**Hierarchical Inclusion: the Untold History of Israel’s Affirmative Action for Palestinian Citizens (1948-1968)**

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Abstract:

*Affirmative action is traditionally understood to be rooted in and motivated by a commitment to equal citizenship. Yet, drawing on novel archival research, this article shows that a host of practices structured much like modern affirmative action were employed in Israel during its founding decades, alongside the oppressive military rule on the Palestinian-Arab citizens of Israel (1948-1966).* *The Article uncovers that these measures were motivated both by egalitarian ideals and instrumental concerns about social order, and the security of the young Jewish state, as well as its economic wellbeing. It shows how these affirmative action practices were structured in alignment with the interests of the Jewish majority, and functioned to promote isolated economic integration of the Palestinian population, and were designed to ameliorate but not to equalize. Therefore, affirmative action measures for Palestinian citizens partly disrupted the hierarchical status quo, but did not threaten it and even sustained it by appeasing the Arab population with better education, training, and jobs.*

*By historicizing the use of affirmative action tools to a time of overt control over a subjected population, this article uncovers the indeterminacy of affirmative action mechanisms: they can work both to disrupt inequality and to sustain it. Once we recognize this dynamic, history suggests that we should try to evaluate specific affirmative action interventions within their social context and with attention to structural design, domain of action and underlying motivations. History points to two, more specific, possible pitfalls of affirmative action, which did not receive enough scholarly attention. First, it suggests that without promoting educational integration, isolated employment affirmative action is mostly limited to promoting hierarchical inclusion: massive at the bottom of the socioeconomic ladder and tokenism at the top. Second, that measures for improving—making things better than before or sufficiently good, are distinct from measures for equalizing in relation to the majority group, and that they can work to make incremental change overtime, but also serve to appease and legitimate the status quo. Finally, I suggest that economic and legitimizing instrumental benefits that made this type of measures attractive in the past, are likely to constrain the ways in which such measures are structured today in similar ways.*

Table of Contents

[Introduction 2](#_Toc523847970)

[I. Background and the Internal Historiographical Debate(S) 5](#_Toc523847971)

[II. The Untold History of Affirmative Action for Palestinians Citizens of Israel (1948-1968) 8](#_Toc523847972)

[A. Mechanisms 8](#_Toc523847973)

[i. The First Decade (1948-1957): Economic Affirmative Action Measures 9](#_Toc523847974)

[ii. The Second Decade (1958-1968): Employment Integration and other Enhancement Programs 15](#_Toc523847975)

[B. On Justifications and Motivations: Security, Economy, International Legitimacy and Egalitarian Ideologies 23](#_Toc523847976)

[C. Structure and Function 29](#_Toc523847977)

[III. Indeterminacy and New Directions for Evaluating Affirmative Action 34](#_Toc523847978)

[A. Indeterminacy: Equal Citizenship, Crisis Management and Subordination 34](#_Toc523847979)

[B. Potential Pitfalls 37](#_Toc523847980)

[C. c. Israel, 2018—Employing Lesson from History 40](#_Toc523847981)

[IV. Preliminary Thoughts for Future Directions and Concluding Remarks 44](#_Toc523847982)

# Introduction

Affirmative action is traditionally understood to be rooted in and motivated by a commitment to equal citizenship.[[2]](#footnote-3) Yet, drawing on novel archival research, this Article finds that practices, structured very much alike those we recognized today as affirmative action, were adopted by Israeli officials during Israel’s founding decades of state-sanction oppression and military rule on Palestinian-Arabs Citizens of Israel (1948-1966). These initiatives included different measures for promoting employment inclusion such as minimum quotas to employ both unskilled Arab laborers in manual jobs as well as educated Arabs in governmental clerical positions, stipends for Arab students, and vocational training courses for the Arab population; as well as other non-integrative measures aimed at improving living conditions and the quality of education, such as multi-year policy plans of budgetary allocations. Why were these measures adopted? What were they structured to achieve? And most importantly, in what ways did they promote equality and in what ways did they inhibit it?

In order to start answering these questions, this article, adopts a functionalist rather than nominal working-definition for what I term here *affirmative action practices*: measures that directly consider group membership to facilitate inclusion or benefit the disadvantaged.[[3]](#footnote-4) Detached from any egalitarian animating principle, this broad definition allows me to identify this set of different practices which are structured like familiar modern mechanisms for benefiting disadvantaged groups,[[4]](#footnote-5) outside the familiar historical context of equal citizenship, and to ask questions about the way these mechanisms operate today. Providing a detailed account of these affirmative action practices thus not only supplements the historical knowledge on this period, but as importantly it allows for a better understanding of affirmative action and the contradictory ways it can work for and against the status quo. By tracing back these practices to a time of state sanctioned oppression, this article asserts that affirmative action mechanisms are not necessarily progressive. Instead, I suggest that they are a rather contingent product of time and circumstances, and thus should be evaluated more carefully.

More concretely, I analyze archival governmental materials, many of which are presented here for the first time—such as protocols of cabinet meetings and committee discussions, letters, reports, policy memoranda and speeches of state officials, as well as legislative discussions and journalistic reports[[5]](#footnote-6)—showing that Israeli policy-makers engaged in practices of affirmative action to integrate Arabs into the state’s workforce, to enhance living standards and quality of education, as early as 1948. Legal scholars date the beginning of Israel’s affirmative action to the 1990s,[[6]](#footnote-7) when appropriate representation requirements were adopted by the legislature and later affirmed and broadened by the Supreme Court,[[7]](#footnote-8) and neglect this important piece of history. Historians did study the state’s approach towards the Arab minority in the early decades, but mostly overlooked these measures and failed to see how even though they were not designed as one coherent line of policy, the various affirmative action measures adopted during this period amount to a significant element of the state’s approach towards the Arab population.[[8]](#footnote-9) Thus, the article’s first contribution is to intervene at the intersection of these two scholarly fields by providing a rich factual and legal description of the affirmative action practices employed during the first decades of Israel’s statehood, the motivations for adopting them and their function.

The article *first* describes the different mechanism to include or benefit the Arab population discussed and adopted by Israeli officials during the first two decades of Israel’s statehood. It uncovers the different measures employed during the first decade to fight unemployment at the Arab sector by designating unskilled jobs in state work projects or in Jewish-owned business, as well as to integrate educated Arabs to the civil service. At the second decade, I show, measures to “integrate [*LeShalev*] Arab workers into the national economy,”[[9]](#footnote-10) were more systematic and included quotas, preferential treatment, designated jobs, tenders, and stipends, as well as non-integrative multi-year plans to improve the standards of living and level of education of the Arab sector.

*Second*, this article uncovers the varied justifications provided by different historical actors for adopting affirmative action measures. Delving deeper into the discourse surrounding affirmative action measures, I show that multiple actors situated in different positions had different, sometime paradoxical motivations for adopting affirmative action measures during this period. The two most dominant motivations were instrumental concerns to the (1) security and social order of the young Jewish state and its (2) economic wellbeing. Followed by less central instrumental concerns about (3) international legitimacy and (4) partisan competition over the “Arab vote.” And, finally officials were also motivated to employ affirmative action measures by turning to different (5) egalitarian ideologies and moral commitments. It shows that a multitude of interests, commitments and approaches co-existed, and while the military regime and land expropriation policies were enacted to establish Jewish dominancy and control, affirmative action practices were also employed, sometimes to further those very same goals. Affirmative action measures were thus a complex set of instruments aimed at promoting different social goals, some of which were aligned with equality and some opposed it.

In this *third* section, I return to the question I opened with and explore in what ways did these measures work to sustain the hierarchic regime and in what ways opposed it? In order to answer this question, the article analyzes the function of these measures adopted during the first two decades of Israel’s statehood according to two structural features I identify. It shows how these affirmative action practices were structured—in alignment with the interests of the Jewish majority to establish its domination—to promote isolated economic integration of the Palestinian population, and were designed to ameliorate their materiel conditions and social status but not to equalize it. Analyzing the employment trends of the Arab population at the time, I suggest that these structural features took part in creating what I term *hierarchical inclusion*: massive inclusion of Arab workers to the bottom of socio-economic ladder of the national economy, and scares at the top. Therefore, I argue that affirmative action measures for Palestinian citizens partly disrupted the hierarchical status quo, but did not threaten it and even sustained the hierarchy in the economic subordination, as well as stabilized the regime by appeasing the Arab population with better education, training, and jobs.

By historicizing the use of affirmative action tools to a time of overt control over a subjected population, this article uncovers that affirmative action mechanisms are indeterminate: they can work both to disrupt inequality and to sustain it. Drawing on history, I suggest adopting a more carful approach for the study of affirmative action, which requires to evaluate the different strategies and the way they operate, within a specific context and with attention to structural design, domain of action and underlying motivations. This article points to two, more specific, possible pitfalls of affirmative action that did not receive enough scholarly attention.[[10]](#footnote-11) First, it suggests that without promoting school integration, isolated employment affirmative action is mostly limited to promoting hierarchical inclusion. Second, that measures for improving but not equalizing—making things better than before or sufficiently good but not equal to the majority group—can work to make incremental change overtime, but also serve to stabilize the unequal social order. Finally, I suggest that economic and other instrumental benefits that made this type of heretical inclusion measures attractive for an oppressive regime, are likely to constrain the ways in which affirmative action measures are structured today in similar ways.

Before concluding, this article employs this dynamic paradigm to review the recent developments in affirmative action law and policy in Israel today. In recent years, scholars argue, a new bipolar era has begun in Israel’s approach to the Arab minority. On the one hand growing efforts and immense investments to promote economic development and workforce integration. And at the same time, new nationalist laws are enacted, and discrimination is becoming, once again, overt and institutionalized. Looking at this history, I suggests that much of this dynamic is familiar, and ask whether more recent higher education affirmative action initiatives can work to mitigate the inequality produced and reproduced by the segregated school system.

The article proceeds as follows: *Part I* provides a brief background and surveys the internal historiographical debate on Israel’s relation to the Arab minority in its first two decades of statehood, and locates this Article’s contribution in relation to it. *Part II* excavates the untold history of affirmative action mechanisms towards the Arab minority adopted by Israeli officials during the first two decades of Israel’s statehood. It is divided to three sections. The first describes the practices themselves. The second section reveals the justifications for adopting these measures in the first two decades. In the third section, I uncover the function these mechanisms played at those two decades of state sanctioned oppression*. Part III* asks what can we learn from this history on affirmative action. It draws on this historical account to show the indeterminacy of affirmative action. It then points to two possible structural pitfalls of affirmative action measures and suggests new directions for evaluating such interventions. It then employs these lessons to review the more recent affirmative action policies for the Arab minority employed by Israeli officials. I then offer some concluding remarks.

# Background and the Internal Historiographical Debate(S)

The first two decades of Israel’s statehood were years of state sanctioned oppression of the Arab minority. Following the 1948 war and the establishment of the state of Israel, there were approximately 160,000 Palestinian Arabs in Israel, comprising approximately fifteen percent of the population. They were defeated and without national leadership. Some of them were uprooted from their home villages and became “internal refugees”.[[11]](#footnote-12) The population was mainly rural and farming, and internally divided into three communities: Muslim and the two other, smaller, communities—Christian-Arabs and Druze.[[12]](#footnote-13) They were granted suffrage rights and gradually also formal citizenship, and became known as Israeli Arabs. But, at the very same time, the majority of Arab villages, towns and cities were placed under a military regime that was abolished only in 1967.[[13]](#footnote-14) The military regime restricted the movement of the Arab population and confined them to their segregated areas of domicile.[[14]](#footnote-15) It was overtly put in place not only to defend,[[15]](#footnote-16) but to “control over the Arab population and its movements in order to prevent organization…”[[16]](#footnote-17) Those decades were also the period of massive land expropriation from the Arab population.[[17]](#footnote-18) Arab refugees were prevented from returning to the homes they left or were forced to leave in 1948.[[18]](#footnote-19) Also during this period the Arab minority was discriminated against in the allocation of funds, especially so during the first decade, when the discrimination was overt and immense.[[19]](#footnote-20)

The literature on the state’s approach to the Arab population during the founding decades focused on two main sets of questions. The first category is a local one and it often portrays the state’s approach towards the Arab minority as a duality between liberal and democratic commitments on the one hand, and of Jewish nationalist or colonialist nature and its security concerns on the other.[[20]](#footnote-21) And the controversy revolves around the balance between these two opposing poles.[[21]](#footnote-22) Much of this literature is dedicated to critical uncovering of the wrongs of the past,[[22]](#footnote-23) and it often portrays a story of formal citizenship and voting rights that actually concealed a kind of colonial regime of Jewish domination and control:[[23]](#footnote-24) limitations of movement, employment and civil rights imposed by the military regime,[[24]](#footnote-25) expropriation of lands,[[25]](#footnote-26) exclusion,[[26]](#footnote-27) and large-scale budgetary discriminations.[[27]](#footnote-28)

The organizing framework for the second set of questions is one of population management in deeply divided societies.[[28]](#footnote-29) Under this framework, Israel is both a case study and the subject of interest, and the main question is how different social, political and legal mechanisms were used to sustain domination and control.[[29]](#footnote-30) “How to bind indigenous Arab voters to the state while denying them access to its resources,” asked Shira Robinson,[[30]](#footnote-31) and described the different mechanisms meant to keep the Arab population loyal to the state, but not too loyal—"as citizens of a formally liberal state and subjects of a colonial regime.”[[31]](#footnote-32) Trying to answer the same question, Hillel Cohen revealed the system of collaborators established by Israel in every Arab community after 1948, which was crucial to dissolving any form of resistance and for maintaining the social order.[[32]](#footnote-33) Yair Baumel, who wrote extensively on the establishment’s approach towards the Arab minority in the first decades, came to the conclusion that the state’s policies were meant to “knowingly and deliberately, serve the subordination of the Arab economy to the Jewish one and minimize its political and social independence.”[[33]](#footnote-34) More directly, Ian Lustick asked what can explain the stability of the control framework in deeply divided societies, and suggested that in the Israeli case three socio-political mechanisms took part in keeping the Arab minority docile: segmentation of the Arab population and its separation from the Jewish one; cultivation of dependency; and cooptation of the elite.[[34]](#footnote-35) Ilan Saban drew on Lustick’s control framework and described the different legal mechanisms that participated in sustaining it.[[35]](#footnote-36)

By making a methodological shift and turning the spotlight to mechanisms and justifications, rather than focusing primarily on their outcomes, this article reveals the existence of affirmative action measures in the first two decades and their animating principles, which were taken against the backdrop of state sanctioned oppression. Fixated on the persistency of control framework over the Arab minority, the scars attention a few of the policies I term here affirmative action measures did receive, was dismissed as being “too little too late” or preserved, in retrospect, as part of an overall plan of economic subordination.[[36]](#footnote-37) Yet, this article shows that while they were not adopted as one coherent plan, the many measures meant to benefit or include the Arab minority, are a mass and should be understood together as a significant element of the state’s approach towards the Arab minority, even though they did not have transformative outcomes. This historical discovery intervenes in the first debated by complicating the dual paradigm often used to describe the state’s approach towards the Arabs, by showing that multiple interests were at play and that they lead, sometime paradoxically, to adopting contradictory measures of both inclusion and exclusion. Situating my intervention with respect to the second debate, opens up questions about the interaction between affirmative action and population management, and suggests that measures to benefit and include can also be used to sustain control and regain stability. This interaction adds to the scholarly knowledge about the control framework in Israel, as well as to the a-local literature on population management, and as will be discussed in section \_\_ it serves as an avenue for thinking about affirmative action and the contradictory ways it works.

# The Untold History of Affirmative Action for Palestinians Citizens of Israel (1948-1968)

## Mechanisms

This section tells in detail how during the first two decades of Israel’s statehood, practices which were structured exactly like or similarly to policies termed today affirmative action were employed. Together I call these measures: affirmative action measures or practices, what allows me to identify the different ways in which the Israeli government in those years worked not only through violent and oppressive mechanisms, but also through practices of inclusion and uplifting. Despite the use of a unifying category, a couple of distinctions are due. First, this article distinguishes between integrative and non-integrative measures. As I explain in more detail in *section II.C*, during the British Mandate on Palestine there was limited economic corporation between Jews and Arabs, however, following the 1948 war, not only the education and residential domains were segregated but also the economic one.[[37]](#footnote-38) This section shows, however, that while state actions in the education and residential spheres were not-integrative, efforts to integrate the Arab population in the state’s economy (which was Jewish at that time) were adopted at the time. The Hebrew word used in the sources to describe integrative efforts was Shiluv, which means integration, but in practice meant two distinct types of economic interventions: the first type were efforts to integrate the Arab population, mostly educated Arabs, into the public sector and other predominantly Jewish institutions and businesses in different occupations and trainings. The second intervention is more illusive as it aimed to integrate the Arab sector into the State economy, which was completely Jewish at the time, as opposed to working in what was then an independent Arab economy—mostly in agriculture. In practice this mostly meant the incorporation of Arab laborers in the national workforce to blue-color jobs, decrease unemployment at the Arab sector and its economic separation.

### The First Decade (1948-1957): Economic Affirmative Action Measures

David Ben Gurion, Israel’s first prime-minister (1948-53; 1955-63), established the principle of *Mamlakhtiyut*, a term that covered, among other things, a form of civic affinity, and an obligation to equality before the law for all citizens.[[38]](#footnote-39) However, at the same time, Ben Gurion was known for his security-oriented approach toward the Arab minority. He thought of the Arabs who remained in Israel after the 1948 war mainly as a security threat, to be dealt with “not according to the destruction that they did not cause [in 1948], but according to what they might have done if given the chance.”[[39]](#footnote-40) At the early days of the state Ben Gurion expressed the ‘need’ to promote a voluntary relocation of the Arab minority from Israel.[[40]](#footnote-41) It was Ben Gurion who led the establishment of the military regime and opposed its abolition during the years of his administration. He was also the architect of the land expropriation policies. Considering this strong security orientation Ben Gurion led in those years, it is surprising to learn that state officials and Ben Gurion himself, as well as his government, adopted affirmative action measures. During the first decade, as the options of voluntary or forced transfer of the Arab population were still discussed,[[41]](#footnote-42) the state’s approach towards the Arab minority was still in formative state and inconsistent. However, sporadic affirmative action measures were employed, and they were the origins for the more steady and significant programs adopted during the second decade.

