

# Citizenship as Mask: Between the Imposter and the Refugee

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## Part I: Theory

### *I. We Refugees*

In “We Refugees,” written in 1943, Hannah Arendt describes what happens when one loses one’s home, occupation, family and the everyday life-world of one’s language. Unexpectedly she brings into her discussion of the refugee, the experience of assimilation. She draws a sarcastic portrait of the assimilated German Jew who, having just arrived in France, organizes “one of these societies of adjustment in which German Jews asserted to each other that they were already Frenchmen. In his first speech he said: ‘We have been good Germans in Germany and therefore we shall be good Frenchmen in France.’ The public applauded enthusiastically and nobody laughed; we were happy to have learnt how to prove our loyalty.”<sup>1</sup> The hyper-assimilation of Jews, thus detected by Arendt, represents the ‘optimistic’ side of the problem. Arendt writes that the dark side of this existence is the seemingly unexplained suicides that plagued the society of Jewish refugees after the Second World War, and marked the depths of their despair. She explains that the false assumption, underlying both the optimistic and the pessimistic dispositions, is that one should understand the “Jewish question” in individual terms of psychological adjustment or of personal success in social assimilation. Arendt argues that the problem should be understood in political terms, as the result of the exclusion of Jews as Jews from the public sphere of the European nation state. In this short essay Arendt calls us to reflect on the pathologies of hyper-assimilation and of the state-less person together, as pointing to deficiencies in the modern concept of citizenship.

Much has been written about Arendt’s criticism of the nation-state system.<sup>2</sup> We also see a developing interest in her ‘Jewish’ writings.<sup>3</sup> But I believe that not enough attention has been given to Arendt’s insistence on linking the two issues together.<sup>4</sup> She refuses to begin her story of the totalitarian system with the loss of citizenship rights, but instead insists on beginning with the kind of ‘citizenship’ that was granted to Jews. She uses this historical perspective to reflect back on the deficiencies of our modern conception of citizenship. In this essay I undertake to develop this neglected strain of thought since it can provide a key to confronting some of the most perplexing questions of citizenship in the post-national era.

Let us try to look more closely at the two figures that set the drama of the decline of the nation state. In contemporary discussions of citizenship, it is often the case that the problem is described in a binary way, contrasting the citizen with those who do not enjoy citizenship rights – the stateless, the displaced, and the refugee. For Arendt,

the political map is drawn by trying to posit the citizen between two poles of pressure: the refugee and the imposter (the parvenu, the hypocrite). It is here that she introduces the idea of ‘citizenship as mask.’ In this way Arendt complicates the picture, because a citizenship status can no longer be explained as an either/or question of exposure or protection, of rights and the lack of rights. Instead, we are called to reflect on the degrees of disclosure and concealment that different concepts of citizenship offer.<sup>5</sup>

Arendt offers her ideal of ‘citizenship as mask’ as an alternative. The clearest expression of this ideal can be found in Arendt’s book, *On Revolution*. Here Arendt borrows from the original literal meaning of the mask as *persona*, explaining that it functions *both to cover the face while allowing the voice of the speaker to be heard*.<sup>6</sup> The ideal of the mask helps Arendt give a metaphorical expression to the two conditions that must be met for the construction of a viable political sphere of citizenship – equality and plurality.<sup>7</sup> In her book *The Human Condition* Arendt provides the fullest account of these conditions. Here, I would like to briefly connect them to the ideal of ‘citizenship as mask.’<sup>8</sup>

## II. Citizenship as Mask: The Stateless and The Refugee

The figure of the stateless appears in the *Origins of Totalitarianism* as embodying the completely exposed ‘human being’ – the one to whom the high rhetoric of ‘inalienable rights’ should have been fully applied, but who, in the absence of citizenship status, enjoys no rights at all. In the chapter “The Decline of the Nation-State and the End of the Rights of Man” Arendt traces the difficulty back to a paradox at the heart of the concept of human rights.<sup>9</sup> This paradox reflects a tension between two contradictory obligations that seem to originate in the same idea of human rights. In the name of human rights the international community recognizes the right of ‘self-determination’ and upholds the right of all societies to govern themselves. On the other hand, applying unlimited sovereignty against one’s citizens creates an acute need to protect minority national groups against the power of their own state.

When states resort to their power of denaturalization, or exercise their immigration policy to exclude those in need of protection, the paradox is exposed. Arendt writes, “[t]he Rights of Man, after all, had been defined as ‘inalienable’ because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them.”<sup>10</sup> The inalienable rights of man prove to be completely unprotected at the very moment in which it is no longer possible to characterize them as the rights of the citizen of the state. The figure of the ‘refugee’ allows Arendt to better illuminate the contradiction in the heart of the nation-state system. As explained by philosopher Giorgio Agamben, “precisely the figure that should have incarnated the rights of man *par excellence*, the refugee, constitutes instead the radical crisis of this concept.”<sup>11</sup>

Arendt traces the stages of the destruction of the political sphere as stages of tearing away more and more masks from the individual. Her discussion begins with the tearing

away of the 'juridical self' and it ends in the concentration camps. What is most revealing in this discussion is that the 'natural' man, without any protective masks, is a self that can no longer be called 'human' since both conditions for natality (initiation of action) and plurality (opinions, perspectives) are completely eliminated. For our purposes, however, I would like to stay with the loss of the first layer, the loss of the mask of citizenship.

The mask equalizes by covering the face of the actor. This characteristic of the mask highlights Arendt's inversion of the modern understanding of equality as a natural condition of human beings. The misguided naturalist assumption supports, in her view, the articulation of 'human rights' in abstract and individualist terms. "[T]hey presume that rights spring immediately from the 'nature' of man . . . The decisive factor is that these rights and the human dignity they bestow should remain valid and real even if only a single human being existed on earth; they are independent of human plurality and should remain valid even if a human being is expelled from the human community."<sup>12</sup> This abstract conception of human rights proves completely ineffective under the nation-state system. Arendt maintains that political equality is an artifact, dependent upon and meaningful only within the confines of a polity. "Equality, in contrast to all that is involved in mere existence, is not given to us, but is the result of human organization insofar as it is guided by the principle of justice. *We are not born equal; we become equal as members of a group* on the strength of our decision to guarantee ourselves mutually equal rights."<sup>13</sup>

The ideal of the 'mask' captures this artificial dimension of political equality enjoyed by citizens. The mask equalizes the citizens by hiding their faces, that is, by hiding those attributes that should not be considered relevant when they speak and act as citizens (their ethnicity, race, sex, class etc.).<sup>14</sup> The mask in the ancient theater hid the face while allowing the actor's true voice to reverberate.<sup>15</sup> To better understand the ideal of the mask we can think how the concept of a 'legal persona' functions in the context of a trial to both hide and reveal.<sup>16</sup> The recognition that one enjoys 'legal personhood' allows one to enter trial. It equalizes, by creating a strict separation between private (what is exempt from legal considerations) and public.<sup>17</sup> Here we can think of several procedural rules of exemption (for example, the sexual behavior of a rape victim). On the other hand, it is precisely the hiding effect of the legal mask that creates the conditions to hear the voices of the participants in the trial in their specificity, to listen to their unique story without already subsuming it under an abstract legal category. Indeed, one of the anachronistic dimensions of a public trial in the common law tradition is the preference given to oral testimony, and to the narrative form. I will return to this in the second part.

### III. Citizenship as Mask: The Hypocrite

The theatrical metaphor of a mask assumes the presence of an audience, of spectators. For Arendt, the equalizing power of the mask allows for political action by the individual, but the individual is never the 'author' and the meaning of his or her actions is

always given by others. The self who appears in the public domain is thus a “narratable self.”<sup>18</sup> The covering of the ‘face’ creates the conditions for political participation on an equal par, while the hearing of the ‘voice’ makes place for plurality to be noticed. However, the condition of plurality is at risk when the mask hides too well, as in the case of the hypocrite.

The ideal of the mask also introduces a tension into Arendt’s theory. This is revealed in her discussion of the hypocrite in *On Revolution*.<sup>19</sup> Since Arendt upholds the ‘mask’ as her ideal of a citizen, it is perplexing when she explains that ‘hypocrisy’ is the sin most threatening to the integrity of the political sphere. Arendt writes that “[i]t must seem strange that hypocrisy – one of the minor vices, we are inclined to think—should have been hated more than any other vices taken together.”<sup>20</sup> In order to explain why it is that hypocrisy should be considered the ‘vice of vices’ she invokes the Socratic conception of the self. Socrates’s most ‘extraordinary discovery’ about the self, Arendt explains, is “that the agent and the onlooker, the one who does and the one to whom the deed must appear in order to become real . . . were contained in the selfsame person.”<sup>21</sup> The self, under this understanding, is not a unitary entity, but a dual one, constituted by an internal dialogue between me and myself (as actor and spectator).<sup>22</sup> By drawing a parallel between the Socratic conception of the self and the Greek understanding of the polis (as a space of plurality, constituted of actors and spectators), Arendt is able to analyze the way in which hypocrisy undermines it. Unique of the political sphere is that the ‘real’ does not precede it, but is rather constituted by it, is its product. And it is precisely because of the fragile status of political truths, of their dependency on the integrity of the interplay between actor and spectator, that hypocrisy is revealed to be so dangerous.<sup>23</sup>

Hypocrisy, as Arendt notes, literally means ‘play-acting.’ However, the hypocrite is not the ideal actor that Arendt upholds. Rather, his acting takes up the whole space of the self, not leaving any space for duality, for the internal dialogue of actor and spectator. Arendt explains that “[p]sychologically speaking, one may say that the hypocrite is too ambitious; not only does he want to appear virtuous before others, he wants to convince himself. By the same token, he eliminates from the world, which he has populated with illusions and lying phantoms, the *only core of integrity from which true appearances could arise again, his own incorruptible self*.”<sup>24</sup> Thus, Arendt arrives at the conclusion that what makes hypocrisy the ‘vice of vices’ is that it threatens the core of the political realm, its integrity.

