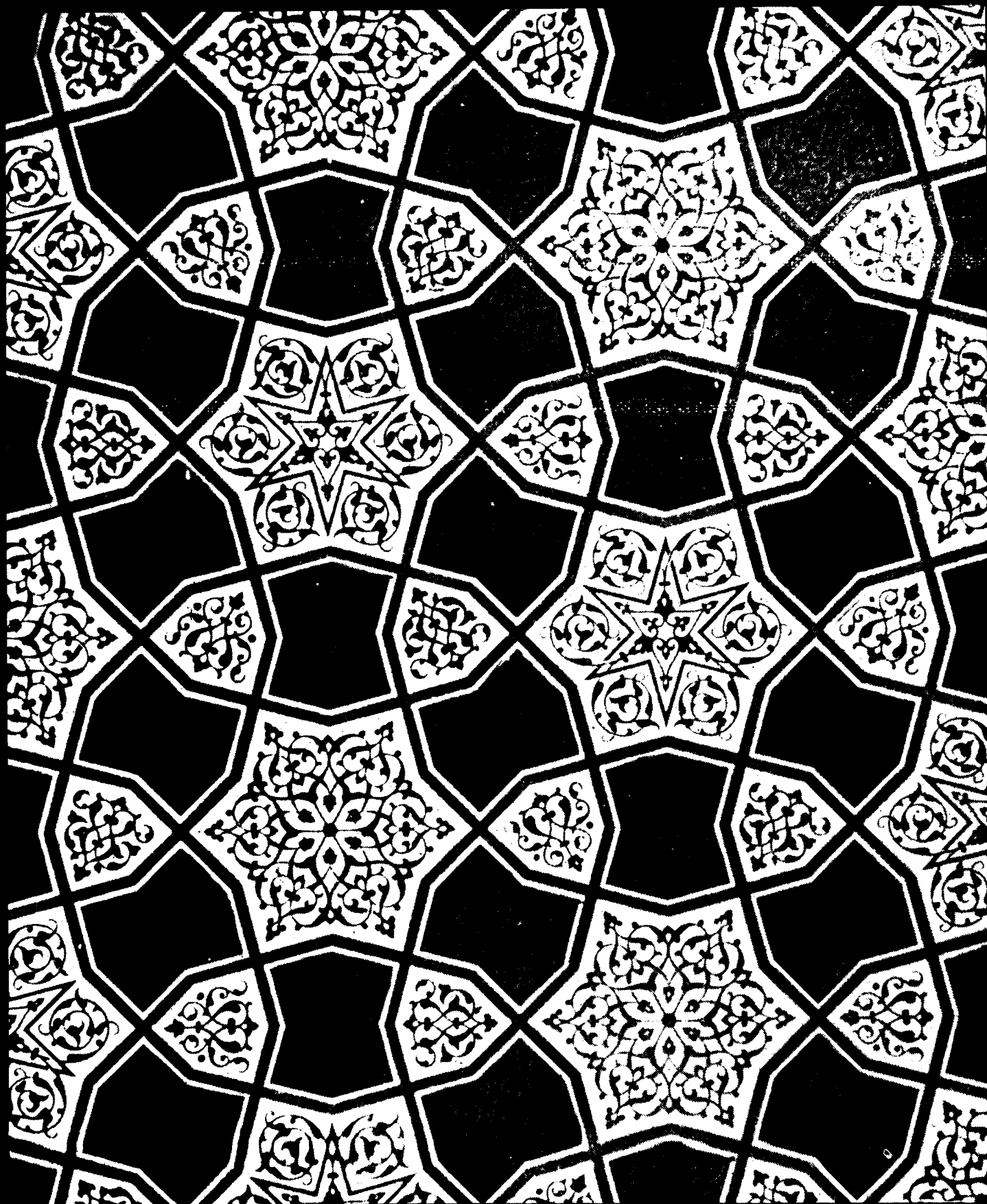


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The Promised Messiah Speaks

Claim Of Being The Promised Messiah

by **Hadhrat Mirza Ghulam Ahmad**
Founder of the **Ahmadiyya Movement in Islam**

Promise Redeemed

It is not, therefore, an occasion to be dazzled and dazed, but an occasion for the offering of thousands of thanks and the rejuvenation of faith and belief that the Most High God, out of His kindness and grace, has redeemed His promise without even a moment's delay in the prophecy spoken through the mouth of His Prophet, and has not only brought to pass and fulfilled this prophecy, but has also opened the door for thousands of prophecies and signs for the future. And if you are really the people of faith and belief, you should express your deep gratitude and offer thanks-giving prayer and praise to the Most High God, for you have found the time in expectation of which your forbears of old passed away, and yearning to see which innumerable souls departed from this earth. It is now up to you to appreciate and duly esteem its worth and reap the benefit therefrom, or let this golden opportunity slip through your hands. I will repeat over and over again, and cannot refrain from this declaration, that I am the same man who has been raised in time for the reclamation of the people that faith may afresh be re-instated and re-installed in their minds. I have been sent in the same manner as was sent, after the prophet Moses, that man whose soul was taken up and lifted to heaven in the reign of Herod, after suffering a good deal of trouble and torture. So, when Moses the second who was in reality the first and foremost of all, the Lord of the prophets, of whom it is said in the Holy Qur'-an(53:16) *Surely We have sent to you an Apostle, a witness against you, as We sent an Apostle to Pharaoh*, who was in the matter of his mission the like of Moses, but much superior to him in the matter of rank and dignity, made his appearance for the chastisement of other pharaohs, the promise of being given the like of Messiah was also vouchsafed to him. And that Promised Messiah, invested with the spirit and power of Jesus son of Mary, has now descended from heaven in a similar way, after a lapse of similar period that had passed from the time of Moses the first to the appearance of Jesus, son of Mary i.e., in the 14th century; and his descension was of a spiritual nature much in the way as Perfect Persons, after their ascension to heaven, descend for the reformation and guidance of human race; and he was descended in an age which was, in all respects, similar to and like the age of Jesus, son of Mary so that it may be a sign for those who understood.

No Impetuosity

One should, therefore, be very cautious that he makes no haste in his denial and denunciation, lest he may be adjudged as a pertinacious disputant with the Most High God. The worldings who are clinging stubbornly to their old, rotten imagination, will not accept him. But the time is not far off when their error will be made known to them. *A warner came*

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EDITORIAL

THE JUDGEMENT IN SOUTH AFRICA

By Masud Akhtar

Finally, the Supreme Court of South Africa, Cape of Good Hope provincial Division, has announced its judgement on the 20th day of November, 1985 in the case filed by the Ahmadiyyah Anjuman Ishaat Islam, South Africa and Muhammad Ismail Peck in 1982 against the Muslim Judicial Council of South Africa and Others. This judgement not only declares that the Founder of the Ahmadiyyah Movement in Islam and the members of the Ahmadiyyah Anjuman Ishaat Islam are Muslims but also indicts the defendants from disseminating, publishing, or otherwise propagating false, harmful, malicious, and defamatory matter of and concerning members of the Ahmadiyyah Anjuman Ishaat Islam, South Africa, to wit: (a) that such members are non-Muslims, disbelievers, kafirs, apostates, murtads, or (b) that they reject the finality of the prophethood of Muhammad (peace be on him), or (c) that they are non-believers and as such are to be denied admittance to mosques and to Muslim burial ground, and (d) that marriage with an Ahmadi is prohibited by Muslim law.

This is a milestone in the voyage of the vindication of our legitimate rights. The 1974 amendment to the constitution of Pakistan re Ahmadi's, which was engineered by a Prime Minister who was found guilty of murder by the Supreme Court of Pakistan and was hanged to death and which was passed by a National Assembly majority of whose members were declared corrupt, Fasiq, and Fajar not only by the successor government of Pakistan but also by the then press of Pakistan, had come as a rude shock to our members because we all, like the founder of the Ahmadiyyah Movement in Islam, have always been staunch believers in the finality of the prophethood of the Holy Prophet Muhammad (peace be on him). The funniest part of the story is that we, who believe in absolute finality of the prophethood by declaring that no prophet, old or new, will ever appear after our Holy Prophet Muhammad (peace be on him), were declared non-Muslims allegedly for not believing in the finality of the prophethood by those, a vast majority of, whom put no value on finality of prophethood, as they believe in the second advent of Jesus Christ, son of Mary, an Israelite prophet. In this behalf, they are at par with the Rabwite Ahmadies, who falsely attribute a claim of prophethood to the founder of the

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Editorial-Continued

Ahmadiyyah Movement simply to keep their family Khalafat going; the only difference being that one believes in the advent of an old Israelite prophet, while the other believes in a new prophethood after the Holy Prophet(peace be on him).

We on our part, and probably all sane and sensible persons too, do not consider those decisions of the government of Pakistan worth the paper they are written on while the government of Pakistan on their part, in order to muster support for their actions, have been spending millions of public finance by sending globe trotting Mullahs and by publishing and distributing literature through its Embassies in foreign lands, which was based on distortion of facts and the writings of the founder of the Ahmadiyyah Movement. To us, the matter is crystal clear. That is, what to talk of one government of Pakistan and what to talk of a few politico-religious Mullahs, even if all the governments of the world join hands AND EVEN IF ALL, the Ulema of the world, concur to say or pronounce something which runs afoul of the clear teachings of the Qur'-an(the word of Allah) and the Sunnah(the words and practice of the Holy Prophet Muhammad(peace be on him), it just deserves to be put in the waste paper basket or to put it in American terms, it simply is garbage which should be put in the garbage can.

Back in 1974, we sought advice from the Late Mr. Justice Muhammad Munir, the retired Chief Justice of Pakistan who was carrying Chamber practice for rendering advice only. The difficulty was that the doors of the courts in Pakistan HAD BEEN SLAMMED SHUT ON US as the then Constitution of Pakistan specifically prohibited the courts of Pakistan from entertaining any challenge to the constitutional amendment re Ahmadiyya. When the present government of Pakistan constituted Shariah Benches in the High Courts and the Supreme Court of Pakistan, two ZEALOT Ahmadi challenged as unislamic the laws relating to the Ahmadiyyas. In our

opinion, it was not a well-considered or wise step. Let us not forget that the theologians who sit on these Shariah Benches are the arch-enemies of the founder of the Ahmadiyyah movement and the Ahmadiyyah movement itself. For years, they have been busy slandering both the founder and us, and disseminating, publishing, or otherwise propagating false, malicious, and defamatory matter of and concerning the founder and the Ahmadiyya Movement by distorting the facts and writings of the founder. Their mentalities would not register a change simply by the fact that they have been elevated to the High and Supreme Court Benches. They constitute a partisan forum; it is a mockery of the well-established norms of justice, and to take ones case to such courts or expecting justice at their hands is mere day-dreaming. In these bleak conditions, Allah opened a door for the vindications of our rights. In 1982, the Muslim Judicial Council of South Africa tried to socially ostracise our members by issuing proclamations of Kafir against them and by barring their entry in the mosques and Muslim cemeteries. Our South Africa Jamat, which comprises mainly of youthful members, reacted sharply and filed a suit against the M.J.C. and others who were trampling over their civil rights. The present judgement decides this suit. It is not only the judgement of the highest court of South Africa, but it also is a pronouncement by an independent, non-partisan, secular Judge on the merits of our case.

It is tragic that the Ulema of the Muslim Judicial Council of South Africa, as well as their sponsors from Pakistan who have been raising huge amounts of money from the simple-minded Muslims all over the world, including the Rabita-e-Alam-e-Islam, in the name of this case, and who had been contesting it until the Hearing of November 1984, did not deem fit to appear in the court during the final hearings on the facts to vindicate their stand. For three years, they have been avoiding hearing of the case on the facts through raising all kinds of legal pleas, and when the stage arrived for them to prove the merits of their stand, they chose to flee the court. We can only pray to Allah for granting them

wisdom to discover the truth and the courage to stand by it. And our heads bow in humble prostration to Almighty Allah on the triumph of truth; and even in this hour of vindication of our stand, we feel a cry rising from the depth of hearts and souls:

“Our Lord ! decide between us and our people with truth; and thou art the Best of deciders.”

“O Allah, help those who help the religion of Muhammad(peace be on him) and make us from amongst them. for the predominance of the religion of Muhammad(peace be on him), is that dearest object of our lives for the achievement of which the Mujaddid of the age Hadhrat Mirza Ghulam Ahmad has taken a pledge from us to sacrifice all that we have, even these be our lives.



New Modernism And The Qur'-an-Continued

latest version of modernism. The West is keenly interested in giving the East a taste of it, and is leaving no stone unturned to convert it according to the well-known verse: “I am sinking, my dear, but I shall take you along. But only modernism at a respectful distance with the East's own nuances and peculiarities without the West conceding equality of status on any level whatsoever.



DID YOU KNOW THAT?

