

**IN THE COURT OF APPEAL OF MALAYSIA  
(APPELLATE JURISDICTION)  
CIVIL APPEAL NO. W-01-1-2010**

**BETWEEN**

- 1. MENTERI DALAM NEGERI**
- 2. KERAJAAN MALAYSIA**
- 3. MAJLIS AGAMA ISLAM & ADAT MELAYU TERENGGANU**
- 4. MAJLIS AGAMA ISLAM WILAYAH PERSEKUTUAN**
- 5. MAJLIS AGAMA ISLAM NEGERI MELAKA**
- 6. MAJLIS AGAMA ISLAM NEGERI JOHOR**
- 7. MAJLIS AGAMA ISLAM NEGERI KEDAH**
- 8. MALAYSIAN CHINESE MUSLIM ASSOCIATION**
- 9. MAJLIS AGAMA ISLAM NEGERI SELANGOR ... APPELLANTS**

**AND**

**TITULAR ROMAN CHATHOLIC ARCHBISHOP  
OF KUALA LUMPUR ... RESPONDENT**

**(DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR  
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)  
PERMOHONAN SEMAKAN KEHAKIMAN NO: R1-25-28-2009**

Dalam perkara Keputusan Responden-responden bertarikh 7.1.2009 yang menyatakan bahawa Permit Penerbitan Pemohon untuk tempoh 1.1.2009 hingga 31.12.2009 adalah tertakluk kepada syarat bahawa Pemohon dilarang menggunakan istilah/perkataan “Allah” dalam “Herald – The Catholic Weekly” sehingga Mahkamah memutuskan perkara tersebut

Dan

Dalam perkara Permohonan untuk Perintah Certiorari di bawah Aturan 53, Kaedah 2(1) Kaedah-kaedah Mahkamah Tinggi 1980

Dan

Dalam perkara Permohonan untuk Deklarasi di bawah Aturan 53, Kaedah 2(2) Kaedah-kaedah Mahkamah Tinggi 1980

Dan

Dalam Perkara Roman Catholic Bishops (Incorporation) Act 1957

**DI ANTARA**

**TITULAR ROMAN CATHOLIC ARCHBISHOP  
OF KUALA LUMPUR ... PEMOHON**

**DAN**

**1. MENTERI DALAM NEGERI ... RESPONDEN PERTAMA**

**2. KERAJAAN MALAYSIA ... RESPONDEN KEDUA]**

**CORAM:**

**MOHAMED APANDI BIN ALI, JCA (now FCJ)  
ABDUL AZIZ BIN ABD RAHIM, JCA  
MOHD ZAWAWI BIN SALLEH, JCA**

## **JUDGMENT OF MOHD ZAWAWI SALLEH, JCA**

[1] I have had the advantage of reading in draft the judgments prepared by my learned brothers, Mohamed Apandi Ali, JCA (now FCJ) and Abdul Aziz Abd Rahim, JCA. I agree with them both, and for the reasons which they give, I too would allow this appeal. In view, however, of the importance of the case, I would like to add a few observations of my own on the issue whether the usage of the word “Allah” in the “Herald – the Catholic Weekly” (“the Herald”) is an essential and integral part of the religion of Christianity.

[2] At page 48 of the Appeal Record, Her Ladyship had this to say:

“... The next question is whether the used of the word “Allah” is a practice of the religion of Christianity. In my view there is uncontroverted historical evidence alluded to in paragraph 52(i) to (xxii) alluded to above which is indicative that the use of the word “Allah” is a practice of the religion of Christianity. From the evidence it is apparent that the use of the word “Allah” is an essential part of the worship and instruction in the faith of the Malay (Bahasa Malaysia) speaking community of the Catholic Church in Malaysia and integral to the practice and propagation of their faith”.

