

‘UNHAPPILY TORN BY DISSENSIONS AND
LITIGATIONS’:¹ DURBAN’S ‘MEMON’
MOSQUE, 1880-1930²

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ABSTRACT

This study focuses on Durban’s Grey Street mosque, built by Indian Memon migrants in 1880. This review of the first half-century of the mosque’s existence underlines the important social role of mosques, and also questions the notion of homogeneous Muslim community. While the mosque was the most visible symbol of Muslim identity in Natal, it was also a site of contestation, reflecting the class, language, caste and ethnic divisions among Muslims in a diasporic situation. Mosques were built along class and ethnic lines and dominated by traders. As Muslim society matured, there were challenges to the leadership of non-clerical traders who did not tolerate challenges to their authority. Opposition sometimes centred on Imams who commanded the allegiance of the congregation. Mosques did not have an independent life but reflected the prevailing power structures in Muslim society. While outsiders believed that ethnic diversity was subsumed by a unitary Muslim mass, Muslims comprised a community of communities, and the building and management of mosques underlined this fact.

Introduction

Indians began settling in Natal from 1860 when the first indentured workers arrived.³ They were followed from the mid-1870s by entrepreneurs from Gujarat on the west coast of India. Seven to ten per cent, roughly 10,000 to 15,000, of indentured workers were Muslim, as were most of the 4,000 ordinary migrants.⁴ Indians numbered around 100,000 of Natal’s population of one million in 1904. Ten percent of Indians were Muslim, 87 percent Hindu, and two percent Christian.⁵ The majority of Whites opposed the assimilation of Indians into the dominant culture and, after self-government in 1893, introduced legislation to legally separate the population into ‘races’.⁶ Non-indentured Indians were subordinated on the basis of race so that Whites would feel secure against the ‘Asiatic Menace’.⁷ While most studies of this

period tend to concentrate on the political conflict between Whites and Indians, treating these as homogeneous groupings,⁸ this study focuses on the small Indian Muslim group. Its broad objectives of examining the dynamics of community formation and the (false) notion of homogeneous community are explored through a case study of the Grey Street mosque.⁹

Mosques occupy an important position in the life of Muslims. When the Prophet Muhammad migrated from Makkah to Madinah, one of his first acts was to locate a suitable site for a mosque. Muslims construe this as a signal that mosques are a vital cornerstone for building community. Muslim migrants to Natal set about recreating the religious and cultural bases of their lives almost immediately after settlement. Traders with financial resources and expertise usually led the way in establishing places for collective worship. The mosque was more than a house for prayer. The process of building mosques was simultaneously a process of constructing community because they were places where Muslim males met. Mosques also dominated the skyline in most urban centres and became the most visible symbol of the Muslim presence. While in theory worshippers do not belong to particular mosques, in practice mosques were not neutral structures for worship but sites of struggle that reflected the patterns of stratification among Muslims.

Muslims, drawn to Natal from various parts of India, were divided by class, ethnicity, caste, language, customs and beliefs. The right to speak for Muslims was contested. This study explores how migrants managed internal diversity; what differences made a difference; whether they sought commonality through lowest common religious denominators or divided into congregations on the basis of devotional practices imported from the homeland; whether Muslims homogenised into an imaginary unitary community or differences were played out in the public arena. Islamic practices and institutions were fundamental in the formation of diasporic community and identity. This process was complex, as it comprised an amalgamation of components which included some of the migrants' own selection and others over which they had little choice, but around which they had to construct meaning. There was much conflict and contestation in the course of creating 'commonality' and engendering 'groupness'. This study of the Grey Street mosque and the disputes surrounding it, while localised, merits attention because it provides a prism through which to examine and deepen our understanding of community formation and communal disputes in diasporic situations.

This study will also increase our understanding of Islam in colonial South Africa. While South Africa's Muslims are largely viewed as a monolith, not only were there competing voices of authority among Indian migrants, but serious differences existed between the two largest groups of Muslims in South Africa, Malay and Indian.¹⁰ The majority of Indian Muslims settled in KwaZulu Natal and Gauteng, while most Malays remained in the Western Cape. They have different histories, cultures and traditions, which is reflected in respective mosque traditions.¹¹ Muslims began arriving in the Cape from 1658 as slaves from southeast Asia. Some who were brought as slaves had been political prisoners. Over the next two centuries the tradition that developed was one where the Cape Imam 'enjoyed the status of nothing less than a revered Sufi sheikh. In the context of colonialism and apartheid, the mosque and Imam discourse defined leadership and authority in patterns of education, ritual, and community participation.'¹² Slaves and their descendants lived under adverse conditions and the role of Imam was very different from that in Natal. A crucial difference was the migration of moneyed traders to Natal. Differences in historical circumstances and available resources were critical in shaping Islam discourse in Natal.

Natal's Memon Traders

Aboobaker Amod Jhaveri,¹³ Dada Abdoolla Jhavary, Moosa Hajee Cassim, V.M. Jooma, Hassim Joosub, Dada Osman and Omar Haji Amod Jhaveri were part of an affluent stream of Memon migrants from Kathiawar (Kattywar), a peninsula of India within the Gujarat division of Bombay. Porbandar, where the largest Memon capitalists originated, was one of Western India's most active port towns for Indian Ocean trade.¹⁴ Memons are descendants of trading-class Lohanas from Multan, Sindh, who trace their origins to Sayad Eustuf-ud-din Kadiri of Baghdad, fifth in descent from one of Islam's greatest saints, Abdul Kadir Jailani of Baghdad (d. 1165). Memons believe that Kadiri was ordered in a miraculous dream in 1421 to set sail for Sindh and guide its people to Islam. He had a great influence on Markab Khan, chief of the Samma dynasty (1351-1521), who embraced Islam with 700 Lohana families. Kadiri changed their name to *Muamin* ('believer'), which evolved into Memon. They began migrating from Sindh shortly after their conversion and settled in Halai, Kathiawad, Karachi, Lahore and Kutch. Kutchi Memons prospered in Surat at the height of its affluence between 1580 and 1680, but moved to Kathiawad and Bombay when Surat went into decline during the eighteenth century.¹⁵ The number of

Memon migrants to Natal was very small. In fact, there were only around a hundred Memon males in Durban in 1915. However, they were the most affluent Muslim migrants and are rumoured to have brought large quantities of gold and silver from India.¹⁶

Pioneer Porbandrites like Aboobaker Amod, Hajee Moosa Cassim, Dada Abdoolla, Hajee Mahomed Dada and Dada Osman dominated Indian and Muslim society in Natal. Aboobaker Amod Jhaveri¹⁷ is generally regarded as the first Muslim trader to settle in Natal. Born in 1852, he migrated to Mauritius in 1869 and from there to the Transvaal in 1870, before settling in Natal in 1872, where he opened stores in Tongaat, Verulam and West Street.¹⁸ Aboobaker, like other large Memon capitalists, diversified into real estate, as this was one of the few means to earn an interest-free income. He built homes, warehouses and shops in Durban, Verulam and Blackburn. By 1880 he owned property valued at £11,000 and was landlord to 26 tenants.¹⁹ Aboobaker died of cholera in August 1887 at the age of 35 while visiting India.²⁰ His son Ismail, born in Durban in 1876, was the first colonial-born passenger Indian. Ismail and Aboobaker's brother, Omar Hajee Amod (O.H.A.) Jhaveri, were co-heirs of Aboobaker's estate and took over the family businesses and properties.²¹ O.H.A. Jhaveri, born in Porbandar in 1871, joined Aboobaker in Durban in 1884. The cosmopolitan O.H.A. Jhaveri, whose travels took him to the United States, Europe, England, Egypt and India, was very active in public life. He was a loyal supporter of Mahatma Gandhi during the latter's stay in South Africa from 1893-1914, and served as secretary of the Natal Indian Congress (NIC) for several years.²²