(1) Muslims belonging to the Lahore Ahmadiyya Anjuman are the only ones who believe in the finality of Prophethood; of the Prophet Muhammad(P.B.H.) we believe that after the Holy Prophet Muhammad(P.B.H.) no Prophet, old or new, can come!

(2) Islam is not a pagan religion, Islam rejects the sacrifice or killing of any human being to appease an angry God.



IN THE SUPREME COURT OF SOUTH AFRICA CAPE OF GOOD HOPE PROVINCIAL DIVISION

CASE NUMBER: 10058/82

DATE: 20.11.1985

In the matter between:

**AHMADIYYA ANJUMAN ISHAAT ISLAM LAHORE (SA) Plaintiffs
ISMAIL PECK**

and

THE MUSLIM JUDICAL COUNCIL & OTHERS Defendants

A Judgement of the Court

WILLIAMSON J: Originally two plaintiffs sued in this action. They were, as first plaintiff the Ahmadiyya Anjuman Ishaat Islam Lahore (SA), a voluntary association of Muslims constituted in terms of a written constitution whose members are commonly known and referred to as Ahmadis and second plaintiff one Ismail Peck. Ismail Peck is a member of the first plaintiff association and sued in his individual capacity as well as in his capacity as a member of such association.

The defendants are, firstly, the Muslim Judicial Council(Cape) described as a voluntary association of certain Sheiks, Immams and theologians; secondly, the trustees of a mosque situated at the corner of Long and Dorp Streets, Cape Town, to which I shall refer as the mosque and, thirdly, the trustees of the Malay

portion of the Vygekrall Cemetery, Athlone, Cape.

Briefly stated, the plaintiffs' cause of action is that there are certain fundamental doctrines and principles upon which Islam is founded; that the plaintiffs accept these fundamental doctrines and principles and are Muslims; that all mosques are dedicated to Allah and every Muslim, irrespective of sect or movement, has the right to admittance to any mosque no matter where it is situated for the purpose of prayer and other religious functions and that the first defendant published certain false and defamatory matter of and concerning the plaintiffs, to wit, that all Ahmadis are non-Muslims and are apostates and disbelievers and as such should be denied admittance to all mosques and also should be denied the right to bury their dead in any Muslim cemetery.

As against the second defendant, the plaintiffs allege that it wrongfully refused, despite requests, to concede the right of members of the first plaintiff and the right of second plaintiff to admittance to the mosque. This, they said, was contrary to certain conditions contained in an annexure to a deed of transfer passed on 11 February 1881.

As against the third defendant, the plaintiffs allege that it refused to recognize the right of members of the first plaintiff to have their dead buried in the Malay portion of the Vygekraal Cemetery. This cemetery is held in terms of a deed grant dated 18 December 1908. This refusal, so it is alleged, is contrary to the express terms of this deed of grant.

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Judgement-Continued

The plaintiffs, on the above-stated facts, claimed:

(a) Against all three defendants, an order declaring that members of the first plaintiff and second plaintiff are Muslims and, as such, are entitled to all rights and privileges as pertain to Muslims.

(b) Against the first defendant, an order interdicting it from disseminating, publishing or otherwise propagating the defamatory matter complained about.

(c) Against the second defendant, an order declaring that members of the first plaintiff and the second plaintiff are entitled to admittance to the mosque and

(d) Against the third defendant, an order declaring that members of the first plaintiff and second plaintiff are entitled to the same rights of burial in the cemetery as pertain to all Muslims.

At an earlier stage in the proceedings, the defendants excepted to the first plaintiff's claim against them on the ground that the first plaintiff had no *locus standi* to bring such claims. The exception was upheld and the particulars of the claim, insofar as they related to the first plaintiff, were set aside. Thereupon the action was continued by the second plaintiff only.

Also at an earlier stage, the defendants gave notice of their intention to apply at the hearing of the trial for the determination *in limine*, separately from the merits of the action and in terms of the Rule of Court 33(4), of certain legal issues and for the stay of all proceedings in the action until such issues had been disposed of. One of the questions raised was formulated thus:

"whether or not the Court should decline to entertain on its merits the dispute as to whether Ahmadis are Muslims or not..."

Accordingly, when the matter was originally set down for hearing, no evidence was led. It was confined to legal argument on the questions raised. Judgement was delivered on July 1985 by Berman J. In his judgement, the learned judge said as follows:

"Peck seeks against all three defendants a declaratory order that he

is a Muslim and thus entitled to the rights and privileges pertaining to Muslims. He founds his right to claim this relief upon the provisions of section 19(1)(a)(iii) of the Supreme Court Act No. 59/1959, which empowers the Court, in its discretion, to enquire into and determine at the instance of any interested person any existing, future, or contingent right or obligation, notwithstanding that such person cannot claim any relief consequential upon the determination. It was Mr. Mohamed's contention that this Court should not entertain Peck's application for such an order because it involves a decision as to whether or not Ahmadis are Muslims, a decision which will involve a determination of a number of doctrinal and religious questions which are purely ecclesiastical in nature and it is inappropriate for a secular court to attempt to resolve these questions, and further, that the relief sought by Peck is of an academic nature and is not *bona fide*. With regard to the exercise or otherwise of the Court's discretion in favour of Peck, Mr. Mohamed invited the Court to take into account the undesirability of a secular tribunal concerning itself with matters of spiritual faith to the inordinate length of a trial on this aspect of the matter, and to the difficult and complicated nature of the doctrinal questions involved. Indeed, he raised the question preliminary even to that of whether or not the Court should exercise its discretion in favour of Peck as to whether a declarator can ever be granted where the claimant therefor can obtain consequential relief, for example, an order directing that he be permitted to pray in the mosque."

"I am furthermore not persuaded by Mr. Muhammad that this Court should exercise its discretion against the grant of a declaratory order such as the one sought as a preliminary matter so as to avoid embarking on the treacherous waters of religious disputes. Our Courts have never lacked the courage to deal with doctrinal disputes where this has been necessary, nor have they shirked an obligation to do so when faced therewith. Moreover, to the submission that it is undesirable that this Court be required to decide a

matter involving a determination of a number of doctrinal and religious questions, purely ecclesiastical in nature, the short answer is that most litigation, if not all litigation, is undesirable. Once the matter raised by a citizen (in this instance, Peck) is one which he is entitled to lay before this Court for decision, and it is one which this Court is competent to deal with, and if the issue(s) thereby raised is or are within this Court's jurisdiction, mere dictates of convenience or inconvenience, desirability or undesirability cannot disentitle him to a hearing and a decision. And further, the discretion vested in the Court in terms of section 19(1)(1)(iii) of Act No. 59/1959 should not be exercised against a claimant for a declaratory order on the ground that the issue be decided on is a theological rather than a secular one. Indeed, it appears to me that the resolution of the question whether Ahmadis are Muslims or not may well be more fairly and dispassionately decided by a secular Court such as this than by some other tribunal composed of theologians. Certainly, when regard is had to the considerable number of experts to be called and the considerable volume of testimony to be given by them, this Court may well be the most suitable forum to deal with them and with their evidence."

The Court accordingly answered the question in favour of the plaintiff and the matter then proceeded to trial in the ordinary course.

When the trial in this matter commenced on 5 November 1985 Mr. Desai, on behalf of the three defendants, informed the Court that his clients no longer wished to participate in these proceedings and that they accordingly withdrew their defense. In doing so, he explained that no disrespect was intended towards the Court but his clients felt that as Muslims, they could not in conscience submit to the jurisdiction of this court, which is the ordinary secular court of this country, to decide who is a Muslim. Be that as it may, there is no doubt that where civil rights are in issue, our courts have never refused to hear the matters because the resolution of the disputes about those rights may also involve decisions as to doctrinal

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matters or other issues of a religious or theological nature. As long ago as 1862 in the case of Long vs Bishop of Cape Town 4 Searle 162 Lord Kingsdown, in delivering the judgement of the Privy Council, referred at page 179 to the plaintiff's right of:

"...resorting to a civil court for the restitution of civil rights and thereby giving to such court jurisdiction to determine questions of an ecclesiastical nature essential to their decision."

Thus in Jan & Others vs Ismail & Others, 1866(5) Searle 102, we find the Court being called upon to decide upon the rights of appointment of official positions in a mosque. It is perhaps not out of place to note that in this case we see two contending groups of Muslims approaching a secular court to decide matters of Muslim law and practice. Indeed over the years, there are many instances of our courts applying Muhammedan law and Muslim usages and customs without the point being taken that it is inappropriate for a secular court to decide matters of this nature. (See in this regard the article in the 1907 Cape Law Journal at page 176 entitled Muhammedan Law in South Africa and also Hessen & Others vs Daout, 6 SC 372; Behardien vs Intillah, 6 CTR 41; Du Toit & Others vs Domingo, 7 CTR 134; Dobie & Others vs Salie & Others, 1900(7) SC 552; Salie vs Connelly & Others, 1908 EDC 97; Omar Raffie & Others vs Behardien Jappie & Another, 1891(6) EDL 169; Jamile & Others vs African Congregational Church, 1971(3) SA 836(d) at 840(E) and Allen & Others NNO vs Gibbs & Others, 1977(3) SA 212 SECLD).

It is abundantly clear both from the pleadings and from the evidence that what the second plaintiff as a citizen of this country is really trying to do is, firstly, to enforce his civil rights not to be defamed; secondly, to establish his right to attend a mosque from which he says he is wrongfully denied entry and, thirdly, to establish his right to burial in a cemetery established by grant of the Governor of the Cape. In order to succeed on the above claims,

plaintiff has to establish that he is a Muslim and this is where the claim for a declaration to that effect becomes relevant. It is a claim which does not exist *in vacuo*, nor is it one which is of merely academic interest. It is, in my view, an appropriate kind of order to grant in the circumstances of this case for it is inextricably linked with the other orders which involve the civil rights of a citizen. Indeed, it is the foundation upon which the right of those orders rests. A court of law therefore has no option but to enquire into the issue as to whether or not second plaintiff is a Muslim and it would be failing in its duty to a citizen of this country were it to decline to do so. This falls fairly and squarely within the principle enunciated by the Privy Council in Long's case well over a century ago, a principle which has been consistently applied by our courts right up to the present day.

After explaining his clients' attitude, Mr. Desai and his clients then left the court and played no further role in the proceedings.

I turn then to a consideration of the merits of the second plaintiff's claims which were now advanced on an unopposed basis. Because evidence is uncontradicted, it does not follow that it must be accepted by a court of law. As pointed out by Innes CJ in Siffman vs Kriel 1909 TS 538:

"It does not follow because evidence is uncontradicted that therefore it is true....The story told by the person on whom the onus rests may be so improbable as not to discharge it."

So too, in Shenker Bros. vs Bester, 1952(3) SA 655 AD, Greenberg JA at page 670(G) observed:

"Similarly, the circumstances that evidence is uncontradicted is no justification for shutting one's eyes to the fact, if it be a fact, that it is too vague and contradictory to serve as proof of the question in issue."

I have not been unmindful of these considerations when assessing the evidence placed before me.

As already indicated, the principle thrust of the second plaintiff's cause of action is that Islam is founded upon certain fundamental doctrines and principles. The second plaintiff placed before this court the evidence of one Hafiz Sher Muhammad, an Ahmadi theologian and missionary and a

scholar and a person learned in matters concerning the Muslim faith and religious practices. I am satisfied that he is an expert in this field and able to speak with authority on it. Before dealing with these matters, the witness gave a brief historical perspective of the Ahmadiyya Movement. The Movement, in the main, revolves around the life of its founder, one Mirza Ghulam Ahmad, who was born about the year 1835 in what is now Pakistan and who died in 1908. During the years 1880 to 1884, he wrote his first treatise in four volumes known as the Barahin-I-Ahmadiya. The evidence was not only that in a revelation God had entrusted to him a special mission but that he claimed to be the Mujaddid(reformer) of the 14th century. The Movement itself was named in 1900 after the name of the Holy Prophet. This was necessitated by the requirement that Muslim "sects" were required to be indentified in a census which was held in 1901. After the death of Mirza in 1908, the leadership fell to one Nur-ud-din, who led the Movement until 1914. In that year, certain differences arose between two groups within the movement. This culminated in a split within the movement. One group became known as the Lahoris and the other group became known as the Qadianis. It is to the first of these groups that the second plaintiff belongs. After the split in March 1914, the leadership of the Lahori group passed to one Muhammad Ali who retained it until 1951 when Sadr-ud-din assumed the leadership. In 1981, the present leader Dr. Saeed Ahmad Khan assumed office. In 1974, the constitution of Pakistan was amended and as a result, the Ahmadiyyas were declared to be non-Muslims. Finally, in April 1984, a presidential ordinance was promulgated which stipulated certain penalties if an Ahmadi called himself a Muslim. Whatever the position may be according to Pakistani law, the matter which falls to be determined by this Court in accordance with South African law is whether the plaintiff is entitled to the relief he has claimed. This brings one to the evidence of Hafiz Sher Muhammad.

