

IN MEMORIAM

A. A. A. Fyzee, 1899–1981

Asaf Ali Asghar Fyzee, outstanding Islamist and eminent scholar of Muslim law in the Indian subcontinent, died in Bombay on October 23, 1981. He was born in Matheran, near Poona, on April 10, 1899, to a well-known Tyabjee family of Sulaymani Bohra. His grandfather Tyabjee, the merchant prince of Bombay who visited Europe in 1853, was one of the first Muslims in Bombay to send his sons to England for education. Following the family tradition Fyzee went to England and joined Cambridge University where he studied under the British Orientalists A. A. Bevan, R. A. Nicholson, and E. G. Browne. He was then called to the bar.

On his return to India in 1926 he taught and practiced law in the Bombay High Court. In 1938 he was appointed the Perry Professor of Islamic Jurisprudence and Principal of the Government Law College, Bombay. In 1949 he was appointed by Prime Minister Jawaharlal Nehru as India's ambassador to Egypt. The last public office held by him was that of the vice-chancellor of Jammu and Kashmir University. He was an honorary member of the Arabic Academies both in Cairo and Damascus and taught Islamic law at McGill, Cambridge, and University of California, Los Angeles. In recognition of his services the Indian government honored him with "Padma Bhusan" in 1962.

He started his scholarly career with the publication of *Introduction to the Study of Muhammadan Law* in 1931. His *Outlines of Muhammadan Law*, first issued in 1949 with a third enlarged edition published in 1964, still remains the best introduction to the Anglo-Muhammadan law of the Indian subcontinent. His work in Ismā'īlī law was also pioneering. *Da'ā'im al-Islām* of Cadi Nu'mān, the most important Ismā'īlī law book, was critically edited by him. The fruits of his earlier research are admirably summed up in *Compendium of Fatimid Law* published in 1969.

He was an advocate of change in Muslim personal and family law. On reinterpretation of Islam his short volume *A Modern Approach to Islam*, published in 1963, is quite remarkable. He takes "religious pluralism" as the basis of his modernism and presents it as the only pragmatic solution for the preservation and progress of Islam in the Indian context. Being a sound scholar of Islamic law, he restates Islamic legal concepts and examines the applicability of genuine or apocryphal legal material to conditions in the modern age. He then fully discusses the methodology of critical analysis and of the process of acceptance and rejection of classical Islamic law, which forms the basis for the emancipation and evolution of modern Muslim law.

During the last ten years of his life he was occupied with the task of translating *Da'ā'im al-Islām* into English. He finished the translation but unfortunately did not live to see it in print. He was a charming conversationalist and a cheerful person with great strength of character and confidence.

ISMAIL K. POONAWALA