The Jhaveri family was closely related to another prominent Memon family, the Jhavary family. The variation in spelling resulted from the vagaries of a local immigration officer. Both families trace their ancestry to Hajee Saleh Mahomed who had two sons, Adam and Amod. Aboobaker and O.H.A. Jhaveri were Amod's sons. They were joined in Natal by Adam's three sons, Dada Abdoolla, Abdul Karrim and Moosa. Abdoolla Hajee Adam Jhavary (1854-1912), known popularly as Dada ('big brother') Abdoolla, left Porbander for Delagoa Bay in 1874, where he opened a store in partnership with Abdul Karrim and Moosa. Dada Abdoolla followed Aboobaker to Natal in 1879. Together with his brothers and cousins, he established Dada Abdoolla and Co. in 1879. By 1890 the company had fifteen branches in Durban, Pretoria, Johannesburg, Heidelberg, Rustenburg, Pietersberg, Umzinto, Umzimkulu, Mozambique and Mauritius.²³ Dada Abdoolla was responsible for bringing Gandhi to Natal and played an influential role in Indian life until his death in January 1912.²⁴ Abdul Karrim was president of the NIC

Durban's 'Memon' Mosque, 1880-1930

27

for several years and intimately involved in religious affairs in Durban through the Grey Street Mosque and Porbander Trust. Moosa, the youngest of the Jhavary brothers, arrived in Natal in 1892. While Dada Abdoolla and Abdul Karrim remained in partnership until their deaths, Moosa dissolved his interest in the partnership in Delagoa Bay in 1888, and operated his own businesses. These included a general dealer's store in Pine Street, the Native Eating House in Queen Street, a Fresh Produce Market at the Grey Street Mosque and a number of properties.²⁵



Grey Street Mosque, c. 1920. The Moosas Building, on the right, was built by Moosa Hajee Cassim, who was one of the first trustees of the mosque.

Moosa Hajee Cassim was another prominent Memon settler. He was one of five sons of Hajee Cassim Tar Mahomed Sayani (1800-1895), an influential figure in nineteenth-century Porbander. Sayani was at one time Prime Minister of Porbander, and acted as Regent in 1872 in the absence of the Rana Sahib. Moosa was born in 1843 and came to Natal in 1875. He started businesses in Natal, Transvaal, the Orange Free State and Mozambique in partnership with his brothers Joosub, Suleman, Ebrahim and Omar Hajee Cassim. Like Dada Abdoolla, Moosa Hajee Cassim purchased a ship and invested heavily in property. The building in his name at the corner of Grey Street and Commercial Road in the heart of what was the 'Indian quarter' of Durban stands as testimony to his affluence. Cassim was involved in numerous public activities until his death in 1921. He was a trustee of the Porbander Trust and Grey Street Mosque, and founder member of the NIC.²⁶

The Hajee Dada Tar Mahomed family was another prominent pioneer Memon family. Brothers Mohamed, Abdoolla and Habib Dada were maternal cousins of the Jhaveri/Jhavary families, and paternal cousins of Moosa Hajee Cassim. Their mother was the sister of Saleh Jhavary while their father was the brother of Hajee Cassim Tar Mahomed. Hajee Mahomed Dada arrived in Natal in 1880 as a junior partner in the firm of Aboobaker Amod & Co. He subsequently opened Hajee Mohamed Dada & Co. with its head office in Durban and branches in Calcutta, Bombay, Delagoa Bay, Maritzburg, Pretoria and Wakkerstroom. Hajee Mohamed was joined by his son Ebrahim and brothers Abdoola and Habib.²⁷ Habib settled in Pretoria in 1890, where he opened Pretoria Shirt & Clothing. Like his brothers in Durban, Hajee Habib was a fervent supporter of Gandhi and secretary of the Pretoria Muslim Congregation and chairman of the mosque trust.²⁸ Memon traders dominated Indian and Muslim economic, social, religious and political life. They were responsible for bringing Gandhi to Natal, some owned ships, erected shops and properties, and built mosques and madressas. The Grey Street mosque, in particular, became a site of contestation, resulting from differences in strategies of settlement, family rivalry, jealousies imported from the homeland, and challenges to trader elites from working-class Muslims as well as non-Memons.

Establishing the Grey Street Mosque, 1881

Early initiatives for mosque-building came from wealthy traders. The *Jumuah Masjid* in Grey Street was Durban's first mosque and remains

Durban's 'Memon' Mosque, 1880-1930

29

the largest in the southern hemisphere. It was founded by Aboobaker Amod and Hajee Mahomed Dada who purchased a site in 1881 from K. Moonsamy for £150 at the corner of Grey and Queen Streets in the heart of what came to constitute Durban's 'Indian quarter'. Land was purchased in the name of the two individuals rather than the Muslim 'community'. Unlike the Cape, where mosques centred around powerful and influential Imams like Shaik Yusuf in the seventeenth century, Tuan Guru (d. 1807) in the eighteenth, and Achmat van Bengalen, Jan van Boughies and Abu Baker Effendi in the nineteenth century, in Natal the affluent classes dominated mosques and claimed the right to leadership of the broader Muslim community even though they lacked theological qualifications. The existing and rather small brick and mortar building accommodated around fifty worshippers. It was extended in 1884 to hold 275 persons. A large verandah at the Grey Street entrance served as a meeting place for Muslims to socialise and discuss community affairs.²⁹ Hajee Dada was the only surviving trustee after Aboobaker's death in 1887. A new Deed drawn up on 2 September 1890 included Abdul Karrim Jhaveri and Moosa Hajee Cassim as trustees. The new Trust purchased an adjoining site for £300 and carried out elaborate expansions during 1903 and 1904 at a cost of £4,000 to accommodate the steadily increasing Muslim population. The capacity of the mosque was increased to 480, while a *wudhu-khana* (ablution facility), two shops and two minarets were added. An unfortunate aesthetic consequence was that the extensions resulted in the mosque being concealed from the street.

The mosque was named *Jumuah Masjid* ('Friday Mosque'), as it was the meeting place of the majority of Durban's Muslims during the Friday prayer. It came to be known among Muslims as the 'Memon Masjid' because Memons built and controlled it. Among non-Muslims, it was known as the 'Grey Street Mosque' because it dominated Durban's skyline. While the mosque stands as a monument to the commitment of pioneer traders, and occupies a special place in the hearts of Muslims as the first mosque and most visible symbol of the Muslim presence in Durban, it was also a major source of hostility. Its history is littered with challenges to the Deed Trust, appointment of trustees, employment of Imams, holding of a *madressa* (religious school) and, generally, issues of good governance. These disputes often involved expensive court cases that threatened to tear the fledgling Muslim community apart. In all instances disenchanted Muslims were forced to resort to the secular courts as a neutral arbiter.