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Judgement-Continued

He dealt in the first place with what constitutes "Islam" and "Muslim" by examining meticulously the Holy Qur'-an, the Hadith (i.e., the sayings of the Holy Prophet Muhammad) and the views of a number of Muslim scholars. The crux of this aspect of his evidence was that the religion of Islam could be summarized in two phrases: "...la ilaha ill-Allah" (there is no God but Allah) and "Muhammad-ur rasul Allah" (Muhammad is the messenger of Allah). By affirming these two precepts a person enters the fellowship of Islam. This is known as the Kalima.

While the cardinal aspect of the religion of Islam is a recital of Kalima, it is quite clear that according to the teachings of the Holy Prophet a Muslim is to be recognized by his practical behaviour. According to the Hadith, the Holy Prophet is recorded as having said:

"Islam is that you should worship Allah alone and do not associate anyone with Him, keep up prayer, give to charity (Zakaat), perform the pilgrimage (Hajj) to Mekka and fast during Ramadaan."

According to the evidence placed before the Court, and in particular, the writings of the Hadith, there is no need to investigate deeply into the beliefs held by a person to determine whether he is a Muslim. One need only look at some aspects of his apparent conduct. If he is seen praying in the manner of the Muslim prayer, praying in the direction in which Muslims pray, or if he is heard proclaiming the Kalima, for example, then he is a Muslim.

Moreover, according to the sayings of the Holy Prophet, as recorded in the Hadith, it does not lie in the mouth of one Muslim to condemn another Muslim as a kafir or unbeliever. Indeed takfir or the condemnation of a Muslim by another Muslim as a kafir is strictly prohibited. This principle goes as far as to say that if a person's faith is only one percent in extent, it does not make him a kafir, i.e.

"...if there are ninety-nine reasons for considering someone as kafir and only one reason against it, the mufti and the judge is bound to act according to that

one reason for negating the kafir..."

The question that arises out of this evidence is whether the beliefs held by Mirza Ghulam Ahmad and the Lahori Ahmadiya show that they are Muslims. This was the second aspect of the evidence given by Hafiz Sher Muhammad. The witness quoted extensively from the writings of the founder of the movement. Reference is made to two quotations only:

"...the gist and the essence of our religion is: There is no God but Allah, and Muhammad (peace be on him) is the messenger of Allah...."

and

"...our religion is the same Islam. It is not new. There are the same prayers, the same fasts, the same pilgrimage, the same Zakaat..."

This evidence leaves no doubt that the basis upon which the religion of Islam is founded is the basis of the beliefs of Mirza and of the Lahori Ahmadiya. Mirza stated his own convictions and those of his followers thus:

"We believe that whoever takes away from or adds to the Islamic Shariah, even to the extent of an atom, or discards what is obligatory and permits what is forbidden, is without belief, and has deviated from Islam. I admonish my people that they should believe in the Holy Kalima from the bottom of their hearts, namely that there is no god except Allah and Muhammad is Allah's Messenger, even till they die, that they believe in all the prophets and all the revealed books whose authenticity is established from the Holy Qur'-an and that they accept as obligatory fasting, prayer, poor-rate (zakaat) and pilgrimage and all that has been prescribed as obligatory by the Exalted Allah and His Messenger, and that they accept as forbidden all that has been forbidden and thus follow Islam in the true sense. To sum up, it is obligatory to believe in all those matters on which there are consensus in belief and practice of the pious ones of the olden days of Islam, and which are considered to be Islam by the consensus of Ahl-i-Sunnat."

The witness then referred to certain Muhammedan authorities on the subject of who are Muslims and in particular whether Ahmadis are Muslims.

I was told that the essential doctrine

of the Muslim faith, the Kalima or credo of Islam, namely that there is but one God, Allah, and that Muhammad is his Messenger, and that this (belief and a belief in prayer, fasting, zakaat (the giving of alms) and the Hajj, or pilgrimage (if this can be afforded)) has frequently been recognized by the courts in Muhammedan countries and by learned writers on the Muhammedan law as being the touchstone by which to identify a person as a Muslim. The various authorities referred to clearly support this contention. I was also referred to decisions of foreign courts which, though in no way authoritative, are yet instructive in that they support the general contention advanced by the Second Plaintiff. I refer to a few of them.

Amongst the decisions, reference may be made to the following: *Narantakath vs Parakkal* (1922) 45 Indian Law Reports Madras 986. Coram: Oldfield & Krishnan JJ. The headnote reads: "The essential doctrine of the Muhammedan religion is that God is only one and that Muhammad is his prophet; hence Ahmediyans who also hold that belief are only a sect of Muhammedans, notwithstanding the fact that they differ from other Muhammedans in some other matters of religious belief. Hence on a Muhammedan becoming an Ahmediyan, he does not become an apostate."

Then there is the case of *Maullim & Ano vs Marrikan* (Case No. 513/1925) Supreme Court of the Straits Settlements (Singapore). I quote from the judgement of Deane J: "The overwhelming evidence in this case is that the fundamentals of Muhammedanism are believed by the Ahmediyas who are also therefore entitled to be called Muhammedans and not Kafirs and that the points on which they differ from the orthodox are on the traditions which have never been considered fundamental."

A further case is *Hakim Khalil Ahmad & Others vs Malik Israfil & Others* 1917 Vol. 37 Indian Cases (Patna High Court) p. 302. Coram Sir Edward Chamier CJ and Roe J. The following passage appears:

continued on next page

“Members of the Amadiya sect of Qadian are Muhammedans; the court below have given...reasons for holding that the plaintiffs are Muhammedans, notwithstanding their pronounced dissent from orthodox opinion in several important articles of faith.”

And then finally, *Airyasha Koreshi vs Hishmatullah Koreshi* (1972), Vol. XXIV All Pakistan Legal Divisions (Karach) p. 653. Coram: Imdadally H Agha J. The headnot reads:

“A Muslim became a Bahai and after remaining so for a number of years reverted back to Islam by renouncing the Bahai faith and reciting the Kalima. Held: mere recital of the Kalima was enough for a person to become a Muslim; no other formalities or rituals were necessary.” The learned Judge is reported (at p. 657) as saying: “For becoming a Muslim, all authoritative books of Islam are agreed that if a person believes in the unity of God (Allah) and Muhammad (may peace be upon him) to be his prophet and also says that he is a Muslim, then he becomes a Muslim and no other formalities or rituals are to be gone through by him.”

The defense having been withdrawn by the Defendants, it was incumbent upon the Second Plaintiff to prove his case as set out in the pleadings. There was, strictly speaking, no need to meet the case as pleaded by the Defendants. Nonetheless, the Second Plaintiff did not content himself with the proof of his own case; he proceeded to meet the case as pleaded by the Defendants and, in particular, he met the defenses raised by the Defendants that for various stated reasons concerning their belief, Ahmadis were not Muslims. The first such defense was that Ahmadis did not accept and believe in what is known as the finality of the Holy Prophet and their founder, Mirza, had proclaimed himself to be a prophet after the Holy Prophet. This was the third aspect of the evidence tendered by the witness Muhammad.

This aspect was referred to as the issue of Khatam an-Nabiyyin, i.e. the belief in the Holy Prophet

Muhammad as the Last and Final Prophet. Once again, the witness quoted extensively from the writings of Mirza in order to establish that the founder himself and the members of the movement believed that the Holy Prophet Muhammad was the Khatam an-nabiyyin I refer only to the following:

“...I believe that the Holy Prophet, peace be upon him, is the Khatam of the prophets...”

and

“...I believe in the Holy Prophet, peace be upon him, being the Khatam an-Nabiyyan..”

and

“...I believe in God and his Messenger, and I also believe that the Holy Prophet, peace be upon him, is the Khatam an-Nabiyyan...”

The witness then proceeded to analyse the writings of Mirza in order to establish the meaning which he attributed to the term Khatam an-Nabiyyan. He wrote-

“...The Holy Qur'-an does not permit the coming of any prophet after the Khatam an-Nabiyyan, whether an old one or a new one...”

and also

“...Our Holy Prophet, peace be upon him, being the Khatam an-Nabiyyin is a bar to the coming of any other prophet...”

Having established precisely what the founder believed concerning the finality of the prophethood and having analysed the precise meaning of his declared beliefs, the witness went on to examine his writings with the view to establishing that he himself, all his life, denied any claim to being a prophet. Referring to the writings of the founder, the witness quoted-

“...It is total slander by Muhammad Husain to ascribe to me that I deny miracles and that I lay claim to Prophethood, and that I do not consider the Holy Prophet to be the Khatam al-anbiya. God forbid...no, on the contrary, God is witness that I believe all these things...”

and again-

“...I make no claim to Prophethood. This is your mistake, or you have some motive in mind...”

and again-

“...Ignorant opponents allege against me that this person claims to be a

prophet or apostle. I make no such claim...”

and again-

“...In confronting the present Ulema, this humble servant has...sworn many times by God that I am not a claimant to any Prophethood...”

At the same time, there is no doubt that Mirza Ghulam Ahmad did claim to have received revelation from God. The witness accordingly dealt with the whole question of revelation in Islam with particular reference to its continuation among Muslim saints. This was the fourth main aspect of his evidence.

Relying on the authority of the Holy Qur'-an, he was at pains to point out that the distinctive characteristics of true religion is that it invites the acceptance of a living God who listens to the prayers of the distressed, removes their troubles, and speaks to His servants. Every follower of the faith can make the verbal claim that Islam takes man to God. However, to call people of the world towards God on the basis of one's personal experience and attainment, is the work of only those who are purified by God Himself, and are perfect followers of the Holy Prophet Muhammad. Developing the theme of revelation in Islam, the witness indicated that with the prophethood having ended with the Holy Prophet Muhammad, the guidance which mankind was to receive reached its completion. He then posed the questions: is it the case that, with the completion of the guidance, the link between the Creator and His creatures has been forged permanently, and all men in the future will attain to God from birth? Or, will people still drift away from God and lose the right path, even after the finality of the prophethood? Who will take the place of prophets to establish the link between God and the lost people when people can go astray despite the existence of perfect teachings?

He then went on to show, on the basis of Qur'-anic authority, that, as the Holy Prophet called people to God through the light given to him by revelation, so will those of his followers who receive the light of revelation establish the link between

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God and his creatures on the basis of revelation. Such people are called saints of God; and the revelation they receive is not prophetic revelation (wahy nubuwwat) but saintly revelation (wahy wilayat).

Thereafter, the witness dealt with the modes whereby God revealed himself. It is unnecessary to deal with this subject in any detail other than to make the observation that even in the modes of revelation a distinction is drawn between revelation which is common to saints and prophets and revelation which is exclusive to prophets. This lastmentioned mode of revelation (wahy nubuwwat) came to an end with the Holy Prophet Muhammad but divine communication among Muslims continues in the form of wahy wilayat and such revelation was regarded by the Holy Prophet as part of Prophethood.

According to the Holy Qur'an, this type of revelation came to non-prophets, such as Moses' mother, Mary, the mother of Jesus and the disciples of Jesus. It also came to the companions of the Holy Prophet, both during his life and afterwards. In his systematic and orderly manner the witness worked his way through the writings of numerous Muslim religious authorities, scholars and writers. An analysis of these writings makes it quite clear that revelation is one of the characteristics of the chosen ones of God; and that subsequent to the Holy Prophet, this revelation came to non-prophets by way of saintly revelation.

"...The door of prophethood is closed after the Holy Prophet Muhammad, and shall not be opened for anyone til the Day of Judgement. However, revelation (wahy ilham) remains for the saints, which does not contain the Shariah in it..."

The witness referred to the work of a present-day theologian, Allama Khalid Mahmud, who is opposed to the Ahmadiyya movement, and who wrote-

"...News of the unseen, visions and revelations are also received by some non-prophets. Saints of God are informed of news of the unseen...God

Himself grants the privilege of His communication, without the person reaching the rank of prophet..."

The fifth aspect of the evidence of the witness dealt with the concept of Muhaddas, who is a saint or a non-prophet who receives revelation. He explained that the word Muhaddas admitted of two types of meaning: literal and technical. In its literal or linguistic sense, the word Muhaddas did not convey the significance of relating news of the unseen, but merely relating something; as to its technical meaning in Islamic theology, Mirza himself wrote-

"...The muhaddas...has the honor of being spoken to by God. Matters of the unseen are disclosed to him. His revelation, like that of prophets and messengers, is protected from the interference of the devil. The real essence of the Law is disclosed to him. He is appointed just like the prophets and, like them, it is his duty to proclaim himself openly..."

The witness then explained the use of the words "nabi" (Prophet) and "rasul" (messenger). As before, the witness distinguished the literal or linguistic meaning of the words and the technical meaning thereof.

