

OBITUARY

NOEL COULSON

Professor Noel James Coulson died suddenly on 30 August 1986 at his home in Haslemere, Surrey, after a long illness which he had endured with typically good-natured stoicism and resignation. He had just celebrated his 58th birthday.

Professor Coulson was only the third holder of the Chair of Oriental Laws with particular reference to Islamic Law in the 40 years since its institution at the School of Oriental and African Studies, his predecessors in the title being Professor Seymour Vesey-Fitzgerald and Professor Sir Norman Anderson. These three scholars kept the United Kingdom and SOAS at the forefront of research and scholarship in the field of Islamic Law, and particularly in the field of the development of modern law in the Middle East. Each made important contributions to scholarship and each played a special part in shifting the focus of research to areas of law previously undeveloped. Professor Coulson's role was to take the emphasis from family law to commercial law. One hopes this move will continue beyond his untimely death, which has lost us one of the few Western scholars researching into Arabic texts on commercial law and able to compare and consider their place in the modern Middle Eastern state.

Before the advent of the SOAS chair, Islamic legal studies in the UK were largely the work of orientalists researching the ancient and traditional legal texts of *sharī'a* law, best exemplified perhaps by Sir William Jones's *Law of Bailment* (1779) and his translations of important works of succession law such as the *Sirājiyya*. This tradition was continued in the present century by Professor Joseph Schacht, in his time the foremost orientalist legal scholar writing in English, producing important works on the *sharī'a* texts and formulating theories as to the origins of *sharī'a* law that built upon the work of the nineteenth-century orientalists such as Goldziher.

The appointment of Seymour Vesey-Fitzgerald to a chair of Oriental Laws at SOAS in 1946 provided the impetus for research in a new field, the consideration of *sharī'a* law in a modern context; that is, Islamic law in practice, not theory—something which some scholars considered less than important for the true oriental scholar. Professor Vesey-Fitzgerald had spent his early life in the judicial administration of the Indian Civil Service, and his interests were in the application of Islamic law in British colonies. He had also spent a considerable time lecturing to candidates for the Indian and Colonial Service on Islamic law (and Hindu law) and had written works aimed at introducing the colonial administration to Islamic law in practice. This was to be the thrust of research in Islamic law under his tenure.

With the appointment of Norman Anderson to the Chair in 1954, the emphasis shifted from the Indian subcontinent (and the British colonies) to the Middle East proper. Professor Anderson had spent many years in Egypt and his interest lay in the process of transition to a modern law which colonialism and independence brought to many Middle Eastern states. His contribution to the field was to follow and consider in detail changes in family law and the mechanics of reform. In this his work was comprehensive, informative and innovatory, and it has stood the test of time. Two publications, his *Law reform in the Muslim world* (1976) and *Islamic law in the modern world* (1959), indicate the burden of his research. During his period in the Chair the UK was one of the

main repositories of the teaching of Islamic law (ancient and modern) in the West.

Professor Coulson held the Chair from 1967 until his death and he continued the work of his two predecessors in title in admirable style; but he also built upon it, and in recent years saw the need to carry research into the field of commercial law. This coincided with a vastly increased interest in commercial law in the Middle East, fuelled by the controversial debate on the practicability of the application of the *shari'a* law to commercial matters in the modern world.

Unlike Vesey-Fitzgerald and Anderson, Professor Coulson was an orientalist turned lawyer rather than the reverse. He had won an open scholarship to Keble College, Oxford, at the early age of seventeen and took a double first in Classical Moderations and Oriental Languages. At Oxford he soon came to the attention of Joseph Schacht, who suggested that he prepare a doctorate on previously unpublished legal manuscripts in Morocco. It was while the young Coulson was studying under Schacht that Professor Anderson invited him to teach at SOAS. He needed little persuasion and in 1954 joined the staff at SOAS as a lecturer in Islamic law, a move which understandably led to a cooling in his relations with Schacht: Coulson's switch from the mentorship of Schacht to that of Anderson illustrates perfectly the dichotomy between old-style orientalist research and the new-style Middle East legal research.

Professor Coulson was to spend the rest of his academic life (thirty-two years) at SOAS—an achievement unusual in the modern academic world. It only remained for him to add the knowledge of the law to his mastery of Arabic and this he did soon after joining SOAS. He was called to the Bar of Grays Inn in 1966, and built up a solid practice which involved him in many important international arbitrations in later years.

