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Shifting Grounds: A.I. Kajee and the Political Quandary of ‘Moderates’ in the Search for an Islamic School Site in Durban, 1943–1948

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Abstract

This article examines the attempts in the 1940s of A.I. Kajee and the Orient Islamic Educational Institute to secure a site for a world-class, modern boarding school for Muslim children in Durban. While the Institute would eventually build a school in 1959 that fell far short of its original vision, their struggles highlight several key issues related to Indian minority politics and the racialised South African state in the 1940s. In a context where anti-apartheid historiography is dominated by those aligned to Congress traditions, this article explores the motivations and actions of ‘accommodationists’, who sought concessions from the state through conciliation at a time when their relationship with the central state conceded ground to rising populist politics around white fears of ‘Indian penetration’. Kajee’s increasingly frustrated efforts to employ a once-successful cooperative strategy reveal the uneven course of change in the ideologies of racial rule in South Africa, from an incorporationist imperial paternalism to an expulsory race nationalism. The case also exposes competing interests between the different levels of government in the quest for a unified white nation-state, with pressure for segregation more virulent at local level than articulated by the Smutsian cabinet. It offers insight into the experiences of leaders whose basis of authority in politics, rooted in a tradition of patronage, was waning. Struggles for civic recognition were moving towards an emergent new leadership of professionals and trade unionists, who increasingly garnered support from a nascent urban working class.

Key words: Islamic schooling; A.I. Kajee; Natal Indian Congress; Indian Diaspora; Durban; urban segregation; racism; Smuts; Orient Islamic Educational Institute; politics of accommodation

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Between its official founding in 1943 until 1948, men who belonged to the Orient Islamic Educational Institute (Institute), an organisation active from the 1930s but formally constituted in 1943, were preoccupied with locating a building site for a world-class preparatory boarding school for Muslims in Durban. With a trail of broken deals that had disappointed them in the 1930s and the emergence of wartime race populism that revolved around white fears of ‘Indian penetration’, the challenges of the new decade were championed by Abdulla Ismail ‘A.I.’ Kajee, one of the foremost leaders in Indian Congress politics in South Africa and formidable spokesman for the Institute in its quest for ‘a modern educational institution founded on Islam’.¹

In examining Kajee’s political battles over land for the proposed school, this article considers the racial politics of the white protagonists in local, provincial and national governments, interrogating tensions between these levels, as well as the motivations and modus operandi of the likes of Kajee, who sought concessions from the state through negotiations, compromises and informal access to the levers of power. The existing literature on people of Indian ancestry in Durban during this period tends to focus approvingly on the radicalising politics of the period, which displaced Kajee’s cohort of ‘moderates’. This new leadership’s cross-racial alliances and willingness to confront the state through organised resistance campaigns at the national level brought new momentum to struggles for civic recognition and exposed the accommodationist strategies of the old guard as, at best, ineffectual pandering. By presenting an in-depth case study, this article provides an opportunity to examine the political work of Kajee and his colleagues, to understand how the strategy of accommodation operated in the particular racial context of mid-twentieth-century South Africa, and to consider its failures in the light of ideological and structural changes in the nature of racial rule.

This article is set against the backdrop of significant developments across the country in the 1940s. The early war years were a period of rapid industrialisation and urbanisation resulting in the need for labour, and migration to the cities impacted on the fabric of black lives in a number of ways. In Natal, this period saw many of the descendants of indentured migrants abandoning market gardening to seek work in the factories.² Government trailed behind in these developments. Philip Bonner points out that

the Second World War transformed the face of South Africa like no other era since the reconstruction period following the Anglo-Boer War. Unlike reconstruction, however, the war years were without major state initiatives or aggressive social engineering.

In fact, the state lacked

coherence and capacity. The 1940s state was a jungle of tangled, conflicting jurisdictions. Numerous organs of local and central government competed to assert their authority, inducing institutional paralysis [...] The 1940s state was unusually fissured internally and incapable of action. As a result policy was invariable reactive, groping and piecemeal.³

1. Orient Islamic Educational Institute (OIEI) Archives, Durban, A.M. Moolla, Speech Transcript. The Orient Islamic Institutes’s Educational Centre, *Opening Ceremony Brochure*, 30 April 1960.
2. G. Vahed, ‘Control and Repression: The Plight of Indian Hawkers and Flower Sellers in Durban, 1910–1948’, *The International Journal of African Historical Studies*, 32, 1 (1999), 19–48.
3. P. Bonner, ‘Eluding Capture: African Grass-roots Struggles in 1940s Benoni’, in S. Dubow and A. Jeeves, eds, *South Africa’s 1940s: Worlds of Possibilities* (Cape Town: Double Story, 2005), 170–191.

While South African Prime Minister General Smuts understood that industrialisation affected the entire South African population, he was not prepared to shift from his political project of constructing a nation on the basis of uniting English and Afrikaner. Bill Freund suggests that Smuts' 'own conventional racist beliefs coupled with his sense of the white public gave him no interest in dismantling this apparatus'. But Smuts was prepared to 'pave the ground socially, educationally, spatially, economically for a black population that could function in an urban and industrial setting'.⁴ In the case of migrants from the sub-continent, Smuts had to bear in mind special arrangements with India, as well as broader imperial directives, in formulating policies specific to residents of Indian origin and ancestry. The case of Kajee's quest for land for a school indicates the increasing power of grassroots racial mobilisation in the locale of English Durban in exerting pressure for residential and other forms of segregation.

Race, space and Indian politics in 1930s Natal

Migrants from India began arriving in Natal from 1860 as either indentured or free migrants. Following the granting of Responsible Government to Natal in 1893, the colonial administration passed a slew of measures to restrict free Indian immigration, voting and trading rights and to encourage indentured migrants to repatriate following their contracted period of labour. The Natal Indian Congress (NIC), under the leadership of Mohandas K. Gandhi,⁵ was formed in the same year to resist these measures, but by the time Gandhi left South Africa in 1914 the subaltern status of Indians had been firmly formalised in law.⁶ The period after the First World War witnessed intensified agitation amongst whites for anti-Indian legislation and, under pressure from the Imperial government, the Union government participated in a roundtable conference with the Imperial and Indian governments. This produced the so-called Cape Town Agreement of 1927, which had three main provisions: a system of voluntary Indian repatriation, governmental agreement to 'uplift' the social and economic position of those who remained in South Africa, and the appointment of an Indian 'Agent' to facilitate relations between Indian people in South Africa and the Union government.⁷

Amongst other things, the first Agent, Sir Srinivasa Sastri, warned South African Indians not to forge political alliances with Africans and Coloureds if they wished to benefit from the patronage of the Indian government.⁸ He also stated baldly that unity with Africans would antagonise white opinion and undermine governmental favour. Based on Sastri's input, local Muslim traders established the Orient Club in 1927 in Isipingo, just south of Durban, on a verdant plot of land with breathtaking sea views. Here they regularly hosted white VIPs, such

