



UNIVERSITY OF CAPE TOWN

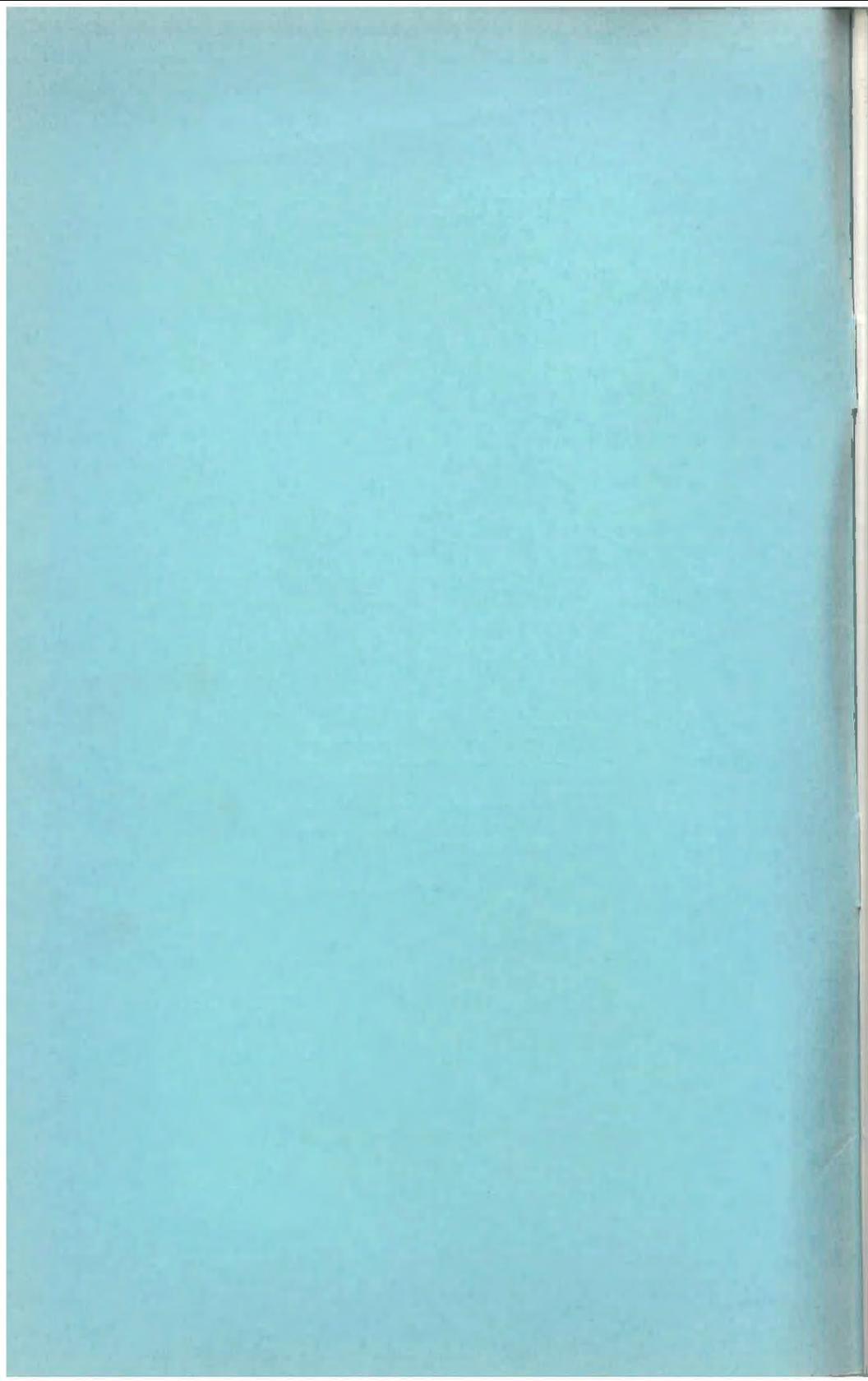
*The Cape
Vernacular*

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New Series: No. 2

Inaugural Lecture

11th May, 1970



THE CAPE VERNACULAR

by

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Inaugural Lecture as Professor of Classics

Mr. Assistant Principal, Professor Schaffer,
Mr. Assistant Principal, Professor Beinart,
Mr. Dean of the Faculty of Arts, Professor Shackleton,
Members of the Senate and Staff,
Students of this University,
and all of you who by your presence give proof of your interest,

Ladies and Gentlemen!

There was a time when the South African College, Cape Town, was the only seat of higher education in South Africa. In his voluminous *History of the South African College*, the late Professor William Ritchie, writing about the difficult years through which this institution went during the eighteen-forties, relates *inter alia* that at one stage Professor James Adamson, apart from being Principal of the College, was also responsible for the teaching of Latin, and Greek, and English, and Mathematics, and Physical Science! That was in the year 1842, and Professor Ritchie adds: "It is not to be wondered at that under these circumstances the number of pupils again became very small, sinking to nineteen or twenty in the course of the year."¹

Those were indeed the days of small beginnings and manifold difficulties. I am sure that Professor Adamson, and Professor Changuion, and Dr. Heyns, and the Rev. Faure, and Sir John Truter, and Sir Christoffel Brand and those other men of the early days would hardly have recognized their modest little *South African College* or *Zuid-Afrikaansche Athenaeum*, in Latin *Athenaeum Austro-Africanum*, in the present-day University of Cape Town with its more than eight thousand students. Things have certainly improved since then; but those who are responsible for the teaching of the Classics, though fortunately no longer required, as Professor Adamson was, to teach subjects like English and Mathematics, still find themselves in the position of having to deal with a variety of subjects which is very wide indeed, and which would be sufficient, I believe, to make their colleagues in Europe or America shudder. This applies to *all* South African universities. Latin Philology, Latin Literature of all periods, Greek Philology, Greek Literature of all periods, Greek History, Roman History, Greek and Latin Palaeography—these are the staple ingredients of the dish which every university teacher of the Classics in South Africa is expected to prepare for his or her students; and if some dare to venture even further afield, and apply themselves to subjects like the papyri, or the Mycenaean tablets, or archaeology in general, or the Greek dialects, or the inscriptions, then they do

so at the very real risk of neglecting their classes. There is no help for it: we must be Jacks-of-all-trades. Our universities simply cannot afford to create chairs and lectureships for all these various branches of what is comprehensively known as "the Classics"; and if it happens nonetheless that our advanced students do well when they go overseas, and carry away prizes there, as they have done for many years past, then this bears eloquent witness to the intrinsic quality of the work done by our universities in spite of many handicaps.³

I trust, therefore, that you will not expect me to follow the traditional practice of presenting, as it were, my subject to you, and telling you in brief how I intend teaching it. I have been appointed, not to one subject, but to several; the best I can do, therefore, is to select *one topic* from *one* branch of our studies, namely *Roman History*, and point out in passing how such a topic can reveal some of the manifold connections between the Classics and other sciences like Roman Law and Modern History.

Now it so happens that we of the Classics departments at the South African universities have come to discover more and more, as time goes by, that we have in our colleagues of the Faculties of Law good friends and invaluable allies. The reason is not far to seek. South Africa is today almost the only country in the world where *Roman Law* as codified in Constantinople more than fourteen hundred years ago, is still a direct and active source of jurisprudence. "Our system," as Professor Beinart of this University has on occasion put it, "still breathes the spirit of the Reception, and moreover has to fend for itself in an isolated corner of the world."³ The study of Roman Law and of its derivative, *Roman-Dutch Law*, constitutes the very backbone of the legal training given at our universities; and since neither of these two systems of law can possibly be studied without a fairly solid grounding in Latin, it stands to reason that our Faculties of Law have always had a direct and vital interest in the work done by the various Departments of Classics. The serious deterioration of *Latin as a subject* in our High Schools, and especially in the High Schools catering for the Afrikaans-speaking section of the community, is a matter of grave concern for our Faculties of Law; for if this ominous trend is to continue, these Faculties will not be able to maintain those *standards of teaching and research* which have always been their pride, and which have won overseas recognition for the work done in this field by South African lawyers.⁴

From time to time, especially during the past twenty years, professors of Law have spoken up in public defence of the study of Latin, both at school and at the university; and I need hardly tell you that such words are to the teachers of the Classics like the "cold waters unto a thirsty soul" of which the Bible speaks. I am not suggesting that Latin would vanish from our universities as soon as our "learned friends", the lawyers, were to change their attitude, for we could very well carry on with less students than we have at present! What I mean, is that our battle is ultimately the same. It is the battle for the maintenance of *proper standards of academic training* in South Africa; and in this particular case our mutual friendship and alliance is built upon a deep and sincere reverence for the Roman tradition in our Western culture. Therefore I would like to say to our colleagues of the Faculty of Law present here tonight that I, for my part, shall do everything in my power to promote cordial relations of good understanding and co-operation between them and us, and that I am well assured that my senior colleague and the other members of our staff share these feelings to the full.

In fostering such relationships we will in fact be doing no more than simply to continue the good old *humanist traditions* of the days of the Renaissance. In the 16th century and afterwards it was not at all queer for a lawyer to be an ardent student of the Classics, or for a humanist man of letters to evince a lively interest in the text-books of Roman Law. To quote just one outstanding example: Guillaume Budé, who was the first great Hellenist in the Kingdom of France, and author of the first authoritative study of the Greek language to be published in France, the *Commentarii Graecae Linguae* (1529), was also the author of the first great scholarly commentary on Roman Law to be published in France, the monumental *Annotationes in XXIV Libros Pandectarum* (1508).⁵

Now I am well aware that our friends of the legal profession nowadays have certain reservations as regards the so-called "elegant" approach of those humanist scholars; but I am nonetheless sure that they will agree with me when I say that we could easily do worse than to encourage something of that old spirit of encyclopaedic learning, and to imbue our students with something of the wide academic sympathies and broad scholarly outlook which inspired those pioneers of the 16th century.

