khoisan tribe somewhere along the Orange River, far away from the heart beat of the Cape parliament. The uncritical adoption of the Adam Kok as described by the mainstream historical narrative will locate him as a man with narrow ethnic interests and not someone with an expansive vision of inclusivity and non-racialism with profound indigenous roots.

Let's return to the thrust of our argument before we got sidetracked by the Adam Kok story. The point being made above is that racial identity in later colonial times (and dare I say in the 21st century also)

was constructed on a black-white axis, where tribal identity was the governing framework and the point of reference for people of colour. Interestingly, tribal identity was not the point of reference for white identity. Do we have here double standards when writing history? The reality is that for most of the colonial period, whiteness (i.e. white identity) was equated with being Christian and it is instructive to note that whiteness was initially not a racial category. Instead it was a religious label describing an assumed and parallel identity namely Christian and civilised. In this regard, Richard van der Ross (2015:29) makes the valid point that early Cape colonial society was social status driven more than race-driven.

However, it still does not explain why colonial society would not fully integrate people of colour even when they did profess Christianity – or did they? This remains an open question.

The status of christianised heathens

Were Christianised people of colour considered equal to whites? Or are we asking the wrong question of a colonial society that was driven by imperatives other than race?

Were Christianised heathens or indigenes just further along the civilisation continuum or had they arrived at the same place that whites occupied after they professed Christianity – the assumption being that whites (in this case Europeans) were the ideal and the assumed custodians of civilisation and Christianity. In others words, the assumption and presupposition were that whites had already arrived at the pinnacle of humanity, while people of colour were still on their journey toward becoming civilised.

The fact remains, colonial and post-colonial social order continued to discriminate against people of colour despite them adopting the Christian faith. Evidence of this is, for example, the inability of the London Missionary Society to accept the leadership of the five

Myth-making: true or false – Does it matter?

I wish to propose the adoption of a new South African national ‘myth’, or stated differently, a narrative (story) of the origins of a people called South African. A consolidated narrative neither eliminates nor undermines the cultural diversity with which our nation has been blessed.

To the reader:

What binds a nation together?

At the very least, it is an agreed story (myth) of origins that binds and unites the nation.

South Africa’s divisive past makes it imperative for us to find or create a shared narrative (a new myth). This chapter proposes such a myth.

I have developed the proposed new national myth/narrative from the discussions in this book. What is proposed below is a post-

Apartheid and democracy-inspired South African story of origins, indeed a decolonized narrative, if you will.

It is proposed that this narrative be embraced by all South Africans as “our” story – the story that unites us in the spirit of the Khoisan ancestors depicted on the South African national coat of arms – *Diverse Nations Unite*. This proposed myth is short, sweet and to the point. The bonus is that it is both true and historically accurate.

[Box 14]

A NEW NATIONAL MYTH

Once upon a time, many thousands of years ago, the Qua people (Khoisan) lived all over South Africa. They were later joined by the Ntu people (Bantu) who migrated over land into South Africa from central and east Africa. Still many centuries later the Euro people (Europeans) visited South Africa by ship. The Euro people brought with them African and Asian slaves and later a large group of Indian slaves called indentured workers. Many of the Indians did not return to India and similarly, many Europeans did not return to Europe.

The Euro people and their slaves originally lived among the Qua people in Cape Town. The Qua were almost completely destroyed by diseases brought by Europeans. Nevertheless, within a short time the Euro, Qua and Slave community gave birth to a new and unique home-grown South African population which today

still resides mainly in Cape Town, but can be found all over South Africa. This new population group willingly and easily integrated others including the ancestral Qua, foreign slaves, Euro, the Ntu (later called Africans), and all other people groups that did not fit a narrow tribalised identity in colonial society. This new group was inclusive, heterogeneous, celebrated Qua and slave culture and heritage and described by various names. They were originally called Bastards because they were viewed as being illegitimate, half-caste and inferior. They were later renamed and called Coloured people. Unfortunately, this new group was rejected by colonial and post-colonial society. Many were forcefully assimilated into European culture but quietly maintained their indigenous Qua and slave heritage.

And that is why today South Africans can trace their origins to the four main groups of people (Africans, Coloureds, Whites and Indians) who are united in their diversity.

Explaining *Qua* and *(ba)Ntu*

The suffix - Qua/Khwa

The *qua* or *khwa* suffix in the Khoekhoe (Khoisan) language means "people". *Qua* is the suffix attached to individual clan names and is the most dominant shared identity marker for the Khoisan people group as a whole. Earlier maps of southern Africa, such as the one drawn by 18th century cartographer, Izak Tirion (1750),⁹² as well as that produced by Elphick (1977)⁹³, and revised by Giliomee and Mbenga (2007) shows the dominance and wide geographical spread of the *Qua* people. These maps show names such as: Nama-*qua*, Gorinhai-*qua*, Atta-*qua*, Heufa-*qua*, Gouri-*qua*, Darma-*qua*, Son-*qua*, Dun-*qua*, Odi-*qua*, Gorachou-*qua*, Outeni-*qua*, Chaino-*qua*, Cocho-*qua* and so forth.

It is therefore not unreasonable to appropriate the suffix as an identity maker in this context of myth-making.

The last surviving language of the Khoisan people is spoken by the Nama people who mainly reside in Nama-*Qua*-land. The language is

⁹² See below Appendix 5 – Tirion map (c.1730) showing the spread of the *QUA* people.

⁹³ See below Appendix 6 – Elphick's map.

called KhoeKhoegowab and is the most populous and widespread of the Khoisan languages. It belongs to the Khoe language family, and is spoken in Namibia, Botswana, and South Africa by the Nama-qua, Damara, and Hailom, as well as smaller ethnic groups such as the #Khomani (San-Bushmen).⁹⁴

The Khoesan prefix

The prefix of a Khoisan place name is descriptive of the name of the kraal/location/settlement of a particular people. The modern day urban equivalent would be the name of a suburb as a descriptor of where you come from or reside. In times past, these ancient “suburbs” were called “kraals” and described the origins and location of people. *Outeni-qua*, for example, is the people of the place of honey/honey gatherers. *Hesse-qua* refers to the people of the forest (with reference to the Knysa/George area) and the *Gouri-qua*, along the coast, were the “people of the cattle” (Hampton 2016).⁹⁵

Common usage of Khoisan

The indigenous Khoisan people were described by colonial society as Hottentot and Bushmen – both terms used and considered as derogatory. It would have been easier, more accurate and acceptable if the indigenous people were just called the Qua people with a prefix to denote which area they come from. But instead, colonial authorities and writers have persisted in the use of derogatory terms which have caused enormous psychological and emotional problems. As we have indicated already, terminology and especially labelling someone or a people group as the “other” was a way of stripping people of a sense of pride regarding both their language and place of origin.

Unfortunately, the word Khoisan, for example, as developed by a German anthropologist in 1928, is limited because it, among others, does not celebrate or capitalise on the Qua dimension of Khoi and San identity.

The loss of the dominance and spread of the Khoisan language (KhoeKhoegowab) has the consequence of a loss of the appreciation for the Qua linguistic feature which would ordinarily underscore the fact that these were a sophisticated and established people group and not a bunch of half naked and uncivilised savages without human souls, and whose language is a series of clicking sounds, like wild geese, as is described by some in the literature which describes this period of history.

There are two interesting facts related to the Qua discussion as proposed above. The first is that Namibia, which is home to many Nama-qua people has adopted KhoeKhoegowab as an official language. Unfortunately, this is not the case in South Africa even though it is home to many Nama-qua people. In fact maps will show a *little* as well as a *big* Nama-qua-land geographically wide spread yet sparsely populated due to the arid terrain. The second interesting fact is that most Nama-qua people speak Afrikaans (a Dutch derivative) as the main language – both in South Africa and Namibia.

NTU (mu-ntu and ba-ntu)

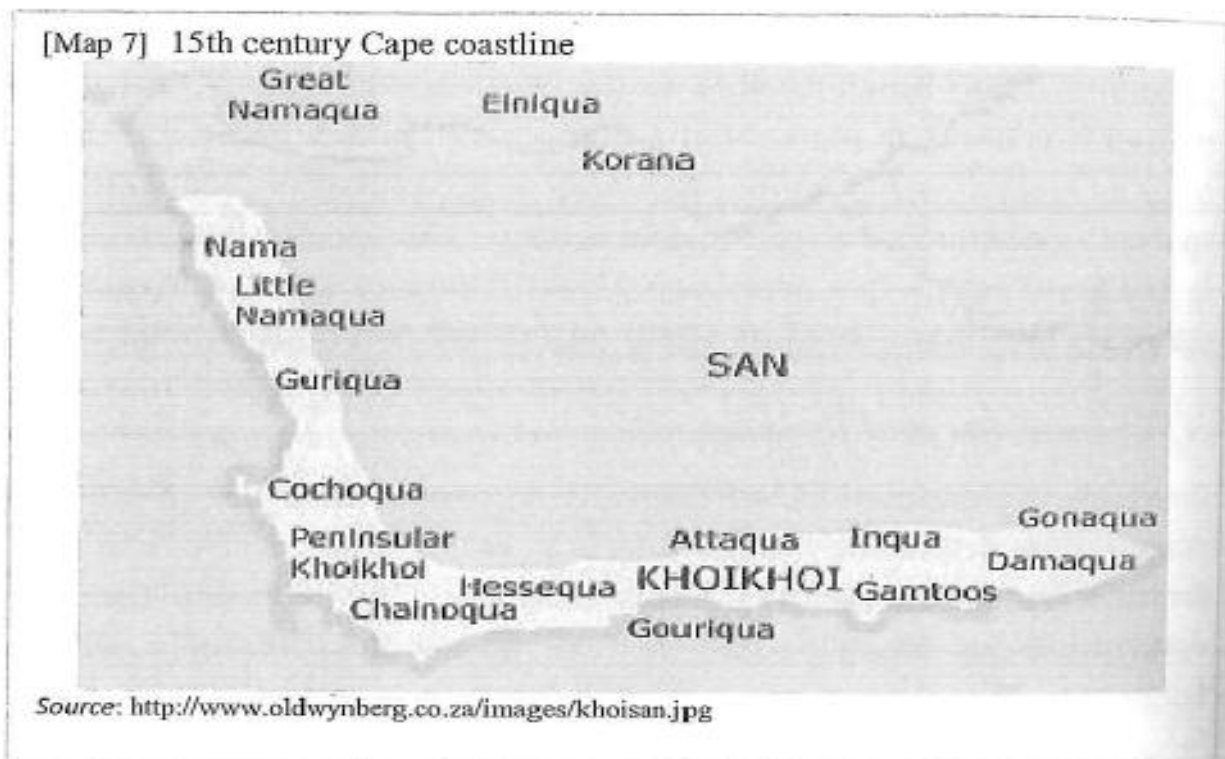
A common characteristic of Bantu languages is their use of the word *umntu* which describes ‘human being’ or ‘person’. The plural prefix for this noun class is ‘*ba-*’. This makes the word *ba-ntu* (Bantu) a description for many people as well as an identifier of a class of language. There are various Bantu languages spoken across a very large area, including most of Africa from southern Cameroon eastward to Kenya and southward to the southernmost tip of the continent. There are over 100 million Bantu-speaking people in Africa.

In South Africa *ba-ntu* refers to African people comprising Nguni, Sotho-Tswana, Venda and Tsonga-speakers. Over time, Bantu speaking people were ascribed the label called 'native'. Some also self identified as such. For example, the founding name of the ANC launched on 8 January 1912 was the South African Native National Congress (SANNAC). Similarly, the infamous Land Act was called The Natives Land Act (No. 27 of 1913).

Population spread and ancestral roots

Observations from maps

One cannot miss the obvious, namely that the people with the suffix *Qua* attached to their name had a dominant presence along the western and eastern coastline around the Cape.



By way of illustrating the spread of Qua-people, Map 7 shows *Nama-*land divided between a great and little Nama-*Qua*-land. On closer examination of Map 8 and 9 (Tirion's map – See also Appendix 5),

one sees that the big ('grotte') Nama-Qua was populated by de Heufa-Qua, Atta-Qua, les Gafri-Qua, de Chainou-Qua, and de Hancum-Qua. In small/little (kleine) Nama-Qua you found Oudi-Qua, Dun-Qua, and Hefs-Qua.