Farmer's Market held in the mosque yard, early 1900s

Memon traders formed a Natal Porbander Trust on 21 August 1891. Its origins can be traced to the Porbander Trust founded in India in 1884 by Moosa Hajee Cassim, Haji Suliman Haji Kasim, Haji Cassim Tar Mahomed, Haji Dada Tarmahomed, Haji Khan Mahomed Hassan and Begmahomed Jina, all related by blood or marriage. Moosa Hajee Cassim wrote to Hajee Dada from Porbander in 1887 to form a section in Natal. According to the Trust's Deed, its three trustees had to be chosen from descendents of Adam Saleh Mahomed (family of Dada Abdoolla, Moosa and Abdul Karrim Jhavary), Hajee Dada Tar Mahomed (Mahomed and Abdoolla Dada), and the Hajee Cassim Tar Mahomed family (Moosa Hajee Cassim and Hassim Joosub). In the event of the death, resignation, absence from the Colony or incapacity of a trustee, a replacement had to be appointed from among the relatives of the trustee being replaced. Thus, for example, Hajee Abdoolla served as trustee when Hajee Mahomed left for India in 1897. The Natal Porbander Trust purchased properties in Grey Street, Gale Street and Cathedral Road on which apartments and shops were built. As per the Deed, income was used for the 'madressa or school for the education of Mahomedan children at Porbander' and for Muslim charitable institu-

tions.³⁰ The Trust Deed was revised in 1899 to increase the number of trustees to seven. The trust in Natal was subordinate to the 'Supreme' body in Porbander. The Natal Trust sent money regularly to Porbander. For example, £1,780 was sent during 1905 and 1906. During this same period, another Porbander merchant Mahomed Haji Abu, who was based in Bombay, collected £6,000 for the Porbander Trust.³¹ The expenditure of these funds by Abdul Karrim Jhaveri on the madressa and girls' school in Porbander was a major issue of contention and resulted in litigation in both Porbander and Natal. Litigation involving the mosque provides a prism through which to examine ethnic, class and 'old world' differences among Muslims.

The missing trust funds

Adam and Others v Dada and Others lasted almost six years from 1906 until the Supreme Court reached its verdict on 4 July 1912. The dispute attracted enormous interest in Natal and India and split the small Memon community down the middle. The origins of this dispute can be traced to Porbander and the struggle between the Jhavary and Begmahomed families (Dada Abdoolla, Moosa Hajee Cassim and Abdul Karrim) and the Tarmahomed family (Haji Dada and Moosa Hajee Cassim) for control of the V.J. Madressa. The trustees of the madressa were Abdul Karrim, Hajee Dada and his brother Hajee Ismail Dada. The Dada brothers felt that Abdul Karrim was using Trust funds on pointless projects and seized control of the Trust. The dispute came to a head on 25 August 1906 when Abdul Karrim's brother, Moosa Jhavary, organised a public meeting of teachers and pupils and took control of the madressa by force. Hajee Ismail filed an application in the Hazur Court that Moosa Jhavary had taken possession of the madressa by 'fraud and encroachment', entered the madressa on 9 September 1906 with his supporters, dismissed the teachers and 'locked the building'. His Highness the Rana Saheb, who was visiting the district, feared a public riot because of the 'keen feeling of resentment'. He sent out police reinforcements and ordered that the madressa be attached, pending an investigation by the state magistrate of Porbander, Gopaldas Virpal. Virpal ruled on 29 October 1907 that Moosa Jhavary's actions were illegal and that Haji Ismail's control of the madressa 'was in accordance of his legal actual right'.³²

On 2 June 1906, Moosa Jhavary's brothers, Abdul Karrim and Dada Abdoolla, instituted a counter-suit in Natal against Hajee Dada, Ebrahim Hajee Mahomed, Hajee Abdoolla Dada, Moosa Hajee Cassim, Ebrahim

Hajee Cassim, Abdool Carrim Joosub and Hassim Joosub. They complained that, after the departure for India of Moosa Hajee Cassim in 1898 and Abdul Karrim in 1901, Hajee Abdoola, the sole trustee, failed to appoint replacements from the respective families of the departed trustees. The Trust had consequently not been legally constituted since 1898 and persons acting on its behalf did not have the power to do so. Hajee Dada, when he returned from India in 1904, signed cheques even though he had resigned as trustee in 1901 and had not been re-appointed. Between December 1901 and 30 June 1905, the Trust's overdraft had increased from £169 to £3,428.

The plaintiffs wanted the defendants to account for monies received on behalf of the Grey Street mosque and Porbander Madressa, repay any monies unaccounted for and appoint new trustees. Because of the complex nature of transactions, A.E. Green and Thomas Winship were appointed in June 1909 to inspect the accounts of the Trusts in Natal, while Indian Barrister K.P. Dodia conducted investigations in Porbander. The referees reported in April 1912 that 'moneys belonging to the trust were applied by some of the defendants to their own use'; there were no vouchers in some instances to corroborate expenditure; some rents were not accounted for; trustees often acted on their own instead of the mandatory three; and there was unauthorised expenditure. The referees concluded that the defendants owed £2,509 to the Trust. Together with a bank overdraft, accountant's fees, interest and fees of the referees, the total liability was £4,437. Justice Broome ruled that trustees and co-trustees at the time of each liability were jointly and severally liable. The Court did not, however, appoint new trustees.³³

This dispute highlighted issues of governance, based in this instance on a family dispute originating in Porbander and involving the three most prominent Memon families in Natal. The dispute illustrated the extent to which pioneer migrants remained wedded to their areas of origin. It also showed that trustees could not exercise their influence arbitrarily but were accountable to some members of the community who, in the absence of overarching Islamic institutions, were willing to take disputes to secular state institutions to put a check on the authority of the most powerful merchants.

No longer a 'Memon Mosque'

This court case reflected differences among family members with roots in the 'old country'. While it reined in the power of trustees, authority remained vested in the hands of a small clique of Memons.

A second dispute had even more far-reaching consequences because the court ordered the inclusion of non-Memons on the Trust. The origins of the dispute are to be found at a public meeting at the nearby West Street Mosque on 31 July 1909. This mosque is known in local parlance as the 'Surti' mosque because it was built by Gujarati-speaking migrants from villages like Rander, Kathor and Tadkeshwar in Surat, Gujarat. It was built in 1885 by A.M. Tilly and Hoosen Meeran, who were prominent traders and representatives on local political bodies. According to the Constitution of the mosque, two trustees had to be from each of Rander and Kathor, and three others from any part of Surat. Trustees had to be Sunni Muslims, own a business in Natal and contribute financially to the mosque.³⁴ Memons and Surtis spoke different languages, came from different regions of India and varied in religious orientation. The *1899 Gazetteer* reported that Memons in Kathiawar regularly visited the shrine of Abdul Qadir Jailani (d. 1165) in Baghdad, Shah Alam at Ahmedabad, Miran Sayad Ali Dattar at Unja, fifty miles north of Ahmedabad, and Khwaja Muin-ud-din Chisti of Ajmer, one of the five great Chisti shaiks.³⁵ The strong faith of Memons in pirs was an expression of their gratitude to saints for converting them to Islam.³⁶

Surtis, in contrast, were influenced by reformist movements. The *1899 Gazetteer* reported that the influence of Wahhabi preachers had resulted in 'a new-kindled zeal for Islam.'³⁷ 'Wahhabism' was a generic term for nineteenth-century reform movements in India which took their name from Muhammad ibn Abd al-Wahhab who attempted to 'purify' Islamic practices in eighteenth-century Arabia by eradicating behaviour not sanctioned by textual sources, eliminating innovations and reducing the power of saints.³⁸ In Gujarat, 'Wahhabi preachers had spread their doctrine with much success'. Many gave up their former spiritual guides and were transferring their reverence 'to the new preachers who have become the leaders in religious matters'.³⁹ Surtis were 'rapidly shedding remnants of Hindu practices as a result of the activity of missionaries'.⁴⁰