The literal meaning of the word "rasul" is "to be sent", i.e. "...A person who is sent is called rasul in Arabic..." The technical meaning of the word "rasul" conveys something different. Mirza explained the meaning thus-

"...According to the explanation of the Holy Qur'an rasul is he who receives the command and beliefs of religion through the angel Gabriel..." As with the word "rasul" (i.e. messenger), so Mirza, like other Muslim theologians, attributed to the word "nabi" (prophet) two meanings, i.e. a literal and a technical meaning. The literal meaning or

"nabi" and "nabuwwat" is as follows-
"...nabuwwat means to make prophesies..."

and again-

"...He who discloses news of the unseen received from God is called 'nabi' in Arabic..."

The technical meaning conveys something different-

"...In terminology of Islam, nabi and

rasul mean persons who bring an entirely new law, or abrogate some aspects of the previous laws, or are not included among the followers of the previous prophet, having a direct connection with God without benefit from any prophet..."

These were the meanings attributed to the words "nabi" and "rasul" by Mirza and these meanings accorded with the meanings given them by the Muslim religious elders over the centuries. All the prophets of the past fulfill the technical meaning. Mirza, however, applied to himself only the literal meanings, and throughout his life denied applying to himself the technical meanings. Such literal use of these terms ('nabi', 'rasul') is not against Islamic law and theology. The witness referred to various writings of Mirza to emphasize this point; for instance, and I quote-

"...These words (i.e. nabi and rasul) do not bear their real meaning, but have been used according to their literal meaning in a straightforward manner..."

Mirza not only distinguished between the literal and technical meaning of the words but also drew a distinction, in terms of language, between that which is "real" (haqiqat— and that which is metaphorical (majaz). The witness illustrated this difference by referring to the word "lion". In its real sense, it is an animal. In its metaphorical sense, it could mean a brave man.

Thus the terms "nabi" and "rasul" can be defined so as to connote the real prophets and messengers of God. In other word, used in that sense, the person is actually a prophet. If, however, "nabi" and "rasul" are applied to a non-prophet or saint, they are used in their metaphorical sense, i.e. a metaphorical prophet or a saint.

As before, Mirza took pains to explain the meaning which he attached to the words; e.g.-

"...By virtue of being appointed by God, I cannot conceal these revelations I have received from Him in which the words nubuwwat and risalat (prophethood) occur quite frequently. But I say repeatedly that, in these revelations, the word...rasul and nabi which has occurred about me does not carry its real meaning..."

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Moreover, the meanings attributed to the words were not peculiar to Mirza. Saints in the Muslim world prior to Mirza were also given the titles "nabi" and "rasul" in their divine revelations in a metaphorical way, and no one took them to have become prophets.

It is quite apparent that Mirza intended no more than that he considered himself to have fallen into the category of saints (wali) and not into the category of prophets.

Indeed, the witness went on to analyze Mirza's claims in the light of the beliefs of the great religious authorities in Islamic history. It is clear on the evidence that when the words "nabi" and "rasul" are used in the literal sense or by way of metaphor for saints (wali) and reformers

(mujaddid) that does not make such persons prophets. It is equally clear on the evidence that Mirza at no time claimed real prophethood, but always used the words "nabi" and "rasul" about himself in the metaphorical sense. He gave clear and explicit explanations of these words and made their literal, technical, metaphorical and real meanings quite clear. Mirza's claims can be summarized as follows—

- He denied receiving wahy nubuwat (prophethood) and affirmed receiving wahy wilayat (sainthood).

- He denied the use of prophet (nabi) in its technical sense and affirmed the use of the term in its literal sense.

- He denied that the term muhaddas could be applied to him in its literal sense and affirmed that he was a muhaddas in the technical sense.

- He denied being an actual or real prophet and affirmed being a metaphorical prophet.

When one examines these claims against the background of the religious environment into which Mirza came, there appears to be nothing untoward or sinister in such claims. They are consistent with the spiritual thought prevailing in that environment. The witness convincingly demonstrated this by referring to a wealth of writings of the saints and scholars of the Islamic religion.

The next aspect of the evidence of

the witness related to the terminology of Islamic mysticism as it applied to saints. He explained the meaning of such terms as

- fana fir rasul (one who is 'lost' in the Holy Prophet Muhammad)

- zill (an image or reflection)

- burooz (a manifestation)

- masil anbiya (like unto prophets) and

- unmati wa nabi (follower with prophetic qualities).

Mirza used these terms; he explained them and he applied them to himself.

An analysis of the use of these terms makes it clear that what Mirza was claiming was not prophethood but rather a prophet by way of image or manifestation i.e. a picture or reflection and not the real thing itself. It was stated that Mirza's heart was like a well-polished mirror in which the image of the Holy Prophet Muhammad can be seen, or in other words, the Holy Prophet was the original and Mirza was the zill (reflection) or picture. According to the sufis (muslim mystics) the Prophet is the original and the saint (wali) is the zill or reflection.

Moreover, it is manifestly apparent that Mirza firmly believed that the Holy Prophet was the Last of the Prophets, and that after him no prophet is to arise, whether new or old. With the finality of prophethood, religion and religious laws reached perfection, and therefore the chain of prophets was cut off. No prophet will now come.

At the same time, whenever people stray far from God and lose faith in Him, in order to revive faith and to re-establish man's relation with God, God raises up saints and reformers. This is in accordance with the teachings of the Holy Qur'-an and the Hadith. These are known by various titles, such as khalifa (deputy to the Holy Prophet), wali (saint), mujaddid (reformer) and muhaddas (recipient of revelation, though not a prophet). Those persons are also referred to as fana-fir-rasul (effaced in the Holy Prophet), masil anbiya (the like of prophets), zilli nabi, burooz nabi and unmati nabi (prophet by way of reflection, or manifestation, or follower and prophet). These terms do not describe prophets but are synonymous for saints.

Despite the lengths to which Mirza

went to explain his beliefs and the terminology which he used, he came under criticism and attack. It was alleged that he claimed to be a prophet. This was denied by one of Mirza's followers. This led to him publishing in 1901 a treatise known as "Correction of an Error". The gravamen of the publication was to explain the terminology which he had used and to reiterate that he was not a prophet in the real sense of the word but only a reflection or manifestation of the real thing. He did not purport to correct any error on his part but to correct those who were in error concerning his claims. This publication was questioned by an opponent of Mirza; a follower of Mirza replied; this reply is contained in the document styled "Clarification of Correction of an Error." Yet again, the continuing theme was repeated, and I quote—

"...After the Holy Prophet Muhammad, all doors of prophethood have to be closed ...But one window...is open. That is to say, the window of self-effacement in the Holy Prophet (fana fir-Rasul), or perfect successorship to the Holy Prophet which is known in other words as burooz (manifestation)."

And again—

"...Ignorant opponents raise the allegation against me that I claim to be a nabi (prophet) or rasul (messenger). I make no such claim..."

By the way of further explanation of the terms used by Mirza and in particular by way of dealing with the characteristics of a saint, the witness dealt with a subject which he termed "How a Believer becomes 'Mary' and 'Messiah.'" He referred to a class of believers "pure from the beginning and protected from attacks of the devil." Due to the high degree of goodness and purity in them, God has compared them to Mary and given them this name in the spiritual world. The witness referred to various Islamic writings and showed that Muslim saints are likened to Jesus and Mary, as well as to other prophets.

Against this background the witness stated that it was permissible to liken non-prophets to prophets and that the Holy Prophet himself likened those who were not prophets to prophets.

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He then analyzed the views of Mirza to show how a believer becomes a Mary:

"...Every believer who accomplishes himself in piety and purity, is Mary in the sense of burooz (manifestation and spiritual representation). And God breathes into him His Spirit, which becomes the son of Mary..."

Thus, when a person acquires such accomplishment in turning to God that only the spirit remains, he then becomes the spirit of God in God's view, and he is named Jesus in heaven. He receives a spiritual birth at the hand of God, which is not from any physical father: rather, it is the shadow of the Grace of God, that grants him that birth. So in fact, the excellence of purification and of absorption in God is such that he attains severance from bodily darkness so that only spirit remains and he is accorded the rank of Messiah or Jesushood. Indeed, Messiah is the title which was given to Jesus, meaning 'one who touches God', 'partakes of Divine favors', the vice-regent of God, and one who adopts truth and righteousness. When the believer becomes Jesus in this sense, he also reaches the perfect rank of Mahdi (the rightly-guided one). Mahdi is a title which means 'rightly-guided by instinct,' 'heir to all guidance,' and 'the full reflection of the Divine attributes.'

It is in this spiritual sense that Mirza claimed to be the Messiah and Mahdi: "...I am a Muslim...I have come from the Lord of the heavens and the earth as a Reformer (mujaddid) of the religion, for the fourteenth century century, having the characteristics and disposition of Jesus..."

And a further quotation-

"...In a metaphorical and spiritual sense, this humble servant is that promised Messiah, the news of whose advent is given to the Qur'-an and Hadith..."

Evidence was also led to show that the claims made by Mirza in this regard do not infringe against Islamic law. The claim to be Mahdi and the like of the Messiah is permitted by Islamic Shariah. What is objectionable is to deny that the Holy Prophet was khatam an-nabiyyin and to claim prophethood for oneself. As already

indicated, Mirza believed the Holy Prophet to be khatam an-nabiyyin and the Last Prophet, and he held that no prophet could come after the Holy Prophet, new or old.

It is apparent that many words can have several different meanings or shades of meaning, depending on the context. Mirza in his writings seems to have explained the sense in which he uses words which have different meanings. Any fair criticism of a writer can surely only be based upon the meaning which the writer himself attaches to his terms. To attach any other meaning would only result in distortion.

One of the matters raised by the Defendants in their Plea which the Plaintiff elected to meet concerned the virgin birth of Jesus. The evidence in this regard was firstly, that over the centuries of the existence of Islam, Muslims have differed on the issue of the birth of Jesus. Some believe that he was born without the agency of a natural or human father, while others hold that he did have such a father. It is clear that this is not an issue of faith nor is it an essential to the religion of Islam. What is part of the faith of Muslims is the acceptance of Jesus as a prophet. Secondly, as regards Mirza, it would seem from his writings that he personally believed that Jesus was born without the agency of a human father. Thirdly, because the question of the birth of Jesus is not decided conclusively in the Holy Qur'-an but ambiguously, he gave his followers freedom in interpreting the Qur'-an. As a result of this freedom, some of his followers even differed from Mirza himself on some points.

On the evidence placed before the court, it is clear that the virgin birth is a matter upon which Muslims differ and that such differences of interpretation are not contrary to the teachings of Islam nor are these essential to the faith of a Muslim.

Another difference raised by the Defendants was that the Second Plaintiff was not a Muslim because he does not accept the Jihad or religious war against unbelievers in Islam. The Second Plaintiff elected to meet this defense and a considerable amount of evidence was led as to the meaning of Jihad. In a very comprehensive coverage of the subject, the witness

first of all dealt with the subject linguistically i.e. from the point of view of its root meaning. This meaning is "to strive." Secondly, he approached the subject from the point of view of the teachings of the Holy Qur'-an. Thirdly, he looked at the subject historically by referring to the Muslims in Mekka and at Medina. He then examined it against the background of the Hadith and then the Bukhari (a commentary on the sayings of the Holy Prophet). Finally, he viewed the subject in the light of the writings of Muslim religious scholars.

He indicated that jihad and "war" are not synonymous. Indeed, the Holy Qur'-an itself distinguished between jihad and qital (fighting or war). Undoubtedly, jihad can mean fighting and physical warfare. The witness stated this and referred to the situation of the Muslims of Medina. The unbelievers of Mekka decided to attack Madina to annihilate Islam and the Muslims by the sword. It was then that God permitted the Muslims to conduct jihad with the sword, because not to do so would have meant suicide for the Muslims. At that time, the following Qur'-anic verse was revealed-

'...Permission to fight is given to those upon whom war is made, because they have been wronged- and God is well able to help them...'

According to the evidence, four conditions must be present for allowing jihad by the sword :

- (i) fighting has to be initiated by the unbelievers;
- (ii) there must be extreme persecution of the Muslims;
- (iii) the aim of the unbelievers has to be the destruction of Islam and the Muslims; and
- (iv) the object of the Muslims must only be self-defense and protection.

But there is another meaning to jihad the Hadith makes it clear that jihad means to exert oneself to the utmost, whether by means of one's wealth or tongue or hands or life, whether it is against one's desires or a visible enemy, whether its aim is to attain nearness to God or to propagate the word of God. The Holy Qur'-an and Hadith speak of three kinds of jihad

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- (a) A great jihad
- (b) The greatest jihad and
- (c) A lesser jihad.

