

Human Rights Lesson from Selected Malay Proverbs

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ABSTRACT

Human rights culture is relatively new in Malaysia. Thus, locating and unearthing the values of human dignity from traditional heritage would help to enhance understanding on modern human rights. An attempt to connect traditional values buried under Malay proverbs with contemporary sociological findings should be made. In order to make this attempt successful, George F. Mclean's formulated framework 'human rights and the dialogue of civilizations', together with the categorisation of Malay proverbs by Syed Hussein Alatas, was chosen. Mclean's formulation looks into the needs of civilisations in dialogue, values and virtues, cultures and traditions and the ontological foundation of the many faces of humanity. Syed Hussein Alatas's categorisation of Malay proverbs helps to select suggestive and 'reprimandative proverbs' that contain human rights values. This essay intends to identify features of human rights in traditional society, and by doing so, challenges the notion that human rights are a Western product and incompatible with the culture and religion of Islam.

Keywords: Human rights, cultural relativism, Malay proverbs, universal declaration of human rights

INTRODUCTION

In 1997, Mahathir Mohamad, Malaysian premier at the time, advised other Asian countries not to blindly obey the Universal Declaration of Human Rights (UDHR)

due to their lack of Asian values and their use as a medium of super powers to discriminate against poor nations. Suffice to say, Mahathir's call did not gain as much support as he had hoped for. A fact that has always been ignored is that there were also Muslim and Asian voices present during the drafting of the UDHR. Among others, Zafrullah Khan, a Muslim and Wellington Khoo, a Chinese, both participated in the discussions. Even though Malaysia, as

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an independent state, had not yet come into existence in 1948 at the time the UDHR was drafted and was not properly represented in the drafting process, the fact that Malaysia has since been involved in drafting huge amounts of ‘covenants which were based on and an elaboration of the UDHR’ is enough to prove that the country generally agrees with the UDHR (Zan, 1997). In the same year, Mahathir was lambasting the UDHR, his administration established the Human Rights Commission of Malaysia (SUHAKAM). Later in 2013, still under Barisan Nasional, the coalition that has ruled Malaysia for 56 years since its independence, Minister in the Prime Minister’s Department, Jamil Khir Baharom reminded Malaysians not to be “blindly engrossed with human rights as espoused by the Universal Declaration of Human Rights [as this] may cause discordance in the society” (Baharom, 2013). Not long before that in pre-response to the Malaysian Universal Periodic Review session¹ dated 24th October 2013, an official Friday sermon from the Prime Minister’s Department called ‘human rights a facade to destroy Islam’. The Friday sermon was prepared by JAKIM (Jabatan Kemajuan Islam Malaysia, the Malaysian Islamic Development Department) for mosques all over Malaysia (Zahiid, 2013). The Malaysian government has been insisting that “Malaysia could not accept principles that go against the order of human nature” and this was the reason why Malaysian Prime Minister, Najib Razak, “objected to the inclusion of LGBT (lesbian, gay, bisexual and transgender)

rights when signing ASEAN’s first human rights charter” in 2012 (Chooi, 2012). This act of compunction, or merely the excuse to not adhere to standard international human rights principles, is well known among human rights academics and activists. In fact, in the Malaysian context, using religion as an excuse for non-adherence to human rights is gaining momentum. Back in the 90’s, as mentioned earlier, the Malaysian establishment under Mahathir Mohamad’s administration demonised human rights as un-Asian and an imposed Western moral code, or to put it simply, cultural colonisation (Mohd Sani, 2008).

Culture is an integral part of human rights. UNESCO, for example, has recognized culture as an important tool to promote human rights:

“Culture is a set of distinctive spiritual, material, intellectual and emotional features of society or a social group. It encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs. Respecting and safeguarding culture is a matter of Human Rights. Cultural diversity presupposes respect of fundamental freedoms, namely freedom of thought, conscience and religion, freedom of opinion and expression, and freedom to participate in the cultural life of one’s choice” (UNESCO, 2001).

These two ‘rationalizations’ – human rights are unAsian and unIslamic – have been played up by governments, especially in Malaysia. Alfred Fernandez (2006) clearly noted how Islamic countries and Eastern states regularly viewed the UDHR as too Westernised and Euro-centric and thus repudiate it when it is convenient for them. The countries of the South, in particular Africa and Asia, claimed that they were not present in 1948 as they did not exist as such at the time. A number of countries of Islamic faith regard human rights as a kind of civil religion at odds with their beliefs, which they are not ready to accept (Fernandez, p. 18).

Alfred Fernandez’s statement above is a reflection of what happened in Vienna in 1993 during a UN Conference on Human Rights. During that year, Asian states and numerous countries under the Organisation of Islamic Cooperation (OIC) joined together to criticise Western human rights codes that they claimed had been imposed on them through the United Nations. In Vienna, Islamic countries submitted the Cairo Declaration on Human Rights in Islam, which had been proposed much earlier at the 19th Conference of Islamic Foreign Ministers in 1990. According to the Cairo Declaration on Human Rights in Islam, rights are given from the divine and no interpretation of rights should contradict the *Sharia* law. This is an example of abusing cultural relativism as an excuse not to conform to the UDHR (Halliday, 1999, p. 153). To be more specific, Malaysia is also a member of the Organisation of

Islamic Cooperation (OIC) and an Asian country. In 2012, Malaysia, as a member of ASEAN, adopted and signed ASEAN’s 2012 Declaration of Human Rights. The Declaration, while maintaining the core concepts of the 1948 Universal Declaration on Human Rights, is also an attempt to shape its own human rights charter with an emphasis on cultural relativism:

All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realization of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds (ASEAN, 2012).

How valid is it to give religious and cultural excuses in order not to conform to the Universal Declaration on Human Rights? Diana Ayton-Shelker has proven that there is no clash between religions, cultures and human rights; in fact, dialogues between cultures, religions and human rights can begin from traditional cultures that provide and defend human dignity: “... greater understanding of the ways in which traditional cultures protect the well being of their people would illuminate the common

foundation of human dignity on which human rights promotion and protection stand” (Ayton-Shenker, 1995).