The gathering at West Street was eclectic. Most of the 400 worshippers were Surti, but there were some Memons, Konkanis and Miabhais.⁴¹ Abdul Caadir, voted to the chair, explained that the meeting had been convened to discuss their 'concerns' regarding the administration of *Jumuah Masjid*. After brief discussion, they resolved to institute proceedings against the trustees of Grey Street to account for the revenue of the Trusts, set aside the 1899 Deed and appoint new Trustees. A committee of ten was elected to represent Muslims 'in all matters

pertaining to the said action'. The Committee served papers on trustees in September 1909. Trustees responded with a plea in February 1910 questioning the Committee's right to sue them as they were primarily 'members of a Sect of Mahommedans known as Soortis who worship in the Soorti Mosque which is situated in West Street, Durban'. Plaintiffs, in reconvention, denied they constituted a 'sect' and insisted they were, like the trustees, Sunni Muslims fully entitled to pray at Grey Street.⁴²

After litigation involving trust funds had been settled, the Court appointed the Master to investigate the appointment of trustees. His report on 26 June 1915 recommended a change in the ethnic composition of trustees to make it more 'representative' of the Muslim population. This was the first restraint on the unlimited power of Memon merchants. Secular courts were gradually making room for the wider Muslim community to have a voice in the management of the mosque and thus determine its character. On 8 October 1915, the congregation of Grey Street approved the Master's proposal and authorised the preparation of a new Deed, which was confirmed by the congregation on 31 March and registered on 18 April 1916. There were to be nine trustees, five Memons, two Surtis, one Konkani and one 'colonial-born'. In the event of a vacancy the replacement had to belong to the 'class of Trustee whose place it is sought to fill'. Trustees had to choose one of the five Memon trustees as chairman. In the event of a tie, preference was to be given to 'any blood relation of Aboobaker Amod'. Since the chairman had two votes, Memons effectively had six of ten votes on the Trust. This ethnic and linguistic distinction survives into the twenty-first century. The first trustees were Memon traders S.M. Jhavary, Dada Osman, S. Peerun Mahomed, Abdool Gany Sacoor and Suliman Jan Mahomed; Surtis E.M. Paruk and M.C. Coovadia; G.H. Fazloodeen, a trader and son-in-law of Abdul Caadir, was the Konkani representative; while the colonial-born trustee was Deen Fakir Yusuf. S.M. Jhavary was first chairman of the Trust.

The choice of trustees showed that class remained important. With the exception of Yusuf, all were prominent traders. Even Yusuf, because of his education, occupied a privileged position. Both Surti trustees were extremely wealthy. E.M. Paruk arrived in Durban in the mid-1880s and opened a wholesale business under his own name in Commercial Road. He extended his interest to agriculture when he became proprietor of Glendale Sugar Mill and Inanda Tea Estate, making him the largest employer of Indian labour.⁴³ H.C. Coovadia came to Natal in 1881. He established businesses in Maritzburg, Ladysmith, Harrismith and Biggarsberg. In 1886 he opened a retail store in West Street,

another in Grey Street and a third in Pine Street in 1900. Coovadia's Hoosen Cassim & Co. was one of the largest wholesale enterprises in Natal during the first half of the twentieth century.⁴⁴ Konkans were Muslim migrants from Konkan. Arab traders settled on the Konkan coast in western India from the eighth century making Konkans, along with Mapillas, among the oldest Muslim communities in India.⁴⁵ The predominant element in their ancestry is Arab, as they were the progeny of Arab immigrants and Indian women. Konkani dominance of trade and farming declined during the nineteenth century and many began migrating to Rangoon, Mauritius, Zanzibar, Natal and the Cape.⁴⁶ While the majority of Konkans migrated to the Cape, a small number settled in Natal. The most senior Konkans in Natal, Abdul Caadir Kotboodeen (1862-1936) and Hajee Rooknoodeen (1876-1962), were prominent in business, community welfare organisations and politics.

The term 'colonial-born' referred to descendants of indentured Indians who were known locally among Muslims as *Hydrabadee*. This appellation referred to all descendants of indentured Muslims even though the majority embarked from Madras rather than Hyderabad. Deen Fakir Yusuf was the first colonial-born trustee of the mosque. His parents Syed Abdollah and Mariam Bee of Madras arrived on the *Truro* in 1860. After completing his indenture, Syed Abdollah worked as an interpreter at the Durban Central Prison in Stanger Street. Fakir Yusuf, born in Durban in 1879, followed in his father's footsteps. He joined the Durban prison in 1899 as interpreter and later transferred to the Courts.⁴⁷ Yusuf was an active sports administrator and founder member of the *Anjuman Esh-a-tul Islam*. Though he lived in Greyville and was not a regular worshipper at Grey Street, Fakir Yusuf was nominated as trustee by solicitors Doull and Stuart because of his 'out-standing stature' among Muslims.

Who is a 'Mussallee'?

The adoption of the Trust Deed heralded further litigation over who should be considered as a *mussallee*, that is, a regular member of the congregation entitled to participate in decisions affecting the mosque. The Deed did not call for a registry of members and there were no clear criteria for who was eligible to vote on decisions affecting the mosque. This litigation challenged the absolute control of trustees because of their economic position and raised other crucial questions. Did trustees have to be regular *mussallees* of the mosque? Could individuals be trustees of several mosques? Did Surtis constitute a separate sect within Islam?

Latiff Moosa, Shaik Ansary Raboobee and Shaik Ahmed Hoosen, all colonial-born Muslims, applied in September 1917 for the cancellation of the Deed because it had been rejected by the 'congregation', contrary to what the trustees were saying. Other grievances included the excessive authority that the Deed gave to trustees, including complete power to appoint and dismiss Imams; it was virtually impossible to change the Deed because the approval of 95 per cent of the congregation was required; there was no provision for a madressa; trustees refused to pay the salary of a *madressa* teacher appointed by the community; E.M. Paruk and M.C. Coovadia, the two Surti trustees, were simultaneously trustees of the West Street mosque which was 'contrary to Mahomedan Law'; E.M. Paruk, M.C. Coovadia and Deen Fakir Yusuf were not *mussallees* of the Grey Street mosque; the Imam had not been paid for two years; Nathoo Omar, 'a Memon barber', member of the congregation and tenant for eleven years, had been ejected from one of the shops for a Hindu tenant; the trustees intended to carry out expensive alterations without the consent of the congregation; and S.M. Jhavary, the chairman, had not attended the mosque for two years.

The case was heard in the Supreme Court in April 1918. J.S. Wylie and C.C. Collins appeared for the plaintiffs and Harold Stuart for the defendants. They agreed that the only issue to decide was whether the meeting of March 1916 at which the Deed was adopted was a *bona fide* meeting of the congregation, and that, if the court ruled it was a *bona fide* meeting, in future the approval of 75 (as opposed to 95) per cent of the congregation would be required to effect changes to the constitution. Plaintiffs claimed that trustees approved the Deed in October 1915 and called a meeting on 25 February 1916 to get it ratified. The meeting was adjourned because the Deed had not been translated into Gujarati, the language of the majority of the congregation. Gujarati copies were affixed on mosque doors on 27 March together with a notice that the adjourned meeting would take place after the weekly *Jumuah* (Friday) prayer on 31 March 1916. Trustees proceeded with the meeting even though some members of the congregation protested that the notice period was too short. However, most of the 300 people who attended *Jumuah* walked out in protest when worshippers from West Street joined the meeting and Dawud Mahomed, 'a West Street man', was elected chairman ahead of Molvi Fateh Mahomed, who usually chaired meetings. The meeting, 'consisting almost entirely of worshippers from West Street', confirmed the Deed even though it had nothing to do with them.

