

Marjane Satrapi and Roya Hakakian each lived through the revolution, so they take this risk when, in their memoirs, they depict the horrors of that chapter in Iran's recent history. Nafisi, a lecturer at Johns Hopkins University's Nitze School of Advanced International Studies who has advised US policy-makers on Iran, told the *New York Times* last year that some Iranians criticized her "for washing our dirty laundry in front of the enemy." For her part, Moaveni concludes *Lipstick Jihad* with a firm clarification: For all their complaints, Iranians, in her view, do not need or want US intervention.

The "dirty laundry" problem calls to mind another story about Iran that outraged Iranian-Americans. In 1991 MGM produced *Not Without My Daughter*, a film that infuriated Iranian-Americans with its ugly portrayal of Iranian family life. Sally Field played an American woman whose Iranian husband whisks her away to Iran for a holiday. Upon arrival, he turns abusive and announces they are not leaving. Field's character undertakes a sensational escape through the mountains with her child, and finds salvation at the US Embassy in Turkey. The film arrived in theaters at a moment when there was little popular attention paid to Iran in the United States, so the combined force of stereotyping and Hollywood influence made it a symbol, for Iranian-Americans, of the extent to which Iran was misunderstood. If there was even a trace of truth in the film's portrayal of gender relations and judicial absurdity (after all, it was based on a true story), we rejected this in favor of prideful defensiveness. If any single cultural product plunged Iranian-Americans deeper into the protective hold of nostalgia, it was *Not Without My Daughter*.

I remember distinctly the feeling that filled our family station wagon as we drove home from viewing that movie so many years ago; something had been corrupted. It was an unexpected and painful rejection from the country we'd done so well at fitting into. That's why I was surprised to find myself delighted when I turned a page in *Lipstick Jihad* and discovered the final chapter heading: "Not Without My Mimosa." In one line, Moaveni takes the story back. At the end of her book, she is not debating how to get back to the United States, like Sally Field was in the film; she is merely wondering which of her New York City lifestyle choices she could stand to sacrifice if she were to stay in Iran. In a way, Moaveni's combination of irreverence and introspection is what

makes her sound uniquely American. And yet as I read her cutting remarks and laughed out loud, I wondered whether I'd bristle at reading the same remarks from a non-Iranian. Probably. And do non-Iranians think Moaveni's book is funny? On a recent evening, the author read from *Lipstick Jihad* at a Barnes & Noble in Manhattan, and the crowd's response suggested that they did not. She ridiculed the sexual exploits of young Iranians, called Ramadan "one long rehab program" and described walking alongside her defiantly

unveiled aunt as equivalent to accompanying a topless woman—a "head-breast." Although the room was packed, awkward silence came where giggles were due. And I wondered if America was ready, yet, to laugh at the Islamic Republic. Iran chic is one thing—a kind of sincere curiosity extended to compensate for ignorance or fear. But mockery, the kind we freely practice toward our good friends the French, the British and of course the Canadians, is a stage in our diplomatic relations with Iran that lies far off in the future. ■

Before the Law

NEVE GORDON

COURTING CONFLICT: The Israeli Military Court System in the West Bank and Gaza.

By Lisa Hajjar. California. 335 pp. \$24.95.

An Israeli Jew and a Palestinian meet in transit right after having been sentenced in court. The Palestinian asks the Jew how much time he got.

"Three years," says the Jew. "The judge was relatively lenient, though, and took into account that the guard who tried to stop me from robbing the bank didn't die from his wounds. How much time did you get?"

"Seven years for driving without my headlights on," says the Palestinian.

"Wow! That is a hefty punishment," the Jew exclaims.

"On the contrary, my judge was also lenient. He noted that if I had been caught driving without headlights during the night he would have sentenced me to fifteen years."

Black humor like this circulated in Israel during the first intifada, functioning as a coping mechanism for liberal sabras bewildered by the egregious violations their country was perpetrating against Palestinians. This particular joke alludes to the discriminatory and often absurd logic of the military court system in the occupied West Bank and Gaza Strip, a system that is explored in depth for the first time in Lisa Hajjar's *Courting Conflict*.