The first two are undertaken constantly, while the third which includes jihad by means of the sword, is only undertaken if the specific conditions are satisfied. Using the term in its wider significance, one classical commentary, commenting on the Hadith, stated that the best jihad is to speak the word of truth to a ruler-

“...It is the best because jihad with arguments and proofs is a jihad which is greater as compared to jihad with the sword which is a lesser jihad...”

The views of the Muslim religious scholars strongly support this wider meaning of the term:

“...The age of the sword is no more. Now instead of the sword, it is necessary to wield the pen...”

Thus the term jihad has attained a far more significant meaning and a meaning different to that which the Defendants would seek to convey. It is a warfare involving the pen and the tongue instead of the sword and its objective is to capture the minds and hearts of men and not act as a physical opponent.

“...to change people’s views by means of the pen and tongue, and to bring about a revolution in their minds, is also jihad. And to spend money for this end, and to extend oneself physically, is jihad too...”

Also-

“...Jihad is derived from Jihaad, meaning literally effort and striving. In the technical sense, it is used for proclaiming the word of God, and the supremacy and success of Islam...”

Not only did the evidence establish that there was a much wider and more significant meaning to the word jihad than mere physical warfare, but it established also that it was not one of the Five Pillars of Islam

“...One more point might be mentioned jihad or spiritual ‘struggle’ or ‘striving’ is not one of the Five Pillars of Islam. In proper translation, it does not mean ‘holy war’ except by extension, but it has been debased by this meaning, which is journalistic usage...”

Concerning jihad, Mirza made his viewpoint abundantly clear. To quote only one passage from his writings-

“...In our age, the pen has been raised against us. It is with the pen that we have been caused pain and suffering. In response to this, the pen is the thing which is our weapon...”

The witness explained why it was necessary for Mirza to write about jihad. Many objections against Islam were advanced by Christian missionaries. One of these objections was that Islam had spread by the sword. Naturally Mirza had to reply to this criticism. Secondly, as the ideas about jihad, which had been spread among people by the Maulvis (spiritual leader), were contradictory to the teachings of the Holy Qur’an, it was essential to explain the correct significance of the term.

In meeting these criticisms and correcting the false teachings, Mirza had necessarily to deal with jihad in terms of physical warfare. He made his standpoint quite clear. I quote from his writings-

“..It should be known

“...It should be known that the Holy Qur’an does not arbitrarily give the command to fight. It gives the command to fight only against those people who prevent others from believing in God, and stop them from obeying His commandments and worshipping Him. It gives the command to fight against those who attack the Muslims without a cause, expel them from their homes and countries, and prevent people from becoming Muslims. These are they with whom God is wrath, and Muslims must fight them if they do not desist...”

And a further quotation-

“...But in these times, the sword is not used in answer, but the pen and the argument is used to criticize Islam. This is the reason why, in this age, God has pleased that the work of the sword be done by the pen, and the opponents be routed by fighting them with writing. Hence, it is not appropriate now for anyone to answer the pen with the sword...”

On the evidence placed before me, it is clear that Mirza’s convictions and beliefs concerning jihad fully accord with the teachings of the Holy Qur’an

and the Hadith and the religious tenets of Islam.

The witness then set about answering some of the allegations levelled at the Ahmaddiyya movement. The witness set his testimony against the background of the teachings of the Qur’an and, in particular, that Muslims are taught to listen to everyone but to accept only those aspects which are good. Secondly, they are exhorted to try and understand the teachings of the Qur’an and not just to accept them.

He then referred to the writings of Mirza and quoted from them. A few short portions are quoted:

- “...Believe God to be one without partners...”

- “...do good to your fellow beings and be people of good thoughts and character...”

- “...do not hurt with the tongue or hand and refrain from evil and sin...”

- “...be good and true advisors to all people and do not keep company with evildoers...”

- “...deliberate calmly, live peaceably, and give no one cause for grievance and complaint...”

It is quite apparent that there is much goodness in the writings and teachings of Mirza.

The witness explained certain misconceptions about the attitude of the Ahmadis to intermarriage, the saying of prayers with other Muslims, and the joining of other Muslims in funeral prayers. On whatever subject he testified, the touchstone of the witness was the religion of Islam, as revealed primarily in the Qur’an and the Hadith. Thus it was when he dealt with the subject of the consensus of opinion against the Ahmadis, that he sought his authority in these sources.

He indicated that the sources of Islam were four-fold: Firstly, the Qur’an, secondly the Hadith, thirdly reasoning and fourthly, ijma or consensus.

He went on to say that if there is a teaching in the Qur’an, there cannot be an ijma against it. Similarly, if there is a teaching or truth to be found in the Qur’an or the Hadith, there is no scope for resorting to the other sources i.e. reasoning or ijma. He went on to enumerate three principles that emerge from Islamic writings-

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(i) the opinion of the majority is not necessarily a conclusive argument;
(ii) the opinion of the majority is not necessarily binding upon the minority;

(iii) the opinion of the majority is not necessarily evidence of the truth.

He illustrated this by referring to a majority of 99 to 1, where the 1 was truthful and the 99 were untruthful. In Islam, he said, the word of one truthful man must be accepted against the word of 99 untruthful men, although the 1 be much in the minority.

The test, he indicated, was not the majority view of opinion, but what is the truth. For this reason, the Ahmadis do not accept ijma or the majority view, if this is against the Qur'-an or the Hadith.

Although the witness dealt with the subject of fatwas at some length, it is not proposed to deal with it here in any detail. Fatwas of kafir or +rulings of heresy+ are so frequent among the various Sunni groups and are given for such apparently superficial reasons, that they do not warrant special consideration

The conformists have issued fatwas against the non-conformists, condemning them as kafir; and the non-conformists have issued fatwas against the conformists condemning them in similar fashion. The followers of all the four Imams and the followers of the four Sufi orders have been condemned as kafirs; and so have the Deobandis. The Deobandis, in turn, have declared the Barrelavis to be kafir and the Barrelavis have retaliated in like manner.

Not only have various sects of which there are a large number had fatwas directed against them, but prominent men within their ranks have been condemned individually.

There are fatwas against prominent leaders of modern times, such as Sir Sayyid Ahmad Khan, Jinhah and Iqbal; and there are fatwas of heresy against the early servants of Islam; such as Imam Hanifa, Imam Shafi, Imam Hanbal, and so on.

The witness then dealt with a Muslim's right to enter a mosque. As was his wont, he based his evidence upon the teachings of the Qur'-an:

And who is more unjust than he

who prevents (men) from the mosques of Allah, from His name being remembered therein and strives to ruin them? (As for) these, it was not proper for them to enter them except in fear. For them is disgrace in this world, and theirs is a grievous chastisement in the Hereafter...

He said that all who claimed to be Muslims had an inherent right to entry into a mosque; those who recite the Kalima were Muslims and it was they who were entitled to attend a mosque unhindered. It was only idolaters, i.e. those who called themselves unbelievers and therefore became kafir, who lost their right to entry into a mosque.

People had been denied entry into mosques for the slightest and most superficial of reasons. This was contrary to the teachings of the Holy Qur'-an and contrary to the religion of Islam. Every Muslim is entitled to enter a mosque and perform devotions, whatever may be the sect or school to which he belongs. Reference to certain Indian cases supports this viewpoint.

See: Queen Empress vs Ramazan & Others (1885) ILR 7 All 462, Ata Ullah vs Azim Ullah (1889) 12 ILR 494, Khalik Ahmad vs Israfil 1917 Indian Cases AIR (1955) Allahabad 68.

In Ata Ullah's case (at p. 504), Mahmood J is reported to have said: "So long as a mosque is a mosque (that) so long as the plaintiffs are persons who call themselves Muhammedans and entitled to worship, there is absolutely no authority to say that any sect or any creed or any portion of the community can restrain others who claim to have the right which, to use the language of Muhammedan law, God and his Prophet gave them, from putting such right into exercise." In the same case Edge CJ is reported as follows-

"No authority has been brought to our notice to show that a mosque which has been dedicated to God can be appropriated exclusively to or by any particular sect or denomination of the Sunni Muhammedans, and without very strong authority for such a proposition, I for one could not find as a matter of law that there could be any such exclusive appropriation. As I understand it, a mosque to be a

mosque at all must be a building dedicated to God and not a building dedicated to God with a reservation that it should be used only by particular persons holding particular views of the ritual. As I understand it, a mosque is a place where all Muhammedans are entitled to go and perform their devotions as of right, according to their conscience."

(This judgment was concurred in by Straight, Brodhurst and Tyrrell JJ). See also: Mulla on the Principles of the Muhammedan Law (Pakistan Edition 1980) at p. 222, and Fyzee, Outlines of Muhammedan Law, p. 319 et seq.

Condition 2 of the Deed of Transfer of 11 February 1881- which is the document in terms whereof the mosque was founded-provides that the mosque shall be-

"Free for the use of all persons professing the Muslim faith." The reference is to the record at page 23.

It was common cause at the hearing before Berman J that the Deed of Transfer created a trust formed by a modus; it is trite law that a beneficiary in whose favor the modus has been imposed has a legal right to enforce performance thereof (per Berman J at p. 8 of the typed judgment) and here the Second Plaintiff, as a person professing the Muslim faith, has a right to admittance to the mosque and to the rights and privileges concomitant therewith.

The cemetery as Hafiz Muhammad testified, is wakf- it has been set aside permanently for religious purposes, to be utilized for the good of mankind; the dedication is permanent and irrevocable and the property is regarded as belonging to God. (Fyzee (loc cit) pp. 280-281)).

It follows that both according to the tenets of the Muslim faith, and also according to our common law, the Plaintiff is entitled to the relief sought in Claim 3 of the Particulars of Claim.

As far as burial in Muslim cemeteries is concerned, the witness said that such property was given over to a trust; it was +devoted+ and dedicated to the purpose of Muslim burial. No one was the owner thereof, although it was obviously open to people to administer these properties. The shariah, however, did not give to these administrators authority to deny

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entry to a Muslim burial ground. More particularly, the cemetery in respect whereof the Second Plaintiff seeks burial rights was granted by the Crown to the Trustees of the cemetery (Third Defendant)-
"On condition that the land being granted shall be used as a site for a cemetery for Muslims..."

It is clear from the deed of grant (signed in December 1908) that the grant was made in terms of Section 6 of the Disposal of Crown Lands Act, No. 159 (1887) (Cape) which provides for the grant of land "for special public purposes."

The effect of the grant was to vest the land in question in the trustees as a public cemetery for the benefit of certain groups of persons, inter alia, Muslims. See: *In re Consistory of the Dutch Reformed Church, Cape Town (1897) 14 S.C. 5, 9-10*, and also *Honore The South African Law of Trust (2nd ed.) pp 36-37*.

As with the mosque, so with the cemetery, once the Plaintiff establishes that he is a Muslim, he is entitled to the same rights as pertain to all Muslims with respect to burial.

It is not open to the Trustees to refuse burial to a Muslim. Cf *Noordien vs Muslim Cemetery Board 1965 (4) SA 174 (C)*.

Indeed, this is not the Third Defendants case; the Third Defendant asserts that it can decide whether or not the Second Plaintiff is a Muslim; this is clearly unsound; not only would it be contrary to Muhammedar usage and customs, but also it would be contrary to the terms of the original grant.

As far as the right of any Muslim to approach a non-Muslim Court for a ruling concerning religious matters was concerned, the witness referred to the sayings and to the experience of the Holy Prophet. He also referred to a fatwa concerning the duty of Muslims to protect their mosques.

The fatwa indicated that to resort to violence in protection of a mosque is not acceptable. Muslims should turn to the secular authorities for a decision. He also referred to other fatwas where it was declared that non-Muslim judges could adjudicate on Muslim

matters.

The witness referred to certain instances in the life of the Holy Prophet, where he said that the Angel Gabriel had revealed to him that he ought to appoint a non-Muslim as a judge to determine a particular dispute. Not only was a non-Muslim judge appointed, but the Holy Prophet accepted the judge's ruling.

It was quite clear from this evidence that Muslims are expected to accept the authority of the government of the country in which they live.

The witness indicated that hindrances were constantly being placed in the way of Ahmadiis despite the fact that they were Muslims. If they separate themselves, then they are criticized; if they go to mosques, they are ejected. Their right to burial is denied them. He then asked: what must they do? All this is open to them is to approach the secular authorities for implementation of their rights as citizens and Muslims. He said that fatwas arouse the passions of the public and this gives rise to a deprivation of rights. He appealed to the Court for a restoration of such rights, whatever might be the attitude of other Muslims.

The witness concluded his evidence by referring to two further matters. The first related to the obituaries of Hazrat Mirza Ghulam Ahmad and other tributes paid to him by prominent Muslims. This aspect of the evidence is not dealt with in any detail other than to say that it is quite clear that during his life, at the time of his death, and thereafter, Mirza was held in very high esteem. Reference is made to one small part of a quote which seems to sum things up concerning the Founder of the Movement-

"...undoubtedly the deceased was a great fighter for Islam..."