In conclusion we can say that in order for the mask to help constitute the political realm of equality and plurality, it has to be concealing and revealing, hiding and representing. The refugee is not offered the protection of the mask and thus remains exposed, not able to re-present his or her body in public. The mask worn by the hypocrite, in contrast, consumes his or her whole identity; as a result, it can reveal nothing but mirror images of whatever social roles the hypocrite undertakes.<sup>25</sup> Arendt writes that the hypocrite “could help himself to every “mask” in the political theater . . . , but . . . he would not use this mask, as the rules of the political game demand, as a *sounding board for the truth* but, on the contrary, as a contraption for deception.”<sup>26</sup>

The reaction of the people in the French Revolution to the problem of hypocrisy was to try and get rid of the mask altogether. Arendt warns against this simplistic solution, which can account for the deterioration of the Revolution into the Reign of Terror. Such a response is forgetful of the important role of the mask in constituting a political realm of equality and plurality. Arendt writes in an ironic tone that by their “unending hunt for hypocrites and through the passion for unmasking society, they had, albeit unknowingly, torn away the mask of the *persona* as well, so that the Reign of Terror eventually spelled the exact opposite of true liberation and true equality; it equalized because it left all inhabitants equally without the protecting mask of a legal personality.”<sup>27</sup> Such complete exposure (which is the opposite of hypocrisy) is equally fatal to the practice of citizenship, as our previous discussion of the stateless and the refugee demonstrates.

#### IV. *Citizenship between ‘Human Rights’ and a ‘Right to Have Rights’*

We saw that it is the figure of the refugee or the stateless that helps show the shortcoming of our ideal of ‘human rights’ – that in actuality, under the nation-state system, they stop short of protecting the exposed ‘human.’ But as Benhabib has noted, having articulated the paradox in the heart of the nation-state system, Arendt does not recommend the abolition of the nation state. Nor is she willing to extend her conception of citizenship beyond the national boundaries.<sup>28</sup> Why is this? Is it a pragmatic realistic response to the conditions of humanity at the time of her writing? Or might there be something more important that we risk losing when we try to think of ‘human rights’ as individual rights on a global level?

In recent years a growing body of scholarship has been dedicated to examining the changes of citizenship under global conditions of work immigration and of international human rights’ organizations.<sup>29</sup> I do not intend to enter the debate about how to evaluate these changes. However, it is important to see the normative framework that has been articulated to capture citizenship in the postnational era. For example, sociologist Yasemin Soysal argues that national citizenship is no longer the main determinant of individual rights and privileges. Rather, “these rights are now codified in a different scheme, one that emphasizes universal personhood rather than nationality.”<sup>30</sup> In articulating the normative foundations of this change Soysal suggests that under the postnational model of citizenship the obligations to foreign populations goes beyond the nation-state itself. “[T]he individual transcends the citizen. This is the most elemental way that the postnational model differs from the national model.”<sup>31</sup> In other words, Soysal identifies a shift to postnational citizenship because the source of many of the rights enjoyed by resident aliens lies in the international human rights regime, which accords recognition to individuals on the basis of their personhood rather than their national affiliation. Separating human rights from national citizenship seems to solve the contradiction, to dissolve the paradox at the heart of human rights discourse. When we look closer, however, at the kind of rights offered to ‘denizens’ (permanent residents who are not citizens), we see that these tend to be social rights (to health, work,

education) or rights to political participation on a local basis. This is no surprise, as the source of 'rights' lies in the individual and not in the political community. Moreover, these 'second-rate citizens' are excluded in principle from the equalizing mask of the citizen within a given political community.<sup>32</sup> The new rights do not touch, therefore, one of the most important functions of citizenship as mask – creating a political space of equality and plurality as a precondition for meaningful political participation. This new concept of postnational citizenship does not respond to the more radical challenge in Arendt's idea of citizenship as mask, that to be fully human depends on the availability of the mask rather than precedes it.

This difference is captured with Arendt's distinction between 'human rights' and 'the right to have rights.'<sup>33</sup> The former betrays an abstract and individualist ideal of the 'human,' one that is apolitical in essence. In contrast, Arendt proposes to think of the 'right to have rights' in the historical and political terms of the process of deprivation of these rights under the nation-state system. From this perspective, she discovers that there is a more fundamental right than individual civil rights:

We became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation.<sup>34</sup>

Later in her book *The Origins of Totalitarianism* Arendt explains the mistake of thinking of individual rights to equality and justice as the most basic rights of citizenship, and ignoring the more basic 'right to have right,' to belong to a political organized community where one's opinions are heard, and one's actions are recognized:

The fundamental deprivation of human rights is manifested first and above all in the deprivation of a *place in the world* which makes opinions significant and actions effective. Something much more fundamental than *freedom and justice, which are rights of citizens*, is at stake when belonging to the community into which one is born is no longer a matter of course and not belonging no longer a matter of choice . . . This extremity . . . is the situation of people deprived of human rights. *They are deprived, not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right of opinion.*<sup>35</sup>

Arendt attempts to correct the individualistic bent of classical liberalism with her notion of a 'right to have rights' that point to the group or political community as a crucial component of citizenship. This 'group' basis of citizenship rights should not be thought of in pre-political terms. As pointed out by Seyla Benhabib, for Arendt the solution of the 'paradox' in the heart of the nation state is not metaphysical but political. She does not call to dissolve the nation-state, but rather she warns against one conception of the nation, as organic or pre-political, and insists on a civic political conception. "The right to have rights can be realized only in a political community in which we are judged not through the characteristics which define us at birth, but through our actions

and opinions, by what we do and think.”<sup>36</sup> It is upon this background that we can begin to contemplate what citizenship as mask could mean in such a political constellation. The mask of citizenship (as envisioned by Arendt) opens up a space between a strong ethnic/familial over-determination of the individual identity, and a free-floating ‘human rights’ discourse that has no basis in any meaningful political membership or solidarity.

These highly theoretical reflections were translated in Arendt’s writings into practical observations about Jewish politics. Arendt supported the need for Jews to have a homeland. She was critical, however, of those Zionist strands that depicted Jewish nationhood in organic terms. She also warned that self-determination for the Jews, if it took the form of a Jewish state, would only reproduce the problem for the Palestinian people. For this reason she recommended a bi-national state, a political organization that could offer the disguising virtues of the mask (equalizing the citizens) while allowing the distinctive national voices of the two groups to be articulated and formed. This idea did not become a reality, but much of Arendt’s observations became problems that haunt Israeli citizenship today.

I have so far articulated the ideal of ‘citizenship as mask’ by contrasting the term of the refugee, who is “exposed” with the term of the “hypocrite” who is compelled to hide his/her identity in order to enjoy the “right to have rights,” i.e. to belong to a political community. This serves in the following part as ground for critique of the status of citizenship in Israeli political culture. In particular it illuminates how the state of Israel endorses the “mask” of universal citizenship, but allows only one “voice” to be heard from behind the mask – that of the “Jewish nation.” This contradiction is illuminated in the discussion of the latest case of “family unification” (between Arab citizens and their family members from the occupied territories) that was decided by the Israeli Supreme Court.

## Part Two: Citizenship in Israel: The Family Unification Case

### *I. Family Unification Case*

The most recent case on citizenship rights in Israel that has gained immense public attention was decided on May 14, 2006.<sup>37</sup> It concerned the constitutionality of an amendment to the Citizenship and Entry into Israel Law (Temporary Provision), 5763–2003. The temporary law prevents Palestinian residents of the occupied territories from entering the territory of Israel and gaining citizenship or residence status. Thus, it makes it almost impossible for an Arab Israeli and his/her Palestinian spouse to live as a family within Israel.<sup>38</sup> The law was legislated against the background of the terror offensive Israel faced during the second *intifada* (Palestinian uprising). Terrorist organizations have received assistance in a number of cases from Palestinians who received status in Israel through family unification proceedings.<sup>39</sup> For example, in March 2002, a terror blast took place in the Matza restaurant in the city of Haifa. Shortly afterwards, the Minister of Interior revealed that the bomb was placed by a Palestinian from the

territories who had been granted Israeli citizenship, and as such, enjoyed freedom of movement within Israel. Soon after that the legislator took a drastic measure to prevent this security risk, setting an en-bloc prohibition on granting residency or citizenship rights to any Palestinian of the territories (subject to age exceptions). The state explained that such a measure was necessary given the difficulty of individually examining each person seeking family unification.

The petitioner's main argument was that the law violated the constitutional rights of Arab citizens of Israel to family life and equality (both protected under the basic law of human dignity). The law violated the right to family life in that it prevented family unification of Arab Israeli spouses with their Palestinian spouses from the territories. The law violated the right to equality in that its injury targeted Arab citizens of Israel, since they are the ones most likely to have Palestinian spouses.

