

## OBITUARY NOTICE

### The Right Hon. Syed Ameer Ali

The Right Hon. Syed Ameer Ali was born in Oudh (District Unao) in 1849 but the greater part of his Indian career was spent in Bengal. He graduated in the Calcutta University in 1867 and showed an early inclination to literature. He was called to the Bar at the Inner Temple in 1873, and held various legal positions, becoming a Judge of the Calcutta High Court in 1890. He retired from the High Court in 1904, earning warm encomiums from Lord Curzon at a farewell banquet. Meanwhile he had served on the Bengal Legislative Council and the Viceroy's Legislative Council from 1878 to 1885. After retirement from the High Court he took up his residence in England, and was appointed to the Judicial Committee of the Privy Council, on which he served till his death on 3rd August, 1928. During his stay in England he was an honoured member of the Royal Asiatic Society. Elected a member in 1904, he was a member of the Council of the Society from 1907 to 1911, a vice-president from 1911 to 1915, and again a member of council from 1915 to 1918.

Syed Ameer Ali's work may be considered under three heads, as a Muslim Jurist, as an interpreter of modernism in Islam both to the West and to his own co-religionists, and as a worker in the cause of Islam in the larger movements, political, social, and international. In all these capacities he had an effective instrument in a charming literary style, which he used with grace and distinction.

Almost immediately on graduation Syed Ameer Ali collaborated with Maulvi 'Ubaidullah in the translation of what was then considered a remarkable work by an Oriental scholar, Maulvi Syed Karamat Ali, Mutawalli of the Hugli Imambara. The original book was in Persian (*Maakhazi 'Ulūm*), and was meant to turn the attention of Indian Muslims to modern science. The argument was that all

sciences originated from the East, which was the source from which the Greeks derived their knowledge. When the Greek sciences were lost or suppressed in the Dark Ages of Europe, the Arabs preserved them in their translations, which formed the starting point for the modern sciences. Just as Europe took her sciences from the Muslims, the Muslims should now learn their sciences from Europe. It is rather startling to be told that even the Copernican astronomy was known to Pythagoras and preserved in Arabic, to be renovated in the European Renaissance from Arabic sources. After that we shall not be surprised to hear that the name of "Spain" was derived from the Persian city of Ispahan! The original author, Syed Karamat Ali, was alone responsible for these phantasies. To Syed Ameer Ali's credit is the singularly lucid English style which served him in all departments of his literary and legal work to the end. But the argument is worth recalling, as it finds echoes in the Urdu poet Hali, and exaggerated claims for the East have been put forward in similar parallel movements in Hinduism. On such questions Syed Ameer Ali's own balanced and mature judgment will be found in his later works.

The "Critical Examination of the Life and Teachings of Mohammed" was published in London in 1873. It was the starting point of a literary movement towards an interpretation of Islam from within to its critics and a criticism of the accretions by which mediaeval interpreters have made a living, vigorous, and progressive system inert and mechanical, followed by their modern descendants who are even more mediaeval than the mediaeval 'Ulama. Revisions and developments followed in 1891 (London) and 1902 (Calcutta), and its final shape is to be found in *The Spirit of Islam* as published in London in 1922. In the same group may perhaps be put the more colourless *Ethics of Islam* (Calcutta, 1893), and the *Short History of the Saracens* (London, 1899 and 1921), as well as *The Legal Position of Women in Islam* (London, 1912). Syed Ameer Ali latterly adopted the

Mo'tazila label. This was the name of a sect in Islam which flourished in the second and third centuries of the Hijra.<sup>1</sup> The sect is now extinct. It is less than just to Syed Ameer Ali's liberal spirit to suppose that he wished in the slightest degree to revive the fierce controversies in which the sect figured in its early days, sometimes supporting extravagant metaphysical doctrines now fortunately forgotten. Its rationalist attitude is (to put it on the lowest plane) consistent with the whole tenour of the Prophet's teaching: in the present writer's view it is of the essence of that teaching. But without the moral and spiritual fervour which characterized the Prophet's message, the Mo'tazila rationalism is apt to become barren and inert.

As a jurist Syed Ameer Ali may well claim to have specialized in Anglo-Muslim law. In collaborating (1904) with Mr. Finucane in his Commentary on the Bengal Tenancy Act, and earlier in his Editorship of the India Law Reports, Calcutta, he had dealt with general law as administered in Bengal. In his Law of Evidence, in which he collaborated with Sir John Woodroffe for the last time in the fourth edition (1907), he urged the value of freedom rather than technicality of interpretation in the rules of evidence, following the modern spirit of jurisprudence as opposed to what Bentham called the "grimgrubber nonsensical reasons" for the rules of evidence. But the standard juristical work on which his fame will rest was his *Mahomedan*<sup>2</sup> *Law*, which has passed through several editions, and is always quoted with authority in the Courts. A popular Student's Handbook, based on the larger work, is also used in legal education. Here again the modern spirit is evident, e.g. in his doctrine of the legality of commercial interest under the Shari'at, or of valuable securities as forming valid subject-matter for Waqfs. He

<sup>1</sup> Sir Thomas Arnold has published a short account of it, with an Arabic Text.

<sup>2</sup> The spelling is, Syed Ameer Ali's.

was largely instrumental in re-shaping the law of family Waqfs.

In public affairs Mr. Ameer Ali's position has not perhaps been fully understood. In defending Turkey in the Turco-Italian War (1912) he had at his back the whole of Muslim and Hindu opinion in India. In pressing for the integrity of the Khilafat after the Great War, he took his stand on the unity of Islam, rather than on any bias for or against Turkey. He stood for the rights of Persia in a paper he read to the Central Asian Society in 1918. The Indian Muslim League of London, which he guided, held a somewhat isolated position in these later years. But there is no doubt that he was acting throughout in the best interests (as he understood them) of Islam, of India, and of the Empire. His humanitarian efforts in connexion with the British Red Crescent Society deserve to be better known than they are. His cherished scheme for building a worthy Mosque for London made little headway on account of his isolated position, and it is to be hoped that any future plans in this connexion may not lose sight of his pioneer work or of the jealous care with which he guarded the scheme from anything calculated to lose the confidence of those most competent to judge.

In conclusion a word of personal tribute may be permitted from one who knew him for many years and was associated with him in some of his activities in England. To the courtly manners of a cultured Muslim gentleman he added a powerful intellect and an absorbing love for Islam. He never got the full recognition that was his due, either from his own people, or the country and Empire he served so well. But every one will remember with respect his integrity of purpose, his sterling character, and the consistent course which he steered through life. His loss makes a big gap in Muslim learning and public life.

A. YUSUF ALI.