In the modern Natal region (See Map 8) you could find De Gouri-Qua and Heuteni-Qua. Just south of Natal were the Dama-Qua, Son-Qua and Hesfa-Qua.

[Map 8] Natal coastline - Tirion's map – Land of the Hottentots



Source:

http://www.tanap.net/content/activities/documents/resolutions_Cape_of_Good_Hope/landkaart.htm
(See also Appendix 5)

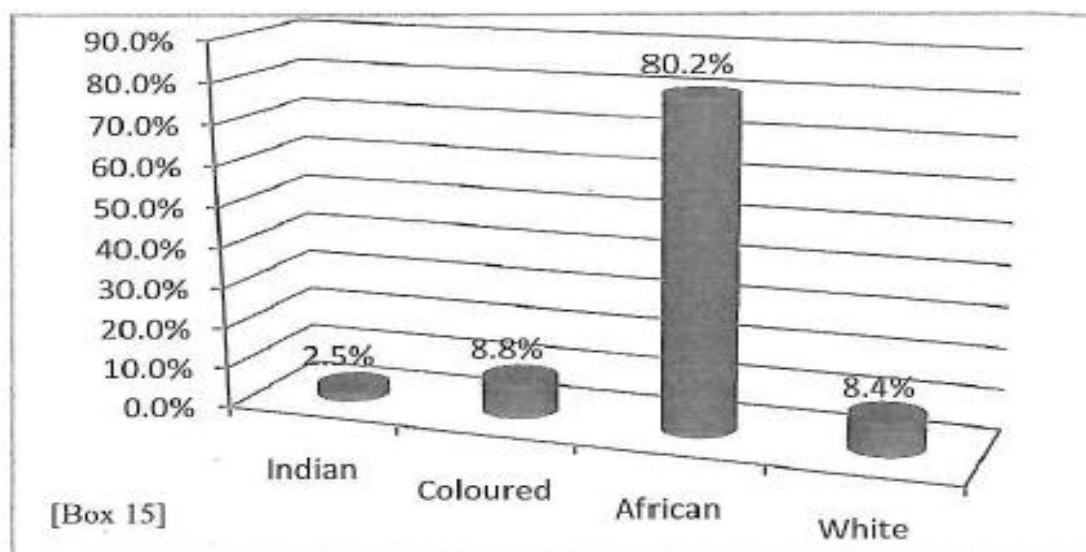
The ancestral roots of South Africans

21st century demographics

The people mapping of South Africa over the centuries has seen an evolution from a Qua and Ntu dominated land to a Ntu-people dominant country alongside three minority groupings defined as, Coloured, Indian, and White. Democratic South Africa still uses the Apartheid race categories although citizens now *self-identify* rather than the state imposing a racial identity. Ironically, there is very little difference between what Apartheid imposed as an identity and how

people currently self-identify. It is as if the imposed Apartheid race identity and classification is functioning on auto-pilot. Government policies such as Black Economic Empowerment (BEE) and Employment Equity make use of this data as the baseline from which to measure transformation.

According to the 2014 Census, there are 54 million people living in South Africa and spread across four main categories: 80,2% (43,3 million) Africans, 8,8% (4,8 million) Coloured, 8,4% (4,6 million) White (4,59 million), 2,5% (1,3 million) Indian.



Source: Stats SA Data 2014 Census: Own chart

Four dominant 'race' groups

The four dominant 21st century groupings that make up the South African population are officially labelled: Whites, Coloureds, Indians and Africans. Neither Khoisan nor Qua are categories in law although the coloured category contains all Khoisan and Qua groupings.

AFRICANS

In 1911 Africans numbered 67,3% of the population as opposed to 80,2% just over 100 years later, in 2014. This people group as a collective is called Bantu – the word for many people. The 'ntu' root

of the word, as discussed, carries the meaning ‘people’ and ‘Ba’ means ‘many’. Hence Ba-ntu originally had a numeracy connotation meaning many people. The word Bantu would later take on a racial meaning synonymous with African and carry with it a deeply derogatory meaning akin to *nigger* in the African-American context. By AD1200 the Bantu people had settled in the north of South Africa (modern day Limpopo Province and into parts of Zimbabwe): many of them migrated southwards beyond Kwa-Zulu Natal and as far as Kei River area of the Eastern Cape.

The 2014 census shows the Africans constituting around 80,2% of the population of modern South Africa and are spread across the nine provinces of South Africa. The Western and Northern Cape (i.e. the former Cape Colony) are the only two provinces out of nine provinces, where Africans are not the majority of the population but instead where the Coloureds are the majority. This is understandable given that these areas were historically occupied by the Qua people – the ancestors of the coloured people. Tragically, the majority of the Qua people were decimated by smallpox and genocide during the 18th century and in some instances thought to have been completely wiped out. Africans, on the other hand, were affected by displacement caused by the 100 years of war with the British during the 19th century as well as the Mfecane and Difaqane, a period of widespread chaos and warfare among Ntu groupings in South Africa between 1815 and about 1840.

WHITES

In 1911 whites numbered 21.4% of a total population of about 5 million. In 2014 they number 8,4% of the total population of 55 million. The first whites to permanently settle in South Africa were the European (Dutch) immigrants led by Jan van Riebeeck. They arrived in Cape Town 1652 and numbered around 90 persons (82 men and 8 women) including the few slaves which travelled with van Riebeeck. Many other groups of whites were subsequently imported

over the centuries including French, Scandanavian, British, Scottish, Irish, and Portuguese. Chinese were imported in the early 1900's to work on the gold mines in Johannesburg, but their classification created a challenge. Chinese were slighter darker skinned than Japanese, and so the Chinese were considered coloured (or 'honorary' white) and the Japanese classified as white. Since democracy, Chinese are considered black as per a high court ruling discussed above. Currently, Whites constitute around 9% of South Africa's population and are proportionally spread all over South Africa.

INDIANS

Since 1911, Indians numbered a consistent average of between 2% and 2,5% of the total population. During the British colonial period (1795-1910) a large number of Indians were imported from India and accomodated in Durban-Natal (modern day Kwa-Zulu Natal). There they worked as indentured labour on the sugar plantations. The immigration of Indians took place in the mid 1850s. The original colonial plan was for them (i.e. Indians) to work on the farms for five years and then return to India. Many did not return and "bought" their freedom and subsequently remained in South Africa predominantly in the Durban/Kwa-Zulu Natal area.

A statistic worth mentioning is that the largest concentration of Indians in the diaspora (i.e. outside of India) is in South Africa, comprising around two million souls, most of whom are located in Kwa-Zulu Natal. Currently, the Indians constitute around 2% of the South African population.

COLOUREDS

As with Indians, the coloured population, since 1911, shows a steady average. The number of coloureds has hovered between eight and nine percent with an 8,8% of the total population of South Africa in 1911. Coloureds are a heterogeneous group of people with multiple ancestral roots including mainly European and Khoisan heritage (here called the

QUA people) and to a limited extent African (NTU) ancestry. The dominant and preferred ancestral lineage, even today, among coloureds, is the European lineage which historically carried more economic and social advantages than Khoisan heritage. The Khoisan resurgence movement combined with better education regarding the Khoisan ancestral roots of coloured people is enabling many to redefine their identity and unashamedly reclaim a Khoisan ancestral identity.

As explained in this book, the off spring of unions between indigenous Qua, slave and European settlers posed problem for a society obsessed with either tribalising or racialising identity. A further complication was the offspring of unions within the already heterogenous group. The persons emerging from this heterogenous ancestral base was, in the main, rejected and labelled as illegitimate, half-cast, a bastard, non-christian, and a range of other negative labels and eventually coloured.


Consequently, many coloureds (by virtue of physical appearances) would rather trace their heritage via the European and not the indigenous Khoisan or slave heritage. During apartheid it was all about the colour of the skin rather than a shared cultural heritage, descent, behaviours, beliefs and sacred memories.

Coloured heritage has been made complex as a result of the entrenched myth of racial “purity” which became the defining framework for human belonging and meaning. An additional complicating factor is the unconscious perpetuation of the myth of an impure and half-bred as an undesired race of people - called coloured. It is not too difficult to see how and why many have rejected the ‘coloured’ label.

If we use 1652 as a historical marker then the Khoisan ancestors of coloured people were the dominant and almost exclusive population group of the Western and Northern Cape. This explains, in part, why today still Coloureds are found mainly in the Western and Northern

During the 2021 Census population count, South Africans were, for the first time, given the opportunity to indicate their race outside of the traditional four race groups by choosing the “other” option. In doing so, they also had to write down the cultural group with which they chose to identify. Citizens from the Khoi and San communities, in particular, made use of this option to indicate their cultural identity.

* Many people were also not counted during the 2021 Census population count.



Population group	Frequency	%
Black African	50 485 026	81,4%
Coloured	5 052 299	8,2%
Indian/Asian	1 697 468	2,7%
White	4 503 780	7,3%
Other	247 353	0,4%

CENSUS 2022 RECORDS OF “OTHER” IDENTITIES

TOTAL: 247 353

Table 2.4: Distribution of the population by population group and province, Census 1996–2022

Province	Census year	Population group					Total
		Black African	Coloured	Indian/Asian	White	Other	
Western Cape	1996	826 691	2 146 109	40 376	821 551	-	3 834 727
	2001	1 207 429	2 438 976	45 030	832 901	-	4 524 335
	2011	1 912 547	2 840 404	60 761	915 053	93 969	5 822 734
	2022	2 884 511	3 124 757	84 363	1 217 807	115 235	7 426 673
Eastern Cape	1996	5 291 423	469 684	19 378	331 478	-	6 111 963
	2001	5 473 922	480 408	18 483	305 839	-	6 278 651
	2011	5 660 230	541 850	27 929	310 450	21 595	6 562 053
	2022	6 189 075	547 741	37 568	403 061	48 339	7 225 784
Northern Cape	1996	448 880	436 319	2 350	111 650	-	999 200
	2001	461 262	425 717	2 379	102 518	-	991 876
	2011	576 986	461 899	7 827	81 246	17 903	1 145 861
	2022	679 383	563 605	10 824	99 150	2 667	1 355 629
Free State	1996	2 223 940	79 038	2 805	316 459	-	2 622 242
	2001	2 381 073	83 193	3 719	238 791	-	2 706 775
	2011	2 405 533	83 844	10 398	239 026	6 790	2 745 590
	2022	2 630 556	78 141	12 978	235 915	4 274	2 961 864
KwaZulu-Natal	1996	7 037 724	116 798	790 791	556 997	-	8 502 310
	2001	8 163 564	140 286	798 163	482 115	-	9 584 129
	2011	8 912 921	141 376	756 991	428 842	27 170	10 267 300
	2022	10 535 830	183 019	1 157 542	513 377	27 442	12 417 210
North West	1996	2 444 648	44 236	9 880	214 284	-	2 713 048
	2001	2 684 682	53 710	9 738	233 934	-	2 982 064
	2011	3 152 063	71 409	20 652	255 385	10 444	3 509 953
	2022	3 562 524	60 720	2 654	171 887	5 894	3 803 679
Gauteng	1996	5 620 774	28 0235	161 429	1 711 015	-	7 773 453
	2001	7 064 389	33 9973	218 124	1 768 042	-	9 390 528
	2011	9 493 684	42 3594	356 574	1 913 884	84 527	12 272 263
	2022	12 765 312	44 3857	329 736	1 509 800	35 890	15 084 595
Mpumalanga	1996	2 827 503	20 394	12 941	245 250	-	3 106 089
	2001	3 135 485	22 429	10 964	197 080	-	3 365 957
	2011	3 662 219	36 611	27 917	303 595	9 597	4 039 939
	2022	4 898 063	32 100	25 882	185 731	440	5 142 216
Limpopo	1996	4 406 046	7 632	5 645	126 012	-	4 545 335
	2001	4 844 360	9 814	8 867	132 420	-	4 995 462
	2011	5 224 754	14 415	17 881	139 359	8 459	5 404 868
	2022	6 341 601	18 409	35 958	167 524	7 172	6 570 664
South Africa	1996	31 127 631	3 600 446	1 045 596	4 434 697	-	40 208 369
	2001	35 416 166	3 994 505	1 115 467	4 293 640	-	44 819 778
	2011	41 000 938	4 615 401	1 286 930	4 586 838	280 454	51 770 560
	2022	50 486 856	5 052 349	1 697 506	4 504 252	247 353	61 988 314

