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Law and Education

Critical Perspectives on Arab Palestinian Education in Israel

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This article explores the dynamic of the Palestinian legal struggle for equal educational opportunities in Israel. It examines the tension between the Palestinians' positions on equality, on one hand, and the way the Israeli legal system seems to define equality, on the other hand. The article argues that the Israeli legal system seems to adopt a narrow formal view on educational equality for Palestinian children, a view that is not liable to bring about societal transformation.

Keywords: *law; equal educational opportunity; Palestinians; Israel; minority education*

I have a dream today that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

—Martin L. King Jr.

Palestinian Arab education in Israel is the responsibility of the Arab Education Division of the Ministry of Education and forms part of the general education system, which is directed primarily by Jewish educators. Local Palestinian authority on educational issues is purely technical; all substantive matters are determined by the Ministry of Education. This has meant that no meaningful involvement in the decision-making process was offered to Palestinian educators, either on issues of budget allocation or on issues related to the curriculum for Palestinian schools. Inequalities in both public funding and content of education have historically been the main factors that significantly hindered the development of the Palestinian educational system. This has created significant gaps between the qualitative level of Palestinian and Jewish education, to the latter's advantage.

Palestinian civil rights activists in Israel have attempted to correct some of their grievances through Israeli courts. Declared judicial principles of equality and objectivity as fundamental principles in the Israeli legal system raised some expectations among Palestinians for much-needed judicial protection. They resorted to litigation

under optimistic legal advice that the legal system might provide them some remedy. Yet too many other far more egregious situations were never brought to court because civil rights lawyers knew that they had no chance whatsoever to achieve judicial recognition and a meaningful remedy.

This article explores the dynamic of the Palestinian legal struggle for equal educational opportunities in Israel. It examines the tension between Palestinians' vision of equality, on one hand, and the way the Israeli legal system seems to define equality, on the other hand. The article argues that the Israeli legal system seems to adopt a narrow formal view on educational equality for Palestinian children, a view that is not liable to bring about societal transformation.

Theoretical Framework

Contemporary civil rights discourse in deeply divided democratic societies reveals, generally speaking, an ever-growing tension between—if framed as a dichotomy—two main opposing views on the question of which civil rights theory can better address historical racial/ethnic group-based discrimination: liberal individualist theory or transformative group-based theory (Lawrence, 1995).

Proponents of the liberal individualist approach see the task of antidiscrimination law as passive, formal, and nonsubstantive. Its purpose is merely to outlaw group-conscious practices and neutralize their concrete effects. Proponents of the transformative group-based approach view antidiscrimination law as positive, transformative, and substantive. Its purpose is to eradicate the subordinate conditions of the minority group. The former seeks governmental neutrality and targets future wrongs. The latter seeks societal transformation and targets present effects of past injustice.

The individualist approach adopts a restrictive jurisprudential vision that sees the role of the courts as merely to eliminate particular proscribed discriminatory actions. The transformative approach, on the other hand, embraces an expansive vision that seeks to enlist the institutional power of the judicial system to play a role in societal transformation. In terms of rights, the individualist view suggests that the constitutional demand of equality secures a right to government neutrality with respect to race/ethnicity: It is the right to be free of government consciousness of race/ethnicity.

The transformative view advocates a broader mandate for the project of equality: It suggests that the central theme of this project is an antisubordination principle, as opposed to a mere antidiscrimination principle. In this view, the right protected under the equal protection demand is a right to be free of conditions of group subordination (Crenshaw, Gotanda, Peller, & Thomas, 1995). According to this view, the principle of equality requires a constant effort to achieve balanced educational, social, economic, and political racial effects in the society. This is a substantial approach to equality. It views the past's formal discrimination as the basis for its alternative, much broader understanding of equality: The past continues to have its pernicious effects on

the society today, and without addressing these effects, no meaningful equality can be achieved (Bell, 2000).

Each theory defines the injury of discrimination differently. The individualist approach views the injury inflicted by discrimination as suffered by an individual or a group of individuals. In contrast, the transformative approach views the injury as having been suffered by the entire society. According to the latter view, only fundamental societal change may heal the injuries inflicted by the dominant group. Thus, although the first view targets current individual harms, the second seeks to right historical wrongs by focusing mainly on remedying group-level injustices (Crenshaw, 1988). Transformative theory, thus, seeks the legal system's recognition and remedy of these harms. It advocates a positive remedial approach for racial/ethnic discrimination; it argues that to remedy the conditions of racial/ethnic subordination, efforts to change the situation through identity politics, including affirmative action programs, are required. Accordingly, the task of antidiscrimination law is to carry out this societal transformation (Lawrence, 1995).

These are two jurisprudential theories on the project of equality.¹ Each theory insists that it is the correct way to address group-based discrimination. The tension between these opposing views is of great relevance to societies where hierarchical intercommunal relations exist, whether they are formally established by law (*de jure*) or a fact of real-life experiences (*de facto*). These two views, thus, reflect broader universal accounts on the quest for equality and fairness.

My own sympathy lies with group-based theory. I believe that the transformative approach is the only effective way to achieve a just and fair society; it is the only meaningful approach for minority groups in their struggle to overcome the established supremacy of the dominant group. The group-conscious approach is necessary to make progress toward racial and ethnic justice. I believe that liberal individualist civil rights theory, although appearing neutral and objective, serves, in fact, to perpetuate intergroup subordinate relationships. The individual approach might be good for a celebratory declaration of formal equality, but it falls far short of combating substantive and structural inequalities. The transformative approach, on the other hand, offers the only hope for our long journey to realizing true human dignity and freedom for all. Indeed, it advocates a transformation "that will make us all more fully human" (Lawrence, 1995, p. 846).

As this article concludes, systems of majority privilege in place for decades in every aspect of life would not simply be dismantled by themselves; their dismantling requires affirmative steps to fully compensate the race/ethnicity of those who have been excluded from these systems. Without this compensation, there can be no substantive equality.

