The Memory of Tanzimat and How the Malay World Could Have Learned from It

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Abstract: This paper is diagnostic type rather than a solution one. There are claims among certain quarters that The Universal Declaration of Human Rights 1948 (UDHR 1948) is a Western mould human rights. However, I will argue that human rights are benchmark for modernization and progress in democracy, and it is traceable within Islam. Using Syed Hussein Alatas's Ideal of Excellence (*Cita Sempurna Warisan Sejarah*) as thereotical framework, my attempt is to highlight the memory of Tanzimat during Ottoman empire as one triumph heritage and successful story of human rights modernization within Islam, and not the moment or starting point of failure for the Ottoman. Unfortunately, this modernization does not reflected in the Malay world as it is perceived as the weakening process of Ottoman. Today, similar challenges faced by Ottoman are being faced by the Malay world. Legalistic Islam and Wahhabism are among others that slowing down the modernization of human righs within Malay world.
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SYED HUSSEIN ALATAS'S IDEAL OF EXCELLENCE

Professor Syed Hussein Alatas (1928-2007), a notable Malay sociologist is undoubtedly "ahead of his time" in many ways (Wong Kok Keong, 2007). He was considered as an "intellectual giant" and a "towering Malaysian" (Ramakrishnan, 2007). Other than his notable and splendour works, what make him an important figure in the academic world is that he tried in every limit to engage with his people and in his own ways, proposed solutions in order to correct all the wrongdoings in society.

Syed Hussein Alatas was also accepted at the international level. His celebrated work, *The Myth of the Lazy Native* was published before Edward Said's *Orientalism* in 1978, and as one of his classic's this book was widely praised. In fact, in Edward Said's (2003: 296) later book, *Culture and Imperialism*, he wrote: "Alatas's book, as startlingly original in

its way as Guhas's, also details how European colonialism created an object, in this case the lazy native, who performed a crucial function in the calculations and advocacies of what Alatas called colonial capitalism".

Professor Clive S. Kessler (2008), an emeritus professor of sociology at the University of New South Wales pointed out how Alatas influenced wide range of academic discourses in "third world countries" especially in the field of postcolonial:

"…the breadth and depth of Syed Hussein Alatas's impact in Malaysia and beyond, not just within the 'Malay world' and Southeast Asia generally, but throughout what used to be called the Third World, and further afield, wherever 'postcolonialist' critiques of the 'postcolonial political and cultural status quo' are taken seriously". (Kessler, 2008: 128-129)

I believed many scholars failed to notice that Professor Alatas was also wallowing in human rights. Perhaps one reason why his ideas on human rights were not floating above else was because his views regarding human rights were scattered in all his works.

The essentiality of Alatas's views on human rights within the universalism and cultural relativism debate are his efforts to integrate secular humanism with religious values. I hope using this framework, the debate between universalists and cultural relativists can be reconciled. Not only that, this approach will help to bridge the gap, allegedly exist, between religion and human rights, or between the orientalism and human rights. In his own words, Alatas vehemently wanted an integration between secular humanism and religious values. An integration that can be lifted into a practical approach to solve human rights violations;

"The world is now facing all sorts of problems, such as poverty, corruption, decadence, crime, trafficking in children - name any problem you want. These problems we are facing now are in the era of non-religion. This is the age of the United Nations, the age of human rights, the age of the French Revolution. It is during this age that you have had two world wars, that you have had the weapons of mass destruction used on people. We have all sorts of instability. We have all sorts of poverty, civil wars, killings and massacres. We have all sorts of terrible problems precisely during this age of secular humanism, where international organizations are controlled by secular humanism.

By going back to a reflection on religious values, we are not driven by an idealistic utopia. We have to be optimistic. If we are not, and if we do not have an orientation for the future, then all struggles will be stifled.