4. B. Freund, 'Reviewed Work: South Africa's 1940s: Worlds of Possibilities by Saul Dubow, Alan Jeeves', *Kronos*, 33 (2007), 275–279.
5. T. Waetjen, 'Gujarati Muslim Diaspora and the Politics of Home in Apartheid South Africa', in P. Pratab Kumar, ed., *Indian Diaspora: Socio-Cultural and Religious Worlds* (Leiden: Brill, 2015), 137–157, 140–143.
6. G. Vahed, 'The Making of Indianness: Indian Politics in South Africa during the 1930s and 1940s', *Journal of Natal and Zulu History*, 17 (1997), 3–7.
7. U.S. Mesthrie, 'From Sastri to Deshmukh: A Study of the Role of the Government of India's representatives in South Africa, 1927–1946' (DPhil diss., University of Natal, 1987), 110.
8. *Indian Opinion*, 23 June 1927.

as the Governor-General of South Africa and the Chief Magistrate of Durban, in convivial attempts to communicate their interests and qualifications for citizenship.⁹

From the mid-1930s, class politics challenged the elite patronage and obsequious relations with white power of the leaders who had secured the Cape Town Agreement. A younger leadership emerged in Natal, led by the Edinburgh-educated doctors Monty Naicker¹⁰ and Goonam Naidoo,¹¹ as well as trade unionists such as George Ponnen and H.A. Naidoo. They came from working class backgrounds and in some cases from membership of the Communist Party of South Africa (CPSA), and collectively garnered the support of an emergent working class.¹² Meanwhile, the large scale urban-ward movement of rural Indians created a housing shortage, even as middle class and prominent families from Durban's Indian quarter sought land and homes in predominantly white-occupied areas around the city. While the scale of these purchases was small, the Durban City Council (DCC) interpreted them as threatening the foundation of a racialised city and sought to curb sales.¹³

The DCC had historically supported white working class conceptions of racial entitlement. For example, when Gandhi and several hundred passengers arrived in Natal from India in 1896, a white crowd of 5,000 mobilised against their landing, fearing that those on board would take skilled jobs. The two ships were quarantined for weeks and passengers were only allowed to disembark when promises were made that legislation would be passed to force Indians to return to India.¹⁴ This alliance continued and by the 1940s, white workers were protected against competition in the housing and labour markets.¹⁵ This history is well covered, with a number of scholars suggesting that the DCC and white residents' anti-Indian agitation was the genesis of the Group Areas Act.¹⁶ Bill Freund agrees that a key factor driving Group Areas legislation was 'white racism, the desire to define Durban as a city built around a white core'.¹⁷ In the face of white residents' push for segregation, this period witnessed several political splits over strategies. A compromise position was sought by some, and six leading members of the Natal Indian Association (NIA) agreed to sit on the Lawrence Committee, appointed by the government in February 1940 to investigate

9. Vahed and Waetjen, *Schooling Muslims in Natal*, 62–64.
10. See A. Desai and G. Vahed, *Monty Naicker: Between Reason and Treason* (Pietermaritzburg: Shuter & Shooter, 2010).
11. See Dr Goonam, *Coolie Doctor* (Durban: Madiba, 1991).
12. Vahed, 'The Making of Indianness', 10–17.
13. J. Grest, 'The Durban City Council and "The Indian Problem": Local Politics in the 1940s', *Collected Seminar Papers: Institute of Commonwealth Studies*, 37 (1985), 88: <http://sas-space.sas.ac.uk/4133/>, accessed 6 July 2015.
14. F. Ginwala, 'Class, Consciousness and Control: Indian South Africans, 1869–1946' (PhD thesis, Oxford University, 1974), 73.
15. Vahed, 'Control and Repression', 48.
16. B. Maharaj, 'Apartheid, Urban Segregation, and the Local State: Durban and the Group Areas Act in South Africa', *Urban Geography*, 18, 2 (1997), 136. Amongst the works cited by Maharaj are L. Kuper, J. McCarthy and D. Smit, *South African City: Theory in Analysis and Planning* (Cape Town: Juta, 1984); Leo Kuper, H. Watts, and R.J. Davies, *Durban: A Study in Racial Ecology* (Cape Town: Oxford, 1958); H. Southworth, 'Lost Opportunity and Autonomy: The Failure of Durban's Resistance to the Group Areas Act during the 1950s' (Master's diss., Yale University, 1988).
17. B. Freund, *Insiders and Outsiders: The Indian Working Class of Durban 1910–1990* (Pietermaritzburg: University of Natal Press, 1995), 64.

penetration and discourage further purchases by Indians in 'white' areas.¹⁸ NIA members who were unhappy with this cooperative stance rebelled, splitting off and constituting themselves as the Nationalist Bloc within the NIA.¹⁹ Meanwhile, local white residents considered the Lawrence Committee a failure in segregating Indians and continued to agitate. Under further pressure from white constituencies, the government appointed the Broome Commission in 1940 to investigate the DCC's claims of 'Indian penetration'. When its findings did not support the DCC's position, they established a second Broome Commission – this one verified instances of 'penetration' between 1940 and 1942. Together with the victory, in local municipal elections, of the Dominion Party and independent candidates with an overtly racist agenda, the second Broome report paved the way for formal segregation of Durban's residential areas.²⁰ Whites monopolised the vote in municipal elections as the Borough Ordinance No. 89 of 1924 effectively disenfranchised black people at municipal level.

It was during this period of struggle that the Orient Institute purchased 80 acres of land on which to build its envisioned world-class boarding school, a centre of learning that would combine modern subjects with Islamic education. In April 1943, the 'Pegging Act' banned white-Indian property transactions in Durban for a period of three years. In the face of this new governmental assault, there were moves towards re-unification of the NIA – which became the NIC. However, this unity collapsed again in 1944, when an NIC delegation (including A.I. Kajee) met with Smuts and formally agreed to appoint a body to implement voluntary segregation in exchange for the suspension of the Pegging Act.²¹ Ire about the Pretoria Agreement, which gave the province control of Indian housing, was also rife in the DCC and local state bodies continued the push for statutory segregation. However, conscious of empire-wide repercussions, particularly in India, central government was reluctant to pass legislation for such measures. Provincial administrator Heaton Nichols insisted that this was necessary to achieve uniformity throughout the province. As Jeremy Grest notes, Nicols lost the battle and was posted to London as ambassador in an episode that 'illustrates how it was possible for locally based interests to mobilize sufficient power to modify central initiatives and subvert their intent to the service of specific goals'.²²

Opponents of this compromise within the NIC formed the Anti-Segregation Council (ASC) and set about mustering support. Recognising their minority position, Kajee and others in the leadership of the NIC delayed holding the organisation's annual general elections. The ASC took the matter to court and forced elections on 21 October 1945. Anticipating defeat, the incumbent leadership, including Kajee, did not turn up: all 46 ASC nominees were elected²³ and embarked on a passive resistance campaign against segregation.