The devastating implications of the 1948 war on the Arab population were mostly repressed and ignored by the Israeli establishment,[[42]](#footnote-43) yet an official governmental report from 1952 acknowledged that “[t]he Arabs who remained in the country had suffered a profound psychological upheaval as well as a fundamental dislocation of their social and economic life.“[[43]](#footnote-44) It was under such conditions, it declared, that “the State of Israel had to find ways and means of integrating the Arab population.”[[44]](#footnote-45) The report explained that “[f]rom the very beginning, the Government made special efforts to promote Arab farming and reconstruct the economy of the fellahin [Arab farmers], who had suffered acutely from the ravages of war.”[[45]](#footnote-46) It was also noted that “[s]pecial efforts have been made to encourage the formation of cooperative associations. . .” and that “[t]he Jewish Federation of Labor has spent considerable sums on fostering the growth of an Arab cooperative movement . . .“[[46]](#footnote-47) The report also mentioned that “[e]very effort was made by the Israeli authorities in order to find employment for former government clerks, and that teachers and religious officials, were mostly reinstated.”[[47]](#footnote-48) This report seems to reflect a kind of remedial logic for the efforts to reconstruct the economy of the Arab sector and integrate the Arab population into the Israeli workforce.

The report discussed in the previous paragraph was written in English, probably as part of an outward looking propaganda of the state, and thus, it seems safe to assume, overstated the efforts the government took to alleviate inequality and integrate the Arab population. In contrast, the rest of this article discusses mostly internal reports and materials such as protocols of committee discussions and policy proposals.[[48]](#footnote-49) It shows how while affirmative action mechanisms during the first decade do not reflect a coherent line of policy, measures to promote the inclusion of Israeli Arabs to the Israeli workforce, as well as sporadic efforts to elevate their conditions of living, were taken. The earliest efforts identified were by the Ministry of Minority Affairs, which was established with the formation of the Provisional Government on May 14, 1948. Bechor-Shalom Sheetrit, who was born in Israel to a Moroccan Jewish family and thus spoke Arabic, was appointed as the first and only Minister of Minority Affairs. Shitrit conceived of his ministry role as “protecting the rights” of Israel’s non-Jewish population and bring the Jewish population to adopt a "fair and equal" approach towards that Arab population.[[49]](#footnote-50) He stated that the primary goals of the office are to “promise the Arabs who live among us equal rights, allow them a dignified existence and promote their cultural and economic rehabilitation.”[[50]](#footnote-51) The Ministry was charged with the authority to “investigate the social and economic problems” of the Arab population and to “initiate structural actions in these areas.”[[51]](#footnote-52)The Ministry operated for only 14 months before it was dissolved. Yet, during that short period it promoted policies to improve the wellbeing of the Arab minority and integrate it into the emerging national workforce.[[52]](#footnote-53)

The main efforts of the ministry were directed at the *economic* rehabilitation of the Arab sector and the reconstruction of governmental services that would allow the Arab population to regain a “normal life” in the aftermath of the 1948 war.[[53]](#footnote-54) The ministry acted to secure loans for Arab farmers, sent agriculture instructors to Arab villages for training purposes,[[54]](#footnote-55) and worked to integrate Arab workers “into the productive work cycle.”[[55]](#footnote-56) In its short life, the ministry attempted to “employ minorities in agriculture and other manual labor, and to provide social and medical services at the majority of Arab villages.”[[56]](#footnote-57) In cooperation with other government offices, the ministry made efforts to fight unemployment in the Arab sector—for instance, by establishing voluntary “work-camps”, where Arabs worked and sometime lived, as well as employment centers in Arab villages to direct Arab job-seekers to available jobs, mostly in the agricultural sector.[[57]](#footnote-58) News reports from that time described the efforts of the Ministry to integrate Arabs into the productive work cycle, especially through employment in public works, as successful.[[58]](#footnote-59) At another instance, the Ministry became involved in efforts to solstice the Minister of Interior to increase the number of Arab representative in Haifa’s (a large mixed city) municipality from two to four.[[59]](#footnote-60)

In June 1949, the Ministry of Minority Affairs was dissolved,[[60]](#footnote-61) and an Advisor for Arab Affairs to the Prime-Minister (hereinafter: the Advisor) was appointed to coordinate the work of various bodies involved with the Arab minority in each office.[[61]](#footnote-62) Ben Gurion provided the official reason for closing the ministry: “[t]he Ministry of Minority Affairs is to be cancelled because there is no need for it. The Arabs will not be a minority; rather they will be citizens.”[[62]](#footnote-63) Scholars argue that the dissolution of the office was a testimony to the prevalence of the security approach to the Arab minority over Israel’s liberal commitments.[[63]](#footnote-64) However, in what follows, I show that nothing was resolved or decided in 1949. Instead, a multitude of interests, commitments and approaches co-existed, and while the military regime and land expropriation policies were enacted to promote some goals, affirmative action measures were also employed, sometimes to further those very same goals.

During the first decades limitations on the movement of the Arabs were enforced by the military regime and thus, however sporadic measures to battle unemployment of the Arab population, as well as for integrating educated Arabs were already employed during the first decade. In the second decade Arab workers were more massively integrated into the national workforce.

#### Fighting Unemployment

After the 1948 war and as a result of massive land expropriation, many Arabs who used to work their crops were unable to do so, and many were left unemployed.[[64]](#footnote-65) Unemployment, as an influx of Jewish immigrants from Europe and Africa rushed into the young state, was a national problem.[[65]](#footnote-66) The economic paradigm that dominated in Israel in the first decade, Arie Krampf explains, is one of “rapid economic development,” and “full employment.”[[66]](#footnote-67) In those years, the Israeli government was highly active with economic policy initiatives to decrease unemployment.[[67]](#footnote-68) Such measures included efforts to organize employment by opening local employment centers for assigning jobs. At the same time, the government also established a workfare-like system that initiated public work projects, of mostly manual and unskilled jobs, such as construction and agriculture. Public-work jobs were meant to battle unemployment by providing very minimal earnings and conditions of living for the workers. The state mostly employed in such project Jewish newcomers from the Middle East and North Africa (Mizrahim), but also the Arab population.[[68]](#footnote-69) Some of these measures and others, the next paragraph shows, directly targeted the Arab population.

In 1949, the Minister of Labor concluded that because unemployment in the Arab sector in Nazareth is much worse than in the Jewish sector, “an active and vigorous intervention is required in order to assure a minimal equalization of the level of employment.” He added that “given the promise of equal citizenship – the state must intervene to repair this distortion.”[[69]](#footnote-70) In order to “fight unemployment at the Arab sector and promote a fair division of labor,”[[70]](#footnote-71) in Nazareth and elsewhere, government officials employed different measures. The minister of Labor and other officials designated public-work projects for the Arab population and decided on minimum allowances of Arab workers to be employed in different projects and minimum work-days they are entitled to.[[71]](#footnote-72) These mostly were low-paying and low-status partial jobs that meant to provide only very minimal earnings.[[72]](#footnote-73) In a Knesset discussion from 1951 the Minster of Labor responded to claims about unequal distribution of employment, and argued that “unemployment at the Arab sector is lower than in the Jewish one,” because the state “provided the Arabs thousands of work-days” in different public-work projects.[[73]](#footnote-74)

A 1951 governmental report by the Ministry of Labor, concluded the different efforts it made for the Arab minority. “the office’s policy was based on eradicating unemployment, promoting fair share of the labor and setting appropriate pay for the Arab worker.”[[74]](#footnote-75) The efforts included the " insert Arabs to governmental jobs… allocation of special budgets to create jobs, and designating special jobs, such as olive picking and other agricultural jobs to the Arab sector, as well as promoting their integration to governmental positions in forestry, trains and transportation.” The ministry also “ordered some Jewish municipalities to designate budgets to employ Arab workers,” and provided more governmental funds for this purpose.[[75]](#footnote-76) It was also reported that unemployment among Arabs who were working as clerks during the British mandate in the city of Nazareth was eradicated, as about 100 former Arab clerks are employed in different governmental offices in the city.[[76]](#footnote-77) Another initiative was establishing professional trainings—both for the reinstatement of former clerks, and vocational jobs for Arab women in textile.[[77]](#footnote-78) Other measures included soliciting different authorities to employ Arab workers.[[78]](#footnote-79) The report concluded that the Arab working sector was revolutionized and that huge achievements were made in eradicating unemployment at the Arab sector, especially given the thousands of Jewish new-commers looking for jobs.[[79]](#footnote-80)

#### Integrating Educated Arabs into the Public Sector

A second type of efforts were the government’s efforts to integrate educated Arabs (mostly high-school graduates), often referred to as “the Arab intelligentsia” into the workforce and to increase their representation in governmental positions and the public sector.[[80]](#footnote-81) In a survey conducted in 1957 by the Civil Service Commission, “on non-Jewish employees in the civil service,” it was noted that while non-Jews account for 10.7% of the population, they hold only 3.5% of civil service positions, which were mostly low-level positions.However, they also reported that “special efforts” were made by the different offices to appoint more Arabs to such positions. [[81]](#footnote-82) These were reported to include hiring underqualified Arab workers and providing them on-the-job training; opening vocational training courses designated to educated Arabs; and attempts at recruiting Arab workers to apply to certain jobs.[[82]](#footnote-83)

Other times public officials committed to promote or demand the employment of Arabs in different offices. For example, the Advisor for Arab Affairs promised to promote the integration of Arab students in governmental offices.[[83]](#footnote-84) In another instance, the President of Israel, Yitzhak Ben-Zvi explained that the government must prevent the discrimination of the Arabs in civil service appointments. He explained that while “we are not always at fault discriminations because they [the Arabs] are unable to provide appropriate for accountable jobs,” we must teach them Hebrew and train them for economic organization and cooperation, so there will be no more discrimination.[[84]](#footnote-85) Ben-Zvi’s, who advocated for economic, as well as moral, spiritual and cultural integration of the Arab minority, understood that vocational and other kind of training for the Arab population would allow inclusion.

These initiatives were supplemented with efforts to increase the attainment of Arabs in professional higher education and different training opportunities to accurate professions. These measures were sporadic and included, efforts made by The Ministry of Health to reach a “significant percentages” of Arab women among nursing school students as well as recruiting efforts of Arab women.[[85]](#footnote-86) The Ministry of Education established trainings for Arabs to become teachers, and distributed stipends to Arab students.[[86]](#footnote-87) Each year, several stipends designated for Arab students were distributed by the government, the universities and different public and private funds.[[87]](#footnote-88) At least in one instance the government provided funds to employ Arab students in the university.[[88]](#footnote-89)

In contrary to the initiatives adopted for promoting workforce integration, the sources did not indicate that affirmative action plans were employed in the fields of education, welfare or infrastructure. To the contrary, historians report that these were years of immense budgetary discrimination. Yair Baumel explains, that with the establishment of the state, the conditions of Arab sector were worse-off than of the Jewish sector in almost every aspect of life. These gaps deepened with the discrimination of the Arab minority by the Jewish establishment in the first decade.[[89]](#footnote-90) However, at least in three instances it was reported that Arabs were “positively discriminated” [*Aflaia Letova*] by the government. A report from 1953 describing the government’s policy toward the Arabs in the first five years of statehood, stated that in some fields in which the Arabs are not operating like the Jews, “the government is acting in ways which in nature and form are positively discriminating the Arab residents. (education, health, taxes).”[[90]](#footnote-91) The report does not directly explain what exactly this positive discrimination was. However, later in the report it was explained that the Arab population systematically underpaid their taxes and that Arab local authorities did not participate in education funding as they are required by law,[[91]](#footnote-92) and that the government provided them with welfare services and education nonetheless.[[92]](#footnote-93) In a government meeting the same year, the term positive discrimination was used again in a similar context, suggesting that the fact that the Arabs did not pay taxes but enjoyed benefits such as education and health, meant that “they enjoyed positive discrimination”. [[93]](#footnote-94)In another report, this logic was explained in greater detail:

...the local authorities are required to bear a certain part of the education budget... the Arab villages and municipalities at first complied very inadequately with this acquirement of the law, and the Government of Israel had to spend large sums on Arab elementary education, involving an average expenditure per child which was considerably higher than the corresponding outlay foe Jewish schools.[[94]](#footnote-95)

These reports seems to reflect a distribution scheme that worked, at least to a very minimal degree, to compensate for the poverty and lack of resources of the Arab local authorities. These are distinct from policy-plans that directly addressed the Arab minority in order to benefit them such the measures taken in these fields in the second decades, yet they reflect a kind of affirmative action logic.

### The Second Decade (1958-1968): Employment Integration and other Enhancement Programs

Following the *Sinai war* (1956) and other events, both the State of Israel and its Arab population came to realize that the “other side” is not going anywhere.[[95]](#footnote-96) After this realization, government officials started contemplating and adopting longer-term policies and more robust action-plans concerning the Arab population. The military regime was kept in place until 1966, yet it gradually became less restrictive,[[96]](#footnote-97) and other exclusionary and discriminatory policies were instated.[[97]](#footnote-98) At the same time different affirmative action measures for the Arab minority were also taken.[[98]](#footnote-99) The literature focused on the former and more dominant line of policy.[[99]](#footnote-100) This section explores policies, plans and measures that directly targeted the Arab minority to facilitate inclusion, mainly in the workforce, and more generally to alleviate inequality*.*

In 1957, Mapai—the governing party since the establishment of Israel until 1977—formed the “Committee for Arab Affairs” (hereinafter: the Arab-Affairs Committee).[[100]](#footnote-101) While this committee did not have any official state mandate, it had a very dominant role in shaping government policy. It discussed the so-called “problems of the Arab minority,” designed policies to address these problems, and made policy recommendations to the government. The recommendations were adopted and then implemented—often not in their full—by Mapai and the cabinet or the Prime Minister’s Advisor for Arab Affairs.[[101]](#footnote-102)

The Arab-Affairs Committee discussed its first large-scale action-plan concerning the Arab minority in 1958. While during the first decade, options of both deportation and assimilation of the Arab minority were still discussed,[[102]](#footnote-103) the Arabs Affairs Committee declared that neither one is a feasible option, and thus it was time to adopt a liberal approach of partial integration.[[103]](#footnote-104) The plan aimed to promote "integration of the Arabs in positive circles of production and creation,” and to improve the levels of employment, education, health and infrastructure.[[104]](#footnote-105) Between 1959 and 1968 the Arab-Affairs Committee made additional policy recommendations, which then became Mapai’s action-plans to be (partly) implemented by different governmental bodies. These plans were aimed at “bringing gradual integration of the Arab population in social, cultural and economic life of the state, through optimal and complete equality of rights and obligations of all Israeli citizens (without ignoring, not for a minute, security problems)."[[105]](#footnote-106) The plans and other smaller-scale policies largely targeted disparities of the Arab sector in three different fields: employment, conditions of living, and education[[106]](#footnote-107). Employment measures were integrative, and were both working to promote mass inclusion of the Arab laborers to blue-color unskilled jobs in the national economy, and the integration of educated Arabs into the civil service and other dominantly Jewish institutions. Efforts in other fields, meant to benefit but not integrate. what follows, I describe these policies, with attention to the different strategies employed in the three fields.

1. Workforce Inclusion, Public Sector Integration and Higher Education

During the second decade, state officials became concerned with unemployment rates among the Arab population, as well as trends of separation of Arab economy from the Jewish-national economy.[[107]](#footnote-108) Attending to these concerns, Mapai’s first action plan (1958) aimed to “bring as many Israeli Arabs as possible into positive circles of development and production” and to develop the “economic cooperation between the Arab and Jewish sectors.”[[108]](#footnote-109) The Advisor for Arab Affairs’ policy-paper from 1959 suggested more generally that Arabs should be integrated into the Israeli economy, and that educated Arabs will have to be integrated into the public sector, even if it requires opening up new positions.[[109]](#footnote-110) Another committee, titled “the Committee for Problems of Employment and Professional Training of Arab Youth,” recommended to integrate Arab workers into the organized workforce.[[110]](#footnote-111)

As was the case in the first decade, affirmative action measures in the employment field included measures to employ the general population in mostly blue-color unskilled jobs, and more specific measures to employ educated Arabs in the public sector. Some efforts were taken to also integrate Arabs into higher education, and in one case also to the judiciary.