The Israeli Supreme Court, in an expanded panel of 11 justices, ruled to reject the petition by a small majority (6:5). On the substantive matter of the constitutionality of the law, the court was split. For my purposes, I would like to focus on the two main opinions for the majority and the minority, since they reflect the two opposite sides of the human rights discourse on citizenship (of self-determination and human rights of minorities) that constitutes the paradox of human rights discussed above.

Deputy Chief Justice Cheshin, writing the main decision of the majority, upheld the constitutionality of the law. He based his decision on the notion of state sovereignty in matters of immigration. The State of Israel, he wrote, like any other state in the world, is entitled to limit by law the immigration of foreign nationals into Israel, including the spouses of Israeli citizens. A state is not obligated to allow foreigners to enter its domain; it is even less obligated to allow foreigners to settle within its domain.

In particular, a state has a right, in times of war, to limit the immigration of those considered to be 'enemy-subjects.' Since the eruption of the second *intifada* in 2000, Palestinians have been considered 'enemy subjects'; consequently, Israel is entitled to enact a law that forbids their entrance into its borders.

Cheshin's judgment evinces the logic of state sovereignty, as it makes use of the right of self-determination, which includes the right to control the external borders of the nation state, most importantly, in order to provide the basic right of security for its citizens. Justice Cheshin emphasized the security rationale stemming from the 'state of war' situation. However, one can discern in his argument another implicit justification based on demography.<sup>40</sup> Cheshin draws the implications of the right of self-governance in cultural terms, that is, as the right of the state (in the name of the majority of its citizens) to retain its 'character.' Sovereignty means the prerogative of the state to decide from time to time on an immigration policy, a policy that has the power to shape the character of the state. According to this logic, if the judge were to recognize a constitutional right of Arab citizens, he would have had to recognize a corresponding constitutional duty of the state to permit entrance into Israel for foreign nationals who have married citizens of the state. This would mean a de-facto privatizing of the control over immigration, which would entail the loss of any way for the majority to control the character of the state through immigration policy.<sup>41</sup>



Chief Justice Aharon Barak, writing the main decision of the minority, takes the opposite direction. At the center of his ruling stands the *Israeli spouse*. Barak does not deal with the rights of the foreign spouse. He considers the law unconstitutional because it infringes on the basic rights of Arab citizens of Israel, their right to family life (that includes the right to live together as a family in Israel), and their right to equality. He writes that, notwithstanding the security concerns, even during wartime, human rights should be protected. Barak thereafter puts on the balance the legitimate security interests of the state and the constitutional rights of Arab citizens, and determines that the en-bloc prohibition on entry and settlement of Palestinians from the territories amounts to a constitutional abridgement of the rights of the Israeli spouses.

Justice Barak's judgment demonstrates the logic of human rights – the need to guarantee the equal rights of all citizens within a nation state. Beginning with the Arab citizen, Barak invokes the other side of the democratic paradox, the rights of minorities within a nation state. These rights set limits on the sovereignty of the state, even when the state is trying to protect the security of the larger population.

It is interesting to note that both Justice Cheshin and Justice Barak were able to anchor their decisions in the discourse of human rights. This is in accordance with Ruth Gavison's contention that "the real tension is not between Israel's 'Jewish' and 'democratic' aspects, but between competing ideas within democracy, which is forced to find a balance between complete civic equality and freedom for the majority to chart the country's course."<sup>42</sup> However, framing their arguments within human rights discourse did not help the Justices dissolve the tension between the collective right of self-determination and human rights of individual citizens.

Most striking is the inability of both Justice Cheshin and Justice Barak to escape the either/or logic: either the Arab citizen (Barak), or the foreign (enemy) national (Cheshin).<sup>43</sup> Neither Justice was able to maintain a double perspective, to see the external and internal, to connect the 'citizen' with the 'stateless.' Why is that? I believe that the Family Unification case illuminates the difficulty of retaining the strict distinction between the public and the private spheres.<sup>44</sup> In this case, the public collapses into the private. The contradiction inherent in the hybrid identity of an Arab citizen of Israel (torn between conflicting Israeli and Palestinian identities) is played out on a national level. In order for the state of Israel to exercise its most basic sovereignty rights – that is, to provide security and control immigration (and by implication shaping the 'character' of the state) – it has to impinge upon the most basic rights of Arab citizens. On the other hand, protecting the most basic rights of Arab citizens, to family life and equality, means a severe limitation on national immigration policy. As we saw in Cheshin's judgment, the recognition of individual rights to family life and equality in matters of family unification can mean that the Jewish majority will have to give up its control over the determination of the national character of the state as Jewish. Put differently, if citizenship means exclusion of the outside (foreigners), the recognition of civil rights of Arab citizens means a severe limitation on the possibility of attaining such a closure.<sup>45</sup>

The tension between the two poles of legitimacy for the democratic state (self-determination and human rights) can be reduced in legal ways, and some of the Justices do just this. For my purposes it is more important to notice how, under the framework of a 'Jewish and democratic' state, the Arab citizen of Israel presents a threat, representing a hybrid identity that constantly undermines the possibility and stability of a Jewish nation state.

Arendt's ideal of 'citizenship as mask' entails a membership right in a political entity and not just formal legal rights. Under this view, granting citizenship or refusing it has an impact on the individual as well as on the collective identity of the nation state. The family unification case betrays a deep anxiety about the Jewish identity of the state of Israel. What the court tried to avoid in almost all of the Justices' opinions was the demographic issue that was a major part of the legislator's deliberation.<sup>46</sup> The state of Israel recognizes a "right of return" to every Jew, granting him or her automatic citizenship. On the other hand, it denies any right of return to Palestinians. Marriage between Arab citizens of Israel and Palestinians from the occupied territories under the previous regime was deemed by many in the political debate as a 'practical' exercise of a Palestinian right of return.<sup>47</sup> This practice arouses anxieties about the possibility of keeping the demographic balance between Jews and Arabs in Israel, a balance that is a pre-condition for the justification of a Jewish state from a liberal point of view. Relying on the 'security rationale' that the state offered functioned as a 'fig leaf' for the political authorities, allowing the court to avoid discussing the issue of demography directly.<sup>48</sup> What are the limits that liberalism puts on a policy of immigration meant to secure a Jewish majority? Can Israel remain Jewish under these limitations? Can it maintain its commitment to democracy? In Arendtian terms, the deeper issue that such a case raises is how to strike the proper balance between the 'nation' and the 'state?' These questions do not enter the discussion of the Court. However, I maintain that they lie in the root of the difficulties of the concept of citizenship in Israel, and it surfaces in the political debate about the amendment to the citizenship law. In order to begin addressing these questions with the theoretical perspective offered by 'citizenship as mask' I would like to introduce the missing narrative from the court's judgment. In doing so, I propose to change the direction of inquiry: to turn to the private domain of citizenship and to focus on those deemed to occupy its margins – the Arab citizens of Israel.<sup>49</sup> Since the legal discussion is too confined to a formal view of rights, I propose to contrast it with a literary depiction of Israeli citizenship.

## *II. Citizenship as Mask – A View from Inside*

The individual petitioners in case number 7052/03, who are Arab citizens of Israel, appear before the Court through their legal masks, their 'legal persona' of citizens. I would like to suggest that this legal mask, unlike the Greek mask, conceals their faces without allowing their 'voices' to reverberate.<sup>50</sup> On the other hand, the Palestinian spouses are left completely exposed, without any legal mask available to them, and thus, their claim for membership cannot reach the Court at all.<sup>51</sup> The two poles of

‘covering’ and ‘exposure’ structure the judgment of the Court, leaving no space to explore the experience of Arabs (citizens and non citizens of Israel). In the following section I would like to add these missing voices to the legal discussion and see how listening to such narratives could have helped us recognize the deficiency of the current concept of citizenship that was employed by the court in this case.

Throughout the judgment, the court opts for the title “Israeli citizen” to describe the Arab Israeli petitioners, and “foreigner spouse” to describe the Palestinians who were denied the status of residency or citizenship in Israel according to the temporary law. The request for ‘family unification’ is portrayed as the legal bridge that could connect these distinct *legal personae* of the ‘citizen’ and the ‘foreigner.’ Missing from this description is a view from inside – of the petitioners and their spouses. How would these missing voices describe the problem? What counter-narrative could have been told? I demonstrate such a view with the semi-autobiographical novel *Dancing Arabs* by Sayed Kashua, an Arab citizen of Israel.