18. D.L. Bugwandeem, *A People on Trial – For Breaching Racism: The Struggle for Land and Housing of the Indian People of Natal: 1940–1946* (Durban: Madiba, 1991), 115–135; also Desai and Vahed, *Monty Naicker*, 94–172, for a detailed discussion of the politics of the 1930s and 1940s.
19. Bugwandeem, *A People on Trial*, 115–135
20. Grest, 'The Durban City Council', 90.
21. Bugwandeem, *A People on Trial*, 142.
22. Grest, 'The Durban City Council', 91.
23. E. Roux, *Time Longer Than Rope: A History of the Black Man's Struggle for Freedom in South Africa* (Madison: University of Wisconsin Press, 1966), 360.

This is the broad political backdrop against which A.I. Kajeje's and the Orient Institute's search for a school must be viewed.

A.I. Kajeje

In 1926, in the days leading up to the roundtable conference in Cape Town, the local press covered several key figures involved in the discussions. Kajeje, the central protagonist in this narrative, was an 'upcoming' leader of promise, described in *Indian Views*²⁴ as a 'dynamic volcano of energy, action and eloquence looming large'. M.I. Meer, editor of *Indian Views*, a harsh critic of the South African Indian Congress (SAIC) which he thought 'should be buried', proclaimed, 'I have not the least fear of exaggerating when I say that Mr Kajeje is the noblest and ablest Congress secretary we have had since Mr Gandhi left the country'.²⁵ Kajeje was indeed a remarkable and accomplished man, and, unlike many of his peers hailing from Gujarati Muslim origins who arrived in the colony with wealth, was a self-made entrepreneur. Born in 1896, he was the son of Ismail Ahmed Kajeje of Kathor who arrived in Natal in the 1890s and settled in Isipingo where he opened a little store made of corrugated iron. A.I. Kajeje himself was born in Kathor but grew up in Isipingo, with brief but interrupted periods of education in Durban and (in a very short spell) at Aligarh College where he reputedly gained a deep mistrust of British imperial politics. His father died when he was young, and Kajeje took up business and generated vast personal wealth as an independent agent. With experience working for a relative in Bulwer, and then as a bookkeeper for Amod Bayat, a large wholesaler in Pietermaritzburg, Kajeje soon founded A.I. Kajeje (Pty.) Ltd., Brokers, Airways and Insurance Agents at 175 Grey Street. There he dealt in sugar, rice, flour, wheat, Nestle milk, Five Roses Tea, Quality Products Soap, and Natal Oil Products. Later, together with A.B. Moosa, he co-founded a chain of cinemas.²⁶

In the politics of South African Indians in the 1930s and 1940s, Kajeje was what has been termed a 'moderate'.²⁷ In the forward to Calpin's biography of Kajeje, Sir Evelyn Baring, who was British High Commissioner to South Africa, defined what this meant when he wrote that Kajeje:

realised that [Indians] must at times leave unsaid what they might wish to say and at other times leave undone things they wished to do [...] Kajeje [...] understood and he acted on the well-known maxim that 'politics is the art of the possible' [...] During all his work he [...] realised that the worst fate for Natal Indians would be the development of a complete breach with Europeans.²⁸

24. *Indian Views*, 10 December 1926.

25. *Indian Views*, 21 October 1927. See Waetjen, 'Gujarati Muslim Diaspora', for a general discussion of *Indian Views* and its role in gender and diaspora-making in Southern Africa.

26. See G.H. Calpin, *A.I. Kajeje: His Work For the South African Indian Community* (Durban: Iqbal Study Group, n.d., c. early 1950s), upbringing and schooling 3–12; work and business 14–15.

27. See Vahed, 'Making of Indianness', for a discussion of the various groupings and constant political realignment among Indian South Africans.

28. E. Baring, 'An Appreciation by Sir Evelyn Baring, High Commissioner For The United Kingdom', in Calpin, *A.I. Kajeje*, no page numbers but three pages preceding page 1.

According to Calpin the ‘upliftment’ clause of the Cape Town Agreement ‘became the foundation for all [Kajee’s] future works and hopes’.²⁹ From the time that the Agreement was signed, leaders like Kajee saw education as a key to ‘upliftment’ and requested improved opportunities for education in a context where there was a drastic shortage of facilities. In 1926, for example, just 9,913 of 32,000 Indian children of school-going age in Natal were actually in school.³⁰ The years following the Agreement saw an increase in the number of both schools and pupils. By 1946, for example, there were 35,397 pupils in school.³¹ This increase was mainly in ‘state-aided’ schools, where wealthy patrons bought land, built a school and paid for its upkeep while the government reimbursed 50 per cent of the building costs and paid the teachers’ salaries. Eighty-four per cent of Indian schools in Natal were state-aided in 1949.³² The first high school for Indians in South Africa was the Sastri College in Durban, opened on 14 October 1929 with financial contributions from Indian merchants across South Africa.

From the early 1930s, Kajee and other Muslims of the Orient Club set about trying to establish a more ambitious educational project in Durban. The Aligarh Muslim University in India, founded as the Mohammedan Anglo-Oriental College in 1875 by Sir Syed Ahmad Khan, was the model around which their ambitions coalesced. Natal’s Muslims established a Muslim Education Committee (MEC) in 1935³³ and struggled throughout the 1930s for a suitable site for their flagship school. However, this morphed into the Orient Islamic Educational Institute, formally registered and incorporated on 26 March 1943.³⁴

Kajee was a founding member of the Orient Club and Orient Institute but also proved a keen and consistent patron of Indian ‘upliftment’ through education, establishing schools for poor children of all religious faiths in the Magazine Barracks in Durban, in Avoca just north of Durban and in Wyebank, west of Durban. At different times Kajee served as secretary of the Indian Child Welfare Society and vice-chairman of the Sir Kurma Reddi Unemployment Fund during the Great Depression. Calpin wrote that there was

scarcely a single department of Indian social life which he did not touch [...] It remains a constant source of wonder how he managed to accomplish so much.³⁵

Agent-General Sir Maharaj Singh wrote of Kajee in April 1941,

the more I saw him, the more I respected and admired him. I often used to say, as other Agent-Generals have said, if Mr. Kajee had lived in a country where there was no colour or race bar, he would have secured the highest administrative posts.³⁶

These qualities, however, would prove far from adequate as Kajee laboured to negotiate a space for the Orient Institute’s school.

29. Calpin, *A.I. Kajee*, 10.

30. C.G. Henning, *The Indentured Indian in Natal* (New Delhi: Promilla, 1993), 167.

31. Ginwala, ‘Class, Consciousness and Control’, 292.

32. *The Leader*, 30 July 1949.

33. *Indian Views*, 30 August 1935.