Let me add also, that this day, the 11th May, may in itself be regarded as symbolic of the age-old connection between the study of Roman Law and the study of Classical Antiquity. On this day, exactly sixteen hundred and forty years ago, 11th May 330 A.D., Constantine the Great inaugurated with pomp and splendour his new imperial capital on the Bosphorus, formerly the city of Byzantium, and from that day onward known as *Konstantinóu-polis*, City of Constantine. I need not remind you that it was here, in Constantinople, that Theodosius published his Codex of Roman Law, and Justinian his Pandects, Novellae, Institutes, and so forth; nor need I remind you of the well-known fact that the Byzantine, or Eastern Roman Empire, became in time the continuation of the old Empire in the West. And so we may say that that historic day, the 11th May 330, marked as it were the watershed between the Old Rome and the New Rome, between West and East, between the Rome of Classical Antiquity and the later, Byzantine Rome which bequeathed to us its great codifications of Roman Law.

In his Inaugural Lecture delivered before this University in November 1952 under the title of *Roman Law in South African Practice*, Professor Beinart spoke strongly in favour of what he called "the marriage between Roman Law and the Classics". He said, *inter alia*: "Roman Law has a very long history which provides data and material running from primitive times through various stages of development and varying fortunes, through Roman times, the Middle Ages, and Renaissance and the modern era. There is, therefore, matter there for the antiquarian, the *classicist*, the mediaevalist and the student of every subsequent period of history. In addition, there are points of contact with social anthropology, archaeology, political philosophy, and the humanities in general." (p. 2.)

This brings me — at last! — to my subject. As a classicist I would like to deal very briefly tonight with an aspect of life in the ancient world, a facet of Roman society, which not only looms very large in Roman History itself, but which also taxed for many centuries the ingenuity of Roman lawyers and law-givers, and produced ultimately a most peculiar and characteristic part of Roman Law. I refer to the institution of *Slavery*. In his well-known standard work, *The Roman Law of Slavery*, Buckland called this subject "the most characteristic part of the most characteristic intellectual

product of Rome", because, as he went on to say, "there is scarcely a problem which can present itself in any branch of the law, the solution of which may not be affected by the fact that one of the parties to the transaction is a slave, and, outside the region of procedure, there are few branches of the law in which the slave does not prominently appear."⁶

Perhaps you would at this point wish to interrupt me, and ask: "But why, then, did you choose as your title *The Cape Vernacular*? What has that got to do with Roman slavery?"

The question is justified, and I shall try to answer it. I chose that title, well aware that it would be misleading, because I wanted very much to underline, as it were, two things: *first*, that the word *vernacular* carries with it various associations of slavery, of which we are mostly quite unaware; and *second*, that when a South African student of ancient history starts occupying himself with slavery as an institution of ancient Greek or Roman society, he discovers *many a striking parallel* with the institution of slavery as it existed in the Cape Colony till 1834, and may even, from his knowledge of the ancient usages, throw some light on certain rules and practices which obtained at the Cape, and which only find their full explanation when examined in the light of the laws and customs of ancient Roman society. Allow me to say also, that though slavery as a legal institution was abolished at the Cape, as in all British colonies, in 1834, slavery as a *factual condition* of human life has remained part of the social pattern in South Africa up to the present day in some form or other, and has in fact been greatly augmented by various laws enacted during the past thirty years or so.⁷ I cannot possibly elaborate on this, but I mention it in passing, because it was one of the conclusions which forced themselves upon me more and more strongly, the longer I busied myself with the laws and customs relating to ancient slavery. I realized once again how true it is, that we can never altogether get rid of the past; that in fact the past, even the distant past, can be very much with us every day, without our being even aware of it.

Living, as we do, in a country where great inequality, both social and legal, is maintained between the privileged white community on the one hand and the various underprivileged non-white communities on the other hand, it would be surprising if our thoughts would not often turn to the days when many of the non-white people in the country were still the legal property of their white masters. It would be surprising, moreover, if some at least of our present-day attitudes towards people of colour were not still very largely determined by those attitudes which were engendered and fostered during almost two hundred years of slavery. After all, those days are not so very far removed from us in terms of human life. When my uncles were boys on the farm in the Breede River valley, in the district of Worcester, round about the year 1890, they still had on the farm one or two old black men who had been captured as children in Moçambique by Portuguese slavers, and had been sold at the Cape as so-called "prize negroes". These old "Masbiekers", as they were generally called, were the last of the slave generation who had been set free in 1834, and who had remained on the farm ever since. Again I say, this is very recent history, and it should be a warning to us not to dismiss all too lightly the institution of slavery as a thing which is dead and done with. In his remarkable book *Die Opkoms van ons Derde Stand*, the Rev. D. P. Botha, well-known minister of the Dutch Reformed Church among the Coloured people, has shown, in my opinion conclusively, that the white man's feeling of *racial* superiority originated as a feeling of *social* superiority towards the slaves

owned by himself and the other members of the European community; that it was a matter, not of *colour*, but of *class*. Other factors contributed to encourage these feelings in later times; but that the origins have to be sought in the difference between freeman and slave in the Cape community of the 18th century, cannot be doubted.⁸

I also wish to refer in passing to the T. B. Davie Memorial Lecture delivered in this University in August 1965 by the famous English scholar, Sir Robert Birley, under the title of *The Shaking Off of Burdens* (U.C.T. 1965). The Davie Memorial Lectures all have to do with *academic freedom*; and since, in this country at least, academic freedom has come to be most closely connected with the questions of colour, and privilege, and social distinctions, it was only natural that Professor Birley should have directed his thoughts to the subject of *slavery*. He gave a brilliant analysis of *Aristotle's* thoughts on slavery, as contained in the *Politica*, and pointed out how even a great thinker like Aristotle could not free himself from the deeply rooted prejudices of the society to which he belonged, and got hopelessly muddled in his attempts at defending the institution of slavery as something "natural". The parallel with our thinking as regards the colour bar in South Africa was so obvious that Professor Birley had no difficulty in pointing a few morals without fear of contradiction.

But the subject of slavery is vast, and I cannot hope to deal with it in its totality. It is tempting to speak now of the old Roman concept of the *familia*, the household, as I have already done elsewhere;⁹ or of the typical difference between the *familia urbana* and the *familia rustica*, in Rome and at the Cape; or of the freedmen, *libertini*, as a distinctive class of society, in Rome and at the Cape; or of the gradual *amelioration of the slave's position*, in Rome and at the Cape; or of the acquisition of private property, *peculium*, by slaves in Rome and at the Cape . . . and so on! There are so many interesting aspects to this great and absorbing subject. But I cannot do more than to choose one small subdivision and deal with it; and therefore I would like to ask your attention for the part which was played both in Roman and in Cape society by the slaves who had been born in the household, the so-called *vernae* or *vernaculi*.

The Roman people employed slave labour since very early times, certainly well before the First Punic War; but the great increase in numbers of the slave population only started when Rome set out on its conquest of the Mediterranean world, the *orbis terrarum*. Every campaign yielded a fresh contingent of so many thousands of prisoners taken; and it was an accepted part of the so-called Law of Nations (*ius gentium*) that the conqueror had the right to sell his captives into slavery. In fact, he had the right to kill them; so by making slaves of them, he actually spared them. Hence, according to the Romans, the word *servus*, derived from the verb *servare*, to save or preserve.¹⁰ And let us remember that these prisoners-of-war were not only fighting men taken captive on the field of battle, but included also vast numbers of women and children who were rounded up when their cities or villages were captured. For everyone there was a price, for the demand was great, and became ever greater, until it became insatiable; but prices were low, because the supply was well-nigh unlimited, as country after country was brought under the sway of the Roman eagles. This enormous traffic in human beings reached its high-water mark in the course of the 1st century B.C. By that time Italy, Sicily and Northern Africa had become a panorama of huge estates owned by wealthy landlords and worked by slave gangs, exactly like the notorious plantation system which

in modern times obtained in North America; while Rome itself had become a cosmopolitan Babel of tongues and nations, with the free Roman citizens living in mortal dread of the hundreds of thousands of slaves who surrounded them, and on whose services the daily round of their existence depended. Then the civil wars came, the one after the other, and foreign conquests became less, while the fair Italian countryside was laid waste by army after army and siege after siege. Chaos resulted; and in this chaos robbery, brigandage and piracy became rife. Pirates and highwaymen now supplied the slave markets, and so made good for the decrease in foreign conquests.

This was the legacy of lawlessness and disruption with which Octavian the triumvir, later on to become Augustus Caesar, found himself confronted in the year 41 B.C. With the utmost exertion, and with the assistance of his trusted lieutenant M. Vipsanius Agrippa, he succeeded in stamping out the evils of piracy on the seas and of brigandage, kidnapping and violence on the land. This was an important part of the Pax Romana, and it stopped up, for some time at least, those evil sources of illegal supply for the slave markets. But as Emperor he very soon found it necessary to undertake fresh wars along the borders of his huge world empire. There were long drawn-out campaigns in Spain, Germany, Switzerland, Austria, Hungary and Yugoslavia; and these wars once again — fortunately, for the dealers and estate owners — brought thousands of able-bodied slaves on the market. However, these were the wars to end all wars; and when the old Emperor died in his 77th year, he left to his successors the advice *not to attempt any further extension of the imperial frontiers*.¹¹ There was wisdom in this advice, and his immediate successors, though constrained to undertake campaigns in Germany, Africa and Britain, followed up as far as they could.

This development had far-reaching consequences for the slave trade. The two most important avenues of supply were now cut off — if not effectively, then certainly to a very large extent. The wars waged by Tiberius, Claudius, Vespasian and later emperors did, of course, still yield their harvests of slaves for the Roman market, but it was nothing when compared to the unnumbered masses who had in former days been shipped to Rome. And besides, there was a *difference in quality* also. These Germans, Britons, Illyrians and Pannonians were all *barbarians*. The civilized countries like Greece, Asia Minor and Syria had all been conquered long before. Gone for ever were the good old days when a charming young Greek hetaira or a university trained Syrian professional could be picked up on the market as a bargain. The sophisticated life of urban society required trained cooks, trained actors, trained dancing masters, trained barbers, trained artists and artisans of every sort conceivable;¹² and for such men and women the buyer now had to put down a heavy bag of gold pieces. The uncouth barbarians were only good for the drudgery of the kitchen, the stable, the public works, and above all, for the heavy manual labour on the farm; but of these also the supply was now much scarcer than it had been, and prices soared.