*Blue-Color*

The efforts targeting the general Arab population included different measures: some were part of long-term policy plans and some were specific small-scale efforts. In a report of the Knesset Labor committee from 1967, it was noted that “more was being done to treat the problem of unemployment in the Arab sector than in the Jewish one.”[[111]](#footnote-112) First, the Ministry of Labor continued to designate public-works projects for the Arab sector and to set minimum allowances for employing Arabs in those projects, sometimes more than their share in the population[[112]](#footnote-113) A measure for fighting unemployment was to establish state-funded courses of vocational training for the Arab population in occupations that were in high-demand at the time—from special sewing courses, machine operation, carpentry to teacher training courses.[[113]](#footnote-114) While teachers were employed within the segregated Arab education system, other courses were meant to allow Arab workers to participate in the state’s workforce.[[114]](#footnote-115)

A third type started appearing after the resection of 1965-66, which brought growing rates of unemployment, especially in the construction filed.[[115]](#footnote-116) These measures meant to increase employment of Arab workers by industrializing areas populated by Arab population. According to a policy-plan made in 1967, the state was to promote and build state or Jewish owned factories in or in proximity to Arab population centers. These plants, it was stated, will employ both Jews and Arabs.[[116]](#footnote-117) For example, a soft-drink plant (Kristal) was to re-open and committed to employ about 125 workers, and another carpet factory was solicited to open a branch in Nazareth and committed to employ between 100-200 workers.[[117]](#footnote-118) Other Arab workers from Nazareth were employed in Haifa, Afula, and other neighboring municipalities, mostly in Jewish owned businesses.[[118]](#footnote-119) Furthermore, committees and state officials worked to solicit the different business owners to employ more Arabs.[[119]](#footnote-120)

Another major step in integrating Arab workers into the national workforce was the process of integrating Arabs into the *Histadrut*—Israel's national trade union center, the owner of a number of enterprises, and for a time, the largest employer in the country—which was founded in 1920 as a Jewish-Zionist workers organization. The clash between the organization’s Zionist aspirations to its socialists agenda created controversies regarding to its approach to Arab workers even before the inception of Israel.[[120]](#footnote-121) Yet, as Sarah Ozacky-Lazar reports, it was only during the first two decades of Israel’s statehood that the Histadrut gradually grew to include Arab workers, while still withholding its Zionist agenda.[[121]](#footnote-122) In 1953 the organization decided to allow Arabs to become members of professional unions affiliated with it.[[122]](#footnote-123) The leaders of the Histadrut at the time understood this to be “a step in the direction of full and fast integration of the general Arab sector [Yishuv] into Israel’s general population, on the basis of complete equality of rights and duties.”[[123]](#footnote-124) However, only in 1959 did the Histadrut’s assembly decide to admit Arab workers into membership as full and equal members.[[124]](#footnote-125) While the integration of Arab workers into the Histadrut was very far from smooth,[[125]](#footnote-126) it is noteworthy that there were proactive efforts to promote this process.[[126]](#footnote-127) Furthermore, as the owner and operator of a  number of enterprises, the Histadrut became a central force in promoting the integration of the Arab population into the state’s workforce and made efforts for equalizing their pay and social rights.[[127]](#footnote-128) For instance, the organization worked to integrate Arab workers into its economic enterprises such at Tnuva (the largest dairy company in Israel) and Bank Hapoalim, as well as increased Arab representation at the Histadrut elected bodies.[[128]](#footnote-129) Finally, in 1966 the Histadrut council voted to eliminate the word “Hebrew” from its title so to also symbolically include all workers in Israel.[[129]](#footnote-130)

*Educated Arabs and The Problem of the Arab intelligentsia*

Attempts to integrate the educated (mostly high-school graduates) Arab population into the workforce and mainly into the public sector were direct and radical. Namely, quotas were set and designated tenders for the Arab population were published. For example, in 1958, the Arab Affairs Committee decided that in order to improve the conditions of educated Arabs, the government, the *Histadrut* and other public institutions, should “employ, in the very near future, 100 educated Arabs.” The committee further suggested to “set permanent *quotas* for each office and make sure this will be done in 3-4 months.”[[130]](#footnote-131) In a news report later that year, it was reported that the government was able to arrange for 70 Arab high-school and college graduates to be employed in clergy and other free professions.[[131]](#footnote-132) And in another instance it was reported that 30 Arabs were employed by the Ministry of Finance and were starting to work in different parts of the country.[[132]](#footnote-133) Furthermore, the Ministry of Finance published a request for a tender designated for the Arab population. The tender was published in Arabic and called non-Jewish high-school graduates to apply for certain jobs at the ministry, and as a result twenty-five educated Arabs were hired. A similar request for tender was published by the Ministry of Education.[[133]](#footnote-134) Suggestions were also made to make proactive efforts to employ educated Arabs,[[134]](#footnote-135) set a “minimum percentage of the public sector employment” for Arabs.[[135]](#footnote-136)

As importantly, officials and committees instructed or urged different branches of the public and private sector to employ a certain number of educated Arabs in specific offices or industries.[[136]](#footnote-137) For example, the 1962 five-year plan by Arab Affairs committee, demanded that “The national employment authority will ensure the employment of Arab engineers, doctors, lawyers, clerks and laborers in all fields of work: industry, commerce, governmental, municipal, private and join services, with no discrimination and with special and directed attention to solving the urgent problem of the employment for school and high-school [Arab] graduates as well as free pronationalist.”[[137]](#footnote-138) In the following year it was reported in news article that “the Advisor for Arab Affairs reached out to tens of industrial factories, commercial companies, public and private institutions requesting they demand educated Arabs in different clerical and administrative positions… Many of the managers they approached expressed their willingness to employ educated Arabs in their factories.”[[138]](#footnote-139) In another instance, in a Knesset discussion about unemployment of educated Arabs, Prime-Minster Ben-Gurion stated: “I approached different offices that are able to employ educated Arabs… What the government can and should do – I believe it will be done. I gave the order to the representative of the different offices to vigorously approach this, so in each governmental office a few suitable educated Arabs will be employed.”[[139]](#footnote-140)

Another measure taken to raise the integration of educated Arabs in the public and privet sectors, was to establish different kind of trainings. “Internal report from 1964 by the Advisor explained that while many of the educated Arabs were employed by the government, many of them were to accepted to the positions they were interested in. The government solution for this problem, it was explained, was of two types: A) opening special professorial courses for young Arab and Druze which will train them to serve in different positions in the government and elsewhere. B) Raise the level of education in Arab villages.”[[140]](#footnote-141) These training included full professional training in social work, accountants, nurses, teachers and clergy.[[141]](#footnote-142) Other initiatives included the opening Hebrew language courses and other vocational trainings to prepare Arabs for jobs in the public sector.[[142]](#footnote-143) Designated courses were also open to prepare Arabs to the exams for serving in the civil service.[[143]](#footnote-144) In another instance it was explained that educated Arabs who managed to obtain governmental jobs often failed in the civil service exam. As a solution, t was suggested to allow Arab workers to take the exam after a year or two on the job that would allow them to be more fluent in Hebrew and more integrated in society and prepared.[[144]](#footnote-145)

*Higher Education*

As to higher education, the percentage of Arabs among all students raised from 0.6 percent (46 students) in 1957 to 1.7 percent (607 students) in 1970.[[145]](#footnote-146) The increase is due to both natural population growth in those years and increase in high-school Arab graduates. However, few efforts were also made to integrate Arab students in higher education. These measures were taken by the universities themselves and also by the government. In one instance, the Hebrew university reported to give preferential treatment to Arab students. In 1959 the Dean of Students of the Hebrew University reported that that "in principle the University does not know who is Jewish and who is Arab. In the admission forms, the student is not asked to write his national origin. Yet there is positive discriminated [Aflia LeTova] in their [the Arabs] favor. Not just in housing. But also in admissions and distribution of stipends. Six years ago, there were very few of them and the Ministry of Education wanted to encourage them. Special assistance funds were established." He acknowledged that outside the University the Arab students experience different forms of discrimination and hardships such as movement limitations imposed be the military regime, and pay salary discrimination.[[146]](#footnote-147) In another instance, in 1965, the Ministry of Education explained that the low number of Arab students in the Technion (Israel Institute of Technology) is an outcome of low numbers of Arab high-school graduate students and not in any kind of discrimination. And that Arab students are being “positively discriminated [Aflia LeTova like [Jewish] pupils from Mizrahi countries. This [positive] discrimination is in receiving special stipends from special funds designated for students of this type only, and in the policy of B-norm in the annual *Seker* exam.”[[147]](#footnote-148) The Seker exam was a national exam instated between 1958-1972 for 8th-grade pupils, whereby those who passed the exam were eligible for a subsidies high-school tuition from the Ministry of Education, according to a “scaled fee,” which took the pupils’ socioeconomic backgrounds into account.[[148]](#footnote-149) It is not exactly clear, what does a “norm-B” means in this context, but it seems to mean some kind of preferential treatment either in acceptance to the university or in tuition.

On top of that, grants, stipends and loans for a number Arab students each year, aimed at allowing them to pursue academic studies, in the Hebrew University and the Technion were systematically granted by the government, the Histadrut, as well as by private funds.[[149]](#footnote-150) more importantly, in 1963 Prime Minister Levi Eshkol (1963-1966), in one of his first speeches as prime minister, declared his commitment to integrating educated Arabs into the public sector and stated that his government would create a fund to assist Arab students and promote their integration into the work force.[[150]](#footnote-151)

*The Judiciary*

At the very end of the second decade, an initiative to appoint Arab judges was set in motion. Until the end of the 1960s, only two Arab judges served in the judiciary. However, as Guy Lurie revealed, in 1967, Judge Azulay—the president of the Haifa District Court—wrote a letter urging the appointment committee to appoint more Arabs to the bench.[[151]](#footnote-152) Attached to this letter was a list of 28 Arab lawyers, who were “professional enough,” in his opinion, to be appointed as judges. “It was time,” he believed, “to reach out to this sector of jurists and help them get ahead.”[[152]](#footnote-153) The letter does not suggest any specific measure, but it implies that it was time to give preference to Arab candidates, who might not have been the best, but were “professional enough.” Indeed, seven lawyers from this list were appointed over the years, including three by 1970.[[153]](#footnote-154)

1. Alleviate Inequality without Inclusion: Welfare Enhancement, Infrastructure and Education

Deep disparities between Arabs and Jews existed at the time. The starting point of the two communities was unequal and this only intensified over the first decade. In part as a direct result of discriminatory budgetary allocations and the process of land expropriation,[[154]](#footnote-155) and in part because the Arab local authorities were not established yet, or poor and unorganized, and were thus unable to carry their part in responsibilities in financing schools, housing and other services.[[155]](#footnote-156)

It was against this backdrop that officials started to pay greater attention to the disparities between the Arab and the Jewish populations and considered it to be a problem. Policies and long-term action plans were made to reduce such inequalities and elevate conditions of living and education among the Arab population. These initiatives were often referred to as plans to develop the Arab village. They were rather holistic and included budget allocations or governmental loans for repairing and improving infrastructure and public services in Arab villages, as well as more direct interventions such as building factories, establishing culture institutions, and increasing accessibility to health services.[[156]](#footnote-157) Most substantial were the five-year plans the government adopted during the second decade. The first plan, adopted in 1962, was aimed at improving the lives of the Arabs in three main fields: “completion of all basic services,” which were considered the basis for economic development; “investments in other services, and mainly health, education and other municipal services;” and “investments directed at increasing employment and elevating levels of income.”[[157]](#footnote-158) The goal of this plan was to modernize the Arab village and elevate the standard of living of Arabs.[[158]](#footnote-159) Similarly, the second five year action-plan, from 1967, as well as additional policies, set similar goals and invested funds for elevating levels of living, services, employment production, consumption and education.[[159]](#footnote-160) As discussed in more detail in section C of this part, the five-year plans included government expenditure that was seven times higher than in previous years (1957-1962), and while they did improve infrastructure and living standards, the gaps between the Arab and Jewish communities remained deep and consistent.[[160]](#footnote-161)

More specifically with respect to education. In 1960, the committee for Arab Affairs, discussed a policy-proposal—by Abba Hushi, the mayor of Haifa—that called for establishing integrated elementary schools in mixed cities. As well turning all high-schools, regular and professional, as well as teacher training seminars to be integrative and open to all.[[161]](#footnote-162) These schools were to be “Israeli,” which mostly meant, Hushi explained, Jewish schools with some accommodations for the study of Arabic, Arab literature and religion.[[162]](#footnote-163) Yet, this proposal was never adopted. Instead, efforts in the field of education were set to improve and alleviate inequality in physical conditions and quality of the separate Arab education, and to increase attainment levels.[[163]](#footnote-164) They included building more Arab-speaking schools and more classrooms in Arab villages and Arab neighborhoods in mixed cities.[[164]](#footnote-165) Special efforts were also made to integrate Arab girls into the education system.[[165]](#footnote-166) In 1967, a five-year for expanding Arab education was adopted to build 1400 new classrooms for the Arab sector, establish new *regional* standard and vocational high-schools for Arab children, and fund the training of 200 new Arab teachers annually.[[166]](#footnote-167) As I show in section C of this part, during the first two decades there was a constant increase in education attainment levels, number of schools and classrooms in the Arab sector, but the gap between the Arab and Jewish systems remained deep.[[167]](#footnote-168)

The previous section describes the affirmative action measures employed by different state officials. These efforts focused mainly on integrating Arabs into the state’s workforce. Other measures meant to elevate the conditions of living as well as alleviate inequality in education, but not integration. The mere existence of such policies does not entail the interests that motivated them or the goals they meant to achieve. In what follows I delve deeper to the discourse around these policies in order to expose their underlying principles and motivations. This allows for a better understanding of the role of these policies in the making and unmaking of the social order of the time.

## On Justifications and Motivations: Security, Economy, International Legitimacy and Egalitarian Ideologies

This section traces back the multiple and often-time contradictory motivations and goals that lead public officials at the time to pursue affirmative action measures. Analyzing policy plans and reports, as well as protocols of the discussions that lead to their adoption, I identify the different reasons and justifications that officials give for adopting such measures. While, there can be gap between justifications and actual motivations, both the internal-facing orientation of the materials, as well as the open and explicit way in which both oppressive and egalitarian motivations were discussed that even there was, in some cases some double-talk, for the most part these justifications reflect the motivations which animated officials to adopt measures to include or to benefit the Arab minority. This is thus a unique opportunity to learn about the conflicting motivations affirmative action measures can serve.

In what follows, I recognize four types of instrumental motivations for adopting affirmative action measures—security and social order, economic, international legitimation and partisan concerns—and a fifth type of egalitarian ideological justifications. Concerns for the security of the young Jewish state and the stability of the regime, as well as aspirations for national economic growth, were the most dominant justifications in discussions over adopting affirmative action measures. Often mixed motivations were articulated in the same discussion and even by the same officials, and while egalitarian statements were made in many cases, by themselves, they were almost never sufficient to set action in motion.

1. Security Concerns and Social Control

There is nothing surprising about the finding that security concerns and aspiration to sustain stability played a major role in the state’s approach towards Israeli Arabs in the first decades of statehood. It is less obvious, however, that security considerations led officials not only to execute restrictive measures, but also to adopt affirmative action measures. For the most part, policymakers acted under the assumption that the Arab population is or could easily become a security threat to the state and that measures to elevate their materiel conditions need to be taken in order to prevent escalation. Fighting unemployment and elevating the material status of the Arab minority was a way of managing the crisis, preventing riots and more generally maintaining the public order and the stability of the newly established regime.[[168]](#footnote-169)

Reuven Bareket, the architect of Mapai’s first action-plan, articulated the security approach clearly and asserted that the government should adopt measures to integrate and benefit the Arab minority for security reasons. The Arab population, he explained, has connections to foreign hostile population from Arab countries, and “the majority of the Arab sector is hostile to the state.”[[169]](#footnote-170) He then listed three possible approaches for dealing with this situation: “displacement, assimilation or liberalism.” Bareket stated that there will be no displacement and that hopes for assimilation should also be abandoned.[[170]](#footnote-171) Thus, he argued that the state must “deal with the Arab minority with a liberal line of policy.” Furthermore, in order to fight the dangerous separatist trends in the Arab society “the goal should be integration—not full, but acceptable more or less—of the Arab sector in all aspects of life.”[[171]](#footnote-172) Making the case for integration, Bareket explained that “if we create cooperation between ten Jews and ten Arabs, these ten Arabs then become a cell of resistance to irredentist activity.”[[172]](#footnote-173) Bareket also argued that “the more the economic interests of the Arab sector are tied and aligned with those of the state, the more its responsibility for the security of the state will grow.”[[173]](#footnote-174) More generally, it was believed that the better the Arab population’s lives are and the more integrated they feel, the more they would identify with the state and less with enemy Arab nations.[[174]](#footnote-175)

Others believed that efforts to benefit and integrate can cultivate the loyalty of the Arab minority to the state and make it less vulnerable to incitement and takeover by hostile forces within and outside the borders of Israel.[[175]](#footnote-176) Some articulated a very instrumental argument. For example, a 1960 report by the Governmental Committee for Problems of Employment and Professional Training of Arab Youth, recommended to employ a set of affirmative action measures,[[176]](#footnote-177) which “could dissolve the bitterness of the Arabs” and ”distance the Arab youth from the devastating effects of underground organizations.”[[177]](#footnote-178) Its authors feared that poor conditions could become a “source of hatred.”[[178]](#footnote-179) Similarly, in a policy-plan that was largely adopted by government, the Advisor for Arab affairs explained that the state must integrate the Arab minority in the state’s life, to “decrease as much as possible the formulation of an independent dangerous sector… this will not make the loyal citizens, but with time, it will downsize the open animosity and its explicit manifestation.”[[179]](#footnote-180) Rising unemployment was also considered dangerous, as it created negativity towards the state.[[180]](#footnote-181) Aharon Beker, the Chairman of the Histadrut (1961-69) articulated this view clearly, stating that the state has to integrate the Arab worker to the national economy, “so he would carry the responsibility to ensure and promote its security.”[[181]](#footnote-182)

For others, the goal was also to promote loyalty and security, but this required not just simple materiel relief, but a cultivation of a kind of partnership between the Arabs and the state, or the appearance of one. For example, an official in the Histadrut explained that “in order to prevent the danger that the minorities left in the state would become its haters and fight it, [the state] must do everything in order to integrate them; constrictive organic integration, on the basis of equal rights and duties. . . only such a regime can bring a minimal chance for moral change in the Arabs’ views about themselves and us, and only it can open a crack for a relationship of true peace and mutual benefits.”[[182]](#footnote-183) An interesting illustration of this logic can be found in a discussion that developed surrounding the decision to integrate Arabs to a seminar training youth-movement leaders in Beit-Berel (then a training institute for teachers, youth leaders, kibbutz members and immigrant youth) in 1962. The decision was made, it was explained, because the party (Mapai) can not abandon the youth and leave them in the hands of hostile powers.[[183]](#footnote-184) Moshe Sharett (who was prime minister between Ben-Gurion two terms, 1954-55) further advocated for the integration of Arabs to the seminar on equal terms by explaining:

We must believe them (the Arabs) that their situation is difficult. On the one hand they feel themselves as residents of Israel. They were born here, their lands and homes are here. On the other hand, they are nationally conceded to the Arab nations outside of Israel. The question is: will we allow external influences to takeover or we must strengthen our ties with them. We must educate and bring them closer to us from equality and understanding. If we will not do so, they will hear and watch Natzer on the TV screen and will hear and read the many words of indictment from our foes. And therefor, we must include Arabs in our cells so they would learn from us and grow closer to us."