[3] The Federal Constitution is silent on what constitutes practising a religion for the purposes of Article 11 (1). Case-law has to a certain extent defined the word 'practice' by indicating what types of acts are not considered religious practices. In **Hjh Halimatussaadiah bte Hj Kamaruddin v Public Services Commission, Malaysia & Another** [1994] 3 MLJ 61, the appellant claimed that she had been wrongfully dismissed from her employment due to her refusal to comply with employment condition that prohibited an attire that covered a female public servant's face while on duty. According to the appellant, this contravened her right to religious practice on grounds that the wearing of the purdah ("a headdress covering a woman's entire face except the eyes") was part of her religious practice as a Muslim. However, the court disagreed and held that the government is entitled to forbid non-essential and optional religious traditions in the interest of the public service. Purdah was not considered as a religious practice as it was not a requirement under Islam since there was no express mention of such a requirement in the Quran.

[4] In **Meor Atiqulrahman bin Ishak & Others v Fatimah Sihi & Others** [2005] 2 MLJ 25, the Respondents who were students, took out an action against the 1<sup>st</sup> Appellant who was the school principal, contending that their fundamental right of the freedom of religion guaranteed by Article II (I) of the Federal Constitution had been infringed by the 1<sup>st</sup> Appellant's action because she had prevented them from entering the school wearing a serban ("a headgear worn by some Muslim males") which they contended is part of their religious rights. The question before the court was whether wearing a serban is an integral part of the religion of Islam. The court held that there is no evidence that it was mandatory and an integral part of Islam. His Lordship Gopal Sri Ram JCA (as he then was), explained what constitutes the integral part of religion and stated at page 20 as follows:

"I would merely pause to observe that Das Gupta J's second principle is based on a substrum of fact. It requires the court to determine as a fact based purely on relevant and admissible evidence placed before it as to whether the religion practice in question is an integral part of the particular religion."

[5] His Lordship then referred to the case of **Javed v State of Haryana**, AIR 2003 SC 3057, where RC Lahoti J (as he then was) said:

“The meaning of religion - the term as employed in Article 25 - and the nature of protection conferred by Article 25 stands settled by the pronouncement of the Constitution Bench decision in **Dr. M. Ismail Faruqui and Ors. v. Union of India and Ors** (1994) 360. The protection under Articles 25 and 26 of the Constitution is with respect to religious practice which forms an essential and integral part of the religion. A practice may be a religious practice but not an essential and integral part of practice of that religion. The latter is not protected by Article 25.”.

[6] In India, the test adopted by the courts to determine whether a person’s religious practice is protected under Articles 25 and 26 of the Constitution is simply this: whether the nature of the religion would be changed without that impugned part or practice. The implication of this test was that only the permanent essential part was protected by the constitution, and this part was perceived to be mandatory. In **Commissioner of Police and Ors v Acharya Jagadishwarananda Avadhuta and Anor** (2004), 12 SCC 770, a religious sect (Ananda Margis) wanted to perform the tandava dance with skulls and knives on the street of Calcutta but was denied permission by the Police Commissioner. The court reiterated its test:

“Test to determine whether a part of practice is essential to the religion is to find out whether the nature

of religion will be changed without that part or practice. If the taking away of that part or practice could result in a fundamental change in the character of that religion or in its belief, then such part could be treated as an essential or integral part. There cannot be additions or subtractions to such part. Because it is the very essence of that religion and alterations will change its fundamental character. It is such permanent essential part is what is protected by the Constitution. Nobody can say that essential part or practice of one's religion has changed from a particular date or by an event. Such alterable parts or practices are definitely not the 'core' of religion where the belief is based and religion is founded upon." (p.5)

[7] The majority opinion in that case held that the Ananda Margis order was founded in 1955, and the dance was introduced as a practice in 1966. Hence, the tandava dance was not the core upon which the order was founded.

[8] In other cases too, the Indian Courts had distinguished between essential and non-essential practices. In **The Durgah Committee, Ajmer and Anr. v Syed Hussain Ali and Ors** AIR 1961 SC 1402, the question was whether the legislative action of constituting a Durgah Committee under the Durgah Khwaja Saheb Act, 1955, for the administration and management of the Ajmer Durgah endowment was violative of the denominational right of the "Chisti Sufis". It was decided that religious denomination could claim the protection of Article 26 only to the extent of practices

which were essential and integral part of religion and to no others. It was noted that the “Chisti Sufis” did not show that they had any customary rights for the management of the Durgah endowment and hence the right to manage the same could not be defended as an “essential” religious practice protected under the constitution.