Palestinians in a Jewish State: Second-Class Citizens

General Background

Israel is defined as a Jewish State. Yet beside the Jewish majority exists a Palestinian Arab minority, composing close to one fifth of the state's population.² The Jewish majority settled in the country mainly through a series of migration waves since the end of the 19th century and developed as a result of natural population growth (Ghanem, 2001). The Palestinian Arab minority is historically and culturally part of the Palestinian people who currently live in the West Bank, the Gaza Strip, and the Palestinian diaspora. Formerly a majority, Palestinian citizens of Israel came to represent the remaining members of the indigenous Palestinian community who were not expelled or forced out of their homes during and after the 1948 War—known to Israelis as the Independence War and to Palestinians as al-Nakba (the Catastrophe)—namely, their national dispossession and displacement (Ghanem, 2001; Morris, 1987; Pappé, 1994).³

Today, Palestinian citizens of Israel number more than 1,000,000 and can be viewed as a distinct national minority (Palestinian), as well as an ethnic (Arab), religious (Muslim, Christian, and Druze), and linguistic (Arabic) minority in a state in which more than 80% of the population are Jews (Rouhana & Ghanem, 1998).⁴

From Israel's inception, the relationship between Palestinian Arab citizens and the state has been highly contested. Their unique status as Israelis by citizenship and Palestinian Arabs by nationality has led successive Israeli governments to view them with great suspicion. Israeli-Jewish society questions their status in Israel. They, themselves, continually reconsider their own roles within Israeli society and politics. In the shadow of the ongoing Israeli-Arab conflict, a great deal of hostility has shaped these attitudes as the Jewish majority view the Palestinians who remained in the state as part of the Arab world, as a potential fifth column, a Trojan Horse, and often simply as enemies of the state.

Israel never sought to assimilate or integrate the Palestinian population, treating them as second-class citizens and excluding them from public life and the public sphere. Successive Israeli governments maintained tight control of the community, attempting to suppress Palestinian/Arab identity and to divide the community within itself as a collection of religious subgroups rather than as a single national group.

After more than five decades of living as a minority within Israel, two words accurately reflect the daily problems of the Palestinians in the Israeli reality: systematic exclusion. The state has practiced systematic and institutionalized discrimination in all areas, including land dispossession and allocation, housing, education, language, economics, culture, and political participation. The key consequences of these discriminatory policies have been that by every measure, such as income, education, infrastructure, employment, and level of social services, Palestinian citizens of Israel remain far behind Jews (Ghanem, 1998; Rabinowitz, Ghanem, & Yiftachel, 2000; Touma, 1982). Grave discrepancies in public resource allocation between Palestinian

and Jewish communities have created significant gaps between the qualitative level of Palestinians' and Jews' lives, to the latter's clear advantage (Adalah, 1998; Association for Civil Rights in Israel [ACRI], 1998a, 1998b; Mossawa Center, 2001).

As many official and voluntary reports indicate, the depth of these inequalities is shocking. But perhaps most shocking is the apathy with which Israeli society relates to it. A brief exploration of these inequalities follows. It touches on, in particular, the political, social, and economic inequalities and the situation of the Arab education system. It shows that Israel's formal designation as the state of the Jewish people, and its built-in institutional apparatus, have in too many cases taken priority over its ostensible commitment to paramount democratic principle of equality. Indeed, in the aftermath of the establishment of the state, the Jewish character of Israel has been ingrained into official law, whereas the constitutional principle of equality has been disregarded. The subsequent result has been the subordination of the Palestinian citizens of Israel, one fifth of the country's population—a subordination that has turned the Palestinian citizens into second-class or third-class citizens.

A full discussion of the consequent legal experiences of Palestinians in Israel is beyond the scope of this article. I focus, therefore, on the educational field for both its symbolic aspects and its ability to represent comparable developments in other areas. In fact, the legal developments in the educational field mirror and embody broader legal developments on the project of equality. Indeed, the educational arena is the exact test to gauge legal and political commitment to this project. After all, achieving equal educational opportunities has been at the top of the priorities of the Palestinian civil rights struggle in Israel. In addition, equality in the most basic social unit—the school—could be regarded as a symbol for Israel's declared dedication to equal opportunities in all other fields of discrimination, including housing, employment, and public accommodation. The ethnic separation is presented first.

Separate Communities

A basic duality runs through society in Israel: Jews and Palestinians live mostly in separate communities; whole-Arab villages and towns exist distant from whole-Jewish cities, towns, and settlements. More than 90% of the Palestinians in Israel reside in all-Arab communities located in three main areas: the Galilee in the north, the "Triangle" area in the center, and the Naqab (Negev) region in the south. Overwhelmingly, the Arab communities are not geographically consolidated, and Jewish communities are established in and around them. The Israeli government's policy of appropriating Palestinian citizens' lands has been a major contributor to making land an essential component of Palestinian identity in Israel. As such, any threat to Palestinian land is perceived as a threat to the Palestinian national identity as a whole. The 1976 Land Day protests illustrate Palestinian responses to such threats (Falah, 1991). Jewish Natserat Illit, for example, was built adjacent to historical Arab Nazareth and established on confiscated Arab land of residents of Nazareth and neighboring villages. Nazareth is the largest Arab city in Israel, yet Natserat Illit has consistently received government permits to expand its jurisdiction at the expense of Arab Naza-

reth, which has a larger population. As a result of this process, land area under the jurisdiction of Natserat Illit is 2.5 times larger than land area under the jurisdiction of Arab Nazareth, in spite of the fact that the latter's population is much larger (ACRI, 1996; Falah, 1992; Rabinowitz, 1997). In the handful of mixed Jewish-Arab cities, where Palestinians remain a minority, integrated neighborhoods hardly exist (Falah, 1996a).⁵

Jews and Palestinians attend separate schools taught in different languages, Hebrew and Arabic, respectively (Adalah, 1998).⁶ Jews and Palestinians, thus, live in separated, segregated communities that are expected to remain distinct from each other.⁷ Indeed, many members of the Jewish majority hold deeply prejudiced views toward the Palestinian minority and as a result, a deep division remains between the two communities in Israel (Adalah, 1998; Mossawa Center, 2004).

Political and Socioeconomic Status

Politically, Israel has foiled the establishment of separate national Palestinian Arab institutions and has blocked this minority from exercising any considerable degree of control of its own affairs (Arab Association for Human Rights, 1998). Although it permits its Palestinian citizens to exercise basic rights, including the right to vote for and be elected to legislative bodies, freedom of expression, and freedom of movement and organization, it adopts policies of domination and control that guarantee continued Jewish hegemony and Arab marginality in all fields of national decision making (Gahem, 2001).

