Hierarchical Inclusion: The Untold History of Israel's Affirmative Action for Arab Citizens (1948–68)

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The history of Israel's relationship with its Arab minority during the country's founding decades, from 1948 to 1968, is often portrayed as a story of formal citizenship that concealed large-scale, state-sanctioned oppression in the form of military rule, land expropriation, and

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discrimination.[1] This article excavates an untold history of these two decades, a history of employment affirmative action targeting Palestinian-Arab citizens of Israel,[2] which does not fit neatly into this story. Drawing on heretofore overlooked archival sources from Israel's State Archives (ISA), the Knesset Archive, the Labor Movement Archive (LMA), and the Historical Jewish Press, this article reveals that during Israel's founding decades, Israeli officials adopted minimum quotas for employing unskilled Arab workers in manual labor jobs; quotas for hiring educated Arabs in the civil service; requirements and incentives for hiring Arabs in government offices, Jewish organizations, and businesses; and earmarked jobs and established vocational training courses for the Arab population. Tracing the use of these mechanisms, not then called "affirmative action" but recognized as such today, to this period of control over a subjected population, complicates our understanding of both this chapter in Israel's history and of affirmative action more broadly.

Starting in the late 1950s, Israeli policy makers, motivated by a host of interests, adopted measures to promote the integration of Arab workers into the civil service and other predominantly Jewish institutions and businesses. Based on these findings, I propose a two-stage periodization of Israel's treatment of its Arab citizens during the first two decades of statehood: first, strict military control and exclusion, followed by, starting in 1957, a regime of "hierarchical inclusion": gradual integration of the majority of Arabs as second-class subjects into the lower tiers of the Israeli economy, with only a minority integrated into higher tiers. Although these measures were not a coherent policy initiative, they nevertheless constituted a significant, yet overlooked, element of this transformation and of the state's approach toward the Arab population.

The article proceeds in three stages. First, it describes the different *mechanisms* that Israeli officials used to promote the inclusion of the Arab population into the national workplace. Although Israel never had a formal Jim Crow-like regime, Jews and Arabs were residentially, educationally and

1. See notes 7–12, describing common trends in the historiographical literature on this period.

2. Like everything else concerning the Israel–Palestine conflict, the terms used to describe the Arabic-speaking population of Israel (as opposed to Palestinian residents of the occupied territories) are contested. Although today the term "Palestinian-Arabs" is more common, in this article I use the terms "Arabs," "Arab population," or "Arab minority" for consistency with the terms used in the historical sources that this article reviews. The Arab minority in Israel consists of different groups: Muslims, Christian, Bedouin, and Druze, but the focus of this article is state policy, which, in this context, for the most part and unless I note differently, did not distinguish among these groups.

economically segregated after the 1948 War.[3] This separatist structure was mostly kept in place during the first decade of statehood, in which the military regime imposed limitations on the movement of Arabs within Israel and made employment outside the villages in which they lived very difficult. However, with the weakening of military restrictions in 1957 and the economic prosperity of those years, these measures were replaced by efforts to integrate Arabs into the national workforce across the civil service, private companies, and public entities. These policies included hiring quotas, earmarked jobs, vocational training, some preferential treatment in hiring, and stipends and accommodations for Arab university students, as well as requirements and incentives for hiring Arabs in private businesses and governmental offices. This description is supplemented by a survey of the "road not taken" of educational integration.

Second, this article uncovers the varied *motivations* of historical actors in adopting affirmative action measures. The two most dominant motivations were instrumental concerns about the security and stability of the young Jewish state and its economy. These were augmented by instrumental concerns about international legitimation and a desire to garner Arab votes, as well as by egalitarian motivations based on liberal or socialist ideologies. This multiple, and sometimes conflicting, host of interests and commitments led policy makers to adopt this set of techniques of employment inclusion, aimed sometimes at furthering and sometimes at countering Jewish domination.

Third, the article evaluates the *effects* of these measures. With more than 50% of Arab workers joining the "Jewish Sector" during the second decade,[4] affirmative action did improve their material conditions and economic integration. However, integration was limited to "hierarchical inclusion," entailing that Arabs increasingly worked for and with Jews, rather than in their villages, but typically held low-paying, unskilled jobs. Only a small number of qualified Arabs were integrated into better-paying managerial and professional roles and into higher education.

This article, the first to focus on this topic and to provide a detailed description and analysis of these measures, adds an empirical contribution to the literature on the history, and legal history, of the relationship between the Israeli state and its Arab citizens. Legal scholars have

3. See notes 147–49.

4. Literature and reports describing employment trends of the Arab population confirm that during the second decade of Israel's statehood, there was a massive integration of Arab workers into the national economy. See Yoram Ben-Porath, *The Arab Labor Force in Israel* (Jerusalem: Maurice Falk Institute for Economic Research in Israel, 1966), 59–62.

neglected this important history, instead dating the beginning of Israel's affirmative action efforts to the 1990s, when appropriate representation requirements were formally adopted by the legislature and later affirmed and expanded by the Supreme Court.[5] Similarly, historians have thoroughly studied and debated the state's approach toward the Arab minority in its first decades, but have largely overlooked the measures described in this article and their significance.[6] More concretely, the historiographical debate on Israel's approach to the Arab population during its founding decades focuses on Israel's dual approach toward its Arab minority, debating the balance between its liberal and democratic commitments, on the one hand, and the state's Zionist, nationalist, or colonialist nature and its security concerns, on the other.[7] Some historians have seen Israel's early liberal commitments to the Arab population as a source of democratic legitimation,[8] but most have framed their work as the critical exposure of past wrongs. They often depict formal citizenship as concealing a colonial regime of Jewish domination,[9] and seek to explain how different social,

5. Government Corporations Law (Amendment no. 6) (Appointments), 5753-1993, SH 1417, 92 (Isr.); and Civil Service Law (Appointments), 5719-1959, SH No. 279, p. 86 ss. 15A (Isr.). For the litigation that enforced it, see HCJ 453/94 *Israel Women's Network v. Government of Israel* 48(5) PD 501 (1994) (Isr.). For literature describing affirmative action as a post-1990 development, see, for example, Amnon Rubinstein and Barak Medina, *The Constitutional Law of the State of Israel,* 6th ed. [in Hebrew] (Tel Aviv: Shocken Press, 2005): 435–63. Other scholars trace the origins of affirmative action in Israel to HCJ 528/88 *Avitan v. Israel Lands Council*, 43(4) PD 297 (1989) (Isr.). In that case, the court did not explicitly acknowledge the doctrine of affirmative action, but did support its rationales.

6. For a review of the historiographical debate over Israel's approach to the Arab minority in the first two decades, see notes 7–12.

7. See, for example, Aluf Hareven, *One Look Back and One Forward: Is it Really Equal and Full Citizenship?* [in Hebrew] (Jerusalem: Sikkuy, 1996). Hareven writes, "[f]rom the instatement of Israel, it has held a tension between two elements: between its definition as the state of the Jewish nation and its definition as a democratic state."

8. See, for example, Elie Rekhess, "Initial Israeli Policy Guidelines Towards the Arab Minority, 1948–1949," in *New Perspectives on Israeli History*, ed. Laurence J. Silberstein (New York: New York University Press, 1991), 103–23. Rekhess outlines 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." See also Alisa Rubin Peled, "The Other Side of 1948: The Forgotten Benevolence of Bechor-Shalom Sheetrit and the Ministry of Minority Affairs," *Israel Affairs* 8 (2002): 84–103.

9. For a groundbreaking account of this paradox, see Shira Robinson, *Citizen Strangers: Palestinians and the Birth of Israel's Liberal Settler State* (Stanford: Stanford University Press, 2013), 198. She observes that "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."

political, economic, and legal mechanisms were used to sustain Jewish domination and control.[10] Although some have treated the state's policy as a well-orchestrated plan to sustain the subordination of the Arab population,[11] Ian Lustick, in his seminal book, proposed the structural framework of "control" to explain the stability of the Israeli regime and pointed to three sociopolitical mechanisms that played a role in keeping the Arab minority docile: the separation of the Arab and Jewish populations, the cultivation of Arab dependency, and the cooptation of the Arab elite.[12]

The dominant narrative of control that details how the nation's first twenty years were marked by policies that secured Arabs' subordinated position is insufficiently nuanced. The picture that emerges from the history this article tells is not of a contest between two approaches, but rather of a changing, multivocal, porous, and internally contradictory state.[13] Focused as they are on the stability of the regime over time and on recognizable tools of oppression, scholars have largely missed the state's

10. Robinson, *Citizen Strangers*, 3. She frames her intervention as explaining how the state kept the Arab population loyal to the state, but not too loyal, "as citizens of a formally liberal state and subjects of a colonial regime." See also Hillel Cohen, *Good Arabs: The Israeli Security Agencies and the Israeli Arabs, 1948–1967* (Berkeley and Los Angeles: University of California Press, 2011). Cohen reveals the system of collaborators established by Israel in Arab communities after 1948, which was crucial for maintaining the social order.

11. Yair Bäuml, *A Blue and White Shadow: The Israeli Establishment's Policy and Actions Among its Arab Citizens: The Formative Years, 1958–1968* [in Hebrew] (Haifa: Pardes, 2007), 313 (state policies were meant "knowingly and deliberately to serve the subordination of the Arab economy to the Jewish one and minimize its political and social independence"); and Yair Bäuml, "The Subjugation of the Arab Economy in Israel to the Jewish Sector, 1958–1967" [in Hebrew], *Hamizrach Hehadash* 48 (2009): 103–31.

12. Ian Lustick, *Arabs in the Jewish State: Israel's Control of a National Minority* (Austin: University of Texas Press, 1980), 66. Drawing on Lustick's work, Ilan Saban has argued that "the legal system in this period acted as the efficient servant of this [control] framework." Ilan Saban, "Theorizing and Tracing the Legal Dimensions of a Control Framework: Law and the Arab-Palestinian Minority in Israel's First Three Decades (1948-1978)," *Emory International Law Review* 25 (2011): 301–78. Saban describes how the majoritarian system, the weakness of individual rights, the High Court of Israel, and other parts of the legal system sustained the era's control framework.

13. Building on the work of William Novak, I identify how actors typically understood as acting outside the state, such as party officials and trade officials, were in fact fulfilling vital state functions. In addition to state officials, I also consider party officials, labor unions, and other organizations, as state actors. See William Novak, "The Pluralist State: The Convergence of Public and Private Power in America," in *American Public Life and the Historical Imagination*, ed. W. Gamber, M. Grossberg, and H. Hartog (Notre Dame, IN: University of Notre Dame Press, 2003), 27–48.

deployment of affirmative action.[14] The few measures that have received scholarly attention were either dismissed as unrepresentative outliers, or been identified as efforts of cooptation of power brokers within Arab communities.[15] Yet, this article shows that the described measures did not solely target specific individual elites in order to gain their loyalty and cooperation, but rather worked more broadly to promote employment inclusion of different segments of the Arab workforce for a host of reasons and motivations.