It is this optimism of the future that is strongly imbedded in religion. By religion, I do not mean religion as practised and distorted. Do you think we do not need a

religious answer to the recent developments in science that are linked with a certain philosophy of life?
All the evils we find in the Third World go back to certain ideas and certain driving forces. It is here that religion as has just been suggested, in the universal sense, can help in informing our philosophy of education." (Alatas, 2003: 24-25)

For this reason, Syed Hussein Alatas's (2001) *Ideal of Excellence* is the best choice to be referred here. *Ideal of Excellence* as a framework ideally propose a civilisational parameter to quantify the progress or the backwardness of a civilisation or a nation-state. In his monumental work before his demise, Alatas in *Cita Sempurna Warisan Sejarah,* define "cita sempurna" or "Ideal of Excellence" as "*satu pandangan hidup yang menyeluruh bertujuan untuk mencapai masyarakat sempurna*"; a holistic outlook or *Weltanschauung* in order to achieve a perfect and ideal society (Alatas, 2001: 7). According to him, "*Cita Sempurna*" based on values and emotion, thus it is universal and free from relativism. For instance slavery; in a society that accepts slavery there will be members of the society opposing and rejecting this vice and advocates strong opposition against slavery as it is inhuman. This act of rejection or awareness towards freedom and liberty is an example of values and emotion that cannot be manipulated. It is the base of "Ideal of Excellence" or "Cita Sempurna" (Alatas, 2001: 7-8).

Alatas stresses that "*Cita Sempurna*" as a societal system must be formed and arranged on top of humanistic values. These values can be traced back from human rights fought during French Revolution (Alatas, 2001: 19-20). "The Ideal of Excellence" or "*Cita Sempurna"* is parallel with the main objective of Islam, and does not contradicts the teachings of Prophet Muhammad pbuh in order to implement social justice in the society. Alatas noted that humanistic values are founded based on '*fitratallah*'. This means, it is wide enough to include Moslems and Non Moslems (Alatas, 2001: 24). Syed Hussein Alatas agreed that it is almost impossible to achieve a perfect score of "Ideal of Excellence", however, there are moment in history that the achievement of a society was influenced by the most powerful, or the leaders, and this exist in every type of system (Alatas, 2001: 46).

The integral part of this framework is that "Ideal of Excellence" encourage, lead and motivate people to understand their own role in the society. The people is aware of their function and they can manipulate their energy to influence the powerful, the leaders to stop doing injustice

to the minorities or the weak ones, to deny any kind of oppression and corrupt practices and bringing back senses (Alatas, 2001: 53). Syed Hussein Alatas refer to the reign of Khulafa ar Rasyidin, in particular Saidina Ali's good governance.

The opposite of "Ideal of Exellence" is the "Ideal of Malevolent" or "*Cita Bencana*". Syed Hussein Alatas define "*Cita Bencana"* as "*semua yang bertentangan daripada cita sempurna*", every aspects that contradict "Ideal of Excellence". "Ideal of Malevolent" can be detected from three symptoms, first; widespread of crime; second; drug abuse, addiction to gambling and alcohol and the most important one, third; lack of values and awareness from institution and the people to fight corruption and social injustices (Alatas, 2001: 15). Alatas pointed out the era of Hajjaj bin Yusuf and within European history, King Henry VIII of England (1491-1547) as examples of the "Ideal of Malevolent" (Alatas, 2001: 24-25).

Using this framework, I will show how memory of Tanzimat era during the Ottoman empire was one of the praiseworthy process to champion the "Ideal of Excellence". Although the Tanzimat is not perfect, the experimenting struggle furnish us with valuable and invaluable lessons.

UNDERSTANDING UNIVERSALITY OF HUMAN RIGHTS

Rene Cassin, one of the main drafters of UDHR 1948 identified four pillars of UDHR; dignity, liberty, equality and brotherhood. These four pillars are divided to 27 Articles in the declaration. If UDHR 1948 is considered as a structure, the roof of this building is visible in Articles 28 to 30; that the rights of individuals could be realized within society and the state. The first pillar is observe in Articles 1 and 2; human dignity shared by all individuals regardless sex, ethnicity, creed, and religion. The second pillar is scattered between Articles 3 to 19; involving civil liberties, liberal rights fought during the Enlightenment in Europe and considered as the first generation of human rights. Next, the third pillar is clustered under Articles 20 to 26; which addresses political, social, and economic equity, those championed during the Industrial Revolution. Some regard this pillar as second generation of human rights. While, the last one, the fourth pillar arise in Articles 27 and 28; those associated with communal and national solidarity as advocated during 19th/20th century and throughout post-colonial era. It is also known as the third generation of human rights (Ishay, 2004: 359).