Disgruntled members of the Grey Street 'congregation' rejected the deed unanimously on 4 June 1916. Their 'informa' protests to trustees were ignored. At a subsequent meeting on 27 July 1917, attended by approximately 250 people, Molvi Fateh Mahomed reiterated the grievances of the congregation and launched an emotional attack on trustees:

Brothers, you are aware that the so-called Trustees have never been confirmed by this Congregation. They act strangely against our Religion. We do not know by what power they are doing all this. As you all know we never confirmed them and we never confirmed the Trust Deed, but entirely they are doing on their own responsibility, and bulk of our work they are doing against our Religion and against the wish of the Congregation.

Latiff Moosa, Shaik Ansary Raboobee and Hoosen Bux were elected by the congregation to get the deed declared null and void.

During the court case a stream of witnesses testified that the meeting had been 'usurped' by the congregation of West Street. According to Hoosen Bux, West Street members assembled at the meeting spot before worshippers from Grey Street could take their place. Abed Mulla proposed Dawud Mahomed as chairman. The nomination was seconded by E.C. Paruk and carried. Bux claimed that all three were 'West Street men'. Grey Street members objected to Dawud Mahomed's nomination because 'he is a Surti. Surtis came of their own accord because they are influential and rich men.' When objection to Dawud Mahomed's nomination was ignored, 'every person who could properly be described as a member of the Grey Street mosque' left even though they outnumbered West Street members by approximately 200 to 125. Contrary to Bux, Mulla and Paruk claimed that although they were Surtis they worshipped at Grey Street because their homes and businesses were less than fifty metres from the mosque. Fateh Mahomed submitted an affidavit on 28 August 1916 that he left as soon as Dawud Mahomed was elected chairman and that a 'large majority' of Grey Street worshippers left with him. He provided 242 signatures of worshippers who walked out in protest. Nathoo Omar also testified that the meeting had been usurped by Surtis. Asked how he knew this, he replied: 'We know that certain people are Surtis and certain people Memons. Some may have been born in India and some here. We may not know the names but we know that they are Surtis by sight'. Mustapha Osman told the court that he could tell the difference between Surtis and Memons 'by their talk'. According to Dada Osman, the *bona fide* congregation of Grey Street had told S.M. Jhavary: 'we don't recognise that meeting as a meeting of the congregation', and left the mosque 'because we thought there might be a fight if we rowed any more. Why should

they come here? We never go to their mosque.' He feared that 'the people from West Street are influential, and the Grey Street people might be influenced by these people and may not object...'. Dada Osman maintained that Muslims could only pray at one mosque, where they would be counted as *mussallees*. Surtis who prayed at both mosques 'could stand separately and contribute to the discussion but not vote.'

Defendants, for their part, acknowledged that Dawud Mahomed had been elected chairman, but said that around twenty 'spectators' from West Street were present but did not participate in the meeting. Dawud Mahomed was elected chairman because of his 'outstanding position in the Mahomedan community of Durban'. A.H. Kazi was elected secretary for the same reason. Kazi, in fact, lived close to Grey Street and had worshipped there until 1912. He switched to West Street because of 'perennia' in-fighting at Grey Street. Neither Kazi nor Mahomed voted. Memons constituted a minority of the congregation even though they controlled the mosque. E.C. Paruk testified that, on average, around thirty of the 300 Friday worshippers and five or six of the thirty daily worshippers at Grey Street were Memon. On a day-to-day basis the actual struggle was between Surti traders and working-class Hydrabadees who made up the majority of the congregation. Hydrabadees were determined to curtail the influence of Surtis in the mosque. Surtis, after all, controlled the nearby West Street mosque. Hydrabadees sought to prevent them running both the major mosques in Durban because the control of mosques meant the power to impose traditions, beliefs and practices as hegemonic.

Dawud Mahomed, at the centre of the controversy, told the court that he had settled in Durban in 1880 and had prayed many times at Grey Street even though he was a Surti and trustee of West Street. 'No month ever passed without my worshipping at the Grey Street mosque'. He had chaired meetings at the mosque on previous occasions and was often invited during social functions and to hand out prizes. Mahomed had attended the meeting 'to give my congratulations to the people on account of the end of the litigation of the past 15 years which was drawing near as the deed was to be passed that day'. After taking his place as chairman, he announced that only 'regular worshippers' could participate in the meeting and read out the relevant clause from the deed:

Only regular worshippers of the Mosque of full age, that is, 21 years, shall be entitled to vote. By 'regular worshippers' is meant those who make a practice of worshipping at the Grey Street Mosque on Fridays and who do not habitually attend any other Mosque on other days. In the event of any question arising as

to whether any particular person is or is not a regular worshipper the decision of the Senior Imam of the Mosque shall be conclusive.

Dawud Mahomed maintained that only 'regular worshippers' participated. West Street members stood outside the hall and did not speak or vote. Dawud Mahomed added that 'some ill feeling is originating between Memons and Surtis because of this litigation'. Other regulars at Grey Street like Hajee Rooknoodeen, G.H. Fazloodeen, E.C. Paruk and Mahomed Abed, and trustee Deen Fakir Yusuf, corroborated Dawud Mahomed's testimony.

Two issues were crucial for Justices Dove-Wilson, Hathorn and Tatham: first, whether anyone other than the Imam was eligible to chair the meeting and, second, who could be considered a 'member' of the congregation. Fateh Mahomed stated that he, as Imam, should have chaired the meeting, and quoted the great Islamic work *Alamgir* to this effect. He had chaired every meeting at the mosque 'for years' and worshippers took it as his 'right'. A.H. Kazi translated the passage in *Alamgir*, quoted by Fateh Mahomed, as follows: 'if a congregation appoints any trustee to manage the affairs of the mosque he can be appointed as a trustee though he may not be a worshipper of the mosque'.⁴⁸ After studying the translation, the Justices concurred with the opinion of Kazi and A.K. Seepye that at a 'business meeting, the congregation was free to choose anyone as its chairman'. The Imam, 'who seemed to claim that he had a right to officiate as chairman of every meeting, is wholly unsupported by any trustworthy evidence', Judge President Dove-Wilson said.

Regarding the definition of a 'regular' worshipper, Fateh Mahomed told the court that a 'regular' worshipper was one who prayed at the mosque five times daily. Individuals who worked a long distance from the mosque should at least attend the dawn and night prayers. According to witnesses, only around thirty worshippers met this definition. Asked if his conditions were based on religious doctrine or custom, Fateh Mahomed said that this was laid down in 'religious books', and quoted passages in Urdu from the great Hanafi scholar Ala' al-Din al-Haskafi's *Durr al-Mukhtar*.⁴⁹ Kazi translated the passage as follows: 'If the neighbourhood of the mosque intends to alter the mosque they may do so provided they were all of the same neighbourhood. It is preferred against those who were not of the same neighbourhood.' Seepye testified that, according to *Alamgir*, it was only compulsory to say the Friday prayer at the mosque. Since Muslims could pray their daily prayers anywhere, those who prayed at the mosque on Friday qualified as 'regular' worshippers.