By tracing changes in the state's employment policies over time and demonstrating the prevalence of affirmative action measures during the second decade, the article seeks to revise understanding of Israel's two decades of military control, often described as a monolithic block, into a more fragmented structure: a decade of military control and segregation followed by a second decade of subtler and more stable form of economic subordination. Doing so ties the argument to historical sociology literature on the history of Israel's labor market. This scholarship has described the Arab workers' incorporation into Israel's segmented labor market in those years "as temporary and casual laborers in jobs characterized by low wages, poor work conditions, frequent violations of workers' rights, and high occupational insecurity.''[16] I seek to modify this framework through the concept of "hierarchical inclusion," which captures how a minority of the Arab population was actively integrated into the primary workforce and into higher education.[17]

14. Lustick, *Arabs in the Jewish State*, 80.

15. Lustick describes the 5-year policy plans but dismisses them by pointing to the different ways in which the Arab sector "still" lags behind. Elsewhere, he identifies that Israeli officials used payoffs to coopt Arab elites to perform different services (providing information, but also votes). See Lustick, *Arabs in the Jewish State*, 80, 191. See also Bäuml, *The Subjugation of the Arab Economy*, 12. Bäuml concludes that the 5-year plans were part of a large-scale plan to subordinate the Arab economy to the Jewish one, by, among other methods, the material modernization of the Arab sector through enhancing the consumption of products that Arabs purchased in the Jewish market. See also Sabri Jiryis, *The Arabs in Israel* (Beirut: Institute for Palestine Studies, 1969), 163–69; and Zeev Rosenhek, "The Political Dynamics of a Segmented Labour Market: Palestinian Citizens, Palestinians from the Occupied Territories and Migrant Workers in Israel," *Acta Sociologica* 46 (2003): 231–49, 236–37. Michael Shalev, "Jewish Organized Labor and the Palestinians: A Study of State/Society Relations in Israel," in *The Israeli State and Society: Boundaries and Frontiers,* ed. Baruch Kimmerling (Albany, NY: SUNY Press 1988), 93–134.

16. Zeev Rosenhek, "The Exclusionary Logic of the Welfare State: Palestinian Citizens in the Israeli Welfare State," *International Sociology* 14 (1999): 237–38.

17. Explaining the methods employed to incorporate the Arab population into the secondary labor force, these scholars tend to describe the relaxation of military restrictions on movement as the main tool that enabled the "natural" flow of Arab workers into the national workforce. Their focus is on large-scale measures that prevented the integration of the Arab

Finally, by employing the conceptual framework of affirmative action, the article argues that these measures are distinct from familiar measures understood to have coopted Arabs elites; in fact, these measures targeted varied segments of the Arab population and together amounted to an important part of Israel's policy in those years, the effects of which were indeterminate and plastic.[18] Affirmative action, however, is a loaded term. In contemporary political and scholarly debates over affirmative action, it is often associated with egalitarian commitments to redistribution and remedying past wrongs.[19] In contrast, for the purpose of this article, I define affirmative action not by its motivating rationale, but rather by the use of a specific set of techniques deployed today in Israel and other countries, commonly recognized as affirmative action: hiring quotas, marked tenders, and other forms of preferential treatment meant to promote the inclusion of disadvantaged groups into the workforce or higher education. This definition is intuitive and controversial at the same time, and, as such, I suggest that it creates a space to re-examine common assumptions about this tool and its contingent relationship to equality. It provides a framework for examining how affirmative action operates outside of its familiar historical context of struggles for equal citizenship, and demonstrates how affirmative action can serve more as a set of administrative tools

population into the primary workforce and directed them to the secondary workforce, rather than on the affirmative measures seeking to integrate them that I describe in this article. See Rosenhek, "The Excluionary Logic"; and Michael Shalev, *Labour and the Political Economy in Israel* (Oxford: Oxford University Press, 1992), 50. N. Lewin-Epstein and M. Semyonov, *The Arab Minority in Israel's Economy: Patterns of Ethnic Inequality* (Boulder, CO: Westview Press, 1993), 58–61.

18. On the normativity of legal history, see Robert Gordon, *Taming the Past: Essays on Law in History and History in Law* (Cambridge: Cambridge University Press, 2017), 8, 303.

19. See Michel Rosenfeld, *Affirmative Action and Justice: A Philosophical and Constitutional Inquiry* (New Haven, CT: Yale University Press, 1991), 2. Rosenfeld reviews the theoretical and legal debates over affirmative action and writes that "the contemporary moral debate over affirmative action is, at least in the United States, an intramural debate among parties of equality." Owen Fiss calls affirmative action "a form of compensation for past wrongs." Owen M. Fiss, "Groups and the Equal Protection Clause," *Philosophy and Public Affairs* 5 (1976): 107–77, at 151. See also Cass R. Sunstein, "Three Civil Rights Fallacies," *California Law Review* 79 (1991): 751–74, at 770. In Israel, the Supreme Court even titled affirmative action "corrective preference" (*ha'adafa metakent*) and explained that it "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." See HCJ 453/94 *Israel Women's Network v. Government of Israel* 48(5) P.D. 501, para. 16 (1994) (Isr.).

encompassing a managerial form and logic rather than as measures with inherent egalitarian meaning.[20]

The story I tell here is also of interest to those who study the contemporary relationship between Israel's Jewish majority and the Arab minority. In recent years, Israel's government has adopted nationalist policies and legislation, marginalizing the Arab minority and undermining its political rights and symbolic status.[21] However, much as in the past, the very same government has adopted large-scale employment affirmative action measures, including quotas, earmarked positions, and business incentivizing, for hiring Palestinian-Arab citizens of Israel and promoting their inclusion in the national economy.[22] Tracing the roots of these affirmative

20. Here I draw on the work of Karen Tani and James Sparrow, showing how rights can serve as a state-building tool and a way to win loyalty from citizens. See Karen M. Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935–1972* (New York: Cambridge University Press, 2016); and James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (New York: Oxford University Press, 2011). I also draw more generally on the work of Karen Tani and Sophia Lee, studying administrative constitutionalism. They both show how rights, equal protection, and antidiscrimination law are operating under different logics when interpreted and implemented by administrative agencies rather than by the courts. See Sophia Z. Lee, "Race, Sex, and Rulemaking," *Virginia Law Review* 96 (2010): 799–886; and Karen M. Tani, "Administrative Equal Protection: Federalism, the Fourteenth Amendment, and the Rights of the Poor," *Cornell Law Review* 100 (2014): 825–99. I believe that this history is of interest to constitutional historians, scholars, and lawyers outside Israel who are examining the history, theory, and practice of affirmative action. Furthermore, it opens an avenue for the future comparative study of affirmative action in less-familiar—colonial, imperial, or developmentalist—historical contexts. My framework for understanding affirmative action in this way builds on the work of others who study the proliferation of methods from colonial to civilian settings. See Yael Berda, "Managing Dangerous Populations: Colonial Legacies of Security and Surveillance," *Sociological Forum* 28 (2013): 627–30. See also Amy C. Offner, *Sorting Out the Mixed Economy: The Rise and Fall of Welfare and Developmental States in the Americas* (Princeton, NJ: Princeton University Press, 2019).

21. This culminated in the 2018 enactment of the Basic Law: Israel – The Nation-State Of The Jewish People (Isr.), https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf (accessed December 15, 2019). Some scholars locate this escalation in a larger process of "democratic decay." For a review of the implications of this trend on the Arab minority, see Yaniv Roznai, "Israel: A Crisis of Liberal Democracy?" in *Constitutional Democracy in Crisis*? ed. Mark A. Graber, Sanford Levinson, and Mark Tushnet (New York: Oxford University Press, 2018), 355–76.

22. Although appropriate representation requirements were enacted in 2000, it was only in 2007 that the government started taking operative affirmative steps, beyond those required by law, to promote the representation of the Arab minority. These steps included setting quotas and timetables for promoting representation, earmarking an increasing number of new positions for the Arab population, and establishing special training programs for minorities. And indeed, the number of Arabs in the civil service grew between 2007 and 2015 by 88%, and their representation grew from 6.17% to 10.6%. See *Abraham Fund Report* (2017). Further, on December 30, 2015, the government adopted Resolution 922, a 5-year plan to

action practices to the state's founding decades allows a new and more nuanced perspective on what is often mistakenly considered an unprecedented, bipolar era of economic inclusion and sociopolitical exclusion in Israel's approach to its Arab minority.[23]

The Mechanisms: from Fighting Acute Unemployment to Promoting Employment Inclusion

In the decades before the inception of the state of Israel, the Arab and Jewish economies in Palestine were largely separated from one another. The inherent contradictions between the Labor-Zionist movement's national ideology and its socialist agenda created controversies over its approach to Arab workers beginning in the early twentieth century, with the first waves of Jewish immigration to Palestine. Yet, over time, the ideals of "Hebrew labor" (*Avoda Ivrit*) and the "conquest of labor" (*Kibush Haavuda*)—envisioning the establishment of a superior and independent Jewish economy, relying solely on Jewish labor accomplished by replacing Arab workers with Jewish workers—gained priority.[24] These ideals, developed by leaders of the second wave of Jewish immigration to Palestine (1904–14), Zachary Lockman explains, have come to occupy a central place in Labor-Zionist ideology and practice, and played an important role in promoting the Jewish establishment's strategies of exclusion and marginalization of Arab workers, both before and after the inception of the state.[25]

The limited cases of economic cooperation between Jews and Arabs that predated the inception of the Israeli state were mostly dissolved with the outbreak of violence following the United Nations Partition Plan in

invest NIS 15 billion to promote the economic integration of the Arab sector. Government Resolution 922: Five Year Plan for the Economic Inclusion of the Arab Society (December 30, 2015).

23. See, for example, Merav Arlozorov, "Bibi is Good for the Arabs (but his actions are frustrating)," *The Marker*, May 26, 2018, https://www.themarker.com/markerweek/.premium-1.6114889 (accessed December 15, 2019); and Amnon Beeri-Sulitzeanu, "It's Not Just the Economy, Stupid," *Ha'aretz*, January 28, 2011, https://www.haaretz.com/opinion/it-s-not-just-the-economy-stupid-1.339690 (accessed December 15, 2019).

24. For useful insights into the development of the labor market in Palestine in the decades before the inception of the state, see Gershon Shafir, *Land, Labor and the Origins of the Israeli-Palestinian Conflict, 1882-1914* (Berkeley and Los Angeles: University of California Press, 1996), 58–68; and Zachary Lockman, *Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906–1948* (Berkeley and Los Angeles: University of California Press, 1996), 199.

25. Lockman, 30–31.

November 1947, and with the inception of the state, Arabs and Jews were largely segregated residentially, educationally, and economically.[26] The approximately 160,000 Arabs who remained in the new country, comprising approximately 15% of Israel's population, were defeated and leaderless. Some had been uprooted from their villages, becoming "internal refugees," while Arab refugees outside the borders of the state were prevented from returning to the homes they left or had been forced to leave in 1948.[27]

David Ben-Gurion, Israel's first prime minister (1948–53; 1955–63), established the principle of *mamlakhtiyut*, a term that referred to, among other things, a form of civic affinity, and an obligation to ensure equality before the law for all citizens.[28] Indeed, in its proclamation of independence, Israel formally appealed to its Arab inhabitants to "preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."[29] Shortly thereafter, Israel granted the Arab population —who would come to be known as "Israeli Arabs"—voting rights and formal citizenship. At the same time, Israel enacted massive land expropriation policies and placed Arab villages, towns, and cities under military control.[30] Military rule was explicitly put in place not only to secure the new state, but also to exert control over the Arab population and its movements. The military permit system restricted the movement of the Arab population, confined them to segregated areas of residence, limited their

26. See notes 147–49.

27. Hillel Cohen, *The Present Absentee: Palestinian Refugees in Israel Since 1948* (Washington, DC: Institute for Palestine Studies, 2000), 7, 21–25. For an extensive account of Israel's exclusionary citizenship laws, see Robinson, *Citizen Strangers*.

28. Nir Kedar, "A Civilian Commander in Chief: Ben-Gurion's Mamlakhtiyut, the Army and the Law," *Israel Affairs* 14 (2008): 202–17.

29. The Declaration of the Establishment of the State of Israel [in Hebrew], *Official Gazette* 1, 5708-1948, paras. 4, 8 (1948).

30. Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine* (Philadelphia: University of Pennsylvania Press, 2006), 131; Alexandre (Sandy) Kedar, "The Jewish State and the Arab Possessor, 1948–1967," in *The History of Law in a Multi-Cultural Society: Israel 1917–1967,* ed. Ron Harris, Alexandre (Sandy) Kedar, Pnina Lahav, and Assaf Likhovski (Aldershot, United Kingdom; Burlington, VT: Ashgate/Dartmouth 2002), 311–82. For a description of budgetary discrimination, see David Kretzmer, *The Legal Status of the Arabs in Israel* (Boulder, CO: Westview Press, 1990), 107; and Sammy Smooha, "Existing and Alternative Policy Towards the Arabs in Israel," *Ethnic & Racial Studies* 5 (1982): 71–98. For an account of the military regime, see Sarah Ozacky-Lazar, "The Military Government as a Mechanism of Controlling Arab Citizens: The First Decade, 1948–1958" [in Hebrew], *Hamizrah Hehadash* 43 (2002): 103–32.

ability to work outside their villages, and left many of them unemployed for long periods of time.[31]

It is against this background of formal citizenship and state-sanctioned oppression that this section details the early history of Israel's affirmative action. It shows how, in the first decade, while segregating the Arab population, the state in some episodes fought acute unemployment of the Arab sector. In the second, however, officials adopted mechanisms commonly recognized today as affirmative action to integrate Arabs into the national workforce. The Hebrew word that primary sources commonly use to describe these integrative efforts is *shiluv*. Although this word literally means "integration," in practice it referred to two distinct types of economic intervention. The first type involved efforts to fight unemployment by incorporating Arab workers as blue-collar laborers in the national workforce, especially through work relief programs (*Avoda Yezuma*), but not into Jewish workplaces. The second type, adopted in the wake of the economic prosperity of the late 1950s and early 1960s and with the weakening of military rule, sought to integrate the Arab population, especially educated Arabs, into the public sector and other predominantly Jewish institutions and businesses through the use of quotas, earmarked job openings, job training, and preferential treatment.

During Israel's first decade, until 1957, the military regime protected not only the security of the state, but also the ideals of "Hebrew labor" and the "conquest of labor," adhering to the then-central Socialist-Zionist ideology aimed at establishing an independent and superior Jewish economy.[32] Yet, at the same time the state also made efforts to fight acute unemployment in the Arab sector. The Ministry of Minority Affairs, which the Provisional Government established on May 15, 1948, undertook the earliest efforts. Bechor-Shalom Sheetrit, an Arab-speaking Jew born in Israel to a Moroccan-family, became the first and only minister of minority affairs.

31. Alina Korn, "Military Government, Political Control and Crime: The Case of Israeli Arabs," *Crime, Law and Social Change* 34 (2000): 159–82. 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 for Palestine. Nachum Gross, "Israel's Economy," in *The First Decade: 1948–1958* [in Hebrew], ed. Zvi Zameret and Hanna Yablonka (Jerusalem: Yad-Yitzhak Ben-Zvi, 1998), 137, 147–50. See also Yael Berda's comparative work on the permit system in Israel and other postcolonial countries, showing how when direct violence proved ineffective, colonial regimes developed sophisticated forms of control through documentation and surveillance, such as traveling passes, distinctive zones, and permit regimes. Yael Berda, "Managing Dangerous Populations: From Colonial Emergency Laws to Anti Terror Laws in Israel and India" [in Hebrew], *Theory and Criticism* 44 (2015): 97–126; and Berda, "Managing Dangerous Populations."

32. See note 24.

Sheetrit conceived of his ministry's role as "promising the Arabs who live among us equal rights, allow them a dignified existence, and promote their cultural and economic rehabilitation."[33] In its brief, 14-month existence, 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."[34] It promoted policies aimed at the economic rehabilitation of the Arab sector and the reconstruction of government services that would allow the Arab population to reestablish a "normal life" in the aftermath of the 1948 War.[35] It secured loans for Arab farmers, sent agriculture instructors to Arab villages to train the residents, and worked to integrate Arab workers "into the productive work cycle," mainly in agriculture and other manual labor.[36] Examples include the establishment of voluntary "employment camps" where Arabs worked and sometimes lived, as well as employment centers in Arab villages to direct local Arab job seekers to available jobs, mostly in the agricultural sector.[37]

In June 1949, Ben-Gurion dissolved the Ministry of Minority Affairs, and instead he appointed an advisor for Arab affairs to the Prime Minister ("the Advisor") to advise on policy matters relating to the Arab population and coordinate the work of the various bodies involved with the Arab minority in each office. According to Ben-Gurion, the official reason for closing the ministry was that ". . . there is no need for it. The Arabs will not be a minority; rather they will be citizens."[38] Some scholars have seen the dissolution of the office as evidence of the domination of the "security approach" to the Arab minority over Israel's liberal commitments.[39] However, an alternate interpretation is that nothing was resolved or decided in 1949, and there was not a consolidation of any one approach.

33. "The Minorities Ministry is Working to Promise Equal Rights" [in Hebrew], *Al HaMishmar*, November 10, 1948, 1.

34. "The Ministry of Minorities Affairs is Organizing the Life of the Arabs" [in Hebrew], *Al HaMishmar*, July 20, 1948, 3.

35. *A General Review of the Minority Office, its Organization, Mission and Actions* [in Hebrew] (December 20, 1948) (ISA-307/37-G), 3.

36. *The Activities of the Ministry of Minorities Affairs in Jaffa, HaTzofe* [in Hebrew], September 14, 1948, 4 ("employ minorities in agriculture and other manual labor"). For a survey of the ministry's activities in the Arab sector, see *Report of the Ministry* [in Hebrew] (September 29, 1949) (ISA-307/37-G).

37. Ibid.; "Unemployment of Workers in Jaffa was Minimized" [in Hebrew], *Al HaMishmar*, September 14, 1948, 1.

38. Rubin Peled, "The Other Side of 1948," 95 (citing from the *Coalition transcripts 1949–Sephardim* [in Hebrew] [March 2, 1949] [Ben Gurion Archives, 1602093], 6).

39. Uzi Benziman and Atallah Mansour, *Subtenants: The Arabs of Israel, their Statues and the Policy toward Them* [in Hebrew] (Jerusalem: Keter Publishers, 1992), 61. They suggest that the dissolution of the Office of Minority Affairs marked the "security considerations' victory over the liberal considerations."

Instead, at this moment, a multitude of interests, commitments, and approaches coexisted. While the state exerted military and land expropriation policies to promote certain goals, it simultaneously pursued affirmative action measures, sometimes to further those very same goals.

The first decade saw sporadic attempts to battle unemployment in the Arab population. These efforts, a 1951 report by the Ministry of Labor reported, included "placing Arabs in governmental jobs . . . allocating 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 into governmental positions in forestry, trains, and transportation."[40] Similarly, the minister of labor designated work relief programs for the Arab population, setting minimum quotas of Arab workers to be employed in different projects, and allocating a minimum number of paid work days to which they were entitled.[41] These jobs were mostly manual, low-paying, and part-time, and were meant to fight acute unemployment and provide a basic standard of living, but not integration into the Jewish workplace.[42]

After the 1956 Sinai War and the Kafr Qasim massacre, however, when both the state and its Arab population came to realize that the "other side" was not going anywhere, labor policies began to change.[43] Officials turned toward adopting longer-term policies and more robust action plans for the Arab population. The gradual easing of military rule, the robust economic growth of the late 1950s, and the sharp decrease in Jewish unemployment starting in 1957 enabled the state to put in place various affirmative action measures to integrate Arab workers into the Jewish workforce.[44]

40. I. Kretzer, *Ministry of Labor, Department of the Arab Village, Operations of the Ministry of Labor in the Arab Sector* [in Hebrew] (July 5, 1951) (ISA-2402/02-mfa), 1. There were also efforts to reinstate former clerks who had previously served under the British Mandate for Palestine. "The Appointment of Non-Jewish Former Clerks to Governmental Positions (March 27, 1950)" [in Hebrew], in *Arabs' Employment in Different Occupations* (ISA-61393/13-GL), 12.

41. See the different reports in *Public [relief] Work for Arab Refugees* (Jan. 1951–Oct. 195, 3) (ISA-17108/5-GL). Other examples include, employing Arab workers in agriculture or as port workers. See "500 Arab Laborers to Lod – to Fruit Picking" [in Hebrew], *HaMashkif*, December 9, 1948.

42. Shoshana Maryoma-Marom, "Relief Work as a Component of Social-Employment Policy in Israel in the 1950s and 1960s" (unpublished PhD diss., 2007).

43. Bäuml, *A Blue and White Shadow*, 14.

44. On the easing of military rule, see Ozacky-Lazar, "The Military Government as a Mechanism of Controlling Arab Citizens" [in Hebrew]. For an explanation of the economic development, see Yair Aharoni, *Structure and Conduct in Israeli Industry* (Tel-Aviv: The Israel Institute of Business Research and Gomeh Publications, 1976), 361, 392.

In 1957, Mapai, Israel's governing party from its establishment until 1977, formed the Committee for Arab Affairs.[45] Although this committee did not have any official state mandate, it did play a dominant role in shaping government policy. This quasi-official committee discussed the so-called "problems of the Arab minority," designed policies to address these problems, and made policy recommendations to Mapai. The recommendations were adopted and then implemented, albeit often incompletely, by the government. In 1958, the Committee for Arab Affairs declared that neither deportation nor assimilation of the Arab population, both of which remained on the table during the state's first years, were feasible options, and that the time had come for the government to adopt a liberal approach embracing the partial integration of the Arab minority.[46] Addressing concerns regarding the development of an independent Arab economy, Mapai's first action plan in 1958 sought 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."[47] Subsequently, Mapai aimed to "bring gradual integration of the Arab population in [the] 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)."[48] Similarly, the advisor for Arab affairs' 1959 policy guidelines suggested that Arabs should be integrated into the Israeli economy, and that educated Arabs should be integrated into the public sector, even if it entailed creating new positions.[49] These efforts included two types of measures. The first aimed to integrate the general Arab population into mostly blue-collar, unskilled jobs in Jewish-owned businesses in mixed cities and in the public

45. The committee's first chair was Mordechai Namir, who was the minister of labor, and its second and last chair, from 1960 to 1968, was Abba Hushi, who was the mayor of Haifa.

46. Mapai Committee for Arab Affairs, *Transcript* [in Hebrew] (January 30, 1958), 5–10 (LMA-27-1957-213). See Nadim N. Rouhana and Areej Sabbagh-Khoury, "Memory and the Return of History in a Settler-Colonial Context: The Case of the Palestinians in Israel," in *Israel and Its Palestinian Citizens: Ethnic Privileges in the Jewish State*, ed. Nadim N. Rouhana (Cambridge: Cambridge University Press, 2017), 400.

47. Mapai Committee for Arab Affairs, Transcript [in Hebrew] (January 30, 1958), 5–10 (LMA-27-1957-213).

48. *Mapai Action Plan for the Arab Population* (1960) [in Hebrew], 1 (LMA-2-7-1960-116).

49. Office of the Prime Minister's Advisor for Arab Affairs, *Recommendations re: the Arab Minority in Israel* [in Hebrew] (September 1959) (LMA-2-926-1959-18); and *Mapai Action Plan for the Arab Population* (1960), 2–3. This document states that joint corporations and enterprises for Arabs and Jews should be established, and that all existing organizations and institutions should be open to Arabs.

sector. The second, even more similar to the affirmative action policies adopted today, was meant to integrate educated Arabs into the civil service.

A 1967 report by the Knesset Labor Committee noted that "more was being done to treat the problem of unemployment in the Arab sector than in the Jewish one."[50] Although the accuracy of this statement is doubtful, the state did undertake several proactive efforts to integrate *unskilled Arab laborers into the national workforce*. First, the Ministry of Labor continued to set minimum quotas for Arab employment in public works projects, sometimes in a higher percentage than their corresponding proportion of the general population.[51] For example, in 1966, the ministry proposed setting quotas of approximately 2,000–3,000 jobs for Arabs in cities with mixed populations.[52]

A second measure for fighting unemployment in the Arab sector and promoting integration into Jewish-owned business was the establishment of state-funded vocational training courses. These courses trained Arabs in skilled occupations that were in high demand at the time, including specialized sewing, machine operation, carpentry, and teaching.[53] While Arab teachers were employed within the segregated Arab education system, other courses were designed to enable Arab workers to participate in the general workforce in mixed and Jewish cities. For example, in 1963, Prime Minister Ben-Gurion reported

> [T]he government efforts to provide the Arab and Druze youth with professions, through professional schools and vocational trainings provided by the ministry of Employment were fruitful already. . . Thousands of young Arabs were integrated into professional jobs in industrial factories, starting in large factories, such as refineries, the Dead Sea factories and others, as well as smaller workshops and cooperatives. These workers enjoy fair working

50. *Conclusions of the Labor Committee on Unemployment in the Arab Sector* [in Hebrew] (1968) (ISA-17021/13-GL), app.