It is clear to us that human rights are rights and freedoms that all humans are entitled. It is more appropriate to say that human rights are expression of civic values that derives from religious, philosophical and legal principles. It may seems like an individual oriented. However, the truth is, human rights also address duties and responsibilities. Many parts of the world are still struggling with the first generation of human rights.

One important and glaring aspect about UDHR 1948 is, it is undeniable that from the timeline and categorization, human rights are Western or European in origin and seems do not get any contributions from the oriental part of the world or non-Christians traditions. While UDHR 1948 stresses and define needs of individuals, and demand these rights to be apply worldwide, the non-Western thoughts on human rights define needs within context which community comes first. This is also among the reasons why human rights concept as translated in UDHR 1948 got little attention. It is very much perceived as foreign business. I insist that human rights as perform in UDHR 1948 are the best thing ever happened in humankind since Second World War:

> "Since the Second World War, there has been a prodigious development of ideas, expressions, behaviour patterns, rules and institutions, the novelty of which lies not so much in its nature as in the scale on which it has occurred. This has resulted in what may truly be termed a 'human rights phenomenon'. True, this phenomenon has not arisen ex nihilo; it has derived from a past which is common to all mankind in that human rights have benefited from every major trend of thought." (Vasak, 1982: xv)

It is significant to understand that cultural relativism within human rights are not the answer to oppression, injustice, and inequality in the world. The human rights phenomenon, as stated in the paragraph above "benefited from every major trend of thought" and that include "trends" from Asia, including the Malay world.

One must remember, ideas of human rights were not born from nothing during the Enlightenment. It is wise to say that religious humanism, ancient traditions, traditional customs and concepts influenced all of us. Human rights can always be intercultural. It is not just set of laws. It is life styles. It can be "occident and orient" at the same time.

In Asia, it has to be "*verstehen und verständigung*" (understanding and communication). I am aware that in this region it is often that religion being manipulated to justify cultural relativism within human rights. Religion is set as the barrier to understand and communicate. However,

despite the authoritarian rule, feudalism, and fragmented culture, a careful look into Asian traditions and complex history will reveal how tolerance, freedom and justice are being propagated in the society via religions.

For example, within Islam, the fourth Caliph, Ali bin Abi Talib views on human rights can be located in his sermons, letters and aphorisms. These valuable sayings were collected and compiled by Sayyid Radi (c. 11th century CE) under the title of *Nahj al Balaghah* (Peak of Eloquence). For example, Caliph Ali stresses on equality of human being in their humanity and this can easily be observed in his letter to the governor of Egypt, Malik al-Ashtar. In reminding al-Ashtar about the people, Caliph Ali says; "The people that you will be governing are of two types: they are either your brother in religion, or similar to you in creation". Ali also underlined an important metric for Muslims when facing with human rights violations. In one his letter to his sons, Caliph Ali recommends his sons to, among others, "take a stand against oppressors and extend a helping hand to the oppressed". Ali Paya (2013: 17) in discussing Ali's theory of justice noted that his will and testament here is significant since these are the moral obligations needed to be fulfil; "the tone of the Imam's advice in the context of his letter makes it clear that, in his view, religion, race, and other cultural, historical, and genetic affiliations cannot and should not act as pretexts for disregarding this important moral obligation."

Similarly, Arvind Sharma (2014) in discussing elements of human rights in Hinduism explains the teachings of Hindu law books that demand human beings to be treated fairly through four debts conceptions:

> "The Hindu law books refer to the debts and its extension in the Mahabharata. The Hindu law books refer to the debts one owes to the Gods, the sages and ancestors and these are respectively discharged through worship, scriptural study and the memorial service called Shraddha. To these the Mahabharata adds a fourth: the debt we owe to all human beings, which then is a debt which all human beings owe to one another, a concept which lies at the core of human rights, for these rights constitute entitlements of each human being on every human being." (Sharma, 2014)