When we now direct our attention to the *Cape of Good Hope*, we see something very analogous to the Roman situation which I have tried to sketch. Of course, the puny little settlement at the foot of Table Mountain, as it was in the 18th century, cannot be compared to the mighty Roman metropolis of the 1st century, nor did this country — thank God! — ever know a system of slavery as widespread and as iniquitous as that of ancient Rome; but whatever difference of age, country and circumstances there may be, slavery will always remain slavery, and certain analogies must be

expected to show up between the one system and the other.

Furthermore, one must never lose sight of the fact that this colony was from the beginning administered under laws which were partly Roman and partly Dutch. The Cape of Good Hope, being technically speaking part of the Dutch East Indies, was governed according to the so-called *Statutes of India*, as promulgated by the *Hooge Raad van Indiën* at Batavia, and further by such minor "placaten" as were regularly issued by the Council of Policy at the Castle of Good Hope. Now it has been clearly shown by Dr. Visagie of the Faculty of Law at this University that all these Statutes and Placaten were ultimately based on the *common law of the Province of Holland*, which in those days was being more and more generally accepted as the leading system of law in the Netherlands. But this common law of Holland was but a branch of the *ius commune* which obtained, in various forms, throughout Western Europe; in other words, it was part of the general reception of Roman Law.¹³ That is why it was called *het Roomsche Hollandsche recht*, that is, Roman-Dutch Law. And considering the fact that *slavery* had long before become altogether extinct in the Netherlands, it was only to be expected that these Dutch administrators of the colonial territories, having very much to do with slavery in all its aspects, consulted the *Roman* authorities for guidance in these matters.¹⁴ What they found there was not always very humane, and was in some regards in direct opposition to accepted Christian notions; but, as we shall have occasion to notice, they followed the Roman precepts with very slight modifications and with an amazing subservience to the authority of the written word, especially the written word of the ancients. This circumstance, though it cannot *excuse*, will certainly go far to *explain* the strange inconsistencies which came to exist, so far as slavery was concerned, between our ancestors' Christian faith and humane principles on the one hand, and their actual practice on the other hand.

The Dutch East India Company regarded slavery as a necessary evil at the Cape, since it was the only way in which the labour requirements of this colony could be met.¹⁵ In order to supply this labour, the Company brought a few shiploads of slaves every year, and had them sold by public auction. As early as the year 1708, the slaves already outnumbered the European population;¹⁶ and in spite of the fact that the Company ceased importing slaves after 1788, the regular supply by private dealers was such that the slave population, not including children, had risen to over 17,000 by the year 1791 (Mandelbrote's note to Menzel, vol. II, p. 129). The steady expansion and development of the agricultural districts created a growing demand for labourers of the hardier type, while the wealth and luxury which characterized the Cape Town of those days called for exactly the same type of skilled slave which the Romans needed for their society life in the metropolis. Not for nothing was the Cape in those days known as the "little Paris"! Importation reached its climax during the seven years of the first British Occupation, 1795-1803, and by the year 1806 when the second British Occupation (which was destined to be permanent) started, this Colony counted a slave population of 29,800 as against something more than 26,000 inhabitants of European descent.¹⁷

And then the blow fell. By law of British Parliament passed on 25th March, 1807, no further importation of slaves to any British colony would be allowed after 1st March, 1808.¹⁸ British men of war now cruised the seas, and the legal supply of fresh slaves to the Cape was effectively stopped. What had happened in Rome after 30 B.C., now happened at

the Cape also. Slaves became scarce and valuable articles. The average price of a male slave at the Cape in the year 1807 was about £60 sterling, which was quite considerable. One year later it had risen to £75, and by 1826 it stood at no less than £150.¹⁹ This was doubtless hard on the colonists, but we may be sure that it did more to ensure *good treatment* for the slaves than all the existing laws and regulations put together! As a matter of fact, judges of the Circuit Court, going from district to district, reported that there was a marked improvement in the way in which masters treated their slaves.²⁰ Another salutary consequence of this development was that the European population could within a matter of a few years overtake the slaves in number, so that their *fears* of being swamped by an overpowering mass of slaves were gradually allayed.²¹ Numbers have always been important in every racial situation!

Very few slaves were smuggled into the Cape after 1808; and if it had not so happened that British men-o'-war put ashore in Table Bay a yearly average of about 200 *prize negroes*, the Cape government would have been hard put to it to meet the needs of the growing Colony.²¹ But now I would like to point out something which has apparently gone unnoticed; namely, that these prize negroes—who, by the way, were lodged in a building situated in the Public Gardens, next to the old S.A. College!—being all of them raw barbarians from Madagascar, Moçambique and Angola; and practically all slaves imported into the Colony since the 1780's being likewise raw barbarians, negro slaves from the same countries; it must follow that in the early 19th century a civilized, well-mannered and well-spoken slave must have fetched an enormous price at the Cape. These were for the most part *the Orientals*, the men and women brought by the Company in earlier days from all over the East Indies. Many of these *Malays*, as we have come to call them, were not only highly skilled, but were also possessed of good manners and fine features; many of them, besides, were of so light a colour that Europeans had no objection to co-habiting with them. More of that by-and-by; I only wish to point out that in Cape society of the early 19th century, just as in Roman society of the 1st century A.D., it became increasingly difficult to procure on the *import market* a schooled and civilized slave; and that at the Cape, as in Rome, this naturally had the result that those masters who were fortunate enough to possess such slaves prized them like gold, and would do anything to retain their loyal and willing service.

In the meanwhile, however, the daily routine of life had to go on; and so the slave-owner at the Cape, just like his counterpart of Roman times, had now to rely on the only significant source of slave labour which was left to him, and that was, the *natural breeding (procreatio) of slave children* in his own household or on his own estate. From the earliest times this had always been a cheap, and therefore very welcome source of labour for slave-owners, in Italy, in North America, at the Cape, or anywhere else.

This practice enjoyed the fullest sanction of *Roman Law*. The general principle was simple. The child of a female slave is a slave, whatever be the status of the father; and conversely, if the mother is free, the child is free, whatever the status of the father. This, says Gaius, is the rule of the *Jus Gentium* (1. 32).²² It may be added that the slave issue belongs to the owner of the mother at the time of birth, not at the time of conception (Digest 13.7.18.2).²³ This ancient ruling of Roman Law applied at the Cape also. When Lord Macartney, first British Governor of the Cape, requested *Mr. Willem van Ryneveld*, President of the Court of Justice, to

prepare a memoir on the system of slavery as practised at the Cape, Van Ryneveld wrote *inter alia*:

“According to those laws (sc. of the Colony) the masters generally have the real property of their slaves and of the children born of them in slavery; which children always follow the status of their mother, so as to be slaves if their mother be a slave the moment of their being brought to bed of them.”²⁴

The question may naturally arise, why the father of such a child, and his status, was made of so little account. Again, the answer is simple. According to Roman Law, a slave was not a *person* (persona), but a *thing* (res), and as such he could neither impose nor undertake any legal obligations. *In personam servilem nulla cadit obligatio* (Dig. 50.17.22). This means, *inter alia*, that a slave could not enter into any lawful contract, since a contract always implies certain obligations; and because lawful marriage, *connubium*, was always regarded in Roman Law as a contract between two parties—that is, after all, how we still regard it—it followed logically that, strictly speaking, a slave could not contract a legal marriage (Ulp. 5.5). Husband and wife might be lawfully wedded, but as soon as either of them became, by some misfortune, enslaved, such a marriage became null and void (Cod. 5.16.27, Dig. 23.2.45.6). Of course slaves, being after all human beings—and the Roman jurists were by no means impervious to this fact—could, if their masters allowed it, enjoy the universal human right of *cohabitation*, and this was known as *contubernium* (Paulus 2.19.6, Cod. 9.9.23), a word which originally meant “a sharing of the same tent (“taberna”). On many an ancient tombstone one may still read how a slave refers to his or her partner as “*contubernalis meus, mea.*”²⁵

Such a state of affairs could hardly have been conducive to the encouragement of high moral standards among the slave population of ancient Roman society. Partners of this type could desert each other, and did often enough desert each other, with perfect impunity. There was nothing to withhold them. Infidelity between slaves, said the lawyers, could not be regarded as adultery (Cod. 9.9.23). If a male slave had connections with a married free woman, that was adultery, and he would be punished severely for it; but a slave woman, whether living in steadfast *contubernium* or not, was free game for any free man. Being a slave, she was legally incapable of adultery, nor could it be legally committed with her (Dig. 48.5.6, Cod. 9.9.28). A master might even corrupt his young slave girl, and use her as a prostitute, without being guilty of *stuprum* (Paulus 2.26.16).

It is a pretty dark picture; but as often happens, the real practice was more humane than the letter of the law. Enlightened public opinion very soon came to respect the state of *contubernium* between partners who remained faithful to each other, and this was reflected in the usage of language. Terms like *uxor*, *maritus*, *coniunx*, etc., which strictly speaking applied to free persons only, were freely employed with reference to slaves, and the slaves themselves also adopted these terms. On many an inscription, especially of the times of the Empire, one finds a slave referring to his wife as “*uxor*”, or a slave woman referring to her husband as “*maritus*”.²⁶ The law, as usual, limped behind; the jurist Paulus informs us that these terms *are* used, even in legal documents, but he warns us to keep in mind that they are without any significance for the law of succession (Dig. 38.10.10.5). Successive emperors also passed laws which afforded some legal sanction and protection to married slaves and their children. So, for

instance, it was ruled by Constantine that when a household was to be broken up (*judicium familiae erciscundae*) the slaves were to be so distributed that those related as parent and child, or brother and sister, or husband and wife, *were not to be separated* (Dig. 21.1.35.39). So these ancient Romans, and certainly the Christian emperors from the days of Constantine onwards, may be said to have been in this respect more humane than we, the white people of South Africa, are in the 20th century. You will understand that I am referring to the fact that the breaking up of Bantu families, the separation of husbands from their wives and children, forms the acknowledged basis of our economic system, and that the majority of us seem to be quite happy about it.