Note:

- Unspecified cases for population group in Censuses 1996 and 2022 are excluded.
- Category “Other” population group was not included in the 1996 and 2001



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5 September 2025

Table 1: Census 2022 Household-based population

Population group	Census 2022 Published results	
	N	%
Black African	50 486 856	81,4
Coloured	5 052 349	8,2
Indian/Asian	1 697 506	2,7
White	4 504 252	7,3
Other	247 353	0,4
Total	61 988 316	100,0

Table 2: Broad groups of responses on “other population group”

Responses	N	%
Nationality/Place name	142 043	59,6
Ethnic Group	36 614	15,4
Religion	11 708	4,9
Language	8 582	3,6
Other	39 270	16,5
Total	238 217	100,0

Note: Table excludes unspecified cases

Table 5: Distribution of Khoisan population by province and sex

Province	Total	
	N	%
Western Cape	10 632	63,0
Eastern Cape	4 130	24,5
Northern Cape	848	5,0
Free State	136	0,8
KwaZulu-Natal	325	1,9
North West	58	0,3
Gauteng	745	4,4
Mpumalanga	2	0,0
Limpopo	4	0,0
South Africa	16 879	100,0



Dipalopalo tsa Aforika Borwa • Dipalopalo tsa Afrika Borwa • Eziobalo zaseNingizimu Afrika • Tshatshata Afrika Tshipembe • Tintshayohlayo Afrika-Ozongu
Statistieke Suid-Afrika • Dipalopalo tsa Afrika Borwa • Telubalo zaseNingizimu Afrika • Ezeehlokoakacha maNani zolMzantsi Afrika • Imbalobelo zeSewula Afrika

IMPROVING LIVES THROUGH DATA ECOSYSTEMS





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Table P07B: "Other" population group summary

Nr	OTHER POPULATION	FREQUENCY
1	Aboriginal	390
2	African	3 266
3	Afrikaans	5 706
4	Argentina	20
5	Arabic	681
6	Asian	721
7	Bi-racial	493
8	Black African	5 016
9	Bangladesh	4 999
10	Burundi	380
11	Thailand	55
12	Taiwan	70
13	Tanzanian	415
14	Mix race	9 521
15	Chichewa	280
16	Chinese	3 469
17	Cape Malay	3 066
18	Cameroon	53
19	Egypt	551
20	Ethiopia	97
	TOTAL	39 250

CRIME IN THE COLOURED COMMUNITIES

THE RELATIONSHIP BETWEEN IDENTITY AND VIOLENCE

Source: This is the view of the author of this document based on the attached research paper.

I write to reflect on the relationship between a negative identity and violence that are sometimes associated with the involuntary racial identity label "Coloured" and the manifestation of violence within the Coloured communities, based on the attached article.

I firmly believe that if the South African government and society at large would **stop the negative publications** of the "Coloureds" or "Kleurlinge," **it might help** to decrease the level of violence in these communities significantly.

REASONS

1. Psychological harm through labeling

Repeatedly referring to a person by a **negative or degrading name** can cause psychological harm, creating feelings of inferiority and insecurity that may become embedded in the person's character and daily life. This often gives rise to distorted or destructive behaviour. The "Coloured" label functions as a marker of otherness and limitation. Constantly being referred to by a state-imposed, apartheid-era label that is "negatively perceived" can lead to anger, self-doubt, social rebellion, disruptive behaviour, rejection, and feelings of inferiority. This internal emotional pain can manifest as violence against oneself, one's family, or one's community.

2. Historical hierarchies and inferiority

During apartheid, South Africans were taught a hierarchy of value - placing white people at the top as superior, "Coloured" people below them, and Black people at the bottom. Although apartheid has ended, new dynamics have emerged. Today, the perception exists that being Black holds greater value in terms of access to jobs and opportunities. As a result, many "Coloured" individuals are again made to feel that they are not good enough - this time by subtle messages from the state and broader society.

3. Criminal associations with the label

The label "Coloured" has become associated with negative stereotypes: violence, gangsterism, theft, alcohol abuse, court appearances, and imprisonment. These associations stigmatise entire communities and can lead to a self-fulfilling prophecy, where failure is expected and accepted.

4. Behaviour shaped by identity

When people are subjected to negative, daily reinforcement of who they are supposed to be, their behaviour often begins to reflect that. This has a destructive impact not only on individuals, but also on families and communities as a whole. People who do not know how to identify themselves experience identity conflict, an inferiority complex, frustration, aggression, and social problems.

5. Provocation

When people are called names that strip them of dignity (e.g., racial slurs), they are treated as "less than human." This can trigger immediate emotional responses like rage, leading to fights, retaliation, or even long-term conflict.

STILL MARGINAL

Crime in the coloured community

Ted Leggett, Institute for Security Studies
ted@iss.org.za

Is the crime problem in the Western Cape and the Northern Cape rooted in the coloured population? Official figures suggest that coloured people are twice as likely as any other ethnic group to be murdered, and twice as likely to be incarcerated. Unfortunately, it is impossible to properly explore the linkage between the crime rates in the Cape and the coloured communities without station-level crime statistics, which the police no longer release to the public. Nevertheless, more research is needed to understand the links between this group and the crime problem.

Coloured people are a minority group in South Africa. According to the 2001 Census data, they represent just 9% of the country's population. But in two provinces – the Western Cape and the Northern Cape – they are the majority.¹ Any discussion of conditions in these two provinces cannot ignore this population group.

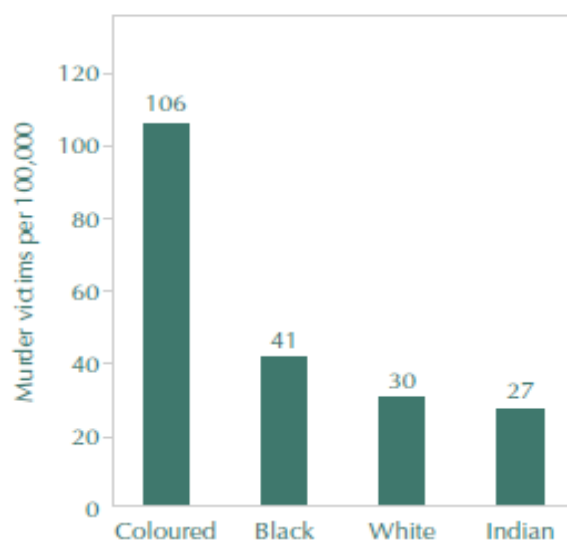
There is not, nor has there ever been, a clear definition of the population group referred to as 'coloured', and the usefulness of the term has been questioned. But it does refer to a group of people who, rightly or wrongly, were lumped together in the past, and therefore share a common history. This history has often been a troubled one. The commonly heard lament is that coloured people were not 'white enough' under apartheid and are not 'black enough' in the new democracy. The sense of this complaint is that coloured people continue to feel socially excluded, even under democracy.

Assigned a status above black Africans under apartheid, the largely Afrikaans-speaking coloured population found itself voting for the National Party in 1994 and thus initially delivering the province to the opposition. Arguably, this affiliation has led to continued marginalisation. Reinforcing this distance is the problem of crime, which is at once a symptom and cause of exclusion.

Victims and perpetrators

As is discussed elsewhere in this issue (see the article by Thomson), coloured people are far more likely to be murdered than any other group, and this has been the case for quite some time. Thomson's projected figures indicate that coloured people are more than twice as likely to be murdered than black people in 2003 (Figure 1).

Figure 1: Projected murder rate in South Africa, by race, 2003



Source: Thomson, 2004

This sad fact is backed up by figures from the National Injury Mortality Surveillance System (NIMSS), which also show coloureds to be far more vulnerable. In both 2001 and 2002, the NIMSS recorded a disproportionately large number of coloured homicides in the total reviewed: 14% in 2001 and 13% in 2002, compared to the 9% share held by coloureds in the national population. As is also true in the black community, homicide is the number one cause of non-natural death among coloureds, outpacing suicides, automobile accidents, and other non-intentional injuries by a wide margin. The 2002 data show that coloured victims are the only ethnic group more likely to be stabbed (44%) than shot to death (39%) – the average is 54% shot compared to only 30% stabbed.²

Unfortunately, it is highly likely that the assailants of these victims were also coloured. Victim survey data, as well as docket research on murder by the SAPS' Crime Information Analysis Centre, suggest that the vast majority of murder victims are killed by

people they know, including intimate partners and family members.³ Due to persistent segregation in the country, the chances are that most murder victims are of the same ethnicity as the perpetrator.

Coloured people are also over-represented in the nation's prisons according to the Department of Correctional Services (Figure 2). Coloured people represent only 9% of the national population, but they make up 18% of the national prison population. Coloured people are also nearly twice as likely to be imprisoned than African blacks.

Higher levels of incarceration suggest, but do not establish, higher levels of criminality in this community. There are other reasons why more coloureds might be in jail than other ethnic groups, including the possibilities that this population group is being targeted for enforcement, that this group may lack access to good legal counsel, or that judges in the area are especially punitive. It may be that other ethnic groups have other ways of dealing with crime problems, through private security or traditional means of dealing with offenders, while the coloured community is more reliant on the state.

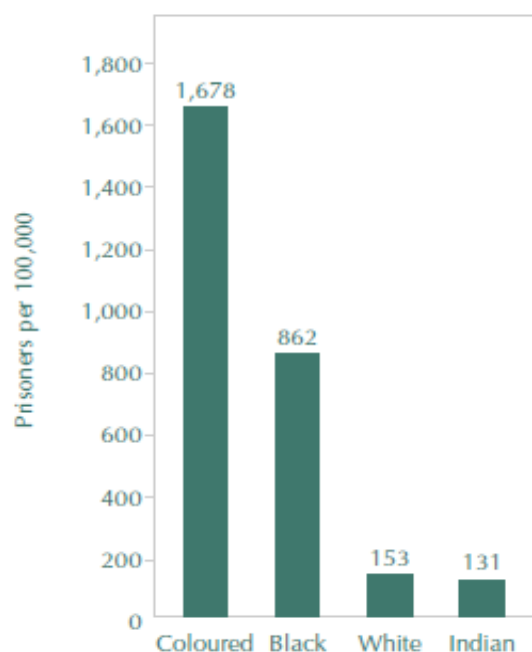
What high incarceration rates do establish is the level of exposure within the community to a correctional system too overpopulated to encourage rehabilitation, including being subject to the violence of gangsterism, drugs, and the possibility of being sexually assaulted while in custody (see S Gear and K Ngubeni, *SA Crime Quarterly* No 4, June 2003).⁴ The effects of this victimisation may lead to further violence upon release. Being incarcerated may also lead to life-long gang allegiances that keep inmates locked into criminal lifestyles even after release.

But this does not explain why coloured people find themselves in this situation to begin with. While much further research is required to answer this question, some obvious points need to be made at the outset.

Problems confronting the coloured community

Because the coloured people have experienced higher murder rates since the earlier parts of the last

Figure 2: Rate of incarceration in South Africa, by race, 2003



Source: Department of Correctional Services, 2003

century, any explanation of the violence in this community would have to include extensive historical research, which is beyond the scope of this article. Focusing strictly on present social conditions, however, several factors can be identified that could be linked to long-term trends.

Pressured idleness

As a population group, the coloured people remain better off than the black African population, though considerably poorer than the whites or the Indians. For example, the white population of South Africa sits at about 6% unemployment, while 27% of coloured people are unemployed and 50% of the black population is unemployed.⁵

Looking at changes since 1994, however, unemployment has increased only 19% in the black community, compared to 35% in the coloured community.⁶ Thus, relative to accustomed standard of living, the coloured community has experienced more detrimental change since 1994 than the black community.

In addition, with the loss of the job preferences given to coloureds under apartheid, many coloured people today find themselves competing with black Africans for lower skill jobs: 32% of employed coloured people work in "elementary occupations" (unskilled labour) compared to 34% of black people.⁷ Thus, any sense that affirmative action is favouring black Africans, who hold political power, would increase the sense of exclusion.