The second matter related to the tributes which have been paid to the Lahore Ahmaddiyya movement by prominent Muslims. Here too, the evidence is not dealt with in any detail and comment is confined to one short part of a letter written by Abul Ala Maudoodi (an opponent of the Ahmadiis)-

"...However, the Ahmadi group is included in Islam..."

The witness concluded his evidence by saying that those who oppose

Mirza do not know him, nor have they read his works.

In my estimation, the witness is a man of great learning and integrity. He gave evidence before me for some six days and created an extremely favorable impression. I accept his evidence without hesitation.

The Second Plaintiff, Ismail Peck, then gave evidence. It is obvious that he

then gave evidence. It is obvious that he is a humble and sincere person. He was born in the Cape in 1928 into a Muslim family. He was brought up in a staunch Sunni home. His parents were practising Muslims, and he, himself, observed all the practices, rituals and requirements of the religion of Islam. He believed the Kalima, accepted the other four pillars of Islam, and expressed no doubt concerning the finality of Prophethood, namely that the prophethood concluded with the Holy Prophet.

In about 1957, he became a member of the Ahmadi movement and continued to regard himself as a Muslim. Indeed, he was always accepted as such until about 1965, when he was denied entry to a mosque. He expressed the desire, shared by all other Muslims, to be allowed unhindered entry into any mosque, including the mosque on the corner of Long and Dorp Streets in Cape Town. This desire, he said, arises simply out of the fact that he is a Muslim.

The onus of establishing the qualified privilege is on the First Defendant- it has tendered no evidence in regard thereto.

To say of a Muslim that he is a non-Muslim and an apostate is the grossest possible defamation; this has been testified to by the expert witness and the Second Plaintiff himself told the Court of the hurt which has been occasioned to him as a result thereof. cf *Levy vs Moltke 1934 EDL 296, 324 et seq.*

The Second Plaintiff is an Ahmadi, a member of a small group of only some 200 men, women and children in all this country, and is clearly comprehended within the defamation and entitled to seek the Court's protection in respect thereof.

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Judgement-Continued

See SA Associated Newspapers Ltd. & Ano vs Estate Pelter 1975 (4) SA 787 (AD); Knupfer vs London Express Newspaper Ltd. (1944) 1 All ER 495 (HC) 497-8; Levy vs Von Moltke 1934 EDL 296, 315, and also Gatley on Libel & Slander (6th ed.) p. 141, Note 30.

The Second Plaintiff does not seek damages; merely an injunction against continued publication of such defamatory matter. Clearly he is entitled to such relief. In the result, the Second Plaintiff has proved that he is entitled to the various orders which he has claimed.

I turn next to consider the questions of costs. Before Mr. Desai and his clients withdrew from the Court, at the commencement of these proceedings, Mr. King, who together with Mr. Prest appeared for the Second Plaintiff, gave formal notice to the Defendants that an order for attorney and client costs would be sought. It is contended that the Defendants behaved unreasonably and vexatiously in failing to communicate to the Court and to the Second Plaintiff their intention to withdraw from the proceedings. Mr. Khan, the Second Plaintiff's attorney, gave evidence as to his communication with the Defendants. I accept his evidence. I am satisfied that in the light of the discussions between attorneys, and the exchange of correspondence, in all probability the decision to withdraw had been taken some time ago, and for reasons best known to the Defendants, this was kept secret until the actual moment of its announcement in Court. The letter of 21st October 1985 (Exhibit 24) from the Defendant's attorneys is in my view a deliberately misleading document. In the light of the long history of the Defendants' strenuously conducted defense, no one could have guessed what the Defendants had in mind. Nor was the Court or the Second Plaintiff informed as to when the decision to withdraw had been taken, though the inference is clear that it probably was taken before the letter of 21st October was written.

Similarly, he would like to be buried in a Muslim cemetery on the same basis i.e. that he is a Muslim. In particular, he would like to be buried in the Vygekraal Cemetery because his father and brother are buried there.

He testified to the fact that in May 1982, the Movement applied for a welfare organization number to enable them to raise money for an Islamic center. This caused the sheiks to incite the Sunni Muslims against the Ahmadiyya movement. The pamphlets (copies of which are annexed to the pleadings) were printed and distributed amongst the Muslim community.

He said that he felt very disturbed and offended by this action. To quote his words:

"...my world came to an end..."

He went on to refer to certain personal incidents relating to the death of his mother and to his relationships with other Muslims and it is quite clear that the attitude taken by the Defendants has caused him deep hurt.

He went yet further and indicated that his very life had been threatened. For these reasons, he was left with no alternative but to approach the Court. He was a manifestly truthful person and I accept his evidence.

The defamatory allegations complained of are that all Ahmadis are non-Muslims, apostates and disbelievers; that they reject the finality of the Holy Prophet Muhammad; that they are non-believers and as such are to be denied the right to bury their dead in any Muslim cemetery; that all business and social intercourse (including marriage) with Ahmadis is prohibited; and an exhortation to all Muslims to stand up and defend Islam against the Ahmadis (record pages 5, 6, 122, 123, 125-128); publication is not in issue (record page 488); The First Defendant, denying that the statements are defamatory, pleads a bona fide belief in the correctness of their statements and a right and duty to communicate same- i.e. a qualified privilege.

The result of all this is that without doubt the Second Plaintiff has unnecessarily been put to considerable further expense in preparing for what would clearly have been a protracted and complicated trial. I view this

conduct on the part of the Defendants with disfavor and it is in my opinion only just that in these circumstances, I should order them to pay costs on the attorney and client scale in respect of the whole litigation.

I have considered whether I should award attorney and client costs only from a certain date but have decided against that course. The Defendants have not seen fit to explain why this decision, if it is indeed one of conscience, was not taken and communicated long ago. Summons was after all served more than three years ago, in October 1982. Mr. Khan also gave evidence on certain other aspects relating to costs which satisfied me as to the reasonableness of getting experts and an interpreter from overseas.

In the result, I make the following order:

(1) As against all three Defendants, the Second Plaintiff is declared to be a Muslim and as such to be entitled to all such rights and privileges as pertain to Muslims.

(2) As against the First Defendant, the First Defendant is interdicted from disseminating, publishing, or otherwise propagating false, harmful, malicious and defamatory matter of and concerning members of the Ahmadiyya Anjuman Ishaat Islam Lahore South Africa, including the Second Plaintiff to wit, that such members are non-Muslims, disbelievers, kafir, apostates, murtads, that they are non-believers and as such are to be denied admittance to mosques and to Muslim burial grounds, and that marriage with an Ahmadi is prohibited by Muslim law.

(3) As against the Second Defendant, the Second Plaintiff is declared to be entitled to admittance to the Malay mosque situated at the corner of Long and Dorp Streets, Cape Town, held under Deed of Transfer dated 11th February 1881, and to all rights and privileges therein pertaining to Muslims generally.

(4) As against the Third Defendant, the Second Plaintiff is declared to be entitled to the same rights of burial in the Malay portion of the Vygekraal Cemetery, held under Deed of Transfer No. 3, dated 18th December, 1908, as pertaining to all Muslims.

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Promised Messiah Speaks

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into the world, but the world accepted him not; the Most High God, however, will accept him, and establish his truthfulness with a powerful action. This is not the weak word of a mortal man, but the mighty revelation of the Almighty God. I believe that the time of the heavenly action is fast approaching. But this action will not be the action of swords and spears, nor will there be any need for a gun and fire; but God's help will descend equipped with spiritual weapons, and launch a strong offensive against the Jews. They are the formalists of this age, the people who are over-attentive to external forms without the life and spirit of religion, and are following step after step in the footprints of the Jews. Them all will cut into pieces the sword of God, and Jewishness will be wiped off and obliterated.

Revival of Islam

Every unrighteous worshipper of the world, the one-eyed *Dajjal* having no eye for the spiritual values, will be cut and slain with the sharp edge of argument, and Islam will obtain victory and triumph and the same day of grandeur and glory will dawn again for Islam as it has been in the days of yore, and the sun of Islam will rise in full splendor and magnificence as it had risen before. But it is not so at present. And it is necessary that the heaven should keep it from rising until our hearts break down and melt with excessive labor and devotedness, and we sacrifice all our comfort and ease for the sake of its re-appearance, and suffer all manner of dishonor and disgrace for the honor and exaltation of Islam. *The revival and re-invigoration of Islam demands of us a sacrifice that we should lay down our life and die for its sake.* Upon this death of ours depends the life of Islam and the Muslims, as well as the manifestation of the Supreme Living God; and this is the very same thing which, in other words, has given the name of Islam; and it is the revival and regeneration of this Islam which the Most High God demands of you. For the implementation of this great plan, it was again necessary that He should have established an institution, excellently effective and efficient from every point of view.

Present age resembles the age of Jesus of Nazareth

This age in which we live, in such an age which externalism and outward show, lack of true spirit and reality, absence of honesty and trustfulness, destitution of moral purity and fairness, excessiveness of greed, avarice and worldliness, have become so widely rampant and rife as they had been among the Jews at the time of the advent of Jesus, son of Mary. So, just as the Jews of that age had become wholly divested of real righteousness and integrity; and they considered mere ceremonialism as the sole goodness and virtue; and honesty and trustworthiness, internal purity and fairness had taken leave of them and departed; and not a trace of sincere sympathy and kindness was left in them; and creature-worship of different kinds had taken the place of the One True God; in the same way all these evils have made their appearance in the Present age; and what is permitted and allowed is not made use of and enjoyed with a feeling of humbleness and gratitude, nor any abhorrence and disgust is felt in what is prohibited and forbidden; and the commandments of the Most High God are perverted and prevaricated with invidious interpretations.

Straining at gnat and Swallowing Camel

Most of our *ulama*, religious scholars and savants, are no less than the Pharisees and scribes of that age. They strain at a gnat, but swallow a camel. Of the Kingdom of Heaven, they shut the doors upon the people, neither entering it themselves nor allowing others to go in. They perform their prayers elaborately; but in their hearts, there is neither love nor reverence for the Most High God. From the pulpit they deliver sermons full of enthusiasm, but in private their dealing and actions are quite different. Strange indeed are their eyes which, notwithstanding the insolence and evil intentions of their hearts, are so skillful and adept in the art of lamentation; and strange also are their tongues which, inspite of the estrangement of their hearts, make professions of friendliness and affinity. In this way,

the Jewish characteristics appear to be spreading in every direction, and fear of God and piety have suffered a great change. Weakness of faith and belief has caused the love of God to run cold and freeze, and people are sinking to be submerged in the love of this vile world.

The Prophet's Word

And it was necessary that such things should have come to pass; for, the Holy Prophet (peace and the blessings of God be upon him) had uttered a prophecy, foretelling that a time shall come upon this *ummat* (the Muslim nation) when they shall have an exact similarity with the Jews and shall commit all the deeds which the Jews had committed before, so much so that if the Jews had crept into the hole of a mouse, the Muslims also shall do the same, and then a holy teacher shall appear from the Persian descent who shall find out and restore faith even though it might have gone high up into the heaven. This is the Holy Prophet's inspired declaration, the true significance of which has been disclosed manifestly upon this humble servant by the Divine Revelation, stating that Jesus, son of Mary, was in reality a holy Teacher of Religion, who appeared 1400 years after Moses, when the spiritual and moral condition of the Jews had sunk to the lowest ebb, and they had fallen into all kinds of wicked ways. In the same way, when 1400 years passed upon this *ummat* after the advent of the Holy Prophet, the very same disastrous evils appeared amongst them that had previously appeared among the Jews so that the prophecy uttered with regard to them might be fulfilled. So the Most High God, out of His power and grace, has raised for them also a Teacher of Religion in the likeness of the Messiah, *I am the Messiah who was to come; accept me if you will; let him hear who has the ears to hear; this is the work of God which may seem strange to the eyes of the people.* And if anyone should denounce and deny this fact, he should know that the righteous of old had also been denounced and denied. John (i.e. Yahya) who was the son of Zacharias, was never acknowledged and accepted by the Jews, although Jesus has borne

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testimony with regard to him that he was the same man who had been lifted up to heaven, and for whose descent again from the heaven the ancient scriptures contained a promise.