Hajjar, a professor in the Law and Society Program at the University of California, Santa Barbara, argues that the military court system has been the centerpiece of Israel's controlling apparatus in the occupied territories. It has served as an extremely important component within

the broader range of governing institutions and practices in which Palestinians are tracked in grids of surveillance, subjected to restrictive codes of conduct and physically immobilized through the use of closures, curfews, checkpoints, walls and prisons. During the first intifada (December 1987–93), between 20,000 and 25,000 Palestinians were arrested every year, the highest per capita incarceration rate in the world at the time. Even though arrest rates later declined, the estimated number of prosecutions since the beginning of occupation in 1967—half a million out of a population of 3.5 million—underscores the carceral nature of Israeli military rule. Thus it is not surprising that virtually all Palestinians have had some experience with the military court system, whether personally or through the arrest and prosecution of relatives, friends and neighbors.

While the bulk of Hajjar's book discusses the workings of the military courts, she begins her investigation with an analysis of the complex legal system that Israel put in place in the occupied territories, showing how this system serves as the backdrop for the courts themselves. Immediately following the 1967 war, Israel formulated a policy that rejected the applicability of the 1949 Fourth Geneva Convention, the most important humanitarian law pertaining to the occupation of conquered territories and their civilian populations,

Neve Gordon, who teaches politics at Ben-Gurion University in Israel, is a visiting scholar in the Center for Middle Eastern Studies at the University of California, Berkeley.

to the West Bank and Gaza. Next, it set up a legal system composed of Ottoman, British Mandatory, Jordanian and Egyptian law, and Israeli military orders. The military orders are decrees issued by military commanders that immediately become law for all Palestinians living in the area.

Over the years, military commanders have issued at least 2,500 such orders—orders that regulate every aspect of the occupied population's life, from publishing newspapers and traveling abroad to grazing sheep and using donkeys for transferring goods. The commanders were vested with powers not only to enact laws but to cancel and suspend them, which enabled them to continuously reshape the legal system in accordance with Israel's political objectives.

Hajjar, the daughter of a Finnish mother and a father of Syrian descent, conducted her research in Israel and the occupied territories primarily in the 1990s. Both Palestinian and Israeli officials often mistook her for a Jew. She spent much of her time observing trials, where she established relationships with the various parties on both sides, and came to understand what made the military courts tick. One chapter is dedicated to the judges and prosecutors, while another concentrates on defense lawyers, some of whom are motivated by a powerful conviction that the law is a crucial tool for producing justice. There is, of course, a chapter on the defendants themselves, and one on the Druse soldiers who spend their three years of military service as translators in the courts, responsible—ostensibly—for facilitating communication between Jewish-Israeli judges and prosecutors and the Palestinian defendants and their lawyers. In these chapters, Hajjar takes the reader on a journey to the courts themselves, providing her audience with a sense of the random bargaining and humiliation and the seemingly endless tension informing the judicial interactions.

There is, for example, the story of a Gazan lawyer who lost a case after a soldier testified that he had seen the attorney's client throwing stones at 9:15 AM in the Jabalya refugee camp. Several days later the same soldier appeared in court and testified against another client, reporting that he had seen the man throwing stones at 9:30 AM on the same day as the earlier case, only this time in the Rafah refugee camp. Asked by the Palestinian lawyer how long it takes to get from Jabalya to Rafah, the soldier said no less than forty-five minutes. When the lawyer then asked the judge to



Treat others with justice and respect. How you treat others will be how they treat you.

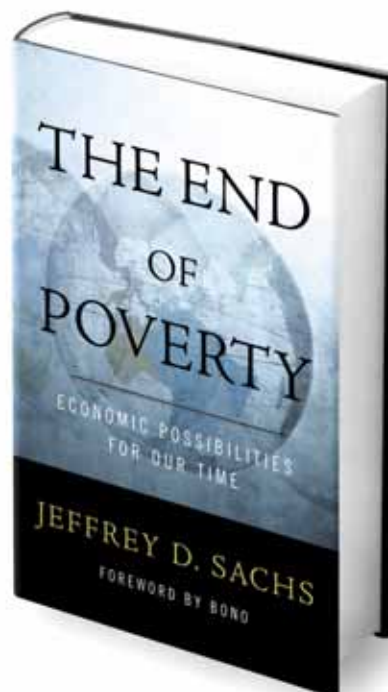
BE PART OF THE SOLUTION

Ask for our *Making A Difference* brochure today, and find out more about our mutual funds. Call 1-800-762-6814 or visit www.domini.com.