In contrast to the articulation of cultivating loyalty by bringing the two communities closer together, another method to enhance the security of the state was to try to prevent the political consolidation of the Arab minority into one national Arab movement, by creating divisions between different sub-sectors (עדות) within the Arab minority: Muslims, Druze, Bedouin and Christians.[[184]](#footnote-185) The common method used to achieve this goal was breaking territorial sequences of Arab communities by Jewish settlements. Another method was the preferential treatment to some communities over others, cultivating independent and conflicting interests of each community. As Reuven Bareket explained, in order to secure Israel, it must “cultivate within each sector its own sectorial interests, by positive discrimination (*Aflia LeTova*) and preferential treatment.”[[185]](#footnote-186) The most prominent illustration of this approach was with the Druze, who ended up being drafted to military service (starting 1957) and enjoyed a somewhat favorable status.[[186]](#footnote-187)

1. The Economy

Another leading rationale at that time was the wellbeing of *the economy*, which mostly meant the economy of the young Jewish state. Officials were interested in the development and prosperity of the state’s economy and realized that unemployment and under-development of certain sectors in society will hold back the entire economy.[[187]](#footnote-188) This lead officials to promote initiatives to develop the Arab sector and to integrate Arab workers into the Israeli economy.[[188]](#footnote-189) Similarly, yet less openly discussed, the integration of Arab workers in the workforce and especially in production and construction, provided cheap labor to support the development of the state’s infrastructure.[[189]](#footnote-190)

The economic rationales for taking affirmative action measures were not only the familiar utilitarian interests in advancing the state’s economy. Another economic interest was to repress the Arab economy and inhibit the potential of an autonomous Arab economy. The Prime Minister’s Advisor for Arab Affairs stated that the integration of the Arabs into the state’s economy is necessary “in order to prevent the creation of an independent Arab economy which would strengthen the Arab autonomy.”[[190]](#footnote-191) The integration, it was further explained, will prevent future competition between the Arab and Jewish economies.[[191]](#footnote-192) Mordechai Namir, The Chair of the Committee for Arab Affairs similarly said that “if the Arab sector will become a separate sector and will grow as such, it can be a major threat . . . The remedy is general economic integration.”[[192]](#footnote-193)

Furthermore, during the second decade there was a growing conception among state officials that the Arab sector had accumulated a significant fortune. Therefore, policymakers thought that development, integration and cooperation will promote consumerism in the Arab sector and this would, in turn, lead to the transfer of funds from the Arab sector “back” to the state.[[193]](#footnote-194) For example, the Prime Minister’s Advisor for Arab Affairs wrote that any attempt to circulate back funds accumulated in the Arab sector to the economy of the state, must include modernization to support Arab consumption.[[194]](#footnote-195) In another instance, the Minister of Health, Yosef Sarlin, argued that Israel had created a situation in which the Arabs are getting wealthier, among other reasons, because the movement limitations they can not spend the money they earn outside of their villages, and thus all that money stays in their sector and does not return to the Jewish economy. Radical action must be taken, he argued, to change this situation.[[195]](#footnote-196)

1. International Legitimacy

A third type of justifications for affirmative action dealt with external and most dominantly with the perception of the state in the eyes of the international community. Archival documents reveal that the concerns of the international community regarding the Arab problem were at play. Though Israel’s democratic and moral commitments to equality were sometimes articulated by Israeli officials as an independent rationale for adopting affirmative action measures, these commitments were often mentioned as part of the need to produce legitimacy for the young state in international eyes. In 1958, advocating for a series of affirmative steps focused on the Arab minority, the Chair of the Mapai Committee noted that “not only the non-Jewish public opinion has become interested with the Arab problem in Israel, but also certain circles of the global Jewish community . . . They are starting to show concern and dissatisfaction with the way we are handling this problem.”[[196]](#footnote-197) Another example can be found as early as 1948, when Mordecay Namir, one of the Histadrut leaders stated it was time to include [*Le’hacil*] the Arab workers I the organization in order “to honestly and in good faith show the Arabs, and perhaps also other nations, an example of civil relations between two nations in one country.”[[197]](#footnote-198)

Most interestingly in this context was a speech Ben Gurion gave in 1960. There he explained that the Arab problem has two aspects that are seemingly contradictory. The first, he explained, “is the character it [the state] *needs to present to the world* – a principle of equal rights and democracy; The second aspect is the *security* of the state . . .” This contradiction, he explained, “can be minimized by taking the right policy.” He then listed a line of integrative measures that would minimize this contradiction, including the integration of Arabs into Mapai itself, into the government, into the workforce, and even into the Jewish Kibbutzim and villages.[[198]](#footnote-199)

1. Electoral Concerns

Mapai, which was the governing party from the inception of Israel and until 1977 had to compete for Arab votes with two other parties: Mapam (United Workers Party) and Maki (Israeli Communist Party), which held egalitarian ideologies and criticized Mapai for its approach to the Arab minority and the prolonging military regime.[[199]](#footnote-200) First and foremost, Mapai’s Committee for Arab Affairs, stated clearly, that it was established to attain Arab votes for Mapai. Abba Hushi opened one of the committee’s meeting by saying: “we were established as election headquarters for the Arabs. Our work, is much harder and much more complicated than in the last elections.”[[200]](#footnote-201)One way to draw Arab voters to Mapai was, officials argued, to benefit the Arabs and to integrate them into institutions affiliated with the party, such as the Histadrut. For example, in the discussion regarding the integration of Arabs to a youth leaders’ seminar in 1962, one official explained that without integration the party is abandoning the youth, who will soon become voters, leaving them exposed to the devastating influence of Maki and Mapam.[[201]](#footnote-202) The Advisor for Arab Affairs explained that other parties (not Mapai) were buying the Arab vote or providing benefits for it. Mapai, he asserted in 1959, is losing the Arab vote and thus, he recommended should “gradually integrate Arabs to its lines.”[[202]](#footnote-203) This was a partisan struggle for the Arab vote, and the means for securing it was affirmative action measures to “buy” partisan loyalty.

1. Egalitarian Ideologies

Along with the instrumental justifications for affirmative action, a different type of ideological justifications was at play. There was no unified ideology, but different moral intuitions, liberal, social and even communist ideologies that lead officials to pursue a more egalitarian line of policy and in some cases affirmative action measures. In some instances these egalitarian moral motivations were routed in the aspiration to differentiate the Jewish majority in Israel from Nazi Europe. As early as September 1948, Israel first minister of the Interior promised the Arab minority that there will be "a single constitution for all inhabitants of Israel. The Jews have suffered too much to allow themselves to deal unjustly with Israel's Arab citizens."[[203]](#footnote-204) Yizhak Ben Zvi, who became the second president of Israel, advocated for inclusion of the Arab minority into society, similarly explained that especially after what the Jews have suffered, they must get used to being just rulers.[[204]](#footnote-205) In another instance, Ben Zvi further stated that the idea of removing the Arabs from Israel "is in opposition to the entire democratic and Jewish character of our state," and that the only way is to work for the integration of "Muslims, Christians, and Druze as citizens with equal rights and as communities with equal rights in the state."[[205]](#footnote-206) In 1959, Prim-Minister Ben-Gurion, who also promoted affirmative action measures for security reasons,[[206]](#footnote-207) explained that state “should help the Arab intelligentsia adapt to the national economy and governmental and private clerkship”… not because… it will bring piece with our neighbors… but because they are citizens of Israel and they deserve the same entitlements as any other Israeli citizen.[[207]](#footnote-208)

A different kind of universalist-moral arguments for promoting affirmative were socialist-egalitarian ideals, mostly held by members of Mapam. For example, In response to discussions about the integration of Arabs to the Histadrut, a member of the Histadrut affiliated with Mapam published an Op-Ed criticizing Mapai and saying that “Mapai is not ready, maybe even not capable, to treat Arabs with equality and friendship. It is sometimes willing to give favors, but it does not know solidarity without patronizing… It’s approach to the status of Arabs and their rights” he added, “is very bad and far from principles of integrity and democracy”[[208]](#footnote-209) Ten years later, the general-secretary of the Histadrut, said that “the Histadrut honestly sees the Arab laborer as an inseparable part of the workers population of Israel, and it is determent to advance the Arab worker…”[[209]](#footnote-210)

## Structure and Function

Thus far, the article showed that different mechanisms directly addressing the Arab population in order to benefit or include members of this group were employed during Israel’s first two decades of oppressive regime, motivated by different interests and ideologies. In this section, I return to the question I opened with and explore in what ways did these measures work to sustain the hierarchic regime and in what ways opposed it?[[210]](#footnote-211) Given the stability and persistency of the control framework over the Arab population in the first two decades and in light of the sustained subordination of the Arab minority,[[211]](#footnote-212) a first and very appealing answer is that affirmative action measures served the regime, or to the very list did not do much to upset it, simply because in retrospect, it is clear that the hierarchical regime was not destabilized.[[212]](#footnote-213) While this answer is true to some degree, it is too simplistic and not accurate enough. Ian Lustick warns from this tendency to overinterpreted every aspect of reality to fit the functionalist model of control.[[213]](#footnote-214) Thus, instead, I analyze the function of these mechanisms according to two structural features I identify. that better explain the function of affirmative action measures in the making and unmaking of the social order of the 1950s and 1960s in Israel.

The *first* feature of non-integrative measures employed during Israel’s founding decades, is that they were structured to improve status and material conditions in comparison to the past rather than equalize in relation to the majority group. Very consistently with the dominant instrumental interests that motivated them, affirmative action measures at the time were designed to improve, to benefit, sometimes to decrease gaps, or to suffice, but not to equalize or close gaps.[[214]](#footnote-215) They were thus limited in scope—designed to achieve enough progress to attain the public order or economic prosperity, but not more than that. As such, none of the five-year plans were nearly sufficient for overcoming inequality. Ian Lustick shows how while each of the five-years plans (1962; 1967) included expenditures which were approximately seven times higher than those undertaken from 1957 to 1962, they did not come close to what would have been required for “modernization of the Arab economy,” or closing the gaps.[[215]](#footnote-216)

Similarly, in 1963, the deep inequality in the quality of education and levels of education attainment between Arabs and Jews, was brought for a parliamentary discussion before the Knesset. It was noted that while 86.6% of the relevant Jewish population attained elementary schools, only 68.3 Arabs did, and while 32.3 of the relevant Jewish population attended high-school, only 6.4% of the Arabs did. In response, Prime-Minister Lavi Eshkol defended the government’s efforts by comparing the Arab education system to what it was in 1948, and explained it was revolutionized. "Every year we make progress... " he explained. To conclude the discussion, he added that the government “reached important achievements, and that the government will continue its efforts to improve the quality of education and to broaden it."[[216]](#footnote-217) Similarly, a report from 1959 declared that: “the Arab education in Israel has undergone a fundamental change from the time of the British Mandate over Palestine… There is now a school virtually in every Arab village in the country, and three times as many pupils attend them than 10 years ago.”[[217]](#footnote-218) The discourse surrounding these policies as well as their design, aimed to improve the conditions of the Arabs in relation to the past, but not equalize to the conditions of the Jews.

And indeed, the investments in Arab education during the second decade (under the two five-year plans), dramatically increased the number of schools and school attendance in the Arab sector. In 1970, the ratio of elementary schools was almost equalized to the one in the Jewish population.[[218]](#footnote-219) The number of Arab school students multiplied between 1960 and 1970 by 2.4, yet the gaps in school attainment between Arabs and Jews remained consistent (871 Arab children out of 1000 attended elementary school, as opposed to 984 of a 1000 of the Jewish children; and in high-school 292 of Arab children attended high school, as opposed to 668 of a 1000 of the Jewish children).[[219]](#footnote-220) And while the number of Arab students attaining the matriculation exam raised during the years, the percentage of Arabs who passed the matriculations exams until 1970 was 1.7% of all those who attained the exam.[[220]](#footnote-221) Furthermore, and perhaps most influential, the fact that a major part of the education was (and is) locally funded, produced consistent gaps in educational investments between Jewish municipalities who were much better-off than the Arab ones.[[221]](#footnote-222)

The *Second* important structural feature this article identifies is that affirmative action measures in the workforce, and to some degree in higher education, were integrationist, while welfare enhancement and initiatives in the educational domain were non-integrationist—structured to benefit without educational or residential inclusion. This distinction can easily, but mistakably, be dismissed by the common notion that residential as well as educational separations were simply the given state of affairs since before the establishment of the state, and also the desirable one—stemming from free choices of both the Jewish and the Arab communities (which their existence I do not resist).[[222]](#footnote-223) However, prior to the establishment of the state, the Arab and Jewish economies were also mostly separated. As Zachary Lockman describes in his book “Comrades and Enemies,” the dominant labor-Zionism's ideology of “Hebrew Labor” and “Labor Conquest” lead Zionists leaders to “pursuing Hebrew labor and building up a relatively self-sufficient Jewish high-wage sector.” While there were some cases of cooperation between Arabs and Jews during the British Mandate over Palestine, it mostly dissolved with the break of violence following the he United Nations Partition Plan in November 1947.”[[223]](#footnote-224) Even Arabs who served as clerks under the British Mandate were dismissed with the establishment of Israel, and were, only in some cases, later reinstated.[[224]](#footnote-225) The “starting point” of all three spheres—residential, economic and educational—was thus mostly of separation.

Motivated by multiple ideals and interests and most dominantly by security concerns and threats from hostile takeover or civil uprising, measures adopted during Israel’s opening decades, were designed to enhance welfare and education levels, but not to disturb the educational and residential segregation. Thus, despite the fact that there has never been a formally legislated Jim Crow regime mandating the educational segregation in Israel, without any form of affirmative action intervention, the residential and educational segregations that existed at the inception of Israel, were only further entrenched by the different efforts to improve the quality of education for Arabs within existing separate Arab schools.[[225]](#footnote-226) At the same time, fears from an independent Arab economy that would compete with national market, lead officials to adopt workforce integrationist efforts.[[226]](#footnote-227) During those decades, the state took active efforts to repress the Arab agriculture by land expropriations and to halt industrial development in the Arab sector by discriminatory budgetary allocations.[[227]](#footnote-228) Employment affirmative action measures, thus supplemented these repressive measures, by providing Arab workers alterative employment in public works projects, the public sector and Jewish owned business, and made efforts for integrating them to the national economy. Indeed, during those years, and especially during the second decade, occurred what Yair Bäuml calls “the migration of the Arab workers from the Arab sector to the Jewish Sector.”[[228]](#footnote-229) Between 1959 to 1968 the number of Arabs who worked in the general national economy—for the state or Jewish owned industries—rather than within the Arab village (mostly in agriculture), increased by 150%(from 48,000 to 82,800).[[229]](#footnote-230) While in 1959, 20% of Arab workers were employed outside their village, in 1966 already 50% of the Arabs were employed outside their village and mostly in the national workforce.[[230]](#footnote-231)

Yet, this integration was not equally distributed along the socioeconomic ladder. The majority of Arabs who worked in the national economy, were employed in unskilled manual jobs, and mainly in construction.[[231]](#footnote-232) Approximately 57% of the Arabs who entered the national workforce in those years were employed in agriculture, construction and other unskilled jobs, while only 12% of the Jewish workers who entered the workforce in those years were employed in those occupations.[[232]](#footnote-233) Arab workers at the Jewish sector were also, most of the time, paid less than Jewish workers, but more than they would earn in the Arab sector.[[233]](#footnote-234) At the same time, “The problem of the Arab intelligentsia,” attracted relatively a lot of political attention, and efforts to integrate educated Arabs to clergy and other civil service positions were sometimes radical in type—including efforts such as quotas and preferential treatment, as well as stipends for Academic studies. And while the percentage of Arabs employed in clerical and related jobs in the public sector increased over these decades—from approximately 2.3% in 1958 to approximately 3.6% in 1969[[234]](#footnote-235)—it was far less then their share in the population (11.4% in 1961 and 14.1% in 1967).[[235]](#footnote-236)

I suggest two, complementary explanations for this unequal integration. The first is the simple one and that is that affirmative action measures taken were not enough and that despite making efforts, different governmental offices continued to discriminate against educated Arabs.[[236]](#footnote-237) The second explanation is that there were systematically less high-school and university ed Arab graduates and that they were generally less qualified than their Jewish peers. As this section showed, the segregated Arab schools were persistently under-funded and did not produce masses of qualified graduates to be employed in the public sector. As a report from 1963 concluded—a primary reason for the difficulties of the Arab population to attain jobs in the state’s economy was because “its relative backwardness in education and social fields in general and its professional training in particular.”[[237]](#footnote-238) Similarly, Yusuf Hammis, a Knesset-member from Mapam, explained what he understood to be the main cause for unemployment among educated Arabs:

Indeed, the percentage of schools as well as Arab students in elementary and high-schools increased, yet with this quantitative raise, we see a diminution in the quality of education. This is significant in elementary schools, where students are graduating from 8th grade without full control of reading and writing in the Arab language – their mother tongue. This decrease in the level of education continues in high school… and this is the reason for their failure in the matriculation exams [SATs]. . . each year approximately 300 Arab students graduate from high-school. Only five percent of them pass the matriculation exam.[[238]](#footnote-239)

As explained above, the efforts made to improve the quality of education, improved the education of the Arab sectors, in infrastructure, attainment numbers and in quality, but it was consistently behind the Jewish education system.[[239]](#footnote-240) Supporting this are reports from the 1970s which discussed the unemployment of educated Arabs. These reports continued to point both to the “low level” of qualifications of the educated Arabs, and to their discrimination in the workforce,[[240]](#footnote-241) as the two main reasons for the lack of representation of Arabs in the civil service, and especially in decision making positions, and in other white color occupations. One of the reports stated that: “The main reasons [for unemployment of educated Arabs] are two: when competing in tenders, the Jews still have an advantage in level and skills. The second reason is that there is a psychological fear for allowing problematic elements to all-Jewish frameworks.”[[241]](#footnote-242)

Theses historical sources do not allow for any causal conclusion between the measures employed and these employment trends of unequal inclusion. And thus, this is not a “what if” argument, to the contrary, as the historical sources reveal there are very good reasons to think that even if an influx of equality qualified Arab graduates would have searching for job during the first two decades, they still would have been mostly discriminated against and unequally integrated. Yet analyzing the structural features of the measures taken at that time, suggests that the consistent disparities in education—which was consistently improved but not equalized—were translated to disparities in merit, and thus systematically limited the isolated workforce inclusion efforts, and lead to what I call *hierarchical inclusion*: massive at the bottom of the socioeconomic ladder and scares at the top. Affirmative action measures did improve and lead to greater economic inclusion of the Arab sector in the national economy, in ways which were not known and are not obvious at a time of explicit state sanctioned oppression and nation building. However, analyzing the structure and function of the mechanisms showed that they did so without threatening the hierarchical regime by integrating the Arab into the national workforce, but maintaining the socioeconomic hierarchy.