Petitioner number one is described as “an Arab Israeli citizen, residing in Beit Safafa in Jerusalem, who was married (on 21 December 2002) to a Palestinian woman from neighboring Beit Sahor . . . Thereafter the law was changed.”<sup>52</sup> The unnamed protagonist in Kashua’s novel is an Arab Israeli from the village Tira who eventually moves with his wife into Beit Safafa, and rents an apartment from an Arab landlady. She explains to him the legal and political difference between Arab Israelis and Palestinians in the context of living in Beit Safafa:

Our house is in an area that was occupied in 1967. Its Hebrew name is Givat Ha-Matos (Hill of the Plane), because an Israeli plane was downed there in the war. From 1948 to 1967 there’d been a barbed wire fence running through the village, splitting it in two. For nineteen years, brothers, relatives, and families living on either side of the fence couldn’t visit each other. Our landlady says that the only time the Israelis and the Jordanians would allow families to approach the fence and shake hands with two fingers was on holidays or wedding days . . . Half the family lived in Jordan and the other half in Israel, she said, and laughed. Now both halves are occupied by Israel, except that people in the part occupied in ‘67 have residents’ passes and those in the part occupied in ‘48 have citizens’ passes, so they’re considered superior and more loyal. At least their homes are higher. It figures – they’ve always had more work on the Israeli side.<sup>53</sup>

It is interesting to notice the way in which this narrative inverts the order of things presented by the Israeli Supreme Court. The story begins with families united in the land of one village. One war (1948) divides them. Another war (1967) reunites them. These political experiences do not change the traditional custom of inter-marriage between the two parts of the village. However, they introduce differences in their legal and social status. One half of the village inhabitants are now designated as “Israeli Citizens” – thus are entitled to Israeli identification cards, health insurance, and are generally considered ‘loyal’ to the state. While the other half are “residents” (and after the Oslo agreements they are residents of the Palestinian Authority). Thus they become

“foreigners” in Justice Barak’s judgment, and “enemy subjects” in Justice Cheshin’s judgment. The mask of ‘legal persona’ put on the petitioners allows the judges to see them as equal citizens of Israel. But the lack of any legal mask for the Palestinian does not allow the Justices and the readers to notice prior and more significant connections of the ‘foreign spouse’ to a land, a family and an ethnic community. This legal blindness is connected to the court’s refusal to acknowledge the underlying current of demography that informed much of the legislation debate. Expelled, abjected, from the judgment is the threatening figure of the Palestinian ‘refugee.’<sup>54</sup> It is precisely at this point in the story that Sayed Kashua introduces the figure of the Palestinian refugee into his narrative:

Our landlady is a refugee from the village of Malcha. Sometimes she climbs up on the roof and looks down at her home. It’s still there, two meters away from the mosque. In 1948 she escaped to the southern part of Beit Safafa, which had become Jordanian, and since 1967 she’s been working at the Hebrew University. She’s head of a department, which means she’s in charge of the toilets on the school campus.<sup>55</sup>

The landlady is a refugee, though she is still residing within eye-sight of her old home in Israel. Kashua’s irony is transmitted through the use of words, intentionally subverting the ordinary meaning of “head of department” in the university – to expose the status of Palestinians as occupying the bottom of the social ladder as cleaning personnel in the university. It is indeed the specter of the refugee that can explain a common thread in the judgments of Barak and Cheshin: their strong denial that the law has anything to do with the demographic question and with the underlying anxiety about boundary-crossing, about the exercise of a de-facto ‘right of return’ by these Palestinian refugees to their villages, communities and families in Israel by way of marriage to Israeli citizens.

As noted, the ‘demography-blind’ approach of the state helps the judges avoid the pitfall of the political debate, naturalizing the decision by framing it as a question of ‘security’. This legal framework does not allow the judges to be frank about the most difficult issue at the heart of the democratic-paradox that I have outlined – can a policy of immigration, directly tailored to maintain a Jewish majority, that by necessity impinges on the human rights of Arab citizens of Israel (and of Palestinian refugees), be justified from a liberal perspective? In legal academia, on the other hand, we can find an agreement between two prominent liberal thinkers (who otherwise hold opposing views about the substantive issue of citizenship) that the question of demography should be squarely addressed. Ruth Gavison argues that Israel can justify a Jewish oriented policy of immigration as long as minority rights of Arabs are upheld (and she does not see an inherent contradiction between the two).<sup>56</sup> Chaim Gans, on the other hand, argues that one can justify a policy of immigration based on demography, as long as the group rights of both Jews and Palestinians for a ‘home-land’ are respected.<sup>57</sup> This can be done, for example, by moving the discussion from the individual’s right (of either Jews or Palestinians) to group rights to home-land, measured by quotas in immigration policy. For our purposes it is important to notice that both thinkers, while struggling with the issue of citizenship, come to criticize the individualist framework

of classical liberalism. Instead they argue that the question of citizenship should center on the question of group membership. Gans even goes further and focuses on the 'right to have rights,' the right to belong to a polity. The Supreme Court's judgment, by oscillating between the individual and the state, fails to address the issue on the level of national groups (Jewish and Palestinian), and thus fails to see citizenship as a right to membership in a polity.

But one might say that the lack of any legal mask for the Palestinian spouse is compensated with the availability of the legal mask of citizen to the Arab petitioners. However, this legal mask, as employed by the Court, does not allow the voice of the Arab citizen to come through. Kashua's novel provides us with such a voice. What it exposes is the gap between the promise of equality of formal citizenship and the social inequality of Arab citizens. The Arab protagonist caught in the gap tries to achieve Israeli citizenship by conforming to the only national identity that is presupposed by such citizenship – to be a Jew. Thus the protagonist chooses the role of the 'imposter,' using the mask as a way to hide rather than reveal.

Kashua's novel is devoted to the failure of 'citizenship as mask' in relation to Arabs, to the experience of 'passing as a Jew' of an Arab citizen of Israel. Kashua's unnamed narrator spends enormous energy trying to pass as a Jew within Israel's dominant Jewish culture. He writes about himself, "I look more Israeli than the average Israeli. I'm always pleased when Jews tell me this. "You don't look like an Arab at all," they say. Some people claim it's a racist thing to say, but I've always taken it as a compliment, a sign of success. That's what I've always wanted to be, after all: a Jew. I've worked hard at it, and I've finally pulled it off."<sup>58</sup> The decision to pass as a Jew is connected in the novel to the humiliation of being recognized as an Arab – the laughter of school kids, the searches of soldiers in buses, the breaking up with a Jewish girlfriend. "There was one time when they picked up on the fact that I was an Arab and recognized me. So right after that I became an expert on assuming false identities."<sup>59</sup>

What it means to be an Arab citizen in the state of Israel is revealed through the subversive "Zionist Lexicon" that the author offers, one that juxtaposes familiar expressions with unfamiliar connotations. For example, Ben Gurion, the first prime minister of Israel, is the title of a chapter in which the protagonist has to undergo the humiliating experience of being searched at the Ben-Gurion airport, after being pointed out as an Arab on the bus. Thus, the readers are introduced to the split reality of an Arab in a Jewish state, celebrating Jewish holidays, having a Jewish army, commemorating Jewish wars. The whole experience of an Arab citizen, negotiating competing histories, loyalties, and languages, comes together for the protagonist at the age of eighteen, just before graduation, when the Jewish kids are drafted to the Israeli army and the protagonist, whose childhood dream was to become a pilot in the Israeli Air Force, is excluded, by definition. The life of an imposter, passing as a Jew, is the choice of hyper-assimilation, one that produces some social benefits but results in alienation from family and community, in the psychological condition of chronic depression, in a drinking habit. Instead of becoming free, the protagonist becomes the prisoner of his own lies.

In Kashua's novel we are presented with the narratives of those excluded from the debate on Israeli citizenship: the Palestinian refugee who is abject from legal discussion, and the Arab citizen who feels compelled to 'pass' as a Jew. These figures represent the two poles of complete exposure and total disguise that fall short of the ideal of 'citizenship as mask,' a mask that is supposed to conceal in order to reveal, a mask that should allow for a critical distance to open between more natural identities (blood, ethnicity, family) and the legal identity of the citizen. Under the Court's discourse, either the mask of citizenship is not available at all (Palestinian spouse), or the mask of formal citizenship is invoked without seeing its systematic failure to equalize (Arab spouse).

### *III. Masks and Transgressions*

At this point we can ask how Arendt's conception of the mask can help us address the systematic failures of Israeli citizenship that the court does not address (or chooses to avoid) in the family reunification case. Beginning with Arendt's discussion in "We Refugees," we were urged to engage the question from the margins, to take seriously the two experiences absent from the Court's judgment – the plight of the refugee and that of the imposter. Both figures, Arendt argues, should be understood as symptoms of a malaise or a crisis in the concept of citizenship under the nation state. They stand at the two opposite poles of total exposure and complete disguise – thus helping us see the tension (or contradiction) at the heart of the nation-state system, between nation and state. On the one hand, the refugee points to the sad reality, that in today's world, without citizenship, one's human rights are not protected as a matter of 'right.'<sup>60</sup> On the other hand, the figure of the imposter teaches us that granting formal citizenship rights does not necessarily guarantee a right of membership in a polity. These observations were meant to reveal a fundamental tension or contradiction in the concept of a nation-state in relation to its promise of guaranteeing the 'human rights' of humans as such. This tension can be intensified when adopting an organic definition of the 'nation' and can be reduced with a civic definition. However, according to Arendt, this tension cannot be resolved (and it might be a healthy reminder of the identity basis of citizenship) since it is inherent to the system of nation-states.

Since the inclusion of the description of Israel as Jewish and Democratic state in the 1992 Basic Laws, a heated debate has ensued in academia regarding the classification of Israel as a democracy, given its strong ethnic features.<sup>61</sup> The debate has mainly been theoretical and conceptual but it carries strong normative repercussions and points to different political solutions. Reading this debate against the idea of "citizenship as mask" we should ask whether the difficulties of Israeli citizenship can be remedied by creating a stronger civic mask (ranging from the reform of certain national policies in Israel to the neutralizing of the national element all together by transforming Israel into a 'state of all its citizens'). Otherwise, it might be that the Arendtian ideal of the mask can become a possibility in Israel only by creating some kind of a federation respecting two national centers along side a more 'neutral' civic domain.<sup>62</sup> Whatever the solution, all writers seem to agree that the lack of universal 'masks' in Israel is detrimental

to its possibility of achieving equal citizenship for Arab citizens, as demonstrated by Kashua's novel.<sup>63</sup> In this essay I do not propose a full-fledged political solution, rather, I offer the Arendtian ideal of the mask as a heuristic tool.