51. *Report by the Arab Department in the Labor Office* [in Hebrew] (September 1961) (ISA-61357/12-GL), 1 (on employing the unemployed); Knesset Labor Committee, *Transcript* [in Hebrew] (April 3, 1967) (ISA-166/4-K), 3 (reporting that there were almost 3,000 young Arabs working in work relief programs); and *Labor Committee Transcript, No. 91* [in Hebrew] (March 8, 1967) (ISA-17021/13-GL) (explaining the distribution of government paid work days).

52. Office of the Prime Minister, *Unemployment in the Arab Sector* [in Hebrew] (August 21, 1966) (ISA-17021/13-GL), 3.

53. See, for example, *Report by the Arab Department in the Labor Office*, 2 (opening training classes for sewing and other professions); and Knesset Labor Committee, *Transcript No. 91*, 7 (March 8, 1967). The transcript records "[a] couple of words on professional training. From 1955 until today [1967], eleven classes graduated carpentry, framing, electricity courses. Three hundred people took these classes. Two hundred and fifty more are taking classes in mechanics."

conditions, equal to their Jewish peers. The government will broaden the professional trainings of Arabs and Druze.[54]

After the recession of 1965–66, in a few cases, the state pursued industrialization of Arab areas as a third measure for increasing Arab employment.[55] A 1967 policy plan explained the goal of building state- or Jewish-owned factories in or near Arab population centers that would employ both Jews and Arabs.[56] For example, the Kristal soft drink plant committed to employing approximately 125 workers as part of its scheduled reopening. A carpet factory was recruited to open a branch in Nazareth, committing to employ 100–200 Arab workers.[57] Other Arab workers from Nazareth were employed in Haifa, Afula, and other neighboring Jewish or mixed municipalities, mostly in Jewish-owned businesses.[58] In addition, government committees and officials endeavored to convince business owners to employ more Arabs.[59]

Attempted recruitment of Arabs into the Histadrut, a Jewish-Zionist worker's organization and national centralized labor union, constituted another approach for integrating Arab workers into the national workforce.[60] The Histadrut, founded in 1920, owned a number of enterprises and, for a time, became the largest employer in the country. The clash between the organization's Zionist aspirations and its socialist agenda created controversies over its approach to Arab workers even before the birth of the state. As Sarah Ozacky-Lazar notes, during the first two decades of Israel's statehood, the Histadrut gradually included Arab workers, while adhering to its Zionist agenda.[61] In 1953, the organization decided to

54. *Knesset Transcript* (hereafter DK) August 7, 1963, 2646 (Isr.) [in Hebrew].

55. According to an August 6, 1966 survey, the unemployment rate in the Arab sector was 7% whereas in the Jewish sector it was 4.5% Office of the Prime Minister, *Unemployment in the Arab Sector*, 1.

56. *The Plan for Industrializing Arab Areas* [in Hebrew] (ISA-13963/19), 2. As part of the industrializing plan, factories committed to opening branches in Arab towns and to employing Arab workers.

57. Ibid.

58. *Labor Committee Transcript* 91 (March 8, 1967), app. The report specifies the numbers of Arabs who were employed in Jewish-owned business, noting, for example, that there were 6,500 breadwinners in Nazareth, of whom 408 worked for the state. Many others worked in neighboring municipalities. For example, the Voltex factory in Afula employed 37 Arab women from Nazareth, the kibbutzim employed approximately 100 Arab workers, and in Haifa there were an additional 1,750 Arab workers.

59. Report to the Minister of Labor, *Reconsiderations for Increasing Employment Rates in Arab Villages by Establishing Factories* [in Hebrew] (January 5, 1967) (ISA-13963/19-GL).

60. Sarah Ozacky-Lazar, "From a Hebrew Trade Union to an Israeli One: The Integration of Arabs in the Histadrut, 1948–1966," *Studies in Israel's Revival* 10 (2000): 381–419; and Shalev, "Jewish Organized Labor and the Palestinians."

61. Ozacky-Lazar, "From a Hebrew Trade Union to an Israeli One," 415–19.

allow Arabs to become members of its affiliated professional unions. 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."[62] However, only in 1959 did the Histadrut's assembly decide to admit Arab workers as full and equal members of the organization.[63] Although the integration of Arab workers into the Histadrut was far from smooth, it is noteworthy that proactive efforts were made to promote the process.[64] 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 workforce, endeavoring to assure them equal pay and social benefits.[65] For example, the organization made concrete efforts to integrate Arab workers into its economic enterprises such as Tnuva, Israel's largest dairy company, and to increase Arab representation in the Histadrut's elected bodies.[66] Finally, in 1966, the Histadrut council voted to eliminate the word "Hebrew" from its title in order to symbolically include all workers in Israel.[67]

Michael Shalev refers to some of the Histadrut's efforts to incorporate Arab workers—such as providing travel permits and directing a pool of "patronage jobs at its disposal to young Arab 'keymen' on the rise in their communities"—as efforts of "cooptation and persuasion" directed at serving the interests of the state, as well as strengthening the position

62. "Namir's Speech in the Va'ad HaPoel General Assembly (May 7, 1953)" [in Hebrew], in *The Histadrut and the Arab Worker* (1953), 20.

63. Ozacky-Lazar, "From a Hebrew Trade Union to an Israeli One," 404; and *Arab Life in Israel* [in Hebrew] (April 1959) (ISA-2129/8-GL), 2. This document reports that "[o]f the estimated 23,000 to 25,000 employed Arabs in Israel, about 13,000 so far have joined Histadrut trade unions. The decision on full membership was the pick of a process of integration which has raised the living standard of all of Israel's Arab citizens."

64. Department of Arab Worker Affairs, *A Collection of Reports, The Histadrut* [in Hebrew], 1 (November 1954) (ISA-17098-21-GL). The reports state that "with the decision to open the gates of the professional organizations to the Arab worker, the Arab department was charged with the mission to enhance its efforts to promote cooperation and integration." For a report on the different actions taken by the Arab Department of the Histadrut with respect to recruiting Arab workers, see Meir Reuveni, "They Are Growing Out Their Minority Complex [in Hebrew]," *LaMerhav*, January 31, 1960, 4–5.

65. "The Histadrut, with Government counterargument and support, has been active in finding employment for Arabs and guaranteeing them fair wages and decent conditions of labor." *Arab Life in Israel*, 2.

66. See Ozacky-Lazar, "From a Hebrew Trade Union to an Israeli One," 405–6, citing from Sharif Mamlok, *The 9th Histadrut Council*, The Histadrut 42–43 (Feb. 1960); and The Arab Department of the Histadrut [in Hebrew] (December 20, 1961) (LMA).

67. *The 10th Histadrut Council* [in Hebrew], The Histadrut (January 1966) (LMA), 637.

of Mapai in Arab communities.[68] Yet, by describing the Histadrut's efforts as one part of a robust continuum of affirmative action measures employed by different state actors in those years, I suggest that although cooptation and fostering loyalty can explain some of these efforts, they certainty cannot account for the multiple techniques aimed at integrating different segments of the Arab population.

These measures to integrate blue-collar workers were supplemented by *efforts to integrate educated Arabs into the civil service*. A 1957 survey conducted by the Civil Service Commission on non-Jewish civil service employees found that, whereas non-Jews accounted for 10.7% of the population, they held only 3.5% of civil service positions. Of these, most were low-level positions. However, the commission also reported that "special efforts" were being made by different offices to appoint more Arabs.[69] This involved direct affirmative action measures to integrate educated Arabs, meaning mainly high school graduates, into the public sector. First, in 1958, the Committee for Arab Affairs decided that the government, the Histadrut, and other public institutions should "employ, in the very near future, 100 educated Arabs," while also asking for "permanent quotas for each office and [ensuring that] this will be done in three to four months."[70] A news report later that year stated that the government had been able to arrange for seventy Arab high school and college graduates to be employed in the administration and other professions.[71] Similarly, in 1962, the Prime Minster's Office required different governmental offices, along with public and private institutions, to earmark a few positions for educated Arabs.[72] In 1961, the Ministry of Finance published an advertisement—written in Arabic—for non-Jewish high school graduates to apply for certain jobs at the ministry. It then hired twenty-five Arabs. The Ministry of Education published a similar request.[73] Later that year, the Ministry of Finance published another advertisement for thirty positions earmarked for educated Arabs throughout the country, which a

68. Shalev, "Jewish Organized Labor and the Palestinians," 112.

69. *A Review on the Non-Jewish Civil Servants* [in Hebrew] (September 9, 1957) (ISA-47242/3-GL), 1–3.

70. Mapai Committee for Arab Affairs [in Hebrew] (January 30, 1958) (LMA-27-1957-213), 8.

71. "Jobs for the Intelligentsia Among the Minorities" [in Hebrew], *Ha'aretz*, March 26, 1958 (ISA-17036/19-G).

72. "Offices will Design Jobs for Educated Arabs" [in Hebrew], *Ma'ariv*, January 10, 1962, 9.

73. "25 Educated Arabs and Druze to be Hired by the Ministry of Finance" [in Hebrew], *Davar*, June 28, 1961, 3.

month later it reported having filled.[74] Suggestions were also made to make proactive efforts to employ educated Arabs and to allocate a "minimum percentage of public sector employment" to Arabs.[75]

A similar measure entailed using preferential hiring practices for Arab candidates and workers. For example, in a letter from 1967, the Office of the Advisor for Arab Affairs in Haifa suggested that the city's governmental offices should allow educated Arabs who did not pass the mandatory examination to retake the examination a year or more into the job. The office explained that major efforts were being made to train and integrate these workers and that, despite their failures in the examinations, they were doing well on the job.[76] Another example concerned the judiciary. Guy Lurie portrays the events leading to the appointment of three Arab judges between 1968 and 1969, doubling the total of three Arab judges serving in Israel's courtrooms in the 20 years before 1968.[77] Most relevantly, he describes a letter written in 1967 by the then-president of the District Court of Haifa, Ya'acov Azulai, to Supreme Court Justice Moshe Landau, regarding the lack of Arab judges. In the letter, Azulai asserts the necessity to appoint Arab judges, which he says should be given priority over consideration of merit. According to Lurie, officials in the judiciary were concerned with the lack of Arab judges on the bench and were willing to ease merit-based requirements for Arab candidates in order to promote their appointment.[78]

Second, and equally important, was the pressure government officials and committees placed on various public and private sector entities to employ a certain number of educated Arabs in specific offices or industries.

74. Ministry of Labor, *Monthly Report: The Ministry's Actions Regarding Minority Issues* [in Hebrew] (August 1961) (ISA-61357/12-GL), 2; and Ministry of Labor, *Monthly Report: The Ministry's Actions Regarding Minority Issues* [in Hebrew] (September 1961) (ISA-61357/12-GL), 2.

75. Letter from Moshe Piamenta to the Advisor for Arab Affairs (June 28, 1959) (ISA-17036/19-GL); and "Educated Arabs to be Integrated to Governmental Offices" [in Hebrew], *Davar*, January 12, 1966, 6 ("Tens of educated Arabs and Druze from minority villages . . . will soon be integrated to governmental offices and the Histadrut in the north").

76. Letter to the Advisor of Arab Affairs from Nisim Tokotely, "The Employment of Educated Arabs and the Civil Service Exams" [in Hebrew] (May 2, 1967) (ISA-17036/20-GL).