Given that the Western and Northern Cape provinces have the highest matric pass rates in the country,⁸ an obvious strategy would be for coloured graduates to move toward the high skill end of the job market. The latest census results suggest that this is not happening. While coloured people are slightly more likely to have finished secondary school than blacks (19% versus 17%), they are less likely to have tertiary education.⁹ Of members of the population aged 5-24, 36% of the coloured community is not enrolled in an educational facility, compared to 27% of the black community.¹⁰

Why young coloured people are not continuing their education at the rate of young blacks is a

subject in need of further research. But those who opt out of tertiary study further contribute to the pool of urban, idle, and marginalised youth.

Claustrophobia

Formal employment is far more important in urban areas than rural ones, and the coloured population is largely urban based. In the Western Cape, coloured people were resettled under apartheid into high-density 'dormitory communities' in the Cape Flats. This has meant greater access to formal housing, but little room to expand as families grew.

Only 4% of coloured people live in shacks, compared to 16% of the black population, but coloured people have the largest household size of any population group. Despite the fact that fertility levels are less than in the black community (an estimated 2.5 live births among coloureds in 1998 compared to 3.1 in the black community),¹¹ coloured households average 4.3 members, compared to 3.9 among black people.¹² While this may not sound like much, consider that many coloured people are living in two bedroom flats, and that these average figures include households many times this size.

As a result, areas like the coloured townships of the so-called Cape Flats are characterised by high concentrations of jobless people who need cash to pay rent, purchase food, and pay for services. Disadvantaged under apartheid, they may still feel disadvantaged under democracy, and have no revolutionary hopes that the situation will change drastically in the future.

Population density has been correlated with juvenile delinquency in at least 12 academic studies. But residential mobility has been deemed an even more robust correlate¹³ and, paradoxically, all indications are that the coloured areas are some of the most stable. In the Cape Flats, the high cost of rent outside the coloured townships causes tenants to cling to their 99-year leases. As children are born and families expand, these densely settled areas leave little room to expand. As less than 4% of coloured households live in shacks, squatting is hardly an option. This causes further crowding, but strong population stability.

Ironically, however, the stability of the population in the Cape Flats seems to have become a factor in shaping the nature of crime in the area. In a word, it could lead to the creation of gangs.

Gangsterism

With little room inside the home, coloured youth in urban areas spend a lot of time on the streets. The playgroup becomes a kind of surrogate family, but with a different set of norms. When the norms of the street become more important than the norms of the home, you have a gang.

Stable populations feed this phenomenon. Long-term residence may result in identification with 'turf' among local youth. Lack of mobility may cause perpetrators to pick local victims, but the face-to-face familiarity found in stable neighbourhoods could deter selecting immediately local victims. This could result in the broader community becoming fragmented into factions, which are at once protective and aggressive.

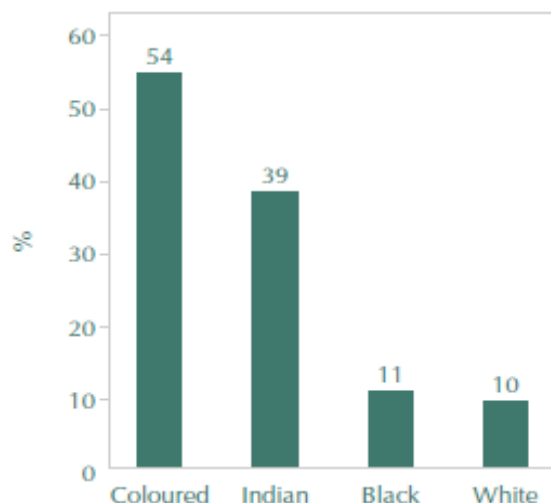
A great deal has been written on gangs in the coloured community, but much of this now needs updating. There is need for fresh research in this area, and for the national government to develop a strategy for dealing with the issue.

Substance abuse

Due to their presence in the country's wine growing areas, many coloured people have historically worked in the vineyards. As a result of the so-called 'dop system', in which labourers were paid part of their wages in wine, alcoholism is rife in certain parts of the community. A 1995 survey of Stellenbosch farms revealed that the *dop* system was still prevalent on 9.5% of farms,¹⁴ and the legacy of alcoholism could extend well beyond the years of farm labour. The *dop* system is diabolical in its ability to keep labour submissive and dependent, and has had the side effect of promoting violence, dysfunctional families, and foetal alcohol syndrome.

As discussed in the previous article, foetal alcohol syndrome is more prevalent in the Western Cape than just about anywhere in the world, and this is especially true in the coloured community. In the Stellenbosch study cited above, nearly 6% of the

Figure 3: Percent of arrestees testing positive for Mandrax



Source: MRC/ISS 3 Metros Arrestee Study, 2000

children in the study showed signs of foetal alcohol syndrome.¹⁵

The NIMSS tested the blood alcohol contents of people who died unnatural deaths in 2002, and found that coloured people were the ethnic group most likely to have alcohol in their systems at the time of death: 68% compared to an overall average of 50%. They were also the group most likely to have extreme levels of alcohol present, with 17% having blood alcohol contents of more than .25 g per 100 ml, compared to an overall average of 12%.¹⁶

Unfortunately, alcohol is not the only substance abused in the community. Mandrax, a street version of a discontinued pharmaceutical sedative of the same name, is abused in South Africa like nowhere else in the world. The tablet is smoked with a combination of tobacco and cannabis that has been treated with a solvent in a combination known as a 'white pipe'. Urine testing of arrestees has shown that over half of coloured men in the sample tested positive for Mandrax in their systems (Figure 3).¹⁷

Mandrax has been one of the primary commodities traded by gang members since the mid-1980s, and its dis-inhibitive effects may be associated with violence. In addition, drug markets have increased

the stakes in gang conflict, providing another impetus for turf wars. The Mandrax market also paved the way for dealing in even more addictive drugs that have emerged in the country and the community since 1994, including crack cocaine and crystal methamphetamine.

There are very few state rehabilitation facilities in the Cape – far too few to cope with the need. The complex links between drugs and gangsterism need further research, and an action plan needs to be devised to address the uniquely South African scourge of the white pipe.

Is the Cape crime problem a coloured problem?

In order to evaluate whether coloured people contribute disproportionately to the crime problem in the Cape, the crime rates in coloured and non-coloured areas would have to be compared. Unfortunately, this is impossible without station-level crime statistics – figures that the government no longer releases to the public.

Without this information, it is impossible to tell whether the present crime rates are being fuelled primarily by incidents in coloured areas or other areas, or whether the violence is related to gangs or to tensions around the influx of migrants from the Eastern Cape, for example.

Looking back at 1998 figures, crime rates between station areas can be compared. In the West Metropole police area of Cape Town, several station areas were nearly ethnically 'pure': Langa, Nyanga, and Guguletu were almost 100% black, while Manenberg, Mitchell's Plain, and Phillipi were almost 100% coloured. In the Eastern Metropole police area, Atlantis, Bishop Lavis, and Elsie's River were almost 100% coloured, and Khayalitsha was almost 100% black.

While crime rates in all these areas are bad, the 1998 figures suggest that it is the black areas of the Cape Town metropole that had the worst violence problem. Nyanga had the worst murder rate (176 per 100,000), Guguletu the worst firearm robbery rate (340 per 100,000), and Langa the worst assault with grievous bodily harm rate (1,123 per 100,000). Mitchell's Plain had the worst burglary rate (1,040

per 100,000), and coloured areas generally scored higher for property crime. Whether this pattern is still true today will remain a state secret for the time being.

Simply urban and marginalised?

But crime rates in most of these areas of the Cape Town metropolitan area are quite egregious, and if a greater share of the coloured population lives in such urban areas, compared to the share of the black population that lives in them, this could partly explain the higher crime rate in the coloured community in general. The relatively low rates of murder in the black community may be due to the fact that a large portion of this group is based in low-crime, rural areas.

In other words, murder rates in the national coloured population may be highest because a higher share of the coloured population is both urban and poor when compared to other ethnic groups. While the most dangerous police station areas in the country may be black, the average coloured station area is more dangerous than the average black station area.

This does not explain why it is in the urban areas of the Western Cape and Northern Cape in particular that crime is so bad, as opposed to the other urban areas. More research is required to sort out what lies behind this problem, and to inform the interventions needed to correct the situation. Access to current station-level statistics would be a great help in this regard.

Endnotes

- 1 According to Census 2001, coloured people comprise 54% of the population of the Western Cape, followed by black people (27%), white people (18%) and Indian people (1%), and 52% of the Northern Cape, followed by black people (36%), white people (12%), and Indian people (less than 1%).
- 2 *Third Annual Report of the National Injury Mortality Surveillance System, Crime, Violence, and Injury Lead Programme of the Medical Research Council, Cape Town, 2001.* The 2002 data was derived from a special report prepared for the ISS by the MRC.
- 3 *2002/3 Annual Report, South African Police Service, Pretoria, 2003.*
- 4 For a description of the risks involved in serving time in South Africa, see S Gear, and K Ngubeni, *Daai*

South African CRIME QUARTERLY

Ding: Sex, sexual violence, and coercion in men's prisons, Centre for the Study of Violence and Reconciliation, Johannesburg, 2003.

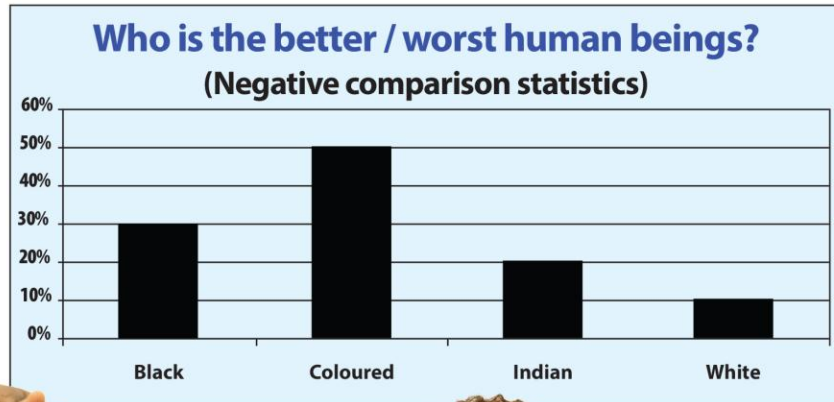
- 5 Strict definition, aged 15-65, Census 2001.
- 6 M Schonteich, *Terrorism in the new South Africa: What threat does it pose?*, Paper presented to Griffiths and Associates, 14 February 2003.
- 7 Census 2001.
- 8 Northern Cape has highest matric pass rate, SAPA news release, 30 December 2003; *Fast Facts*, South African Institute for Race Relations, Johannesburg, February 1999.
- 9 Census 2001.
- 10 Ibid.
- 11 *South Africa Demographic and Health Survey 1998*, Preliminary Report, Department of Health, Medical Research Council, Macro International; 1999, as cited at <http://new.hst.org.za>.
- 12 Census 2001.
- 13 L Ellis and A Walsh, *Criminology: A global perspective*, Needham Heights, Allyn and Bacon, 2000, p 147-148.
- 14 JM Te Water Naude, K Charlton, R Sayed, M Dausab, C Marco, K Rendall-Mkosi, and L London, *The Dopstop Association – Promoting health on farms*, *Health Promotion Update*, Issue No 53, July 2000.
- 15 Ibid.
- 16 MRC, 2002, op cit.
- 17 T Leggett (ed), *Drugs and crime in South Africa: A study in three cities*, ISS Monograph No 69, Pretoria, Institute for Security Studies, 2002.



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STOP COMPARING US WITH EACH OTHER!



This is hurting us. People, through racial based statistics, perceived as underdogs.

Don't blame the individual for the transgressions of the group.

Who is comparing us with each other?

- 1. Government Departments**
- 2. Statistics Departments**
- 3. Private organisations**
- 4. Ordinary people**

PEOPLE AGAINST RACE CLASSIFICATION

www.parcса.co.za



PARC opposes the creation and publication of race-based comparative statistics.

**CONFUSION REGARDING
CERTAIN PEOPLE'S
RACE IDENTITIES**

A POLITICAL PLAYBALL

Example 1

COACH PIETER DE VILLIERS

On 8 January 2008, Pieter De Villiers was appointed as the first non-white coach of the Springbok rugby team. He was widely applauded in the news as the **first “Black” coach of the Springboks**. Although he would be regarded as a Coloured person.