The novel of Sayed Kashua makes the theoretical debate about the Jewish character of Israel all the more palpable by portraying the reality of Palestinians (citizens and non-citizens of Israel). The narrative navigates between the two figures of the (Palestinian) refugee and (Arab) citizen without finding a resting point. However, by developing a subversive reading of Israeli citizenship through the lens of the Arab imposter, Kashua's novel also offers a critique of Arendt's limited understanding of the figure of the hypocrite as necessarily apolitical and as necessarily undermining the possibility of politics.

#### *IV. From Literary 'Passing' to Legal Imposters*

In recent years three cases of "imposters" have found their way to the Israeli courts. All three 'imposters' were criminally charged by the State for obtaining the consent of Israeli women to enter into sexual relations with them on the basis of their impersonations. In all three cases the defendants were found guilty. This phenomenon of criminalizing imposters has not gained much attention outside legal circles. I would like to focus on one of the criminal cases dealing with an Arab passing as a Jew. It involves a Palestinian resident of the occupied territories, named Walid Said,<sup>64</sup> who ran away from his family and village when he was about fourteen years old. Said's flight was the result of his refusal to kill his sister for allegedly dishonoring her family. As a Palestinian resident of the territories, he was not entitled to residency or citizenship rights in Israel, neither was he entitled to the status of a refugee. He therefore assumed the false identity of a Jew, calling himself Eyal Halabi. Passing as a 'Jew' he found a job, rented an apartment and entered into an intimate relationship with an Israeli Jewish woman. The state pressed criminal charges against him for entering and staying in Israel illegally, as well as for fraud. In this case, unlike the two previous prosecutions of imposters that dealt with gender issues, the court found it very difficult to convict. Indeed, judge Carmela Rotfeld-Haft of the Nazeret District Court wrote that she did not believe that all the people who formed relationships with Walid over the years did it solely upon his false representation of himself as Eyal. The judge therefore convicted him only for entering and staying in Israel illegally, and imposed a very light sentence. In her judgment, Rotfeld-Haft is very critical of pressing criminal charges in this case. Criticizing the state's prosecution she quotes from an essay by Jean Amery who was an Austrian Jew, a refugee of Nazism.<sup>65</sup> Amery's understanding of the plight of the refugee is reminiscent of Arendt's formulation of the 'right to have rights.' The judge writes:

This situation in which the accused has found himself reminds me of the question raised by Jean Amery . . . in his book of essays, *At the Mind's Limit*: "how much home-land does a person need?" His answer, "all the more, the less of it he can carry with him" is relevant to our case. A homeland is security, it is the place in which we

understand the dialectics of knowing and recognizing, of trust and faith, the place in which we can trust in being recognized, and the place in which we have enough faith in ourselves in order to express our opinions and to debate with others. To live in one's home-land, according to Amery, is to experience the familiar as something that recurs again and again in different variations. Alas, if you are expelled from your home-land, than you are doomed to experience chaos and absent-mindedness . . . It is for this reason that Amery answers that a person needs a lot of home-land, more than can be imagined by those people who live in their home-land and take pride in their cosmopolitan vacations.<sup>66</sup>

With this powerful paragraph the judge rejects the state's response. Not only is the Palestinian refugee not abject from her judgment, but the judge is willing to courageously draw a connecting line between the Jewish and Palestinian experiences, and the legal consequences entailed by this analogy.<sup>67</sup> The judge reminds her readers that the more restricted our life opportunities, the more public space we need. Indeed, she rejects the idea that our identity is solely a private matter, since the public sphere is where we are recognized by others, it is an important aspect of forming our identity. By referring back to the Jewish collective memory of statelessness and exile, the judge manages to shift the responsibility from the individual 'imposter' to society at large. Private identity is revealed to be the product of social expectations and legal norms rather than simply to be about biological facts. When a person is not allowed to present his 'true' identity in public and conduct a normal life, assuming a 'fictive identity' might become his only choice.

It is here that a connection between the legal imposter and the literary one is revealed. Kashua invites his readers to contemplate the experience of an Arab 'passing' as a Jew. Said's case represents the missing part of Kashua's story: the state's over-reaction, of criminally prosecuting imposters, thus policing the boundaries of the Israeli collective identity. All three imposters who were criminally prosecuted share in common this attempt to partake in some attributes of the ideal identity of an Israeli citizen. The ease with which these imposters assumed the identity of the 'ideal' Israeli citizen, aroused anxiety in a society in which formal citizenship, which promises equal membership, is in conflict with social inequality based on various degrees of exclusion.

The criminal cases betray an anxiety about the ability to sustain the double function of Israeli citizenship of formal inclusion and informal exclusion. This anxiety is captured in the words of Israeli (Jewish) novelist A.B. Yehoshua, in his debate over the terms of Israeli citizenship with the Israeli (Palestinian) novelist, Anton Shammas. In response to Shammas' suggestion to neutralize the term 'Israeli,' so as to create a single Israeli nationality common to Jews and Arabs, living within the borders of the state, Yehoshua emotionally responds: "You're pushing your way into the name, too?" Afterwards he adds a self-conscious reflection on his emotional reaction: "When it comes to the basis of formal citizenship . . . Do we still not understand Israel, in our hearts and in our consciousness, as such a fragile, almost naked, almost wondrous entity, an "essence" or "spark" forged in a fate so unique that *no stranger can be appended or taken in?* Even just a formal association of citizenship, of equal opportunities, of equal budgets?"<sup>68</sup>



The ideal of citizenship as mask allows us to see the failure to construct a stable civic mask, one that can allow all citizens in Israel a refuge from their 'given' identities (family, ethnicity, religion etc.). However, it is here that we can also notice the potential of the 'mask' to destabilize, to question, and maybe to subvert a social system of exclusions in Israel. The ease with which our three imposters assumed their new identity as the ideal citizen invites us to question some of the traits that are associated with this citizen and how they are distributed along ethnic, gender and national lines in Israel. It also alerts us to an important difference in the potential to subvert a collective identity by 'real' imposters (criminally charged) and literary ones. The literary imposter through the use of irony, humor and parodist repetitions opens up a critical distance between the mask and the person wearing the mask.<sup>69</sup> Ironically, the ability of the real-life imposters to subvert and challenge common understanding is dependent upon the failure of the impersonation (resulting in a public trial).

#### *V. The Subversive Potential of the Mask*

We can now attempt a second reading of Sayed Kashua's novel, this time noticing how it tries to negotiate the terms of Israeli citizenship while challenging its assumptions. Kashua's protagonist is resigned to a growing despair, and by the end of the story he recounts his brother's decision to name his new-born infant 'Danny': "Mahmoud said the name would save the kid lots of problems. Maybe he'd be laughed at in Tira, but he'd have it easier at the university and at work and on the bus in Tel Aviv, Danny was better."<sup>70</sup> Thus the novel ends with a note of despair. However, from the perspective of the effect the novel has on its readers, the novel can be read as an act of transgression by the narrator, of putting on the "Jewish" mask but indicating that it doesn't quite fit. The novel offers a kind of verbal resistance. By writing in Hebrew and subverting the Hebrew language from within, the author is able to carve a space in between the all encompassing Zionist and Palestinian national ideologies, both of which, he rejects. It is this use of language that allows irony and satire into the story. This is, for example, how he recounts his understanding of what Zionism is:

In twelfth grade I understood for the first time what '48 was. That it's called the War of Independence. In twelfth grade I understood that a Zionist was what we called a Sahyuni, and it wasn't a swearword... I'd been sure that a Sahyuni was a kind of fat guy like a bear. Suddenly I understood that Zionism was an ideology. In civics lessons and Jewish history classes, I started to understand that my aunt from Tulkarm is called a refugee, that the Arabs in Israel are called a minority. In twelfth grade I understood that the problem was serious.<sup>71</sup>

Notwithstanding the seriousness of the problem, the novel works with irony and humor to destabilize known expressions and to dismantle stereotypes. For example, a 'settler' in the novel is not a Jew who settles in the occupied territories, but rather is a label given by Arab students to students in the dorms who move into a room already occupied by two tenants. Similar subversion is done to the terms Ben Gurion, Independence Day,

Head of Department, etc. This verbal resistance makes the readers stop and think about these daily expressions that usually pass unnoticed. Kashua also refuses to submit to the stereotypes of Arab and Jews, constantly calling on us to look at the terrain of the Israeli citizen that is being re-imagined and re-negotiated by both Arabs and Jews in Israel. He asks us to abandon clichés and see the complex reality of citizenship that is being created in Israel:

The situation is really pissing me off. I'd like to be an Arab college graduate who works as a garbage collector so I can badmouth the State. But I never did make it through college, and the truth is that my job isn't that bad. I'm not really suffering at work. I'd like to be a dishwasher at some restaurant, to pray in a mosque, to be poor. I'd like the sewage to overflow from the toilet into the kitchen, and I'd like for a donkey to be tied to the fig tree, and for little barefoot kids to be shouting all the time, and for my wife to wear a veil.<sup>72</sup>

Through the use of humor and irony the novel opens a critical space between the bearer of the mask and the mask. This is the space that the low-profile criminal prosecutions of the imposters tried to abolish. It is also the space that is lacking from the high-profile court's decision of family unification. Caught between the individual and the state, the legal map does not leave a neutral space for re-negotiating the terms of Israeli citizenship.