Domini 
SOCIAL INVESTMENTS®
Investing for Good™

You should consider the Domini Funds' investment objectives, risks, charges, and expenses carefully before investing. Obtain a copy of the Funds' current prospectus for complete information on these and other topics, by calling 1-800-762-6814 or online at www.domini.com. Please read it carefully before investing or sending money. DSIL Investments Services LLC, Distributor. 10/04

Instant *New York Times* Bestseller



From “probably the most important economist in the world,”* a clear path to a safer and more prosperous future.

“Sensible, often brilliant analysis of poverty's root causes and potential solutions.” —*BusinessWeek*

“[Paul Wolfowitz] should read Jeffrey Sachs's compelling new book, *The End of Poverty*.”

—Fareed Zakaria, *Newsweek*

The
Penguin
Press

**New York Times Magazine*

A member of Penguin Group (USA)
penguin.com



www.ProtestWorks.com
or write: POB 424906, S.F., CA 94142
Profits go to activists



HOMELAND SECURITY
"Fighting Terrorism since 1492"
"Homeland Security" t-shirt • item #1977 • sizes S-3X
Products for Progressives since 1979.
Northern Sun Merchandising
to order, or for a free catalog • 800.258.8579 xTN
www.northernsun.com

Travel to Central America this Summer!



Honduras: TheUnmaking of a Banana Republic:
July 05, 2005 - July 13, 2005

Nicaragua: Legacy of a Revolution
July 14, 2005 - July 22, 2005

GLOBAL EXCHANGE
Reality Tours
800-497-1994 x248 | www.globalexchange.org

Spend Your Capital Wisely. **Choose pair Networks.**

Ensure your Web site stays up and running. Choose pair Networks as your Web host and domain name registrar.

Over 150,000 sites from around the world call pair Networks home.



www.pair.com

CRUISE BY FREIGHTER
TravLtips

Worldwide, First Class
Relaxing, Reasonable

e-mail: info@travltips.com
800-872-8584 **www.travltips.com**

dismiss the case because the soldier could not possibly have been in both places, the judge threw the lawyer out of court on the grounds that his line of questioning insulted the soldier. *Courting Conflict* is full of such stories, but it also underscores that not all judges rule in favor of the prosecution, and that the efforts of defense attorneys are not entirely in vain.

Hajjar's intervention is unique in the literature on the Israeli-Palestinian conflict. Even though an enormous amount has been written on the occupation, only a few books actually analyze—rather than describe—Israel's controlling apparatus in the West Bank and Gaza Strip. Among the exceptions are Naseer Aruri's *Occupation: Israel Over Palestine*, James Ron's *Frontiers and Ghettos* and *A Civilian Occupation* by Rafi Segal and Eyal Weizman. *Courting Conflict* is in this select company.

From time to time, however, Hajjar's evidence belies her conclusions. She characterizes the courts not only as a site of control, oppression and subordination but also as a site of Palestinian resistance; yet her descriptions do not lend themselves to this claim. It was the Israeli prisons, rather than the courts, that engendered organized resistance. They were considered universities of sorts, where thousands of Palestinians deepened their ideological convictions, received operational training, improved their Hebrew skills and created alliances with the members of other political factions—all of which prepared the inmates for continuing their struggle once they were released.

This struggle is generally understood as a classic national conflict. Hajjar, however, seeks to recast it as a struggle over human rights—from the right to health, education and a livelihood to freedom of speech, association and movement. It is a well-intentioned effort, given how foul nationalist politics can be, but her own descriptions challenge this theoretical assertion, since the national divide figures on every other page. Although numerous rights have been invoked by Palestinians to codify their demands, at least since the 1970s, the national aspiration for statehood ultimately overshadows and informs all other rights claims.

But these flaws in no way diminish the value of the book. Especially striking is Hajjar's chapter on the Druse translators, since it reveals both the complexity and the insidious nature of Israeli rule. In order to grasp their position in court, Hajjar persuasively maintains that one must first

understand the particular niche that the Druse—Arabs who practice an offshoot of Shiism established in Cairo in the eleventh century by followers of Caliph al-Hakim—occupy within the sociopolitical order of Israel/Palestine. Immediately after independence Israel began distinguishing Druse from all other non-Jewish sectors of Israeli society. By 1962 a distinct national category was officially created, and Israeli ID cards accorded the Druse their own unique identity separating them from the "Arab."