[9] In State of **West Bengal v Ashutosh Lahiri** AIR 1995 SC 464, the court ruled that the scarifies of a cow by Muslim on Id Kurban (“Idul Adha”) was not an “essential” part of Islam since a camel or a goat could be substituted for the cow.

[10] The principle to be distilled from the authorities above cited is that freedom of religion extends only to practices and rituals that are essential and integral part of the religion. In this respect, the courts rejected what could be called the “assertion’s test”, whereby a petitioner could simply assert that a particular practice was religious practice. It was the court’s task to assess the sufficiency of the evidence required to establish the existence of such a practice. Therefore, a “practice” or set of beliefs must not only exist, but be “essential” to that religion.

[11] Learned counsel for the 8<sup>th</sup> Appellant submitted that that Her Ladyship had erred in law and fact in holding that the usage of the word “Allah” is a practice of the religion of Christianity and that the usage of the word “Allah” is an essential part of the worship and instruction of the faith of the Malay speaking community in the Catholic Church in Malaysia and integral to the practice and propagation of their faith. In the affidavits filed by the 1<sup>st</sup> and 2<sup>nd</sup> Appellants, they had denied this assertion by the Respondent.

[12] Learned counsel for the 8<sup>th</sup> Appellant further submitted that the affidavit evidence filed by the Respondent in the High Court failed to show that the word “Allah” is an integral part of the teaching of Christianity. As regards to the many versions of the earlier Malay translations of the Bible, which have been taken to be among the historical proof to justify the term “Allah” being as such in its present day translation, learned counsels for the 3<sup>rd</sup> – 9<sup>th</sup> Appellants in their submissions argued that it is particularly noteworthy that they were mainly translated by the non-Malay – to be more specific, by the missionaries – to spread Christianity among the local population in Malay Archipelago. Therefore, the translation was incorrect.

[13] It was contended by learned counsel for the 8<sup>th</sup> Appellant that the word “Allah” does not appear in the original Bible. The original Bible of the Christian was the Hebrew Bible, also known as the Tanakh. The very first translation of the Hebrew Bible was into Greek, also known as Septuagint (LXX) which later became the received text of the Old Testament in the churches and the basis of the canon. There was no word “Allah” in the Greek New Testament either. That being the historical fact, it was submitted that the word “Allah” is not an integral part of the faith and practice of Christianity.

[14] In reply, learned counsel for Respondent submitted that the Christian in Malaysia and Indonesia had for years used the word “Allah” to refer to “God” in Bahasa Melayu and Bahasa Indonesia. Mainstream Bible translations in both languages used “Allah” as the translation of Hebrew Elohim (translation in English Bible as “God”). Learned counsel further submitted that the Catholic Church in Malaysia and Indonesia and the great majority of other Christian denomination hold that “Allah” is the legitimate word for “God” in Bahasa Melayu.

[15] It is trite that the court may take judicial notice of public history, literature, science and art and may resort for its aid to

appropriate books or documents of reference. (See: section 57(2) of the Evidence Act 1950 and **Lim Kong v Public Prosecutor** [1962] MLJ 195; **Pembangunan Maha Murni Sdn Bhd v Juruurus Ladang Sdn Bhd** [1986] 2 MLJ 30 and **Adong bin Kuwau & Ors v Kerajaan Negeri Johor** [1997] 1 MLJ 418). In **Commonwealth Shipping Representative v P & O Branch Service** [1923] AC 191, Lord Sumner had this to say at page 212:

“Judicial notice refers to facts which a judge can be called upon to receive and to act upon either from his general knowledge of them, or from inquiries to be made by himself for his own information from sources to which it is proper for him to refer.”.