Kazi challenged Fateh Mahomed's right to call himself 'Molvi'. Fateh Mahomed had told the court that he was a Molvi. While he did not have a certificate 'as having passed as a Molvi', he was given the title 'Moulana Molvi' because he was learned and was the head priest of the mosque.⁵⁰ Kazi told the court that the equivalent of an Imam was a priest, while a Molvi was closer to a magistrate because he 'has the power to see and go into a matter and find out whether it is according to their religion or not. He cannot disapprove of something unless he will prove it from religious books.' Kazi was formally qualified as a Molvi though he was a businessman. Fateh Mahomed was an Imam but not a Molvi because he lacked formal qualifications. Fateh Mahomed's authority, as far as Kazi was concerned, should be confined to leading the prayer and carrying out ritual services at the Grey Street mosque. He lacked appropriate qualifications to transcend the Grey Street mosque and represent the wider Muslim community on matters of theology.

The Justices concluded that the passages from *Durr al-Mukhtar* merely stated that those who lived in the vicinity of a mosque or helped in its construction had a greater say in its affairs. According to Justice Dove-Wilson:

Fateh Mahomed was unable to direct us to any passage in any of these books which in any way supported his contention. On the contrary, the passages he quoted in no way bear out his contention. And the evidence is uncontradicted that, according to the Mahomedan religion and practice, daily prayers may without offence be offered anywhere, and not necessarily in a mosque, whereas on Fridays attendance at the mosque to pray is compulsory. It therefore seems to me to be much more rational to take it that the membership of the congregation is to be determined by regular attendance upon Fridays.

Justice Dove-Wilson found the story of the plaintiffs 'extraordinary and improbable'. He considered it 'norma' for West Street members to attend the meeting because it was anticipated that it 'would see the end of ten years during which the mosque had been unhappily torn by dissensions and litigations which were no credit to the Mahomedan community as a whole'. He did not accept that Grey Street members had been displaced by worshippers of West Street who, 'for no reason that is apparent, saddled the Grey Street congregation with a Trust Deed which they had no opportunity of pronouncing on, and objected to'. Dove-Wilson considered it 'incredible that the congregation should have tamely submitted at the time of the meeting, or at least, should not immediately thereafter, and with every manifestation of united indignation, have risen and repudiated the meeting of 31 March'. Grey Street members failed to provide a believable explanation for walking

away. Dove-Wilson also took into consideration that because no protest was addressed to the trustees from 31 March to 4 June 1916, trustees justifiably proceeded as if validly appointed. Dove-Wilson gave judgement for the defendants. Justice Tatham agreed that the story of the plaintiffs was 'improbable':

I cannot leave this case without expressing very great regret that all this money should be wasted in litigation which might be devoted to religious and charitable purposes; apart altogether from the bitter feelings which must necessarily arise from litigation of this character.

Judgement was given against the plaintiffs with costs, though the Deed was altered so that future changes to the constitution would require the approval of 75 per cent of the congregation. The appeal of the plaintiffs was dismissed on 2 December 1918.⁵¹ This attempt by the mainly working-class members of the congregation, who rallied around the enigmatic figure of Molvi Fateh Mahomed, failed to reduce the power of trustees and increase their own say over how the mosque was run. Muslim elites continued to dominate the two largest mosques in Natal.

Molvi Fateh Mahomed: A thorn in the side of trustees

Molvi Fateh Mahomed (1867-1929) was a pivotal figure in the mosque during the first three decades of the twentieth century. He was Imam from the mid-1890s until his death in September 1929. He had the support of the majority of the congregation and was the focal point of several disputes with trustees. Fateh Mahomed's popularity stemmed from his being a charismatic figure, his position as leader of the prayers, and provider of counsel and juridical advice. He earned the wrath of trustees by questioning their policies. This was unusual in Natal where, unlike the Cape, mosques were mostly built by wealthy traders who invited religious scholars to serve them. Imams depended on trustees to gain entry into the colony and remained in a relationship of patronage as they lacked an independent income. Imams adopted an autonomous position at their own peril. Fateh Mahomed was an exception because he was not prepared to share his leadership with other interest groups; in particular, he challenged the authority of trustees.

Fateh Mahomed was born in Surat in 1867 to Cassim and Karimbibi Mahomed. He was brought to Natal in the mid-1890s by the trustees of Grey Street to perform the duties of Imam at the mosque. He married Zaithunbee in Natal in 1910. She was the colonial-born daughter

of indentured migrants M. Sahib (3914) and Moideen Bee (2762). This accounts for his roots among Durban's working class Muslims. Fateh Mahomed's refusal to comply with the wishes of trustees increased their resolve to get rid of him. His problems started when the new Deed was registered in April 1916. In accordance with Clause 17 of the Deed, which empowered trustees to 'engage Imams, secretaries, servants . . .', the trustees requested that all employees re-apply for their respective positions. Fateh Mahomed refused because he viewed this as an attempt by trustees to get rid of him. Trustees continued to pay his salary of £12 per month, but he said that he would only accept it when he received formal notification of employment. In the interim, Fateh Mahomed received financial support from the congregation: 'many people show me respect by giving me money', he told the court.

In a letter to trustees on 25 September 1916, Fateh Mahomed criticised the autocratic manner in which they adopted the Deed. At a trustees' meeting on 18 October 1916, M.C. Coovadia proposed and E.M. Paruk seconded a resolution that if Fateh Mahomed did not withdraw his remarks by 25 October his services should be terminated on 1 November and he should be required to vacate the mosque premises by 30 November 1916. When notified of this resolution, Fateh Mahomed wrote to G.D. Mackeurtan, secretary of the Trust, on 25 October 1916 that the words of the trustees were not 'worth the paper they were written on' and that they had no power to terminate his services because he had the support of the congregation. Fateh Mahomed continued to perform the duties of Imam without salary. By refusing the salary Fateh Mahomed was able to distance himself from the economic and political clout of trustees, and carve an independent religious space within the mosque because of his proficiency in Islamic learning. Trustees did not appoint another Imam nor did they interfere with his functions. Fateh Mahomed continued to chair meetings of the congregation and reside in the Imam's official apartment.

This stalemate continued for six years until trustees decided in 1922 to sue Fateh Mahomed for rent of £2 per month for the period 1 September 1916 to 30 April 1922 in response to 'agitation' by the congregation. The trouble began at a trustees' meeting on 23 May 1922 when Abdul Wahab (Kotboodeen), the Konkani representative on the Trust, proposed that Fateh Mahomed 'be confirmed in his appointment as Imam'. Deen Fakir Yusuf, the colonial-born trustee, objected that the Trust could not 'confirm' an appointment that had not been made. Chairman S.M. Jhavary refused Wahab's request that the motion be put to the meeting and ruled in Yusuf's favour. Wahab

objected that there was little point in appointing trustees if the chairman overruled them autocratically. When Wahab asked Jhavary what remedy trustees had under these circumstances, the chairman replied 'the Supreme Court' and terminated the meeting.