34. Orient Islamic Educational Institute (OIEI) Archives, Durban, Articles of Association, 26 March 1943.

35. Calpin, *A.I. Kajee*, 158.

36. Quoted in Sannyasi, *Abdullah Ismail Kajee*, ii–iii.

Unsettling events: The making and unmaking of the Bluff solution

The purchase of land for a Muslim boarding school became the locus of racial hysteria amongst white residents which became part of the painful and protracted negotiations by the Institute. Efforts would end in disappointment and humiliation for A.I. Kaje, his tactics for gentlemanly bargaining exposed as a failure to anticipate a sea change in the forces of racial rule. Plans for a Muslim boarding college were delayed as vitriolic resistance mushroomed among local citizen organisations wherever the Orient Institute identified a suitable site.

This began in mid-1938. The MEC sent a letter to the Durban mayor offering to purchase land at the Botanical Gardens in Durban, in close proximity to the Sastri College. The DCC responded positively in August, setting a price of £1,500 per acre for three acres of land. The MEC paid a deposit but protests from white residents erupted in the area and the DCC rescinded its decision and returned the deposit.

The outbreak of the Second World War delayed matters but the MEC took up its search again in the second half of 1941. Several options presented themselves but a clear opportunity arose to purchase 80 acres of land on the Bluff, an area around 12 kilometres south-east of the Durban CBD and closer than the two other possibilities under consideration. The Bluff was also an area that local Muslim merchants were long familiar with, as the Jumuah Masjid Trust in Grey Street owned land there. The newly formalised Orient Institute purchased the Bluff land from a T. Rex Bower on 15 February 1943 at a cost of £8,604.

However, this success was met with white hysteria that was to continue at fever pitch for many months. In a letter to the mayor of Durban more than a year after that purchase, E.A. Colenso of Umbilo demanded, 'Is the council going to allow the Bluff lands to be used for Indian scholastic institutions when the European housing needs are so vital and pressing?'³⁷

Addressing the technicalities of the Pegging Act, and its confinement of land purchases to previously Indian-occupied areas, A.I. Kaje observed that parts of the Bluff *had* been occupied by Indians since the turn of the twentieth century, whereas only 20 to 30 white people had built homes there in the period since 1925. 'You talk of Indian penetration but in this case there has been European penetration', he stated in a letter to the Town Clerk.

On the one hand, Indians are despised because popular opinion says they do nothing to improve themselves, and, on the other hand, whenever any attempt is made by Indians towards social improvement, Europeans at all times place obstacles in the way [...] We are prepared to spend thousands of pounds for the education of our people and in so doing make them better citizens. Have you realised that? We are bitter and we may become more bitter but we know it is of no use because you have the whip hand, we know that the weapons are in your hands.³⁸

From the moment of its purchase, the Bluff as a site for a Muslim school came under local fire – first from the military and naval authorities. Evoking wartime concerns about the needs of returning (white) soldiers, they proposed reserving the Bluff for white housing. Presented as political loyalty to a British cause, the drive to purge Indians gained ground, taken up by

37. TBD, 3/DBN, 4/1/3/1499, 30/290. E.A. Colenso to Mayor Ellis Brown, 7 March 1944.

38. Durban Archives Repository (TBD), 3/DBN, 4/1/3/1499, 290 N, Letter from A.I. Kaje to the Town Clerk, 5 January 1944.

white ratepayer organisations. In its evidence to a Provincial Post-War Works and Reconstruction Commission, the DCC presented a plan that zoned the city by race and emphasised that this was in the interests of all race groups in the city.³⁹ Councillor Thomas proposed that negotiations commence immediately with Bower and the Orient Institute to reverse the sale.⁴⁰

However, on 6 April, the estates manager delivered a report suggesting that the council was not likely to gain national ministerial approval for an exclusive 'European Housing scheme at the Bluff, by reason of the existence of a large proportion of properties already in Indian ownership in that area'. As Kajee pointed out, Bower's land was surrounded by Indian-owned properties on three sides; its main frontage on Bluff Road was directly opposite the 'Mohammedan Cemetery'; and on the southern side 132 acres of land, sub-divided into 110 plots, were owned by Indians.⁴¹

Despite ongoing protests, the Institute prepared to begin construction of its educational centre. In October 1943, the Institute extended an invitation to Minister of the Interior Senator C.F. Clarkson, who had visited the site, and to Mr Basson, the Commissioner for Immigration and Asiatic Affairs, to lay the foundation stone in a ceremony on 8 January 1944. In November, Kajee followed up this request, pressing Clarkson to accept the invitation on grounds of family history: 'You and your father before you have been connected with the Indian affairs in this province, and we should very much appreciate your acceptance of our invitation to lay the foundation stone.'⁴²

The Senator was clearly torn. As the end of the year approached, renewed local agitation and a five-page memorandum from the Durban Joint Wards Committee addressed to Clarkson declared that it

strenuously protests against your decision [...] to permit establishment of an Indian High School on Bluff which is [...] earmarked by City Council for European occupation and one of the few remaining areas suitable for returned soldiers. As strong feelings aroused, we consider it imperative you postpone until full facts in your hands.⁴³

The Bluff, they proclaimed, was being 'sacrificed on the altar of the Old Borough's failure to provide the necessary high school facilities for members of the Indian community'.⁴⁴ Protests against Clarkson's approval of the Bluff school were lodged by various other parties, with

39. University of Natal, *Durban Housing Survey*, 405. These principles were analogous to those contained in the Group Areas Act which the National Party passed in 1950.

40. TBD, 3/DBN 4/1/3/1499 46409/28. Evidence to the Provincial Post-War Works and Reconstruction Commission.

41. TBD, 3/DBN 4/1/3/1499 30/290. Kajee to the Town Clerk, 5 January 1944.

42. The Orient Institute purchased its Bluff land on 15 February 1943, just before the Pegging Act came into effect on 22 February. In March, Clarkson complained that 'it has been clear for some time that fearing such legislation, there has been speculative property buying on a fair scale by Asiatics.' Nevertheless, in early November, he granted a permit to the Institute to occupy the site under section 6 (2) of the Pegging Act (Act No 35/1943). This effectively certified that he deemed the buildings to be erected and the property to have been occupied by Indians prior to the Pegging Act.