[16] With this principal in mind, I now turn to consider the question whether the Herald should use the word “Allah” in the Malay version. I shall begin by considering controversial issue whether Christians should use the word “Allah” in the Bible translations. The issue is the subject of a long debate, especially for non-Arabic speaking Christians. This debate does not exist for Arabic-speaking Christians who had continually translated “Elohim” and “Theos” (the primary terms for “God” in Biblical Hebrew and Greek), as “Allah” from the earliest known Arab Bible translations in the eight century till today.

[17] When those whose mother tongue is Arabic and who live among Muslims have no problem with the name “Allah” being used for God in the Bible, this raises a question about what possible problem there might be with the use of “Allah” elsewhere in the translation of the Bible. There are some non-Arabic speaking Christians who say that the word “Allah” and “God” refer to different deities and therefore that “Allah” should never be used in any translation of the Bible. One person who has written a book arguing against the use of the word “Allah” by Christian is a Nigerian, G.J.O Monshay. In his book, “Who is this Allah?”, Ibadan, Nigeria: Firelines Inst., 1990, he writes at page 8: *“for long we had assumed that Christians and Muslims serve the same God, and that it is only in the language of expression and mode of worship that they differ.”* But he concludes that they are not.

[18] Many sincere missionaries who strive to be Biblical tend to reject all Muslim terminology, culture and religions forms which they construe as “Islamic” – even elements rooted in Biblical Jewish and Christian origin. In arguing that “Allah” is not the God of the Bible, Brutus Balan, an Australian, advances the following reasons:

**“The word 'Allah' no matter the origin pre Muhammad is understood in the Islamic context today as the Quranic deity.** It is not a word that depicts the Trinitarian *Yahweh-Elohim* (Lord God) of the Bible. It is wrong for any translation of the Bible in any language to use this word 'Allah' to refer to the God of the Bible. Doing so brings confusion and ambiguity between what the Bible teaches as the Trinitarian monotheistic God with that of the 'Allah' of the Quran. It cannot be considered as a mere argument over semantics for Christians of the protestant/evangelical variety. To use 'Allah' synonymously in reference to the Biblical deity is both confusing for the Muslims and Christians as to which God one is referring to as it is poles apart theologically. There is the danger for both sides untaught of its respective theologies to think it is the same God who is worshipped. **Christians must distinguish themselves in their doctrine and not use an Arabic word for the Biblical God.**

**1. In today's religious context, the word 'Allah' is a word loaded with Islamic theology.** The God of the Christian Bible *Yahweh-Elohim* beginning from Genesis to Revelation is a Trinitarian monotheistic God. It is not a creation of the Church but it is an inspired Biblical revelation. Its mathematics is hard to understand but it is the heart of John 3: 16, the Gospel in a nutshell. That is, the Trinitarian monotheistic God the "Father", sending forth God the "Son", Christ Jesus, who incarnated in the human flesh, to offer Himself as the blood-sacrifice, a substitute to take upon Himself the sin of doomed humanity, dying on the cross and rising up again on the third day from the dead thereby saving humanity from God's wrath upon sin. After Christ resurrection and ascension, as promised by Him, God the Holy Spirit descended upon the earth to indwell every true believer of Christ (the Church), according to the Scriptures (Bible) to enable the believer to live a holy life and to be the seal of redemption testifying in the heart of the forgiveness of sin in Christ Jesus. The Christian Gospel is based on this redemptive revelation

of the triune Godhead. The Quranic concept of '*Allah*' is in total opposition to this. **There is NO similarity between them whatsoever.**

**2. The early 'Christian missionaries', erred when they started to Christianize pagan words** so that the 'converts' from the Christianized colonies and communities are not brought into a religio-social vacuum. Therefore, the word *Allah* that pre-dates Islam, a word that was and is a non Hebrew word for a pagan deity, the "Moon-god" of the pre Muhammad Arabs was Christianized and retained among the Middle Eastern Arab Christian converts finding its way in the Arabic Bible translation. Post Muhammad this same "Moon-god" is now appropriated and identified with the Islamic Quran by Muhammad. This contextualization of the Arabic word, *Allah*, in Bible translation, was followed in Asia and many parts of the world where there was a Muslim-Arabic religious influence. **It was wrong then and it is wrong now.**