A simple answer to the question stated previously, as has been clarified by Diana Ayton-Shelker, is that it is correct to say that in every religion and culture, human values and protection for people’s well-being is an essential pillar. It is possible that the hesitation among governments to accept the Universal Declaration on Human Rights could actually be political and be ‘motivated’ by an interest to protect the power within their own circle. Myint Zan concluded, referring to a call by the then Malaysian Premier to review the declaration, by stressing that, “it would not be second guessing when one says that the civil and political rights embodied in the UDHR would appear to be the main irritants for Mahathir, and the Asian countries” (Zan, 1997).

Are human rights really alien to the Malays?

In addition to being a Muslim-majority and Asian country, Malaysia has another important factor to consider when it comes to human rights. The cultural aspects of Malay Muslims are also shaping many views in life. In Malaysia, ‘Malayness’ and Islam are conflated together due to definition of the Malays in the Malaysian Constitution as “people who speak the Malay language as their mother tongue, lead the Malay way of life and profess the Islamic faith” (Omar, 1983, p.79). Malaysia’s founding father, Tunku Abdul Rahman, once stressed that

the Malay custom is essential to the Malays and could not be neglected in any aspect of their life: “to a Malay, the religion is his second nature, the other is *adat* or custom and these two mean everything to him. The saying goes – *Biar mati anak jangan mati adat*’ (Abdul Rahman, 2007, p. 125).

Shamsul Amri Baharuddin (2005), a noted sociologist in Malaysia, stresses that *adat* or Malay traditional custom also plays a significant role in determining views on human rights. In fact, since the colonial era, three systems of laws have been implemented in Malaysia or Malaya as it was previously known. First, the English common law style; second, the Malaysian version of Islamic law, and third; the *adat* law:

In practice, however, the legal system during the British rule was divided into three. Firstly, there was the ‘English common law’ system which was accepted as the general legal system and was responsible to deal with all matters in the sphere of criminal justice affecting all citizens. In the sphere of personal laws it is only applied to immigrant non-Muslims (for instance, European, Chinese, Indian, etc). The Muslims, largely Malays, were subjected to the Islamic laws, or Syariah, particularly, in matters relating to marriage, divorce and inheritance. Therefore, the Syariah laws formed the second legal system in British Malaya. The third legal system operating then was the Adat

system, or the Customary or Native legal system, applied mainly in the areas of personal laws and, in a very limited context, in the sphere of criminal justice, too, of some groups of native peoples in the Peninsula Malaysia, Sabah and Sarawak. The Adat legal system was a heterogenous one because there were many distinct and large 'native' or 'tribal' groups, mostly non-Muslims, especially, in Sabah and Sarawak, each having their own tribal-specific adat codes, mostly in the form of oral traditions, applied in a localised context (Baharuddin, 2005, p. 5).

However, the position of adat is not properly observed. Individual rights are heavily dependable on adat. In fact, the Malay adat has very a significant influence on Malay-Muslim personal law. For instance in the state of Negeri Sembilan, "adat (custom) displaces agama (religion) in some areas of family law" (Faruqi, 2011, p. 16). Where are the *adat* codes derived from? One particular source of *adat* is *peribahasa* or proverbs. Rich in style and content, Malay proverbs are daily codes of life for the Malays and are regarded as unofficial 'laws' or moral guidelines to adhere to.

This paper is a preliminary attempt to locate human rights hidden in the Malay proverbs. This is important at this juncture as currently upholding human rights is seen as accepting foreign values. I believe, to be fair, it is critical to inspect how human rights

are reflected in Malay custom especially in the context of current attacks on 'human rights-ism' (Ong, 2014). After all, as will be discussed further, the spirit of human rights is not absent from the Malays and excuses propagated by the establishment to debunk human rights such as that 'human rights-ism' reject the values of religion and etiquette; or that human rights are a 'Western product to undermine Islam' can be glaringly perfidious.

INTRODUCING MALAY PROVERBS

The complexity and beauty of Malay proverbs have enchanted many. Among them were high ranking British officials, Hugh Clifford and Frank Swettenham, who both resided in Malaya for many years during the colonial era. C.C Brown (1969), a former lecturer in Malay Studies at the School of Oriental and African Studies, University of London, acknowledges how both of the officials were captured and amazed by the uniqueness of the Malay proverbs. He even cited their admirations in his own collections of the Malay proverbs; 'In the introduction to their Dictionary of Malay Language, Clifford and Swettenham wrote, "like French, it is essentially a diplomatic language and one admirably adapted for concealing the feelings and cloaking the real thoughts. Not even in French is it possible to be so polite, or so rude, or to say such rude things with every appearance of exaggerated courtesy, as is the case in Malay," and although this dictum does not specifically mention the proverbial sayings (*'ibarat, pepatah, bidalan, perumpamaan,*

telabai as they are variously styled), the illusion to them is obvious' (Brown, 1969, pp. x-xi). Other famous references on the Malay proverbs are mentioned in collections by orientalist such as W.E Maxwell (1878), Hugh Clifford's (1891) and J.L Humphreys (1914).

Ismet Fanany and Rebecca Fanany from Deakin University, Australia, in their research on the Malay proverbs, explained that proverbs are widely used among the Malays. They observed that proverbs remain an authentic medium to preserve the informative part of Malay language especially in maintaining old and rare vocabularies. According to them, proverbs are also considered very useful tools to understand the world view of the Malays and how they respond to their environment:

Proverbs then represent a treasure trove of information about the language in which they occur, the views of the people who use them, and the ways in which those users conceive the world in which they live (Fanany & Fanany, 2008, p. 1).

Other than extending knowledge of the language and the speaker, proverbs also functioned in the society to explain, deal, perceive or resolve a conflict or situational problem. Peter Seitel, in his 1969 paper entitled "Proverbs: A Social Use of Metaphor" for instance, emphasises that a proverb "is a plan for dealing with the situation" or to answer a question like "what to do" in order to give quick advice (Seitel,

1981, p. 130). Proverbs educate people with 'simple truth' that can be applied and often used 'to make a decision' (Tischler, 2007, p. 321). A well-known Malay anthropologist, A. Samad Idris referred to proverbs as '*ketinggian falsafah sesuatu bangsa itu*' which as far as I understand means, "the peak of wisdom for a civilization" (Idris, 1989, p. ix).