This engineered "non-Arabness" of the Druse was crucial for incorporating them into the military. "Arab Arabs" are not conscripted, since they are closely associated with the state's enemies. Thus, Druse became preferred candidates for the role of translators, since they have both bilingual skills and a "non-Arab Arab" status. Not unlike the natives who lent their services to the colonizers of old, Druse soldiers accept the state's authority and the legitimacy of its policies. Having been given a stake in the system, they tend to become complicit with Israel's oppression of Palestinians. "Palestinians are guilty," one Druse translator blithely told Hajjar. "They hate us. They throw stones. If they don't throw stones today, they will throw stones tomorrow." Like many of his fellow translators, this Druse has become a mimic man, adopting the worldview of the prosecution.

But just as the reader begins to comprehend the precarious position of the Druse translator, Hajjar adds another twist, showing that translation within the courts is less about communication between people who speak different languages and more about establishing the legitimacy of the judicial process. The Druse soldiers are not professional legal translators, and they only translate the general meaning of the proceedings so that each party will get a sense of the argument made by the other side. The defendant often does not know what is being said, since the translators frequently fail to translate the interactions between the judge and the two lawyers, leaving him (and in some cases her) completely in the dark. Imagine, for a moment, being on the stand as a defendant without knowing exactly what the prosecutor or judge is saying. Imagine being a defense lawyer and understanding only the general thrust of the prosecutor's claims.

The irony is that the lack of adequate translation is unimportant, since the legal argumentation has few if any implications

for the defendant. The outcome is predictable, if only because some 90 to 95 percent of Palestinians who are charged with crimes are convicted and more than 97 percent of all cases in which charges are brought are determined outside the court in a plea bargain. Hajjar likens the judicial process taking place outside the courtroom to a *souk*, or marketplace, where defense lawyers bargain for a better deal like merchants. One lawyer suggests that his role is simply to beg for mercy in a merciless environment.

Despite the staggering percentage of defendants whose convictions have been determined by plea bargains outside the military courts, Hajjar shows how the courts and the complex legal system that Israel established in the territories set out to sanction the legality and morality of the occupation. This is crucial. Israel has always been wary of rejecting the law outright, attempting to project an image of an occupation informed by the rule of law and principles of justice. *Courting Conflict* thus undermines simplistic conceptions regarding the significance of the rule of law by laying bare how the judiciary institutions in the West Bank and Gaza were used to legitimize egregious human rights violations and the use of violence.

While Hajjar's book provides the necessary background for understanding the role of law and military courts in the occupied territories, the situation in the West Bank and Gaza has changed in a fundamental way in the last few years. If up until September 2000 Israel controlled the occupied inhabitants primarily through the application of the law—including, to be sure, the enforcement of draconian laws that both legalized the incarceration of thousands of political prisoners and permitted deportations, house demolitions, extended curfews and other forms of collective punishment—perhaps the most striking characteristic of the second intifada is the extensive suspension of the law. In the first intifada any suspension of the law was still considered an exception to the rule; in the second one it became the norm.

The paradigmatic example of this suspension is Israel's pervasive employment of extrajudicial executions: 469 Palestinians have been killed in the past four and a half years in this way, and even Israel concedes that 288 of them were "innocent bystanders." The fact that not one Israeli soldier has been tried for these killings and that they are in fact part of an overt policy suggests that the occupied

inhabitants have been reduced to what the Italian political philosopher Giorgio Agamben has called *homo sacer*, people who can be killed without it being considered a crime. At least for these Palestinians, the military courts have become superfluous, since Israel is no longer interested in trying them.

In order to understand this dramatic change in Israel's relation to the law, it is important to examine its application to Israeli soldiers rather than to Palestinians. Since the eruption of the second intifada, 3,161 Palestinians have been killed, 636 of them minors. Moreover, of the 751 Palestinians who were killed in 2004, two-thirds had not participated in any kind of fighting. And yet the military prosecutor has opened only 104 investigations concerning unlawful shootings during the past four and a half years, and of these, twenty-eight were actually prosecuted and eighteen found guilty. One soldier who killed a 95-year-old Palestinian woman was sentenced to sixty-five days in prison.