43. TBD, 3/DBN 4/1/3/1499 30/290. Evidence to the Provincial Post-War Works and Reconstruction Commission.

44. *Ibid.*

letters to the Town Clerk from Councillor S.M. Petterson, a Miss S. Methuen Gray, secretary of the Durban South Ratepayers Association, and A.G. William, secretary of the Ward 4 Coordinating Council.⁴⁵

A week before the foundation ceremony was to take place, Clarkson asked the Institute to delay the event until the end of parliament in May, so that he could consult with opponents of the scheme. Kajee told the members of the Institute that he had spoken with Clarkson and had been assured of his continued support for the project. While invitations had been printed and were already being sent out, Kajee wrote to the minister agreeing to postpone the ceremony:

We deeply regret the circumstances which have given rise to this adjournment. You will agree that these circumstances are not of our making, and that, on the contrary, ever since the subject of the site was first raised, we have been careful to proceed step by step, with the consent and the approval of your department. We feel that, in acceding to the request for an adjournment, we are sacrificing much in principle and substance and are threatened with an unwarranted agitation similar to that when the site was first purchased, and to that on the occasion of the Botanic Gardens transaction, which ended in the frustration of our hopes ...⁴⁶

On the same day, Kajee submitted a memorandum to the Town Clerk on behalf of the Institute:

The history of the Botanic Gardens site, with its promises made and withdrawn, its resolutions passed and rescinded, is, we fear, what the agitators want repeated over the Bluff site. When they were denied the Botanic Gardens site, the Trustees of the Orient Education Institute searched elsewhere, as far away as Inchanga, and even there protests were made [...] The fact is that any area with good roads and amenities is immediately proclaimed a European area no matter where it is situated.⁴⁷

Kajee and members of the Institute worked to ensure that the matter went public. Various local newspapers such as the *Leader*, *Indian Views*, and *Natal Mercury* expressed outrage about the thwarting of the school's foundation ceremony. The *Natal Mercury* (12 January 1944) was sarcastic about the 'hunt the Indian' dynamic that had emerged:

If he lives in slums, condemn him; should he aspire to a higher life, 'peg' him. This is, in essence, the viewpoint of those Europeans on the Bluff who, despite its wide acreage, would even deny him those facilities for education which he would be the first to claim for his own children.

M.I. Meer, editor of *Indian Views* (7 January 1944), was also scathing:

A Satanic anti-Indian clamour is now in full swing against yet another self-helping Indian educational endeavour – the proposed Indian high school at the Bluff. The squeal is being sounded from platform and press that the building of this school is yet another nefarious case of 'penetration'. Well, if penetration it be, then we would like to ask: What precisely is wrong about penetration? The penetrator, be he an Indian or an Eskimo, is committing no other crime than that of exercising his God-given right to

45. TBD, 3/DBN 4/1/3/1499 30/327. Evidence to the Provincial Post-War Works and Reconstruction Commission.

46. OIEI Archives. Kajee to Clarkson, 2 January 1944.

47. OIEI Archives. Kajee to Town Clerk, 2 January 1944.

purchase property in the open market, not with the ill-gotten gains of a dacoit or thief but with his own hard-earned money. Let no anti-Indian emitter of the penetration squeal forget that pertinent fact. Let him always remember the fundamental fact that the Indian is not committing any crime by penetration.

In mid-January, Clarkson met with representatives of the various groups leading the segregationist charge: the South Coast Representatives Association, British Empire League, and the Durban Joint Wards Committee. He informed them that Indians 'did not want to penetrate, but to live apart in their own areas'. He registered his surprise that the DCC had not set aside a single acre of land for Indian education and felt that it was time that it 'shouldered its responsibility'. Clarkson now proposed that Indians should exchange their Bluff land for a site at the foot of Botanical Gardens:

I am confident that [the matter] can be settled if the council – and you must urge them to do it – will come to an agreement on the controversial site at the foot of the Botanical Gardens. This site today is a laundry area in a predominantly Indian area. You already have there the Sastri College. Let the Indians have these six acres for their new school and I will do all I can in my power to get them to exchange the 80 acres on the Bluff [...] I ask you to play the game.⁴⁸

Stalemates in a rigged game: Deliberations of a Joint Committee

Clarkson suggested that a Joint Committee be formed, comprising of representatives of the Orient Institute, 'objecting' ratepayer groups, and the DCC, to find a solution to the impasse. The council, the Institute, the wards, Empire League and South Coast Associations groups each selected six members.⁴⁹ The first Joint Committee meeting was scheduled for 25 February 1944.

Prior to this meeting, G.H. Calpin, one time editor of the *Natal Witness* and an ally of the Institute, prepared a memorandum for its delegates in which he warned that

the Europeans will come with one intention only, to persuade Indians to give up the Bluff site. They may do this by suggesting that they will 'look around' for some other site. This is to postpone the scheme indefinitely. Our plan of action must be strictly adhered to; that of declaring ourselves willing to discuss the Botanic Gardens site, or refusing to any postponement or to consider a third choice, and never by implication or reference to give up any right we possess to the Bluff and to the immediate prosecution of our plans there.⁵⁰

Calpin's memo reflected awareness of the vulnerabilities invited by the gentlemanly strategy pursued by Kajee, which had long rested on the cultivation of goodwill and influence with white politicians. The weak position afforded by subordinate status in a hierarchically constructed racial order, with dependence on the basic decency and fair play of key individuals, was already evident. Calpin's memo stated that it was crucial to consider how to proceed:

'Let us be careful', some Indians say [...] 'We cannot afford to annoy the Minister of the Interior by going against his wishes'. These are pertinent arguments [...] the goodwill of the Minister of Interior

48. *Natal Mercury* 13 January 1944.

49. TBD, 3/DBN, 4/1/3/1499, 30/237. Evidence to Provincial Post-War Works and Reconstruction Commission

50. OIEI Archives. G.H. Calpin's memorandum to the trustees of the Orient Institute, February 1944.

is a valuable asset; but it might be bought too dearly and at the expense of a fundamental principle. It may occur to Indians whether the Minister of Interior [Clarkson] appreciates at their true and high value these concessions made by Indians or whether the Minister of Interior will appraise the concessions merely as a triumph of his own diplomatic skill and take encouragement for the next bout with Indians.

The caution proved only too apt. At the Joint Committee meeting, Councillor Harris began by asking Kajee what his attitude was to the acquisition of sites in outlying districts. Kajee observed that this was not within the purview of the Committee's responsibilities, which was only to 'deal with this question of the school'. A clearly agitated Kajee explained:

It is either for you to ask us to begin our programme at the foot of the Botanic Gardens or let us proceed at the Bluff [...] That is our position and on which we take our stand [...] We are not here to consider this site or that site [...] Confine yourselves to these two sites ...⁵¹

Councillor Boyd declared that they could not confine the discussion to the two sites. Indeed, Chairman Salmon continued, they had gone to great extents to find alternative sites and these had to be discussed. Institute delegate M.A.H. Moosa countered that Clarkson had given the Institute's members the impression that they were to discuss the two sites only. Senator S.J. Smith suggested that he may have misunderstood Clarkson and should be given time to consult. He asked the Orient Institute's representatives not to be 'too rigid' on the matter, cautioning that 'if the Indian community want to retain that measure of sympathy and friendship which they have got, [they should not] force a fight when it is not necessary'. Kajee turned the tables and asked the chairman whether they were not prepared to discuss the two sites at all.