Kashua is an Arab who writes in Hebrew. His novels have not been translated into Arabic. His book was a best-seller in Israel. Thus we become aware of language itself as a mask. But this mask unsettles old affinities (Arabs and Arabic, Jews and Hebrew). Laila Lalami explains the significance of his choice of language: "This is the larger theme of Kashua's work: How language and identity are intimately related, and how this narrow definition can serve to include or exclude portions of society. In both of Kashua's novels, the main character's sense of alienation from his world is tied to his use of language. Language is perhaps Kashua's way of exploring the no man's land that the writer himself inhabits."<sup>73</sup> Kashua's choice of Hebrew is telling in another way, since it is also the language connected to the Zionist nation-building project. The revival of Hebrew as a secular language and as the language of politics was one of the main achievements of Zionism. The ideal Israeli citizen was to speak Hebrew (as opposed to the Jews of the diaspora). By re-occupying the Hebrew language with an Arab citizen of Israel, Kashua sends an ambivalent message to his readers. Is this a fulfillment of the Zionist revolution, or does it undermine its ability to delineate the national boundaries?

Can Kashua's novel change our understanding of the hypocrite? Does assuming the mask of the imposter is necessarily a rejection of politics, as Arendt claims, or can it be politics by other means? The real-life imposters criminally charged by the state of Israel aspire to find a personal solution to a larger political problem.<sup>74</sup> However, once exposed, the criminal trials become a terrain in which Israeli collective identity and its confining terms of citizenship are challenged in public.<sup>75</sup> A subversive impersonation becomes an intentional political move by Kashua's novel. It is as if Kashua takes Arendt's principle

that “one can only resist in terms of the identity that is under attack,” and turns it on its head to mean “when attacked as a non-Jew one has to respond as a Jew.” In other words, Kashua seems to suggest that under the confining conditions of the Israeli citizenship that is tailored to allow only one collective voice to sound through the mask – that of the Jewish nationality, the excluded Arab citizen can only respond by assuming the mask of the “Jew” in order to expose its distortions and exclusions.<sup>76</sup> It is precisely this impersonation that allows him to use this mask “as the rules of the political game demand, *as a sounding board for the truth*” through an ironic deception.

#### VI. Epilogue – The State’s Proposed Amendment

On November 23, 2006 an amendment to the Citizenship and Entry into Israel Law (Temporary Order) was proposed by the Ministry of Justice. Although, as we have seen, the Supreme Court in the ‘family unification’ case upheld the 2003 law, there was a substantive majority of Justices recommending that the state reconsider its en-bloc prohibition in accordance with the constitutional laws of Israel. The proposed amendment was offered as a way to reconcile the temporary law to the constitutional framework of Israel. The state proposed to add a *humanitarian exception* that would enable the Minister of Interior to allow family members to remain in residency in Israel in exceptional humanitarian cases. However, it is explained in the proposal that the very circumstances of family unification shall not constitute in and of themselves such an exception.

I would like to conclude my discussion by pointing out several implications of this new proposal on the concept of Israeli citizenship. The first implication is that by the very act of introducing a ‘humanitarian exception,’ the State changes the universal content of this term. Political asylum and family unifications are usually considered the two classical humanitarian bases for extending citizenship rights. This was indeed the practice in Israel until the enactment of the 2003 temporary order. The 2006 proposed amendment, while granting the Minister of Interior the discretion to admit those who do not meet the formal requirements of the law, nevertheless, precludes family unification as such from falling under this category. It thus changes and dramatically narrows the meaning of the exception.

The second implication is to consolidate a formal change in the concept of citizenship in Israel. The classical model of national citizenship legitimizes closure (and exclusion of foreigners) for the very purpose of bestowing universal (and uniform) citizenship rights within the territorial boundaries of the nation state. This is the equalizing effect of the artificiality of the mask, as elaborated by Arendt. Citizenship assumes a single status; all citizens are entitled to the same rights and privileges. By adding the ‘humanitarian exception’ the State is trying to consolidate and legitimate the abridgments of the civil rights of the Arab citizens of Israel. That is, it moves Israel away from the classical model of universal citizenship rights to a dual system of citizenship.<sup>77</sup> The distribution of rights among Jews and Arabs in relation to equality and family rights (under the basic human dignity law) is no longer even under this amendment. The irony is that this result

has been justified on the basis of the classical model of national citizenship by Justice Cheshin. The classical model of national citizenship legitimizes the principle of national sovereignty precisely in conjunction with the promise of universal citizenship rights within the boundaries of the nation state. Closure is justified to allow the equalizing effects of citizenship in a certain territory. As we have seen, Justice Cheshin strongly relied on the principle of national sovereignty and of closure. However, he inverted the order of things. Closure (through national sovereignty) was not invoked in order to facilitate equal citizenship. Rather, in order to allow (Jewish) closure, he was willing to create a differentiated distribution of citizenship rights between the Jews and the Arabs. There was no majority in the court for this formulation. However, by adding the 'humanitarian exception' the State is trying to justify this very change in the concept of citizenship. This amounts to an explicit abolition of the ideal of 'citizenship as mask,' because the State does not pertain to uniformly distribute the mask of citizen.

The third implication, and the most threatening in my eyes, is the move from a discourse of human rights to a discourse of humanitarian exceptions. We began our discussion of the family unification case as one that brings to the fore the conflict between the two aspects of citizenship – national sovereignty and human rights. This tension is what makes the division among the Justices on this question so powerful. The proposed amendment simply abandons the 'human rights' pole, the citizenship rights of the Arab citizens of Israel (as elaborated by Justice Barak and upheld by a majority of the Justices). The whole problem is transformed into the domain of the humanitarian exception, of the state's discretionary powers. This easy transformation between the two regimes is not accidental, as our earlier discussion of Arendt's criticism of the universal declaration of human rights reveals. Arendt invokes the refugees, persons whose most basic rights are denied in their own countries by their own states, to demonstrate the fragility of the ideal of 'human rights' and of citizenship. The 'humanitarian exception' as reformulated by the Israeli legislator amounts to an explicit removal of the mask and exposure of the human as human. I would like to end my essay with Arendt's observations at the end of the chapter on the perplexities of the rights of man, as a reminder of what we lose when we allow this transformation to take place:

The Paradox involved in the loss of human rights is that such loss coincides with the instant when a person becomes a human being in general – without a profession, without a citizenship, without an opinion, without a deed by which to identify and specify himself – *and* different in general, representing nothing but his own absolutely unique individuality which, deprived of expression within and action upon a common world, loses all significance.<sup>78</sup>

## NOTES

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1. Hannah Arendt, "We Refugees," in Arendt, *The Jew as Pariah: Jewish Identity and Politics in the Modern Age*, ed. Ronald H. Feldman (New York: Grove Press, 1978), 55–66, esp. 63–64.

2. For an illuminating article discussing some ambiguities in Arendt's analysis of the nation-state, see Ronald Beiner, *Liberalism, Nationalism, Citizenship: Essays on the Problem of Political Community* (Vancouver: University of British Columbia Press, 2002), ch. 8.

3. Hannah Arendt, *The Jewish Writings*, eds. Jerome Kohn and Ron H. Feldman (New York: Schocken Books, 2007).

4. Consider, however, Richard Bernstein's suggestion to look at Arendt's personal experience as a stateless refugee, and at her reflections on this problem in the book *The Origins of Totalitarianism* as the basis for her political philosophy in *The Human Condition*. See Richard J. Bernstein, "Hannah Arendt on the Stateless," *parallax* 11, no. 1 (2005): 46–60. See also Benhabib who suggests that we can see Arendt's writing on Jewish issues as relevant to understanding her political philosophy. Benhabib, *The Rights of Others*, 61–65. See also Feldman's introduction to *The Jewish Writings*.

5. Bosniak identifies four distinct senses in which the concept of citizenship is employed in the current debate over post-national citizenship: Citizenship as 'legal status'; Citizenship as rights; Citizenship as political activity; and Citizenship as identity/solidarity. She attributes the third (civic republican conception of citizenship) to Arendt. See, Linda Bosniak, "Citizenship Denationalized," *Indiana Journal of Global Legal Studies* 7, no. 2 (2000): 447–509, especially 471. In my view Arendt's ideal of citizenship as mask involves all four senses of citizenship, and offers a coherent interpretation of the relations among the four dimensions of citizenship.

6. See also, George Kateb, *Hannah Arendt: Politics, Conscience, Evil* (Totowa: Rowman & Allanheld, 1983), 10. "Arendt presents the political actor as one who hides much in order to reveal more. He wears a mask. But the mask in the ancient theater hid the face yet allowed the actor's true voice to come through . . . To wear a mask is to sustain a persona, a role, a position, an identifiable character. It is not a distortion of Arendt's meaning to say that she believes that it is the highest responsibility of the citizen to protect his mask so that in the artificial composure of his appearance the truth of his words may sound."