Various representative bodies that were established by the Palestinian minority during the 1970s to bring together all of the political streams among the community were denied any formal status in the country, despite their recognized representative status in the eyes of the Palestinian community in Israel. Most prominent among them were the Committee of Heads of Arab Local Authorities and the Land Defense Committee, established in 1974 and 1975, respectively. In the 1980s, the Supreme Monitoring Committee for Arab Affairs in Israel was established as the highest collective leadership of the Palestinian minority (Ghanem, 2001; Rouhana, 1989). Under the auspices of this committee operates the Follow-Up Committee on Arab Education in Israel with the goal of monitoring and advancing educational institutions and standards among Palestinians in Israel. The creation of these organizations was a collective response to specifically experienced forms of domination in each of the given areas (land discrimination, local authorities, etc.). For example, representative Arab Student Committees were established in each of the Israeli universities in response to their exclusion from the Student Bar Associations, elected by faculty-based systems that kept Arab students out. The latter felt the necessity for an organization for them, which would have the main goal of uniting the Arab students and promoting their rights. So was the case with the National Committee of Arab Students in Israel functioning as an umbrella group for Arab high school students. The creation of such voluntary ethnic-based organizations should not be seen as separatist action, and it is not necessarily a rejection of the possibility of interethnic understanding and communication. Nor does it

inhibit interracial cooperation. Arab students, for example, continue to participate in the general student body of the Student Bar Association, sometimes in coalition with progressive Jewish groups. In fact, a sense of a safe single-race/ethnicity “homeplace” might be necessary for successful coalition building. In Professor Charles Lawrence’s (1995) words,

Times and places where one can be free from the hard work of cross-cultural bridge building may be a prerequisite to the building of sturdy bridges that go both ways. . . . We must take time to nurture ourselves within familiar communities and cultures so that we will have the strength and self-respect necessary for building coalitions. (p. 827)

Successive Israeli governments have consistently declined, thus, either to treat Palestinian citizens as equal to Jewish citizens or to recognize the Palestinians as a distinct cultural and national minority entitled to minority rights (Smootha, 1990; Zureik, 1993).

Economically, Palestinians today have the lowest socioeconomic status of any group in Israel, as more than half of Palestinian families in Israel earn below what the government defines as the poverty line (National Council for the Welfare of the Child, 2002; National Insurance Institute, 2000).⁸ Poverty among Palestinian families is 3 times more than among Jewish families (National Insurance Institute, 2000). The Israeli Central Bureau of Statistics (2002) classified all communities in Israel into 10 clusters according to their socioeconomic status. Of the 10 communities classified in the lowest cluster, 9 were Palestinian; of the 37 communities classified in the second lowest level, 32 were Palestinian; and of the 31 communities classified in the third lowest level, 22 were Palestinian. None of the Palestinian communities ranked higher than the five lowest classifications.

Furthermore, unemployment rates among Palestinians are double those among Jews. The average work income for Arab families is the lowest in the country—only 60% of the average work income for Jewish families (National Insurance Institute, 2000). In contrast to many employment opportunities created by the state in Jewish communities, Israel offers no support or encouragement for creating sources of employment in Palestinian communities (ACRI, 2001). Palestinians may now be employed across the Israeli economy, but they are concentrated in lower level and lower paid occupations. In situations where Palestinians and Jews work in the same work place, Jews almost always control the higher rank, higher income positions (ACRI, 1998a, 1998b).

At the community level, contrasts are stark and appalling. Many Jews live in modern communities that are affluent by any standard. Among Palestinians, basic local services such as sewers, roads, public health services, and even electricity and water continue to be inferior. Examining the government’s handling of much of the infrastructure of Palestinian communities, the annual report of the Israeli State Comptroller’s Office (2002) found the infrastructure to be suffering from severe chronic neglect, seriously endangering the health and physical well-being and life of the community.⁹ In spite of the long and poor government record in this area, this was the first

time ever that the State Comptroller institution decided to take a close look at the infrastructure in Palestinian communities.¹⁰

Moreover, at the beginning of the 21st century, tens of thousands of Palestinian citizens, mainly Arab-Bedouin in Israel's southern region, live without electricity, running water, sewage systems, telephones, and proper roads. Their villages became illegal following the enactment of the National Planning and Building Law of 1965, when the lands on which they sit were retroactively rezoned as nonresidential and partial ownership was claimed by the state (ACRI, 1998a; Maddrell, 1990). The residents of the tens of "unrecognized" Arab villages throughout Israel, including tens of rural villages in the southern region, are "Israel's invisible citizens" (ACRI, 2001). Although many of these rural communities existed before the establishment of Israel, they are afforded no official recognition by the state. They are excluded from official government maps; they have neither local councils nor belong to other local governing bodies and are thereby denied access to basic public services. Absent any official outline plans for the rural Bedouin villages, every house built in these villages is considered "illegal" and a candidate for demolition (Arab Association for Human Rights, 1998). While refusing to establish a single rural village for the Arab-Bedouin in the south, Israel, in contrast, established more than 100 settlements for Jewish residents of the same region. Many of the Jewish settlements, although having only tiny numbers of settlers, were granted expansive tracts of agricultural land (ACRI, 2001).

Palestinian citizens of Israel have been involuntarily excluded from Israeli institutions and from the political decision-making centers. They have been systematically excluded from the centers of public, cultural, social, and economic power. They are underrepresented in government and civil service institutions, particularly in senior positions (Sikkuy, 1997).¹¹ Consequently, Palestinian citizens lack the political power needed to promote their demands for equal footing with the Jews in Israel. In return, governmental responses to Palestinians' demands and protests have been minimal. Steps taken by the state to "improve" the Palestinians' situation have been extremely modest, given the scope of their plight. More serious governmental plans remain a dead letter (Dichter, 2002; Mossawa Center, 2001).

During more than 50 years of statehood, the presentation of the Palestinian minority in the Israeli Parliament has never been converted into real political power capable of securing equal rights for Palestinian citizens. Historically, the Palestinian political parties played the role of a permanent opposition. They are seen as representatives of a "hostile" constituency, which cannot be accepted as part of any government coalition (Ghanem, 2001, p. 165).