In general, proverbs are very common, widely used and very much "understood by all members of [a] language group" (Fanany & Fanany, 2008, p. 3). In this context, it is important to acknowledge that proverbs are well accepted by members of society since the Malay proverbs in particular have their own weight in daily affairs to the extent that they have already become a personal law as Shamsul Amri Baharuddin already asserted (p. 5). Regarding this point, Ismet Fanany and Rebecca Fanany stressed that proverbs have their own respective authority and are applied in the society in many situations; "perhaps the most important social feature characteristic of proverbs is their authority. Proverbs carry the approval of the society in which they exist and reflect its values, ways of thinking and strategies for dealing with certain common occurrences or situations. This is the unique feature of proverbs, as opposed to other genres of folklore..." (2003, p. 3).

The beauty of the Malay proverbs lies in their set of forms and set of meanings. In this case, the relationships between the surface structure or the words that make up the expression and deep meaning, or the message of the proverb, are interconnected.

In addition, Fanany and Fanany termed this network as the cognitive framework, “which simply means the interconnected pathways of meaning that relate words and expressions beyond their literal uses” (2008, p. 3). A notable Malay linguist, Za’ba, in his famous work ‘Ilmu Mengarang Melayu’ also explains the same. According to him, the duality of layers as presented in the Malay proverbs can only be understood when compared with or applied to a certain situation, the proverbs then explain or simply educate how an individual should react or respond in the middle of a crisis (2002, pp. 170-192).

Another important feature of the Malay proverbs is that although they are fixed in form, they may differ in meaning and emerge in many versions depending on the geographic regions and the age of the speakers. One thing that is obvious is that the Malay proverbs are usually very homely and draw heavily from images or characteristics of Malay life (Brown, p. ix).

Ismet Fanany and Rebecca Fanany (2008, p. 4) drew up at least five specifications of the Malay proverbs, as follows: i) a proverb must be an unbound and fully independent utterance; ii) it must contain one or more metaphors; iii) a proverb must have one or more specific social applications that are generally known to native speakers; iv) a proverb must have some sort of traditionality within the society, and v) it must contain some piece of advice or observation on the way the world works that represent a generalisation that is always in force. By adapting metaphor in the

proverbs, the language becomes different from the ordinary discourse and contains parallelism and semantic features such as paradox and irony, as tools of conveying the message. It is by analysing the meanings of the proverbs that one will understand the wisdom or code of ethics that the proverbs suggest.

The Malays are a metaphoric race and by the term ‘metaphoric race’, it is meant that the Malay people often ‘use a gestalt from one domain of experience to structure experience in another domain’ (Lakoff & Johnson, 1980, p. 130). Malay metaphoric expressions appear in the literary and cultural products which inform cultural literacy among the Malays particularly in proverbs (Ahmad, 2003, p. 40).

Bridging these metaphoric old wisdoms in the Malay culture and contemporary phenomena, I hope to interpret human rights using local norms and in doing so reconcile the perceived conflicts between human rights and Asian or Islamic values. In order to do that, I have chosen George F. McLean’s formulated framework ‘human rights and the dialogue of civilizations’. A professor of philosophy at the Council for Research in Values and Philosophy in Washington, Mclean presented his idea in Qom, Iran in 2001 and was well accepted by the audience during the international conference on ‘Human Rights and Dialogue of Civilizations’ organised in the Islamic Republic of Iran by Mufid University, together with the United Nations. In order to make this work, I have chosen the categorisation of proverbs proposed by the

late Syed Hussein Alatas. Syed Hussein Alatas's categorisation of the Malay proverbs helped me to select 'suggestive' and 'reprimandative proverbs' that contain human rights values. Clive S. Kessler (2008), an emeritus professor of sociology at the University of New South Wales, pointed out how Alatas influenced a wide range of academic discourses in the 'third world countries', especially in the field of postcolonial studies (pp. 128-129). Alatas is also chosen here for his inalienable status. In the human rights domain, status relations are important to emphasise in order to make it easier for the people to relate themselves with human rights struggles. For the issue of status here, I will refer to Murray Milner Jr's (2014) approach on understanding that human rights is 'located primarily in other people's mind' (p. 169). Alatas' well-established status is important to consider, as human rights expansion in Malaysia needs an 'insulating type of status' (p. 169).

THEORETICAL AND METHODOLOGICAL CONSIDERATIONS

According to George F. Mclean (2001), there is urgent need to cultivate traditions in order to adjust culture to "new circumstances and promoting creative human freedom" (p. 182). Mclean suggests cherishing values and virtues of a people particularly the part that respects "human dignity and rights, life commitments, personal relations and interaction between peoples" (p. 182). Mclean also proposes to uncover and study literary canons, ancient philosophy and

religious doctrines or simply referred to by him as 'primary structuring ideas' to bridge human rights with civilizations:

The content of a tradition, expressed in the great works of literature, sacred and profane, and all the many facets of a culture, emerges progressively as the cumulative freedom of a people upon which personal character and civil society can be built. It constitutes a rich source from which human rights as multiple themes can be drawn, provided it be accepted and embraced, affirmed and cultivated. It is just here that lies the hope that human rights set in the context of cultures and civilizations can possess the vigor to protect and promote the life and interrelation of peoples. Where positive legislation is able to make some specifications for particular dimensions of concrete life, cultures contain the values to which the people are committed. In this way they judge the laws, evaluate their adequacy and direct their change and adjustment so that they can serve toward their realization. In this way rights fall within the culture (p. 180)

Mclean argues that the survival of civilisations depends on how these 'primary structuring ideas' continue to play a role within the society. One way of having

dialogue of civilisations would be to relate human rights and traditions. While relating human rights and traditions, the dialogue of civilisations operates.

Another strategic step is to engage ‘charismatic personalities, paradigmatic individuals or characters who meld role and personality in providing a cultural or moral ideal’ such as Mother Theresa, Nelson Mandela, Martin Luther King, Gandhi, Lincoln or even great prophets like Abraham, Jesus and Muhammad, who according to him, “are concrete universals, link man [sic] and God and express that harmony and fullness of perfection which is at once classical and historical, ideal and personal, uplifting and dynamizing; in a word, liberating” (p. 188).