R. Robb of the South African Legion (of Military Veterans) suggested that the Institute's delegates should 'play the game' as loyal subjects and protect the interests of servicemen. Kajee called Robb's input 'an emotional speech based on racial feeling'. While one soldier had owned land on the Bluff for 20 years, Indians had owned land for half a century and Kajee felt that 'care for the absent soldier' was being misused. He insisted on the council stating clearly why they objected to an Indian school on the Bluff, as at one time most of the Bluff was in Indian hands (and therefore it was the Europeans who might, in fact, be 'penetrating'). When H.E. Teifel wondered why the Institute was keen on the Botanical Gardens site, as it was 'nothing but swamps and a dumping ground for years', Kajee retorted: 'The Indians live by swamps, we thrive on swamps, let us go on living on swamps. You keep your islands but don't deprive us of that swamp land.'

At the suggestion of Councillor Harris, the various alternative sites identified as officially 'acceptable' by the council for post-war allotment for Indian occupation – Gieke Estate; Wiggins Estate; Fenniscowles Estate (adjoining Gieke), and Randles Estate – were outlined to the Institute's delegation. Were they prepared to consider any of these?

After a short recess, Kajee asked for confirmation that the other delegates were not prepared to discuss the Bluff and Botanical Gardens sites under any circumstances. When the chairman answered in the affirmative Kajee launched into deal-making mode. As usual, he

51. TBD, 3/DBN, 4/1/3/1499, 290 N. Minutes and proceedings of the Joint Committee meeting, 25 February 1944.

appealed to the councillors' sense of fairness and the injustice of the Institute's predicament, but indicated a willingness to show good faith. Although it had taken them four years to find the Bluff site, he stated, they would go back to their trustees to discuss the four sites but wanted an assurance that if they opted for one of these, the council would indeed make the site available. The chairman replied, 'I can assure you that you will have our support'.⁵² Kajee explained that in addition to a site for a college and boarding house (300 to stay in residence and 400 day students),⁵³ they would also need a smaller piece of ground in the city for a feeder school, for the younger children who could not travel to an outlying area. Wodley, who represented the ratepayers, was glad, 'after the rough opening of the meeting [... for] the way in which our friends have met us'.⁵⁴

When the Joint Committee met again on 3 March, there were further grounds for consternation. The Institute's delegates had settled on the Fenniscowles option but the chairman broke the news that protests had now been made by residents in the vicinity of two of the four 'alternative' school sites tabled at the previous meeting, Fenniscowles was one of these. Councillor Harris declared that in light of the new controversies, the Randles Estate was the 'best solution' and that 'failing this our negotiations are going to be an absolute failure'.

The Orient Institute's delegates were appalled. I.V.M. Jooma stated that residents' 'objections [were] unfair and unjust and therefore there will be nothing to be gained by continuing our discussions here [in the Joint Committee]'. The matter should, after all, 'be finally left to Senator Clarkson'. Kajee wanted it placed on record that the trustees of the Orient Institute had resolved that the Fenniscowles alternative was suitable and suggested that a larger issue of justice must be firmly acknowledged. While he was not 'unmindful of the difficulties councillors have to face' in taking cognizance of the petitions of their burgesses, they should question

the rightfulness or wrongfulness of these petitions [...] We want you to realize your responsibilities. We ask you whether the objections to our occupation of Fenniscowles are reasonable. It has been in Indian occupation for all the years that anyone who knows Durban can remember [...] Just because a few people get together and raise objections, should you lay down your hands and walk away from it? If you say that, then it comes down to this, [that] the Indian community should not be in South Africa, they should not exist and they should be dumped into the ocean or taken somewhere else.⁵⁵

How could the gentlemanly word of the council be regarded as trustworthy, Kajee asked, when 'the position shifts from day to day?' Kajee indicated that he was going to Cape Town the following day and would take up the matter with General Smuts.

I want to show him the unjust way in which we are being treated [...] We don't want to put up buildings that will not be a credit to the town. We are prepared to spend thousands of pounds for the

52. TBD, 3/DBN, 4/1/3/1499, 290 N. Minutes and proceedings of the Joint Committee meeting, 25 February 1944.
53. I.C. Meer, *I Remember: Reminiscences of the struggle for liberation and the role of Indian South Africans, 1924–1949*, ed. E.S. Reddy and F. Meer, ebook: http://v1.sahistory.org.za/pages/pdf/I_remember_IC_Meer.pdf, 2006, accessed 17 August 2014, 189.
54. TBD, 3/DBN, 4/1/3/1499, 290 N. Minutes and proceedings of the Joint Committee meeting, 25 February 1944.
55. TBD, 3/DBN, 4/1/3/1499, 290 N. Minutes of meeting of Joint Committee, 3 March 1944.

education of our children and in so doing make them better citizens. Have you realized that? If there is any further proposition I will take it myself to Senator Clarkson [...] and ask him to send for you to explain the position as you have seen it at this conference.

Kajee's words created a stir, with several council members expressing confidence that an amicable solution could be reached. Councillor Boyd did not want the matter to go to the minister 'because he will probably say "I authorize them to go ahead with the Bluff site"'. Councillor Harris hoped that the matter would not go to Smuts:

I have listened to Mr. Kajee. I know that he is a terror. The chances are that Mr. Kajee and I will be in Cape Town at the same time. He holds a higher rank than I do and I suppose he dines with General Smuts.

Harris acknowledged that Kajee was a 'fighter' but hoped they could meet 'halfway', to which Kajee responded that Harris was conveniently forgetting that they were not there out of choice but because of objections to the formerly-settled Bluff project. With tempers rising, Harris accused Kajee of 'talking too much', to which Kajee retorted: 'I am the only Indian talking, there are seven of you.'

Two ratepayer delegates, Brady and Gray, proposed that land for a 'feeder school' be offered to the Orient Institute in the city while an earnest effort was made to find an alternative site for the proposed boarding college. An immediate offer was advisable for, as Brady pointed out, 'the Indian community have met us in many ways' and, as Gray warned, it was 'imperative that we report something to the Minister [Clarkson]', or else the matter would be left solely 'in his hands'. Kajee accused the council of withholding the option of a city site as a 'pawn in the game' to force the Orient Institute to give up on the Bluff land and the Fenniscowles alternative. William, another ratepayer representative, agreed with Kajee. 'The Indian gentlemen know they are talking against a blank wall', he stated. Kajee indicated a willingness to pay any price difference between the value of the Bluff land and the other sites: 'we are not avaricious; we have not come to ask for something for nothing.' The councillors, however, wanted the matter held over and the chairman adjourned the meeting *sine die*. Kajee indicated that while the ratepayers had 'shown every desire to meet us, they do not know the way in which the Town Council moves with its anti-Indian proclivities'.