Cultural Status: Arab Education in Israel

Arab education in Israel forms an integral part of the general Israeli public education system, which is directed primarily by Jewish educators and policy makers. Arab self-administered authorities on educational issues are purely technical; all substan-

tive matters are determined and dictated by the Ministry of Education. This has meant that no meaningful involvement in the national decision-making process was offered to Palestinian educators, either on issues of allocation of public resources to Palestinian schools or on issues related to the curriculum for Palestinian children (Saban, 2004, p. 950). Discrimination against Arab-Palestinian children in both public funding and content of education have historically been the main factors that significantly hindered the development of the Palestinian educational system in Israel.

Indeed, discrepancies in government resource allocation between Palestinian and Jewish education have created significant gaps between the qualitative level of Palestinian and Jewish education, to the latter's advantage. The gap between Palestinian and Jewish schools is visible on every level.¹² Inferior buildings and insufficient facilities are very common in Palestinian schools, where overcrowding is also the norm. An average of 32 students is assigned per class in Palestinian schools, as compared to an average of 27 students per class in Jewish schools. In the 1995-1996 academic year, the average number of pupils per teacher stood at 24 in Palestinian schools and 12 in Jewish schools (Israeli Central Bureau of Statistics, 1996, Tables 22.9, 22.15).

Overcrowded and poorly equipped, Palestinian schools are the weakest in the state, with the fewest facilities and highest drop-out rates: According to the Israeli State Comptroller's Office (1996), close to 40% of Palestinian students aged 16 to 17 dropped out of school, as compared with approximately 10% of Jewish students of the same age. Israel requires national high school graduation tests and as a result, Arab students are at risk of being denied diplomas because of the poor quality of public Arab schools (Fletcher, 2002). Despite this, Palestinian schools have historically had limited access to special services, quality programs, and enrichment plans (Adalah, 1998). For example, out of the 492 towns designated by the government as Regions of National Priority Areas "A" in the area of education, and therefore entitled to generous public funding benefits, only 4 Palestinian localities are included.

Furthermore, despite official reports of drop-out rates that have consistently shown that Palestinian pupils are from 3 to 4 times more likely to drop out of school than Jewish pupils, Palestinian schools receive far less funding than Jewish schools for dealing with dropouts. Only 25% of Palestinian schools have educational counselors compared to 75% of Jewish schools. In addition, only 32% of Palestinian schools have psychological counselors as opposed to 91% of Jewish schools (ACRI, 1998a; Israeli State Comptroller's Office, 2002). As a result, although Palestinian students constitute a minority among their age group in Israel (25%), they roughly constitute a majority among students at risk in their age group (HaKnesset Special Committee on School Dropout, 2002, p. 9). These inequalities have critically affected the percentage of Palestinian students in Israeli universities: They make up only from 6% to 7% of the student body in Israeli universities (ACRI, 1998a).¹³

On the more substantive level of the content of education, Palestinian educators believe that the overall control exerted over the Palestinian educational system by the Jewish system has further prevented the Palestinian minority from controlling the aims and objectives of their own education and, thereby, has denied them the right to direct the educational system according to the collective interests of the Palestinian

minority (Al-Haj, 1995; Mar'i, 1978). In particular, this has prevented the free development of the cultural-national identity of Palestinian Arab students through the educational system and the expression of the distinct needs and characteristics of Palestinians in such areas as Arab language, national identity, history, and heritage (Jabareen, 1999).

The State Education Law (1953) defines the institutional setup of the public educational system in Israel, as well as its aims and goals—yet only in Jewish terms and only for Jewish students. The collective educational interests of the Palestinian community are completely excluded from the scope of the law (Jabareen, 1999). Although the Arab education system exists *de facto*, its existence is not defined in any law, unlike the two principal Jewish education systems (state secular and state religious) whose existence and operation are clearly defined in the State Education Law. The only legislative acknowledgment of the existence of “non-Jewish” education appears in Article 4 of the State Educational Law, which states that “in non-Jewish educational institutions, the curriculum shall be adapted to the special conditions thereof.” Subsequently, all aspects of the function of the non-Jewish educational system have been completely determined by the Ministry of Education (Jabareen, 1999). Moreover, the legally mandated objectives of the educational system, as amended in 2000, serve only to advance Jewish culture and heritage, ignoring the distinct educational and cultural needs of the Palestinian citizens. The law establishes a separate and independent educational system—secular and religious state schools—to satisfy the distinct needs of the Jewish community; no similar autonomous educational system, run by Palestinian educators, was created to meet the needs of the Palestinian community as a distinct group with a common language, culture, history, and national identity (Al-Haj, 1995; ACRI, 1998a).

Indeed, although the focal point of Hebrew education is Zionist and nationalistic, the Arab education system is stripped of any Palestinian national character. There is no overt or implied recognition of the fact that the Arab community in Israel is a national minority, which forms an integral part of the Palestinian people (Falah, 1996b; Rabinowitz, 1993); this situation contrasts sharply with the fact that nationalism is the foundation of Jewish education.¹⁴ Al-Haj (1995, 1998) wrote that when the state of Israel was established, the new government set the goal of eliminating all national content from Arab education. Al-Haj referred to not only the texts that are studied but also and especially those that do not appear in the curriculum of the Arab schools. A notable example is the discrepancy between the study of the Arabic language and the study of Hebrew. In Jewish schools, considerable attention is devoted to teaching Hebrew as a catalyst for national renewal, strengthening national identity, and promoting a sense of dignity, whereas the goals of Arabic teaching in Arab schools have always been confined to inculcating the language *per se* and have rejected any national content. Furthermore, not only is Arabic not a compulsory subject for Jewish students, whereas Arab students must study Hebrew, but also the curriculum in Arab schools allocates to Hebrew the central position in terms of the number of hours studied, at the expense of the students' mother tongue. This attests to a “de-Palestinization” of the Arab educational system aimed at denuding Arab education in Israel of the ability to fashion a national collective with self-awareness (Al-Haj, 1998; Jabareen, 1999).¹⁵

The objectives of the educational system are used, then, to facilitate the national agenda exclusively for one group (Abu-Nimer, 2002).¹⁶ Thus, for example, Palestinian students are educated not to love the country as their own homeland but as the homeland of the Jewish people (Al-Haj, 1995). Palestinian students devote more hours of classroom time to studying Jewish religious studies than Arab religious studies and are usually examined on Judaism but not Islam or Christianity in the matriculation tests (Adalah, 1998).