Matters came to a head at a meeting of the congregation on 23 November 1923 to determine Fateh Mahomed's status. The crowd numbered around three hundred with a strong legal presence as litigation was anticipated: M. Goulding of Robertson and Goulding; Cecil Cowley, of Cowley and Cowley, who represented the congregation; and A. Cunningham, of Geo. Mackeurtan, who represented the Trust. A.H. Buksh, a colonial-born Muslim, proposed that Fateh Mahomed take the chair. Chairman S.M. Jhavary objected that Buksh was not a regular worshipper and 'poured a torrent of abuse' upon him: 'You are a rogue, a thief, and a liar. You are a fugitive from justice. You created mischief at Zanzibar and you are trying to do the same here. I shall get you deported.' While the majority of the congregation were loyal to Fateh Mahomed, a source of guidance and knowledge to them, trustees were determined to maintain their central role in mosque leadership at all costs. Jhavary arrived for the meeting with a throng of bodyguards. According to court records, Pathans, migrants from Afghanistan who were with Jhavary, 'brandished their sticks in the air and threatened to assault the leaders of the congregation . . . a hubbub arose, sticks were brandished, and several fist fights ensued'. Jhavary and his bodyguards were no match for the large crowd. They were assaulted and forced to flee.

The hostility between the majority of the congregation, who insisted that Fateh Mahomed should be retained as Imam, and trustees, who wanted to dismiss him, was resolved in the Supreme Court in 1925 when Justices Tatham, Hathorn and Carter ruled that Fateh Mahomed was the *de facto* Imam and that the termination of his services in 1916 was invalid. The Justices found that only two trustees, S.M. Jhavary and Deen Fakir Yusuf, and not the five stipulated by the Deed, were present when Fateh Mahomed was dismissed. They also heard that S.M. Jhavary, chairman of the trust and 'Fateh Mahomed's chief opponent', used the Imam's services during this period in connection with several deaths in his family, and gave fees normally paid to the Imam for carrying out religious duties. The Justices also questioned why trustees had not appointed a replacement if they believed that Fateh Mahomed had been dismissed. This, the Justices said, amounted to 'gross dereliction of duty'. The court also learnt that on 8 March 1919 Harold Stuart, acting for the trustees, and Doull, for the congregation, reached

an agreement to withdraw the notice to the Imam; pay his outstanding wages; and alter the Deed to give the congregation more voice in the appointment and dismissal of Imams. This agreement was conveyed to the congregation and published in *Indian Views* and *Indian Opinion*, local newspapers widely read by Indians. While this was not a legally valid agreement, it signified public recognition that Fateh Mahomed was the Imam. Justice Tatham was scathing of the litigants:

Ever since 1916 up to the present there has been continuous litigation between the two factions forming the congregation of the Mosque. That litigation has twice been taken to the final Court of Appeal in this country. It has been before this Court on many occasions. It has involved enormous expense, but, worse of all, it has caused great bitterness between the people, resulting, on one occasion at least, in personal violence. It is time that it came to an end. . . Trustees do not possess autocratic powers. They are not entitled to ride roughshod over the congregation in regard to the appointment of a spiritual adviser.⁵²

The decision of the court was another, albeit slight, check on the power of trustees. Fateh Mahomed gained the commitment of the congregation by providing education, leading the prayer, guiding ritual services, and nurturing on a personal basis. This support was crucial in his struggle with trustees. Fateh Mahomed was highly respected among the Muslim masses, and involved in many aspects of Durban Muslim life. For example, he helped set up the Durban Abattoir to ensure that animals were slaughtered according to *shariah* (Islamic law) and gave evidence on Muslim marriages to the Solomon Commission in 1914. *Indian Opinion* reported on his death as follows:

The late Moulvi Sahib was for many years high priest of the Grey Street Mosque and there was hardly any public function in which he was not present. The learned Moulvi was held in high esteem by his co-religionists and had won the respect of the community by his amiability. As a mark of respect the Moslems of Durban closed their businesses for half-a-day on Friday. The service at the Grey Street Mosque at 10 a.m. on that day was most impressively conducted by Moulvi Chotoo Mia and the funeral procession which was representative of every section of the community was the largest of its kind known in the past few years. The gap left by the late Moulvi Fateh Mahomed will perhaps be filled but that familiar face with the flowing white beard and headed by a snowy white turban will be long missed. Our deepest sympathy goes out to the bereaved family and the Moslem community in the great loss they have sustained.⁵³

Despite not being paid by trustees for many years, Fateh Mahomed did very well from 'gifts' from supporters and those for whom he performed religious services. At the time of his death he owned three large properties in Durban and Clairwood, whose value was a considerable £3,400. Although the court ruled in his favour in 1925, the trustees did not pay Fateh Mahomed's salary even though he retained his posi-

tion as Imam. However, after Fateh Mahomed's death on 7 November 1929, his estate successfully sued trustees for outstanding wages of £430 for the period April 1926 to September 1929.⁵⁴ While trustees and other traders questioned his credentials, Fateh Mahomed was highly respected, particularly among the working classes. At the Grey Street mosque, he cultivated patronage and respect on a personal basis through rituals, education and spiritual learning. This clearly brought him material rewards. He was involved in endless disputes with trustees. As one of several adversarial interest groups in the mosque, he was a thorn in the side of elite trustees who were not prepared to tolerate his autonomy

Conclusions: A community of communities?

This study of the Grey Street mosque underscores the important social role of mosques in helping Muslim migrants coalesce into a community in diasporic situations. Most migrants arrived as individuals and mosques helped them adapt in the strange environment by facilitating contact with other Muslims. By drawing Muslims together, mosques helped preserve Islamic identity. They were the most visible symbol of the Muslim presence in Natal and reinforced the permanent, rather than transitory, nature of Muslim settlement in the colony.

Mosques, however, were not neutral 'houses of God' that Muslims frequented for prayer. They were an arena of contestation where differences among Muslims were played out. Although seen to constitute a homogeneous 'Muslim community' by outsiders, in reality Muslims were highly stratified and composed of a multi-ethnic and divided community of believers. Islam was one element of migrants' multi-faceted identities. Class, region, language and ethnicity had equal purchase on migrants and shaped congregational religious life in fundamental ways. Mosques reflected these divisions. They were usually built to serve the needs of specific class and ethnic groups. Affluent traders with financial resources led the way in mosque building. Memons were the first to build a mosque, with Surtis following soon after. This reinforced the ethnic and class focus of religious life. Traders continued to play a significant role in both mosques. Control of mosques brought prestige and honour to trustees, and permitted them to determine practices, beliefs, traditions and religious orientation. The nineteenth century was also marked by intense contestation for mosque control in the Cape, and defining the functions of mosques and role of Imams in civil society.

Our study of the Grey Street mosque underscores differences among Muslims. The mosque had a special standing among Muslims. As the

'Grand Mosque' it was, conversely, a prize worth tussling over. There were many challenges to Memon control. These challenges on the basis of class, ethnicity or good governance showed that the small diasporic community of Muslims did not subsume differences under the broad umbrella of 'Islam', but was riven by conflict. Unlike the Cape, where the mosque tradition did not tolerate non-clerical leaders if they were not supported by religious leaders,⁵⁵ wealthy non-clerical traders dominated mosque leadership in Natal. Trustees were intolerant of challenges to their control, including opposition from Imams who often commanded the allegiance of the congregation. Mosques did not have an independent existence. They were not neutral arenas where differences among Muslims were temporarily set aside. Mosques reflected the prevailing power structure in Muslim society. Education and urbanisation, and the increasing use of English, did not break down barriers during the course of the twentieth century. On the contrary, as descendants of indentured migrants achieved education and economic mobility, contestation for control of mosques became sharper and resulted in violent confrontations by the 1970s.