**3. The word '*Allah*' is a transliteration of the Arabic word and it does not represent the Hebrew God of the Bible pre or post Muhammad.** To be true, the translators at that time ought to have transliterated the Hebrew words, '*Jehovah*' (Lord) and '*Elohim*' (God) incorporating it in the ethnic language of a people group , thus introducing the God of the Bible without any confusion to any locally known pagan deities. Why use the Arabic word '*Allah*' for the Biblical God revealed to the Jewish Hebrew speaking prophets of the Old Testament and the Jewish apostles/associates of the New Testament? After all '*the people of the Book*', the Jews, were worshipping '*Jehovah-Elohim*' 500 years before Mohammed appropriated this "Moon-god", Allah, as the deity of Islam. No matter how it is insisted, it is a betrayal of the God of the Bible to call Him '*Allah*' of Muhammad's Islam. **Words do not exist in a vacuum and they are loaded with implications. When we import from the Quran a word that is alien to the Jewish Bible, we also import its Islamic teachings.**

**4. Since the Old Testament of the Bible was written in Hebrew, the language of the Jews, modern translations must use the TRANSLITERATED Hebrew words for the God of the Bible when a generic word is unavailable in any local language to distinguish the God of the Bible (since 'Allah' is a loaded Islamic word today). The same consistency must apply even for the New Testament (written in Greek) for God and Lord ('Theos' and 'Kurios') for it is a reference to the same Biblical God of the Old Testament. If there was no indigenous word or equivalence for a word in another language, people have always transliterated the foreign word, contextualizing it with slight changes and adding it to the local vocabulary. The Indonesian and Malaysian languages are testament to this. Words like '*confrontasi*' for confrontation, '*reformasi*' for reformation, etc., have now become part of the Malay/Indonesian vocabulary. Therefore, Bible translation must be in keeping with its revelatory language in translation and when untranslatable, transliterated.**

.....

**10. The Indonesian/Malay and the Middle Eastern Bible translations erroneously use the word 'Allah' to refer to the God of the Bible.** Even though the argument that it is not an exclusive word for the Muslims because it pre-dates Islam and that it is currently used by Arabic speaking Christian minority, this Islamic deity called 'Allah' is never found in the Hebrew text of the Bible. Hebrew, Aramaic and Arabic languages may have similar linguistic root from where it branched out but since the birth of Islam, 'Allah', is a word that refers to the deity of the Quran ('There is no god but Allah'). This Muslim deity is antithetical to the Biblical God, Jehovah-Elohim. They are poles apart even though many untaught people say there is only a minor difference. They mean well but have not investigated the content and theology of the Bible and the Quran.”

(See: <http://www.danielpipes.org/comments/185481>)

[19] Not long ago (August 2007), a Roman Catholic in Netherland, Tiny Muskens, called for all Christians to use the word “Allah”. However, the call was objected by the Protestant Christian as well as the Catholic Christians. The President of the Catholic League for Religious and Civil Rights disputed the idea and said:

“Bishop Martinus Tiny Muskens can pray to “Allah” all he wants, but only addlepatated Catholics will follow his lead. It is not good sign when members of the Catholic hierarchy indulge in a fawning exchange with Muslims or those of any other religion.”.

(See <http://www.foxnews.com/story/0.2933, 293394,00.html>).

[20] The Chairman of the General Synod of the Dutch Protestant Church, Gerrit de Pijter, also opposed to Musken’s idea that Christians use the word “Allah”. He had this to say:

“I applaud every attempt to encourage dialogue with Muslims, but I doubt the sense of this manoeuvre.”.

(See: <http://www.news.com.au/story/0.23599, 222540 - 13762,00.html>).