In earlier times of Roman history, when slaves were plentiful and cheap, it was not profitable for an owner to allow his slaves to have a wife and children. These would be only (to use a phrase which was recently employed by one of our Cabinet ministers in referring to the families of Bantu labourers) "superfluous appendages". When old Marcus Porcius Cato composed his famous treatise on agriculture in the 2nd century B.C., he wrote that the ideal olive farm and vineyard should be manned by twelve and sixteen male slaves respectively, of whom only one, the bailiff, should be allowed to keep a wife (*De Re Rustica* X.11). The master's expenses for food and clothing would otherwise have been doubled or trebled without any corresponding profit accruing from it. So it was better to "*use them up*" and to buy fresh labourers to replace them, as was the practice of many plantation owners in America.

But of course, when slaves were no longer so plentiful and cheap, the situation was radically altered. It now became standard practice to supply your slaves with womenfolk, and to encourage them to breed as many children as possible. This applied especially to the *familiae rusticae*, the farm labourers. Already by the middle of the 1st century B.C., Marcus Terentius Varro tells us that it is customary to hand out women slaves to farm labourers (*De Re Rustica* I.17). And a hundred years later we are informed by another writer on agriculture, the Spaniard Columella, that slave women are often remunerated for their fertility: those who have brought up three children are exempted from work for the rest of their lives, while those who have brought up more than three are sometimes actually set free. "Such kindness and concern on the part of the *paterfamilias*," Columella adds drily, "greatly promotes the increase of his patrimonium" (*De Re Rustica* I.8.19). The same expedient was applied in other spheres also. In the *familia Caesaris*, the Imperial Household of which we also read in the New Testament, consisting of thousands of slaves and freedmen who staffed the palaces and filled the lower grades of Roman bureaucracy, *hereditary service* seems to have been the normal rule. Countless tombstones record the names of freedmen (*liberti*) of Augustus whose sons are also freedmen or slaves of Augustus, and must have been born in servitude. The emperor apparently did not free his slaves until they had produced slave sons to succeed them in the service.²⁷ Here is one example of such an inscription. On a tombstone found at Puteoli (Pozzuoli) near Naples we read:

ORONTI AVGVSTI LIBERTO PROCVRATORI PATRIMONI
VIXIT ANNIS LXXXVI ALEXANDER PROCVRATOR
PIISSIMVS FILIVS FECIT

(Dessau 1488)

“In memory of Orontes, freedman of Augustus, manager of the Imperial Estates, who lived 96 years, this stone was erected by his most devoted son Alexander, manager of the same.”

Here we see father and son both employed in the same department of the Emperor's household, the father at the time of his death a freedman, the son still a slave.

Now this whole complex of Roman laws and customs was duplicated at the Cape of Good Hope. Such was the authority of Roman Law in this colony, and so strong were the feelings regarding the social distinction between freeman and slave, that we witness with some amazement the strange spectacle of a Christian people, good Biblical Protestants in every way, denying to their servants the right of lawful wedlock, and actually sometimes employing their women slaves as breeding animals in order to further their own material advantages.

Instead of educating their heathen and Mohammedan slaves to a real understanding of Christian marriage, and urging them to follow, as far as circumstances allowed, the example of the European community in this respect, our ancestors for the greater part actually pushed these poor people lower down than they already were. Slaves who had been captured in countries where they would have lived in some state of lawful marriage, however primitive, were shipped by Christians, bought by Christians, and thenceforth allowed, nay even positively encouraged by Christians to live in a state of lawless concubinage.

At its worst this could be seen in the *old Slave Lodge* at the upper end of the Heerengracht (now Adderley Street), where since the days of Commander Isbrand Goske the Company housed its own personnel of about 500 slaves, both male and female, together with about one hundred convicts.²⁸ It was, in early days, a place of indescribable misery and degradation. Men of humane instincts, like Commissioner Hendrik Adriaan van Reede tot Drakenstein, who visited the Cape in 1685, were shocked by what they saw. The misery was gradually alleviated; but the degradation remained. Otto Mentzel, who lived at the Cape from 1733 till 1740, in a special chapter devoted to the slaves at the Cape, tells us: “The slaves belonging to the Company are, undoubtedly, the most rascally of all. They also receive the worst treatment. It would be dangerous to give them the slightest latitude; a tight hold must always be kept on the reins; the taskmaster's lash is the main stimulus for getting any work out of them.”²⁹ So there we have the old Roman *ergastulum* in all its horrible reality, as it had existed on the Italian and Sicilian estates of Roman times. And in this case very little was done to prevent promiscuous intercourse between the sexes. In fact, Kolbe assures us that the women were most keen on begetting children, because this gave them a six weeks' holiday before and after the confinement!³⁰ Nor were the fathers of those children to be sought only amongst the inmates of the Lodge. Soldiers and sailors were made equally welcome. According to Theal's calculation, no less than 75 per cent of the slave children born at the Cape during the first twenty years of the settlement were fathered by white men.³¹ And there is no doubt that the Slave Lodge, standing under direct control of the Company's official, was the very hearth and centre of this abominable business.

With such an example put by the Honourable Company, it can hardly surprise us that the citizens and farmers did the same. In every household, on every farm, year in, year out, little slave children were born to the maid-

servants in the most irregular fashion, without anyone being, as a rule, overmuch worried about it. Mentzel writes:

"The labour requirements are nowadays (sc. circa 1780) fully met through the natural increase among slaves. They herd together like animals, and have no moral sense. Female slaves are always ready to offer their bodies for a trifle. . . . The Company does nothing to prevent this promiscuous intercourse, since, for one thing, it tends to multiply the slave population, and does away with the necessity of importing fresh slaves. Three or four generations of this admixture (for the daughters follow their mother's footsteps) have produced a half-caste population, a mestizzo class, which is but a shade darker than some Europeans."³³

In the same context, where he deals with the better class of slaves, Mentzel writes:

"In the town there are some household slaves of a far superior type. They are well-behaved, diligent, and devoted to their masters, who return this fidelity with kind treatment and frequent presents. No objection is generally made to the union of such slaves with one another, provided the owner's interests are safeguarded. Female slaves sometimes live with Europeans as husbands, with the permission of their masters, who benefit in two ways: the cost of upkeep of the slave is reduced through the presents she receives from the man, and the children are the property of her master, since children of female slaves are themselves slaves. These slave children are found useful at a very tender age, and cost little to bring up. They are likewise better mannered and better educated than imported slaves. Some of them are taught certain trades and become skilled artisans."

Sparman, the Swedish botanist, has a very interesting anecdote to tell in this connection. He came to the farm of a horse-breeder, and there he noticed that the slaves had a very downcast look about them. They were excellently well treated, but gloomy and lonely because no women were allowed to them. (The farmer was evidently one of old Cato's disciples!) This was explained to him by the foreman, who added that this was doubly inconsiderate of the master, because it was also financially unprofitable. "The chief of my master's income," this man said, "arises from the breeding of horses. Could we keep female slaves here, he would get still more by the propagation of the human species; and indeed, a female slave who is prolific is always sold for three times as much as one that is barren."³⁴

Under the circumstances it is hardly to be wondered at that the Coloured population of the Cape acquired a deeply ingrained view of married life and parenthood which was very far removed from the Christian ideal. I say "the Coloured population", including the Hottentots; for the children of slave women were often enough begotten by free Hottentots, especially in the country districts, where most of the remaining Hottentots were employed as cattleherds. One must surely agree with what was said by the late Professor Henri Cruse, of the University of Stellenbosch, when he wrote in this connection: "Where the married state is not held in honour, where it is even made impossible by law, there, quite inevitably, immorality must strike root and flourish."³⁴ And undoubtedly Professor Cruse was also correct when he surmised that the uncommonly high percentage of illegitimate births which still obtains among certain classes of our Cape Coloured people, and which is still regarded by many of them as something

normal and natural, must, to some extent at least, be ascribed to the habits and attitudes implanted by two centuries of slavery.³⁵ The past is still with us, much more than we realize. And instead of looking down upon the Coloured people for their loose morals in this respect, as some white people are apt to do, we should rather remind ourselves that it is we, as a Christian people, who actually taught them to think and to act in this way; the more so, because we are at this moment repeating the mistake made by our forefathers, and are committing the very same act of immorality and injustice against the Bantu labourers in our urban areas which they in their day committed against the slaves.

Justice compels me to add that immense efforts were from the beginning of the 19th century onward exerted by Governors, Government officials, and Missionary Societies both foreign and local, to better this state of affairs. But they came too late. The harm had been done. The evil had gone too far.³⁶ One hundred and fifty years later the problem is still with us, and considering the fact that the Coloured people are multiplying faster than any other group of the population, one cannot but think with apprehension of what this holds in store for the future.