77. Guy Lurie, "Appointing Arab Judges to the Courts in Israel, 1948–1969," *Israel Studies Review* 34 (2019): 44.

78. Ibid., 58. The letter was sent at a time when Justice Landau, to whom Judge Azulai's letter was addressed, sat on the Judicial Selection Committee. In the letter, Azulai writes: "Finally one must begin and reach out to this public of lawyers, and help its advancement. I am sure, or at least hope, that not an insignificant number of them will succeed and acquire the knowledge necessary to achieve and stand on the appropriate quality level of a judge in Israel."

For example, the 1962 5-year plan by the Arab Affairs Committee demanded that "the Civil Service Commission will ensure the employment of Arab engineers, doctors, lawyers, clerks, and laborers in all fields of work: industry, commerce, government, municipal, private and join services, with no discrimination and with special and directed attention to solving the urgent problem of employment for high school and higher-education [Arab] graduates as well as liberal professions."[79] The following year, a newspaper article reported that "the Advisor for Arab Affairs reached out to tens of [Jewish-owned] industrial factories, commercial companies, and public and private institutions, requesting [that] they seek out educated Arabs [to fill] different clerical and administrative positions. . . Many of the managers they approached expressed their willingness to employ educated Arabs in their factories."[80] In another instance, during a Knesset discussion about the unemployment of educated Arabs, Prime Minister Ben-Gurion stated: "I approached different offices that are able to employ educated Arabs. . . [It is] what the government can and should do: I believe it will be done. I gave the order to the representatives of the different offices to vigorously approach this, so in each government office a few suitable educated Arabs will be employed."[81]

Third, training courses also served to increase the integration of educated Arabs into the public and private sectors. In a 1964 letter from the advisor to the Office of the Prime Minister, the advisor explained that, although much of the educated Arab population was already employed by the government, many were not hired to fill the positions they were interested in. The solutions, the advisor explained, were twofold: "A) Opening special professional 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."[82] These training courses provided full professional training in social work, accounting, nursing, teaching, and clerical work.[83] Other initiatives included establishing Hebrew language

79. *Mapai Action Plan for the Arab Population* [in Hebrew] (1960), 2.

80. "An Action to Attain Employment for Educated Arabs" [in Hebrew], *LaMerhav*, March 14, 1962, 6.

81. DK April 7, 1959, 1932, 1936 (Isr.) [in Hebrew].

82. Letter from the Office of the Advisor of Arab Affairs to the Office of the Prime Minister [in Hebrew] (July 7, 1964) (ISA-17036/20-GL).

83. Civil Service Commission, *A Survey of the Non-Jewish Civil Servants* [in Hebrew] (September 9, 1957) (ISA-47424/3-GL), 2; Advisor of Arab Affairs, *A Survey on Educated Arabs for the Prime Minister's Office* (October 13, 1964) (ISA-17036/20-GL); and Ministry of Labor, *Monthly Report of the Office for Arab Affairs* [in Hebrew] (July 1961) (ISA-61357/12-GL), 1.

courses and vocational training courses to prepare Arabs for jobs in the public sector.[84] Special courses were also opened to prepare Arabs for Israel's civil service examinations.[85] In another report, the advisor noted that educated Arabs who managed to obtain government jobs often failed the civil service examination, and would be allowed to take the examination after 1 or 2 years on the job, thus providing them time to prepare by becoming more fluent in Hebrew and better integrated into society.[86]

Efforts to increase the number of Arabs receiving higher education and training opportunities for skilled professions are also noteworthy. In 1958, the Ministry of Health sought to reach a "significant percentage" of Arab women studying nursing and to recruit Arab women for nursing positions.[87] The Ministry of Education distributed stipends to Arab students and established teacher training centers for Arabs.[88] More generally, in terms of higher education, the percentage of Arabs among all students rose from 0.6% (forty-six students) in 1957 to 1.7% (607 students) in 1970.[89] Although this increase can largely be attributed both to natural population growth and to an increase in Arabs graduating from high school, universities also made efforts to integrate Arab students into higher education. According to a 1959 news article, the Hebrew University gave some "positive discrimination [*aflia letova*] in their [the Arabs'] favor. Not just in housing. But also in admissions and the 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."[90] Likewise, in 1965, a Ministry of Education official explained that at the Technion (the Israel Institute of Technology) "Arab students experienced 'positive discrimination' [*aflia letova*], similar to that experienced by [Jewish] pupils from Mizrahi countries. This [positive] discrimination involves 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."[91] The state, Histadrut, and private organizations also distributed

84. Civil Service Commission, *A Survey of the Non-Jewish Civil Servants*, 2. See also A. Agasy, *A Letter to the Advisor for Arab Affairs* [in Hebrew] (July 20, 1961) (ISA-17036-GL) (reporting that an arrangement was made to employ 20 Arab nurses in public health clinics, and that a month-long Hebrew course will be subsidized to prepare them).

85. Ibid.

86. Office of the Advisor of Arab Affairs, *Employment of Educated Arabs and the Civil Service Exams* [in Hebrew] (May 2, 1967) (ISA-17036/20-GL).

87. Civil Service Commission, *A Survey of the Non-Jewish Civil Servants*, 2.

88. Ibid., 1.

89. Bäuml, *A Blue and White Shadow*, 302.

90. Yigal Losin, "73 Outraged Youngsters" [in Hebrew], *Maariv*, June 26, 1959, 5.

91. Letter from A. Oren, the Speaker of the Ministry of Education and Culture to Boneh Tirush [in Hebrew] (January 8, 1965) (ISA-1404/6-GL). The Seker examination was a

grants, stipends, and loans to some Arab students for academic pursuits.[92] Even more significant was Prime Minister Levi Eshkol's 1963 declaration of his commitment to integrating educated Arabs into the public sector. He announced that his government would create a fund to help Arab students in need complete their studies.[93]

By contrast, the Israeli government's attempt at decreasing deep educational disparities between the Jewish and Arab population—that predated the creation of Israel—were non-integrative.[94] The Committee for Arab Affairs' 1960 plan proposed to establish integrated elementary schools in cities with a mixed population of Jews and Arabs. At this time, the committee was chaired by Abba Hushi, who was also the mayor of Haifa, one of the largest mixed cites. The proposal also called for integrating all high schools, both academic and professional, as well as teacher training seminars.[95] These schools were to be "Israeli," which, according to Hushi, meant that they would be mainly Jewish schools with some accommodations for the study of Arabic language, literature, and religion during designated hours.[96] Bechor-Shalom Sheetrit added that this solution would encourage the Jewish children to learn Arabic, Arab culture, and Arab history, and would enable children to grow up together.[97] Even Moshe Dayan, the prior chief of the military and the Ministry of Agriculture, stated that Israel was "not a binational state," but accepted the proposal.[98]Another committee member opposed this proposal and raised Israel's fundamental commitment to allow Arabs to have Arab-speaking schools, as well as the

national examination used for eighth-grade pupils between 1958 and 1972. Those passing the examination were eligible for high school tuition subsidies from the Ministry of Education. Majid Al-Haj, *Education, Empowerment, and Control: The Case of the Arabs in Israel* (Albany, NY: SUNY Press, 1995), 86–87. It is not exactly clear what a "B-norm" means in this context, but it appears to refer to some kind of preferential treatment with regard to high school students' tuition. Email from Shlomit Amichai, former CEO of the Ministry of Education, to author (August 17, 2018) (on file with author). Amichai confirms that a "positive factor" was instated to favor Arab students.

92. Ministry of Foreign Affairs, *Arab Life in Israel* (April 1958) (ISA-47424/3-GL), 3 ("[T]hree of the 12 Arab students now studying in the Technion . . . have been granted scholarships to enable them to continue their studies"); and "Stipends for Arab Students" [in Hebrew], *Davar*, January 31, 1967, 6.

93. Office of the Prime Minister, *Arab and Druze Students in the University* [in Hebrew] (May 10, 1954) (ISA-1404/6-GL) (citing Levi Eshkol in a speech from October 21, 1963).

94. Lustick, *Arabs in the Jewish State*, 24.

95. Committee of Arab Affairs, *The Party's Policy Directions Toward the Arab Population* (May 27, 1960) (LMA-27-1960-116), 1.

96. Ibid., 1.

97. Committee for Arab Affairs, *Transcript* [in Hebrew] (August 11, 1960) (LMA-27-1960-116), 4.

98. Ibid., 5.

possible objections from Jewish parents.[99] When the committee revisited this proposal in 1962, Advisor for Arab Affairs Uri Lubrani stated that the routine of separation would be very hard to break. Instead, he suggested that "maximal integration of Arab and Jewish schools should be achieved – where possible."[100] Yet even this more practical version of an integrative policy was never adopted.

Eventually, a separatist approach overcame the others. The Committee for Arab Education explained this position, according to which, "the natural place for the Arab students is in Arab-speaking schools," although the government "should not object to Arab children learning in Hebrew schools." An exception was made for professional training schools, which more directly led to economic integration.[101] This separatist logic, the report detailed in a following section, was not understood to be in opposition to "the ideal of integrating the Arab population into the life of the state, by giving them the opportunity and ability to live and earn in mixed cities and pure Arab regions. Their education should be directed at professions that might make it easier for them to economically integrate into the state."[102] Furthermore, it continued, "feelings of equality and good relations between the two nations should be encouraged, yet social intimacy should be avoided as it might lead to unwelcome developments, such as mixed marriages."[103] Instead, efforts related to education concentrated on improving and alleviating inequality in schools' physical conditions and educational offerings, and on raising enrollment levels. The measures adopted included building more Arabic-speaking schools, and more classrooms in Arab villages and in Arab neighborhoods in mixed cities.[104] The integration of the Arab population to "the life of the state" was, as this section demonstrates, economic, not educational, residential, or social.

99. Ibid., 6–10.

100. Committee for Arab Affairs, *Transcript* [in Hebrew] (February 1, 1962) (LMA-27-1960-116), 2.

101. Committee for Drafting the Line of Policy Regarding the Education and Culture of Minorities Appointed by the Ministry of Education, *Policy Report* [in Hebrew] (May 30, 1958) (ISA-17015/10-GL), 2.

102. Ibid., 2.

103. Ibid., 10.

104. As part of the first 5-year plan, funds were allocated to Arab municipalities with the purpose of improving educational conditions, including training Arab teachers. See Yoel Dar, "The Arab Education" [in Hebrew], *Davar*, March 1, 1967, 3. For a review of the different programs and policies that were meant to improve and benefit the Arab education system, but not to integrate it with the Jewish one, see Nasreen Hadad Haj-Yahia and Arik Rudinsky, "The Arab Education System in Israel: A Review and Future Challenges" [in Hebrew], 19 *Ha'sadeh* (2018), 21.

The Five Motivations that Led Israeli Policymakers to Adopt Employment Affirmative Action Measures

Policies adopted by Israeli officials during the first and especially during the second decade of statehood that are recognizable today as affirmative action, were not necessarily motivated by egalitarianism, but instead by multiple and often contradictory motives. Of course, the officials' motivations and their justifications may not have aligned. Yet because the source material reflects internal, private deliberations, it suggests that these officials were likely speaking rather candidly. These discussions therefore offer a unique opportunity to learn about the conflicting rationales that motivated Israeli officials during the founding decades of the state.

Internal governmental reports and discussions of policies reveal four types of instrumental rationales for adopting affirmative action measures: ensuring security and social order, advancing economic growth, gaining international legitimacy, and garnering the Arab vote. Also discernible is a fifth type of motivation, revolving around reaching egalitarian ideological goals. 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 raised in discussions about affirmative action. Often, however, the same measure was motivated by mixed rationales. Although egalitarian sentiments were expressed in many cases, they rarely stood as an independent motivation for promoting employment affirmative action.