In addition, until recently, Arab teachers were prohibited from political discussion in class or from political involvement in general. Although in the late 1980s the Ministry of Education allowed teachers to discuss current issues, Arab teachers generally feared the Israeli General Security Services (*Shin Bet*) and as a result, they avoided sharing their thoughts and perceptions on current debates (Abu-Nimer, 2002). In fact, it is now a well-known secret that Israeli General Security Services intervene in the appointments of Arab headmasters and often have the ultimate word in naming them. In fact, this intervention is carried out mainly through the post of the deputy director of the Arab Education Division in the Ministry of Education, which is filled by a General Security Services Jewish representative ("Editorial: Suspicious in the Educational System," 2001).

In short, official Israeli policy is to refrain from acknowledging the collective national and ethnic character of the Palestinian minority. Instead, Israel presents the Palestinian minority as a collection of religious subgroups rather than as a single national group. This deliberate governmental process of denationalization, in place now for more than five decades, threatens to divorce the Palestinian minority from its historical Palestinian national identity and cultural heritage.

As this discussion therefore reveals, Palestinians in Israel have long stressed, in American terminology, quality education over integrated education. This means "desegregating not the students but the money" (Bell, 2000, p. 215), as well as the content of curricula. They have never considered seriously the option of integrated schools, as they do not perceive it as the relief actually desired for their children. Instead, they attack the "equal" part of the American "separate but equal" doctrine—which seems to be the acceptable norm in education in Israel—through demanding equality in public funding and symmetrical curricula. They focus on the tangible factors of budget allocation, buildings, expenditures, facilities, and curricula. Interestingly, this is not a tactical struggle but a strategic end to integrate the money and the curricula, not necessarily the student.

The question of whether separate but equal could ever guarantee true equality for Palestinians in Israel is an open one (Gavison, 2000). The experience of African Americans in the United States is most relevant in this context (Jabareen, 2003). In particular, what made separate education in the United States inherently unequal? And why have integration efforts been so disappointing (Crenshaw, 1998; Jabareen, 2003)? The answer to these questions is beyond the scope of this article, but perhaps W. E. B. Du Bois's (1970) insights, published as early as 1935, are being reinforced today, seven decades later:

There is no magic, either in mixed schools or in segregated schools. A mixed school with poor and unsympathetic teachers, with hostile public opinion, and no teaching of truth concerning black folk, is bad. A segregated school with ignorant placeholders, inadequate equipment, poor salaries, and wretched housing is equally bad. Other things being equal, the mixed school is the broader, more natural basis for the education of all youth. It gives wider contact; it inspires greater self-confidence; and suppresses the inferiority complex. But other things seldom are equal, and in that case Sympathy, Knowledge, and the Truth, outweigh all that the mixed school can offer. (p. 288)

To conclude this section, deep inequality and enormous disparities exist between the Jewish and Palestinian citizens of Israel at both the individual and group levels. These inequalities are the result of systemic public and private discrimination against the Palestinian Arab citizens of Israel. Accordingly, the structure of opportunity is fundamentally unequal. It has given birth to a reality of separate but unequal.

These are Palestinians' political and social experiences. We move now to examine their judicial endeavors in the educational field through analyzing a leading recent Israeli Supreme Court case dealing with equal educational opportunities: *The Follow-Up Committee on Arab Education*. The case exemplifies the limits of these endeavors and the shortcomings of law as an effective tool for social changes.

Law, Education, and Societal Transformation

The following analysis of the case-study of *The Follow-Up Committee on Arab Education* exemplifies the theoretical anxiety explained at the opening theoretical part of this paper. Indeed, *The Follow-Up Committee on Arab Education* provides a primary example of the tension embodied in liberal civil right rhetoric, on one hand, and the real collective needs and concerns of historically disadvantaged groups, on the other hand. This critique aims to illustrate the inherent limits of the narrow formalistic approach in addressing equality for Palestinian children in Israel, and to substantiate my theoretical preference for group-based transformative approach in the Israeli legal system.

Follow-Up Committee on Arab Education v. Ministry of Education

In the 1970s, the Ministry of Education launched academic enrichment programs designed to help socioeconomically weak communities in Israel. However, since their inception, these flagship programs were implemented only in the Jewish educational system and, thus, have excluded all Arab Palestinian schools. This exclusion contradicted the fact that Palestinian communities are at the bottom of the socioeconomic ladder, as provided by official statistical and sociological data in Israel.

After failing to convince the Ministry of Education to extend the programs to Arab schools, in 1997 the Follow-Up Committee on Arab Education in Israel petitioned the

Israeli Supreme Court, demanding that the Ministry provide these programs equally to both Arab and Jewish children (*Follow-Up Committee on Arab Education v. Ministry of Education*, 2000). The petition emphasizes that the enrichment programs constitute one of the most important functions of the Ministry in advancing the country's weak populations. It argues that Palestinian students were intentionally excluded from these programs in clear violation of their right to equality.

It is interesting that in response to the petition, the Ministry of Education did admit to historical exclusion of Arab schools in implementing the enrichment programs. The Ministry further declared that it would gradually rectify this wrong. Toward this end, the Ministry set a goal to reach equality between Arab and Jewish schools within 5 years. By then, as the Ministry declared, 20% of the program budget would be allocated to the Arab community—a percentage that matches the general percentage of Palestinians Arabs among the country's population.

The petitioners, in return, dismissed the Ministry proposal as exceedingly insufficient. They demanded an immediate wide-ranging remedy, including the implementation of an affirmative action plan to compensate Palestinian children for the conceded intentional discrimination exercised by the Ministry for more than a quarter of a century. After pending for 3 years, *Follow-Up Committee on Arab Education* was, however, dismissed in July 2000. Rejecting the petitioners' demands for further deliberation, the Court found that the Ministry's declaration that equality will be gradually achieved within 5 years was a sufficient remedy in the case and effectively mooted the petition.