White residents, meanwhile, kept up the pressure on the DCC with regard to the various options being discussed. On 6 March, C.E. Hudson and 404 residents of Umbilo petitioned the mayor

to protest most strongly against the suggestion to allow Indians to acquire Fenniscowles Estate for the purpose of erecting a College for Indians [...] It would be an encroachment on an entirely European area.⁵⁶

E.A. Colenso, chairman of a mass meeting held in Umbilo on 7 March, wrote to the mayor the following day that 'ex-servicemen' living in Umbilo 'unanimously condemned' the project: 'If intrusion is permitted grave repercussions might eventuate.'⁵⁷ Hathorn,

56. TBD, 3/DBN, 4/1/3/1499, 35/284. C.E. Hudson to Mayor Ellis Brown, 6 March 1944.

57. TBD, 3/DBN, 4/1/3/1499, 30/290. E.A. Colenso to Mayor Ellis Brown, 7 March 1944.

Cameron & Co. of Pietermaritzburg wrote to the Town Clerk on 7 March 1944 on behalf of the owners of Gieke Estate that the trustees of the estate would not 'consider any transfer to Asiatics'. They urged that the entire 'Berea area towards Durban should be reserved for European occupation'.⁵⁸

The 9 March meeting of the Joint Committee was not attended by city councillors who were not prepared to grant concessions to the Orient Institute. Instead, the Institute's and ratepayers' representatives drafted a memorandum to Clarkson, in which they noted that the DCC was postponing the granting of land for the schools because of pressure from white residents.⁵⁹ With this stalemate now sitting in his court, Clarkson wrote on 30 March to the Durban mayor urging immediate action and declaring, 'I still think the 6 acres at the lower Botanical Gardens is the solution'. The DCC, however, resolved on 29 May 1944 to defer the matter until the Natal Indian Judicial Commission (NIJC), which had been appointed in March 1944 under the familiar figure of Justice Broome, who had undertaken several investigations into Indian 'penetration', to investigate 'all aspects of Indian life in Natal', during a time when these were deeply affected by the Pegging Act, completed its work.⁶⁰

Against shows of white racial solidarity, tensions and differences of interests were exposed not only between ratepayers and the DCC, but also between local and national levels of government. In responding to pressure from the electorate, the local state was able to resist initiatives on the part of the central state. This was possible only because the local state enjoyed a degree of autonomy in the 1940s. This would be reduced in subsequent decades. Kajee, meanwhile, hoped that elite class solidarity might overcome the populist race politics of white workers that was newly mobilised around support for troops. At a Johannesburg meeting of the South African Institute of Race Relations (SAIRR) in late 1944, he declared:

I have often maintained that the interests of the Indian merchant are the same as the interests of the European merchant or of the African merchant [...] Superimposed on the race struggle is the class struggle, and the class struggle occurs within races as well as outside them. Some signs of approach are discernable between the workers of the different races as a result of common interests. So far practically no signs of this approach are to be seen between the commercial sections of Europeans and Indians; though their interests are identical.⁶¹

When, on 30 June, Clarkson again wrote to the mayor (in a letter copied to Kajee) he requested that the mayor reconsider the Botanical Gardens site. The senator explained that, once again, he had been given authority by the Orient Institute to trade the Bluff grounds for the Botanical Gardens site as 'a clean exchange irrespective of value'. If this were to be accepted, 'the land at the Bluff would be available for a City housing scheme [...]'. Instead, the DCC instructed its solicitors to have the deed of servitude registered so that the Botanical site could be incorporated into an expanded Gardens area. In return, the Institute indicated it was perfectly within its rights to build its school on the Bluff land.

58. TBD, 3/DBN, 4/1/3/1499, 30/290N. Hathorn, Cameron & Co. to Town Clerk, 7 March 1944.

59. OIEI Archives. Joint Committee memorandum to Senator Clarkson, 9 March 1944.

60. TBD, 3/DBN, 4/1/3/1499, 290. DCC minutes, 29 May 1944.

61. Wits University, Historical Papers, SAIRR, RR157/44, 1944.

As rumours spread that construction was imminent, further protests were ignited. A letter in December 1944 from A.S. Williams of Ward 4 to the Town Clerk recounted that on the Polish question, Winston Churchill had himself advocated segregation, suggesting to the House of Commons ‘the removal of millions of people into areas of racial influence in Central Europe’. ‘If this should be done to peoples of the same creed and colour’, Williams reasoned, ‘how much more does it apply to our communities where we have peoples differentiated both in creed and colour of skin’.⁶²

On 11 January 1945, in a bid to flush out his national support by settling the matter with municipal officials, Kajee informed the then mayor of Durban Councillor R. Ellis Brown, that the Institute would commence its building operations at the Bluff. Before doing so, however, he wanted to ‘place certain alternatives before you and the council in order to provide a final opportunity for you to make a decision’. He discussed the various alternative sites and warned that if the council failed to reply by 15 February, the Orient Institute would break ground.⁶³

Pyrrhic victories

Predictably, press reports of the imminent allocation of a school site to the Orient Institute once again drew reaction from various local white groups. On 12 January 1945, the European South African Citizens’ Association wrote to the Town Clerk and Senator Clarkson to protest any possible transfer of land to the Institute on the Bluff *or* Botanical Gardens. Indians should not be allowed to have amenities ‘in or near European areas’.⁶⁴ Kajee’s mention of an extension at the Isipingo grounds inspired a submission (dated 30 January) from the Amanzimtoti Town Board, stating that it ‘viewed with alarm’ talk of a school being built on land adjoining the Orient Club. Though this land fell under the jurisdiction of Durban, the site adjoined Amanzimtoti which ‘as a township is purely a European one and has entrenched itself in this regard by the prohibition in its title against the ingress of non-Europeans’.⁶⁵

Kajee’s letter of 11 January 1945, and other submissions, appeared to put pressure on the council to take fresh action; however, the local state’s refusal to provide sufficient land meant that the needs of Indian education were now officially placed in opposition to the needs of

62. TBD, 3/DBN 4/1/3/1499, 290N. A.S. Williams to Town Clerk, 12 December 1944. During the Second World War, Poland was partitioned and occupied by Nazi Germany and the Soviet Union. Millions of Poles died, but millions others were forcibly relocated. Williams is referring to the attempts of the Communist Polish government to ethnically cleanse eastern Poland to achieve a homogenous nation. Around half a million people were relocated from Poland to Ukraine from November 1946; and Belorussians and Lithuanians were transported to the Belorussian and Lithuanian republics during this same period. This population transfer was due to violent clashes between ethnic Ukrainians and ethnic Poles in southeastern Poland: see Hugo Service, *Germans to Poles: Communism, Nationalism and Ethnic Cleansing after the Second World War* (Cambridge: Cambridge University Press, 2013), 57.
63. TBD, 3/DBN, 4/1/3/1499, 290N, 11 January 1945. Kajee to Brown who was mayor of Durban from 1939 to 1945.
64. TBD, 3/DBN, 4/1/3/1499, 290N. European South African Citizens’ Association wrote to the Town Clerk and Senator Clarkson, 12 January 1945.
65. TBD, 3/DBN, 4/1/3/1499, 290N. Amanzimtoti Town Board to Town Clerk, 30 January 1945.