THE HOUSE-BRED SLAVE IN THE HOUSEHOLD AND IN SOCIETY

In the Roman household establishment the home-bred slave, the *verna*, always had a privileged place. As it was said of such a one: *hic domus, hic ortus*. "This was your home, here were you born."³⁷ Such a slave had not been wrenched by force or trickery from his native surroundings to be brought to a country where he felt himself a total stranger; he was born in the Roman household, he had acquired the Latin tongue from his earliest youth, he had grown up in company with the freeborn sons and daughters of the master. He harboured no grievances because of enforced exile; Italy (or some civilized province of the Empire) was the country of his birth, and Roman society was the only society he knew. He had never had to adjust himself to a new way of life and a new set of manners; his way of life and his manners were those of the Romans. He had never had to reconcile himself to the fact that instead of being a free man, perhaps even a man of rank and consequence, he was now become a slave, a piece of property, to be ordered by others; he was born as a slave among slaves. No wonder, then, that these *vernae* were, as a rule, much more pleasant, much more tractable, much more willing, and much more civilized than the ordinary imported slave. And growing up, as they did, together with their young masters and mistresses, it was no wonder that they were inclined to be pert, and outspoken, and sometimes rather more free than they should be. Those of us who have as children in this country shared in the life of the South African *familia rustica*, will perhaps be better able than most people in Europe to understand what this means! The *licentia vernaculorum*, the forwardness and impudence of house-bred slaves, became proverbial. The poet Tibullus (1.5.26) calls them *garruli*, reminding one of the Afrikaans Kaatjie Kekkelbek; while Horace in one of his Satires paints us a delightful picture of how he spends a real "cotter's Saturday night" on his farm in the Sabine hills, sitting at the fireside with a few friends and with his "impudent *vernae*" (*vernae procaces*), who take their fill of all the good dishes!³⁸

Well, the *vernae* may have been pert, but there is no doubt that they made excellent servants and confidants to their masters, and the inscriptions

referring to them speak of *responsibility*, and *trust*, and *tried service*. As someone remarked, these qualities are not inconsistent, for pertness in youth might naturally develop into steady and intelligent service later.³⁹ In fact, the *vernae* were usually the favourites of the household, and were generally regarded as the best possible class of slaves. Atticus, the friend and correspondent of Cicero, kept *only* *vernae* in his private household,⁴⁰ and he could certainly sleep more securely than most other masters. The ominous proverb *quot servi, tot hostes*, need not disturb him; for the *vernae* were known for their attachment and loyalty to their masters. Thanks to their upbringing in the home, there existed between them and their masters and mistresses those *spiritual bonds* of natural human affection and common participation in religion which were only too sadly lacking in most other cases.⁴²

In this way it came about that the term *verna*, from being a mere indication of origin, became in course of time a mark of rank and *status*, and a title, as it were, which many slaves or ex-slaves were only too proud to record on inscriptions, even after they had been liberated. Here is one example of such an inscription, found in Ephesus in Asia Minor:

ACILIAE LAMYRAE CONIVGI CARISSIMAE
 APOLLONIVS AVG. N. VERNA ARCARIVS
 PROVINCIAE ASIAE HOC MONVMENTVM
 CVM SARCOPHAGO FECIT ET SIBI ET SVIS

(Dessau 1505)

In memory of his beloved wife Acilia Lamyra, Apollonius, verna of the Imperial Household, Controller of Revenues for the Province of Asia, had this monument with the sarcophagus made for himself and his family.

Here, then, was a man who had risen from the lowly state of a common slave to become a man of considerable rank in the Roman civil service of the province of Asia; yet he takes pride in proclaiming to all the world (and to posterity) that he had been, not just one of the common herd of slaves, but one born and bred in the household of the Emperor.

Now what was the social position of the home-bred slave at the Cape of Good Hope? This is a question of some interest and importance, for here we are touching upon the real origins of the more advanced classes among our Cape Coloured people, inhabiting the Cape Peninsula and other urban and semi-urban areas of South Africa.

In speaking about the days of slavery, one is apt to class them all together as slaves, *tout court*. We should, however, always remind ourselves that there were, at the Cape also, various types and classes of slaves, and that it made a tremendous difference to the existence of the individual slave whether he belonged to this class or to that. There was the difference between public slaves and private slaves (*servi publici et privati*); between town slaves and country slaves (*servi urbani et rustici*); between old hands and novices (*veteratores et novicii*); between unskilled and skilled slaves (*operarii et artifices*) etc. But one of the most important distinctions was certainly that which existed between the *imported* slave and the *home-bred* slave; and this distinction, which was very well known at the Cape also, has played a major part in the social and cultural history of our country.

It stands to reason that from the day when slaves were no longer imported into this Colony, the number of slaves born in the country would steadily overtake the number of those who had been imported. In the year 1832, that is, on the eve of liberation, there were 38,400 slaves in the Colony. Almost 50 per cent of these were registered as being less than 18 years of age,⁴³ and we may be sure that all, or practically all, of these youngsters and children had been born here; and then one must still add a large number of the adults who had also been born here. I think one may say without fear of contradiction that when the slaves were set free in 1834, a good *three-quarters* of them were people who had been born in this country as the children or grandchildren of slaves. They were children of South Africa as well as any white man born in the country, and their language was no longer Malay-Portuguese, or Angolese, or Moçambique ("Masbieker"), but Cape Dutch — the same language which the settled inhabitants of European descent also spoke. So, quite naturally, they were called "*Kaapsche slaven*" or . . . "*Afrikaanders*". It is a strange irony of history, that the name by which the now leading section of the white population is designated, should originally have been applied also to those very slaves who were the ancestors of our Cape coloured people.⁴⁴

Just like the *vernae* in ancient Roman society, so were these *Kaapse slaven* very highly prized and much sought after. A real Cape slave of good education and comely appearance would always fetch a high price on the market; the more so, because they did not often *come* on the market. We must remember that the average Cape household, even in the farming districts, was small, so that the master knew every one of his slaves personally. By the time their children grew up, they could hardly be otherwise than acknowledged members of the household — *familiares*, as the Romans would have called them. There existed a certain *familiarity*, in the best sense of the word, between such slaves and their masters;⁴⁵ and so it was natural that they should be *kept in the family* where they belonged. Even when, owing to the bankruptcy or death of the owner, the estate had to be sold by public auction, it frequently happened that his relatives were prepared to pay excessive prices in order to keep these home-bred slaves in the family.⁴⁶ In other cases we find it stipulated *in a will* that such and such a slave, mentioned by name, should go to a son, or a daughter, or some other close relative.⁴⁷ No wonder, then, that such servants in course of time took over the *family names* of their masters, especially after they were liberated. It was the most natural thing on earth. Far from being presumptuous, they were in fact paying their masters a tribute of honour and gratitude for many years of kindness. What other identity *could* they boast than that which their long-standing connection with such-and-such a family had given them? And so, when we see Coloured families bearing the names of well-known Afrikaans (white) families, let us remember that somewhere in the past there was a humane master who had earned the gratitude and loyalty of his slave.⁴⁸ And let us also remember that exactly the same thing happened in Roman society also, and was accounted a great honour both to the name-taker and to the name-giver.⁴⁹

It was not only in the personal sphere of home and family life, however, that these "vernacular" slaves occupied a special place. In the field of *industry* and *business* they likewise enjoyed, generally speaking, a privileged status, and this is readily understandable. It was a regular practice among traders, artisans and business men of every description to train selected slaves for certain professional tasks; and since such training necessarily

involved a considerable outlay of money and of time, it stands to reason that the civilized and Romanized *verna* was in most cases preferred above the recently imported barbarian.⁵⁰ And so we find these highly skilled professionals employed by bankers, as tellers and bookkeepers; by doctors, as *unctores* (anointers), *fricatores* (rubbers), and so forth; by overseas merchants, as ship's captains; by stage managers, as actors; by publishers, as scribes; by builders, as bricklayers and carpenters—not to speak of those who rendered their masters indispensable service as private secretaries, overseers of estates, or schoolmasters to their children.⁵¹ Such men were often hired out for longer or shorter periods of time to others, thus affording a steady source of income to their masters; or they might, with their masters' permission, set up in business for themselves, sometimes even entering into business relations with the master himself, and make contracts which, if not legal according to the letter of the law, were nevertheless honoured as a matter of simple common sense and sound business.⁵² Such men seldom had any difficulty in obtaining release from servitude in exchange for a substantial amount; and thenceforth they could pursue their vocations as freedmen.

Once again we find the Roman situation duplicated at the Cape of Good Hope. We have already noted that the more intelligent slave boys and girls born at the Cape were specially selected to be taught certain trades. In this way it came about that by the end of the 18th century the *Kaapse slaven*, the Cape vernaculars if I may so call them, formed the bulk of the professional artisans at the Cape, working as tailors, shoemakers, carpenters, cabinet makers, wagon builders, blacksmiths, bricklayers, plasterers, harness makers, etc.⁵³ (Many, of course, were also trained musicians; but at the Cape this could not be a full-time profession, as it was in ancient Rome.) But exertion of skill is always a voluntary effort, and, if these skilled artisans had not been well treated and accorded exceptional liberties and incentives, they would never have produced those masterpieces of craftsmanship which we still admire in many an ornate armoire or Cape Dutch house. In point of fact, they were slaves in little more than name only; for most of them obtained from their owners passes, which enabled them to work wherever they wished, provided they paid a certain monthly fee to their owner. It was not much: 30 to 60 *rijksdaalders* per month.⁵⁴ For that paltry sum a man could be practically free and independent, earning his own living, inhabiting his own house, and in course of time becoming sufficiently affluent to procure complete freedom. You will understand, however, that this happy state of affairs was almost exclusively limited to Cape Town and one or two of the bigger towns. It was a typical feature of the *familia urbana*. For the rustic slave on the "platteland" there was hardly any prospect of ever acquiring his freedom, simply because his labour could not be missed on the farm. And so it hardly comes as a surprise to learn that of the 1,245 manumissions registered between 1816 and 1830, no less than 1,150 were registered in Cape Town itself!⁵⁵

So one sees the picture becoming clearer: speaking in general terms and not counting certain exceptions which will always be found, one sees the overwhelming majority of the slave population concentrated in the Peninsula itself and in the adjoining coastal districts; one finds here also the majority of the intelligent slaves, skilled in professions; these form far and away the most advanced, educated and independent class of the non-European population; these are the people who strive towards the goal of complete liberty, and very often achieve that goal; and practically all of

them are "Cape vernaculars", i.e. slaves born and bred in the houses of the Cape.

These Cape slaves and their descendants constituted the aristocracy, as it were, of the Cape Coloured people; the overwhelming majority of them are still to this day to be found in the Cape Peninsula and the Western Cape Province, and all the above-mentioned characteristics of their forbears have remained with them ever since. Racially speaking, those vernaculars were of predominantly Oriental (Malay), Hottentot and European extraction;⁵⁶ the negro slaves imported from Angola, Moçambique and Madagascar were mostly bought by farmers to be employed in strenuous manual labour, and the negro type is seldom or never to be seen among the present-day Coloured people of the Cape Peninsula.