7. This is different from modern writings on citizenship that focus on the equalizing effect of national closure. See for example Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992). For Arendt the ideal of political equality is accompanied by an ideal of plurality. It is for this reason that she is critical of assimilation as the cornerstone of national citizenship. For elaboration on the relation between equality and assimilation under the French idea of national citizenship see Brubaker. For further problematization of the ideal of assimilation as unequally burdening members of minority groups thus raising concerns under American antidiscrimination law see, Kenji Yoshino, *Covering: The Hidden Assault on Our Civil Right* (New York: Random House, 2006).

8. Two earlier attempts to elaborate Arendt's conception of citizenship discern different themes in Arendt's writings and draw their implications on contemporary debates on citizenship, community and nationalism. See, Margaret Canovan, "Politics as Culture: Hannah Arendt and the Public Realm" in Lewis P. Hinchman and Sandra K. Hinchman, eds., *Hannah Arendt: Critical Essays* (Albany: State University of New York Press, 1994), 179–210; Maurizio Passerin d'Entrèves, "Hannah Arendt and the Idea of Citizenship," in Chantal Mouffe, ed., *Dimensions of Radical Democracy: Pluralism, Citizenship, Community* (London: Verso, 1992), 145–168. By focusing here on the metaphor of the mask I would like to show how the various themes cohere.

9. Arendt, *The Origins of Totalitarianism*, (New York: Harcourt Brace Jovanovich, [1951] 1973) ch. 9.

10. Ibid., 291–292. Arendt traces the roots of the paradox to the faulty conception of the 'human' underlying the universal declaration of human rights. "From the beginning the paradox involved in the declaration of inalienable human rights was that it reckoned with an 'abstract' human being who seemed to exist nowhere, for even savages lived in some kind of social order." Benhabib explains that this paradox reflects the tension between the two poles of legitimacy for democratic

politics: respect for universalistic rights principles and collective self-determination, which values often push in opposite directions. Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004), ch. 1.

11. Giorgio Agamben, "We Refugees," *Symposium* 49, no. 2 (1995), 114–119, p. 116.

12. Arendt, *The Origins of Totalitarianism*, 297–298.

13. *Ibid.*, 301, (emphasis added).

14. But see how these 'excluded' attributes can be politicized in Arendt's discussion of the Jewish Pariah. And compare to her public correspondence with Scholem. Bonnie Honig, "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity," in Judith Butler and Joan W. Scott, eds., *Feminists Theorize the Political* (New York: Routledge, 1992), 215–235.

15. Kateb, *Hannah Arendt: Politics, Conscience, Evil*, 10.

16. With the ideal of the 'mask' offered in *On Revolution*, Arendt seems to converge two traditions of citizenship: Greek (republican) with Roman (legal rights) (in contrast to *The Human Condition* where she relies more exclusively on the Greek tradition). For elaboration and distinction of the two traditions see, J.G.A. Pocock, "The Ideal of Citizenship Since Classical Times," in Ronald S. Beiner, ed., *Theorizing Citizenship* (Albany: State University of New York Press, 1995), 29–52. By merging the two traditions (in borrowing juristic metaphors to explicate the civic republican ideal of citizenship) Arendt resists the exclusions presupposed by the Greek ideal of the citizen, while upholding its republican virtue.

17. In her essay "Public Rights and Private Interests" Arendt invokes the example of serving as a juror as an occasion in which a person is called upon to act as a citizen and uphold the 'public' interest of impartial justice, see Hannah Arendt, "Public Rights and Private Interests," in Michael Mooney and Florian Stuber, eds., *Small Comforts for Hard Times: Humanists on Public Policy* (New York: Columbia University Press, 1977). For discussion see Margaret Canovan, "Politics as Culture," 196–197.

18. Adriana Cavarero, *Relating Narratives: Storytelling and Selfhood*, trans. Paul A. Kottman (New York: Routledge, 2000).

19. For elaboration see, Norma Claire Moruzzi, *Speaking through the Mask: Hannah Arendt and the Politics of Social Identity* (Ithaca: Cornell University Press, 2000), ch. 6.

20. Arendt, *On Revolution* (London: Faber & Faber, 1963), 96.

21. *Ibid.*, 98.

22. *Ibid.* Arendt invokes the juridical metaphor to explain this duality: "Wherever he went and whatever he did, he had his audience, which, like any other audience, would automatically constitute itself into a *court of justice*, that is, into that tribunal which later ages have called conscience." (emphasis added).

23. This idea is further developed in her essay "Truth and Politics," in Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin Books, [1954] 1977), 227–264.

24. Arendt, *On Revolution*, 99, (emphasis added).

25. *Ibid.*, 103. "[T]he unmasking of the hypocrite would leave nothing behind the mask, because the hypocrite is the actor himself insofar as he wears no mask. He pretends to *be* the assumed role, and when he enters the game of society it is without any play-acting whatsoever."

26. *Ibid.*, (emphasis added).

27. *Ibid.*, 104. Here we encounter again the way in which Arendt blends the Aristotelian conception of *homo-politicus* with the Roman conception of *legalis homo*.

28. In discussing Jaspers' concept of 'citizen of the world' Arendt claims that citizenship is necessarily a national project: "A citizen is by definition a citizen among citizens of a country among countries. His rights and duties must be defined and limited, not only by those of his fellow citizens, but also by the boundaries of a territory." Arendt, "Karl Jaspers: Citizen of the World?," in Arendt, *Men in Dark Times*, 81–94, esp. 81.

29. See for example: T. Alexander Aleinikoff and Douglas Klusmeyer, eds., *From Migrants to Citizens: Membership in A Changing World* (Washington, D.C.: Carnegie Endowment for International Peace, 2000); Christian Joppke, *Immigration and the Nation-State: The United States, Germany*

and Great Britain (Oxford: Oxford University Press, 1999); David Cesarani and Mary Fulbrook, eds., *Citizenship, Nationality and Migration in Europe* (London and New York: Routledge, 1996); William Rogers Brubaker, ed., *Immigration and the Politics of Citizenship in Europe and North America* (Lanham: University Press of America, 1989); Yasemin Nuhoglu Soysal, *Limits of Citizenship: migrants and postnational membership in Europe* (Chicago, University of Chicago Press, 1994); Brubaker, *Citizenship and Nationhood in France and Germany*.

30. Soysal, *Limits of Citizenship*, 12.

31. *Ibid.*, 142.

32. For a similar criticism see Bosniak, "Citizenship Denationalized," 461, "[T]he fact that aliens enjoy these rights does not mean that their formal or nominal legal status vis-à-vis the political community in which they reside has changed. When citizenship is understood as formal legal membership in the polity, aliens remain outsiders to citizenship; they reside in the host country only at the country's discretion; there are often restrictions imposed on their travel; they are denied the right to participate politically at the national level; and they are often precluded from naturalization. Furthermore, they symbolically remain outsiders to membership in the polity."

33. For elaboration see, Benhabib, *The Rights of Others*, 49–69.

34. Arendt, *The Origins of Totalitarianism*, 296–297.

35. *Ibid.*, 296, (emphasis added).

36. Benhabib, *The Rights of Others*, 59. Canovan wonders whether distinct individuals can be united to form a 'people' or 'nation' while disallowing any natural affinities to determine this process. She argues this is exactly Arendt's point about the constitutive quality of politics. "All that is necessary is that they should have amongst them a common political world which they enter as citizens, and which they can hand on to their successors. It is the space between them that unites them, rather than some quality inside each of them." See Conovan, "Politics as Culture," 195.

37. HCJ 7052/03 *Adalah – the Legal Center for Arab Minority Rights in Israel v. the Minister of Interior* [Hebrew]. [Hereinafter: *Family Unification Case*].

38. Prior to the temporary law, marriage to an Israeli citizen was recognized by Israeli law as an 'entrance ticket' for the foreign spouse into the Israeli collective. Article 7 of the Citizenship Law, 5712–1952 states that "a husband and a wife that one of them is an Israeli citizen . . . the spouse can receive Israeli citizenship upon naturalization even if he or she were not in fulfillment of conditions in article 5(a)." See, HCJ 3648/97 *Stamka v. The Minister of Interior*, P.D 53(2), 728 [Hebrew].

39. The state claimed that twenty-six of the Palestinians who received status in Israel through family unification proceedings were involved in terrorist activity, either directly or by assisting the direct perpetrators, see *Family Unification Case*, paragraphs 3 and 12 of Chief Justice Barak's judgment.

40. For elaboration see Yaacov Ben Shemesh, "Immigration and the Demographic Consideration" (unpublished draft, on file with author).

41. Cheshin's view can be connected to what Seyla Benhabib has called the 'decline of citizenship' school, consisting of communitarians, civic republicans and liberal nationalists. These thinkers express concern about the devaluation of citizenship as institution and practice under conditions of globalization. These thinkers maintain that the right to the determination of the boundaries as well as the identity of the community are fundamental to democracy. Benhabib, *The Rights of Others*, 114–128, Benhabib who is sympathetic to the concerns of this school is nevertheless critical of their overemphasizing the degree of internal cohesion within the political community.

42. Ruth Gavison, "The Jews' Right to Statehood: A Defense," *Azure* 15 (2003), 70–108, esp. 94–95.

43. However, in Justice Barak's response to Justice Cheshin he tries to dissolve the either/or logic within Cheshin's judgment, explaining that to acknowledge the human rights of Arab citizens does not necessarily mean to 'privatize' immigration policy and to give up the right of collective self-determination. It only means that the court curtails the state's power by marking some drastic measures as un-constitutional.