[21] Christians who advocate for using the word “Allah” among Muslims in non-Arabic speaking countries argue that introducing foreign terms for “God” will create immense hurdles in

communication, perhaps even guaranteeing that a truly indigenous church planting movement will never occur. The task, they say, is not to discard such easily redeemable terms, but to fill them with Biblical meaning. The more a Muslim's understanding of "Allah" is informed by Scriptures, the more Biblical their theology of God will become. Therefore, if the translator's objective is to render the Scriptures in a way that will be well received as "Good News" by Muslim readers, the solution to this linguistic quagmire is not necessarily to avoid the term "Allah", no matter how vehemently some non-Arabic knowing Christian may oppose it. John Gilchrist, a South African Christian leader and writer makes the following comments in his book: "Communicating the Gospel to Muslims", section 4 – "Becoming a Muslim to the Muslims":

"What, then, is the Biblical approach to Muslims in the light of this method into which the great apostle allows us to enter? It is simply this - in the same way that he became as a Jew to the Jews, so each of us must become as a Muslim to the Muslims. We must discover the beliefs of the Muslims, their view of prophetic history, their assessment of Jesus Christ, and their overall religious perception of life, and present the Gospel against that background. Samuel Zwemer, one of the most famous missionaries to Muslims, sums this up perfectly in saying: We must become Moslems to the Moslem if we would gain them for Christ. We must do this in the Pauline sense, without compromise, but with self-sacrificing sympathy and unselfish love. The

Christian missionary should first of all thoroughly know the religion of the people among whom he labours; ignorance of the Koran, the traditions, the life of Mohammed, the Moslem conception of Christ, social beliefs and prejudices of Mohammedans, which are the result of their religion, - ignorance of these is the chief difficulty in work for Moslems. (Zwemer, The Moslem Christ, p. 183).”.

(See: answering – islam/org/Gilchrist/Vol 2/3B.html).

[22] It would seem that the biblical translations of the Bible into Arabic and other languages used by the majority Muslim communities in the Middle East, Africa and Asia have generally not used “Allah” to translate the Hebrew tetragrammaton **YHWH**. This is considered to be the particular name of the supreme being of the people of Israel as revealed to Moses. In Arabic translations it is transliterated as **yahwah** or translated as **rabb** (Lord), corresponding to the Jewish custom of using **adonai** in place of saying the divine name. Translations of **YHWH** in other languages used in the Islamic world have followed the precedent of the Arabic in either transliterating **YHWH** and/or using a word for Lord (**rabb** in Bambara and Somali, **khodavand** in Persian, Pashto, Sindhi, and Urdu, **Tuhan** in Indonesian). The exceptions to this practice are the Malay translations of 1912 and 1988 that use “Allah” for **YHWH**; the Biatah translation used in Sarawak, Malaysia, and the

Tausug translation used in Jolo, Philippines, followed the precedent of the Malay translations. However, the completely revised Malay Bible of 1996, restored the practice of translating Elohim as “Allah”. (See: Daud Soesilo; “Translating the Names of God Revisited: Field Experience from Indonesia and Malaysia,” (a paper presented at the Annual Meeting of the SBL/AAR in November 2000), pp. 4 and 8).

[23] It is pertinent to note that there have been biblical translations in a few languages that have changed the word used for the supreme being from previous translations. The original Pashto translation of the Bible in 1895 had “Allah”, but this was changed to *Khoda* in the revision of the New Testament beginning with the Gospel of Matthew published in 1931, conforming to the usage in Urdu and the Iranian languages. The Bengali translation of the Bible made in 1809 by William Carey used *Ishwar*, the common word used by Hindus for the supreme being. When the new Musalmani Bengali Common Language translation of the Gospels was published in Bangladesh in 1980, the word *Khoda* was used since that was the word commonly used by Muslims. Now in the year 2000 the complete Musalmani Bengali Common

Language Bible has been published with the word “Allah” because that has become the commonly-used word by Muslims and Christians from a majority community background. Conversely, the Scripture Union of Malaysia in its publications has been changing “Allah” to “Tuhan” when quoting the Indonesian translation of the Bible, *Terjemahan Baru*. The result is no distinction is made in the translation of YHWH and Elohim. The completely revised Malay Bible of 1996, restored the practice of translating Elohim as “Allah”. It was said that this was at the advice of the Malaysian church leaders, who considered the translations of 1912 and 1988 as not being exegetically accurate or faithful to the original texts. Thus, the rendering of the divine names returned to the precedent established in the history of the Malay/Indonesian translations since 1629. (See: Soesilo, op. cit, pp. 4 and 8).