In Buddhism, human rights existed in different forms. Damien Keown (2014) underline how moral values in Buddhism are very much supportive the modern idea of human rights. Although there are certain

hesitations, for example issues related to sexual misconducts, in general Buddhism is at peace with UDHR 1948:

"Modern doctrines of human rights are in harmony with the moral values of classical Buddhism in that they are an explication of what is 'due' under Dharma. The modern idea of human rights has a distinctive cultural origin, but its underlying preoccupation with human right good makes it at bottom a moral issue in which Buddhism and other religions have a legitimate stake." (Keown, 2014: 229)

It is incorrect to envisage the East with the absence of human rights, although the historical background might not that visible as shown in the case of Malay society in the nineteenth century. Still, with those conflict and ambiguities, the good arise and find their way. In fact, oriental world did offers great human rights discoveries. Religious freedom for instance was fairly introduced and practiced in India during Moghul era, emperor Akbar made an important royal decree regarding freedom of religion. Amartya Sen (1997) in defending human rights and Asian values stated how this practice being implemented, and how advance the oriental world compare to the West:

"Among the powerful expositors and practitioners of tolerance of diversity in India must be counted the great Moghul emperor Akbar, who reigned between 1556 and 1605. Again, we are not dealing with a democrat, but with a powerful king who emphasized the acceptability of diverse forms of social and religious behavior, and who accepted human rights of various kinds, including freedom of worship and religious practice. Such rights would not have been easily tolerated in parts of Europe in Akbar's time.

For example, as the year 1000 in the Muslim Hejira calendar was reached in 1591-92, there was excitement about it in Delhi and Agra (not unlike what is happening right now as the year 2000 in the Christian calendar approaches). Akbar issued various enactments at this juncture of history, and some of these focused on religious tolerance, including the following:

No man should be interfered with on account of religion, and anyone [is] to be allowed to go over to a religion he pleased. If a Hindu, when a child or otherwise, had been made a Muslim against his will, he is to be allowed, if he pleased, to go back to the religion of his fathers. Again, the domain of tolerance, while religion-neutral, was not universal in other respects, including gender equality or equality between younger and older people. The enactment went on to argue for the forcible repatriation of a young Hindu woman to her father's family if she had abandoned it in pursuit of a Muslim lover. In the choice between supporting the young lovers and the young woman's Hindu father, old Akbar's sympathies are entirely with the father. Tolerance and equality at one level are combined with intolerance and inequality at another level, but the extent of general tolerance on matters of belief

and practice is quite remarkable. It is interesting to note, especially in light of the hard sell of 'Western liberalism', that while Akbar was making these pronouncements on religious tolerance, the Inquisition was in high gear in Europe." (Sen, 1997: 23-24)

Sen's powerful argument above was presented during the sixteenth Morgenthau Memorial Lecture on Ethics and Foreign Policy. Perhaps, historical records on human rights, such as Akbar's tolerance were clouded by authoritarian perspectives from the Western scholars view.

It is clear from the previous points that linking human rights to the West only, is not wise. Human rights does not arrive to replace religion. This wrong idea come from confusions over the competition between Christianity and secularism:

"Christianity played an important ethical role in the West in the development of natural rights. However, with the decline of Christianity and the rise of secularism, the West needed an alternative ethical system to fill the spiritual vacuum. Western human rights (secularized natural rights) were elevated to fill this role and became the standards by which all ethics and values are measured. In the West, human rights now fulfil all the ethical roles primarily reserved for religions." (A Oba, 2013: 233)

In sum, I have faith that human rights and religion are embedded. What lacking is efforts to further '*verstehen und verständigung*' (understanding and communication) between civilizations, perspectives, and traditions. Despite the confusions and several stumps obstructing human rights progress we need to move on. To me, in present, the main agenda should be connecting and bridging humanity, and setting space for dialogue. It is important for us not to link human rights with Westernization. Human rights are benchmark of modernization.