Applying what Mclean suggested, I chose the late Syed Hussein Alatas as a towering personality who provides a ‘cultural or moral ideal’². However, before moving in that direction, let me stress the fact that Alatas has already advocated efforts to look at the Malay proverbs. In one of his important works written in Malay, Alatas suggests the urgency to restore and understand the Malay proverbs in order to unlock hidden concepts or unfamiliar ideas involving the Malays (Alatas, 1972). He stressed that proverbs and sayings are a good indicator to understand any ethnic group.

Alatas further explains that there are aspects of the Malay consciousness that have not been expressed in words yet, which can however be found in proverbs. In the paragraph below, Alatas states that,

the Malays surely have already set up many words, terminologies or vocabularies for things, ideas or concepts that exist in their civilisation. For instance, the thoughts and feelings such as ‘anger’ can be found. However, there are also words for explaining concepts such as ‘self-reliance’ and ‘initiative’ that differ from the words being used today. In the context of this paper, I believe the concept of human rights has existed in the minds of the Malays:

Kesedaran yang belum disalurkan pada kata-kata, biasanya dinyatakan oleh pepatah-pepatah. Kesedaran tentang berdikari dan inisiatif ada dalam masyarakat Melayu lama. Perkataan kesanggupan mengandung arti berdikari. Demikian juga perkataan handal mengandung arti inisiatif. Ada juga pepatah-pepatah yang mengandung arti inisiatif, sebagai demikian: Belakang parang pun, kalau diasah nescaya tajam. Ini menunjukkan inisiatif untuk memperbaiki sesuatu keadaan, sesuatu taraf pelajaran. Sifat inisiatif dan sifat berdikari mustahil tidak terdapat dalam kesedaran masyarakat Melayu. Masyarakat Melayu dahulu telah membentuk kerajaan-kerajaan penting, telah berperang, telah menyusun negeri, telah juga menyamun di laut, telah berdagang, telah bercocok tanam. Ini semua memerlukan sifat-sifat inisiatif dan berdikari di kalangan

beberapa orang. Mustahil hal ini lenyap dari kesedaran masyarakat (Alatas, p. 43).

(My translation: Any consciousness that has not yet been channelled into words, is usually expressed in proverbs. Consciousness of self-reliance and initiative in the Malay has existed since long ago. The word 'handal' in Malay implies a willingness to be independent. There are also proverbs which imply initiative, such as: A back of a jungle-knife can also be sharp if you keep on sharpening it. This indicates a strong initiative to improve a situation and the standard of education. It is impossible that initiative and self-reliance were not there in the mind or consciousness of the Malays. The Malay people founded many kingdoms, fought against enemies, administered the state, in fact they robbed foreign sea traders, they had business and managed agriculture. All these need initiative and self-reliance among some people. It does not make sense that this can have disappeared from public consciousness'.

Alatas suggests that the thoughts and feelings of the Malays, as mentioned above, can be reviewed, analysed and found in 'suggestive' and 'reprimandative proverbs'. Alatas classifies three types of sayings or proverbs as 'suggestive proverbs',

'reprimandative proverbs' and 'descriptive proverbs'. 'Suggestive proverbs' contain beliefs and demands, while 'reprimandative proverbs' often strike out to advise or prevent, which indicate that there are certain values being held. 'Descriptive proverbs' do not have a high degree of significance compared to the two previous categories as they merely observe or depict an issue or circumstance. In order to help understand this point, the view of Syed Hussein Alatas is cited here:

Pada umumnya pepatah-pepatah Melayu kita dapat digolongkan pada tiga bahagian. Yang pertama apa yang kita namakan pepatah anjuran, yang kedua pepatah teguran, dan yang ketiga pepatah gambaran. Ada kalanya garis perbezaan antara satu sama lain agak samar. Peribadi suatu bangsa itu dapat dilihat dari pepatah anjuran dan teguran. Yang dimaksudkan anjuran ialah sesuatu pepatah yang menganjurkan nilai, keadaan, atau kepercayaan. Pepatah teguran semangatnya menegur, melarang sesuatu keadaan, nilai atau kepercayaan. Pepatah gambaran hanya melukiskan keadaan dengan tiada menegur atau menganjur. Sebagai contoh Kais pagi makan pagi, kais petang makan petang, dan Beras secupak tidak akan jadi segantang. Dari pepatah teguran dan anjuran kita dapat melihat nilai masyarakat Melayu dan pandangan hidupnya, tetapi kita tidak dapat

menentukan peribadi sesuatu bangsa atas dasar pepatah-pepatah itu senata-mata kerana pepatah-pepatah itu sifatnya memperhatikan persoalan bukan menunjukkan sifat peribadi bangsa. Ambil contoh pepatah Anjing menyalak pantat gajah. Ini menunjukkan kemarahan yang luar biasa tetapi sia-sia sahaja. Apakah sikap ini menunjukkan peribadi masyarakat Melayu? Tidak. Pepatah ini hanya menunjukkan orang-orang Melayu memperhatikan soal-soal marah semacam ini. Demikian juga pepatah Antan patah lesung hilang yang bermakna kalau suami hilang kuasa jantannya, isterinya akan mencari orang lain. Pepatah-pepatah yang demikian ini bukanlah pepatah anjuran (pp. 45-46).

(My translation: In general, our Malay proverbs can be classified in three parts. The first is what we call 'suggestive proverbs', second, 'reprimandative proverbs' and third, 'descriptive proverbs'. Sometimes the differences between one another are rather vague. The character of Malay people can be observed from the 'suggestive' and 'reprimandative proverbs'. What is meant by 'suggestive' is that the proverbs made suggestions, stressing values or beliefs. The 'reprimandative proverbs' carry spirit to prohibit a situation, values

or beliefs that are considered unsuitable. The 'descriptive proverbs' merely depict a state or condition without giving any suggestion or criticism. For example 'Kais pagi makan pagi Kais petang makan petang' (whatever you find when you) scratch in morning, (is just enough for you to) eat in the morning; (whatever you find when you) scratch in evening, (is just enough for you to) eat in the evening) and 'Beras secupak tidak akan jadi segantang' (the rice contents of a bowl cannot fill a crock). From 'suggestive' and 'reprimandative proverbs' we can see the Malay values held by the community and their way of life, but we cannot determine the character of the people base on the 'descriptive proverbs', since the proverbs depict a situation to give attention to but do not characterize an ethnic group. Take the example of this proverb 'Anjing menyalak pantat gajah' (the dog barks to the elephant's ass). It shows an incredible anger, but in vain. Does this attitude characterize the Malay community? No. This just goes to show how the Malays pay attention to matters of this degree of anger. Likewise, the proverb 'Antan patah lesung hilang' means the impotent husband will soon lose his wife. These kinds of proverbs are not suggestive for sure).