The first intifada was very different in this respect, since most military offenses were subjected to legal scrutiny. From 1987 to 1990, Israel killed 743 Palestinians, 154 of whom were minors—fewer than it killed in 2004. The military, however, carried out an investigation of every killing and initiated a total of 1,256 investigations against soldiers who were suspected of breaching the regulations. Although the military ended up prosecuting only forty soldiers for unlawful killings, the soldiers' actions were, nonetheless, constantly investigated by the judicial authorities. Thus, if a defining feature of the first intifada was ongoing legal scrutiny, the second intifada can be characterized by the extensive withdrawal of the law. Of course, it also further unmasked the true face of power that stands behind the application of law, and laid bare the relationship between occupier and occupied.

The result of these sweeping and disturbing changes is a pervasive despair prevalent in Israel/Palestine, which is well captured in Hajjar's book despite its failure to address some of the essential features of the second intifada. This, one should keep in mind, is not how most people felt during the first intifada. Even amid the horror there was always a ray of light. This sense of hope was conveyed in the joke about Dita, the switchboard operator at the Defense Ministry.

Dita was puzzled by a man who called every morning, asking to speak with Defense Minister Ariel Sharon. Each morning she would tell him that Sharon was

On Sunday, March 6th 2005, Mr. Abe Schwartz died after his final battle with brain cancer.

Mr. Schwartz devoted his life to advancing the cause of labor and the fight for equality.

He died at home, where he wanted to be, surrounded by his wife, daughter, and grandchildren. We love you and miss you.

You will always be remembered. A memorial service is being planned to take place May 21st. For information, please contact Gina at yeyeo@earthlink.net

VOYAGES with a VISION

Travel with MADRE

Nicaragua (May 24-31, 2005)

On the North Atlantic Coast, learn about a unique system of autonomy and Indigenous Peoples' efforts to defend their collective rights and resources.

Kenya (July 2-13, 2005)

Visit rural, Indigenous Samburu and Maasai communities and learn about women's struggles to combat HIV/AIDS and FGM and advocate for Indigenous Peoples' rights. Go on a safari with Indigenous women on their own land.

All trips feature experienced guides and translation

MADRE (212) 627-0444; travel@madre.org
www.madre.org

when sh** happens,
wipe it away!

order your toilet paper at:
wipeyourtushwithbush.com

Voodoo Dolls handmade!

Personal.

Political.

Custom or Bush and Cheney.

1 for \$10, 2 for \$15

Checks/Money orders.

Ms. Amelia. P.O. Box 922 Kingston, WA 98346



Camp Kinderland
Summer Camp with a
Conscience
Special discounts
9-11 year olds
718-643-0771
kindercamp@aol.com

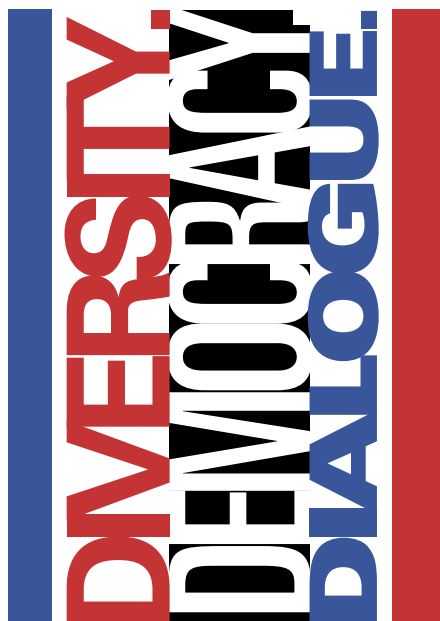


"BUCK FUSH"

...even a dumb horse would!

T-shirts & bumper stickers

www.MoveOnMoron.com



Introducing

THE NATION CLASSROOM

the new education program that answers
the urgent need for all three

In these troubled times more than ever, it is every American educator's responsibility to encourage a healthy diversity of opinion while instilling in students the confidence to express themselves freely.

That is why we are so pleased to introduce **The Nation Classroom**, the independent new voice in education.