As the previous section showed, the *justifications* for adopting affirmative action measures during the first two decades were a mix of preeminent instrumental motivations and less prominent egalitarian ideals. Paying attention to the motivations can highlight two things about this history. First, the dominant stream of instrumental motivations, were explicitly conservative—overtly aiming to sustain the newly established Jewish domination and strengthen the national economy. In that sense, the contribution of this article is not to expose any covert effects of these mechanism, but to show how this set of practices that is often recognized with progressive change, were designed and functioned to sustain control. There is no direct line between the justifications for adopting affirmative action and their actual function, yet the straightforwardness of many of the justifications—revealing the subordinating motivations—allow us to see more clearly how mechanisms aiming to benefit and even integrate can be attractive to a majoritarian regime that seeks to sustain control and status rather than to distribute it. Second, at least in some cases, some officials were motivated to adopt affirmative action measures by egalitarian concerns. And while, as noted, I am rejecting the line of “what if” arguments, it is important to remember that the historical actors, could not have known how the relationship between the Arab minority and the state would eventually turn out, or what outcomes would adopting these measures have on this relationship. To conclude, analyzing the justifications for adopting affirmative action measures during the first two decades show that these mechanisms of economic inclusion and social uplifting were feasible interventions at the time, exactly because they worked to sustain the status quo. Yet, there were other motivations—egalitarian ones, and thus it would be a mistake to conflate motivations and function.

# Indeterminacy and New Directions for Evaluating Affirmative Action

The previous section showed that practices structured like practices we today call affirmative action, were employed during a time of state sanction oppression. They were motivated by a host of instrumental and egalitarian motivations, and worked to sustain the hierarchical status quo by promoting isolated hierarchical economic inclusion and worked to improve but not to equalize. In this section I ask what can we learn from this historical account on the way affirmative action policies operate today.

## Indeterminacy: Equal Citizenship, Crisis Management and Subordination

Affirmative action is traditionally understood to be rooted in and animated by the progressive aspiration for equal citizenship. As Michel Rosenfeld explains, “[t]he intensity of the debate over affirmative action is due to the shared belief of all participants that they are engaged in an important moral debate concerning fundamental notions of justice and equality.”[[242]](#footnote-243) Some see affirmative action as a manifestation of equality as the protector of disadvantaged groups. As Owen Fiss explained: “...blacks as a group were put in that position by others and the redistributive measures are owed to the group as a form of compensation. The debt would be viewed as owed by society.”[[243]](#footnote-244) Others, like Case Sunstine, focus less on the remedial aspects of affirmative action and stress the forward-looking distributive function of affirmative action to fight systematic inequality or a “caste system”: “[a] systemic disadvantage is one that operates along standard and predictable lines, in multiple important spheres of life, and that applies in realms like education, freedom from private and public violence, wealth, political representation, and political influence, all of which go to basic participation as a citizen in a democratic society.”[[244]](#footnote-245) More recently in the context of the United States, Richard Ford wrote that “affirmative action is one of the nation’s few proactive responses to racial inequity.”[[245]](#footnote-246)

Similarly, legislators and Courts, even when restricting the use of affirmative action measures, recognized their egalitarian role.[[246]](#footnote-247) In a 1989 case challenging affirmative action in the awarding of municipal contracts, the United State Supreme Court decided that the state could, under sharp restrictions, “rectify the effects of identified discrimination within its jurisdiction.”[[247]](#footnote-248) More broadly, the Canadian Supreme Court adopted the distinction between formal and substantive equality, and in 2008 declared that the later allows “governments to pro-actively combat existing discrimination through affirmative measures.”[[248]](#footnote-249) Thus, whether taking a formal and restricting approach like in the United States or a broader and more substantive one like in Canada, legal systems around the world recognized affirmative action with ideal of equality.[[249]](#footnote-250) After affirmative action requirements were formally adopted by the Knesset in 1993, Israel’s Supreme Court titled affirmative action “corrective action” [*Ha’Adafa Metakent*] and, much like the Canadian Court, explained that “[t]he idea of ‘affirmative action’ derives from the principle of equality, and its essence lies in establishing a legal policy for achieving equality as a resultant social norm… Correcting the injustices of the past and achieving actual equality can, therefore, only be done by giving preferential treatment to members of the weak group.”[[250]](#footnote-251)

However, in his book “the Ironies of Affirmative Action,” John David Skrentny uncovers that this identification between affirmative action and equal citizenship was not always so conclusive. Telling the early history of affirmative action in the United States, he revealed that at its origins, during the 1960s, affirmative action, mostly in the workforce, was motivated by elitist interests in crisis management and opposed by prominent leaders of the civil rights movement.[[251]](#footnote-252) The Civil Rights Act of 1964 and six-teen days later a wave of violent race-riots has swept across America's cities. It was a wave of violence and protest, during which young black males burned stores owned by whites and fought with local police. [[252]](#footnote-253) Skrentny and Frymer show how, in the aftermath of the riots of the 1960s, the Johnson administration and business elites employed affirmative action measures—such as race-conscious hiring, “active requirement” requirements and even employment quotas, “not to remedy past and present discrimination, but to buy urban peace.”[[253]](#footnote-254) Affirmative action, they suggest, was understood as a tool to “mitigate the crisis [and] help to maintain control and order.”[[254]](#footnote-255) Most notably, he cited President Johnson explaining why race-conscious hiring was good for business: "[y]ou can put these people to work and you won't have a revolution because they've been left out. If they're working, they won't be throwing bombs in your homes and plants. Keep them busy and they won't have time to bum your cars."[[255]](#footnote-256) Affirmative action was adopted as a managerial device, justified by the promise for control and order in an era short of both. It was only later, during the 1970s, when courts became involved in what became a controversy over affirmative action, that affirmative action practices became so highly recognized with the protection of minorities.[[256]](#footnote-257)

Skrentny shows that in its origins, affirmative action mechanisms in the United States were employed as tools of social control and piece keeping. Yet, even though deep segregation and inequalities between blacks and whites persisted during the 1960s, this was already the civil rights era and the United States was already in the process of coming out of a period of state sanctioned oppression in the form of Jim Crow regime.[[257]](#footnote-258) This history unraveling the link between egalitarian ideals and affirmative action, however it remains within the context of formally equal citizenship. This article, to the contrary, traces the use of affirmative action measures of striking resemblance to the ones adopted in the United States starting in the 1960s and to this day, to a context of unequal citizenship and control.

By doing so, this article uncovers the *indeterminacy of affirmative action mechanisms*, and argues that they can work both to disrupt inequality and to sustain it. In other words, there is nothing necessarily progressive about affirmative action, it is rather a contingent product of time and circumstances: “contested in their content, multiple in their forms, variable across time, place, and social group in the ways they are put to practical use.”[[258]](#footnote-259) It uncovered that a set of practices structured just like modern affirmative action, were employed during a time of overt state sanction oppression and Jewish state building, by the same officials who imposed overtly oppressive measures. It then showed that adopting these measures, officials were motivated by a host of interests, some had moral or egalitarian concerns, but the dominant motivating forces were interests in preserving Jewish social, economic and political domination. Finally, the article showed how these mechanisms functioned to sustain the subordination of the Arab minority by partly interrupting it.

Once we recognize this indeterminacy, we should work to recognize the ways the “opportunities to change it are mediated by institutions and deeply influenced by inequality of status and resources.”[[259]](#footnote-260) This requires to evaluate not only the potential of affirmative action, but also its pitfalls more realistically—paying greater attention to its socio-political context, the agency motivating it, underlying ideology, domain, form and structure, as well as the ideology driving it, instead of simply assuming its directionality and measuring its effectiveness. In what follows, the article suggests two, more specific, pitfalls of affirmative action measures.

## Potential Pitfalls

Uncovering the indeterminacy of affirmative action mechanisms is an important warning sign, but it does not provide tools for evaluating the direction of any specific intervention. Building on this unique historical experience, this article points to two possible risks of employing affirmative action measures. More specifically, I suggest that in order to evaluate affirmative action strategies, we should pay attention to the distinction betweenintegrationist and non-integrationist effortsand their intersection with domain of intervention, as well as to the type of *distributive imperative* they promote. These are important for assessing the scope and the direction in which affirmative action works, yet are often taken as a given and thus did not receive enough scholarly attention.[[260]](#footnote-261)

*The Imperative of Integration: Economy v. Education*

Efforts to benefit disadvantaged groups can work to integrate or can use non-integrationist forms of group-based allocation schemes to promote the conditions or remedy past wrongs without inclusion. In the historical context the article covered, both types were often adopted together under the same programs from the same aspiration. Thus, for historical purposes, I identified all these measures as affirmative action practices. Yet, whether we categorize all these measures under the umbrella of affirmative action measures, or only the later, it is important to distinguish between: integrationist and non-integrationist efforts to benefit disadvantaged groups. In the Israeli case we saw that efforts to integrate the Arab minority were adopted in the economic domain and focused on workforce inclusion, while other efforts in the educational domain were non-integrations. These efforts promoted the inclusion of the Arab minority into the state workforce, but it was unequal inclusion. I showed that this was partly because the efforts encountered racism and discrimination, but also, and perhaps mostly, because they were structurally limited by the systematic lack of qualified Arabs, and suggested that this isolated economic integration did not threaten the social order and only stabilized, because it was hierarchical. This account entails tough questions about the potential of isolated employment integrations efforts today.

In her 2010 book “the Imperative of Integration,” Elizabeth Anderson explains that the mutual multiculturalist and conservative hope that “equality can be achieved through, or at least notwithstanding, substantial racial [school] segregation…is an illusion.”[[261]](#footnote-262) The idea that equality can be achieved by moving resources to people rather than moving people to resources, she explains, is not only proven unrealistic, but is also structurally impossible. Systematically disadvantaged groups lack not just material resources—which are unlikely to be distributed fairly without integration, [[262]](#footnote-263) but also social and cultural capital, which can be acquired, she explains only through integration.[[263]](#footnote-264) If we take seriously this assertion that “separate educational facilities are inherently unequal,”[[264]](#footnote-265) and there are many other good theoretical and empirical reasons to do so,[[265]](#footnote-266) workforce integration without school integration, is structurally limited to promote hierarchical inclusion: massive at the bottom of the employment ladder and scares or token integration at the top. In other words, even a well-intentioned well-designed workforce integration intervention plan is structurally uncapable to make-up for the inequality produced by a segregated education system. And indeed, we often hear from authorities and employers that lack of qualified candidates from the target group limited their efforts to diversify their body of employees.[[266]](#footnote-267) In some cases, this is an excuse, but in other cases, such as in this historical account, it is a reflection of an unequal reality sustained by educational segregation. It does not mean that workforce inclusion can not achieve progress towards materiel and status equality, it sure can,[[267]](#footnote-268) but that when operating on its own, notwithstanding educational segregation, it is limited to create what called, hierarchical inclusion.

*Imperative of distribution: improve, suffice or equalize*

Section \_\_ showed how affirmative action efforts during Israel’s first two decades were structured to improve, to benefit, to suffice, but not to equalize the conditions of the Arab minority to those of the Jewish majority. As such, I argued that they worked to appease the Arab minority and stabilize the social order without actually threatening it. Nancy Fraser argues that affirmative action is an affirmative remedy—"aiming at correcting inequitable outcomes of social arrangements without disturbing the underlying framework that generates them,” rather than a transformative one—"aiming at correcting inequitable outcomes precisely by restructuring the underlying generative framework.”[[268]](#footnote-269) To some degree, this is true not only about affirmative action, but about any kind of distributive scheme falling short of full transformation of society. At first read, my argument seems to be in line with Fraser’s. Yet, it is distinct, exactly because I assert that affirmative action mechanisms are contingent, and suggest that they can be more affirmative or more transformative according to the imperative of distribution it promotes.

More concretely, I suggest that affirmative action measures can promote different imperatives of distribution. Sam Moyn distinguishes between two different imperatives of distribution—sufficiency and equality. He explains that “[s]ufficiency concerns how far an individual is from having nothing and how well she is doing in relation to some minimum of provision of the good things in life. Equality concerns how far individuals are from one another in the portion of those good things they get.”[[269]](#footnote-270) Measures that aim to benefit the minority, I argue, also paly into this distinction. Initiatives that provide sufficient good, often do not declare their goal to fulfill only a minimum threshold, yet this historical account showed that they exist, in the form of group-based welfare enhancement or setting quotas for employing members of the minority group in low-paying jobs to provide minimum earnings.[[270]](#footnote-271) Affirmative action policies can also work—both at the level of discourse and at the level of structure—to equalize. Imagine a permanent quota system in both the public sector and higher education institutions that would directly engage is racial balancing and represents, not as an aspiration but in result, the racial and ethnic makeup of society. This departs from current law of affirmative action in most polities and from meritocratic notions, but similar policies are already at play in another context—requiring equal (50/50) representation of man and women in the legislature, electoral lists, the executive branch and other state institutions, as well as corporate boards. These parity regimes, adopted in the past decades in France, Belgium, and many Latin American countries,[[271]](#footnote-272) are not temporary remedy, but a formulation of equal citizenship itself.[[272]](#footnote-273)

This historical account sheds light on a third type of distribution scheme: improvement. These are measures that aim to make things better than before, more diverse, but lack any structural mechanism for equalizing and sometimes even lack the declarative aspiration to do so. Almost all the mechanisms employed by state officials in Israel’s opening decades were working to improve the conditions of the Arab minority, for the most part they lacked not only the structural design to equalize, but also the aspiration. This improvement distribution scheme is distinct from the other two because it seems to reflect practical and instrumental considerations, rather than derived from any specific perception of distributive justice.[[273]](#footnote-274) However, it is important to identify this scheme, as many of the affirmative action policies employed today—whether they openly admit it or not—are structured to gain exactly that—improvement with relation to the past, and not equality it relation to others.[[274]](#footnote-275) Equalizing measures might not transform the underlining structure of the capitalist market or the meritocratic system, but it systematically works to break the connection between group identity and representation in these institutions. Ameliorating measures, if persistent, can work to make incremental change overtime, but risk stabilizing the unequal social order more than disrupting it.

*Justifications*

This historical account also provokes questions about the relationship between justifications to the form affirmative action measures take and their function. As section \_\_ showed, the motivations for adopting affirmative action measures un the case of Israel were diverse and explicit—they did not downplay or cover their managerial functions, but explicitly declared it.

There is, however, no clear line between the justifications for adopting affirmative action to its function. Instrumental reasons that justify a policy by showing how it benefits the majority group or the society at large, can be used as a rhetoric strategy by advocates of affirmative action. Derrick Bell takes this one step further and argues that civil rights progress occurs only when it benefits the white elites, either for economic profit or national security.[[275]](#footnote-276) However, drawing on this historical account, I suggest that there might be a reason to be more suspicious towards mechanisms which are dominantly justified in instrumental terms, as they do not work to constrain or shape these interventions in ways that protect the minority.[[276]](#footnote-277) In other words, while in the context of nation building and oppression, instrumental justifications overtly exposed the conservative use of affirmative action, in democratic settings, instrumental reasons can be used to disguise elements of force and control, while expressive commitments to equal citizenship might work to better constrain and shape officials and other legal decision makers.[[277]](#footnote-278)

## c. Israel, 2018—Employing Lesson from History

While a full account of Israel’s current affirmative action law and policy is out of the scope of this article, in this section I wish to point to some common trends, similarities and divergences between the use of affirmative action measures in the 1950s and 1960s and today, and draw on history to raise questions about its potential and pitfalls.

In the recent decade, there is a growing use of affirmative action measures for the Arab minority in different fields. In 2000, the Knesset legislated requirements for appropriate representation in the civil service and in boards of governmental corporations,[[278]](#footnote-279) which were later interpreted by the Supreme Court as creating a general norm of appropriate representation for Israel’s public sector.[[279]](#footnote-280) Yet it was only in 2007 that the government started taking operative affirmative steps to promote the representation of the Arab minority. These steps included setting quotas and numeric goals for promoting representation, as well as designating an increasing number of the new positions to the Arab population, as well as special training programs for minorities.[[280]](#footnote-281) Indeed, the number of Arabs in the civil service grew between 2007 and 2015 by 88%, and their representation grew from 6.17% to 10%.[[281]](#footnote-282) The Arabs constitute 20.7% of Israel’s population, and thus while this is still fare from reflecting their share in the population, much progress was made in the past decade. At the same year, the Authority for Economic Development of the Minorities Sector was established with the mission of “Developing and integrating the Arab population in the Israeli Economy.”[[282]](#footnote-283) Furthermore, in 2015, the government announced a five-year plan to invest NIS 15 billion in the development of the Arab sector in the fields of education, higher education, transportation, employment, health and housing. This plan, as well as smaller-scale initiatives to promote the Arab minority, were implemented since. Today, there seems to be a consensus across the political spectrum that integrating Arabs into the Israeli *economy* is necessary, mostly for economic reasons, such as their contribution to the national GDP.[[283]](#footnote-284)

Arabs have been underrepresented in higher education throughout the history of Israel, and as the importance of higher education for entering the job market raised, this increasingly became an obstacle for their integration in the job market.[[284]](#footnote-285) Yet, it was only in the past decade that systematic affirmative action measures addressing the Arab population were adopted. In 2012, the Council of Higher Education established a holistic program to integrate Arab students to higher education. This program is meant to help Arab high-school students prepare for the psychometric exam they need to take for university admission and continues to provide help as they pursue a bachelor’s degree. The program does not include preference in admissions, but a unique package of assistance to Arab candidates and students, that includes funded preparatory programs (Mechinot), scholarships, marketing, language and academic orientations, and well as career counseling and preparation for the job-market, all directly addressing the Arab students.[[285]](#footnote-286) And indeed, since 2010 to 2017 the number of Arab students in higher education (universities and colleges) climbed 78.5% (from ~26,000 to ~47,000). Arab students accounted for 16.1% of all students in bachelor degree programs in 2017, up from 10.2% in 2010. In 2017 the Arabs constituted 21% of the population and 26% of the population in the relevant age group.[[286]](#footnote-287) Israeli Arabs, who constitute about 21% of the total population and 26% of the population in the relevant age group, are still underrepresented in higher education, yet exceptional and very rapid progress was made in seven years.