In order to correct the over-simplification inherent in such a generalization, let us move out to the countryside for a moment, and see what we find there.

In the year 1761 a young Stellenbosch farmer, Jan de Vilhiers, and his wife, Anna Hugot, were both murdered by one of their Malay slaves who ran amok. Paging through the extensive inventory of everything they left behind one comes, as always, to the important item under the heading of "Lyf-Eygenen", i.e. Serfs. There we read as follows:

- 1 slaave jongen genaamt Valentyn, van de Caab
- 1 " " " Fortuyn, van Mallabaar
- 1 " " " Caesar, van Mallabaar
- 1 " " " September, van Bougies
- 1 " " " Baatjoe, van Bougies
- 1 " " " Januarij, van Bouton
- 1 slavyn, genaamt Candasa, van Ternaten, en haar kind
Rosie van de Caab
- 1 " " Regina, van Bengalen, en haare kinderen:
Adam van de Caab
December van de Caab
Moses van de Caab.⁵⁷

Here we see a typical Cape *familia rustica*, of very modest size, on a wine farm in the Western Province towards the middle of the 18th century. There are six men and two women slaves. Four are from the Dutch East Indies (Bougies, Bouton, Ternaten), three come from part of what later became British India (Mallabaar, Bengalen), and one, Valentyn, is "van de Caab"; and perhaps that was the reason why he headed the list. Without any doubt this Cape slave, whose language was Cape Dutch, acted as spokesman for the rest, and supplied the white men with the information they needed to draw up the inventory. We notice that there is not a single negro from either Angola or Moçambique amongst them. They are all Orientals, in other words, slaves of the more expensive sort; dangerous on occasion (as was proved in this case!), but intelligent. Furthermore, each of the women has her children, without any indication of who the fathers are. And these children, Rosie, Adam, December and Moses, all born and bred at the Cape — they are the real Cape vernaculi, the real ancestors of the Cape Coloured people, being names which are still common among their descendants.

One last word concerning the *women slaves*, and then I shall have finished. Mentzel informs us that in his time Indian women from Bengal, Coromandel, Surat and Macassar were very much in demand as skilful

needlewomen, especially for the crocheting of fine lace, of which the Cape ladies were very fond.⁵⁸ They also made excellent ladies' companions, and those who were of Cape birth even more so, of course. But much more important, I think, is the fact that slave women, and especially those who had grown up as *vernaculae* in the household, were the regular *nurses* of the large Cape families of those days.

In a Rectoral address delivered in the University of Tübingen, Professor Joseph Vogt not so long ago⁵⁹ spoke eloquently of the significant but all too easily forgotten rôle played in the Greek and Roman world by the humble slave nurse, the *títhê* (cf. Eng. teat, Afr. tietie), in Latin the *mamma*, *mammula*, or *nutrix*. Do we realize sufficiently, he asked, how abiding must have been the impressions implanted on the tender minds of those young Greeks and Romans by the humble slaves who did everything for them during the most receptive period of their lives? Do we realize what bonds of affection were established across the barriers of class and race? And so Professor Vogt entitles his address as *Wege zur Menschlichkeit*, which I would translate as "Pathways towards Humanity".

Let us apply this to the historical situation in our own country, particularly as regards the social history of the Afrikaner people. Have we ever paused to ask ourselves what the full significance is of the circumstance that generation after generation of our Afrikaans ancestors were nurtured at the breasts of Indian, Hottentot and negro women, and received a good part of their early education from slave and Hottentot men who, ignorant of classical traditions, acted unwittingly as their trusted and beloved "pedagogues"? What strange lore was imbibed, to be passed on to future generations? What stories were learnt? And the language they learnt from the lips of those slaves — was it not the *lingua vernacula*, the Cape Dutch of the slaves, the Cape vernacular? Truly, our forbears may be said to have imbibed the vernacular language together with the vernacular milk; and once again, let us not forget, we are speaking of things which lasted till very recent times. My own parents still belong to the generation that was nurtured by Coloured women on the farm, who seldom lacked a goodly supply of milk. Many a white child would never have survived, had it not been given to drink at the breast of a Coloured *aia*; and our heritage would have been infinitely poorer if we had not had, over all these many years, these coloured Cape servants to teach us their simple "pathways towards humanity".

To be reminded of these things is to be made a little more humble, and to realize anew how integral and indispensable a part of civilized society at the Cape the slaves and their descendants have always been.⁶⁰ It is very saddening, therefore, to reflect that the fifties and sixties of the 20th century, which have brought to the Coloured people the most spectacular material advance in their history, have also witnessed the steady abrogation of all those civic rights which they possessed and cherished,⁶¹ and the most grievous insults to their sense of personal dignity. Whatever grounds may be adduced to justify such policies, History certainly cannot be one of these, for History points the other way.

Mr. Principal, Members of the Council and Senate, I thank you for the confidence you have shown to have in me by appointing me to the Chair of Classics at this University as successor to a man of such outstanding abilities as Professor Maurice Pope. I am grateful to be able to say that the ties of friendship which connected us while he was still here, have not

been severed by his departure, and that it will always be my aim to serve the interests of this University as well as he did.

Professor Paap and other members of the staff of the Classics Department, I thank you for the unreserved and unfeigned warmth with which you have received me in your midst since my arrival in August last year, and for the many kind acts of guidance and assistance with which you have helped to make me feel at home.

Professor Haarhoff, magister venerabilis, te quamvis propter senectutis incommoda absentem hoc in loco saluto. Plusquam quinquaginta annos de litteris humanioribus in patria nostra colendis optime meruisti, lampada vitae atque humanitatis nobis iunioribus fideliter tradidisti, mutuam inter homines benevolentiam atque concordiam clariter constanter patienter praedicasti universis. Me minime merentem in amicitiam ac familiaritatem receptum prae multis aliis fovisti. Iam denique stipendia emerito plenissima nos amici ac discipuli pluriman tibi damus salutem, et haec tua Alma Mater Capensis quasi nostra voce te compellat, clamans: Bonam spem habe de litteris bonis, alumne benemerite, habe spem bonam!

Students of the University of Cape Town, I want to say to you (largely *in absentia* also!) that I have, as far as my subject is concerned, but one aim, and that is, to help you to realize more and more fully that the ancient world of Greece and Rome is by no means dead, but is still a very real presence in our modern world. I want to gain not only your understanding, but your hearts also. I want you to develop a true and lifelong *affection* for the history, the languages, the literature, and the culture of the ancients. If I can achieve this, I shall be happy. And from you I expect two things only: genuine interest, and hard work!

Dixi.

NOTES :

1. *The History of the South African College, 1829-1918*, by Professor W. Ritchie. Maskew Miller, Cape Town, 1918. Vol. I, p. 119.
2. See the interesting and comprehensive articles by Professor F. Smuts of Stellenbosch University, in *Acta Classica*, 1959, 1960.
3. *Roman Law in South African Practice*, Inaugural Lecture delivered before the University of Cape Town on 6th November 1951, by B. Beinart, Professor of Roman Law. University of Cape Town Lecture Series, No. 5, 1952, p. 7.
4. Numerous articles have been published by members of our Law Faculties on this subject over the past twenty years, mainly in the newspapers. A comprehensive and very readable discussion of the whole situation is to be found in *Latin and the Lawyer*, a paper read by Professor B. Beinart at a Conference of Latin Teachers held at Stellenbosch in July 1969, and published in *Latinitas Rediviva*, special issue of the Newsletter of the Department of Latin at Stellenbosch University, Vol. XIV, Nos. 3 and 4. The same paper also appeared in *Butterworth's South African Law Review* of 1957.
5. *Calvin's Commentary on Seneca's De Clementia*, with Introduction, Translation and Notes, by Ford Lewis Battles and André Malan Hugo, published for The Renaissance Society of America by E. J. Brill, Leiden, 1969, p. 19-24, with references.
6. *The Roman Law of Slavery. The Condition of the Slave in Private Law from Augustus to Justinian*, by W. W. Buckland, M.A. Cambridge University Press 1908, Preface. — I may be allowed to remark that this standard work of over seven hundred pages is a veritable gold mine of information on the subject, but that the author never succeeded in getting beyond the sphere of legal technicalities. He shows little style and even less imagination; of the actual condition of the slave in Roman times the reader hardly gets a living impression. His work must therefore be read in close conjunction with something like Friedlaender's *Römische Sittengeschichte*.
7. If the condition of *rightlessness* is generally regarded by modern authorities as one of the most important (if not the most important) distinguishing marks of slavery (cf. Buckland, op. cit. Chapter I), then one cannot but agree that a very large proportion of the non-European population of South Africa has always been living, to some extent at least, in a condition of factual slavery, and that this state of affairs has become legally entrenched (and in most cases augmented) by many of the numerous racial laws enacted by Parliament; such as — to mention only a very few — the Natives Land Act No. 27 of 1913, the Natives Trust and Land Act No. 18 of 1936, the Bantu Urban Areas Consolidation Act No. 25 of 1945, the Native Administration Act No. 38 of 1927, the Natives (Prohibition of Interdicts) Act No. 64 of 1956 as amended by Act No. 42 of 1964, the Natives (Abolition of Passes and Co-ordination of Documents) Act No. 67 of 1952, the Population Registration Act No. 30 of 1950, the Industrial Conciliation

Act No. 28 of 1956, the Reservation of Separate Amenities Act No. 49 of 1953, the Promotion of Bantu Self-Government Act No. 46 of 1959, the Asiatic Laws Amendment Act No. 47 of 1948, and the Group Areas Act No. 41 of 1950. For details, see *A Survey of Race Relations in South Africa*, publ. annually by the S.A. Institute of Race Relations, and for documentary study, *Apartheid, a documentary study of modern South Africa*, by Professor Edgar H. Brookes. Routledge and Kegan Paul, London 1968. — In many of the rural districts of South Africa the farm labourers, whether Coloured or Bantu, live with their families under terms and conditions which are hardly different from those which obtained in the days of slavery. It differs from farm to farm, but it is still prevalent throughout the country.