In other words, I argued that the concept of human rights adopted by the modern society have already existed in the Malay culture and diaspora, although the concept was known by other terms not yet as ‘human rights’.

According to Lim Kim Hui (2003), proverbs are undoubtedly a brand of Malay rhetoric that serves both aesthetic purposes and ethical functions: ‘It should be understood that besides serving its aesthetic purposes and ethical functions, proverbs also serves their argumentative role as part of traditional communication, often serving to persuade, exhort or criticise. These roles (aesthetic, ethical and argumentative) are always intertwined and act as a whole in presenting a general idea of Malay rhetoric’ (Lim, p. 32). Lim Kim Hui later cited a statement from Abdullah Hussain’s preface for the Malay Proverbs Dictionary or ‘Kamus Istimewa Peribahasa Melayu’ (1991) that *peribahasa* or Malay proverbs come from three sources: the people, the sages and the holy texts. ‘The first source was the rakyat jelata (folk), who created *peribahasa* through their living experience. The second source was from those who were *arif bijaksana* (people who are knowledgeable and learned), who uttered the phrases as a result of their *renungan* (contemplation). The third source was derived from the *kitab suci* (sacred books) (Lim, p. 49)’. Using Alatas’s classification of sayings or proverbs, which are ‘reprimandative’ and ‘descriptive’ proverbs, I chose a few ‘suggestive proverbs’ that contain human rights demands. Further,

other ‘reprimandative proverbs’ are selected here as they are to advise or to prevent, which indicate that there are certain values being held.’

By going deep into one’s own heritage as Mclean’s suggested, human rights are strengthened and weaknesses perceived in the UDHR 1948 can be recognised and reformed in a way that ‘the Eastern cultures’ that are rooted to an Absolute Self as existence’ can be functioning.

HUMAN RIGHTS LESSONS FROM MALAY PROVERBS: FEW EXAMPLES

It is important to note here that this is not the first time proverbs or orature heritage find their way into the human rights domain. For example, Kenyan poet and human rights activist, Micere Githae Mugo, has explored the possibilities of engagement between African orature and human rights. In her paper, ‘African Orature and Human Rights’, Mugo clearly presents how rights of the people have been passed through oral literature and tradition. In fact, according to her, it is proven that old wisdom has secured human dignity and played a big role in understanding and restoring human rights.

Proverbial wisdom was the other valve to freedom of speech and expression in Orature. Proverbs were seen as the accumulated wisdom, formulated out of years of experience and practice. They were supposed to graphically recapture, through light compressed poetic language, expansive areas of

recapitulated experience. A proverb could open up a whole sphere of understanding between one generation and another. Normally, the elders were best suited to use them, given their long years of experience, but people of all ages used them – the artist in particular. Proverbs philosophized on life and made commentaries on the world around human life. They provided counsel, contained historical information, rationalized the puzzling and mystifying, questioned the hidden, and alluded to possible alternatives during critical moments (Mugo, 1991, p. 25).

The Malay proverbs made their inaugural appearance at the United Nation in 1957. During the general debate of the United Nations at the 12th Session in that particular year, Ismail Abdul Rahman, Malaya's first Permanent Head of Federation to the United Nations in New York, proclaimed a simple Malay proverb in order to explain the struggles of a new-born state like Malaya to deal with the domination of colonial powers. Ismail quoted a Malay proverb, '*gajah berjuang rumput juga yang berasa*' or according to his translation, 'when elephants clash, it is the grass that is destroyed' (Ismail & Ooi, 2009, p. 110). Malaysia, then known as Malaya, had just obtained its independence on 31st August 1957. On 25th September 1957, Malaya was newly born and Ismail actively joined the debate at the UN using a traditional cultural product (a

proverb) to make his point.

As stated previously, Mclean suggested that human rights should be located in the cultural arena of one civilisation in order to reconcile the 'clash of civilisations' because human rights are considered as imported Western products. By looking into the Malay proverbs, it will be more accepted that human rights are not a hindrance to religious roots and that there are common grounds for definitive truth, justice and love (Mclean, p. 189).

The Malay traditions prescribed the most basic regulations for human rights many centuries ago. In the following part, I will compare universal human rights understandings with selected Malay proverbs.

The Universal Declaration of Human Rights covers 30 articles including civil, political, economic and cultural rights. Articles 1 and 2 generally proclaim that 'all human beings are born free and equal in dignity and rights' and are "entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". The Cairo Declaration on Human Rights in Islam also states almost the same aims. Articles 1 and 2 of the declaration assert the universal values of human beings stating 'all men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other

considerations' as all human beings are "from one family whose members are united by their subordination to Allah and descent from Adam" (Conference, 1993).

It is from these common points, freedom, liberty, equality and dignity, stated in both declarations that comparisons between meanings or objective of the Malay proverbs and general human rights demand are drawn.

a. The Right to Basic Necessities of Life:

One of the common understandings within the Malay proverbs is that 'individual' rights in the society are secured. This is important since human rights are deemed 'individualistic' by former Prime Minister, Mahathir Mohamad (Flynn, 2014, p. 25). His logic is based on traditional cultures, both Western and non-Western, that view individuals as parts of a family or a community at large; thus, individual rights are believed to be against the state and society, and perceived as something foreign or a threat. The above confusion that human rights only secured and emphasised individual rights derived from truncated reading of the UDHR. Individual rights are scattered between Articles 3 to 19 of the UDHR; involving civil liberties, and liberal rights fought for during the Enlightenment in Europe and considered as the first generation of human rights. Another pillar of human rights is clustered under Articles 20 to 26, which address political, social, and economic equity, which were championed during the Industrial Revolution. It is also known as the second generation of human

rights. Group rights can be observed within the last pillar of human rights and arise in Articles 27 and 28 of the UDHR. They are better known as the third generation of human rights (Ishay, 2004, p. 359). It is easy to locate individual rights in the Malay proverbs and other traditional cultures. This point is made by Jack Donnelly in his highly cited essay "Cultural Relativism and Universal Human Rights" that in fact 'in traditional cultures, communal customs and practices usually provide each person with a place in society and a certain amount of dignity and protection' (Donnelly, 1984, p. 413).