Source: <https://www.news24.com/MyNews24/Letters/De-Villiers-named-Bok-coach-20080109?cpid=3>

news24 archives
Breaking News. First.

De Villiers named Bok coach

2008-01-09 13:55

Cape Town - Peter de Villiers has been named on Wednesday as the first black coach of the Springboks, succeeding Jake White at the helm of the Rugby World Cup champions.

De Villiers, currently the coach of the Springboks' Under-21 side, was "a strong leader, a coach with proven track record," the South African Rugby Union (Saru) chief executive Johan Prinsloo told a press conference.

"Peter has created history today by becoming the first black person to coach the Springboks."

His appointment is a surprise with most commentators predicting that the job would go to Heyneke Meyer, a former coach of the Pretoria-based Bulls Super 14 franchise.

[EXTRACT]

Uittreksel: “Toe Pieter De Villiers in Januarie 2008 as Springbokafrigter oorgeneem het by Jake White, het hy die **eerste swart afrigter** in Springbokgeskiedenis geword.”

Boek: Agter die doellyn
Uitgewer: Christelike Uitgewers
Skrywer: Riana Lombard

Peter de Villiers



“Ek sien myself as die coach agter die Kruis.”

Toe Peter de Villiers in Januarie 2008 as Springbokafrigter oorgeneem het by Jake White, het hy die eerste swart afrigter in Springbokgeskiedenis geword. Alhoewel hy gedurende die apartheid-era nooit self die kans gehad het om vir Suid-Afrika te speel nie, het Peter as skrumskakel gespeel vir die Griekwas en Boland voordat sy afrigtingsloopbaan begin het by die amateurklub Tygerberg in 1996. Tygerberg was twee keer WP-kampioen onder sy leiding.

In 1998 is Peter as hulpfrigter aangestel vir die Westelike Provinsie se Curriebeker-span. Terselfdertyd het hy ook die o.19 Springbokspan afgerig wat derde geëindig het in die 1998-Wêreldkampioenskap. Peter het in 2002 en 2003 die Valke se Curriebeker-span afgerig voordat hy oorgeneem het as afrigter van die Springbokke se o.21-span. Hierdie span het 'n redelike mate van sukses gesmaak: in 2004 was hulle derde in die Wêreldkampioenskap, in 2005 eerste en in 2006 tweede.

2008, Peter se eerste jaar as Springbokafrigter, was 'n jaar van gemengde sukses. Die Springbokke het dit reggekry om vir die eerste keer in tien jaar in Nieu-Seeland te wen, net om later weer op eie bodem teen dieselfde span te verloor. In 2009 het die Bokke hulle eerste Drienasies-reeks sedert 2004 gewen.

Example 2

PROF. RUSSEL BOTMAN

Source: <https://www.news24.com/SouthAfrica/News/Botman-a-leading-light-says-Zuma-2014-06-29>

News 24 – 29 June 2014

Johannesburg - **President Jacob Zuma** expressed sadness on Sunday over the death of Professor Russel Botman, rector and vice-chancellor of Stellenbosch University. "On behalf of government and all our people, we wish to convey our deepest condolences to his family and the whole of the academic community," Zuma said.

The university said Botman died in his sleep at his home in Stellenbosch on Friday.

Zuma said Botman, who became the first black South African rector and vice-chancellor of the university in 2002, was one of the pioneers of transformation in higher education in the country. "South Africa has lost one of the leading lights of our higher education transformation," said Zuma.

Source: SOUTH AFRICAN HISTORY WEBSITE

Date: 8 December 2006

"Prof. Russel Botman is appointed as rector of the University of Stellenbosch. He is the first theologian and also the first member of the **Coloured** community to occupy this position."

The screenshot shows the South African History Online (SAHO) website. The URL in the browser is <https://www.sahistory.org.za/dated-event/prof-russel-botman-appointed-rector-university-stellenbosch-he-first-theologian-and-also>. The page features a navigation bar with links for Home, Politics & Society, Biographies, Arts & Culture, Timelines, Places, Africa, Classroom, Archive, and Publications. A search bar is visible on the right. The main content area displays the title "Prof. Russel Botman is appointed as rector of the University of Stellenbosch. He is the first theologian and also the first mem" in red text. Below the title, the date "Friday, 8 December 2006" is shown. The article text reads: "Prof. Russel Botman is appointed as rector of the University of Stellenbosch. He is the first theologian and also the first member of the Coloured community to occupy this position." A black arrow points to this text. A "References" section lists the source as <https://www.news24.com> and notes the article was last updated on 05-Dec-2011. A footer note states: "This article was produced by South African History Online on 05-Dec-2011". On the right side of the screenshot, there is a photograph of three people: a man in a suit and glasses (Prof. Russel Botman) sitting in the foreground, and two women standing behind him with their hands on his shoulders.

Example 3

WAYDE VAN NIEKERK

When Wayde Van Niekerk broke the world record in the 400m race at the Olympic Games in Rio De Janeiro 2016, a race debate broke loose regarding his race. Why would certain South Africans now be “confused” regarding his racial lineage? This never happens to a white or black person. The whole debate placed a negative damp on his victory. Suddenly Black people wanted to claim the victory for them and Wayde had to be called “Black”. Then certain black people got angry when a group of people called Wayde a Coloured and that it was a “Coloured” victory. All the other times ordinary athletes had to accept being called and classified as “Coloured”.

Internationally he was not allowed to refer to himself or use the term “Coloured”, because it was regarded as a racial slur.



WAYDE VAN NIEKERK RACE DEBAKEL

SOURCE : On [Wikipedia.org/South Africa](https://en.wikipedia.org/wiki/Wayde_Van_Niekerk)

Date: Current

Wayde Van Niekerk – 400m Olympic Record Holder

Personal Life

He is a Christian, tweeting "Jesus Did It" and "GOD IS POWER" after setting the world record for the 400 m. Van Niekerk's Olympic wins set off a racial debate after a tweet storm when **Coloured** South Africans celebrated his win by creating a hashtag #ColouredExcellence.

SOURCE: Mail & Guardian

Date: 15 Aug. 2016

#ColouredExcellence: How Wayde van Niekerk's victory challenges stereotypes

When Wayde van Niekerk stopped the clock in 43.03 seconds, South Africans who had watched the race unfold at 3am this morning leapt up in celebration. The South African sprinter's victory had a particular resonance with coloured people, sparking a debate about identity politics in the country.

Read more: Brilliant Wayde van Niekerk smashes 400m world record to claim gold in Rio Earlier this year, Odessa Swarts, van Niekerk's mom and once an incredible runner in her own right, told the Mail & Guardian that being coloured had very little to do with the conversation around her son's success.

"Most of the public post incorrect information on social media saying that Wayde is not being acknowledged because he's coloured," she said.

"I don't like that. Within half an hour of me tweeting that he ran sub-10, so many tweets starting coming in to me congratulating him.

"If the public knew how many media people contacted us they wouldn't make things up and post them randomly. "People are making it a race thing.

This puts a damper on his achievements," she added.

But after van Niekerk's victory at the Rio Olympic Games this morning, coloured people began celebrating what is called #colouredexcellence on Twitter.

The athlete was born in Cape Town in the Western Cape, which unlike other provinces in South Africa, has a population of coloured people higher than black people. The so-called Cape Flats in Cape Town – where drugs, gangsterism and crime are the order of most days – have become synonymous with coloured identity, fuelling prejudice against coloured people as being lazy and criminal.

Wayde is evident that we are not just aweh mase kinnes missing 4 front teeth, but that we can do as much if not more as the next.

Van Niekerk's world record breaking win challenged stereotypes, with coloured communities proudly standing behind the sprinter's victory. As people streamed on to social media, some identity-splaining popped up when coloured people were told to leave race out of it and celebrate as South Africans.

A more complex sort of explaining to coloured people then started coming through, as black South Africans began telling coloured South Africans that they should be identifying as black.

It wasn't a debate. Coloured people were celebrating something important for them then the rest of us got involved. Something is wrong here. Why are we turning #WaydevanNiekerk 's win into a racial debate?

When Steve Biko wrote that "being black is not a matter of pigmentation - being black is a reflection of a mental attitude", he helped expand black identity politics to include all people of colour who have experienced oppression.

It was also a call to unity for persecuted South Africans to stand together against their common enemy: apartheid, racism and the people – namely white people – who perpetuated and benefited from it.

Example 4

CHESTER WILLIAMS

Williams, who was the **only black player** in the immortalised Springbok Rugby World Cup squad of 1995, died just under a year short of his 50th birthday on Friday, having reported feeling unwell after returning from the gym.

Source: <https://city-press.news24.com/Sport/chester-williams-sudden-death-rugby-world-mourns-the-black-pearl-20190908>

City Press: 8 August 2019

Chester's wife, Maria, and twins Chloe and Matthew



What race would Chester's children be regarded as?

Example 5

SANDRA LAING

“It has been proven by DNA testing that Sandra Laing is indeed the child of two “white” parents, Abraham and Sanny Laing.”

The Gaurdian – 17 March 2003

Source: <https://www.theguardian.com/theguardian/2003/mar/17/features11.g2>



The Guardian

A. Sandra are being referred to as a “Black” women.

The black woman - with white parents

Sandra Laing was born black, but to white parents. It would have been strange anywhere - but in apartheid South Africa it was disastrous. Rory Carroll reports from Johannesburg

The YOU MAGAZINE – 21 January 2010




Source: <https://www.news24.com/You/Archive/movie-on-apartheid-victim-sandra-laing>

B. Sandra are being referred to as a “Coloured” women.



YOU

Movie on apartheid victim Sandra Laing

By admin | 21 January 2010 |   

The day 11-year-old SANDRA LAING mixed detergents and bleach in a small bucket she was consumed by one thought: it would probably be easier if I were white.

She covered her face, arms and legs with the toxic mixture. The searing pain was almost unbearable but at least it was different to the pain she experienced as a coloured kid living among whites.

Sandra, now 54, has relived many other heartbreaking incidents since a film has been made about her life as a coloured child born to white parents and her struggle in the '60s to find a place between white and coloured under the glare of the apartheid spotlight.

Example 6

TYLA SEETHAL

Tyla's racial identity: South African singer sparks culture war

Journalist **Danai Nesta Kupemba**, BBC News

9 December 2023



Tyla Seethal

Caught in a culture war, South Africa's hottest music sensation Tyla is in the crossfire of an online debate over the word she uses **to describe her racial identity - "coloured"**.

Before her rise to fame, the 21-year-old made a video proudly talking about her mixed-raced heritage on TikTok. In it she slicks her coily hair into Bantu knots, while donning a traditional beaded necklace, with the words, "**I am a coloured South African**" splashed across the clip like a badge of honour. The star says this means that she "comes from a lot of different cultures".

It is a simple video intended to share a part of herself with her audience. But instead, her racial identity has stoked flames across the internet, most notably, **in the US. Americans see the word as a slur**, unlike Tyla's South African community, who see it as a part of their culture. In South Africa, it is a distinct identity that is officially recognised.

One US user on X, formerly known as Twitter, said: "**We are not gonna call her coloured here and if she personally demands it, her career will end before it begins.**" "She's trying to cross over into an American market, she won't be able to use that word here, she can use it somewhere else though." In the US, the word harks back to the Jim Crow era, when

segregationist laws were instituted in the southern states to oppress black Americans after slavery was banned. Water fountains, toilets and bus seats were marked "whites only" or "colored only".

When **Ms Chutel** went to Columbia University in New York she found her identity, like Tyla, was the topic of conversation after **she introduced herself as a coloured woman from South Africa** on her first day. It did not go down well with her classmates; **her roommate pulled her aside and said she had made the American students feel uncomfortable.** She was forced to defend her own identity, background and culture while trying to assuage the discomfort of others.

"I understand that it is a slur, but that's not the only story here," she says with a deep sigh. She warns that it is dangerous for Americans to try to be the arbiter when it comes to blackness, because there is no single way of being black, nor is there a single way of being coloured. South Africa radio host Carissa Cupido, who grew up in the predominantly coloured area of Mitchell Plains in Cape Town, says that despite the fact **that the classification was imposed on her**, she has "embraced, accepted and celebrated" being coloured.