In practice, the Court ended up not only endorsing discrimination for the additional 5 years requested by the government to fully implement "equality"¹⁷ but also perpetuating substantive inequalities between Jewish and Palestinian children by denying the latter any compensation for past/present discrimination.

National Committee of Arab Mayors v. Ministry of Housing

The *Follow-Up Committee on Arab Education* (2000) case raises an ever-growing important question as to how the current Israeli Supreme Court understands equality for Palestinian citizens in general, and Palestinian schools in particular. A similar question was raised in a subsequent decision delivered a few months later. In the *National Committee of Arab Mayors v. Ministry of Housing* (2001) case, a petition was filed against the government's discriminatory implementation of the Urban Renewal Program, designed to reduce social inequalities in Israel through government rehabilitation programs in poor communities and neighborhoods. These programs dealt with the development of infrastructure, education, and other social issues in the selected locations throughout Israel.

Despite the facially neutral criteria of poverty used in implementing the Urban Renewal Program, de facto almost all of the poorest Palestinian localities were excluded, whereas all of the Jewish localities were included. Thus, since the estab-

lishment of the programs in 1977, only 4 Arab villages and 14 Arab neighborhoods benefited from them, as compared to 56 Jewish localities and 99 Jewish neighborhoods. This occurred even though according to the official data of the Israeli Central Bureau of Statistics, the worst socioeconomic conditions among localities in Israel existed in Palestinian localities. Petitioners based their argument, therefore, on discrimination against Palestinian localities, demanding that clear, objective, and equitable socioeconomic criteria be established to determine eligibility for the Urban Renewal Program.

In court, the government acknowledged the discriminatory effects of past practices and informed the Court that it is reconsidering the implementation of the entire program. Although agreeing in principle with the petitioners on the necessity of implementing the programs in communities that need it most, the Court rejected the petitioners' request to immediately include in the programs all of the poorest Palestinian localities in Israel, putting them on an equal footing with the comparable poorest Jewish towns who enjoy the programs. Instead, the Court decided that if the government decides to continue the programs, Palestinian localities in total should receive from the next budget no less than the general percentage of the Palestinian population in Israel—20% (*National Committee of Arab Mayors*, 2001).

In both cases, thus, the Supreme Court accepted the government future-looking declaration/promise that 20% of the programs' future budget would be allocated to Palestinian localities.

Between Formal-Individualist Equality and Transformative Equality

Both *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001) deal with discrimination education—one of the major areas of government practices that prejudice Palestinian citizens. These cases represent situations in which Palestinians attempted to correct their grievances through litigation. There is no doubt that in these cases Palestinians resorted to litigation under optimistic legal advice that they had a good chance to win their cases. Yet too many other far more egregious situations were never brought to court because civil rights lawyers knew that they had no chance whatsoever under the current legal norms to achieve official judicial recognition and a meaningful remedy.

In *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001), therefore, the government acknowledged the historical deprivation of Palestinians. The two cases dealt with projects designed to enhance socioeconomically weak communities in Israeli society. Although the Palestinian petitioners asked for an immediate equal implementation of these projects, according to equitable criteria, the Israeli Supreme Court decided in both cases that the standard of proportion-of-the-population criteria 20% is determinative. The Court in both cases accepted the government's stance that no "extra" allocation in addition to the 20% is warranted for Palestinians, either as compensatory education or for additional budgets

to meet the socioeconomic level of their needs. From the Palestinian perspective, receiving 20% of the budget after a quarter century of exclusion is simply too little too late.

The differences between the Palestinian petitioners' position and that of the Court are explained by the different way each defined *equality*. The Court seems to use a formalistic and narrow definition of *equality*: After many long years of discrimination, it now mandates the equal allocation of budgets so Palestinians can receive exactly the portion of the budget that matches their proportion of the population. This fixed 20%/80% split of the budget represents, in the eyes of the Court, the new norm of equality in the area of allocation of public resources. This is in the Court's view a clear, neutral, and objective standard. It functions as a color-blind approach: The government is not sensitive to the actual social needs of each group.

From the Palestinian perspective, although ensuring 20% of a given budget is much better than the marginal percentage that they historically received, this percentage seems to be an arbitrary one in all those cases where the socioeconomic needs of Palestinians are much higher than 20%. For example, close to 40% of Palestinian students aged 16 to 17 drop out of school, as compared to approximately 10% of Jewish students of the same age (Israeli State Comptroller's Office, 1996). This means that there is an overrepresentation of Palestinians among weak students in Israel and, thus, Palestinian schools are entitled to increased allocation of resources for their schools to match the needs of their children.

In a similar manner, poverty among Palestinian families is 3 times higher than among Jewish families (National Insurance Institute, 2000), and the percentage of poor children among Arab families is 54.4% (each second child), as compared to 19.3% of children among Jewish families (National Council for the Welfare of the Child, 2002). This means that in locating a budget for programs designed to deal with poverty, such as the Urban Renewal Programs discussed above, Palestinians are entitled to a proportion of resources that is much higher than 20% to cope with poverty.

Furthermore, although in *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001) the government acknowledged historical discrimination against Palestinian localities, the Court's stance seems to deny any legal consideration for these past discriminatory practices. Such a view has potentially devastating legal consequences on the project of equality for Palestinians in Israel. Without such a legal consideration, Palestinians in Israel will not be able to establish a legal foundation for their demands for affirmative action programs in education to compensate them for a long history of formal and material exclusion. If no historical discrimination is legally recognized, no compensatory remedy can be warranted. Under this view, historical injustices suffered by Palestinian children in education are reinforced and thereby perpetuated.

The *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001) cases demonstrate that the Israeli Supreme Court has not, thus far, adopted an express methodology to decide equal rights cases involving the rights of the Palestinian minority in Israel. On the doctrinal level, there are no clear standards articulated by the Court to guide its analysis of Palestinian equal rights cases. On the

practical level, however, the discussion reveals that the Israeli Supreme Court is de facto implementing a narrow formal approach of equality. This narrow approach, although possibly providing some progress for people on the individual level, operates to rationalize current social and political structures of group subordination.

Is the Israeli Supreme Court implementing a local version of the individualist approach for equality discussed in the opening of this article?