Metaphors in Divine Word

The Most High God always makes use of metaphors and figures of speech, and confers, for likeness of spirit, power and qualities, the name of one person upon another. One who has a mind similar to the mind of Abraham, is Abraham in the sight of God, and one who has Umar's mind within him, is Umar in the eyes of God. Haven't you read this saying of the Prophet that if there are *Muhaddas* in this *ummat* who are spoken to by the Most High God, Umar surely is that person? Now does the *hadith* mean that the institution of *Muhaddasiyyat* has come to a close with Hadzrat Umar? Certainly not; the meaning of the *hadith* is that the man whose spiritual condition will be similar to that of Umar, will be the *Muhaddas* in the time of emergency and need. Accordingly, this humble servant was once made the recipient of a revelation. You have been imbued with the power and spirit of Farooq. This humble servant, besides having natural resemblance with other holy personages and saints, a detailed description of which has been given in the *Barahin-i-Ahmadiyya*, has a special similarity with Jesus the Christ; and it is on account of this similarity that this humble servant has been sent under the name of Messiah to disrupt and destroy the Religion of the Cross. I have been raised to smash the Cross and slaughter the swine. I have descended from heaven with all those sacred scriptures which had been on my right and on my left, and which my God Who is with me, will pour and is in fact pouring, into every ready and responsive heart for the fulfillment of my purpose. And even if I were to keep silent, and my pen restrained from writing, even then the angels who have descended with me, cannot give up their work. In their hands they have huge hammers which have been given to them to destroy the Cross, and demolish the Church of man-worship.

An ignorant person, it is probable, may be confounded to think as to what could be the meaning of the descending of angels. It should, therefore, be clearly understood that it has been the practice with the Most High God that whenever an apostle or a prophet or a *muhaddas* descends from heaven for the reformation of human kind, such angels, undoubtedly, also descend with him who infuse guidance into responsive minds, and induce them to goodness and virtue; and these angels continue to descend until the darkness of disbelief and vice is dispelled and the delightful dawn of faith and righteousness appears, as the Most High God, glory be unto Him, has said; *The angel; and the spirit descend in it by the permission of their Lord for every affair; peace, it is till the rising of the morning*(97:4). So, the descending of the angels and the Spirit from the heavens takes place only when an exalted person, adorned with the mantle of Divine revelation, descends upon this earth. The Holy Spirit, as a matter of special favor, is conferred upon this Divine Deputy, and the angels accompanying him, descend upon hearts that are inclined to respond. A reflection of this luminous light falls upon all the precious minds wherever they are found in the world, and a vivid brightness and resplendency spreads all over this earth. By the pure and healthy influence of the angels good and noble ideas crop up in the minds spontaneously and the Unity and Oneness of the Divine Being begins to appear lovely and beautiful. A spirit of the love of justice and truthfulness is breathed into straight and uncrooked hearts, whereas the weaker ones are invigorated with power and strength. A favorable wind which helps to push and promote the purpose of the Holy Reformer, begins to blow in every direction. Under the influence and induction of a hidden hand, people, of their own accord, are drifted and drawn towards goodness and integrity; and an excitement and commotion is set afoot among the nations. The ignorant people, devoid of understanding, then, begin to suspect and suppose that the thoughts of the world have of themselves taken

a turn towards righteousness and truth. But it is in reality the work of those angels who descend from heaven along with the Divine messengers, and vouchsafe extraordinary powers for the appreciation and acceptance of truth. They arouse the asleep from their sleep, and the inebriated from their intoxication, open up the ears of the earless; quicken life into the dead hearts; and pull out the inhumed from their graves. It is then that the eyes of the people begin to open and things which had been closed and hidden before, begin to be disclosed upon their minds. These angels, in reality, are not something separate from the Man of God, but they are the light of his face and the shining and splendid signs of his courage and spirit which, by their magnetic force, draw every congruous and comfortable person towards them, irrespective of his physical nearness or remoteness, familiarity or utter strangeness. In brief, whatever the moves towards goodness and virtue in that age, and whatever the zest and zeal for the acceptance of Truth, whether in the people of Asia or those of Europe and America, all these things, as a matter of fact, are caused into existence by the endeavor of the angels who descend from heaven along with the Divine Deputy. It is an immutable Law of God in which you will never find a change. It is crystal clear and easy to understand; and it will indeed be your misfortune if you should no ponder over it. Since this humble servant has come from the Most High God with righteousness and truth, you will find the signs of my truthfulness in every direction and the time is not far off, but it is quite near at hand, when you will perceive legions of angels descending from heaven upon the hearts of Asia, Europe, and America. You have read in the Holy Qur'-an that the descending of the angels along with God's vicegerent is absolutely necessary that they may turn human hearts in the direction of Truth. Wait, therefore, for this sign. And if the angels descend not, and you beheld not in this world the conspicuous effect of their descent, nor found human hearts moving extraordinarily in the direction of Truth, you may then know and understand that none

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Promised Messiah Speaks-

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has come from heaven. But if all these things come to pass, you should then desist and cease from your denial and denouncement that you may not be adjudged as an insolent people in the eyes of God.

Invincible Light

Another sign is this that the Most High God has endowed this humble servant with those special lights which are bestowed upon His chosen servants only, and cannot be resisted or counteracted by other people. And if you are in a doubt, you may come out in the field to face me; but be assured that you will not be able to stand against me. You have tongues in your mouths, but no hearts within; you have bodies but no life in them; and you have eyes, but no light to illumine them. May the Most High God bestow light upon you that you may be able to see.

Third Sign

There is yet a third sign that the Holy Prophet (peace and the blessings of God be upon him), in whom you claim to repose your full faith, has spoken about this humble servant, a record whereof is found in your most authentic Traditions, on which you have not pondered up to this day. You are in reality the hidden enemies of the Holy Prophet, for you are striving not to establish his truth but to give him a lie and falsehood.

Sentence of Heresy

Many of you will now draw up the sentence of heresy, and if it could be possible, would have even put me to death. But this government is not like the government of that nation which, whereas it is far ahead in fanaticism and unreasonable zeal, is far behind in comprehension and moral forbearance, and revives and resuscitates the spirit of the Jews. This government, although it has not the blessings and beatitude of faith attending upon it, is yet many times better than the reign of Herod wherewith Prophet Jesus, son of Mary, had to do, and superior to a great degree even to the Islamic States

of today in respect of peace and prosperity, freedom and security, public weal and welfare, law and order, dispensation of justice and punishment to convicted criminals.

Providential Plan

Just as Providential wisdom did not raise Jesus the Messiah during and under the rule of the Jews, a similar plan has likewise been adopted in the case of this humble servant also that it may be a sign for those who understand. If the deniers of this age treat me with scurrility and scorn, it is certainly no matter for sorrow and pain; for those who had passed before them, had treated the Prophets of their time even in a much worse way. Jesus, too, was railed at and ridiculed many a time. Once his own brothers, born of the same mother, wanted to put him behind the prison bars, having condemned him as a madman; and other people, on several occasions, conspired to kill him, and pelted him with stones, and spat upon his face with utmost contumely and contempt. Once they had almost killed him on the cross; but since his bones were not broken, he escaped with the skin of his teeth, and after spending the rest of his life upon this earth, was taken up and lifted to heaven. The friends and

followers of Jesus, also, who lived in his company day and night, faltered and fell. One betrayed him for thirty pieces of dirty lucre; another cursed him on his face; and the remaining disciples who used to profess love and loyalty to him, also turned their tails and fled and began to entertain different kinds of doubts about him.

Resurrection

But, since Jesus was a true and righteous man, the Most High God infused a new life into his mission after his death. The resurrection of Jesus which has overshadowed the Christian thought and imagination, was in reality a hint of the resurrection of his religion which was, as a matter of fact, given a new life after it had ceased to function; and so has the Most High God given me also the glad tidings that he would raise me to life after I am dead; adding, those who are near and close to God, are raised to life again after they are dead. He further said: *I shall manifest the flash of My Light and raise thee up by the display of My Power.* So, the significance of my resurrection is nothing but the resurrection of my purpose; but few indeed are the people who understand these subtle secrets.

Judgement-Continued

(5) As against all three Defendants: Costs of suit on the attorney and client scale, which costs shall include:

(i) Costs of the hearing on 23rd February 1984

(ii) the wasted trial costs occasioned by the post-ponement of the trial which was to have taken place on 1st November, 1984

(iii) the cost of two counsel

(iv) the qualifying expenses of the following expert witnesses:

Hafiz Sher Muhammad

William LG. Millard

Taj Hargey

Ayman Alyasini

(v) the travelling expenses of the following expert witnesses subject to appropriate proof to the taxing master:

Hafiz Sher Muhammad

William G. Millard

Ayman Alyasini

(vi) The fees and expenses including travelling expenses of the interpreter, Dr. Zahid Aziz. _____ Williamson J.

WE STAND FOR:

(a) A UNITED ISLAM, that has no room for any sectarian disruption;

(b) A RATIONAL ISLAM, that seeks support for all its doctrines from the fact of experience;

(c) A LIBERAL ISLAM, that respects goodness wherever found, and respects all religious traditions as from Allah at their source;

(d) A WINNING ISLAM, that is anxious to win a whole world by loving persuasion and moral influence;

(e) A PROGRESSIVE ISLAM, that finds new light from the Qur'an and the Sunnah at every change in the intellectual climate of the world;

(f) A LIVING ISLAM, that is capable of bringing its worthy followers in speaking contact with Allah in every age;

(g) A PEACEFUL ISLAM, that condemns all kinds of violence in matters of religion, either to secure its acceptance or for the continuity of adherence to it.



By Kh. Naseerud Din

The modernism of this age is so ubiquitous and all pervading that, being incapable of definition it can only be described on the basis of its manifestations. It owes no allegiance to any ideology, moral, amoral or immoral, spiritual or secular, democratic or fascist. It may be conceived as a super-ideology which, while free as the wind and abundant as water, has invaded, besieged and conquered many a citadel which hitherto was believed to be sacrosanct and invincible. Men of religion are unnerved at its insidious effects and men of the world are worried over what the future has in store for them. Even the bosses of Socialism are perturbed over its blandishments which cannot fail to seduce the disciples of Marxist-Leninism.

Yet modernism has many strings to its bow and many a feather to its cap which no student of human civilization can ignore. Its roots sprouted with the Reformation and its God-child, Protestantism. It represented a protest and a revolt against the hypocrites, self-seekers and power-hungry priests and prelates of the Holy Roman Empire. Its seed was, however, sown at the end of the 6th century A.D. when Muhammad (may the peace and blessings of God be upon him) presented the last message of Allah, the revealed Word of God, in all its divine purity and intellectual clarity, which disabused people's mind of the notion that God was accessible only through intermediaries: the priest, the Marzuban, the Brahman, and the Rabbi. Martin Luther, the godfather of the Reformation and the founder of Protestantism conceded, in the introduction to his translation of the Holy Qur'-an, the impact that the ideas and teachings of the Divine Word had made on him in lieu of which he earned the title of a *Muhammadan Dog*. To be sure, the Qur'-an had braced him for the battles that he fought so fearlessly against Roman Catholicism and its custodian and guardian, the Holy Roman Empire. But a movement under such

holy auspices fell pat into the lap of Satan of Nationalism, the nation-states which filled the vacuum created by the dismemberment of the Empire.

Just as in the realm of the spirit, the Qur'-anic revolution in human values evoked a protest, the Qur'-anic civilization transmitted a spirit of inquiry and the scientific method to the West. This intellectual upheaval enthused and motivated by the votaries of the Qur'-an which had emphasised and inculcated the observation of nature, the acquisition of knowledge, the examination of the self, and ordained respect for life and for living a godly life in the thick of humanity and its problems:

And in the earth are signs for those who are convinced.

And in yourselves (as well) Will you not be enlightened then? (51:20-21)

To quote Briffault in his *Making of Humanity*: "It was under their successor at the Oxford School that Roger Bacon learnt Arabic and Arabic science. Neither Roger Bacon nor his later namesake has any title to be credited with having introduced the experimental method. Roger Bacon was no more than one of the apostles of Muslim science and method to Christian Europe and he never wearied of declaring that knowledge of Arabic and Arabic science was for his contemporaries the only way to true knowledge. Discussion as to who was the originator of the experimental method...are part of the colossal misrepresentation of the origins of European civilization. The experimental method of Arabs was by Bacon's time widespread and eagerly cultivated throughout Europe."

"Science is the most momentous contribution of Arab civilization to the modern world; but its fruits were slow in ripening. Not until long after Moorish culture had sunk back into darkness did the giant which it had given birth rise in his might. It was not science only which brought Europe back to life. Other and manifold influences from the civilization of

Islam communicated its first glow to European life."

"The debt of modern science to that of the Arabs does not consist in starting discoveries of revolutionary theories: science owes a great deal more to Arab culture, it owes its existence. The ancient world was, as we say, pre-scientific. The Astronomy and Mathematics of the Greeks were a foreign importation never thoroughly acclimatised in Greek culture. The Greeks systemized, generalized and theorized but the patient ways of investigation, the accumulation of positive knowledge, the minute methods of science, detailed and prolonged observation and experimental inquiry were altogether alien to the Greek temperament. Only in Hellenistic Alexandria was any approach to scientific work conducted in the ancient classical world. What we call science arose in Europe as a result of a spirit of inquiry of new methods of investigations, of the methods of experiment, observation and measurement, of the development of Mathematics in a form unknown to the Greeks. That spirit and those methods were introduced into the European world by the Arabs."