8. *Die Opkoms van ons Derde Stand* (The Rise of Our Third Class), publ. by Human and Rousseau, Cape Town 1960, p. 87-90.
9. *Familia*, a paper read to the annual general meeting of the Genealogical Society of S.A., Cape Town 1967, and published in the quarterly journal of the Society, *Familia*, Vol. IV, 5.
10. Justinian, *Inst.* I.3.3 *Servi autem ex eo appellati sunt quod imperatores captivos vendere iubent ac per hoc servare nec occidere solent. Qui etiam mancipia dicti sunt, quod ab hostibus manu capiuntur.* — This derivation is no longer accepted. Either the *servus* (old Latin *servo*) was originally he who tends and protects (*servat*) the flocks, or else the word is to be derived from the root *svar*, meaning *weight* (cf. German *schwer*, Afrikaans *swaar*), thus implying the notion of servitude as a burden.
11. “. . . addideratque consilium coercendi intra terminos imperii,” says Tacitus (Ann. I.11), and adds with a certain contempt, because he was writing in the days of Trajan’s great new conquests, “incertum metu an per invidiam”.
12. In order to gain some impression of the extraordinary degree of *specialisation* practised in this respect, especially in the *familia urbana*, the reader should consult Marquardt, *Privatleben der Römer*, or Carcopino, *Daily Life in Ancient Rome*, p. 70-72. It was considered bad form and misguided economy on the part of a master when he employed a slave for more than one purpose in his city mansion; cf. Molière, *L’Avare!*
13. *Regspleging en Reg aan die Kaap van 1652 tot 1806*, met ’n bespreking van die historiese agtergrond, deur G. G. Visagie. Juta en Kie., Kaapstad 1969 (diss. 1964), p. 74f.
14. Visagie, p. 88, refers to Groenewegen, who in his *Tractatus de Legibus Abrogatis et Inusitatis in Hollandia vicinisque regionibus* (Leiden 1649, I.8) declared that slavery had gradually become obsolete, and that “its very name has become extinct amongst us — so much so, indeed, that slaves brought here from elsewhere can claim their liberty as soon as they enter the borders of our territory, even though their masters may be opposed to it; and this is in fact the accepted practice of other Christian peoples also.” (Strangely enough this right, according to Van der Linden, *Suppl. ad Pandectas* 1.5.3, was *not* extended to slaves who

had run away from their masters in the Dutch colonies! These were definitely to be returned to their owners. One can only wonder at this strange contradiction, and ask, what category of slaves (and how many?) could ever then benefit from the golden rule formulated by Groene-wegen.) — As far as the practice of slavery in the Dutch colonies was concerned, and more especially at the Cape, it was the Statutes of Batavia (or India) that were applied, and the general system underlying these was that of Roman Law. Visagie, p. 89, quotes Judge Wessels: "The slavery of the Dutch colonies was regulated by the Roman law, but in a very modified form." Visagie's only comment on this statement is, that "as far as the Cape itself is concerned, the position is not altogether clear" (p. 89, n. 96). He declares that in the sources he consulted he could not discover any clear indication as to the system of law which was followed. If the author had glanced at the actual practice of slavery at the Cape, i.e. at the rules followed with regard to buying and selling, manumission, peculium, procreation, punishment, etc., he would very soon have discovered — as I have discovered, and as I shall try to point out in what follows — that it was very definitely Roman Law that was applied here, and not even so "very modified"! In fact, I believe that a thorough scrutiny of the system of slavery will undoubtedly throw a new and most instructive light on the whole system of "regspeling en reg" at the Cape in the days of the Company. The subject is of some importance, and the materials are abundant. To quote Erasmus: *Palma in medio est, arripiat qui potest!*

15. Cf. the remark made by Mentzel: "Slave-labour is an unavoidable necessity here, since the Hottentots will not work, and I doubt whether they are constitutionally fit for strenuous labour. Bastard-Hottentots, the offspring of male slaves and Hottentot women, sometimes make good labourers, but pure-bred Hottentots, never. I have seen them employed as shepherds or cattle-herds, and then they spent most of their time flopping on the ground, asleep in the sun." (*Description of the Cape of Good Hope*, by Otto Mentzel, tr. from the German by H. J. Mandelbrote. Van Riebeeck Society, No. 6, Cape Town 1925. Part II, p. 126. Originally publ. in Glogau, Silesia, in 1787.) One has to take Mentzel's remarks with a large pinch of salt. The Hottentots were, on the whole, excellent shepherds and cattle-herds, and without their instinctive knowledge of the animals and the veld our European ancestors would hardly have been able to establish themselves in this country. Mentzel's general observation regarding the necessity of slave labour should rather be applied to the coastal districts, where the cultivation of wine and wheat required very heavy manual labour which the Hottentots could not, or would not, always supply. In a Memorandum dated 29th November 1797, Mr. W. S. van Ryneveld, President of the Court of Justice, stated *inter alia*: "A common wheat farmer, who is supposed to get an annual crop of 800 muids of corn, and 400 muids of barley, wants for his labour 30 slaves. . . . Tillage, and especially the culture of grain, we know, requires no women, but by all means stout men slaves. . . . As to the question, To what degree should the said importation (sc. of slaves) be permitted? I think, in the first place, that the Government should not yet restrict the annual importation of slaves to less than 600: namely, 500 men and 100 women." (Original MS. in Witwatersrand University Library, publ. by W. G. A. Mears,

copy in Jagger Library, U.C.T.) The position is summed up very well in Van Ryneveld's last paragraph, where he says: "It is true, slavery is hard of itself. I have at the moment that I write the present memorial a feeling of all its weight, that ought to make an impression on the mind of every reasonable being; yet . . . I cannot but observe that slavery in this Colony is now become a necessary evil, that cannot be removed without sacrificing this Colony and perhaps the poor slaves themselves that are in it."

16. Apart from the Company's slaves, there were at the Cape in 1708 already no less than 1,147 adult slaves (both male and female), as against 798 adult Europeans. Blommaert and Gie, *Uit Ou Reisbeskrywinge*, Nasionale Pers 1922, p. 173.
17. A. Janse van Rensburg, *Die Toestand van die Slawe aan die Kaap, 1806-1834*, thesis for the M.A. degree, U.C.T. 1935 (Jagger Library), pp. 1 and 4. In 1806 the European population counted 26,268, against a slave population of 29,861.
18. Cory, *The Rise of South Africa*, Vol. III, p. 26.
19. Theal, *Records of the Cape Colony* (R.C.C.), Vol. XXIX, p. 427.
20. Van Rensburg, p. 5, quoting *Col. Office Correspondence* (C.O.), 12.4.1821.
21. Van Rensburg, p. 4, quoting Cory III, pp. 7, 11, 12. By 1810 already the European population stood at 31,194, the slaves at 29,394.
21. Van Rensburg, p. 3. Prize negroes (Dutch, prijsnegers) were slaves captured from traders of other nations; in the present context it usually means slaves captured by British men-o'-war from Portuguese slavers along the coasts of Africa. They were always counted as a distinct group by themselves, and entered separately in all statistics of population.
22. In the *Institutes* of Justinian I,3,4 it is stated very briefly in these words: "Servi autem aut nascuntur aut fiunt. Nascuntur ex ancillis nostris."
23. Buckland, p. 397.
24. See above, note 15.
25. Here is an example, copied by me from a stone in the Vatican Museum:

ATIMETVS . PAMPHILI
 TI.CAESARIS.AVG. L.L.
 ANTEROTIANVS. SIBLET
 CLAVDIAE. HOMONOAE
 CONLIBERTAE. ET
 CONTVBERNALI

"Atimetus Anterotianus, freedman of Pamphilus, freedman of Tiberius Caesar Augustus, (has erected this stone) for himself and for Claudia Homonoea, his fellow-freedwoman and spouse."

Numerous other examples may be read in Dessau, *Inscriptiones Latinae Selectae*, vol. I, cap. VI, Tituli procuratorum et ministrorum domus Augustae condicionis libertinae et servilis.

26. The same stone, referred to in n.25, also contains, on one of the other sides, a series of five elegiac couplets in which Atimetus addresses his young wife Homonoëa, who died before she became twenty years of age. And he addresses her as coniux:

Parce tuam, coniux, fletu quassare iuventam
Fataque maerendo sollicitare mea.
Nil prosunt lacrimae, nec possunt fata moveri.
Viximus; hic omnis exitus unus habet.

On the other side there are six couplets, with Homonoëa this time speaking of her husband as "coniux meus":

Nec pro me queror hoc: morte est mihi tristior ipsa
Maeror Atimeti conjugis ille mei.

27. A. H. M. Jones, "Slavery in the Ancient World," *The Economic History Review*, 2nd ser., 9 (1956), p. 193. — This extremely interesting article has been reprinted by Professor Finley in his collection of articles entitled *Slavery in Classical Antiquity, Views and Controversies*, Heffer and Sons, Cambridge 1960.
28. On the old Slave Lodge and its inhabitants, see the excellent account given by Professor Henri Cruse in his book *Die Opheffing van die Kleurlingbevolking*, Stellenbosch 1947, pp. 205-222. In this account the reader will find much to mitigate the harshness of those conditions which I have mentioned.
29. Van Riebeeck Society, No. 6, p. 129.
30. Peter Kolbe, *Caput Bonae Spei Hodiernum* (Nürnberg 1719), better known in the Dutch translation *Naaukeurige en Uitvoerige Beschryving van de Kaap de Goede Hoop*, published in Amsterdam, 1727. My reference is to the latter edition, p. 389.
31. G. M. Theal, *History and Ethnography of Africa South of the Zambesi*, etc. (London, 1907-1910), Vol. II, p. 184.
32. Van Riebeeck Society, No. 6, p. 125. — Mentzel's description of what he had personally seen is no doubt correct, but his statistics are definitely wrong. The labour requirements of the Colony were not met through natural increase of slaves. Van Ryneveld is a better witness than Mentzel in this respect, since as Chief Justice of the Cape he had everything to do with the slave system; and he, in the above-mentioned Memoir written at the request of Lord Macartney, states quite positively: "The procreation of slaves, in proportion to their number, is very trifling, and not even worth mentioning." It is for this very reason that he urges the Governor to allow the importation of at least six hundred adult slaves every year. He conceded that it *would* indeed have been much preferable to obtain slaves by natural procreation, "as they would then not only be fitter for every kind of work, but also, of course, more attached to the country" — but alas! experience has shown that this is not possible. "For the small number of fertile women slaves, there is a very large number of them who either are entirely sterile, or do not bring forth more than one or two children during their whole lives." Then he refers expressly to the Slave Lodge, where the expected increase has never taken place, although a sufficient number of women had always been housed there "for the express

purpose of obtaining the necessary number of slaves here by procreation". At the moment of writing, he states, there are in the Lodge 114 women, of whom only 35 have any children under ten years of age; and these children amount only to the number of forty-seven.— These statements made by Van Ryneveld are fully substantiated by the figures given by Cruse (cf. note 28). From these it appears that all through the 18th century there was a constant average, at the Cape, of about three children per woman on the European side, whereas the number of slave children at no time even so much as equalled the number of their women, and was in fact usually far less. It is clear that there must have been some very good reasons why so few slave children were born; or, if born, why they died at such a tender age.