Although the historical ethnic discrimination against Palestinians was conceded in court by the government, the Court denied any legal consideration for past discrimination and refused to deliver compensatory remedies. In both *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001), the Court rejected the petitioners' demands for affirmative treatment for Palestinians to compensate them for past discrimination. These two cases illustrate those situations—rare thus far—in which the government acknowledges in court historical “mistakes” and suggests correcting them by employing “neutral” standards in the future. The Court's refusal to recognize any linkage between past discrimination and future remedies stripped equality from any historical context.

Furthermore, two more developments in *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001) might demonstrate the limited approach to equality adopted by the Court. First, the Court cited the “legitimate expectation” of current beneficiaries of the government-funding practices and refused to upset these expectations. This is so in spite of the undisputed fact that the government practices have been discriminatory. Do these expectations legitimize past intentional discriminatory practices? Second, the Court in both cases terminated its judicial supervision even before the promised neutral policy was fully implemented. The Court accepted the government's future-look promise and declined further deliberation. In fact, without continued judicial supervision, there is no guarantee that the government promises will be fully implemented on the ground.

Moreover, *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001) involve the crucial issue of allocation of government budgets, an issue that goes beyond the educational field. Two main standards have emerged in this context: proportion of the population as opposed to proportion of the needs. Although the former reflects formal fixed demographic proportionality of 20%/80%, the latter reflects substantial need-based proportionality, which might change from one case to another. Generally speaking, the proportion-of-the-needs standard is the standard sought by Palestinians, as this is the standard that would accurately reflect their real-life needs, including current effects of past discrimination.

Yet even the formal proportion-of-the-population standard, if really implemented on the ground, would produce a much better situation for Palestinians than what they currently have. At present, Palestinians in Israel receive generally 5% of the government's budget in the best-case scenario in any given area (Ghanem, 2001; Adalah, 1998). Therefore, a mere formal proportionality standard that would guarantee them 20% of the budget is roughly 4 times better than what they currently receive. Unfortunately, this formal share of 20% would still fall short of reflecting their real social needs. This is so because of the existence of huge gaps in the relative social needs of

the two communities to the detriment of Palestinians, gaps that were created by the persistence of historical and ongoing ethnic discrimination and exclusion. In other words, the harshness of past discrimination is the root cause for the shortcoming of present formal proportionality. Therefore, distributive justice measures should come starkly at point here.

Could the Israeli Supreme Court Rule Differently?

The first two sections of this work illustrate how the structure of opportunities in the Israeli reality is fundamentally biased. In the shadow of this reality, Palestinian citizens turned to the Supreme Court as their last resort in their search for some fairness. Declared judicial principles of equality and objectivity as fundamental principles in the Israeli system raised some expectation among Palestinians for much-needed judicial protection of their rights. This article illustrates some of the frustration that has thus far curtailed these expectations. The Court failed, therefore, to function as an effective alternative power center for dealing with the ethnic problem in Israel.

The Israeli Supreme Court's failure and the Palestinian minority's disappointment attached to it inevitably raise questions about the efficacy of judicial review in changing societal structures in Israel. Does the Israeli Court control these social and political structures in Israel or is the Court controlled by them? As important as it might be, this question is, unfortunately, beyond the scope of this article. However, I want to emphasize here two interrelated points: one legal, the other political. First, in *Follow-Up Committee on Arab Education* (2000) and *National Committee of Arab Mayors* (2001), there was a legally viable alternative judicial ruling that would have been more "friendly" to Palestinian petitioners. Second, adopting this alternative, as an institution, would have been politically viable too, as the political consequences would quite arguably still be containable. The latter point is based on the fact that the Israeli Supreme Court has, throughout the years, earned significant credibility in the eyes of the Israeli-Jewish public, a credibility that is quite enough to enable the Court to survive more progressive rulings toward Palestinians.

It is interesting that the discussion in this article further reveals the readiness of the Israeli Supreme Court to grant Palestinian petitioners some remedy, as opposed to the total judicial dismissal that characterized earlier cases (Jabareen, 2003). Do Palestinians risk anything in pursuing litigation and partially "succeeding" in such rulings?

In his work *The Hollow Hope: Can Courts Bring About Social Change?* Gerald Rosenberg (1991) suggested that civil rights litigation as a strategy for significant social reform may in fact contain some dangers to the quest for this reform. He argued in this context that civil rights litigation weakens the political efforts for true social change because it siphons off crucial resources and talent. As Rosenberg emphasized,

A further danger of litigation as a strategy for significant social reform is that symbolic victories may be mistaken for substantive ones, covering a reality that is distasteful. Rather than working to change that reality, reformers relying on a litigation strategy for reform may be misled (or content?) to celebrate the illusions of change. (p. 340)

Thus, although they might appear to be contributing to creating social change, occasional litigation victories may at the same time be contributing to legitimizing current conditions of group subordination. Palestinian petitioners had to depend on the “rights” that citizenship entails, expressing the contradiction of the promised equal Israeli citizenship, on one hand, and the reality of formal and material ethnic subordination, on the other. In return, the Court may sometimes force an adjustment—“an attempt to close the gap or to make things appear fair. Yet . . . circumstances will be adjusted only to the extent necessary to smooth the apparent contradiction” (Crenshaw, 1988, p. 1368).

How can Palestinians in Israel, then, minimize the risk of this legitimization? Crenshaw’s (1988) conclusion regarding the African American struggle for equal opportunities in the United States is of great relevancy to Palestinian civil rights advocates:

For [Palestinians in Israel], the task at hand is to devise ways to wage ideological and political struggle while minimizing the costs of engaging in an inherently legitimating discourse. A clearer understanding of the space we occupy in the [Israeli] political consciousness is a necessary prerequisite to the development of pragmatic strategies for political and economic survival. In this regard, the most serious challenge for [Palestinians] is to minimize the political and cultural cost of engaging in an inevitably cooptive process in order to secure material benefits. Because our present predicament gives us few options, we must create conditions for the maintenance of a distinct political thought that is informed by the actual conditions of [the Palestinian community]. Unlike the civil rights vision, this new approach should not be defined and thereby limited by the possibilities of dominant political discourse; rather, it should maintain a distinctly progressive outlook that focuses on the needs of the [Palestinian] community. (p. 1386)

Concluding Thoughts

The principle of equality is capable of both expansive and restrictive interpretation, with very different consequences for deprived groups. This article illustrates the failure of the Israeli legal system to adopt the expansive approach of equality, to the detriment of Israel’s Palestinian minority. Thus far, the Israeli Supreme Court seems to have implemented key elements of the restrictive view of equality. Indeed, implementing a restrictive approach demonstrates the Court’s failure to acknowledge the subordinated status of Palestinians in Israel.