At the very same time, it seems that Jewish nationalists’ trends and institutionalized subordination of the Arab population are on the raise, peaking with the 2018 legislation of the Basic Law: Israel as the Nation-State of the Jewish People that specifies the nature of the State of Israel as the nation-state of the Jewish people.[[287]](#footnote-288) Preceded by laws similar in nature, such as the 2011 “Nakba Law,” which authorizes the Minister of Finance to reduce monetary support for bodies or entities that have made any payment to promote an event or action that undermines the “existence of Israel as a Jewish and democratic state,” incites “racism, violence or terrorism,” supports an armed struggle or act of terror against the State of Israel, violates the symbols of the State, or commemorates “Independence Day or the day of the establishment of the state as a day of mourning.”[[288]](#footnote-289) Similarly, the Minister of Culture changed the conditions for budgetary allocations to include loyalty requirements to the state of Israel.[[289]](#footnote-290) Another legislative amendment was made to allow small villages to “have the full discretion to accept or reject individuals who wish to live in these villages,”[[290]](#footnote-291) reopening the path for housing discrimination that was previously closed by the Supreme Court in 2000.[[291]](#footnote-292) As politicians condition basic rights in loyalty requirements and public animosity between the two communities is raising,[[292]](#footnote-293) It seems that discrimination in Israel is becoming, once again, overt, and in many cases, publicly legitimate.

These two conflicting trends, commentators and scholars argue, are a new, *bipolar,* era towards the Arab minority.[[293]](#footnote-294) An article from 2011 argued that "on the one hand the Netanyahu Government states that it is interested in the flourishing of the Arab minority, but on the other hand it legitimates the most racist opinions in Israel. . ."[[294]](#footnote-295) A governmental report from 2016 also reports that in recent years we see “escalation in the relationship between Arabs and Jews alongside trends of integration.”[[295]](#footnote-296) The report further states that “economic integration and development of the Arab minority became fashionable, and indeed important practical measures, like the establishment of the Authority for Economic Development of the Minorities Sector, were taken… At the same time... calls to weaken the status of the Arabs and limit their rights have multiplied.”[[296]](#footnote-297)

While much have changes and progressed, looking back at history, suggests that this “bipolar” dynamic is familiar: large scale affirmative action measures to promote employment integration and non-integrative investments in welfare and education, at a time of overt and explicit discrimination that categorizes Arabs as second-class citizens. Affirmative action measures today are legislated and are much more systematic, while non-integrationist budgetary allocations still lack mechanism to equalize and mostly work to ameliorate,[[297]](#footnote-298) integration efforts, especially in the workforce include representational numeric goals that increase every couple of years and include radicle measures such as designated positions and quotas. Yet still, in 2017, 49% of Arab men work in blue-color mostly manual jobs, such as agriculture and construction (in comparison to less 20% of the Jewish men) and 74% of Arab women are not part of the workforce (in comparison to 34% of Jewish women). According to a 2014 study, 51.8% of Jewish-owned businesses employ Arabs, and Arabs constitute 23% of these businesses, yet the majority of the businesses who employ Arabs according to their share in the population or more are mostly industrial, construction and trade fields.[[298]](#footnote-299) While only 2% of employees in high-tech are Arab,[[299]](#footnote-300) and 2% of the academic faculty.[[300]](#footnote-301) Similarly, the Arab population is severely underrepresented in the senior clerkship and decision making positions in the public sector (only 3.2% of governmental senior positions).[[301]](#footnote-302) Thus, similar patterns of *hierarchical inclusion* characterize the inclusion of the Arabs in the national workforce.

Contemporary affirmative action measures, however, also include efforts to integrate Arabs into higher education. As I showed, the numbers of Arab students, especially in bachelor degrees have been raising dramatically in the past seven years. Yet, at the same time saver gaps and inequality between the Arab education system and the Jewish one that manifest in every aspect—from budgets that inflict on the quality of education, to the number of graduates who are entitled of the matriculation exam (46% of the Arab students as opposed to 72% of the Jewish students),[[302]](#footnote-303) persist. Drawing on Israel’s history of affirmative action raises the question whether higher-education affirmative action efforts to integrate the Arab population can ever make-up for the systematic inequality produced by the segregated education system. The answer to this is not conclusive. Higher education integration that not only gives preference in admissions, but also the resources to train, attract and help Arab high-school candidates and students can achieve a lot, yet as long as hyper educational segregation remains undisturbed, there are good reasons to think that these efforts will reach a glass ceiling.

# Preliminary Thoughts for Future Directions and Concluding Remarks

[to be completed – 1 page]

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2. See infra notes \_\_ and accompanying text. [↑](#footnote-ref-3)
3. Include practices that This definition, more in the American tradition, is broader and more lenient than the one adopted by Israel’s Supreme Court decades later—"correcting injustices… by giving preferential treatment to members of the weak group.” Shdolat Hanshim “Correcting the injustices of the past and achieving actual equality can, therefore, only be done by giving preferential treatment to members of the weak group.” Ironies. But also contemporary Sotomayor about “race sensitive remedies; Also about the different names positive action, positive or reverse discriminations, reservations, employment equity, integration, representation- [↑](#footnote-ref-4)
4. For just a few examples . See also infra part \_\_ on Israel modern [↑](#footnote-ref-5)
5. I reviewed materials from four archives: Israel’s State Archives, the Knesset Archive, the Labor Movement Archive and the Jewish Press Historical Collection. The study was conducted according to relevant bodies, actors, and other keywords. In the process, I also found documents that reveal that this understudied history of Israel’s affirmative action was not limited only to the Arab minority, but also included affirmative initiatives towards Mizrahi Jews and (Jewish) Women. These two latter stories are of immense importance and, of course, are connected to the policy carried towards Israeli Arabs, yet they are beyond the scope of this paper and will be told in future projects. ; Say something about self reporting [↑](#footnote-ref-6)
6. See Barak Medina and Rubinstein; For the most extensive work on Israel’s affirmative action written thus far, see Affirmative Action and Equal Representation in Israel (Anat Maor ed., 2004) (Hebrew). See also infra part \_\_ [↑](#footnote-ref-7)
7. See Government Corporations Law (Amendment no. 6) (Appointments), 5753-1993, SH 1417 p. 92 (Isr.) and the litigation that followed and enforced it HCJ 453/94 Israel Women’s Network v. Government of Israel 48(5) PD 501 [1994] (English version is available at ISCP website: http://versa.cardozo.yu.edu/opinions/israel-women%E2%80%99s-network-v-government-israel). This amendment is widely considered as the first time that the Knesset enacted an affirmative action policy. See The Gender Index: Gender Inequality in Israel 2014 (2014); Ruth Halperin-Kaddari, Women in Israel: A State of Their Own 29 (2004). For similar requirements in the civil service arena, see Civil Service Law (Appointments), 5719-1959, SH 279 p.86 ss. 15A (Isr.). In 2000, the Knesset amended the Government Corporations Act once again, this time to include a requirement of appropriate representation on boards of governmental corporations for Arabs. That same year the Knesset also amended the Civil Service Law (Appointments) to include a requirement for appropriate representation in civil service appointments, in all levels of employment in all public offices, of the Arab population and people with disabilities. See Government Corporations Law, 5735-1975, SH 730 p. 132 s. 18A1; Civil Service Law (Appointments), 5719-1959, SH 279 p.86 ss. 15A(b) (Isr.). [↑](#footnote-ref-8)
8. See infra part \_\_ and \_\_\_. An exception is YB that did discuss some of them, but not their contradictory role and not really. [↑](#footnote-ref-9)
9. [↑](#footnote-ref-10)
10. Here my lit review of aa: two main discussions: fairness of AA (constitutionality and fairness) and the second is about the effectiveness of specific strategies: whether AA in universities works, usually checks attainments levels or income. This is about the domain of intervention and the concept of justice it is promoting. [↑](#footnote-ref-11)
11. HILLEL COHEN, THE PRESENT ABSENTEES: THE PALESTINIAN REFUGEES IN ISRAEL SINCE 1948 7, 21– 25 (2000). [↑](#footnote-ref-12)
12. BENNY MORRIS, BIRTH OF THE PALESTINIAN REFUGEE PROBLEM, 1947–1948 199-201 (1987); [↑](#footnote-ref-13)
13. The decision to abolish was made in 1966, but it was only uplifted in 1967. For an accoung see Robinson, but also ASL. [↑](#footnote-ref-14)
14. Movement outside these areas was controlled by a system of travel permits. The movement restrictions naturally limited the Arab population’s ability to participate in the labor market; *see* Alina Korn, *Military Government, Political Control and Crime: The Case of Israeli Arabs*, 34 Crime L. & Soc. Change 159 (2000). The military rule was legally based on enclosure orders issued under Regulation 125 of the Defense Regulations (State of Emergency) 1945, which are "leftover" regulations from the British Mandate over Palestine. For a comprehensive account of the repudiation of the military regime, see Yair Baumel, *The Military regime and its abolishment* 1958-1968, 43 New East 103 (2002) (Hebrew).; Military governors were allowed to impose exile or arrest arbitrarily. Michael Kagan, *Destructive Ambiguity: Enemy Nationals and the Legal Enabling of Ethnic Conflict in the Middle East*, 38 Colum Hum Rts Rev 263 (2006). [↑](#footnote-ref-15)
15. The Military gov. IL 66 [↑](#footnote-ref-16)
16. Yigal Alon, 1959 [↑](#footnote-ref-17)
17. Land expropriation – Yiftachiel, Kidar [↑](#footnote-ref-18)
18. while Jews were welcome to immigrate to Israel under the Law of Return (1950), [↑](#footnote-ref-19)
19. Kremnizer 107 (were excluded from national developmental plans) [↑](#footnote-ref-20)
20. Other scholars, like Sarah Ozacky-Lazar, Sarah Ozacki-Lazar, The Formation of the Reciprocal Relations between Jews and Arabs in the State of Israel, the First Decade 1948-1958, PhD dissertation; Elie Rekhess argued that while there were two opposing approaches towards the Arabs, the government actually adopted a middle-line attitude, a compromise between these two approaches. Elie Rekhess, *Initial Israeli Policy Guidelines towards the Arab Minority, 1948–1949*, New Perspect. Isr. Hist. id,

    (outlined an ambivalent relationship that “moved forth and back between two opposite poles. On the one hand a liberal, democratic and moral approach, and on the other a security-oriented approach). More generally The Declaration of the Establishment of the State of Israel (1948) (on paragraph 4 the declaration emphasizes the right of the Jewish people to "rebuild [their] national home" in Israel and the "right of the Jewish people to establish their State," and on paragraph 12 it declares that Israel "will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture.").); See Aluf Hareven, One Look Back and One Forward: Is it Really Equal and Full Citizenship? (1998) (Hebrew) (“From the instatement of Israel, it holds a tension between two elements: between its definition as the state of the Jewish nation and its definition as a democratic state. The most problematic issue rising from this tension is the status and living conditions of the Arab citizens of Israel and its relationship, as a minority, with the state.”). [↑](#footnote-ref-21)
21. Say that the controversy is historical but it is understood to have strong implications to what israel is and what it can ever be. Is there any democratic foundation that we can yearn to go back to?

    Bring here the three waves. Drawing on archival materials that were declassified in the 1980s, *the New Historians* have provided detailed accounts of Israel’s approach to Israeli Arabs in those decades, describing a time of oppression and discrimination.

    Other scholars, like Sarah Ozacky-Lazar, Sarah Ozacki-Lazar, The Formation of the Reciprocal Relations between Jews and Arabs in the State of Israel, the First Decade 1948-1958, PhD dissertation; Elie Rekhess argued that while there were two opposing approaches towards the Arabs, the government actually adopted a middle-line attitude, a compromise between these two approaches. Elie Rekhess, *Initial Israeli Policy Guidelines towards the Arab Minority, 1948–1949*, New Perspect. Isr. Hist. id,

    (outlined an ambivalent relationship that “moved forth and back between two opposite poles. On the one hand a liberal, democratic and moral approach, and on the other a security-oriented approach). More generally The Declaration of the Establishment of the State of Israel (1948) (on paragraph 4 the declaration emphasizes the right of the Jewish people to "rebuild [their] national home" in Israel and the "right of the Jewish people to establish their State," and on paragraph 12 it declares that Israel "will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture.").); See Aluf Hareven, One Look Back and One Forward: Is it Really Equal and Full Citizenship? (1998) (Hebrew) (“From the instatement of Israel, it holds a tension between two elements: between its definition as the state of the Jewish nation and its definition as a democratic state. The most problematic issue rising from this tension is the status and living conditions of the Arab citizens of Israel and its relationship, as a minority, with the state.”). [↑](#footnote-ref-22)
22. examples [↑](#footnote-ref-23)
23. About this duality, robinson, etc… Later talk about the actual wrongs (refer to infra fornotes)