For instance, one of the famous 'suggestive proverbs' among the Malay is '*harta pulang keempunya*' or the 'property is back in the hands of its owner'. According to C.C Brown (1969, p.172) the proverb emphasized the idea of 'a thing or person is at last in its (or his [sic]) proper place. Another popular proverb among the Malays living in coast is '*kuat ikan kerana radai*' or 'the fish is strong because of its fins' which means every person has his or her place in the society and their own necessities. Similar to the previous proverb is '*lain lubuk lain ikannya*' or 'a different fishing hole, different fish' which means each person has his or her own character and needs to fulfil (p. 151).

b. Individual's Right to Freedom:

Another common right upheld in Malay proverbs is the individual's right to freedom. An example for this point is '*kita semua mati, tapi kubur masing-masing*' which is

translated by C. C. Brown as “all of us die but each has his own grave” (Brown, p. 117). This ‘suggestive proverb’ explains that each individual will be responsible for their own actions; thus, freedom is secured for them to do anything they wish for, but they also have to bear the consequences.

c. *The Right to Justice*

The most dominant rights preserved in Malay proverbs are the right to justice or equality before law. This shows how Malay traditions pay careful attention to justice. There are many different proverbs carrying the same messages that we are equal and that violating others’ rights will give bad repercussions.

For example, a very widely used proverb even among the young generation is ‘*ada ubi ada batas, ada hari boleh balas*’ or translated by Mubin Sheppard as “where yams are browns, banks will be made; a day will come when you can pay him out” (Sheppard & Hose, 1992, p. 4). Another example that is popular among Naning residents, a small territory in the southern part of Malaysia, is ‘*hukum berdiri dengan saksi, adat berdiri dengan tanda*’ or “religious law is established by witnesses, custom is established by signs” (p. 81). Here, *adat* law or traditional law is mentioned as one of the methods to settle disputes. It also indicates that the evidence presented in *adat* law must be clear or else no judgement can be made. Thus, strict rules of evidence are employed. This method of getting the evidence is stated in the Malay proverb, ‘*mati rusa kerana jijak, mati kuang*

kerana bunyi’, which is translated as ‘the deer’s death is brought about by its track, the argus pheasant’s by its note’. According to Mubin Sheppard, the proverbs give a clear ruling that a guilty man should be discovered and punished only by means of clear evidence (p. 139). Thus, it is better to acquit him or her if there is no immediate evidence. A similar proverb against deciding without having all the facts and evidences is ‘*rebut merampas bertanda beti*’ or ‘robbery leaves visible evidence’ (Fanany & Fanany, 2008, p. 166).

Another ruling on how to settle disputes is the concept of fairness. Hence, it is common to encounter proverbs that impart legal advice to the judge. There is a Malay proverb that says ‘*bak tembilang bak penggali, bagai yang hilang begitulah pengganti*’ or ‘like the spade like the hoe, the replacement must be like what is lost’. The proverb explains that “if you lose or break something that belongs to someone else, you have to replace with something that is the same as the original” (p. 110). Another proverb making this point is ‘*salah bunuh memberi balas, salah cencang memberi pampas*’ or ‘if you kill by mistake you make restitution, if you chop by mistake you make amendment’. Ismet Fanany and Rebecca Fanany explained that this proverb suggests “misdeeds have to be punished in accordance with the law” (p. 167).

Proverbs are also delivered the other way around, that is, by illustrating the negative results or consequences of a situation. For instance, ‘*bertelau-telau seperti panas di belukar*’ which means “striking unequally,

like sunshine in a thicket” or simply said equal justice cannot be obtained from the jungle (Sheppard & Hose, 1992, p. 214). Another example of a negative reminder in Malay proverb is *‘dituba sajakah ikan, dijala jaring bukankah ikan?’* which means “are those alone fish which are poisoned with the tuba root, not also fish which are caught in the nets?” (p. 226). This difficult proverb is actually asking a question, “are accomplishments confined to those who are well favoured?” (p. 226).

A judge who decides on certain cases is advised to be non-discriminatory and carefully examines all facts to establish equality before the law. There is a ‘reprimandative proverb’ *‘tali jangan putus, kaitan jangan sekah’* or in English: ‘the rope shouldn’t break, the hook shouldn’t snap’ meaning “if you have to settle a quarrel or decide a case, make sure it is fair to both sides” (p. 181). Malay wisdom, as transmitted in the proverbs, also proposes that ‘good aspects of the law and so forth should be maintained while bad ones should be gotten rid of’ as presented in this proverb *‘yang teguh disokong, yang rebah ditindih’* or “the strong should be supported, the leaning should be pushed down” (pp. 188-189). It is important that healthy and non-biased norms, regulations, customs and laws be put in place within the society as the Malays have been cautioned in their proverbs, *‘biar mati anak jangan mati adat’* or ‘it is better for your child to die than for proper custom to die’. This proverb may seem negative on the surface for agreeing one’s own child to die rather than for custom

to die, but it is a reminder of the existence of certain people who aim to step on others and abandon *adat* law. This notion is supported in another proverb, *‘pulai berpangkat naik, manusia berpangkat turun’* or “the pulai tree grows upward in segments, man descends in generations” (p. 92). However, even if the Malays may be quite obsessed with their *adat* law, any reform or change should be subject to majority approval as clearly noted in this proverb *‘hilang adat tegal dek muafakat’* or “custom vanishes through consensus” (p. 132).