In those early days at SOAS, Coulson taught a wide range of Islamic law subjects and travelled in the Middle East collecting material and researching, particularly in the field of succession law, which he was to make peculiarly his own. He soon began to publish: not a stream, but a steady flow of substantial articles. 'Quality not quantity' was his often stated guideline.

Gradually he established himself as a worthy successor to Anderson and in the main, his early writings dealt with the same subject areas—family law and reform. Coulson's writing style was to be envied. Lucid and elegant, readable but scholarly, it was also apparently effortless. In this it mirrored his teaching which was a mixture of the best of the didactic English lecture with the best of the Harvard Socratic method. He infused students with enthusiasm and a desire to study the subject by painting the broad outlines and letting them fill in the detail. He cajoled and prodded with wry humour and gentle sarcasm, but was careful never to embarrass. Even the shy members of his classes always felt they had contributed to the full. As a teacher he had a touch of genius.

In 1964 his first major book appeared, *A history of Islamic law* and soon after its publication he obtained a Readership in Islamic law. The *History* is a superb summary of a vast range of sources, both ancient and modern, whose appearance in Arabic translation, albeit pirated, delighted the author. So, no doubt, would have the recent, also 'unofficial', Chinese translation.

At the height of his powers, Coulson wrote the best work in English on Islamic succession law, *Succession in the Muslim family* (1971). This work is a remarkable distillation of complex materials and is still as readable as ever. Books on succession law generally read like railway timetables, but Coulson did not overload his with tables, and always had a useful example or case to ease the reader's path. To him, however, succession law was never a dull subject. On the

contrary, it was his particular area of interest and indeed, 'half the law', as the *hadīth* says. It necessitated a thorough knowledge of family law before it could be tackled in all its glorious complexity and he revelled in it.

With these accomplishments, it was not long before Coulson was invited to teach in other institutions around the world and he became a much sought after visiting Professor. His first overseas post was an unusual and exciting one, as Dean of the newly-founded Law Department at Ahmadu Bello University in 1965–6, just before the Biafran crisis. But it was the American universities who were to benefit most and his second book, *Conflicts and tensions in Islamic jurisprudence* (1968), was the text of lectures he delivered while visiting professor at the University of Chicago. Harvard University he especially enjoyed. He lectured there twice, each time to great acclaim. Each time, a new generation grew to esteem his teaching abilities and scholarship, so that he had a large following among American scholars who had first been awakened to an interest in comparative law by him. Many of the best followed him to London and became his research students.

In the late 1970s the Department of Law at SOAS took a radical step in deciding to admit undergraduate students for a newly created LL.B. Coulson was not entirely in sympathy with the move, but in time came to see that the undergraduate programme had an important role to play. When he became Head of Department in 1981 he gave it his full support and was instrumental in creating a strong alumni society.

In the last ten years of life he was increasingly concerned with moving research into new and interesting legal fields. He was the motivating force behind the new LL.M. course, 'Comparative commercial law in the Middle East', first taught in 1983 and unique in its considerations of commercial laws in the Middle East. His last book, *Commercial law in the Gulf States* (1984), developed out of his lectures for this course.

Noel Coulson was a commanding influence in the field of Islamic legal scholarship and he will not easily be replaced. As to the man behind the scholar, he worked hard, but played hard too. A tall figure of great presence and formidable energy, his main pleasures came from physical exertion and sport. At Oxford he had been a keen rower and in later life was rarely off the golf course for more than a week. One of his triumphs was being made Captain of Effingham Golf Club in 1976. He was also an extremely enthusiastic racegoer. The Law Department frequently benefited from his trips to Goodwood or the Derby—occasions to forget the trials of academe in the pleasures of good company and good food and drink. Noel Coulson was no dry as dust scholar, but a fun-loving man who gave of his best to everything he did. As a scholar, teacher and friend he will be sadly missed and impossible to follow.