    Gershon Shafir & Yoav Peled, Being Israeli: The dynamics of multiple citizenship 110–36 (2002). Another Example (); See Robinson*, supra note* 7 (She added: “Israel’s essential Paradox has pivoted around its attempt to pursue the Jewish conquest of land and labor while extending individual political rights to the Arabs of Palestine who remained after 1948—to bind voting Palestinians to the state while simultaneously denying them access to it.”); See for example Alisa Rubin Peled, *The other side of 1948: The forgotten benevolence of bechor Shalom Shitrit and the ministry of minority affairs*, 8 Israel Affairs 84–103, 85 (2002).; (); Shira Robinson articulated this duality as the “Paradoxical status” of the Israeli-Arabs “as citizens of a formally liberal state and subjects of a colonial regime.” [↑](#footnote-ref-24)
24. Shira Robinson. SAL [↑](#footnote-ref-25)
25. Yifachael [↑](#footnote-ref-26)
26. Refugees [↑](#footnote-ref-27)
27. Gershon Shafir & Yoav Peled, Being Israeli: The dynamics of multiple citizenship 110–36 (2002). Another Example (); See Robinson*, supra note* 7 (She added: “Israel’s essential Paradox has pivoted around its attempt to pursue the Jewish conquest of land and labor while extending individual political rights to the Arabs of Palestine who remained after 1948—to bind voting Palestinians to the state while simultaneously denying them access to it.”); See for example Peled, *supra* note 1 at 85.; (); Shira Robinson articulated this duality as the “Paradoxical status” of the Israeli-Arabs “as citizens of a formally liberal state and subjects of a colonial regime.” [↑](#footnote-ref-28)
28. The main line is postcolonial scholarship but not onlt [↑](#footnote-ref-29)
29. The general question by Weber: ‘why do men and women obey those who seek to govern them?’ [↑](#footnote-ref-30)
30. Robinson [↑](#footnote-ref-31)
31. Robinson [↑](#footnote-ref-32)
32. Hillel Cohen, Good Arabs (creating a feeling of constant control…). [↑](#footnote-ref-33)
33. Baumel. Book 313; and paper from 2009. [↑](#footnote-ref-34)
34. Lustick 82- [↑](#footnote-ref-35)
35. Saban the first 3 decades. [↑](#footnote-ref-36)
36. Lustick, YB [↑](#footnote-ref-37)
37. Comrads. See infra [↑](#footnote-ref-38)
38. NIR KEDAR, *A Civilian Commander in Chief: Ben-Gurion’s Mamlakhtiyut, the Army and the Law*, 14 Isr. Aff. 202, 211-14 (2008). [↑](#footnote-ref-39)
39. Lustik 78 [↑](#footnote-ref-40)
40. Benny Morris, The Birth of the Palestinian Refugee Problem, 1947-1949 (1989) [↑](#footnote-ref-41)
41. w [↑](#footnote-ref-42)
42. N. Rouhana & A. Sabbagh-Khoury, *Memory and the Return of History in a Settler-Colonial Context: The Case of the Palestinians in Israel*, Israel and its Palestinian Citizens: Ethnic Privileges in the Jewish State 393–432, 400 (2017)(“ "...the history so central to their colonized reality was, until recently, silenced from the official public and political discourse among the Palestinians in Israel.”). [↑](#footnote-ref-43)
43. The Government of Israel, The Arabs in Israel, Office of the Prime Minister’s Advisor on Arab Affairs, 8 (Jan., 1952) (hereinafter: The Arbs in Israel). [↑](#footnote-ref-44)
44. Id. At 9. [↑](#footnote-ref-45)
45. Id. at 10. (“Apart from the general assistance accorded by the Government to all farmers in Israel… the Ministry of Agriculture granted special loans to Arab farmers without guarantee, to enable them to replenish their stock and accelerate the transition to more instant farming.”). [↑](#footnote-ref-46)
46. Id. at 11. [↑](#footnote-ref-47)
47. Id. At 12. [↑](#footnote-ref-48)
48. Of course, there is still the problem of self reporting. [↑](#footnote-ref-49)
49. A General Review of the Minority Office, it’s Organization, Mission and Actions (12/20/1948) 307/37-Gimel (page 41 of the PDF). Sheetrit considered his appointment as an opportunity to build bridges between the Arab minority and the institutions of the young state. It was his task, he believed, to bring the Jewish population to adopt a "fair and equal" approach towards the Arabs and promoting the restoration of normal life.. See Memorandum, signed by Sheetrit, Feb. 27th, 1949. See also Elie Rekhess, *Initial Israeli Policy Guidelines towards the Arab Minority, 1948–1949*, New Perspect. Isr. Hist. Early Years State 103–23 (1991); Haboker, November 10th, 1948. [↑](#footnote-ref-50)
50. See also The Minorities Ministry is Working to Promise Equal Rights, Al-Hamishmar (Nov., 10th, 1948) [↑](#footnote-ref-51)
51. The Mistry of Minorities Affairs is Organizing the Life of the Arabs , Al Hamishmar, July 20th, 1948. [↑](#footnote-ref-52)
52. See also Alisa Rubin Peled, *The other side of 1948: The forgotten benevolence of bechor Shalom Shitrit and the ministry of minority affairs*, 8 Israel Affairs 84–103 (2002) (and focusing mostly on the Ministry’s policies for promoting religious autonomy and addressing different Islamic affairs). [↑](#footnote-ref-53)
53. A General Review of the Minority Office, it’s Organization, Mission and Actions (12/20/1948) 307/37-Gimel (page 44 of the PDF) [↑](#footnote-ref-54)
54. For a survey of the ministry’s activity’s in the Arab sector, see a report of the ministry dated September 29th, 1949, ISA, 307/24. [↑](#footnote-ref-55)
55. The Activities of the Ministry of Minorities Affairs in Jaffa, Hazufe, September 14th, 1948 [Hebrew]. [↑](#footnote-ref-56)
56. The Government Yearly Report (Shnaton Hamemshala) of 1950, 118-19. [↑](#footnote-ref-57)
57. The Government Yearly Report (Shnaton Hamemshala) of 1950, 118-19. [↑](#footnote-ref-58)
58. Unemployment of Workers in Jaffa was minimized, Al-Hamishmar (9.14.1948). [↑](#footnote-ref-59)
59. A letter from the Minorities Ministry to the Ministry of Interior (Sep., 26, 1948) (ISA-309/60-G) [↑](#footnote-ref-60)
60. For an account of the demise of the office of minority affairs see Peled, *supra* note 1 at 95. [↑](#footnote-ref-61)
61. [↑](#footnote-ref-62)
62. 'Coalition Protocols 1949-Sephardim, 2 March 1949, BGA, Coalition Protocols, p.6 (1602093). [↑](#footnote-ref-63)
63. Uzi Benziman & Atallah Mansour, *Subtenants: the Arabs of Israel, their statues and the policy towards them*, Keter, Jerusalem, 61 (1992) (suggesting that the dissolvement of the Office of Minority affairs marks the “security considerations victory over the liberal considerations,"). [↑](#footnote-ref-64)
64. Nachum Gross, Israel’s Economy *In* The First Decade*: 1948-1958* (Zvi Zameret and Hanna Yablonka eds) (1998) 137, 147-50 (Hebrew). [↑](#footnote-ref-65)
65. See Esther Alexander, "The Economics of Absorving the Great Aliya", 79-93 Iyunim Bitkumat Israel 2 (1992) [↑](#footnote-ref-66)
66. Krampf, 22-23 [↑](#footnote-ref-67)
67. Kramf [↑](#footnote-ref-68)
68. Phd “Relief Work as a Component of Social-Employment Policy in Israel in the 1950s and 1960s” [↑](#footnote-ref-69)
69. Minorities’ Economy, Employment and Unemployment in Nazareth (1/20/1949) in “Minorities’ Economy” 2402/22 (page 73 of the PDF). numbers [↑](#footnote-ref-70)
70. Minorities’ Economy, Employment and Unemployment in Nazareth (1/20/1949) in “Minorities’ Economy” 2402/22 (page 30 of the PDF). [↑](#footnote-ref-71)
71. Allowancing days of work for the minority population 12.8.2918 in Arab Employment 6168/19 (p 8 of the pdf); I. Kretzer, Operations of the Ministry of Labor in the Arab Sector, the Department of the Arab Village in the Minstry of Labor (July 5th, 1051) (ISA, 2402/02-mfa) (listing the governmental budgets allocated for employing Arabs in different public-work projects);There are conflicting evidence to whether the payment for these days for Arabs and Jews was equal. In this report they committed for equal pay; see also Employing Arab Construction and Port Workers (sending 200 Arab workers to work in Jaffa) Hamashkif (Dec., 9th, 1948); 500 to lod Hamshkif [↑](#footnote-ref-72)
72. The Phd. [↑](#footnote-ref-73)
73. DK Jan., 24th 1951, 870, 872 (As evidence to her claims that “employment of Arab laborers is very much better than of the state of employment in the Jewish labors,” she pointed to the fact that both in Nazareth and Jaffa, the unemployment of Arabs was minimal) [↑](#footnote-ref-74)
74. I. Kretzer, Operations of the Ministry of Labor in the Arab Sector, the Department of the Arab Village in the Minstry of Labor (July 5th, 1951) (ISA, 2402/02-mfa). [↑](#footnote-ref-75)
75. Id. [↑](#footnote-ref-76)
76. id [↑](#footnote-ref-77)
77. Id. P. 2 [↑](#footnote-ref-78)
78. “On what that is being done within the minorities,” the office of minority affairs (3.13.1949( (ISA 17112-19). [↑](#footnote-ref-79)
79. Id. 1; see also Minorities’ Economy, Employment and Unemployment in Nazareth (1/20/1949) in “Minorities’ Economy” 2402/22 (page 30 of the PDF). [↑](#footnote-ref-80)
80. Some of the early efforts were part of an obligation to reinstate former clerks who previously served under the British Mandate over Palestine. See the appointment of non-Jewish former clerks to governmental positions (3/27/1950), in Arabs’ Employment in different Occupations 61393/13 (page 12 of the pdf) (. Following a ruling of the High Court of Justice regarding the reinstatement of Jewish officers, the Attorney General of Israel determined that the Israeli government must employ former government clerks. ) HCJ 22/48 [↑](#footnote-ref-81)
81. A Review on the Non-Jewish Civil Servants (9.9.1957), page 1, in A survey on the Arabs in Israel 47242/3 (pages 30-34 of the pdf). [↑](#footnote-ref-82)
82. A Review on the Non-Jewish Civil Servants (9.9.1957), page 1, in A survey on the Arabs in Israel 47242/3 (pages 30-34 of the pdf). [↑](#footnote-ref-83)
83. A Promise to Promote the Integration of Arab Students to Work in Governmental Offices, Al Hamishmar (8/25/1955). With time, and perhaps influenced by the fact that some Arabs civil servants were reinstated and became employees of the state of Israel, the attempts to employ Arabs grew. [↑](#footnote-ref-84)
84. Ben-Zvi, July 9 1950Knesset. [↑](#footnote-ref-85)
85. 47424/3Setting a minimum quota for Arabs [↑](#footnote-ref-86)
86. A Review on the Non-Jewish Civil Servants (9.9.1957), page 1, in A survey on the Arabs in Israel 47242/3 (pages 32 of the pdf). [↑](#footnote-ref-87)
87. The different reports. [↑](#footnote-ref-88)
88. The Ministry of Labor Assisting Arab Students, Davar (Dec. 1, 1955) [↑](#footnote-ref-89)
89. YB 136-38 [↑](#footnote-ref-90)
90. A report on the Israeli Arabs in the first five years , Office of the Prime Minister’s Advisor on Arab Affairs, 17 (1953)(hereinafter: the First Five Years Report); also see YB 137 [↑](#footnote-ref-91)
91. According to Compulsory Education Act [↑](#footnote-ref-92)
92. The first five years report, P. 9-10 [↑](#footnote-ref-93)
93. Government meeting 11/15/1953 9ages 40-41. [↑](#footnote-ref-94)
94. The Arabs in Israel [↑](#footnote-ref-95)
95. See Laurence [↑](#footnote-ref-96)
96. [↑](#footnote-ref-97)
97. YB and other of land expropriation. [↑](#footnote-ref-98)
98. Some of these large-scale policies were already studied, most notably by Yair Baumel. As part of an attempt to determine what was the state’s policy towards the arab minority at the first decades. This is not part of my mission, but rather to expose that these policies existed at well. [↑](#footnote-ref-99)
99. See infra section… [↑](#footnote-ref-100)
100. The first chair of the committee was Mordechai Namir, who was the Minister of Labor in those years, and its second and last chair (1960-1968) was Abba Hushi, who was Mayor of Haifa in those years. [↑](#footnote-ref-101)
101. I am giving up on chorological order, but otherwise I would have to repeat the same thing so many times. [↑](#footnote-ref-102)
102. [↑](#footnote-ref-103)
103. MAPAI Committee for Arab Affairs, Protocol 1.30.1958, 5-10 [↑](#footnote-ref-104)
104. MAPAI Committee for Arab Affairs, Protocol 1.30.1958, 5-10 [↑](#footnote-ref-105)
105. Mapai Action-Plan for the Arab Population (1960); bring the examples from the other plans – less radicle versions of this goal; Or as the Advisor for Arab Affairs articulated it in an action-plan from 1959: any future policy towards the Arab sector must be focused on “development and integration to the state’s life.” Recommendations re: the Arab Minority in Israel, Office of the Prime Minister’s Advisor on Arab Affairs,, September 1959. [↑](#footnote-ref-106)
106. [↑](#footnote-ref-107)
107. See infra notes\_\_\_ [↑](#footnote-ref-108)
108. MAPAI Committee for Arab Affairs, Protocol 1.30.1958, 5-105-10. [↑](#footnote-ref-109)
109. Id. 18-2; See also Mapai Action-Plan for the Arab Population (1960) (page 22 of the PDF).