Regarding respecting laws in other places, travelling Malays are also advised to remember that *‘hujan menimpa bumi’* or ‘rain falls on the earth’, meaning to respect and “obey the law or custom of the place you are” (p. 133). The same goes in this famous proverb, *‘masuk kandang kambing mengembek, masuk kandang kerbau menguak’* or ‘when you enter the goat’s pen, bleat; when you enter the water buffalo’s pen, low’ or simply to say ‘when in Rome, do as the Romans do’.

d. Freedom of Expression

The most famous proverb on freedom of expression among the Malays is *‘orang berdendang di pentasnya, orang beraja di hatinya’* translated by Ismet Fanany and Rebecca Fanany as “people dance on a stage, people rule in their heart” or according to them, it means “you cannot control what people think and feel” (2008, p. 159). Another widely accepted proverb regarding freedom of expression is *‘patah sayap bertongkat paruh’* or ‘if your wing

is broken, support yourself with your beak' which sends the message as "if you are going to oppose someone, do it with all your might" (p. 162). One proverb that is not very much heard among the younger generations for its archaic vocabulary is '*ramai beragam, rimbun menyelara*' or 'crowded is varied, leafy becomes dry' which is interpreted by Ismet Fanany and Rebecca Fanany as "to each his or her own" (p. 165). They further describe it as, "the image of the first phrase is of a crowd of people, where each person has different opinions and views. The image of the second phrase is of a leafy tree suffering, perhaps from a drought". As proverb also serves as an advice to the people, older generations have reminded that '*enggang apa kepada enggang, orang kepada orang*' or "what is hornbills to other hornbills, what is a person to other people". Basically, the proverb suggests "to rely on your own opinions and views since everyone has to bear their own" (p. 127).

e. Rights of the People

Malaya was a feudalistic society where the king or ruler was at the central position to decree yes or no. In fact, the king is an integral part of being a Malay. Diane K. Mauzy (2006), for example, defines Malays after her careful research that being Malay is a combination of race, religion and language. Thus, a Malay who does not speak Malay and is a non-Muslim will not be considered Malay:

A Malay was a Muslim who habitually followed Malay customs and habits and spoke the Malay language. Additionally, to be a Malay, one needed to be the subject of a state ruler, since the state monarchical system was an integral part of Malay culture and helped make Malays distinctive from some of the groups in Sumatra that share certain racial, religious, and language similarities (Mauzy, p. 45).

Because of this, it is difficult to imagine for the Malays to oppose the rulers. However, it is quite surprising that there are also many proverbs motivating people to challenge, criticise and evaluate their leaders, and thus not to follow them blindly if they, the rulers, violate the rights of the people.

Nonetheless, these political and provocative proverbs are not widely shared and observed by many. Codes and ethics to govern and administer the people or country are not well learned and must be enlightened.

For example, take this suggestive proverb, '*raja adil raja disembah raja zalim raja disanggah*' or 'a just king is a respected king, a cruel king is a hated king'. Ismet Fanany and Rebecca Fanany (2008) give two meanings for this particular proverb (p. 92). First, one needs to obey the law but fight against injustice. Second, leaders are judged by the public based on how they treat their people. I have to state it here that I do

not agree with the translation of the word '*disanggah*' as hated. The proper word for hate in Malay is '*benci*' and carries a mild, non-active action, whereas '*disanggah*' should be translated as 'to topple'. Thus, the exact translation for this proverb is 'a just king will be respected and supported, a cruel and despotic king will be toppled'. This perhaps can be linked to the 1699 failed revolution, one hundred years before the French Revolution where historical documents stated that Malays toppled Sultan Mahmud of Johore Lama kingdom and killed him for his despotic, brutal ways and massive corruption³.

The Malay proverbs also warn the people regarding the greedy elites, read here as '*anak ikan kecil menjadi makanan ikan besar*' or 'the fry of the little fish become the food of the big fish'. Ismet Fanany and Rebecca Fanany give the indirect meaning of this proverb as "the majority are always subject to the few in power" (p. 105). Almost similar to this proverb is '*harimau ditakuti sebab giginya*' or 'tigers are feared because of their teeth'. This proverb simply means that people in authority are not respected because of themselves but because of their power (p. 130). Thus, the authorities are reminded by the wisdoms that they should use and access their power in a good and non-abusive manner. Once they become despotic and soon a toothless tiger, the Malays have their right to bring up and bring down those in power because '*raja adil raja disembah raja zalim raja disanggah*' or 'a just king will be respected and supported, a cruel and despotic king will be toppled'.

The people are still the base of their power as presented in this proverb, '*kuat ketam kerana sepit, kuat sepit kerana ketam, kuat ketam dan sepit kerana wujud*' or in English 'a crab is strong because of its claws, the claws are strong because of the crab, and the crab and claws are strong because of their form'. This political proverb shows how the people or the public are those who put leaders in power on their throne or chair. Hence, I agree with Ismet Fanany and Rebecca Fanany's meaning for this proverb, "the power of the leader is from others in power, the power of those supporters comes from the leader, but the power of all of them is from the army made up of the public" (p. 150).

An unjust leader should be replaced since '*sekali air dalam sekali pasir berubah*' or 'each time the water deepens, that's when the sand changes'; by this proverb it means that 'when the governance changes, the ways of place change' or correctly said 'a new broom sweeps clean'. Thus, unjust leaders can always be toppled down subjected to how they served the people.

f. Child Rights to Education

Finally, I will bring another right secured among Malay society which touches the rights of the child to education. In one of the famous proverbs, the Malays are told that '*melentur buluh biarlah dari rebungunya*' or "bend the bamboo when it is a shoot" (pp. 156-157) suggesting that an early education is needed to teach children to behave, or getting proper skills, etc. However, parents need to be cautious with

the aspects of education that they are feeding their children since wrong teachings will not return right outcomes. The Malay proverbs wisely preach that '*guru kencing berdiri anak murid kencing berlari*' or "the teacher urinates standing up, his students urinate while running" which means children can be better or worse if right education fails to take place (p. 130). The right education will put children and later adults into good behaviour; thus, good and healthy environment as highlighted in this proverb, '*majlis di tepi air, merdesa di perut kenyang*' or "courteous at the water's edge, polite on a full stomach" (p. 154).