[24] From the above research, it can be seen that in spite of the word “Allah” is not the same as *Elohim* and *Theos* in the Bible, translators involved in translations of the Bible or revisions of the Bible in languages used by the majority Muslim community had used the word “Allah” because the word is commonly-used by the people in that language group to refer to their supreme being.

However, there are exceptions. In a recent Indonesian translation, *Kitab Suci: Torat dan Injil* (Jakarta: Bet Yesua Hamasiah, no date), in which the tetragrammaton is translated YAHWE and Elohim is transliterated as Eloim. This was done for the ideological objection to the use of “Allah” in the Bible. (See: Soesilo, op. cit., pp. 2f). The rationale for this is that “Allah” in its original usage refers to the pagan god of the Arab (i.e., prior to Islam advent). However, it should be noted that this group’s version of the term for God in their translation is resisted by the main body, the Indonesian Bible Society (Lembaga Al Kitab Indonesia), which was responsible for the Al Kitab (1978) and the Al Kitab Kabar Baik, (“Good News Bible”) (2004).

[25] In summary, judging from the many viewpoints and contentions that I have alluded before, we can conclude that the Christians themselves have not reached a consensus as to how to use the word “Allah”, whether in their many translations and versions of the Bible or in their general usage of it and this simply demonstrates how contentious and controversial such a usage.

[26] “Allah” is not the God of the Bible. “Allah” is a proper name and the only God in Islam. The Holy Qur’an describes the

attributes of “Allah” in Surah Al-Ikhlās (“Purity”) (Chapter 112) as follows:

“Say: He is Allah, The One and Only; Allah, the Eternal, Absolute; He begetteth not, nor is He begotten; And there is none Like unto Him.”.

[27] According to Abdullah Yusuf Ali, “The Meaning of the Holy Qurán” (Brentwood, Maryland: Amana Corporation, 1991), the verse, “He begetteth not, nor is He begotten”, negates the Christian idea of the godhead, “the Father”, “the only – begotten Son” and so on. The last part of Surah, “and there is none Like unto Him” warns “against Anthropomorphism, the tendency to conceive Allah after our own pattern, an insidious tendency that creeps in at all times and among all peoples.”. (p.6300).

[28] If the word “Allah” is to be employed in the Malay versions of the Herald to refer to God, there will be a risk of misrepresentation of God within Christianity itself, since the Christian conception of God as symbolised by the trinity is absolutely and completely dissimilar to the conception of Allah in Islam; in other words, the potential for confusion is not confined only to Muslims but also to Christians.

[29] The upshot from the foregoing discussion is that the usage of the word “Allah” in the Malay version of the Herald to refer to God is not the essential or integral part of the religion of Christianity. Therefore, such usage does not attract constitutional guarantee of Article 11(1) of the Federal Constitution. The question of translating God as “Allah” is still being hotly debated among Christians worldwide. It is also doubtful whether the opinion of the Respondent on the usage of the word “Allah” reflects that of Catholic majority.

Dated: 14 October 2013

***Sgd.***

**(DATO' MOHD ZAWAWI BIN SALLEH)**  
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Mohd Adzly Ab Manas  
Tetuan Tajuddin Razak  
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**For the 9<sup>th</sup> Appellant:**

Tan Sri Dato' Dr. Abdul Aziz bin Abdul Rahman, Abdul Rahim bin  
Sinwan and Ridha Abadah bin Subri  
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**For the Respondent**

Porres Royan, S.Selvarajah, Benjamin Dawson and Annou Xavier  
Tetuan Fernandez & Selvarajah  
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