     (the document states that joint corporations and enterprises for Arab and Jews should be established, and that all existing organizations and institutions should be open for Arabs. [↑](#footnote-ref-110)
110. Report by the Committee for Examining Ways of Integrating the Arab Population in the Economy and Labor Systems, 5 (1960). [↑](#footnote-ref-111)
111. Conclusions of the Labor Committee on Unemployment in the Arab Sector, appendix (1968) (ISA-17021/12-GL) [↑](#footnote-ref-112)
112. See for example A letter from (Nov. 20.1962, ISA 61357/12) (page 23 of the PDF) (asking to designate workfare positions for minorities); Report by the Arab sector in the Labor Office (September 1961, ISA 61357/12) (page 32 of the PDF), also page 38 (KKL) (employing un employed); Knesset Protocol from April 3rd 1967 (page 3) reports that there are almost 3000 young Arabs working through work-fair system; The Labor Committee Protocol (17021/13-GL) (explaining that 16,000 of work-days are provided through work-project, over 2500 are designated to Arab villages. More days are distributed to Arabs in the cities.) [↑](#footnote-ref-113)
113. See for example a report by the Arab sector in the Labor Office (September 1961, ISA 61357/12) (page 32 of the PDF) (opening a training class for sewing); The Knesset Labor Committee , Protocol number 91 (March 8th 1967, ISA 17021/13-GL) (a couple of words on professional training. Since 1955 until today (1967) 11 classes graduated from course for carpentry, framing, electricity. 300 people took these classes. 250 more taking classes in mechanics.). [↑](#footnote-ref-114)
114. As section \_\_ shows in detail, by 1965 half of the Arab workers worked in Jewish owned businesses or by the state, outside their village. [↑](#footnote-ref-115)
115. Unemployment in the Arab Sector, The Prime-Minister Office, 1 (Sep., 9th, 1966) (ISA-17021/13-GL) [↑](#footnote-ref-116)
116. The Plan for Industrializing Arab areas 13963-19 p. 120 of the pdf. A carpet factory committed to open a new branch in Nazarth and to employ at least 100 Arab workers, and in cade of need 200 more. Similarly… 50 workers. [↑](#footnote-ref-117)
117. Id; [↑](#footnote-ref-118)
118. The Labor Committee Protocol 91, Appendix (March 8th, 1967) Another report, specified the numbers of Arabs who were employed in Jewish Owned business (for example, there are 6500 breadwinners in Nazareth. 408 of them work for the state, and many other work in neighboring municipalities. For instance, Voltex factory in Afola employees 37 Arab women from Nazerath, the kibuzzim employ around 100 Arab workers, and in Haifa 1750 Arab workers) [↑](#footnote-ref-119)
119. Report to the Minister of Labor: Reconsiderations for increasing employment rates in Arab villages by establishing factories (Jan. 5th, 2967) (13963-19-GL) [↑](#footnote-ref-120)
120. See SAL [↑](#footnote-ref-121)
121. Sarah OL, Hisadrut. [↑](#footnote-ref-122)
122. Almost 2/3 of the Arab workers became members [↑](#footnote-ref-123)
123. Namir, Havad HapoelMay 7 1953. [↑](#footnote-ref-124)
124. [↑](#footnote-ref-125)
125. SAL full review [↑](#footnote-ref-126)
126. News reports. [↑](#footnote-ref-127)
127. SAL 392. [↑](#footnote-ref-128)
128. Sharif Mamlok, The 9th Histadrut Council, Spring 1960, 42-43; Also the Arab Department of the Histadrut, Dec. 20, 2961. [↑](#footnote-ref-129)
129. The 10th meeting of the Histadrut Jan. 1966 [↑](#footnote-ref-130)
130. Id. at 8. [↑](#footnote-ref-131)
131. [↑](#footnote-ref-132)
132. A Report: The Office’s Actions regarding Minority Issues, The Ministry of Labor 2 (Oct. 24th, 1961) [↑](#footnote-ref-133)
133. 25 Educated Arabs and Druze to be Hired by the Ministry of Finance, Davar, page 3 (6/26/1961). [↑](#footnote-ref-134)
134. The mail story [↑](#footnote-ref-135)
135. Moshe Piamenta to the Advisor for Arab Affairs (6/28/1959), page 30 of the Pdf The Employment of educated; also see Educated Arabs to e Integrated in the public sector, Davar 1/12/1966 (“Similarly, a news report from 1966 reported at tens of educate Arabs and Druze form minority villages . . . will soon be integrated to governmental offices and the Histadrut in the north.” ); another example of quotas : The Prime-Minister Office, Unemployment in the Arab Sector (Sep. 6th 1966, ISA 17021/13) (p. 82 of of the PDf, 3 of the doc). [↑](#footnote-ref-136)
136. Id p. 99; Add more examples: 17036/19 The Employment of educated Arabs page 99 of the pdf 70 workers; [↑](#footnote-ref-137)
137. The second Mapai plan [↑](#footnote-ref-138)
138. An Action to Attain Employment to Educated Arabs, Lamerhav (March 14th, 1963) [↑](#footnote-ref-139)
139. Knesset 1959 [↑](#footnote-ref-140)
140. A letter from the Office of the Advisor of Arab Affairs to the Office of the Prime Minister (June 29th, 1964) (ISA-17036/20-GL). [↑](#footnote-ref-141)
141. 47424/3 page p 32 – including social workers, officials in agriculture, teachers, nurses… ; See also A Survey of the Educated Arabs for the Primie-Minister Office, The Advisor (Oct. 13, 1964)(ISA-17036/20-GL); See also A monthly report of the office for Arab affairs, The Mistry of Labor 1 (July 1961). [↑](#footnote-ref-142)
142. Educated Arabs and their integration; 47424/3 page 32 of the Pdf [↑](#footnote-ref-143)
143. [↑](#footnote-ref-144)
144. Employment of Educated Arabs and the Civil Service Exams, Office of the Advisor of Minority Affairs (May 2nd, 1967) (ISA-17036/20-GL) [↑](#footnote-ref-145)
145. YB p. 302 [↑](#footnote-ref-146)
146. Yegal Losin, 73 Outraged Youngsters, Mariv (June 20th, 1959). [↑](#footnote-ref-147)
147. The Speaker of the Ministry of Education and Culture, Letter for Boneh Tirush (January 8th, 1965) [↑](#footnote-ref-148)
148. Majid Al-Haj, Education, empowerment, and control: The case of the Arabs in Israel 86–87 (2012). [↑](#footnote-ref-149)
149. 47424/3 page 3 (7 of the pdf): (“three of the 12 Arab students now studying in the Technion… Have been granted scholarships to enable them to continue their studies”); [↑](#footnote-ref-150)
150. Levi Eshkol, Knesset10/21/1963 [↑](#footnote-ref-151)
151. Guy Luria, referring to a letter from 1967 [↑](#footnote-ref-152)
152. Id. [↑](#footnote-ref-153)
153. Id. 313 [↑](#footnote-ref-154)
154. SK.. etc.Lustick p 20 [↑](#footnote-ref-155)
155. Blank and others [↑](#footnote-ref-156)
156. Examples [↑](#footnote-ref-157)
157. 13900-13 page 3. [↑](#footnote-ref-158)
158. Id. At page 7 of the program (12 of the pdf). [↑](#footnote-ref-159)
159. 13963-9. ; see also See for example the Arabs in Israel*, supra note 33*, at 11. [↑](#footnote-ref-160)
160. Lustick p. 191 [↑](#footnote-ref-161)
161. The Party’s Policy Directions towards the Arab population 2, The Committee of Arab Affairs (May 27th, 1960) (LMA-27-1960-116) [↑](#footnote-ref-162)
162. The Committee of Arab Affairs Protocol p.2 (Aug. 11th, 1960) (LMA-27-1960-116) [↑](#footnote-ref-163)
163. While mostly, the recommendations entailed that the two educational streams remain separated, two recommendations called for integration in mixed cities, higher education and professional training schools, and in some cases, high-schools, to be open to all and integrated; See for example Mapi’s action plan from 1960 (21 of the PDF); See also 17004/22 – the Committee for integrating the Arab population (1961); Loans - 17004/22 page 64; as far as I know this was not adopted with respect to k-12 education. [↑](#footnote-ref-164)
164. Id; also the first plan - MAPAI Committee for Arab Affairs, Protocol 1.30.1958, 5-10 (As part of the first five year plan, funds were allocated to Arab municipalities with the purpose of improving educational conditions, and Arab teachers were trained to provide better education for Arab children.) [↑](#footnote-ref-165)
165. 13963-19 p. 160 of the pdf. [↑](#footnote-ref-166)
166. Yoal Dar, A five year plan for expending Arab education was approved, Feb. 4th 1967. DAVAR (13963-19, page 325); Id a7 Mapi 1960 [↑](#footnote-ref-167)
167. SAL page 40 [↑](#footnote-ref-168)
168. Arab Employment in different Occupations, page 58 of the pdf (unemployment I Nazath); [↑](#footnote-ref-169)
169. MAPAI Committee for Arab Affairs, Protocol 1.30.1958, 1-2. [↑](#footnote-ref-170)
170. Id. at P. 3. [↑](#footnote-ref-171)
171. Id. [↑](#footnote-ref-172)
172. Id. At p. 6. [↑](#footnote-ref-173)
173. Mapai’s Archive 147-1957-962-2 Protocol. March 3, 1964. page 8 [↑](#footnote-ref-174)
174. See *supra* note 40, the First Five Years Report, at p. 4. [↑](#footnote-ref-175)
175. Provide more examples? [↑](#footnote-ref-176)
176. See infra notes… [↑](#footnote-ref-177)
177. Report by the Committee for Examining Ways of Integrating the Arab Population in the Economy and Labor Systems, 5 (1960). [↑](#footnote-ref-178)
178. See Bauml, *supra* note 7, at 41. [↑](#footnote-ref-179)
179. Recommendations for Handling the Arab Minority in Israel, The Advisor for Arab Affairs, 15 (Sep. 1959) [↑](#footnote-ref-180)
180. The Employment of Arabs in Different Sectors, page 48 [↑](#footnote-ref-181)
181. YB 121 [↑](#footnote-ref-182)
182. A, Agasy, Shlavim Ba’Derech, in The Histadrut and the Arab Worker 3-4 (1953) [↑](#footnote-ref-183)
183. The Committee for integration file, at page 5 of the pdf [↑](#footnote-ref-184)
184. Robinson, 56. ; Also 1959 The Advisor Recommendations page 6 (“The State’s policy in the past ten years was to promote the separation and balkanization of the Arab population to it’s sub-communities and areas and to consolidate their interests around these divisions”); Lustick 98 [↑](#footnote-ref-185)
185. Maapai 30.1..1958 [↑](#footnote-ref-186)
186. Robinson 56-57; Lusick 209 – describing the special benefits [↑](#footnote-ref-187)
187. For example, see MAPAI Committee for Arab Affairs, Policy Memo 3.30.1958, at p. 3. [↑](#footnote-ref-188)
188. Give more examples. [↑](#footnote-ref-189)
189. Give example [↑](#footnote-ref-190)
190. The recommendations document. Page 18. [↑](#footnote-ref-191)
191. Id. At 19. [↑](#footnote-ref-192)
192. YB 133 [↑](#footnote-ref-193)
193. Bauml, *Supra* note 7, at 42. [↑](#footnote-ref-194)
194. YB 139 [↑](#footnote-ref-195)
195. Protocol uof Israel’s Government Meeting, 11.15.1953. page 25. ( “it is not good to oppress a minority, it is not good when the minority’s economic state is bad, but it is even worse when the minority is well-off and getting wealthier because of the majority.”) [↑](#footnote-ref-196)
196. MAPAI Committee for Arab Affairs, Protocol 1.30.1958, 1-2. [↑](#footnote-ref-197)
197. SAL FT 30 [↑](#footnote-ref-198)
198. Mapai’s Center, Protocol Feb. 12th 1960 Mapai’s Committee for Arab Affairs (page 73-81 in the pdf). [↑](#footnote-ref-199)
199. Id. [↑](#footnote-ref-200)
200. The Committee for Arab Affairs protocol (May 5th, 1961). P.1 (LMA-27-1960-116) [↑](#footnote-ref-201)
201. Mapai’s Center, Protocol Feb. 12th 1960 Mapai’s Committee for Arab Affairs (page 73-81 in the pdf).. [↑](#footnote-ref-202)
202. Recommendations for Handling the Arab Minority in Israel, The Advisor for Arab Affairs, 11 (Sep. 1959) [↑](#footnote-ref-203)
203. EReckkes FT 6 [↑](#footnote-ref-204)
204. ER FT 8. [↑](#footnote-ref-205)
205. ER ft 17 [↑](#footnote-ref-206)
206. See infra [↑](#footnote-ref-207)
207. DK (1959) 1932, 1936 (Isr) [↑](#footnote-ref-208)
208. SAL FN 69. Al Hamishmar. [↑](#footnote-ref-209)
209. Aharon Bejer. ASL 123 [↑](#footnote-ref-210)
210. This question is distinct both from the questions of what motivated different officials at the time to promote such measures, which I have covered (to the degree my historical resources allow me to infer. As well as from questions about the effectiveness of the tools and their enforcement. [↑](#footnote-ref-211)
211. Or committee [↑](#footnote-ref-212)
212. Like Saban [↑](#footnote-ref-213)
213. P 80 [↑](#footnote-ref-214)
214. See infra notes \_\_\_ and acco [↑](#footnote-ref-215)
215. Lutick 191; The rest of the initiatives I survy are much smaller in scale. So while there are no numbers, it is safe to assume that they did less. [↑](#footnote-ref-216)
216. Knesset discussion August 7th 1963(p. 2646-7) [↑](#footnote-ref-217)
217. Ministry of Foreign Affairs, Arab Life in Israel (ISA Gimel-Lamed-4724/3, April, 1958) page 1. [↑](#footnote-ref-218)
218. Al Hadj p. 63 [↑](#footnote-ref-219)
219. YB 211-212 [↑](#footnote-ref-220)
220. Id. At 212 [↑](#footnote-ref-221)
221. Yishai Blank, Brown; YB 212 [↑](#footnote-ref-222)
222. See Issi (supporting the claim that segregation between Arabs and Jew is at least partly voluntary ([e]ducational segregation between Jewish and Arab schools is desired not only by the Jewish majority but also by the Arab minority that wishes to use the school system as a vehicle of cultural autonomy. . . .”). See Blank critique of this 402-403 [↑](#footnote-ref-223)
223. Zachary Lockman [↑](#footnote-ref-224)
224. See infra [↑](#footnote-ref-225)
225. This account builds on Yishai Blank’s analysis that shows how in Israel, “[t]he legal structure… translated—technically and automatically—residential segregation (where it exists) into segregation in the education system.” See, Yishai Blank, *Brown in Jerusalem: A Comparative Look on Race and Ethnicity in Public Schools*, 70. P. 400 [↑](#footnote-ref-226)
226. See infra [↑](#footnote-ref-227)
227. For a review of all the opressive measures sthat took part of this process see YB. But he missed the use of these integrationsit. Also he presented it as a conspiracy, while this account shows it was not. [↑](#footnote-ref-228)
228. YB paper [↑](#footnote-ref-229)
229. YB 118 and Lamas [↑](#footnote-ref-230)
230. YB 118; See also Ben-Porat, describing this process between 1948 to 1961. [↑](#footnote-ref-231)
231. Ben Porat, at 27 (“The percentage workers in industry, construction and crafts from the general Jews and Arab population, was approximatively equal during those years. Yet, while only ten percent of Jews from this group were unskilled workers, about one-third of the Arabs were.”); See also YB 166 (“the main field in which Arabs were absorbed was in construction of Jewish building sites”); [↑](#footnote-ref-232)
232. YB 165-166; Lustick; Ben Porat (describing similar trends in the beginning of the 1960s); Elyaho Ben-Amaram, The Arab Population in Israel – A Demographic survey (1965) (ISA 13963/19-GL) (reports that 90% of the Arab workers in 1965 are concentrated in construction, agriculture, industry and services) [↑](#footnote-ref-233)
233. Ben Porat, page 53; [↑](#footnote-ref-234)
234. The numbers do not all align because the categories and what they include are not the same; Lustick 161; YB ; or a detailed account of the distribution of labor in 1963, see Knesset discussion August 7th 1963 (p. 2642-1645) [↑](#footnote-ref-235)
235. Keren Avraham p.5; according to YB in 1964 2.6% of the workers in the govrenment were Arab (not inclusing teachers); Lustck 161; Some scholars cooptation of elites, but this is much broader [↑](#footnote-ref-236)
236. [↑](#footnote-ref-237)
237. The Committee (The solution the committee concluded was elevating the levels of education and professional training of the Arab minority.) As a 1961 report by the “Committee for Problems of Employment and Professional Training of Arab Youth,” shows, only 30% of Arab elementary school graduates (8th grade) continued to high-school, in contrast to 85% of the Jews. [↑](#footnote-ref-238)
238. Knesset discussion April 7th 1959. Similarly, in a discussion from 1963 it was This situation, it was further explained “deceases the number of the potential Arab intelligentsia” and “casts a whole national group as inferior” [↑](#footnote-ref-239)
239. See infra notes [↑](#footnote-ref-240)
240. See Untitled Report, The Prime Minister Office, p.8 (Oct. 27th,1976) (ISA 74304-GL). [↑](#footnote-ref-241)
241. Id. P. 10 [↑](#footnote-ref-242)
242. *See* Michel Rosenfeld, Affirmative Action and Justice: A Philosophical and Constitutional Inquirys 2 (1991) [↑](#footnote-ref-243)
243. Owen M. Fiss, *Groups and the Equal Protection Clause*, 5 Philosophy & Public Affairs 107–177, 151 (1976). [↑](#footnote-ref-244)
244. Cass R. Sunstein, *Three Civil Rights Fallacies*, 79 California Law Review 751, 770 (1991) (he further explains that "[t]he motivating idea behind an anti-caste principle is Rawlsian in character: Without very good reason, legal and social structures should not turn differences that are irrelevant from the moral point of view into social disadvantages."). [↑](#footnote-ref-245)
245. Richard Thompson Ford, Did the Supreme Court just admit affirmative action is about racial justice? Vox (2016), http://www.vox.com/2016/7/5/12085412/-supreme-court-affirmative-action-decision-racial-justice-fisher-abigail-diversity (last visited Jul 6, 2016). [↑](#footnote-ref-246)
246. Other Examples: India; EU [↑](#footnote-ref-247)
247. City of Richmond v. J.A. Croson Co., 488 U.S. 469, 509 (1989); See Reva Equality Divided [↑](#footnote-ref-248)
248. [↑](#footnote-ref-249)
249. Examples EU. India [↑](#footnote-ref-250)
250. *Israel Women’s Network* 48(5) PD 501 [1994], Para. 16. Justice Mazza was deeply worried with the marginalization of women and their inferior social status. He emphasized that "discrimination against women in the fields of employment and economic activity has a destructive effect on the equality of the social status of women in its widest sense… discrimination against women in the employment and economic sectors has cumulative effect on their negative image, as a class which is supposedly inferior, in other spheres as well…[it] contributes to fostering a negative image of their ability to manage their lives independently. It… nurtures the long-term entrenchment of distorted social outlooks." *See* para. 23. [↑](#footnote-ref-251)
251. P 68 [↑](#footnote-ref-252)
252. Id. 73-76 [↑](#footnote-ref-253)
253. Paper p. 704(“Wharton School professor Herbert Northrup argued, "The more educated, the more experienced and more integrated the Negro labor force becomes, the less tension and the fewer problems we'll have in this country."”) [↑](#footnote-ref-254)
254. Paper p. 704; In more etail book 67-110 [↑](#footnote-ref-255)
255. P. 705 [↑](#footnote-ref-256)
256. Griggs [↑](#footnote-ref-257)
257. [↑](#footnote-ref-258)
258. See ROBERT W. GORDON, The Past as Authority and as Social Critic: Stabilizing and Destabilizing Functions of History in Legal Argument, in TAMING THE PAST, supra note 1, at 295, 314[hereinafter GORDON, The Past as Authority] [↑](#footnote-ref-259)
259. Reva B. Siegel, *“Critical Legal Histories” and Law’s (In)determinacy*, 70 STAN. L. REV. 1673, 1679 (2018) [↑](#footnote-ref-260)
260. Effectiveness literature [↑](#footnote-ref-261)
261. Page. 2 [↑](#footnote-ref-262)
262. Because it never happens [↑](#footnote-ref-263)
263. 183-189 [↑](#footnote-ref-264)
264. Brown [↑](#footnote-ref-265)
265. Education as commodity. Histoy… [↑](#footnote-ref-266)
266. See for example [↑](#footnote-ref-267)
267. Middle class, matriel inequality [↑](#footnote-ref-268)
268. Fraser page 82. [↑](#footnote-ref-269)
269. 3; See also Yitzhak Benbaji, [Sufficiency Or Priority?](https://en-law.tau.ac.il/sites/law-english.tau.ac.il/files/media_server/Law/faculty%20members/Yitzhak%20Benbaji/14%20-%20Sufficiency%20or%20Priority_.pdf), 14 Eur. J. Phil. 327 (2006) (explaining that “The basic idea is that there is a privileged level of well-being, such that if X is badly off (below the threshold), and Y is well off (above it), at least some priority has to be assigned to benefiting X”) [↑](#footnote-ref-270)
270. See infra [↑](#footnote-ref-271)
271. [↑](#footnote-ref-272)
272. Suk; [↑](#footnote-ref-273)
273. Rowels [↑](#footnote-ref-274)
274. Diversity efforts—Grutter and the 25 years. Structured to ; In the United States, for example, any higher-education affirmative action policy that departs from the model of increasing diversity towards an equalizing goal that reflects the racial and ethnic makeup of society, are categorized as forbidden racial balancing. [↑](#footnote-ref-275)
275. For [↑](#footnote-ref-276)
276. See Ofra bloch, diversity, In another place I analyze the trend today and show how it has an expressive as well as possible materiel risk.. [↑](#footnote-ref-277)
277. This claim draws on legal realism scholarship. As Dagan And Krietner explain: “The realist conception of law offers an articulation of the idea that power and reason are both endemic to law… Legal realism is preoccupied with law’s coerciveness not only because judgments prescribed by law’s carriers can recruit the state’s force to back them, but also be-cause of the institutional and discursive features that disguise or downplay the element of force. Therefore, realism recommends a hermeneutic of suspicion regarding the reasons offered by lawmakers (or those appealing to them); it recognizes these (in part) as instrumental arguments often generated precisely to protect the powerful from claims to substantive justice. But by the same token, legal realism eschews analyzing law only in terms of parochial interests or power politics. It recognizes that modes of legal reasoning—substantive and technical, abstract and contextual—often constrain the sense of choice available to legal decision-makers in directions that transcend their self- and group interest. In the best case, legal reasoning must aspire to appeal beyond the parochial, and in-stances wherein argumentation is exposed as a cover for interest are treated as cases of abuse. [↑](#footnote-ref-278)
278. Civil Service Law (Appointments), 5719-1959, SH 279 p.86 ss. 15A(b) (Isr.); Government Corporations Law, 5735-1975, SH 730 p. 132 s. 18A1. [↑](#footnote-ref-279)
279. HCJ 6924/98 Association for Civil Rights in Israel (ACRI) v. State of Israel 55(5) PD 15 [2001] (Isr.) (English version is available at ISCP website: http://versa.cardozo.yu.edu/opinions/association-civil-rights-israel-v-state-israel) [↑](#footnote-ref-280)
280. Government resolution No. 2579 (Nov. 11th, 2007); Government resolution No. 4436 (Jan. 25, 2009) (adding more designated positions). [↑](#footnote-ref-281)
281. Keren Abraham Report (2017). It is 10.6%, which is still far from their percentage of the population which is 20.8. [↑](#footnote-ref-282)
282. Roi Assaf, Governmental Economic Policy towards Arab Sector The Authority, the Economic Development of the Minorities Sector (June 2015). [↑](#footnote-ref-283)
283. See Aiman Saif The Authority for Economic Development of the Minorities Sector, Government Economic Policy toward Minority Populations (Feb., 2016) (reporting that the Arab population constituted 21% percent of the population and only 8% contribution to the GDP. This created an estimated loss of 30 billion NIS a year).

     Moran Azulay and Hassan Shaalan, Gov't approves NIS 15-billion plan to invest in Arab municipalities, Ynet (12.30.15) (<https://www.ynetnews.com/articles/0,7340,L-4746536,00.html>); (reporting that the Israeli government approved a five-year plan to invest NIS 15 billion in the development of Arab municipalities in the fields of education, transportation, employment and housing). The government also promoted the representation of Arabs in the public sector. See Government resolution No. 4729 (Mar. 12, 2006); Government resolution No. 4436 (Jan. 25, 2009); Government resolution No. 414 (Aug. 14, 2006) (appropriating a number of "designated positions" in the public service for the Arab population in addition to the general pool of open positions, as well as setting timetables and quotas for the promotion of the representation of Arabs). [↑](#footnote-ref-284)
284. [↑](#footnote-ref-285)
285. http://che.org.il/en/the-new-multiannual-program/promoting-and-integrating-arab-druze-and-circassian-societies/ [↑](#footnote-ref-286)
286. https://www.haaretz.com/israel-news/number-of-arabs-in-israeli-higher-education-grew-79-in-seven-years-1.5763067 (The only courses of study where Arabs are enrolled in numbers that reflect their share of the population are in teaching and related medical professions) [↑](#footnote-ref-287)
287. https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf (it also and states that “[t]he state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation.”) [↑](#footnote-ref-288)
288. Officially titled “Budget Foundations Law (Amendment no. 40) (Unofficial translation by Adalah: <https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/33-Budget-Foundations-Law-Amendment40-Nakba-Law.pdf>). [↑](#footnote-ref-289)
289. [↑](#footnote-ref-290)
290. Law to Amend the Cooperative Societies Ordinance (No. 8), 5771-2011. [↑](#footnote-ref-291)
291. HCJ 8898/95 Ka'adan v. Israel Lands Administration, 54(1) PD 258, 282 [2000] (Isr.) (English version is available at ISCP website: <http://versa.cardozo.yu.edu/opinions/ka%E2%80%99adan-v-israel-land-administration>) (the question in this case was whether an exclusive allocation of state owned lands to Jewish citizens was lawful. The Court held that the policy constituted unlawful discrimination on the basis of nationality). [↑](#footnote-ref-292)
292. Public discourse [↑](#footnote-ref-293)
293. See for example Amnon Beeri-Sulitzeanu, It’s Not Just the Economy, Stupid, Harretz (1.28.2011) (<https://www.haaretz.com/opinion/it-s-not-just-the-economy-stupid-1.339690>) (“What is the message that is being sent to Israel’s Arab citizens? That the civil service wants them, but their loyalty is suspect; that the high-tech industry is open to them, but they are a security threat ‏(…); that it’s important that they attend university, but they should play down their identity there; that they may be ’colleagues‘ of Jews, but they will never be just ’friends‘; that their money is welcome in the malls, but they shouldn’t even dream of living in the adjacent neighborhoods; that they can establish businesses in an industrial zone, but will never be accepted as members of the neighboring village; that they may be leaders in their professions, but their language and culture are alien and repulsive.”); Ariel Ben Solomon, Israel’s Arab sector sees rising economic integration, but cultural tensions linger, JNS (3/1/2017) (http://www.jns.org/latest-articles/2017/3/1/israels-arab-sector-sees-rising-economic-integration-but-cultural-tensions-linger#.WdFa8GhSyFc=). [↑](#footnote-ref-294)
294. Walla, Ali Haidar; [↑](#footnote-ref-295)
295. http://www.inss.org.il/he/wp-content/uploads/sites/2/systemfiles/IsraelandArabSociety072794085.pdf [↑](#footnote-ref-296)
296. Id. At 149. [↑](#footnote-ref-297)
297. See for example, the 15 billion plan aimed to “improve the quality of teaching,” to improve students achievements and only in few cases di the allocations aimed to equalize the allocation. See [↑](#footnote-ref-298)
298. http://www.economy.gov.il/Research/Documents/X12655.pdf (for example, 28.6 of the construction business who employ Arabs, employ over 40% Arabs) [↑](#footnote-ref-299)
299. https://www.themarker.com/career/1.3164455 [↑](#footnote-ref-300)
300. Aiman Saif page 6 [↑](#footnote-ref-301)
301. Layla Margalit, The Integration of the Arab Population in Centers of Decision Making in the Public Sector, The Israel Democracy Institute (August, 29th, 2017)( https://www.idi.org.il/parliaments/18632/18636). [↑](#footnote-ref-302)
302. data [↑](#footnote-ref-303)