Consisting of low-cost bulk subscriptions to the magazine, **The Nation Classroom** also includes a weekly Teaching Guide, plus a full complement of teaching tools drawing on our unrivaled Archive of articles dating back to 1865.

So give your students a view of the world untainted by government or big business interests.

Find out how you can try The Nation Classroom in your high school or college RISK-FREE.

Visit our website at:

www.thenationclassroom.com

or mail this information request form today to:
The Nation Classroom, 33 Irving Place,
New York, NY 10003.

☐ **YES**, please send me more information on
The Nation Classroom and your no-obligation
risk-free trial.

NAME _____

SCHOOL/DISTRICT _____

ADDRESS _____

CITY/ST/ZIP _____

not the minister of defense, and he would reply, "Oh, thank you!" before hanging up. Finally, after three weeks, Dita asked the man, "Sir, every morning you call up and ask to speak to Mr. Sharon, and I keep telling you that he is not minister of defense. Why do you keep calling?" The response was immediate: "It's so encouraging to hear; it gives me some *naches* for the rest of the day."

The fact that Sharon is not defense minister but prime minister surely does not help those who want to take a step back, if only for a moment, and laugh at the quagmire the two peoples have sunk in. More important, though, the ruthless violence that both societies have been subjected to in the past few years has left little room for joy. It is therefore no surprise that this intifada has not produced any new jokes. ■

FILMS

The Counterfeiter

STUART KLAWANS

THE MAN WHO COPIED • SAVE THE GREEN PLANET! • FEVER PITCH

As celluloid guinea pig for the American left, I am perfectly willing to report on the effects of exposure to this month's pop hit, *Sin City*. I might even agree to conduct a *Sin City* self-experiment with Grand Theft Auto as control, in either the original or the San Andreas version. What I will not

do, though, is write about *Sin City* as if all urban crime-and-sex movies were created equal. Some, gaudily laden with promotional funds, emerge into a welcoming market; whereas others, such as *The Man Who Copied* (*O Homem Que Copiava*), claw their way inch by inch toward the light.

Though it was written and directed by one of Brazil's best filmmakers, Jorge Furtado, and won a fistful of awards in its country of origin, *The Man Who Copied* has been knocking around the festival circuit since 2003, generally on the second tier. Shopworn, buzzless and in Portuguese, it now opens at the Quad Cinemas in New York on April 22 and the Sunset 5 in Los Angeles on April 29, making me worry for its future. If I'm going to write about a tale of larceny, violence, sexual predation and the cartoon aesthetic, then (without prejudice to *Sin City*) I want it to be this one—not only because *The Man Who Copied* is a scrappy little picture but because it's also charming, funny and ultimately hopeful.

You may discover these qualities both in Furtado's filmmaking and in the personality of his lead actor, the extraordinary Lázaro Ramos. Best known for his nifty performance in the 2002 *Madame Satã*—the biopic about a notable Brazilian street fighter, family man and drag artiste—Ramos here plays someone who is similarly volatile, though far more in-

genious. On the sweet side, his character, André, lives companionably with his mother in a poor but decent section of Porto Alegre. He dreams of making money as a cartoonist, educates himself with whatever scraps of knowledge come his way and fumbles in embarrassment whenever he tries to chat up a woman. "Women are smart," he observes glumly in voiceover. Somehow, they always figure out that he has neither money nor prestige, a fact that brings us to André's sour side: his feelings about his job.

Bored and humiliated by his work in a tiny shop where he runs the photocopier, André is always one facial twitch away from glowering at his boss, whom he has secretly renamed the Blob. So great is Ramos's skill as an actor that he can show contempt for the boss as André himself would—efficiently—moving his face as little as possible so the aggression barely shows. Nevertheless, the rage is present; and it helps to make credible the steps that André soon takes into danger, as he first spies on Sílvia (Leandra Leal), a young shopgirl who lives across the way from his apartment, and then begins to stalk her.

By this stage of the movie, André has told the viewer about a catastrophic outburst of violence in his childhood, and the camera has joined him as he goofs around with a buddy who lives as a petty criminal. Despite these edgy qualities, André seems more puppyish than creepy as he follows

Copyright of Nation is the property of Nation Company, Inc. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.