44. However see Knop who claims that the problem is not in the impossibility of upholding the private/public distinction, but rather in not retaining a strong enough distinction against the

monopolizing attempt of the 'public' to take over the whole domain of the 'citizen'. Karen Knop, "Public/Private Citizenship" (unpublished manuscript, on file with author).

45. For discussion of citizenship as closure see Brubaker, *Citizenship and Nationhood in France and Germany*, 21–34.

46. Only Justice Procaccia and Justice Joubran are willing to discuss this issue. The other Justices either deny that this case is about demography or just think it is irrelevant since the State's formal arguments were about national security. See *Family Unification Case*, the first paragraph of Chief Justice Barak's opinion, and also paragraphs 79–81 of his opinion; paragraphs 19, 27, and 134–135 of Justice Cheshin's opinion; paragraphs 13–14 of Justice Procaccia's opinion; and paragraph 24 of Justice Joubran's opinion.

47. Since 1994 about 130,000 residents of the occupied territories have received status in Israel, see paragraph 13 of Justice Procaccia's opinion, citing from the Attorney General's report and protocols of Knesset discussions.

48. The security rationale also allows the court to frame the legal question in accordance with the liberal requirement of focusing on the 'actions' of individuals as a source of legal prohibitions. A direct discussion of the legitimacy of the 'demography' rationale for the basis of denial of citizenship rights would have meant to abandon this liberal discourse, viewing the very 'identity' of the Arab citizen as a 'threat' to the Jewish character of the state.

49. Knop, "Public/Private Citizenship" *supra*, suggests a similar move by focusing on the conception of citizenship that is reflected in private international law.

50. With the concept of 'voices' I mean to point to the complexity of the experience of citizenship of Arab Israelis who are offered 'liberal rights' but are excluded from the Republican core of Israeli citizenship (such as the duty of army service). For elaboration on the parallel concepts of citizenship (liberal and republican) in Israel in respect to Arabs and Jews see, Yoav Peled, "Strangers in Utopia" *Teoria u-Bikoret* 3 (1993), 21–35 [Hebrew].

51. In other words, their 'right to have rights' is not acknowledged directly. For discussion of several recent decisions of Justice Barak that create a possibility for recognizing such a 'right to have rights' by guaranteeing access to the court for Palestinians see Bilsky, "The Right to Have Rights – Comments on Benhabib" (unpublished manuscript, on file with author.) Discussing the cases of Civil Compensation for *Intifada* injuries, "Target Killing," and Family Unification.

52. See *Family Unification Case*, paragraph 7 of Chief Justice Barak's opinion.

53. Sayed Kashua, *Dancing Arabs*, tr. Miriam Shlesinger (New York: Grove Press, 2004), 147–148.

54. For elaboration on the category of the Abject see, Julia Kristeva, *Powers of Horror: An Essay on Abjection*, tr. Leon S. Roudiez (New York: Columbia University Press, 1982). Kristeva distinguishes Abject from Subject and Object. Moruzzi explains, "For Kristeva the abject is that which, although intimately a part of early experience, must be rejected so that the self can establish the borders of its unified subjectivity. This rejection (abjection) of certain aspects of physical immediacy is the act that establishes subjective identity, but this act also establishes that identity as a prohibition, and as lacking an earlier bodily continuity. The Subjective Self is haunted by the possible return of the abject that was part of the presubjective experience." Moruzzi, *Speaking through the Mask*, 21. This psychological description can explain in part the place of the Palestinian refugee in Israeli political discourse—the Palestinian refugee is excluded from rights of citizenship. But he is also the abject, whose exclusion allows for a distinct Israeli identity to emerge, while constantly fearing its (right of?) return.

55. Kashua, *Dancing Arabs*, 149.

56. Gavison, "The Jews' Right to Statehood."

57. Chaim Gans, *The Limits of Nationalism* (Cambridge: Cambridge University Press, 2003), 124–147.

58. Kashua, *Dancing Arabs*, 91.

59. *Ibid.*

60. Even Justice Barak's judgment that is structured on human rights stops short from acknowledging any human rights to refugees as such, and instead discusses the human rights of the Israeli (Arab) citizen.



61. Among the scholars participating in the debate some hold the 'uniqueness' thesis of the Israeli case, while others see it as comparable to other cases of ethnic nation-states. The debate in academia is about the democratic character of Israel (whether it should be classified as ethnic democracy, ethnocracy, or otherwise). Gavison argues that this debate (like the legal one) avoids the normative question and resorts instead to a theoretical/conceptual debate. See, Ruth Gavison, "Jewish and Democratic? A Rejoinder to the 'Ethnic Democracy' Debate" *Israel Studies* 4, no.1 (1999): 44–72, especially 46, for a critique of the framing of the debate by Smootha, Ghanem, Yiftachel and Rouhana. See also, Sammy Smootha, "Ethnic Democracy: Israel as an Archetype," *Israel Studies* 2, no. 2 (1997): 198–241; As'ad Ghanem, Nadim Rouhana, and Oren Yiftachel, "Questioning 'Ethnic Democracy': A Response to Sammy Smootha" *Israel Studies* 3, no. 2 (1998): 253–67.

62. Gavison recommends a "two states for two peoples" solution, that is, a Jewish state within the pre-1967 borders, and a Palestinian state beyond these borders, with certain reforms of the Jewish state policies, see Gavison, "Jewish and Democratic?," 55–58. Nadim Rouhana and As'ad Ghanem support the model of a bi-national state, either within the pre-1967 borders, alongside a Palestinian state beyond them, or in the entire area of Mandatory Palestine, see Nadim N. Rouhana, *Palestinian Citizens in an Ethnic Jewish State: Identities in Conflict* (New Haven: Yale University Press, 1997); As'ad Ghanem, *The Palestinian-Arab Minority in Israel 1948–2000: A Political Study* (Albany: State University of New York Press, 2001). In the political sphere, most Arab parties elected to the Israeli parliament since the 1990's have called for the change of Israel's Jewish character, and its transformation into "a state of all its citizens." This solution hasn't gained a serious academic discussion, see Elie Rekhess, "The Arabs of Israel After Oslo: Localization of the National Struggle," *Israel Studies* 7, no. 3 (2002), 1–44, especially 11–12.

63. Dowty concludes his evaluation of the debate writing that guaranteeing a stronger measure of equal citizenship in Israel might require the "development of an overarching identity, a common framework that transcends the division into Jew and Arab, to counter the feeling of Israeli Arabs that they do not belong." Alan Dowty, "Is Israel Democratic? Substance and Semantics in the 'Ethnic Democracy' Debate," *Israel Studies* 4, no. 2 (1999): 1–15, esp. 11.

64. CC 4054/05 (Nazeret) *The State of Israel v. Walid Said*. (Judge, Carmela Rotfeld-Haft) [Hebrew] [Hereinafter: *Walid Said Case*].

65. Jean Amery, "How Much Home Does a Person Need?," in Amery, ed., *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities*, trans. Sidney Rosenfeld and Stella P. Rosenfeld (Bloomington: Indiana University Press, 1980), 41–61.

66. *Walid Said Case*, paragraph 6.

67. What enables the judge to take a courageous act of recognition and empathy towards the Palestinian refugee might be the fact that Said's plight was due to unique family circumstances, unlike the collective experience of Palestinian refugees of the 1948 war.

68. The exchange between Shammas and Yehoshua is in David Grosman *Sleeping on a Wire: Conversations with Palestinians in Israel*, trans. Haim Watzman (New York: Farrar, Straus and Gioux, 1993), 250–277, esp. 258, (emphasis added).

69. Judith Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993), 121–140.

70. Kashua, *Dancing Arabs*, 226.

71. *Ibid.*, 117.

72. *Ibid.*, 194.

73. Laila Lalami, "Native Speaker," *Boston Review* September/October 2006.

74. In the case of Walid Said it seems that impersonation was almost the only way for survival.

75. For a critical discussion of the trial of Chen Alkobi see, Aeyal Gross, "Impersonation as Another Person: Imitation and Gender Insubordination in the Trial of Hen Alkobi," in Orna Ben Naftali and Hannah Naveh, eds., *Trials of Love* (Tel-Aviv: Ramot, 2005), 365–412 [Hebrew]. For a further elaboration of the concept of 'political trials' as junctions of identity formation (and reformation) see, Bilsky, *Transformative Justice: Israeli Identity on Trial* (Ann Arbor: University of Michigan Press, 2004).

76. Indeed, we see the perversions of this situation in the simultaneous development of two opposite tendencies among Arab citizens of Israel, of "Israelization" (covering) and "Palestinization" (taking off the civic mask). Some writers believe that at present the Israelization tendency has the upper hand, see Uri Avnery, "Israelization and Palestinization," *Jerusalem Post*, May 23, 2003; Sammy Smooha, "Are the Palestinian Arabs in Israel Radicalizing?," *Middle East Window*, April 24, 2004. Others think that the Arab citizens of Israel has given up both tendencies in the last few years, and are therefore standing at a serious crisis point, see Nadim Rouhana, "Outsiders' identity: Are the Realities of the 'Inside Palestinians' reconcilable?" *Palestine-Israel Journal* 9 (2002): 61- 70, esp. 70; or developing a new pattern of internal national struggle, see Elie Rekhess, "The Arabs of Israel After Oslo."

77. For a discussion of such models of citizenship in relation to guest-workers in Europe in the postnational era see, Soysal, *Limits of Citizenship*.

78. Arendt, *The Origins of Totalitarianism*, 302.

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