Security

It is well documented that security concerns and a perceived need to maintain stability played a major role in the state's approach to the Arab minority during its first two decades.[105] It is less known, however, that security considerations were behind officials' decisions not only to enact oppressive measures, but also to adopt inclusionary measures. These security-oriented rationales were especially dominant during the first decade, when the status of the Arab minority as citizens was most fragile and unstable. Reducing unemployment and raising the material status of the Arab minority was a way of managing the crisis and the hostile population, preventing political turmoil, and, more generally, maintaining public order and the stability of the newly established Jewish regime. Policy makers acted under the assumption that the Arab population was a security threat, and that steps for improving their material conditions needed to be taken in order to prevent any escalation of the conflict.

105. See notes 7–12.

Reuven Bareket, the architect of Mapai's first 1958 action plan, articulated the security approach clearly. The Arab population, he explained, had connections to hostile foreign populations from Arab countries, and "the majority of the Arab sector is hostile to the state."[106] He then presented three possible approaches for dealing with this situation: "displacement, assimilation or liberalism." Bareket acknowledged that there would be no displacement, and exhorted that hopes for assimilation should also be abandoned.[107] Consequently, he argued that the state must "deal with the Arab minority with a liberal line of policy." Furthermore, in order to fight dangerous separatist trends in Arab society, he declared that, "the goal should be integration—not complete, but more or less acceptable—of the Arab sector in all aspects of life."[108] Making the case for promoting employment 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."[109] Bareket further argued that, "the more the economic interests of the Arab sector are tied to and aligned with those of the state, the more its responsibility for the security of the state will grow."[110]

Israeli officials on the Mapai Committee for Arab Affairs believed that an Arab population that was increasingly integrated into the national labor force would be less susceptible to identifying with rival Arab states. This would therefore make them more loyal, and render the state less vulnerable to incitement and takeover by hostile forces within and outside Israel's borders.[111] For example, a 1961 report by the Government Committee for Problems of Employment and Professional Training of Arab Youth recommended implementing a set of affirmative action measures, including prioritizing opening employment centers in Arab towns and integrating Arab youth into previously Jewish professional training courses, which "could dissolve the bitterness of the Arabs" and "distance Arab youth from the devastating effects of underground organizations."[112] Its authors feared that poor conditions could

106. Mapai Committee for Arab Affairs, *Transcript* [in Hebrew] (January 30, 1958) (LMA-27-1957-213), 1–2.

107. Ibid., 3.

108. Ibid.

109. Ibid., 6.

110. Mapai Committee for Arab Affairs, *Transcript* [in Hebrew] (March 19, 1964) (LMA-27-1960-116), 8.

111. Office of the Prime Minister's Advisor for Arab Affairs, *A Report on the Israeli Arabs in the First Five Years* [in Hebrew] (1953) (ISA-13925/19-GL), 4.

112. *Report by the Committee for Examining Ways of Integrating the Arab Population in the Economy and Labor Systems* [in Hebrew] (1961) (ISA-17004/22-GL), 6.

become a "source of hatred."[113] Similarly, in a policy plan that was largely adopted by the government, the advisor for Arab affairs explained that the state must integrate the Arab minority, to "decrease as much as possible the formulation of an independent dangerous sector . . . . [T]his will not make them loyal citizens, but with time, it will decrease open animosity and its explicit manifestation."[114] Rising unemployment was also considered dangerous, as it created negative attitudes toward the state.[115] Aharon Beker, Chairman of the Histadrut from 1961 to 1969, articulated this view clearly, arguing that the state had to integrate the Arab worker into the national economy, "so he would bear responsibility to ensure and promote its security."[116]

Others advocated employment affirmative action as a way to promote security and order by fostering loyalty, not via simple material relief, but through the cultivation of a kind of partnership between the Arabs and the state, or at least 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 will come to hate it and fight it, [the state] must do everything in order to integrate them, in a way of constrictive organic integration, on the basis of equal rights and duties. . . [O]nly 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 benefit."[117] Moshe Sharett, who was prime minister from 1954 to 1955, between Ben-Gurion's two terms, articulated the same logic. Sharett acknowledged that the Arabs' situation "is difficult" because they "feel themselves to be residents of Israel," their birthplace. Yet "they are nationally connected to Arab nations outside of Israel." Therefore, Israel faced a choice: "allow external influences to take over, or must we strengthen our ties with them?" Sharett believed that education, "equality and understanding" would allow Arabs to "grow closer to us" and push them away, for instance, from the allure of Egyptian President Gamal Abdel Nasser.[118]

113. Ibid., 5; and Bäuml, *A Blue and White Shadow*, 41.

114. Office of the Prime Minister's Advisor for Arab Affairs, *Recommendations re: the Arab Minority in Israel*, 15.

115. See, for example, Office of the Prime Minister's Advisor for Arab Affairs, *Unemployment in Nazareth and the Area* [in Hebrew] (March 3, 1967) (ISA-17021/13-GL).

116. Bäuml, *A Blue and White Shadow*, 121.

117. See Ozacky-Lazar, "From a Hebrew Trade Union to an Israeli One," 392.

118. Mapai Committee for Arab Affairs, The Youth Committee, *Transcript* (November 28, 1962) (ISA-17004/22-GL), 2. Although TV broadcasts only began in Israel in 1966, broadcasts from neighboring Arab states, and primarily Egypt, became available in the early 1960s at some Arab coffee shops. This, Dana Winkler describes, became a security

In contrast to the articulated goal of cultivating loyalty by bringing the two communities closer together, another method for enhancing the state's security was to try to prevent the political consolidation of the Arab minority into one national Arab movement by creating divisions between the community's different ethnic groups: Muslims, Druze, Bedouin, and Christians.[119] One common method used to achieve this goal was breaking up the territorial continuity of Arab communities by building Jewish settlements among them.[120] Another method involved granting preferential treatment to some subsectors within the Arab population in order to cultivate independent and conflicting interests in each community. As Reuven Bareket explained, in order to secure Israel, it must "cultivate within each sector [within the Arab population] its own sectorial interests, by positive discrimination (*aflia letova*) and preferential treatment."[121] The most prominent illustration of this approach can be seen with respect to the Druze community, whose members enjoyed a somewhat favorable status.[122]

Economy

Another leading rationale for adopting employment affirmative action for the Arab community at that time was the health and prosperity of the national economy. In the first decade, officials working to promote the full employment of Jewish immigrants were concerned with competition between Jewish and Arab workers, and therefore worked to exclude Arabs from the national workforce.[123] However, with the economic prosperity of the late 1950s, and when unemployment among Jewish works was very low, the complete segregation of Arabs from the labor market was no longer an attractive option for the Israeli establishment. Officials interested in the development and flourishing of the state's economy realized that unemployment and the underdevelopment of certain sectors could

concern for Israeli officials at the time. See Dana Winkler, "'Doing Israeli Television': Discussions Toward Establishing Israel's Television, 1948–1968," *Kesher* 34 (2006): 134.

119. Office of the Prime Minister's Advisor for Arab Affairs, *Recommendations re: the Arab Minority in Israel*, 6 ("The State's policy in the past ten years was to promote the separation and balkanization of the Arab population to its sub-communities and areas and to consolidate their interests around these divisions"); Lustick, *Arabs in the Jewish State*, 98; and Robinson, *Citizen Strangers*, 56.

120. Lustick, *Arabs in the Jewish State*, 82–150. Lustick identifies this line of policy as segmentation.

121. Mapai Committee for Arab Affairs, *Transcript* [in Hebrew] (January 30, 1958), 4.

122. Lustick, *Arabs in the Jewish State*, 82–150.

123. Rosenhek, "The Political Dynamics of a Segmented Labour Market," 235.

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become unmanageable and would hold back the entire economy.[124] An additional factor, albeit one less openly discussed, was that the integration of Arab workers into the workforce, especially in the production and construction sectors, could provide cheap labor to support the development of the state's infrastructure.[125]

The economic rationales for taking affirmative action measures were not only these familiar utilitarian ones. Israeli policy makers also began to take an interest in integrating the Arab population into the national economy in order to dismantle the independent Arab economy that predated the establishment of Israel. In 1959 the prime minister's advisor for Arab affairs contended that the integration of Arabs into the state's economy was necessary "in order to prevent the creation of an independent Arab economy that would strengthen Arab autonomy."[126] Integration, it was further explained, would prevent future competition between the Arab and Jewish economies.[127] Furthermore, during the second decade of statehood, there was a growing belief among government officials that the Arab sector had accumulated significant wealth. Therefore, policy makers thought that development, integration, and cooperation would promote consumerism in the Arab sector, which would, in turn, lead to the transfer of funds "back" to the state.[128] For example, the prime minister's advisor for Arab affairs wrote that any attempt to circulate funds accumulated in the Arab sector back into the state's economy must include modernization to support Arab consumption.[129]

International Legitimacy

A third type of motivation for affirmative action involved external considerations, mainly improving the perception of Israel in the eyes of the international community. Israel's democratic and moral commitments to equality were sometimes articulated by Israeli officials as an independent

124. See, for example, Office of the Prime Minister's Advisor for Arab Affairs, *Recommendations re: the Arab Minority in Israel* (September 1959), 3.

125. Bäuml, A *Blue and White Shadow*, 133.

126. Office of the Prime Minister's Advisor for Arab Affairs, *Recommendations re: the Arab Minority in Israel*, 18.

127. Ibid., 19. See also Moshe Sharett's comments, Mapai Committee for Arab Affairs, Transcript [in Hebrew] (March 17, 1960) (ISA-13909-8-GL), 5.

128. Bäuml, *A Blue and White Shadow*, 42.

129. Office of the Prime Minister's Advisor for Arab Affairs, *Recommendations re: the Arab Minority in Israel*, 3; *Transcript of Government Meeting* (November 15, 1953), 15 ("[I]t 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").

rationale for adopting affirmative action measures. However, these commitments were also often mentioned as a way to bolster international legitimacy, as the international community became increasingly concerned with anti-Arab discrimination over the first two decades. In 1958, advocating for a series of affirmative steps, the chair of Mapai's Committee for Arab Affairs noted that "not only non-Jewish public opinion has become interested in 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."[130] Particularly noteworthy is Ben-Gurion's 1960 explanation of the inherently contradictory poles of the Arab problem. The first, he explained, "is the character [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."[131] Ben-Gurion then listed a series of integrative measures that could minimize this contradiction, including the integration of Arabs into Mapai itself, the government, the workforce, and even the Jewish kibbutzim and villages.[132]

The Arab Vote

During the first decade of Israel's statehood, the Arab population's main avenues for political activity were threefold: satellite Arab parties affiliated with Mapai, Mapam (The United Workers Party), and Maki (the Israeli Communist Party). In 1959, El-Ard, a pan-Arab national movement, was formed by a group of Arab intellectuals with the aspiration of bringing equality to all inhabitants of Israel and finding a fair solution to the Palestinian problem. Although eventually blocked from competing in the national elections, El-Ard, like Mapam and Maki, adhered to egalitarian ideologies and criticized Mapai for its approach toward the Arab minority and the prolonged military regime.[133] At this point, Mapai started using affirmative action measures in its fight over the Arab vote.[134] For example,

130. Mapai Committee for Arab Affairs, *Transcript* (January 30, 1958), 1–2.

131. A Meeting of Mapai's Board (*Mazkeerut*), Transcript [in Hebrew] (February 12, 1960) (ISA-13909-8-GL), 21.

132. Ibid, 3.

133. Ron Harris, "State Identity, Territorial Integrity and Party Banning: The Case of a Pan-Arab Political Party in Israel," *Socio-Legal Review* 4 (2008): 19–65, at 32–36.