LEARNING FROM OTTOMAN'S TANZIMAT

Better way of looking at human right is by making human rights as a benchmark of modernity and democracy. Modernization is a long evolving process involving economy and politics. Thus, in doing so, modernization needs progress in thinking. At the same time, democracy provides a healthy space for modernization to become reality. It speeds up the process of modernization. My point here is similar with Christian Welzel and Ronald Inglehart (2001), both explain these two aspects:

"Modernization refers to naturally evolving processes in economic structure and political culture. Typically, these processes are continuous, incremental, and path

dependent, producing persistent developmental differences between nations. Democratization, on the other hand, is a process that occurs rapidly, in distinct waves that sweep across many nations. While it takes decades for nations to move from low to high levels of modernization, they can leap literally overnight from autocracy to democracy." (Christian Welzel and Ronald Inglehart, 2001: 1)

Democracy complement modernization in a way that democracy gives sufficient room for human rights to be flourish and develop. Among the aims to be achieve in democracy are liberty and equality for the citizens:

"Democracy, then, is to be preferred as a form of government not because of its instrumental value in promoting prosperity, for at times it may not do so, but because it promotes the different but equally valuable end of liberty." (Lal, 2000: 18)

One success story of modernization and human rights can be found in Islamic civilization. Among important achievements by the Ottoman lies in their law reformation or "Tanzimat" or in Turkish, "*Gülhane Hatt-ı Hümayunu*". Tanzimat was declared on 3rd November 1839 (Mohd Roslan Mohd Nor and Mohammad Zamri Mohammad Shapik (2011)[1]. Although it took a long period of time for human rights to emerge as an integral part, after privileges and powers of the Sultan were restricted, human rights became the most striking part in "Tanzimat". Ottoman as the last Islamic empire is undeniable the pride and joy for most of the Islamists. Human rights progress in tanzimat were attribute to Sultan Selim II and Sultan Mahmut II (the end of 18th century) and execute by Ottoman statesmen such as Mustafa Reshid Pash, Ali Pasha, Fuat Pasha and many more (Gemalmaz, 1993: 31-49). Tanzimat provided base for reformation and modernization in economic and juridic context. This change is needed in order to ease and "improve the economic relationship between Ottoman state and industrialized Western world". (Gemalmaz, 1993: 41)

Mehmet Semih Gemalmaz, a notable professor in public and human rights law at University of Istanbul illustrates how human rights were reform and modernize in Ottoman during the tanzimat. The process can be seen in two long phases; first in 1839 and 1856 Charters, second and final phase, during restoration of freedoms in 1908 and 1909 constitution. During it first phase some fundamental freedoms and rights were observed such as freedom of conscience and religion, prohibition of torture and all kind of cruel treatment, and also prohibition of unpaid

compulsory work (Gemalmaz, 1993: 45). In 1908 a declaration of freedoms and restoration of 1876 Constitution led to important amandments in 21st August 1909. The power of Sultan were restricted as mentioned earlier, and more power to the parliament, and "list of human rights was widened providing effective guarentees of these liberties". (Gemalmaz, 1993: 46)

What are other human rights adapted, adopted and reformed during Tanzimat?

It should be mention here that "tanzimat" manage to put death sentence to anyone who "renounces Islam" on hold, and this punishment on apostasy was "ceased to be practiced after 1844". Another milestone is the prohibition of slavery in 1857, when Sultan Abdul Hamid order to prohibit slave trade. His order was also known as "*Esareti zenciyenin. Men'i ile Tüccar ve Mütecasirlerİn Cezalandırılması Hakkında Ferman*". Following this, in 1909 complete prohibition of slavery was decreed (Gemalmaz, 1993: 47-48).

The law and economic modernization during Ottoman's "Tanzimat" is a long evolving process and cannot be done overnight. In order to reform the economic and politic practices, the statesmen involve were push to their limits. They face controversial and fierce resistance. They were struggling to change their people's mind set. They were force to exile and executed. However, democratization movements in Russia in 1905, in Iran between 1905 and 1906, and in Japan; become strong external factors for this significant progress as well as Ottoman diplomatic relations with European powers, the French in particular (Gemalmaz, 1993: 42-43). What shown here is that human rights are observed by the Ottoman, and adopted in good intentions for its fundamental objectives.

WHAT HAPPENED TO TANZIMAT?