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WRITINGS OF N. J. COULSON

BOOKS AND ARTICLES

- 'Doctrine and practice in Islamic law: one aspect of the problem', *BSOAS*, xviii, 2, 1956, 211–26.
- 'The state and the individual in Islamic law', *International and Comparative Law Quarterly*, 6, 1957, 49–60. (Repr. in J. Stewart-Robinson (ed.), *The Traditional Near East*, Englewood Cliffs, N.J.: Prentice Hall, 1966: 122–35.)
- 'Reform of Family Law in Pakistan', *Studia Islamica*, 7, 1957, 133–55.
- 'Bayt al-māl', in *Encyclopaedia of Islam*. Second edition. Vol. i. Leiden: E. J. Brill, 1960.
- [with J. N. D. Anderson] 'The Moslem ruler and contractual obligations', *New York University Law Review*, 33, 1958, 917–33.
- 'Muslim custom and case law', *Die Welt des Islams*, N.S., 6, 1959, 13–24.
- 'The significance of Islamic law in the world community', *Los Angeles Bar Bulletin*, 37, 1961, 43–6.

- 'Islamic Family Law: progress in Pakistan', in Norman Anderson (ed.), *Changing law in developing countries*, London: Allen and Unwin, 1963: 240–57.
- A history of Islamic law*. (Islamic Surveys, 2.) Edinburgh: Edinburgh University Press, 1964.
- 'The concept of progress and Islamic law', *Quest* [Calcutta], 40, 1964, 16–25. (Repr. in A. Ibrahim (ed.), *Readings on Islam in South-East Asia*, Singapore: ISEAS, 1985.)
- 'Legal education and Islamic law', *Journal of the Centre of Islamic Legal Studies* [Zaria], 1, 1966, 3–11.
- [with J. N. D. Anderson] 'Islamic law in contemporary cultural change', *Saeculum*, xviii, 1967, 13–92.
- 'Islamic law', in J. Duncan M. Derrett (ed.), *An introduction to legal systems*, London: Sweet and Maxwell, 1968: 54–79.
- Conflicts and tensions in Islamic jurisprudence*. (Publications of the Center for Middle Eastern Studies [Chicago], no. 5.) Chicago: University of Chicago Press, 1969.
- 'Representational succession in contemporary Islamic law', *Studia Islamica (Voluminis Memoriae J. Schacht Dedicata, pars altera)*, 32, 1970, 101–8.
- Succession in the Muslim family*. Cambridge, etc.: Cambridge University Press, 1971.
- [with J. N. D. Anderson] 'Modernization: Islamic law', in Michael Brett (ed.), *Northern Africa: Islam and modernization*, London: Frank Cass, 1973: 73–85.
- 'Islamic law', in *The New Encyclopaedia Britannica*. Vol. 9. Chicago: Macropaedia, 1974: 938–43.
- 'A comparison of the law of succession in the Islamic and British legal systems', *American Journal of Comparative Law*, 26, 1978, 227–32.
- 'Law and religion in contemporary Islam', *Hastings Law Journal* [UCLA], 29, 1978, 1447–57.
- [with Doreen Hinchcliffe] 'Women and law reform in contemporary Islam', in Lois Beck and Nikki R. Keddie (ed.), *Women in the Muslim world*, Cambridge, Mass.: Harvard University Press, 1978: 35–51.
- 'Regulation of sexual behaviour under traditional Islamic law', in A. L. al-Sayyid Marsot (ed.), *Society and the sexes in medieval Islam* (Sixth Giorgio Levi Della Vida Biennial Conference), Malibu: Undena Publications, 1979: 63–68.
- 'The Islamic legal system: its role in contemporary Muslim society', and 'The family in Islamic law: yesterday and today', in Noel J. Coulson and Abdelwadoud Yehia, *Studien zum islamischen Recht. Hrsg. von Fritz Schwind*. (Österreichische Ak. der Wiss. Phil.-hist. Kl. Sitz., 408. Bd.) Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1983: 7–19, 20–30.
- 'European criticism of Hadith literature', in A. F. L. Beeston *et al.* (ed.), *The Cambridge history of Arabic literature: Arabic literature to the end of the Umayyad period*, Cambridge, etc.: Cambridge University Press, 1983: 317–21.
- Commercial law in the Gulf States: the Islamic legal tradition*. London: Graham and Trotman, 1984.
- 'Homicide in Islamic law', in *Dictionary of the Middle Ages*. Vol. vi. New York: Scribners, 1985: 282–3.