134. Lustick has described a similar strategy of "cooptation of the Arab elite," by which Israeli officials paid Arab elites to provide information and votes. Yet, distinct from the affirmative action measures this article is describing, cooptation efforts targeted individual traditionalist and nontraditional *Arab leaders. Lustick, Arabs in the Jewish State*, 80.

the advisor for Arab affairs explained that parties other than Mapai were buying the Arab vote or providing other benefits in exchange for it. Mapai, the advisor asserted, was losing the Arab vote. Therefore, he recommended that the party should "gradually integrate Arabs within its fold."[135] Similarly, in the discussion regarding the integration of Arabs into a youth leaders' seminar in 1962, one official explained that, without integration, the party would be abandoning the youth, who would soon become voters, to the devastating influences of Maki and Mapam.[136]

Egalitarian Aspirations

Although there was no unified egalitarian ideology supporting affirmative action, egalitarian motivations were nonetheless significant during the first and second decade. Liberal and socialist morality led officials to pursue more egalitarian policies and, in some cases, to support affirmative action measures. Some of the universal moral arguments were rooted in liberal aspirations for equal citizenship. As early as September 1948, Israel's 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."[137] Yizhak Ben Zvi, Israel's second president, advocated for the inclusion of the Arab minority into society. In a similar vein, he explained that especially after what the Jews had suffered, they must get used to being just rulers.[138] In another instance, Ben Zvi declared 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 option was to work for the integration of "Muslims, Christians, and Druze as citizens with equal rights and as communities with equal rights in the state."[139] In 1959, Prime Minister Ben-Gurion explained that the state "should help the Arab intelligentsia adapt to the national economy and governmental and private clerkship . . . not because . . . it will bring peace with our neighbors

135. Office of the Prime Minister's Advisor for Arab Affairs, *Recommendations re: the Arab Minority in Israel*, 11.

136. Mapai's Youth Committee, *Transcript* (November 11, 1962) (ISA-17004/22-GL), 4.

137. "Arab Representatives Welcome the Minister of Interior," *Ha'aretz* (September 7, 1948), 4. For a review of the egalitarian ideologies motivating Israeli officials during the first 2 years of Israel's statehood, see Rekhess, "Initial Israeli Policy Guidelines Towards the Arab Minority, 1948–1949," 103–23.

138. Yitzhak Ben Zvi, "On the Problem of National Minorities," *Davar* [in Hebrew], September 2, 1949, 2.

139. Yitzhak Ben Zvi, "The Problems of the Majority in Israel," *Davar* [in Hebrew], November 25, 1949, 2.

. . . but because they are citizens of Israel and they deserve the same entitlements as any other Israeli citizen."[140] In 1960, he further explained that there is "antisemitism" in Israel against Arabs, and in order to denunciate it, there is a need "to welcome Arabs to the party, to the Histadrut, to the Kibbutzim—as members and as employees. And not just on election night, we need to welcome them [the Arabs] in all governmental offices, with only one or two exceptions, to welcome them to all businesses, to all institutions, Arab teachers should teach in Hebrew schools and Hebrew teachers should teach in Arab schools."[141] In other instances, arguments made mostly by Mapam members emphasized the socialist commitments of fairness and equality for members of the working class.[142]

Reflecting on the coexistence of these contradictory motivations and their manifestation in conflicting policies of economic inclusion and social exclusion, in 1962 Moshe Dayan said that "when it comes to security we cannot allow full equal rights, but in other fields of life, probably not education and such, but in the economic field—they are equal to Jews. But between this formula and its formation in real life, the gap is huge . . . for this, we need to take from one and give to the other. Because equality means equality."[143]

Effects: From Exclusion to Hierarchical Inclusion

Thus far, this article has demonstrated that the state employed different mechanisms seeking to promote the inclusion of the Arab population into the national workforce during Israel's first and especially second decade, for various and sometime contradictory reasons. This section tries to assess the effects of these mechanisms on inequality between the Arab minority and the Jewish majority during those years. Given the overall stability and persistence of the control framework over the Arab population during the state's first two decades, and in light of the sustained subordination of the Arab minority, it would seem that affirmative action measures

140. DK (April 7, 1959) 1932, 1936 (Isr.) [in Hebrew].

141. A Meeting of Mapai's Board (Mazkeerut), *Transcript* (February 12, 1960), 21.

142. See, for example, A. Bejer, "The Arab Worker is Inseparable from the Worker Population" [in Hebrew], *Davar*, July 28, 1963, 6. Bejer writes, "[t]he Histadrut honestly sees the Arab laborer as an inseparable part of the workers' population of Israel, and it is determined to advance the Arab worker."

143. Mapai Committee for Arab Affairs, *Transcript* [in Hebrew] (May 4, 1962) (LMA-27-1960-116), 5. The last part of the quote literally translates to "if equality, then equality."

simply served the regime,[144] or at the very least, that these measures did not disrupt the oppressive regime that clearly persisted long thereafter.[145] Although some elements of this explanation ring true, a more nuanced understanding is that these mechanisms did not simply threaten or sustain the status quo.[146] Instead, they were part of a wider transformation, from complete workforce segregation and strict military rule in the first decade of statehood, to a more integrated economic subordination during the second.

With the inception of the state and after the end of the 1948 War, Arabs and Jews in Israel were largely segregated in every aspect of life: residential, educational, and employment. More than 90% of the Arab population lived in separate villages or towns.[147] The schools, which were completely segregated during the British Mandate over Palestine, remained that way after 1948. This segregation was not imposed by a formal Jim Crow-like regime, but instead was a reflection of separate areas of residency as well as a result of recurring decisions by state officials to facilitate Arab-speaking schools for the Arab population.[148] Pursuing the Zionist ideal of Hebrew Labor, prior to the establishment of the state, the Arab and Jewish labor markets were also largely separated. Although there were some cases of cooperation between Arabs and Jews during the British Mandate, these mostly dissolved with the outbreak of violence following the United Nations Partition Plan in November 1947.[149]

144. *Or Committee Report* (2003). The report finds that Arab citizens have been systematically discriminated against.

145. See Arik Rudnitzky, "The Contemporary Historiographical Debate in Israel on Government Policies on Arabs in Israel During the Military Administration Period (1948–1966)," *Israel Studies* 19 (2014): 24–47. Rudinsky distinguishes between two historiographical streams in the study of Israel's approach toward the Arab minority: The first (dominant) stream adopted a retrospective perspective and used knowledge of the ultimate consequences of the historical process to review the past; while the second "responsive" approach, focused on the process of policymaking. This article can be categorized as part of the pater approach.

146. The theoretical framework of "preservation through transformation" allows for a better understanding of the different ways in which legal systems enforce social stratification as they evolve. See Reva Siegel, "Why Equal Protection No Longer Protects: The Evolving Forms of Status Enforcing State Action," *Stanford Law Review* 49 (1997): 1111.

147. Office of the Prime Minister's Advisor for Arab Affairs, *A Report on the Israeli Arabs in the First Five Years*, 5–6. The report states that in 1951, there were 173,000 Arabs in Israel, out of which 7,000 Arabs lived in Haifa and 5,000 lived in Jaffa. The rest mostly lived in Arab villages with some living in separate towns.

148. For a comprehensive account of this relationship, see Yishai Blank, "*Brown* in Jerusalem: A Comparative Look on Race and Ethnicity in Public Schools," *Urban Lawyer* 38 (2006): 429–34.

149. Lockman, *Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906–1948,* 189–96.

This separatist structure persisted until 1957. Until then, Yoram Ben-Porath noted, high rates of unemployment in the Jewish sector, caused mainly by the influx of Jewish immigrants in the early 1950s, led the Israeli government to continue protecting the Zionist ideal of "Hebrew Labor" and limiting the ability of Arabs to work outside their villages and compete with Jewish immigrants striving for jobs. This was mainly done by the military's permit system.[150] Michael Shalev adds that "[n]ot only was the political constellation at the elite level in support of binational class solidarity rather feeble; but on the ground, in the labor market arena, there were powerful forces in the first decade of sovereignty favoring . . . [the] strategy of Arab exclusion."[151] And indeed, as this article showed, measures adopted during the first decade mostly sought to fight acute Arab unemployment and integrate Arabs into the workforce, but were generally not directed at integrating them into predominantly Jewish institutions and businesses or the civil service.

Yet, starting in 1957, although educational and residential segregation continued, the state began to move away from the separatist structure of the labor market. Scholars show how, with the economic prosperity and high rate of employment in the Jewish sector, the limitations on movement and the enforcement of employment segregation by the military were significantly eased in those years.[152] Various affirmative action measures to integrate Arab workers into the national workforce, and specifically into the civil service and Jewish-run institutions and businesses, were important policies toward this same goal.

A massive integration of Arab workers into the national economy appears to have occurred in the second decade of Israel's statehood.[153] Between 1959 and 1968, the number of Arabs working for state or Jewish-owned industries, rather than in Arab villages, increased from 48,000 to 82,800.[154] Although in 1959, 20% of Arab workers were employed outside their villages, in 1966, 50% of Arabs were employed outside their villages, mostly in Jewish-owned business, kibbutzim and other Jewish municipalities, and the civil service.[155] Ben-Porath emphasized the rapid nature of this change in the mobility and integration of Arab workers into the Jewish sector.[156] The second decade witnessed

150. Ben-Porath, *The Arab Labor Force in Israel*, 54–55.
151. Shalev, "Jewish Organized Labor and the Palestinians," 106.
152. Ibid., 55.
153. Bäuml, "The Subjugation of the Arab Economy."
154. Bäuml, *A Blue and White Shadow*, 118.
155. Elyaho Ben-Amaram, *The Arab Population in Israel – A Demographic Survey* [in Hebrew] (1965) (ISA-13963/19-GL), 23. Bäuml, *A Blue and White Shadow,* 162.
156. Ben-Porath, *The Arab Labor Force in Israel*, 59–62.

the convergence of what had previously been two separate economies: one Arab, mainly agricultural, and confined to Arab villages, and the other Jewish and diverse. Eventually, half of the Arab workers would be employed by Jewish-owned businesses and by the state, mostly without changing their place of residency.

However, this integration was not equally distributed along the socioeconomic ladder. In Haifa, Abba Hushi explained, in the early 1960s, Arabs living outside the city commuted in for work and "took over entire professions" such as gardening, construction, repair, welding, and refineries. He estimated that "900 Arab women work in household jobs." But "Arab high school graduates" found that the labor "market is closed." Thus, he argued: "[W]e need a transition . . . We need to open the market to Arab workers. We need not just to open it, but to create *active equality.* We need to work so they would be employed by Solel-Boneh [at the time the largest construction company] for example. Solel-Boneh employs many [Arab] laborers, but not one clerk (*Pakid*), maybe one or two."[157]

However, Hushi's hopes went mostly unrealized. The majority of Arabs who started working for Jewish employers or for the state during the second decade were employed in what scholars called the secondary labor force of unskilled manual jobs, mainly in construction.[158] Approximately 57% of the Arabs who entered the national workforce were employed in agriculture, construction, and other unskilled jobs, compared with only 12% of Jewish workers employed in those occupations during that period. Between 1959 and 1968, the percentage of Arabs employed in commerce and the service industry, such as in Jewish-owned hotels and restaurants, increased by 43%, the percentage of Arabs working in construction increased by 77%, and the percentage of Arabs employed in clerical jobs increased 11%.[159] Arab workers in the Jewish sector were usually paid less than Jewish workers, albeit still earning more than they would have in the Arab sector.[160] This shows that although Arabs and Jews started joining integrated workplaces, they held largely different occupations.

157. Mapai Committee for Arab Affairs, *Transcript* [in Hebrew] (undated, but circa early 1960s) (ISA-13909-8-GL), 3.

158. Ben-Porath, *The Arab Labor Force in Israel*, 27, 162; and Bäuml, *A Blue and White Shadow*, 166. Bäuml writes that "the main field in which Arabs were absorbed was in construction of Jewish building sites." See also Rosenhek, "The Political Dynamics of a Segmented Labour Market," 237–38; and Shalev, *Labour and the Political Economy in Israel*, 53.

159. Bäuml, *A Blue and White Shadow*, 165–66; and Elyaho Ben-Amaram, *The Arab Population in Israel – A Demographic Survey* (1965). The survey reports that 90% of the Arab workers in 1965 were concentrated in construction, agriculture, industry, and services.