It is important to note that the Malay world perceived the Ottoman as a model. There are many researches on this matter[2]. Among others, the case of how *Majallah al-Ahkam* (Ottoman Legal Codes) was translated by the Johore state in Malaysia, and later adopted to develop certain legal practice of the codes of Islamic law in Shariah courts, was one glaring example. It is unfortunate that the human rights aspect of Tanzimat was ignored by the Malay world. What happened to the modernization or re-

organization, or simply said, the reformation of human rights as started earlier during Tanzimat? Why are the Muslims turning to the ealier stage of Ottoman?

The fall of Ottoman Empire and the rise of Wahhabism should be blame. Before and in between the two long phases of Tanzimat, we are presented with historical facts that there was significant struggle between Ottoman and the Wahhabis. While Ottoman is adapting to modernization and learning to adopt and accommodate westernization and Islamic tradition, Wahhabism is spreading also in the name of reformation. (Sirriyeh, 1989: 123-132)

In the context of human rights, Wahhabi approaches to the sharia are the main obstacle in the development of human rights in Muslim world. Indeed they are also the source and cause of the misunderstanding of Islam. My view here is shared by Irene Oh in her essay "Islamic Conceptions of Human Rights". Thus, if Muslims hold on to the strength of *sharia,* I do not see why human rights become a problem for Muslims:

"In the Sunni tradition, ijma has been an especially dominant form of jurisprudence and acknowledged for providing a stable source of authority. In the Shi'ite legal tradition, *ijtihad*, a form of independent reasoning performed by mujtahids (legal scholars), has played a prominent role.
Many Muslim extremists who identify with Wahhabi approaches to the sharia may fairly be criticized for the 'intellectual laziness' of their opinions. Wahhabism, an Islamic movement inspired by Muhammad ibn 'Abd al-Wahhab (1703-1791), is an ultra-conservative Hanbali approach to Islam formally allied with the Saudi royal family. More recently, Wahhabism has been associated with the religious and political views of Islamic militants including Osama bin Laden and members of the Taliban. Characterized by the strict rejection of beliefs, practices, and rituals considered modifications from the original followers of Islam, Wahhabism has faced much opposition for their violent attempts to enforce their world view upon other Muslims. Although Wahhabis claim the value of ijtihad, their intellectual intolerance renders the movement irresponsibly rigid and simplistic." (Oh, 2014: 260)

Not only rigid, Wahhabis are also linked to many kinds of atrocities and human rights violations. Linking the Wahhabis of Saudi Arabia with terrorists and militants from IS (Islamic State), Madawi Al-Rasheed (2014) the editor of "Kingdom Without Borders: Saudi Arabia's Political, Religious and Media Frontiers" remind us how Wahhabis defame Islam and Muslims since their first creation:

"As early as 1912 the founder of the Saudi kingdom, Ibn Saud, created tribal militia called the Ikhwan and indoctrinated its fighters in the art of killing Muslims who

objected to his own political authority on the ground that they were kafir—infidels. He enlisted the tribal youth of the Arabian Peninsula in a jihad against all those who resisted his hegemony. His first state was called Dawlat Najd and Hijaz, as it incorporated Central Arabia and the Western province where the holy cities of Mecca and Madina are located. The founder assumed several titles, including Emir, Imam and Sultan, before he settled on the title of King, at the suggestion of the British colonial power. The creation of modern Saudi Arabia is unique in the Arab world as it was a jihadi project from the very beginning. Unlike in other Arab states where the youth are introduced to a mythologized nationalist narrative about history, Saudi youth are indoctrinated into the unique jihadi narrative of the state as one that came into being as a result of the efforts of a pious leader who energised his people, saved them from blasphemy and eradicated un-Islamic beliefs and practices.

The Saudi fighters of the twenties had a special dislike for statues and graves. They arrived in Mecca and Medina in the mid-1920s and immediately went on a rampage, searching for signs of blasphemy. They destroyed graves and imposed on the population strict codes of conduct. No woman was to be seen in the streets and no tobacco was to be consumed in public. They immediately marked the beginning of their rule by implementing a series of measures, from rounding people up to perform prayers to monitoring public morality." (Al-Rasheed, 2014)