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NOTES

1. After one of several litigations involving the mosque, Justice Dove-Wilson called for an end to 'ten years during which the mosque had been unhappily torn by dis-sensions and litigations which were no credit to the Mahomedan community as a whole'.
2. The author would like to thank SEPHIS, the Institute of International History, Amsterdam, for a research grant to complete this project.
3. 152,641 workers were brought to Natal as indentured immigrants between 1860 and 1911, mainly to work on the sugar plantations.
4. Swan, *Gandhi*, 6.
5. See Freund, *Insiders and Outsiders*, 1995.
6. While race, meaning the superficial division of people according to colour, has no scientific basis, it has historically been a social fact in South African society and is used in this paper without inverted commas. Differences of religion, language and customs were so great amongst Muslims that it is more accurate to look at them as a 'racial' and religious group comprising a number of ethnic groups. While race (Indian) was an identity imposed by the state, ethnicity was self-imposed and became relevant in relations among Muslims. As far as class is concerned, as Cohen has noted, 'a person's class is established by nothing but his objective place in the network of ownership relations, however difficult it may be to identify such places neatly' (Cohen 1985: 13). Community, as used in this paper, refers to a sense of shared identity among people who may not have met at all rather than a group with a fixed local territory. According to Cohen, it is the 'arena in which people acquire their most profound and substantial experience of social life outside the confines of the home. Community, therefore, is where one learns and continues to practice how to be social.' (Cohen 1985: 15).
7. Swanson, 'Asiatic Menace', 421.

8. See Aiyar, *Indian Problem*, 1925; Calpin, *Indians in South Africa*, 1949; Joshi, *Tyranny of Colour*, 1973; Polak, *Indians of South Africa*, 1909.

9. See Vahed, 'Mosques, Mawlanas, and Muharram', 2001.

10. Jeppie (1987) has shown that there is no such group as 'Malay'. While this term may not have a foundation in social science it is used here because it has been widely internalized by most South Africans to refer to the 'Coloured' Muslims of the Cape.

11. See Tayob (1999) and Jeppie (1996).

12. Tayob, *Islam in South Africa*, 20.

13. This paper adheres to South African usages in the transliteration of names and Arabic terms. While this might be confusing from an 'Arabist' this is how the names and terms appeared in official documents, memorials, identity documents and newspapers during the period under review as well as in the contemporary era. There is additional variation in spelling in relation to words like 'Muslim' and 'Moslem' when these are quoted from newspapers or court records. South African usage is important for referencing purposes.

14. *Gazetteer, Kathiawar*, 1884, 162.

15. *Gazetteer, Musalmans and Parsis*, 1899, 50-51.

16. Padayachee and Morrell, 'Dukawallahs', 91.

17. See Vahed 'Jhaveri', 2005.

18. Meer, *Indentured Labour*, 391.

19. Durban Archives Repository (TBD), Borough Surveyor's Office 1899, Durban Town Clerk's Files (3/DBN), 3A/DBN Transfer List.

20. *Natal Mercury*, 11 August 1887.

21. Bramdaw, *Who's Who*, 1960, 225.

22. Bramdaw, *Who's Who*, 1939, 120; Pietermaritzburg Archives Repository (NAB), Master of the Supreme Court. Estates (MSCE), 37673/1943.

23. Britton, *Gandhi*, 47; NAB, (RSC), 1/5/40, 54/1892.

24. See his obituary, *Indian Opinion*, 3 February 1912.

25. NAB, MSCE 3962/1918.

26. NAB, MSCE 6274/1921.

27. NAB, Immigration Restriction Department (IRD), 1/5/270, 53/1911.

28. Bramdaw, *Who's Who*, 1939: 111.

29. Sulliman, 'Juma Masjid', 12.

30. NAB, RSC, 1/5/270, 1909.

31. NAB, RSC, 1/5/270, 52/1911.

32. NAB, RSC, 1/5/270, 53/1911.

33. NAB, RSC, 1/5/270, 53/1911; *Natal Law Reports*, 1912, 495-510. Trustees were liable as follows:

Name of Trustee	Amount due £	Period	Liabile Co-Trustees
Moosa Hajee Cassim	430.12.3	1888-1899	Acting alone
Moosa Hajee Cassim	119.14.3	03.1899-08.1901	Hajee Abdoola Dada
Hajee Abdoola Haji			
Dada	2460.3.2	09.1901-12.1904	Ebrahim Hajee Cassim
Hajee Mahomed Dada	654.11.8	1.1.1906-02.1906	Ebrahim Hajee Cassim
Hassim Joosub	228.17.6	02.1906-05.1906	Ebrahim Hajee Mohamed
Hajee Mahomed Dada	489.8.6	1890-1894	Private Books of H.M.H.D.
Haji Abdoola Haji Dada	25.15.2	1902-1904	Acting alone
Hassim Joosub	12.6.5	02.1906-05.1906	Ebrahim Hajee Mohamed

34. 'Deeds of Transfer Constituting the Juma Musjid', 16 January 1899, in Sulliman, 'Juma Musjid', 22.
35. *Gazetteer* 1899, 56.
36. Moomal, *End of the Road*, vi.
37. *Gazetteer* 1899, 61.
38. Robinson, 'Religious Change and the Self', 1.
39. *Gazetteer*, 1899, 61.
40. *Gazetteer*, 1899, 61-6.
41. NAB, RSC, 1/5/270, 52/1911. 'Konkani' referred to a small number of migrants from the Konkan, while 'Miabhai' referred to Urdu-speaking migrants, mainly from Rander.
42. NAB, RSC 1/5/270, 78/1911.
43. NAB, MSCE, 1082/1954.
44. NAB, MSCE 18488/1932.
45. Khalidi, 'Konkani Muslims', 127.
46. *Gazetteer*, 1909, 263.
47. NAB, MJPW 146, 2064/1910.
48. *Fatawa al-'Alamgiriyya* (Hanafi), vol. 2, 1034. Aurangzeb, the third son of the emperor Shah Jehan, was born on 21 October 1618. Though younger than his two brothers, Dara Shikoh and Shuja, he distinguished himself as an able administrator and was a great scholar of Persian, Arabic and Hindi. Aurangzeb challenged the rule of his father and succession of Dara Shikoh and was victorious in battle. In July 1658 he ascended the throne as Alangir and reigned supreme until 1707. Aurangzeb was a deeply religious man. He was the only great Mughal not to build large buildings, except for the Badshahi Mosque in Lahore. He got scholars to compile the *Fatawa al-'Alamgiriyya* (Hanafi) between 1685 and 1707.
49. Ala' al-Din al-Haskafi. eleventh century. *Durr al-Mukhtar* ('The Chosen Pear'), volume 2, page 569. The *Durr al-Mukhtar* is one of the central late texts of the Hanafi school. Its author, Ala' al-Din al-Haskafi was the Grand Mufti of Damascus during the seventeenth century and his works, particularly the *Durr al-Mukhtar*, profoundly influenced all subsequent texts. The contemporary version is edited by Mohammad Hallaq and Amer Husian and published by Dar Ihia al-Turath al-Arabi-Libanon.
50. NAB, RSC 1/5/307, 7/1/1917.
51. NAB, RSC 1/5/307, 71/1917.
52. NAB, RSC, 1/5/351, 86/1924.
53. *Indian Opinion*, 15 November 1929.
54. NAB, MSCE 1926/1929.
55. Tayob, *Islam in South Africa*, 27.