The legend of Roger Bacon as the genius behind the Renaissance has been effectively stripped of its fantasies in the above quotation. The West are proud of the legacy of Greece and Rome in which ostensibly they have built up the vast edifice of their own civilization, but would not for the life of them recognize the debt that science and technology owes to the Qur'-an and the Qur'-anic civilization.

What is relevant for us, however, is the phenomenon of this Renaissance which had according to its eulogists, placed man on the pedestal of liberty and enlightenment and installed knowledge on the throne to which it was entitled. Some savant in the unforeseeable future delving into past records and writings might yet discover the truth which seems to

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New Modernism And The Qur'-an-Continued

clude the West. Playing up the bogey of the Renaissance to efface the indelible footprint of the disciples of the Qur'-an on pre-medieval, medieval and post-medieval thought or culture of the white race, is the only weapon that the intensely race-conscious West had at hand to sidetrack God's last message to mankind. The Holy Qur'-an, the direct message of Almighty, the very word of the Creator, to his creatures had, by demolishing all fetishes and superstitious cults, idolatries, intellectual and spiritual oligarchies by announcing that man, the first primate among His creatures, was God's Deputy on earth, endowed and equipped with the freedom of will and intellectual capacity to subdue and subjugate his environment for his use and benefit, that is to say, for the good of the whole of humanity:

And when thy Lord said to the messenger-spirits: "I am surely going to place a successor in this earth." (2:30)

And He taught man (Adam) the qualities (or names) of all things, Then He presented them (men) to the messenger-spirits. (2:31)

God is He who has made the heavens and the earth,

And He brings down water from above, Then He produces by means thereof fruits as a provision for you,

And He orders for you the ship that it may sail in the sea with His command,

And He orders for you the rivers,

And He orders for you the sun and the moon moving according to laws,

And He orders for you the night and the day. (14:32-33)

How did it happen, we ask, that modernism which had its seed in the Qur'-an and its roots in the Reformation and Protestantism, subsided eventually into a philosophy of creature comforts and a brazen and unashamed hedonism! What everyone can see in this *denouement* is the glaring fact that the Reformation which aimed at the liquidation of conventional and sacerdotal religion, never could rid itself of its trappings, fineries and superstitions, succumbed to the very class which it had sought to displace. The priest and the prelates re-established themselves and thus provoked and precipitated the new

modernism which had its Martin Luthers in Herbert Spencer, T.H. Huxley, Karl Marx, Walter Bagehot and Bertrand Russell.

To quote this last and perhaps the greatest of them: "Religion prevents our children from having a rational education; religion prevents us from removing the fundamental causes of war; religion prevents us from teaching the ethic of scientific cooperation in place of the old fierce doctrines of sin and punishment. It is possible that mankind is on the threshold of a golden age; but if so, it will be necessary first to slay the dragon that guards the door and this dragon is religion."

The old modernism, the father of the new modernism, had made God its motivating force. The new modernism came to be thoroughly disgusted with God, the priest and the prelate. Swollen-headed and power-conscious, owing to great strides in science and technology, it abandoned Him altogether and thus lost the light which would have brightened the deep darkness that was to ensue in this vast 'Gambolian Plain' of Godlessness and so-called Rationalism. In the words of C.E. Joad: "Reason tends to be exhibited as a mere tool or handmaid of desire. Its function is to secure the ends which we unconsciously set ourselves, by inventing excuses for what we instinctively want to do and arguments for what we instinctively want to believe. Reason is the power of deceiving into believing that what we want to think true, is in fact true." Oh! what luck to live in this new world of the new modernism, so replete with goods and services, with forbidden fruits and unmentionable pleasure, with its wealth, luxury and opulence, alcohol, L.S.D., etc. Watching rock-n-roll and the gibbering, gesticulating, hip-swaying, breast-shaking, satyrs of the new modernism, one is reminded of the warning of the Qur'-an:

And surely you know those Who exceeded the limit From amongst you, With regard to the Sabbath—So We said to them, "Be you ape-like, Driven away." (2:65)

The violation of the Sabbath signifies the revolt of the new modernism against the Divine Law. What a demotion of the first primate back to the second primate, a throw-

back in evolution! The reversion of the multi-millionaire in Aldous Huxley's *After Many A Summer* to the missing link! The new modernism is a cult without ostensibly purporting to be so; it is what one believes in subconsciously and acts upon consciously and deliberately to save one's face and pursue one's ambition to be one of the new elite—the high society of the *nouveau riche*.

The virus of the new modernism, the Khannas of the Qur'-an, attacks your system imperceptibly and unawares:

Say thou: "I take refuge with the Lord of men, From the evil of the suggestions of the slinking-one— He who casts suggestions in the breast of men." (114: 1, 4-5)

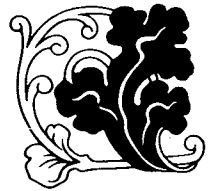
and when it (or the new modernism) has dug in there is nothing you can do about it. The late 'Abdul Majid' Salik, who was the social oracle of his day, was once visited by a distracted father and a dishevelled mother (both writers like himself), whose daughter had failed to show up after her college was over and was God knows where. Said Salik, "If you have accepted modernism then be patient and give her a smiling welcome on her appearance. If not, take her away from college till she mends her ways. You have to meet the new modernism halfway."

The winds of modernism ever blowing eastwards in this small and contracted world, without let or hindrance, will inevitably create a situation similar to Western civilization: students on the rampage, free love, alcoholism, drug addiction, the dismemberment of family life on the lines of *Proposition 31* (a modern classic advocating wife-swapping to provide variety and the zest for life to the spouses), teenagers and adolescents cohabiting and procreating like adults (vide latest report of the British Health Ministry), fast spreading disregard for decency and fair play, racial hatred, callousness on the part of the haves and apathy on the part of the have-nots and a brooding anger among the underdogs on the national and international level. We are inescapably sinking deeper and deeper into the morass of this new and

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DIVINE ATTRIBUTES



By Maulana Muhammad Ali, M.A., LL.B.

Divine Omniscience

"God is He besides whom there is no god, the Ever-living, the Self-subsisting by whom all subsist; slumber does not overtake Him nor sleep; whatever is in the heavens and whatever is in the earth is His; who is he that can intercede with Him except by His permission? He knows what is behind them, they cannot comprehend anything out of His knowledge except what He pleases; His knowledge extends over the heavens and the earth, and the preservation of them both tires Him not, and He is the most High, the Great" (2 : 255).

"Dost thou not see that God knows whatever is in heavens and whatever is in the earth: Nowhere is there a secret counsel between three persons but He is the fourth of them, nor between five but He is the sixth of them, or less than that nor more but He is with them wheresoever they are; and He will inform them of what they did on the day of resurrectin, for God is Cognizant of all things" (58 : 7).

Divine Omnipotence

"He brings forth the living from the dead and brings forth the dead from the living, and gives life to the earth after its death, and thus shall you be brought forth" (30 : 19).

"God is He Who raises the heavens without any pillars that you see, and He holds control on the throne, and He made the sun and the moon subservient; each one pursues its course to an appointed time; He regulates the affair making clear the signs that you may be certain of meeting your Lord. And He it is Who spread the earth and made in it firm mountains and rivers, and of all fruits He has made in it two kinds; He makes the night cover the day; surely there are signs in this for a people who reflect" (13 : 2,3).

"And whoever is in the heavens and the earth makes obeisance to God only, willingly and unwillingly, and their shadows too at morn and eve" (13 : 15).

"Do they not consider everything that God has created? Its very

shadows return from right and left, making obeisance to God while they are in utter abasement. And whatever creature that is in the heavens and that is in the earth makes obeisance to God **only, and the angels too and they do not show pride. They fear their Lord Supreme, and do what they are commanded**" (16 : 48-50).

Divine Omnipresence

And certainly We created man, and We know what his mind suggests to him, and We are nearer to him than his life vein" (50 : 16).

"And God's is the East and the West, so whithersoever you turn, thither is the face of God" (2 : 115).

"They hide themselves from men but they cannot hide themselves from God and He is with them when they meditated at night that which pleases Him not, and God encompasses what they do" (4 : 108).

"Nowhere is there a secret counsel of three but He is the fourth of them, nor of five but He is the sixth of them, nor less than that nor more but He is with them wheresoever they are" (58 : 7).

Divine Creation of Things

"Do they not consider that God Who created the heavens and the earth is able to create the like of them" (17 : 99).

"And We created the heavens and the earth and what is between them in six periods and there touched Us not any fatigue" (50:38).

"Say, Have you considered your associates which you call upon besides God? Show me what part of the earth they have created or have they any share in the heavens?" (35 : 40).

"And He creates what you do not know" (16 : 8).

"Or have they set up with God associates who have created creation like His, so that what is created became confused to them: Say, God is the Creator of all things, and He is the One, the Supreme" (13 : 16).

"Wonderful Originator of the heavens and the earth and when He decrees an affair, He only says to it, Be, and there it is" (2 : 117).

"He is God, the Creator(of matter,

the Maker(of souls), the Fashioner(of shapes)" (59 : 24).

Divine Control

"And He holds control on the throne, regulating the affair" (10 : 3).

"The Creator of all things, therefore serve Him, and He has charge of all things" (6 : 103).

"And God controls all things" (4 : 85).

Divine Glory

"Glory be to Him and exalted be He in high exaltation above what they say. The seven heavens declare His glory and the earth too, and there is not a single thing but glorifies Him with His praise, but you do not understand their glorification" (17 : 43-44).

"Whatever is in the heavens and whatever is in the earth declares the glory of God, and He is the Mighty, the Wise" (59 : 1).

"The King, the Holy, the Author of peace, the Granter of security, Guardian over all, the Mighty, the Supreme, the Possessor of every greatness" (59 : 23).

Divine Goodness to Man.

"All praise is due to God, nourisher of the worlds unto perfection" (1 : 1).

"Surely, His goodness to thee is very great" (17 : 87).

"And He gives you of all that you ask Him, and if you count God's favors, you will not be able to number them" (14 : 34; 16 : 18).

"Surely thy Lord is full of goodness towards men but most of them are not grateful" (27 : 75).

"He it is who sends His blessings on you and so do His angels" (33 : 43).

"And give to the believers the good news that they shall have great goodness from their Lord" (33 : 47).

"That God may give them the best reward of what they have done and give more out of His grace" (24 : 38).

"They do not control aught of the grace of God and that goodness is in the hand of God, He gives it to whom He pleases, and God is the Lord of mighty goodness" (57 : 29).

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MUHAMMAD THE GREATEST MAN OF HISTORY

“If greatness of purpose, smallness of means, and astounding results are the three criteria of human genius, who could dare to compare any great man in modern history with Muhammad? . . . Philosopher, orator, apostle, legislator, warrior, conqueror of ideas, restorer of rational dogmas, of a cult without images; the founder of twenty terrestrial empires and of one spiritual empire, that is Muhammad. As regards all standards by which human greatness may be measured, we may well ask: Is there any man greater than he?”

—Alphonse de Lamartine in *Histoire de la Turquie*

QUR'AN, THE GREATEST SPIRITUAL FORCE

“It is the one miracle claimed by Muhammad—his standing miracle, he called it—and a miracle it is.”

—Bosworth Smith

“Never has a people been led more rapidly to civilization, such as it was, than were the Arabs through Islam. . . . And to it was also indirectly due the marvelous development of all branches of science in the Moslem world.”

—*New Researches* by H. Hirschfeld

“Here, therefore, its merits as a literary production should, perhaps, not be measured by some preconceived maxims of subjective and aesthetic taste, but by the effects which it produced in Muhammad’s contemporaries and fellow-countrymen. If it spoke so powerfully and convincingly to the hearts of his hearers as to weld hitherto centrifugal and antagonistic elements into one compact and well organized body, animated by ideas far beyond those which had until now ruled the Arabian mind, then its eloquence was perfect, simply because it created a civilized nation out of savage tribes, and shot a fresh woof into the old warp of history.”

—Dr. Steingass, *Hughes' Dictionary of Islam*

THE BEAUTIFUL CHARACTERISTICS OF ISLAM

“I have always held the religion of Muhammad in high estimation because of its wonderful vitality. It is the only religion which appears to me to possess that assimilating capacity to the changing phases of existence which can make itself appeal to every age. I have studied him—the wonderful man—and in my opinion far from being an anti-Christ, he must be called the Saviour of Humanity. I believe that if a man like him were to assume the Dictatorship of the modern world, he would succeed in solving its problems in a way that would bring it the much needed peace and happiness. I have prophesied about the faith of Muhammad that it would be acceptable to the Europe of tomorrow as it is beginning to be acceptable to the Europe of today.”

—George Bernard Shaw

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