CONCLUSION AND RECOMMENDATIONS

From the discussion above, we can conclude that the spirit of human rights is not absent from the Malays, and in accordance with their values of religion and universal etiquette. Therefore, it is not right to say that human rights values are unAsian or unIslamic as raised earlier in this paper. Human rights are indeed part of traditional cultures that protect the well being of the people. This paper is a preliminary effort, a novel attempt, to recast contemporary human rights dogma as derived from Malay wisdoms contained in proverbs. Selected Malay proverbs show human rights have been appreciated in traditional society and that the concepts are not very different from modern human rights discourses. Novel approaches in contemporary human rights research that focus on the universality of the idea of human rights are highly needed

lately. Although relating novel approaches to particular cultural settings or traditions are quite fashionable as done by Micera Mugo, too often, only the great religions and major traditions are paid attention to.

There are two recommendations to be pondered in order to get this idea into our human rights policy. First, there are lessons to be learnt from other civilisations or approaches. Jack Donnelly praises Rhoda Howard who combines 'practical and moral grounds' to reconcile conflicting practices when dealing with human rights. He noted that Rhoda Howard managed to apply 'opt out' strategy for women who choose not to participate in traditional cultures such as female circumcision if she thinks the tradition violates her rights. That time has come for the Malaysian national legislation to consider 'opt in opt out' or compromising strategy when it comes to greater human rights subjects. It has been quietly recognised that the 'opt in opt out' strategy has been applicable without any conflicts among the Malays. People who opt in to traditional practices or customs in favour of the Islamic law have never been questioned by the authorities or society since the custom is so strong, well preserved and widely accepted. For example, it is known and accepted among the Minang Malays in the Naning territory and Negeri Sembilan in the southern part of Malaysia to observe and practice their *adat perpatih* custom especially when it comes to the rights of women, daughters and widows to inherit materials after the passing of husband or father even though the custom or *adat* law is

actually contradicting the teachings of Islam that place the greater portions of belongings or materials of the dead husband or father should be given to the males or sons. In the Minang matrilineal system, women have their own special positions where they are the sole manager, the administrator and the decision maker, whereas the males including husbands in the house are food or material provider⁴. Only if they 'opt out' their rights, the husband or patriarch in the family system can be functional. Complex issues regarding human rights can also be approached with this 'opt in opt out strategy' where rights of religious/sexual minorities or women that are not properly observed in the English common law or Islamic law can be settled with the *adat* law. For example, women can be given their own rights to wear or not to wear hijab. The Islamic traditions made it compulsory for Muslim women to wear hijab; however, the Malay proverb, or traditional customs clearly says that '*kita semua mati, tapi kubur masing-masing*' which means 'all of us die but each has his or her own grave'. This can also be the solution to controversial decisions to leave Islam, apostasy or members of LGTBIQ who choose to live out of the closet. As explained before, this suggestive proverb explains that each individual will be responsible for their own actions and willing; thus, freedom is secured for them to do anything they wish.

Second, in order for the first recommendation to be realised, a lot of work needs to be done first to codify the huge amounts of Malay proverbs into a practical and applicable law. I hope this

paper can serve as base for future research. I also recommend the National Human Rights Policy not to ignore the Malay customs and to start sorting out the many interpretations and meanings of the Malay proverbs. Policy makers should not merely adhere to a cultural relativist discourse and this paper helps to correct the false notion that nurturing modern human rights leads to discordance. There are a plethora of human rights values covered as hidden pearls in the Malay traditions and this fact cannot be denied. Objectively, lessons from our own customs and traditions can be cultivated. If this daring attempt succeeds, human rights interests can be well served.

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ENDNOTES

ⁱ This research was funded by a grant from Ministry of Education of Malaysia, Fundamental Research Grant Scheme (FRGS/2/2013/SS03/UKM/03/2).

ⁱⁱ The Universal Periodic Review (UPR) is a process adopted by United Nations to evaluate human rights records of all 193 UN Member States. Other than giving opportunity for

all States to declare what actions they have taken to improve the human rights situations in their countries, this unique periodic review also includes a sharing of best human rights practices around the globe. See Office of the United Nations High Commissioner for Human Rights. (Without date). Basic facts about the UPR. Geneva. United Nations Human Rights. <http://www.ohchr.org/en/hrbodies/upr/pages/BasicFacts.aspx>

ⁱⁱⁱ The magnitude of Alatas's scholarship was summarized by Chandra Muzaffar, former student of Syed Hussein Alatas in a simple fashion; 'there are five areas of scholarship that Dr Syed Hussein should be recognised in: the study of corruption as a political phenomenon; contribution in developing progressive ideas and approaches towards Islam; contribution in the study of ethnic relations and integration in the country; studies on the phenomenon of psychological feudalism in Malaysia; and the study on independent, autonomous thinking.' See Azizan, Hariati. (2007). Alatas the towering thinker. Retrieved 13th January, 2013, from <http://www.thestar.com.my/story/?file=%2F2007%2F1%2F28%2Ffocus%2F16707414&sec=focus>.

^{iv} Sultan Mahmud Syah or known as Sultan Mahmud Mangkat Dijulang was killed and humiliated by his own people. It is widely recorded that the Sultan had homosexual tendencies; however, it is not because of his sexual orientation that he was brought down tragically but because his despotic rules and attitudes were harming the people. This is a landmark episode in Malay classical history but was carefully written and deliberately ignored by many scholars since Malays are feudalistic society. However, few historical documents did mention this important incident. See Boxer, C.R. (1964). The Achines Attack on Malacca in 1629, as Described in Contemporary Portuguese Sources. In Basti, J. & Roolvink, R. (Eds.), *Malayan and Indonesian Studies: Essays Presented to Sir Richard Winstedt on his Eighty-Fifth Birthday*. Oxford: The Clarendon Press. 109-121. And see Harris, J. (1956). *The History of the Danish Commerce to the East Indies*. In *Collections of Voyages and Travels*. Vol. I. London: N.P. https://ia700503.us.archive.org/6/items/cihm_35412/cihm_35412.pdf

^v I have written a paper on this subject. Musa, M.F. (2015). Hak Asasi Manusia Dalam Pepatah Minang Yang Terpilih. *Jurnal Melayu*, 14 (1), 48-63.