Indian sport. Senator Clarkson met with a deputation of the Durban Indian Sports Grounds Association (DISGA) in September 1945 and proposed that part of the grounds be granted to the Technical College, the Orient Institute, and the Catholic Church in return for sports fields in Argyle Road, which was in another part of the city, as soon as the military vacated that area on 1 July 1946. Despite DISGA's opposition, the DCC approved the scheme. Three and three quarter acres of land were to be set aside for the Orient Institute, conditional upon it selling its Bluff land to the DCC at the same price that it had paid.

On 25 February 1946, the council confirmed its intention to apportion Curries Fountain to the St Aidan's Mission (one acre), Indian Technical College (six acres); Orient Institute (3.75 acres); Kathiawad Hindu Seva Samaj (1.75 acres); and Convent of the Holy Family, St Augustine's School (2.75 acres).⁶⁶ Yet, by early July no transfer had been made. Kajee wrote to the provincial Director of Education that building operations at this new site would commence

within the next month or six weeks. The mayor of Durban, Senator Smith, assured me that possession of the site for building purposes will be possible within this time.⁶⁷

On 16 July 1946 an increasingly impatient Kajee wrote four letters. To Mayor Smith, showing enormous restraint, he confessed to 'a sense of frustration' about delays in the promised acquisition of land.

The Building control and the Education Department have enquired when the Trust is going to begin building – the first because the material and labour set aside for the building should be used. The Education Department is anxious to know how far its problem of high school accommodation can find relief and also that its estimate of grant-in-aid may not unnecessarily be loaded and yet not used. The officials of the Trust have been patient and forebearing and have gone a long way to meet the unreasonable racial outcry of the Europeans and their representatives in the City Council.⁶⁸

To D.E. Mitchell, the administrator of Natal, Kajee recounted that when they met in January

the one condition we made when I saw you was that possession of at least a portion of the site should be made available immediately to enable us to commence building. All our efforts to get this have been unsuccessful so far [...] I write to ask you to use your powerful influence to get a portion of the site to commence our building operations.⁶⁹

Kajee also petitioned for assistance from Clarkson, explaining to him that

after 2½ years since we cancelled the laying of the foundation stone of this school at the Bluff by yourself, the commencement of the erection of the school is still being held up by the Corporation not having made available the portion of the site at Curries Fountain which it agreed to do [...] I shall live in hopes until in this matter too I am betrayed.⁷⁰

66. TBD, 3/DBN, 4/1/4/585, 284 N, Durban City Council minutes, 25 February 1946.

67. OIEI Archives. Kajee to Provincial Director of Education, 10 July 1946.

68. OIEI Archives. Kajee to S.J. Smith, 16 July 1946.

69. OIEI Archives. Kajee to D.E. Mitchell, 16 July 1946.

70. OIEI Archives. Kajee to Senator Clarkson, 16 July 1946.

Finally, Kajee wrote to H.W. Cooper, Private Secretary to Prime Minister Smuts requesting that he intervene in the matter as there was, apparently, no resolution to be found, even though the Institute had made the agreement at the behest of Smuts himself and of Clarkson. 'I know the path of the conciliator is hard and thankless', he conceded, 'but it is unnecessary for those who, like the City Council of Durban, win the day by virtue of their power to break their words and thus bring me into hatred and contempt with my fellows'.⁷¹

By the time of Kajee's death in 1948, the political ground had shifted once again. Smuts had lost power and the matter was no closer to resolution. In the months following Kajee's letters, residential segregation became law, the NIC organised a passive resistance campaign from June 1946 to June 1948, and India took up the treatment of Indians in South Africa at the United Nations in October 1946.

Conclusion

A.I. Kajee would not live to see the construction of the Orient school that would emerge, in a scaled-down form, on the Botanical Gardens site. He died in Cape Town in 1948 at the age of just 52. He was in a meeting with Minister H.G. Lawrence, of the infamous Lawrence Committee, discussing a possible Round Table Conference with the Indian government when he suffered a heart attack. He had gone to Cape Town against medical advice as he was still recovering from a diabetic stroke.

The Group Areas Act (GAA) introduced by the National Party government in 1950 is commonly viewed as the key instrument in promoting residential segregation in South Africa from the top down, yet this account reminds us that grassroots agitation for urban segregation in Durban pre-empted legislation. When it came, it was welcomed by the local state. City Councillor Robinson stated that 'Durban had asked for the legislation'; Senator Brooks observed that 'more than anything else, more than even the Government, the City of Durban is responsible for the GAA'; then Durban mayor Percy Osborn said that the GAA was the 'life-line whereby the European City of Durban will be saved'.⁷² Yet it is also clear that Indian struggles over space in the city prevented the GAA from being fully realised in Durban. The securing of space for Indian education was a civic 'win' that could not be removed, even as residential spaces became partitioned.

The struggles over the school site reveal the decline of a once-effective political strategy of white patronage through which Kajee and other prominent Muslim leaders had sought exemption from the state's racial agenda. This circle of elite, civic-minded Indian traders who had operated as long-standing benefactors for the Indian community, advocating for Indian rights and resources (such as schooling) in the absence of a provisioning state, saw their power ebb as a new, radicalised generation of Indian activists advanced to challenge racial politics. Rather than gaining informal access to those in power and seeking to gain concessions from them, this new leadership mobilised mass actions. For leaders in the radicalising NIC, whose politics were more sympathetic to the poor and working classes, continual negotiation and submission to irrational and oppressive state authority was akin to

71. OIEI Archives. Kajee to H.W. Cooper, 16 July 1946.

72. Quoted in Maharaj, 'Apartheid, Urban Segregation, and the Local State', 138.

unconscionable collaboration. One of the first mass actions of the new NIC leadership was to launch a passive resistance campaign against urban segregation, which lasted from June 1946 to June 1948.

In the detail of this brief account, we see the personal nature of the negotiations that men like Kajee engaged in at several levels of government. Kajee demonstrated prowess in leveraging his cultivated, elite alliances with the Smuts cabinet, and with sympathetic white liberals sharing polite society at the Orient Club, all the time aware that the national government was still subject to long-term obligations to stated British ideals proposing equality under empire, as well as the need for political security in India. The many hours spent in joint committees and in meetings with representatives of local agitators for racial exclusion, confirm that he had few illusions as to the subaltern status of Indians under racial rule. However, his attempts to 'play the game' were waged in a changing political environment, with imperial nods to inclusion giving way to a politics of purge. When the central state tried to introduce the municipal franchise for Indians in the mid-1940s, the local state prevented its implementation.⁷³ Within a few years, the push for segregation from grassroots mobilisation would see fulfilment in apartheid legislation.

Kajee's energies in seeking a site for a Muslim school are indicative of long-standing dreams of civic recognition and pluralism, and were waged as elite class solidarity based on Victorian ideals of civilised culture. Yet, the ground had shifted and Kajee's personal stubbornness and other qualities that made him a fierce fighter now proved a limitation.

73. Grest, 'The Durban City Council', 93.