RollingStone

TYLA KNOWS SHE'S BLACK, GUYS. SHE DOESN'T KNOW WHY PEOPLE SAY OTHERWISE

When she declined to discuss her Coloured ethnicity on 'The Breakfast Club,' it reignited discourse around it

By **MANKAPRR CONTEH**
JUNE 13, 2024

The debate referenced is one that questions Tyla's Blackness as a Coloured woman and hasn't always made room for differences in racial identity in different parts of the world. After the Breakfast Club interview circulated, Tyla took to X, formerly Twitter, with a screenshot of an iPhone note to explain: "Yoh guys," she says. "Never denied my blackness, idk where that came from...I'm mixed with black/Zulu, irish, Mauritian/Indian and Coloured." She delineated that her Coloured identity is unique to where she's from. "I don't expect to be identified as Coloured outside of [South Africa] by anyone not comfortable doing so because I understand the weight of that word outside of SA. But, to close this conversation, I'm both Coloured in South Africa and a Black woman. As a woman of the culture, it's 'and,' not 'or.'" She ended with an enthusiastic "Asambe": Zulu for "Let's go!"

13 June 2024



Tyla
@Tyllaaaaaaa · [Follow](#)



from...

I'm mixed with black/Zulu, irish, Mauritian/Indian and Coloured.

In Southa I would be classified as a Coloured woman and other places I would be classified as a black women.

Race is classified differently in different parts of the world.

I don't expect to be identified as Coloured outside of Southa by anyone not comfortable doing so because i understand the weight of that word outside of SA, But to close this conversation, I'm both Coloured in South Africa and a black women...

As a woman for the culture. It's and not or... with that being said ASAMBEEE

8:49 PM · Jun 13, 2024



86.5K



Reply



Copy link

[Read 2.1K replies](#)

Example 7

GLEN SNYMAN

SNYMAN DEFIES THE WESTERN CAPE EDUCATION DEPARTMENT'S RACE CRITERIA

On **23 September 2020**, Snyman became the first person in the history of the new democratic South Africa to be charged by the government for deliberately wrongly identify his race on a government form for a job application. **He refused to indicate on his job application that he was a Coloured, and was eventually charged for doing so.**

He created the civil rights activist group, People Against Race Classification (PARC) in October 2010. Adopting a principled stand, he rallied support and protests against the government's outdated, contradictory, racist and unconstitutional race classification system.

Snyman received a summons from his state employer, the Western Cape Education Department (WCED) to attend a disciplinary hearing on 14 October 2020 , on charges of fraud and dishonesty. In October 2017 , Snyman – in accordance with his organisation's core beliefs around race classification – had stated on his Curriculum Vitae that he was an African male when applying for a post as a school headmaster. His official records on the WCED's personnel system indicate that he is a Coloured male. He did not get the post and was not even shortlisted for it.

If convicted, this act of defiance would have meant that Snyman would stand to lose his work, house, car, medical aid, policies and everything he had worked so hard for all his life. Eventually he might have ended up on the street, and not been able to work again because of his fraudulent record. For more than a decade , Snyman has encouraged all South Africans to fill in their race data incorrectly, or to tick the African/Black block on any forms presented to them.

Why would the government connive to have this man stripped of his livelihood for something that had taken place three years previously, and of no benefit to him? Who was behind this? Why was the Department so angry at this one man? What would the removal of this man out of the 'system' mean for them?

On the morning of the hearing, 14 October 2020, an extremely traumatised Snyman was like an innocent lamb being led to slaughter. He believed the vicious government system still upheld an Apartheid mindset because human race cannot be scientifically justified. Literally minutes before the hearing, Snyman received a phone call from the state . . . The state had withdrawn their case! A victory for PARC.

As the Population Registration Act of 1950 was discarded on 27 June 1991, Snyman's case that the government could not charge a citizen for misrepresenting his race, **was justified.**

Snyman identifies himself as a Christian, a South African and a Khoi person.



A Western Cape teacher has been summoned to a disciplinary hearing on Wednesday for claiming to be “African” in his CV, instead of sticking with his “official” coloured identity.

Glen Snyman, a teacher at Grootkraal Primary School in Oudtshoorn, allegedly self-identified as African when applying for a principal's job at another school in October 2017. He ultimately didn't get the job. Almost three years later, late last month, he was summoned to a disciplinary hearing.

Snyman is an outspoken critic of race classification and founder of People Against Race Classification. He is particularly outspoken against the use of the term “coloured”, which he considers degrading. Since 2010, Snyman has led a campaign against the government’s continued use of race categories — “black”, “coloured”, “Indian” and “White” — on official documentation, including job-application forms.

He also launched a petition which asked people to declare: “I don’t regard myself as a ‘Coloured’, ‘Black’, ‘Indian’, or ‘White’ person. I regard myself, first and foremost, as a South African.” Snyman declined to comment this week, pointing out that his case was pending.

However, TimesLIVE is in possession of his Western Cape education department charge sheet, which reads: “You committed a common law offence, to wit fraud, by stating on your CV when applying for the principal post at Fezekile Secondary School that you are an African male, whereas in truth your records indicate that you are a coloured male and by doing so gain an advantage for purposes of being shortlisted.”

Provincial education department spokesperson Bronagh Hammond said the particulars of Snyman’s case were sub judice. However, she confirmed that the matter related to “providing fraudulent information on a CV”. She said Snyman had no previous record of misconduct.

A T-shirt proclaims the founding principle of People Against Race Classification stance: ***I am not a Coloured, Black, Indian or White person. I am a South African.***

In terms of regulations, Snyman would need to request permission to change his race details on the provincial education department system.

“If any employee wants to amend an existing personnel record currently on the ... system (for example surname, gender, race, home address, etc), the request to update the record should be submitted to the Directorate: Service Benefits together with evidence that supports the requested change,” Hammond said. **“Upon verification of the details, it may be amended on the system.”**

It remains unclear what type of evidence would be needed to determine race classification.

Recent legal opinion on the matter has drawn attention to the Broad-Based Black Economic Empowerment Act, which makes provision for race category verification boards, while the constitution has recognised that the “colour-blind” approach to race may be detrimental to achieving the long-term goal of a non-racial society.

Constitutional law expert Pierre De Vos says a recent court judgment emphasised the need for “positive action” to reverse decades of systematic racial discrimination. “This is a view that a 'colour-blind' approach to 'race' inevitably leads to turning a blind eye to racism and its consequences,” De Vos wrote in a recently published opinion.

Denise Coetsee, a senior project manager with compliance and transformation firm Serr Synergy, concurred that the courts viewed the matter in the context of reversing past injustice. However, she said there currently was no fixed set of rules for race classification, which is currently “largely based on the verbal confirmation of the person claiming to form part of a specific racial group”.

“A person’s “right” to classify him or herself may lead to abuse and could undermine the objectives of the B-BBEE Act,” Coetsee wrote in a blog post. **“The test for the classification of 'black people' in accordance with the B-BBEE Act should rather aim to exclude those people who were not disadvantaged by apartheid.** This was the high court’s underlying rationale for including Chinese people in the definition of black people and may similarly be applied to any future court’s racial classifications,” Coetsee said.

SABC News 14 Oct 2020



COMPARISON BETWEEN THE K-WORD AND COLOURED

Human beings naturally seek to avoid trouble with the law or courts, or to face lawsuits. As a result, people often act cautiously, or extremely cautiously. In South Africa, this cautiousness is particularly evident regarding the term “kaffir” (discussed here for academic purposes).

Today, many individuals are so fearful of using this word that they neither mention it, write it, nor engage with it in any way, for fear of prosecution, imprisonment, or obtaining a criminal record. This raises important questions: How did this single word achieve such a status? Is it fair that those who deliberately use it face harsh penalties, while society continues to witness numerous harmful acts and offensive language that also warrant serious punishment but are left unchecked by the same authorities? Are we not overemphasizing its severity and interpretation? The punishment should fit the crime, but what is the extent of this harm today?

As the adage goes, “beauty is in the eye of the beholder.” Similarly, could the severity of a crime’s punishment lie in the eye of the judge? What factors influence a judge’s perception of an offense? A criminal act cannot emerge “out of the blue”; it must be defined and justified according to established principles. This paper examines the elements that render the K-word a criminal offense and considers how these elements might apply to other terms, such as “Coloured.” A term cannot simply be declared derogatory without justification. For instance, if a shop owner writes “Mercedes Benz” on a bicycle, this does not transform the bicycle into a Mercedes Benz; it remains a bicycle. Likewise, words require context, history, and social impact to determine their legal and moral weight.

The Coloured Term and the De Minimis Principle

1. The De Minimis Principle

The de minimis doctrine (“***the law does not concern itself with trifles***”) prevents judicial resources from being spent on insignificant harm. However, South African courts have consistently rejected its application where words cause serious impairment of dignity, equality, or human worth.

In *Qwelane v South African Human Rights Commission [2021] ZACC 22*, the Constitutional Court reaffirmed that hate speech causes real, not trivial, harm and undermines the values of dignity and equality entrenched in the Constitution.

2. The K-word as Jurisprudential Benchmark

South African courts have repeatedly held that the K-word is the most vicious racial slur in the country’s history. Its utterance is a criminal offence and a clear form of hate speech because:

- It is inextricably tied to historical oppression, humiliation, and dispossession.
- It attacks the core of human dignity.
- It perpetuates inequality and racial hostility.

(See *S v Makwanyane 1995 (3) SA 391 (CC)*; *Qwelane supra*).

3. The “Coloured” Term

It is submitted that the term Coloured operates in a parallel manner to the K-word and must be recognised as a racial slur of equal severity:

State-Imposed Identity: The term originates in colonial and apartheid racial classification, codified to divide and subjugate.

Denial of Dignity: It denies cultural and self-determined identity, reducing individuals to a pseudo-race of “mixed” descent.

Perpetuation of Harm: The term sustains a racial hierarchy of “White superior, Coloured intermediate, Black inferior,” keeping communities in cycles of poverty, exclusion, and confusion.

Psychological Injury: Like the K-word, its use causes ongoing emotional harm, low self-esteem, and intergenerational trauma.

Political Manipulation: It continues to be used as a “playball” in elections, reminding people of their apartheid-imposed “place.”

Thus, unlike a mere insult, it is a systemic form of hate speech, institutionalised and perpetuated by the state even today.

4. International Law (Section 39(1)(a) of the Constitution)

Section 39(1)(a) requires South African courts to consider international law when interpreting the Bill of Rights.

In the United Kingdom, the term Coloured is officially regarded as outdated and offensive, prohibited in government and media discourse.

In the United States, “Coloured” is treated as a derogatory racial slur and falls within prohibited hate speech and anti-discrimination frameworks.

The United Nations Committee on the Elimination of Racial Discrimination (CERD) expressly prohibits terminology that perpetuates racial hierarchies or colonial constructs.

By continuing to permit the state’s use of the Coloured label, South Africa places itself in violation of its international human rights obligations.

5. Application of the De Minimis Test

Unlike trivial insults, the Coloured term causes:

Structural harm (legal and administrative use of the label).

Generational harm (psychological damage and loss of cultural identity).

Social harm (perpetuating stereotypes of laziness, violence, and inferiority).