Wahhabis disturbing presence has set back the sharia rationalization process, moreover they committed human rights violations such as those mentioned above. Fathi Osman in his last days had urge Muslims to call for *ijtihad*, and not *jihad* (*The Telegraph*: 2010). Although the two words share a common root meaning – of struggle – but ijtihad refers to an intellectual struggle leading to reinterpretation of holy writ:

"If we understand Shari'a in its totality, its general concepts and principles, and its dynamism, and devote the due effort to studying the general goals and objectives of Shari'a to illuminate our understanding, development, and implementation of our Islamic laws in our contemporary circumstances, we shall be more receptive to and will benefit more from the modern legal thinking in the field of human rights as well as in other fields." (Osman, without date)[3]

Unfortunately in the Malay world, traces of Wahhabism can be track back as early as 1818. Stamford Raffles, the Lieutenant-Governor of British Java (1811-1815) and Governor-General of Bencoolen (1817-1822), once regard Islam as a religion of civilization and "a religion that deserved respect and admiration". He adds and urges his fellow countrymen to treat Islam fairly as "the implementation of a Unity of God found in the Qur'an through Muhammad, God's own Messenger had, to

him, brought goodness to the Malay Archipelago. Islam thus deserved the same veneration accorded Christianity" (Aljunied, 2003: 15-16). However, soon after, Raffles change his mind. The religious militancy was on rise. Violence and despoticism in the name of religion is getting stronger and this pattern of terrorism is connected to those who newly return from Mecca and were influenced by the Wahhabis movement:

"The Padris gained Raffles' attention in 1818 when he was serving his term as the new Lieutenant-Governor of Bencoolen. Although he was already aware of puritanical elements within Malay society, the Padris seemed to have caused bewilderment in him. Strangeness in forms of dressing was the first amidst the many perceptions and judgements he had of them. Described by the locals as Orang Putis (literally 'White Men'), the Padris wore white and blue robes with turbans of different shapes which, to Raffles, gave them a 'sorry appearance'. They grew their deficient beards, in conformity with the ordinances of their founder, Tuanku Pasarnan. Most of the women would cover "their heads under a kind of hood". The Padris were determined to enforce their version of Islam throughout North Sumatra. Those who opposed and did not follow their ways were soon to be attacked and suffer devastation. All in all, to Raffles, the Padris were no different from the "unrelenting and tyrannical" Wahabees in the Arabian Desert." (Aljunied, 2003: 21-22)

The Padri movement mentioned by Raffles is and old form of current terror groups such as Islamic State (IS) and al-Qaeda. Started by Tuanku Nan Tua to reform vicious actvities in Minang's society, it was then radicalize by three pilgrim returning from haj. The movement started to enforce Islam in daily life by force. In order to do so, killings in the name of Islam was served (Zakariya and Salleh, 2011: 199)

"The Padris attempted to impose their strict interpretation of Islam by force throughout Minangkabau. During their conquests and control of West Sumatra, the Padris inflicted various kinds of violence on people from various walks of society including pious Muslims. In fact, the Padris even targeted the *Shattariyah* sufi order, which they suspected as challenging their religious authority in Minangkabau.
Another method the Padris used to inflict terror in the mind of their enemies was through intimidation of every perceived threat including their own family members. Tuanku Nan Renceh sent a powerful message to the villagers by killing his own aunt and warned the villagers that the Padris code of conduct must be followed." (Zakariya and Salleh, 2011: 200)

It is not important whether the Padris are indeed Wahhabi followers. The arrival of Padris marked a deterioration in any possible human rights awareness among the Malays. The most important part here is that the

Muslim scholars themselves were involved in human rights violation and disguise it in the name of religion. Thus, the legalistic component in Islam got a significant boost. There is also glaring similarities between Wahhabis and the Padris:

"It is impossible to know with any certainly whether the three hajji were directly influenced by Wahhabism while in Mecca. What is clear is that for these returning hajji, traditional Minangkabau culture was unacceptable; matriliny and matrilocal longhouses could not be reconciled with the essential teachings of Islam. One of the hajji, known as Haji Miskin, allied with more impatient reformists in Tuanku nan Tuo's circle who established walled villages, grew beards, wore robes and turbans, and attempted to recreate an Arabian culture in highland West Sumatra. It is this combination of localized reformism and Wahhabi-like influence that became known as the Padri movement. In a violent affront to Minangkabau matrifocality, the extremist Padri, Tuanku nan Renceh, murdered his maternal aunt. The Padri declared a jihad against the traditional matrilineal elite, burning longhouses (rumah gadang) and killing traditional leaders who upheld custom (adat) in the face of religious commandments. This Padri War was a protracted series of conflicts, and the Padri 'state', influenced by the decentralized and democratic traditions of Minangkabau polities, lacked a clear administrative hierarchy. The decentralization of authority allowed for a natural sort of guerilla warfare that did not encourage climactic or pyrrhic battles. In 1815 the Padris, using a ruse of peace talks, slaughtered the royal house of Pagaruyung near Batusangkar. They turned against the moderate reformists Tuanku nan Tuo and Syekh Jalaluddin, calling the men Rahib Tuo (old Christian monk) and Rajo Kafir (king of infidels)." (Hadler, 2008: 980)

This unwanted history will not happen if the emphasis is not solely attributed to the legal Islamic aspects. Although Ottoman empire had great influence in the Malay world and the Ottomanists were very much respected in this region, the memory of Tanzimat failed to get a place and was even competed by the Wahhabis rigid interpretations.

CONCLUSION

In 2013, Malaysian Minister in the Prime Minister's Department, Jamil Khir Baharom (2013) reminded Malaysians not to be "blindly engrossed with human rights as espoused by the Universal Declaration of Human Rights may cause discordance in the society". Not long before that in pre-response to Malaysian Universal Periodic Review session dated 24th October 2013, official Friday sermon from Prime Minister's Department called "human rights a facade to destroy Islam". The Friday sermon

was prepared by the Malaysian Islamic Development Department for mosques all over Malaysia (Zahiid and Jaymal, 2013). This extreme view is in fact a reflection of rigidity, and contradict to the very effort to modernize the Malay world. As I have shown in details human rights is not a destructive component for Islam. In fact human rights are the integral component within Islam as shown in the memory of Tanzimat. Human rights are the essential part in Islam and were the most attractive reflections during Prophet Muhammad's and *Khulafa'ar Rasyidin* periode. Today, Malaysians in general, and Malays in particular are struggling to balance modernization and extremism in their daily life. Wise people said, history repeats itself. This is the same spot when Ottoman tried very hard to modernize itself and re-introduce Islam as a modern life style. Unfortunately history shows us, Ottoman, the modern, progressive and liberal face of Islam ceased to exist. Our lessons were halted before we can be matured enough. Wahhabism on the other hand has longer life, and it is still attracting many especially our young ones. We need to re-package the Tanzimat as the glorious focal point during Ottoman periode and not the moment of failure. Or else we will still be dealing for another century, with negative perceptions of human rights; as is human rights are not part of Islam.

Notes

[1] It is important to note here that tanzimat is not always perceived as positive part of Ottoman, in fact it is also referred as the weakening process of Ottoman and the starting point of Ottoman's demise. See for example, Mohd Roslan Mohd Nor, Mohamad Zamri Mohamed Shapik. *Baldatun Tayyibah: Model Uthmaniyyah*. http://repository.um.edu.my/9819/1/Roslan_UTHMANIYYAH.pdf. 2011. Part of the book can be access under this title *Sejarah Ringkas Kebangkitan dan kejatuhan Kerajaan Islam Uthmaniyyah.*

[2] Other than the above reference, it is also worthy to cite Kayadibi, Saim. *Ottoman connections to the Malay world: Islam, law and society*. Kuala Lumpur: Islamic Book Trust, 2011. The book explains how *Majallah al-Ahkam* (Ottoman Legal Codes) was adopted to develop certain legal practice of the codes of Islamic law in Shariah courts of the Malay Archipelago.

[3] Osman's work was published by Hebrew Union College-Jewish Institute of Religion, Omar Ibn Al Khattab Foundation, & USC Center for Religion and Civic Culture. See also Johnston, D.L. "Maqasid al-Sharia: Epistemology and Hermeneutics of Muslim Theologies of Human Rights". *Islamic Law: Critical Concepts in Islamic Studies*. Picken, G.N. Ed. New York: Routledge, 2011.

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