

Literature and Morality

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The word "Literature" literally means, letters; and we use the word "Letters" itself in the sense of "Literature" in the phrase, "A man of letters. Literature is the written word. But all that is written or printed is not literature. For the name of "Literature" is given only to memorable thought finely and nobly expressed in words.⁽¹⁾

Literature has always been a great teacher. Many of early works of literature are religious and philosophical. Christianity and Judaism are based on the Bible. The Koran is a Major source of the teachings of Islam. Confucianism has been based on the writing of Confucius. Much of our modern thinking on moral and philosophical subjects has been developed from the writings of such Greek philosophers as Plato and Aristotle. Literature serves as a base on which new thinking can be built. As such literature not only pleases us but also instructs us. The authors who attained eminence exercised their imagination on serious problems of life such as conflict between good and evil. Literature provides a common platform for discussion and exchange of thoughts. It is evident from history that those who wrote with a purpose had played their part in the eradication of a number of social and political ills. Charles Dickens, the English novelist of the Victorian age, launched a crusade against social evils. Thackeray, the English novelist of the Victorian age, exposed cruel snobberies of the society. Thomas Carlyle (1795-1891) English social prophet and critic, denounced the whole mechanical age. John Ruskin (1819-1900) preached the creation and love of beauty in works done by hand.

In the first decade of the twentieth century, both George Bernard Shaw and John Galsworthy utilized the theatre as a pulpit to propagate their ideas. Especially Shaw made the best use of

PUBLICATIONS

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Prof. Hafiz Ahmad Yar vol. I, II
6. Khutbat-i-Lahore
Prof. Dr. Javed Akbar Ansari (under print)
7. Arabi Sha'iri — Aik Ta'aruf
Edited by Prof. Dr. Khurshid ul Hasan Rizvi

8. See, *Palestinian Human Rights in Jerusalem: 30 Years after Occupation* (London: Lawyers for Palestinian Human Rights, June 1997); *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem* (Jerusalem: B'tselem, June 1997); and *The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians*, (Jerusalem: B'teselem and Hamokedi, April 1997).
9. Haim Baram, "A Society Gone Mad" in *Middle East international* No.537 (8 November 1996), 6.
10. UN Convention against Torture and other Cruel, Inhuman, Degrading Forms of Punishment.
11. See, *Legitimising Torture: The Israeli High Court of Justice Rulings in the Bilbesi, Hamdan and Mubarak Cases: An Annotated Source Book* (Jerusalem: B'teselem, January 1997).
12. The second resolution was adopted at the Tenth Emergency Special Session on 5 May 1997 (ES 10/2) (see below).
13. Ibid. Es 10/2. Illegal Israeli actions in Occupied East Jerusalem and rest of the Occupied Palestinian Territory.
14. United Nations, Treaty Series, Vol. 75, No.973.
15. See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York: Oxford University press, 1915).
16. Adnan Abu Odeh, "The Ownership of Jerusalem: A Jordanian View" in Ghada Karmi, Ed., *Jurusalem Today: What Future for the Peace Process?* (Reading: Ithaca press, 1997), 64.
17. John V. Whitbeck, "The Road to Peace Starts in Jerusalem: The 'Condominium' Solution" in *Middle East International*, No. 538 (22 November 1996), 19.
18. See Gershon Baskin, Ed., "New Thinking on the future of Jerusalem: A Model for the Future of Jerusalem: Sovereignty, the IPCRI Plan" in IPCRI, 111:2 (June 1994).

towns and villages, and with the killing and murder of Palestinian men, women and children, contrary to all norms of civilised behaviour, human rights and international law. The recent "cease-fire" is clearly not working and the need for international protection and internationalisation of the conflict resolution process, which I prayed for in 1997-1998, is now more pressing than ever before. As far as Jerusalem is concerned, it is clear that the so-called "concessions" made by Barak at Camp David were no more than a variant of the "Abu Mazen / Belin plan" and did not go anywhere near enough to satisfying the minimum Palestinian position of Palestinian Sovereignty in East Jerusalem, including the Old City. (Courtesy: Islamic Studies, Vol: 40, Nos. 3-4, 2001)

References

1. General Assembly Resolution 181. Official Records, 2nd Session, Resolutions, pt. 3. UN Document A/519 (1947), p 131. The Resolution was reaffirmed by Resolution 194 of 11 December 1948 and 303 of 9 December 1949.
2. See Raja Shehadeh, *Occupiers Law: Israel and the West Bank*, revised ed. (Washington DC: Institute of Palestine Studies, 1988); Raja Shehadah, *From Occupation to Interim Accords: Israel and the Palestinian Territories*, CIMEL Book Series No 4 (London: Kluwer Law International, 1997).
3. "Basic Law: Jerusalem Capital of Israel" in *Laws of the State of Israel*, Vol. 34 (1980), 209.
4. Henry Cattan, *The Palestine Question* (London: Croom Helm, 1988).
5. Ibid., 257-259.
6. See my articles in *al-Sharq al-Awsat*, No. 5417 (27 September 1993) and in *Middle East International*, No. 461 (24 October 1993); and "Some Legal Aspects of the Declaration of Principles: A Palestinian View", in Eugene Cotran and Chibil Mallet, eds., *The Arab-Israeli Accords: Legal Perspectives*, CIMEL Book Series No.1 (London: Kluwer International, 1996), 67-77.
7. Declaration of Principles (A, XV) and Interim Agreement (A XXI).

arise. The ideas of IPCRI relating to a Jerusalem Charter are in my view good, though I do not like their idea of a "scattered sovereignty".