It is therefore far from trivial and **cannot be excused under the de minimis principle.**

COMPARISONS OF RACIAL SLURS

Nr.	CRITERIA	K-WORD	COLOURED TERM
1.	Origin & Meaning	Derived from Arabic, meaning “non-believer” or “infidel.” Historically used by Europeans to dehumanise Black Africans.	Means “mixed-race descendant.” Created by colonial and apartheid authorities to enforce racial separation and control, denying people their true cultural identity.
2.	Historical Use	Used to insult, humiliate, and oppress Black Africans; linked to violence, slavery, and social exclusion.	Used systematically to impose identity, enforce social hierarchy, and confuse cultural belonging; served to sustain white and black dominance while keeping Coloured communities subordinate.
3.	Target Group	Black South Africans, primarily Nguni and other African ethnic groups.	Khoi, San, brown-skinned Afrikaners, and other mixed-race communities; millions affected by forced identity definitions.
4.	Derogatory Impact	Explicitly offensive: implies inferiority, stupidity, laziness, and unworthiness.	Explicitly offensive: undermines personal and cultural identity, enforces structural inferiority, perpetuates hierarchy, and stigmatizes communities historically. Despite individual achievements, the label framed the majority as inferior.
5.	Usage Purpose	Direct verbal attack to demean, insult, and dehumanise.	Maintains racial hierarchy (“white” superior; Coloured “better than Black” but still subordinate). Political manipulation to win votes. Institutionalised segregation under apartheid. Confuses identity and self-perception. Denies cultural restoration of Khoi and San groups.
6.	Legal Status	Criminalised post-1994; usage can result in prosecution under hate speech or <i>crimen injuria</i> .	The use of the term constitutes a subjective offence (personal feeling) under the common law crime of <i>crimen injuria</i> . Its continued use perpetuates historical injustice, identity theft, and structural social harm.
7.	Cultural & Social Effect	Causes personal humiliation, social exclusion, fear, and trauma.	Causes systemic and personal harm: denies self-identification, enforces racial hierarchy, perpetuates stigma, undermines self-respect, and continues the legacy of apartheid oppression. Omission in speeches to recognise other cultural groups.
8.	International Acceptance	In countries like the UK and USA, use of racial slurs like the K-word is prohibited in hate speech, discrimination, and anti-racism law frameworks. South African courts, under Section 39(1)(a) of the Constitution, are obliged to consider international law when interpreting the Bill of Rights.	Similarly, international human rights norms view racial classification and slurs as unacceptable. The Coloured term, though less overt, violates principles of equality, non-discrimination, and human dignity. Section 39 of the SA Constitution requires courts to align domestic law with international standards, meaning the term’s use could be legally challenged as offensive or discriminatory.
9.	Contemporary Relevance	Strongly prohibited; universally recognised as offensive.	Its continued use sustains inequality and social confusion, causing systemic harm. Necessary for affirmative action and for securing political parties’ votes in elections

PEOPLE AGAINST RACE CLASSIFICATION

PARC PROFILE and PETITIONS

Who are People Against Race Classification?

We are individuals who oppose the official referencing and classification of South Africans into the categories of “**Black**,” “**Coloured**,” “**Indian**,” and “**White**.” These classifications were a cornerstone of apartheid.

We are a politically non-aligned civil rights activist group. Our mission is to fight against and ultimately abolish all forms of race classification while promoting non-racism among all people. We pursue this goal through litigation, demonstrations, education, and reconciliation.

Ultimately, we believe the solution to racism lies in learning to love, forgive, and tolerate one another.

The founder and leader of this organisation is Glen Snyman.

PARC was founded on 1 October 2010.

Official website address: www.parcса.co.za.

The petitions below have been signed by many people and the numbers continue to grow. But what is the point? The point is that Glen Snyman and the supporters of PARC are not the only ones who believe in the abolishment of race classification. More and more South Africans are standing together to say: our community must be defined by new, just, and inclusive identities and not by the outdated race categories of apartheid. It is time to unite, to change the law, and to build a society free from racial boxes once and for all.

Petition 1

PARC’s first petition rejects race labels and affirms our South African identity.

Petition 2

PARC’s second petition calls for the abolishment of race-based comparative statistics.

Petition 3

PARC’s third petition advocates for the identification and recognition of cultural identities.

Petition 4

PARC’s fourth petition calls for the criminalisation of the term “*Coloured*.”



PETITION



People Against Race Classification www.parcса.co.za

"A petition is a formal written request, typically one signed by many people, appealing to authority in respect of a particular cause."

REQUEST:

- (1) We request that the South African government remove all race classification criteria from the Z83 state job application form, as well as from all other forms that require one's racial lineage. We do not wish to be classified under traditional race classification criteria.
- (2) We respectfully request that we not be classified as 'Coloured,' 'Black,' 'Indian,' or 'White' people. We regard ourselves, first and foremost, as South Africans. We fully support the vision of People Against Race Classification.

PERSONAL DETAILS:

Name & Surname: _____

Birth Date: YYYY-MM-DD [18+] Male Female

Address: _____

Contact No: _____

Signature: _____ Date: _____

Please email to: info@parcса.co.za

THANK YOU FOR YOUR SUPPORT



PETITION



People Against Race Classification www.parcса.co.za

"A petition is a formal written request, typically one signed by many people, appealing to authority in respect of a particular cause."

REQUEST:

- (1) We request an end to the comparison of groups of people based on their race, as it is wrong. Every person should be held accountable for their own actions, not for the actions of others based on racial groupings.
- (2) We request that the recording and use of race-based statistics be declared unlawful, as they perpetuate discrimination, reinforce harmful stereotypes, and violate the principles of equality and human dignity.

PERSONAL DETAILS:

Name & Surname: _____

Birth Date: YYYY-MM-DD [18+] Male Female

Address: _____

Contact No: _____

Signature: _____ Date: _____

Please email to: info@parcса.co.za

THANK YOU FOR YOUR SUPPORT



PETITION



People Against Race Classification www.parsa.co.za

"A petition is a formal written request, typically one signed by many people, appealing to authority in respect of a particular cause."

REQUEST:

(1) We respectfully request that the South African government and private institutions recognise and identify us by our cultural identity, rather than by race.

(2) My African, South African, and cultural identity is: _____

(3) My religion is: _____

PERSONAL DETAILS:

Name & Surname: _____

Birth Date: YYYY-MM-DD [18+] Male Female

Address: _____

Contact No: _____

Signature: _____ Date: _____

Please email to: info@parsa.co.za

THANK YOU FOR YOUR SUPPORT



PETITION



People Against Race Classification www.parsa.co.za

"A petition is a formal written request, typically one signed by many people, appealing to authority in respect of a particular cause."

REQUEST: CRIMINALISE "COLOURED"

(1) We hereby request that the use of the word "Coloured" be made a criminal offence by Parliament and the South African Department of Justice. (2) That the word "Coloured" be treated with the same level of rejection and legal seriousness as the word "Kafir." Both terms were weaponised during the Apartheid era and continue to carry the enduring weight of systemic racism. (3) The word "Coloured" misrepresents and disguises the true identity of the Khoikhoi and San people, thereby infringing upon their rights as the first Indigenous people of South Africa.

PERSONAL DETAILS:

Name & Surname: _____

Birth Date: YYYY-MM-DD [18+] Male Female

Address: _____

Contact No: _____

Signature: _____ Date: _____

Please email to: info@parsa.co.za

THANK YOU FOR YOUR SUPPORT

PARC POSTERS
POSTER 1 – CRIMINALISE COLOURED

CRIMINALISE

**THE WORD
COLOURED**

**JUST AS WITH
THE “K-WORD”**

PEOPLE AGAINST RACE CLASSIFICATION
www.parcса.co.za



PARC POSTERS
POSTER 2 – HATE SPEECH COLOURED

HATE SPEECH

**DO NOT CALL ME
“COLOURED”**

I feel offended, hurt, reduced, erased,
With dignity stripped, my soul displaced.
Humiliated, broken, cast aside,
My history mocked, my name denied.
You call me less, dismiss my lot,
You brand me something I am not.

**JUST AS WITH
THE “K-WORD”**

PEOPLE AGAINST RACE CLASSIFICATION
www.parcса.co.za



PARC POSTERS
POSTER 3 – CRIMINALLY CHARGE COLOURED

CRIMINALLY CHARGE

SOMEONE WHO REFERS TO YOU AS
“COLOURED”

Step 1: Give a final warning.

Step 2: Educate them on the reasons.

Step 3: Download legal documents from PARC's website.

Step 4: Lay a criminal charge of crimen injuria at the police station.

Step 5: Repeat the process if unsuccessful.

Step 6: Contact us for assistance.

PEOPLE AGAINST RACE CLASSIFICATION
www.parc.co.za



PARC POSTERS
POSTER 4 – FREE SANDRA LAING

FREE
SANDRA LAING
and YOURSELF



from RACE CLASSIFICATION

1 WOMAN - 3 TIMES CLASSIFIED

People Against Race Classification
www.parcса.co.za



EDUCATING THE NATION ON NON-RACISM
PEOPLE AGAINST RACE CLASSIFICATION (PARC)
www.parcса.co.za



A. OUR AIMS:

- (1) To fight, and terminate, any form of race classification.
- (2) To encourage non-racism amongst all people.
- (3) To advocate for the recognition of every citizen's personal and cultural identity.

B. WHO ARE WE?

We are people who oppose the official referencing and classification of the South African population in terms such as "Black," "Coloured," "Indian," and "White." These classifications were a cornerstone of the apartheid system. Aren't we supposed to be living in a new era now? We are **an activist group** that is politically non-aligned.

C. THE CORNERSTONES OF APARTHEID:

The three cornerstones of Apartheid (1) the *Population Registration Act of 1950*, (2) the *Group Areas Act of 1950*, and (3) the *Immorality Act of 1957* - were rightfully **scrapped** in 1991 by the South African Parliament. **In the absence of a law of general application**, such as the *Population Registration Act*, job recruitment officers, or any government or private entity, **have no legal right** to classify any South African citizen by race. What criteria are currently being used by the government to determine the race of a citizen?

The continued use of race classification criteria - **despite the fact that the relevant Act was scrapped** - to facilitate the implementation of the *Employment Equity Act* (e.g., via **Z83 forms**) in applications for **state jobs** should be challenged in the South Africa Courts. **Race-based statistics** are used to **compare population groups**, but this practice does more harm than good. It reduces people to labels, reinforces damaging stereotypes, and **unfairly blames and punishes** individuals for the wrongs of a group and circumstances they **had no control over** - stripping them of their dignity and **individuality**.

Although everyone supports a society free of racial categorisation, this ideal is **quickly abandoned** when - as often occurs - **material interests** (job opportunities, promotions, government handouts, etc.) become the primary concern.

D. SOUTH AFRICA BELONGS TO ALL ITS PEOPLE.

We call on all South Africans to join us in supporting this campaign! We are committed to taking all necessary steps, **including legal action**, to eliminate the scourge of racial categorisation in South Africa, a practice that once again fosters discrimination against those who do not fit the preferred criteria of the current government. Racial thinking breeds division, arrogance, stereotyping, and hatred.

Generalisation is fundamentally flawed, as both good and bad individuals can be found in every group. We must strive for **reconciliation, unity, harmony, love, and mutual respect** within our communities.

See the PERSON, not the COLOR! Be COLOUR-BLIND. "PARC" the RACE CARD.

Is not the most important classification that we are all **SOUTH AFRICANS !?**

* Right is always right even if nobody does it, and wrong is always wrong, even if everybody does it.

[01/05/2025]

SELF-IDENTIFICATION CHART

Who are you?



PEOPLE AGAINST RACE CLASSIFICATION (PARC)

Underline the identity that most accurately represents you:

GROUP CRITERIA	GROUP IDENTITIES / CATEGORY OF PEOPLE
1. Continent	Everyone that is born and live in South Africa is an African .
2. Nationality	South African , Chinese, Japanese, Indian, British, German, French, Dutch, Portuguese, Greek, Zimbabwean, Pakistani, etc.
3. Race / skin colour	Black, White, Brown, Pink, Yellow, Navy (Black-blue), Human .
4. Ethnicity / Culture	Khoi, San, Griqua, Nama, Koranna, Hill Damara, Xhosa, Zulu, Sotho, Baphedi, Batswana, Tsonga, Swati, Venda, Malay, Ndebele, Mfengu, Hindu, Afrikaner, English, Jew, South African .
5. Language	English, Afrikaans, Ndebele, Xhosa, Zulu, Sesotho, Tswana <i>Northern Sotho</i> , Swati, Venda, Tsonga, Khoekhoegowab, other.
6. Religion	Christianity, Islam, Judaism, African religion, Hinduism, other.
7. Economic status	Total household income under R5 000 per month, Total household income above R5 000 per month, N/A .
8. BEE / EEP status	Historically Disadvantaged Individual (HDI), Foreigner (F), Historically Advantaged Individual (HAI), Not Applicable (N/A).
9. Derogatory Identification	Kaffir, Hotnot, Coolie, Coloured .

HOW CAN YOU HELP? Through education, reconciliation, litigation, or demonstrations.