33. Quoted, without reference, by Victor de Kock, *Those in Bondage*, p. 123.
34. *Die Opheffing van die Kleurlingbevolking*, p. 207.
35. *Ibidem*, p. 214.
36. I find substantiation for my assertion in the fact that even after Lord Charles Somerset, by his Slave Proclamation of 1823, had accorded to slaves the right of lawful marriage, hardly any of them cared to avail themselves of this right. According to Van Rensburg, p. 8, the number of slave marriages registered between 1826 and 1834 (the year of liberation) did not even amount to the total of ten! And Van Rensburg rightly, in my opinion, ascribes this to *sheer habit*, both on the part of the slaves themselves and of their owners.
37. Statius, *Silvae* II.1, 76. In their full context the lines read as follows: "Is it to be wondered at, that your affectionate owner honours you with such a stately funeral? You were your master's repose, indeed the haven of his old age; one moment you were the delight, the next you were the care of his heart. You were never caught up in the whirlpool of the barbaric slave auction; you were not put up as an infant for sale amongst other human wares brought from Egypt, nor did you (like other slaves) with laboured jokes and expert words in shameless fashion try to obtain a master, to succeed at long last. Here was your home, here were you born; and your parents were old and well-beloved inmates of the house, and set free to your great joy, lest you should bemoan your extraction; hardly had your mother brought you forth, or the master took you up in his arms joyfully; hardly had you greeted the stars with your first piercing cry, or the master already adopted you in his heart, embraced you, took you on his lap, and imagined himself to be your father."— This is typical of the advanced *humanitas* among the cultured Romans of the 1st and 2nd centuries.
38. Sat. II, 6, 65 O noctes, cenaeque deum! quibus ipse, meique
Ante larem proprium vescor, vernasque procaces
Pasco libatis dapibus.
39. R. H. Barrow, *Slavery in the Roman Empire*, Methuen and Co., 1928, p. 50.

40. Nepos, *Vita Attici* 13.
41. *Quot servi, tot hostes* is quoted as a proverb by the grammarian Festus, s.v. *quot*, p. 261 (ed. Mueller), and also by Seneca, Ep. 47.5, where he says: "Deinde eiusdem arrogantiae proverbium iactatus: *Totidem esse hostes, quot servos*. Non habemus illos hostes, sed facimus." — "We do not *have* them as our enemies — we *make* them so!" True words!
42. Marquardt, *Privatleben der Römer*, p. 179, speaking of the sad plight of those slaves who were consigned to the *durum opus* (Afrikaans "hardepad") of the *villicatio* (farm labour under the lash of the villicus), where they seldom saw their real master and stood in no personal relation to him at all, says: "Ein religiöser Einfluss und ein sittliches Band fehlte ganz."
43. Van Rensburg, p. 5, quoting from the *Report of the Protector of Slaves*, No. 7, p. 224.
44. Van Rensburg, p. 6, writes: "Die slawe wat hier opgegroeï het, was in baie opsigte beter af as dié wat ingevoer is. Eersgenoemdes kon hulle beter aanpas by omstandighede hier. Hulle het nie 'n geboorteland gehad om na terug te verlang nie. Die koloniste het ook meer gedink van 'n 'Afrikaander', soos hulle die slawe wat hier gebore is genoem het, sodat in party gevalle selfs geen onderskeid tussen eie en slawekinders gemaak is nie. Gevolglik was daar in 1825 al 'n opmerklike verbetering in die algemene peil van beskawing van die slawe." Reference is made to C.O. 418, 6th March 1825, and R.C.C. XX, 320. — There does not seem to exist any comprehensive study of the historical development of the words *Afrikaander* (*Afrikaner*) and *Afrikaans*; but in order to avoid any misunderstanding I must point out that from the early 18th century onwards (1707, 1739, and so on) the word was used by Europeans of Europeans. These utterances are very few and very far between, but they are there; and vis à vis the usage mentioned by Van Rensburg (namely, in referring to *slaves*), they present, in my opinion, a very curious problem. How little we still know of our own short history!
45. The primary meaning of the Latin adjective *familiaris* is: belonging to a house, household, or family; the more familiar modern meaning of the word came as a secondary development. In earlier times, however, *familiaris* was used specially of *slaves*, which was natural, seeing that *familia* meant primarily, not a family, but the personnel of a household, i.e. the slaves. "Our ancestors," wrote Seneca in the 1st century A.D., "called their slaves *familiares*; and in this sense the word is still used on the popular stage." (Ep. 47, 14.) The subst. *familiaritas* likewise had nothing of the unfavourable connotation which it carries today; it simply means familiar intercourse, close friendship, intimate acquaintance.
46. Van Rensburg, p. 11, referring to C.O. 418, 6th March 1825, and R.C.C. XXIX, 470.
47. A good example of this practice has been documented by Professor T. N. Hanekom (Theological Seminary, Stellenbosch) in his biography of the Rev. Helperus van Lier (Cape Town, 1959). Of the twelve slaves

listed in the Inventory of the Estate and in the Will, no less than five are bequeathed to several of the children; and two of these, Coba and Lea, are "van de Caab", i.e. born at the Cape. The year was 1793. (*Helperus Ritsema van Lier*, p. 298.)

48. Of course, this does not apply to *all* such cases. Many such names have been adopted without any special justification at all. With the rapid growth of our population and the equally rapid social advance of the Coloured people, it will soon become very difficult, and in some cases impossible, to tell whether certain people who bear a certain name are authentic members of that family or not. This is one of the reasons why scientific genealogy is important.
49. It was standard practice that slaves adopted the family name (*nomen gentile*) of their master at the moment of manumission. That is how the poets Terence and Horace, both of servile origin, acquired their high-sounding Roman names: Terence was personally freed by a member of the *gens Terentia*, and Horace was the son of a man who had been freed by a member of the *gens Horatio*. The number of inscriptions illustrating this universal practice is legion. Here is one interesting example, which I noticed on a small stone in the garden of the Baths of Diocletian:

D M
SACRVM
C. TERENCE PISTO
MEDICO OCVLARIO
PATRONO OPT. BENEMER.
ET IVLIAE SECVNDAE CONIV
EIVS C. TERENCE HELIVS
ET TERENCE IANVARIA LIB
FECERVNT ET SIBI POSTERYSQ
EORVM VIX ANN LXXXVII MEN
V DIES XXIII HORAS X

("Sacred to the dead. In memory of Caius Terentius Pistus, oculist, my good and well-deserving patron, and of Julia Secunda his wife, Caius Terentius Helius and Terentia Januaria, their freedman and -woman, have had (this tomb) made for themselves and their descendants. He lived 87 years, 5 months, 24 days, and 10 hours.") Pistus the oculist was, as his name clearly indicates, an ex-slave himself, or the son of an ex-slave; now he in turn has freed his slaves Helius and Januaria (a typical slave name in South Africa also!), and passed on to them the good Roman family name of Terentius.

50. See Barrow, *Slavery in the Roman Empire*, Ch. IV *In Trade and Industry*, and particularly pp. 120-1.
51. See Marquardt, *Privatleben*, p. 160 f.

52. Barrow, p. 101, says: "The slave who made his master's business yield profits, to his own profit too, very often, had a keen sense of the best use to make of his own money. Often he re-invested it in his master's business or in enterprises entirely unrelated to it. He could enter into business relations with his master, from whom he came to be regarded as entirely distinct, or he could make contracts with a third person. He could even have procurators to manage his own property and interests (Dig. 3.3.33). And so within the peculium may be found not only land, houses, shops, but rights and claims; though, if these were to be enforced, the master's help would be needed, since the slave, as a rule, had no power to initiate legal proceedings."
53. Van Rensburg, pp. 39, 40, 41.
54. Van Rensburg, p. 40.
55. Van Rensburg, p. 55.
56. For a very good analysis of the racial origins of the Cape Coloured people, see J. S. Marais, *The Cape Coloured People 1652-1937*, Longmans, Green and Co., 1939, reprint by the Witwatersrand University Press, 1962, Chapter I, Origins.
57. Cape Archives, MOOC 8/10, No. 17, dat. 3rd July, 1761.
58. Van Riebeeck Society, No. 6, p. 125.
59. *Wege zur Menschlichkeit in der antiken Sklaverei*, Tübingen 1958, reprinted by Finley in *Slavery in Classical Antiquity* (see note 27).
60. This great subject has been admirably dealt with by the Afrikaans author Jan Rabie in a series of three historical novels: *Eiland voor Afrika* (period of Van Riebeeck), *Die Groot Anders-Maak* (period circa 1720), and *Waar Jy Sterf* (period circa 1799), all published by Human and Rousseau, Cape Town and Pretoria.
61. The most recent of these measures is the proposed removal of Coloured voters from the Municipal Voters' Lists of cities and towns in the Cape Province, as announced in *Die Burger* and *The Argus* of 21st September, 1968.