What is more important now is to rescue the Oslo Process, which began by the DOP in 1993. The solution to Jerusalem must necessarily be part and parcel of an overall settlement culminating in an independent State of Palestine. But the parties are unable to start the last phase of the process, which includes Jerusalem. The UN must intervene not simply be calling on the parties to talk as they have done in the latest and other UN Resolutions, but to help them along the road to peace by:

- (1) fulfilling those parts of Oslo and the Interim Agreement which remain unfulfilled by Israel by conciliation and arbitration;
- (2) calling and convening an International Conference for the final status talks on Jerusalem, Refugees, Settlements and Borders.

One hopes that such re-internationalisation of the talks will yield better results than leaving it to the parties to agree. If one is to avoid more suicide bombs, or another intifada, or more militant Israeli settler activities, or the threatened guerrilla warfare by the IDF, the international community must act now.



Postscript

Things have of course got much worse since writing the above in 1997/1998. Although hopes were revived for the final status talks with the defeat of Mr. Netanyahu and the election of Mr. Barak in May 1999, these hopes were misplaced, since the envisaged Framework Agreement finally failed at Camp David in August 2000. Ariel Sharon then made his inflammatory tour of the Haram al-Sharif in Jerusalem's Old City on 28th September 2000, which resulted in the al-Aqsa intifada followed by Barak's brutal response, now continuing and intensified under Sharon as Prime Minister against the civilian population of Palestine, their homes,

administered by an umbrella municipal council and local district councils. In the proper terminology of international law, Jerusalem would be a "condominium" of Israel and Palestine.¹⁷

- (6) The idea of "scattered sovereignty" put forward by the Israel Palestine Centre for Research and Information (IPCRI), whereby every piece of land in Jerusalem is clearly delineated on lines of sovereignty, but the two sovereigns – Israel and Palestine – will be limited in their sovereignty by adhering to a Jerusalem Charter and a Jerusalem Court of Justice. There would either be two municipalities, an Israeli and a Palestinian, or one overall municipality jointly controlled by Israelis and Palestinians.¹⁸

It seems to me all solutions have merits and demerits. The common denominators seem to be that:

- (1) Jerusalem should remain one undivided city with no borders or physical barriers;
- (2) Sovereignty should somehow be shared between Israel and Palestine;
- (3) There is no reason why it cannot be the capital of both States;
- (4) Functional jurisdiction should be given to one overall municipality consisting of Palestinians and Israelis, or two municipalities, one Arab and one Israeli;
- (5) A special regime should apply to the Old city and Holy places. I feel that, in addition to these common denominators, there should be provision for an international UN presence by means, for example, of a UN Secretary for Palestine:
 - (a) to keep an eye, from an international point of view, on the administration of the Old City and Holy places;
 - (b) to have overall supervision of whatever settlement is reached and deal with any problems which may

Jewish religious authorities. He says: The conceptual framework for addressing the national aspirations of both the Palestinians and Israelis in Jerusalem is premised on the following considerations. Firstly, the Walled City, the truly Holy Jerusalem, would belong to no single nation or religion, and no state would have political sovereignty over it. It would be called "Jerusalem" and would be governed by a council representing the highest Muslim, Christian and Jewish religious authorities. Next, the Palestinian part of the city (the urban areas that stretch beyond the ancient walls to the east, north-east and south-east) would be known as al-Quds, over which the Palestinian flag would fly. The Arab inhabitants would be Palestinian nationals, and would vote for their own national institutions. On the other hand, the urban areas to the west, north-west, and south-west of Jerusalem would be known as Yerushalaim, over which the Israeli flag would fly. The Jews residing in the Walled City would be Israelis and would vote, as they do now, in their national elections. The Arabs in the Walled City would be Palestinian citizens and vote in their national elections. As for the Holy Places, the following basic conditions would be essential. The Old City is the truly holy part of Jerusalem and as such, should be separated administratively from the rest of the city; it would be a spiritual basin for Judaism, Islam and Christianity. No national flag would fly over the Walled City, which would be open for all, for it belongs only to the One God, and the sacred shrines would be the symbol of the city's God-given holiness and spiritual significance. Each religious authority would be responsible for running and maintaining the holy sites of its faith.¹⁶

- (5) The "condominium" solution, that is, joint sovereignty over an undivided city, akin to the idea of co-ownership of property. This idea has been proposed by various international law authorities, including John V Whitbeck, who says: Only one solution is conceivable – joint sovereignty over an undivided city. In the context of a two-state solution, Jerusalem could form an undivided part of both states, constitute the capital of both states and be