Please do not fill in these race blocks, or we could all tick "African/Black" and distort their statistical data. If we maintain the status quo, where each person fills in their particular race block, nothing will change! Wear our PARC T-shirt, which has the following wording: ***"I'm not a Coloured, Black, Indian, or White person. I am a SOUTH AFRICAN."*** The SA Human Rights Commission's Hearing Report recommended that the Presidency remove the 'Coloured' categorisation by **31 March 2019**, as it conceals the true identity of the **First Nation**, the **Khoi and San people**. Download PARC pamphlets, petitions, posters, songs, interviews, etc., from our website and share them widely. Read more about the dangers of race classification in our book, *The Blind Man's Race*. Email us to place an order at: info@parcsa.co.za. Join our **WhatsApp group: 082 899 9932**.

CRIMES AGAINST DIGNITY AND REPUTATION

A CRIMEN INJURIA

SOURCE: CRIMINAL LAW by C.R. SNYMAN

A crime can be committed either by word or deed.

1. Definition

Crimen injuria consists in the unlawful, intentional and serious violation of the dignity or privacy of another. It is a materially defined crime, a result crime.

2. Elements of crime

The elements of the crime are the following: (a) the infringement of the dignity or privacy of another (b) which is serious, (c) unlawfulness and (d) intention.

3. Origin, overlapping

According to the traditional common-law interpretation, an iniuria consisted in the unlawful and intentional violation of the dignitas, fama (reputation) or corpus (physical security) of another. The crime of crimen injuria is committed when the first of these three legal interests is violated. If the second and third interests are impaired, the crimes committed are criminal defamation and assault (in its various forms) respectively.

The crime may overlap with criminal defamation if the conduct complained of constitutes impairment of both another's dignity and of his reputation. X may then be charged with either of these crimes. It may also overlap with assault, for an act which impairs bodily security may also impair dignity. To kiss a woman without her consent may amount to either assault or crimen injuria. Sexual assault may also constitute crimen injuria.

4. Interests protected

The interests protected by this crime are usually designated by the term *dignitas*, but this is a technical term and it would be wrong to restrict its meaning to "dignity" as ordinarily understood. *Dignitas* is a vague term, which broadly covers all objectives protected by the rights of personality, other than reputation and bodily integrity. The word dignitas is merely a formal, collective description of all the rights or interests protected here. In view of their divergent characters it is difficult, if not impossible, to reduce all these rights or interests to one single concept.

For example, it can be argued that the concept of privacy cannot be included in the concept of dignity. It is submitted that this argument is correct, for the right to privacy can be infringed without Y's being aware of it, whereas an infringement of a person's dignity or right to self-respect is conceivable only if Y is aware of X's act. This distinction between privacy and the other possible elements of dignitas is borne out by the decisions of the courts: this is the only acceptable explanation for the fact that in the "peeping Tom" cases (which are cases of invasion of privacy) the courts regard it as immaterial that Y was unaware of being watched. In cases of impairment of a person's dignity (self-respect or mental tranquillity) awareness by Y or X's conduct is essential, and Y's personal reaction is in fact taken into account.

The South African Constitution recognises a person's right to dignity and his right to privacy in different sections. Section 10 recognises a person's right to dignity, and section 14 his right to privacy.

Nevertheless, the courts undoubtedly regard both dignity and privacy as being protected by this crime (*crimen injuria*). Therefore, if one must use the technical term *dignitas* as a description of the interests protected, one should view it as including both a person's dignity and his privacy. For this reason the Latin word *dignitas* was avoided in the definition of the crime given above, in its place the words "dignity" and "privacy" were used.

The exact meaning of "dignity" has never been defined by the courts, though a fair inference may be drawn from case law that "dignity" includes both "self-respect" and "mental tranquillity".

5. Violation of dignity in general

The crime can be committed either by word or by deed. Although many or perhaps most cases of *crimen injuria* involve some taint of sexual impropriety, the crime is not confined to insults of such a nature. Again, although many instances of *crimen injuria* involve conduct by a male towards a female, X may be either male or female, and the same applies to Y. An attack, not against Y himself, but against some group to which he is affiliated (eg. his language group, his religion, race or nationality) will normally not constitute a violation of his *dignitas*, unless there are special circumstances from which an attack on his self-respect can be deduced.

6. Violation of dignity – subjective dimension

The act consists in the violation of another's dignity or privacy. In order to determine whether there has been an infringement of another's dignity, both a subjective and an objective test are applied.

The subjective test is the following: In instances of infringement of dignity (as opposed to infringement of privacy) Y must (a) be aware of X's offending behaviour and (b) feel degraded or humiliated by it. Dignity, self-respect and mental tranquillity describes subjective attributes of a person's personality. For example, the mental tranquillity of the timid will be more easily disturbed than that of the robust. In addition, an individual's self-respect is intimately connected with his particular station in life and his moral values. There is, however, the following exception to this rule: where Y is a young child or a mentally defective person, he would not be able to understand the nature of X's conduct, and consequently, would not be able to feel degraded by it. This, however, does not afford X a defence. For this reason the crime can be committed even in respect of a young child or a mentally defective person.

As far as proof of the fact that Y felt degraded is concerned, it is usually assumed that conduct which offends the sensibilities of a reasonable person would also have offended Y's sensibilities. If, however, it comes to light that for some reason (such as broad-mindedness or consent) Y did not take any offence at (ie, did not in any way feel aggrieved or humiliated by) X's behaviour, a court will not convict X of the crime.

7. Violation of dignity – objective dimension

In cases of infringement of privacy (as opposed to dignity), a different rule from the one set out above applies: here it need not be established that Y was aware of X's offensive

conduct. Thus, if X watches Y undressing, X is taken to have infringed Y's privacy irrespective of whether Y is aware of being watched or not.

Since feelings such as "mental tranquillity" and "self-esteem" (which describe dignitas) are highly subjective and emotional concepts, their existence and intensity may vary from person to person. A certain person may be hyper-sensitive and easily take offence, whereas another may be more robust or broad-minded and not feel affronted if the same conduct is directed at him. For this reason the law must of necessity apply the following objective standard: X's conduct must be of such a nature that it would offend at least the feelings of a reasonable person. If Y happens to be so timid or hypersensitive that he takes offence at conduct that would not affront a reasonable person, the law should not assume that the crime has been committed.

8. Instances of Violation of dignity

The crime can be committed in many ways, and what follows is not an exhaustive list. It may be committed by the indecent exposure of a person's body in the presence of others. It can also be committed by communicating to somebody else a message containing, expressly or impliedly, an invitation to or a suggestion of sexual immorality or impropriety, or by sending indecent photos to a woman. A mere declaration of love or affection in circumstances in which there is no suggestion of sexual impropriety is not ordinarily considered to be an impairment of the dignity of the recipient, however unwelcome or irritating it may be. The crime can be committed by addressing Y in a language which humiliates or disparages Y, such as calling Y a "kaffir" or a "piccanin".

The uttering of words constituting vulgar abuse or gross impertinence may constitute the crime, provided that the circumstances are sufficiently serious. One such case is *Momberg*, in which X received a parking ticket from Y, a traffic officer. Because he thought this was unjust, he publicly swore at and abused Y. He was convicted of the crime. In *Sharp*, X called Y, a female police officer, a "bitch". The court held that the use of this word did not amount to a violation of Y's dignity, since the word formed part of everyday parlance, scarcely raised an eyebrow in conversations, and amounted merely to idle abuse. It is submitted that the correctness of this decision is questionable. Police officers, including female officers, are also entitled to the protection of their dignity.

Unlike the crime of criminal defamation, it is not required for a conviction of *crimen injuria* that X's injurious words or conduct should have come to the attention of people other than Y. The reason for this is that Y's dignity may be infringed even if a third party was unaware of it. On the other hand, the fact that X's words were uttered in the company of others who heard them is not completely irrelevant: it is a factor affecting the gravity of the infringement of Y's dignity. It is conceivable that Y may not feel particularly aggrieved if X's words did not come to the notice of any third party, but that he will feel aggrieved if they did indeed come to other people's notice.

Assaults which violate Y's dignity also constitute *crimen injuria*, although a charge of *crimen injuria* will be laid only if the impairment of dignity is more serious than the impairment of bodily security, as in *Ndlangisa*, where X spat in Y's face. If a stranger kisses or embraces a woman without her consent, he may, depending upon the circumstances, commit *crimen injuria*, and the same applies to persons staring at or following a woman.

Crimen injuria is a materially defined crime (a result crime). What is punished in terms of this crime is not a particular type of act, but any conduct that results in Y's dignity or privacy being impaired. The crime can also be committed through an omission, as where X, a policeman on duty, sees Z behaving in a way that impairs Y's dignity, but, contrary to the legal duty resting on him as a policeman, fails to stop X from continuing with his behaviour.

9. Infringement of privacy

This manner of committing the crime merits separate treatment since some of its facets are governed by rules of their own, as will presently be seen. The most common form of infringement of privacy constituting crimen injuria is the so-called "peeping Tom" case, as where a man peeps through a window or other aperture at a woman undressing.

Another illustration is the planting of a listening-in device in a person's private apartment and listening in to his private apartment and listening in to his private conversations. A person's privacy may conceivably be infringed in a variety of other ways, for example, by the opening and reading of a confidential postal communication addressed to him, and by generally prying into his private life in an unwarranted manner, by means of apparatus such as cameras, telescopes or "bugging devices".

The right of privacy is, however, not an unlimited right, and in certain circumstances intrusions on a person's privacy or what he regards as his privacy will be allowed by the law. What these circumstances will be is extremely difficult to predict, and in deciding the point a court will have to take into consideration the prevailing boni mores or modes of thought in society at a given place and time. In *I*, it was held that X, a private investigator, did not commit the crime when, at the instance of a suspicious spouse, he peeped through Y's window into a room where the other spouse was in bed with Y. He was trying to obtain evidence of adultery which the suspicious spouse wanted to use in a subsequent divorce case. His purpose in intruding on Y's private sphere was merely a bona fide attempt to obtain evidence of adultery, and he went no further than was necessary for his purpose. The court held that in the circumstances of the case his infringement of Y's privacy was not unlawful.

In cases of unwarranted intrusion on privacy, as opposed to cases where Y's dignity is violated, it is immaterial whether Y is aware of the intrusion. In addition, X is guilty of the completed crime even if, for example, the woman happens to be fully clad while she is being watched through her bedroom window, or the conversation which the "bugging device" overhears does not reveal anything shameful or scandalous. This is because the mere unwarranted intrusion on Y's privacy is here sufficient to constitute the crime.

10. Violation of dignity or privacy must be serious

Crimen injuria is punishable only if the violation of Y's dignity or privacy is of a sufficiently serious or reprehensible character to merit punishment in the interests of society. In *Walton* the court stated: "In the ordinary hurly-burly of everyday life a man must be expected to endure minor or trivial insults to his dignity. Although the requirement that the violation of the dignitas should be serious may be vague, it is nevertheless necessary.

It is difficult to propound hard and fast rules for distinguishing the trivial injuriae from the serious ones. What is of a sufficiently serious character depends to a large extent upon the modes of thought and conduct prevalent in a particular community at a particular time and in a particular place and is, in principle, determined by an objective test.

Much will depend upon the relationship between the parties, such factors as the age and sex of X and Y, the persistence of the conduct complained of, the degree of publicity attached to the conduct, the relative social positions of the two parties, the fact that the insult is addressed to a public official such as a traffic officer or a policeman who is acting in his official capacity, or the fact that the insult has a racial connotation. If a woman is insulted by a stranger, this will be viewed more seriously than when she is insulted by somebody she knows. Immoral or lascivious conduct towards a female will generally be viewed in a more serious light than such conduct towards a male person. Again, if a man indecently exposes himself to young and immature girls, this may be viewed in a more serious light than such conduct directed at adult women.

11. Unlawfulness

Several possible grounds of justification may negative the otherwise unlawful character of the act, for example, consent, necessity and self-defence. If someone violates another's privacy the infringement may also be justified by the fact that he is acting in an official capacity or with legal authority (eg. policeman searching a house for evidence of a crime).

12. Intention

The crime can be committed **intentionally only**, and negligence can never be sufficient. Intoxication may result in X's not being aware that he is violating Y's dignity or privacy. X must know that he is violating Y's dignity or privacy. X must know that he is violating Y's dignity, and this implies that he must know that Y did not consent to his conduct.