160. Ben-Porath, *The Arab Labor Force in Israel*, 53.

Scholars described this process as a formation of a *segmented labor force*.[161] Yet I argue that this labor force was not completely segmented. Rather it is better characterized as having had hierarchical inclusion, in which the majority was incorporated into the secondary labor force, while a minority was actively integrated into the primary labor force. The percentage of Arabs employed in clerical and related jobs in the civil service increased from approximately 2.3% in 1958 to 2.6% in 1964 and approximately 3.6% in 1969, a notable increase, yet still far lower than their proportion of the population (11.4% in 1961 and 14.1% in 1967).[162] Similarly, the percentage of Arab university students rose from 0.6% (46 students) in 1957 to 1.7% (607 students) in 1970, but this was still minimal in comparison with their proportion of the population. Furthermore, many of them dropped out before obtaining a degree.[163]

Thus, affirmative action measures did lead to greater inclusion of the Arab population in the national economy, and this should not be taken for granted. These measures contributed to creating a new economic reality, in which Arabs who were either unemployed or worked in agricultural jobs in Arab villages increasingly worked for and with Jews in hotels, factories, hospitals, construction projects, and other enterprises. However, this was a case of hierarchical inclusion, in which Arabs mostly worked for Jews in low-paying and low-skilled jobs. Although their integration into the higher tiers of the civil service, higher education, and better-paying jobs was a considerable improvement from the past, their representation nonetheless remained far from being equal. By benefiting the Arab population and promoting its inclusion, albeit on unequal terms, affirmative action measures took part in advancing the transformation that occurred in those years in Israel's control over the Arab population: from overt military oppression, to a more covert and more stable economic subordination, in which the majority of Arab workers are incorporated into a secondary labor force and only a minority are incorporated into the primary labor force.[164]

161. See notes 16–17.

162. Lustick, *Arabs in the Jewish State*, 161. For a detailed account of the distribution of labor in 1963, see DK (August 7, 1963), 2624, 2642-45 (Isr.) [in Hebrew]. These numbers do not include Arab teachers, who were also state employees, but whose training and employment were segregated. When teachers are included, the percentage of Arabs employed in the public sector spikes to 7.3% in 1961.

163. Bäuml, *A Blue and White Shadow*, 302. Advisor for Arab Affairs, *A Survey on Educated Arabs* [in Hebrew] (October 13, 1964) (ISA-17036/20).

164. See also Arnon Yehuda Degani, "The Decline and Fall of the Israeli Military Government, 1948–1966: A Case of Settler-Colonial Consolidation?" *Settler Colonial Studies* 5 (2015): 84–99. Degani identifies the decline of the military regime as a transformation from colonial to settler-colonial Zionist policies.

Conclusion

Hassan Jabareen, a Palestinian-Israeli scholar and lawyer, described the status of the Arab minority in Israel's founding decades as "colonial citizenship," under which a regime of control and hierarchy is sustained despite the existence of the right to vote.[165] This article adds to and complicates this picture in three important ways. First, it reveals that, even as they imposed a regime of military control, Israeli officials also adopted measures, today recognized as affirmative action, to promote the inclusion of the Arab population into the state workforce. Analyzing the discourse surrounding these policies, the second contribution this article makes is to show that policy makers employing these measures were motivated by conflicting interests and ideologies, some of which align with equality and some of which are in opposition to it. Third, this article demonstrates how these measures promoted the integration of the Arab population into predominantly Jewish institutions and businesses and into civil service jobs. However, these measures were systematically limited to hierarchical inclusion.

More broadly, it argues that Israel's approach toward the Arab minority in its first two decades of statehood, cannot be described in monolithic, binary, or even paradoxical terms. Instead, different measures were employed to advance multiple and coexisting interests, commitments, and approaches. At the same time that the military regime and land expropriation policies were enacted to consolidate Jewish dominance, affirmative action practices were also employed, motivated by the desire both to safeguard Jewish supremacy, on the one hand, and to fulfill egalitarian commitments, on the other. Just as important, this article also suggests that Jewish dominance and control over Arab citizens was not constant. Alongside other processes that began in 1957, affirmative action measures advanced a transformation of the regime from complete segregation and oppression imposed by military force in the first decade, to a more integrated and more stable form of economic subordination in the second.

Stepping outside Israel's local history, this account can also solicit interesting questions regarding the nature of affirmative action and its relationship with equality. The debate over the legitimacy of affirmative action continues to this day around the globe. However, both its advocates and opponents, this article suggests, have been limited by fixed and abstract conceptions of affirmative action. These conceptions are based on a form

165. Hassan Jabareen, "Hobbesian Citizenship: How the Palestinians Became a Minority in Israel," in *Multiculturalism and Minority Rights in the Arab World*, ed. Will Kymlicka and Eva Pfostl (Oxford: Oxford University Press, 2014), 189–218.

and meaning that affirmative action assumed in a specific dominant historical context of the 1970s and 1980s United States.[166] By studying a different historical context, in which the same policy makers pursued both overt state-sanctioned oppression and workplace integration, this article de-familiarizes affirmative action. It challenges some of the common assumptions and expectations regarding the relationship of affirmative action to egalitarian meanings shared by both its proponents and its critics.

Some historical studies have already weakened the strong identification between egalitarian commitments and the practice of affirmative action in the United States, showing how the justifications and motivations for pursuing affirmative action have changed over time. Most notably, in his book *The Ironies of Affirmative Action*, John David Skrentny revealed that affirmative action was not always closely identified with an egalitarian ideology. Tracing the antecedents of affirmative action in the United States, he found that in the 1960s, affirmative action was infused with the logic of "administrative pragmatism," motivated by instrumental elitist interests, and advocated for as an effective tool for social control.[167] Skrentny and Paul Frymer have shown how, in the aftermath of the urban riots of the 1960s, the Johnson Administration and business elites advocated for affirmative action measures, such as race-conscious hiring, preferential treatment, and even employment quotas, "not to remedy past and present discrimination, but to buy urban peace."[168] Affirmative action, they suggest, was understood as a tool to "mitigate the crisis [and] help to maintain control and order."[169] It was only later, during the 1970s, when courts became involved in controversies over affirmative action, that affirmative action practices became so closely identified with the ideals of racial justice.[170] Similarly, others have documented how affirmative action was later de-coupled from its egalitarian meanings and became justified by

166. See note 170. John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America* (Chicago: University of Chicago Press, 1996), 145–76.

167. Ibid., 68, 111–44.

168. "Wharton School professor Herbert Northrup argued [in 1958] '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.'" Paul Frymer and John D. Skrentny, "The Rise of Instrumental Affirmative Action: Law and the New Significance of Race in America," *Connecticut Law Review* 36 (2003): 677–723, at 704.

169. Ibid.; and Skrentny, *The Ironies of Affirmative Action*, 67–110.

170. See *Griggs v. Duke Power Co*., 401 U.S. 424 (1971). An important decisions regarding affirmative action, when the egalitarian case for affirmative action became dominant.

diversity rationales, as well as the more recent turn to the business case for affirmative action.[171]

Adding to this literature, which shows how affirmative action policies departed from assumed egalitarian aspirations and discourse, this article further calls into question the logic and function of affirmative action. Nancy Fraser has argued that affirmative action only reproduces existing inequalities. She explains that because affirmative action "[l]eav[es] intact the deep structures that generate racial disadvantage, it must make surface reallocations again and again" and thus "underline[s] racial differentiation."[172] Yet the critique that this historical account suggests is less deterministic. Building on the work of others who show how rights can serve as a state-building tool and a way to win loyalty from citizens,[173] this article demonstrates the managerial function that affirmative action measures can play, and undermines the assumed link between workforce inclusion and equality. It highlights the dual nature of affirmative action as both an egalitarian tool and an administrative tool used for effectively managing subordinated minorities and advancing social and economic control and order: wining their loyalty or, at the very least, keeping them docile and regulating their working life. Thus, it raises questions about the context and terms in which affirmative action can achieve more than hierarchical forms of inclusion.

Finally, this article suggests a new approach for the global study of affirmative action. De-coupling affirmative action techniques from their rationales allows scholars to trace their history and present use beyond the familiar historical context of struggles for equal citizenship. A few studies have applied similar approaches to the history of affirmative action in the

171. For the transformation from remedial justice to diversity justifications of affirmative action, see Richard A. Posner, "The Bakke Case and the Future of 'Affirmative Action,'" *California Law Review* 67 (1979): 171–89, at 178–80. For the later transformation in the meaning of diversity from an egalitarian rationale to a utilitarian one, see Ofra Bloch, "Diversity Gone Wrong: A Historical Inquiry into the Evolving Meaning of Diversity from Bakke to Fisher," *University of Pennsylvania Journal of Constitutional Law* 20 (2017): 1145–210.

172. Nancy Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age," *New Left Review* 212 (1995): 68–93, 95.

173. See note 20. For example, Karen Tani explains in the context of the United States that "[i]n the 1940s, as the nation straddled depression and war, the federal government assumed new responsibilities, such as wartime production and price controls, and offered a large-scale draft and the first-ever income tax on non wealthy Americans. The result, by the second half of the 1940s, was an embrace of rights language—which was now tightly tied to the concept of national citizenship. . . ." Tani, *States of Dependency*, 22–23. Sparrow describes that "[f]rom the very beginning, then, the liberal ideals of freedom and rights championed by Roosevelt and his war administrators were predicated on the greater obligation to meet the requirements of national belonging." Sparrow, *Warfare State*, 4.

United States in the early 1960s, and even further back, to its antecedents in the Reconstruction Era in the 1860s and 1870s.[174] More broadly, this approach can be applied to study the colonial, postcolonial, and developmentalist roots of affirmative action.[175] One especially illuminating example is the early use of affirmative action measures targeting the Dalits in India. Marc Galanter traces the origins of India's affirmative action program, known as the "reservation system," all the way back to British rule in India, when, already in 1932, seats in the general elections were reserved for members of "depressed classes."[176] This history, scholars argue, shows that the reservation system was not instituted on the basis of the Indian Constitution, but rather on elitist interests to maintain control and oppression.[177] Although beyond the scope of this article, much like the Indian example, the Israeli case can benefit from future study of affirmative action techniques in Palestine during the British Mandate. Such inquires can shed new light on the origins and global history of what we now call affirmative action policies, broadening the inquiry into the nature and potential of this tool and its contingent relationship to equality.

174. Skrentny, *The Ironies of Affirmative Action*. Philip F. Rubio, *A History of Affirmative Action, 1619–2000* (Jackson, MS: University Press of Mississippi, 2001), 34. He writes that "[t]he programs known collectively as Reconstruction (1865–77) were actually conceptualized during the Civil War (1861–65) and represented a fusion of elements in much the same way that affirmative action operates today."

175. Examples are varied and can include different colonial and postcolonial contexts. A good example of a study starting to recover the colonial origins of affirmative action is Steven Ratuva's book, in which he not only provides a comparative account of affirmative action policies in Fiji, Malaysia, and South Africa, but also traces their antecedents to colonial periods. Steven Ratuva, *Politics of Preferential Development: Trans-Global Study of Affirmative Action and Ethnic Conflict in Fiji, Malaysia and South Africa* (Canberra: ANU E Press, 2013). More generally, for the study of the proliferation of methods used by modern states that developed in the colonies to manage civilian populations, see note 20.

176. Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Berkeley and Los Angeles: University of California Press, 1984), 31. This was known as the "Poona Pact."

177. Gail Omvedt, "Caste, Race and Sociologists," *The Hindu*, October 18, 2001, https://www.thehindu.com/todays-paper/tp-miscellaneous/tp-others/caste-race-and-sociologists-i/article27982608.ece (accessed December 15, 2019). She writes the "façade of a generous patron of Dalits while continuing to deprive them of mass-level education and access to resources."