The end of ethnic discrimination against Palestinian citizens requires a redistribution of the societal goods in Israel; it requires dismantling established hierarchies and fundamentally transforming society. In fact, if one sentence could conclude this article, this is it: Without addressing issues of structural inequality, institutionalized hierarchy, and issues of affirmative action and redistribution of societal benefits, it is impossible to meaningfully address true equality between Jews and Arabs in Israel.

For Israel to offer true equality for its Palestinian citizens it must adopt a full transformative group-based approach to equality, one that could relate equally to the collective experiences of each group. This is an ethnic-conscious approach for Jews

and Palestinians alike, an approach that is equally sensitive to their distinct needs, conditions, and concerns. Such an approach requires a sweeping change in the current ideology and structure of Israeli society. A new structure must be established. The new structure needs to redefine the intercommunal relationships between Jews and Palestinians based on principles of partnership, dialogue, and mutuality. Under this structure, the state would be the representative of the common good of both groups and all citizens. This structure can embody the ethnic aspirations of the two groups, regardless of which is the majority and which is the minority.

Notes

1. For a broader treatment of the two theories, see Jabareen (2003, chap. 1).

2. Although historically and culturally all belong to one nation, Palestinians currently living in the historical Palestine region (today: Israel and the Israeli Occupied Territories of the West Bank and Gaza) seem to be divided into three groups that live under three different legal and political systems: the Palestinians in the West Bank and Gaza, the Palestinian residents of East Jerusalem (Palestinian Jerusalemites), and their relatives, Palestinian citizens of Israel (Palestinian-Israelis).

The first group is the occupied population dependent since the 1993 Palestinian-Israeli Oslo Accord on an androgynous combination of Israeli military rule (since 1967) and shrinking local self-rule in the few main cities (since 1993). This group experiences deadly military violence on a daily basis, with extreme limitations on their basic rights and freedoms—an apartheid regime that denies them any prospect for self-determination within an independent Palestinian state. The second group, Palestinian Jerusalemites, is the population annexed to Israel in 1967 only to receive residents' status. This group was granted basic rights of Israeli residents, including freedom of movement, but they live under deliberate, institutionalized discrimination that is blunt, blatant, and humiliating.

The third group consists of Israeli citizens who were granted Israeli citizenship in 1948 with the right to vote for Israeli Parliament (HaKnesset) and the theoretical right to participate in determining Israeli politics. This group, the Palestinian-Israelis, have Israeli citizenship that enables them to deal in varied political and legal ways with more than five decades of de jure and de facto discrimination. It is the legal and the socioeconomic status of the latter group that constitutes the heart of this article.

3. *Catastrophe* is how Palestinians and Arabs refer to the exodus and displacement of tens of thousands of Palestinians from their land in the immediate aftermath of the founding of Israel in 1948. After the establishment of the state of Israel, it is estimated that nearly 780,000 Palestinian were driven from their homes into exile; they became refugees in the West Bank, the Gaza Strip, and the neighboring Arab countries. Palestinian society and the Palestinian way of life were largely destroyed. The tragic consequences of al-Nakba still reverberate today and fuel the Palestinian struggle for an independent state in the West Bank and Gaza. Nearly 160,000 Palestinians remained in Israel. They were stunned by the Arab defeat, weak and without a national political leadership. Their number has grown today to more than 1 million.

4. There are some variations in terminology when talking about this minority. Sometimes they are called *Israeli Arabs* or *Arab Israelis*, at other times they are called *Palestinian citizens of Israel*. In fact, the term *Arab Israelis* was coined by the Israeli authorities, whereas the community self-identifies as Palestinian Arab citizens of Israel. In this article, these individuals are referred to as *Palestinian citizens of Israel* or *Palestinian minority in Israel*. Using the latter term of self-identification reinforces the perception of the group as a national minority in Israel.

5. Of the Palestinians in Israel, 8% live in six mixed Jewish-Arab cities: Tel Aviv-Jaffa, Haifa, Acre, Natserat Illit, Lod, and Ramleh (Palestinians are a minority in each of these cities).

6. Arabic is the first language spoken by the Palestinian citizens of Israel. Hebrew is the language of Jewish Israelis and the second language of the Palestinians. Successive Israeli governments have, however, marginalized the Arabic language while developing Hebrew to be the dominant language.

7. One could argue that in the country as a whole, there is no true coexistence between Jewish and Palestinian citizens. The chances of a Jewish resident of Israel meeting a Palestinian resident of Israel are slim; until the age of 18, the school systems are separate. Afterward, the Jew generally enlists in the army, whereas the Palestinian goes to physical work, continues his or her studies, or remains unemployed. Even if both are enrolled in a university, it is doubtful that they will really meet. Personal encounters are relatively rare and meetings for technical purposes—such as Xeroxing someone's notes—usually end at that. After graduating, each returns to his or her separate community. Jews and Palestinians would get together over a plate of hummus in Acre, Nazareth, Jaffa, or Haifa. But these get-togethers are a poor substitute for truly getting to know one other: Generally, Jews would sit at the tables and Arabs would serve them hummus.

8. According to the most recent figures released by the National Council for the Welfare of the Child (2002), some 27% of Israeli children live below the poverty line. The report found vast differences among the percentages of poor children between Jews and Arabs: Among Arab families, 54.4% of the children live below the poverty line (each second child), compared to 19.3% of children among Jewish families.

9. The Israeli State Comptroller's Office (2002) report examines for the first time the government's handling of the physical infrastructures in Arab communities, including roads, industrial zones, and sewage. The report finds the infrastructure to suffer from chronic neglect, revealing, for example, that 70% of the 82 local Arab councils do not have efficient sewage systems and that the road infrastructure in most Arab towns is substandard. According to the report, faulty sewage systems are causing serious contamination of underground water reservoirs, and the unsafe road infrastructure (70% of the roads checked did not have adequate signposts) is one of the main reasons for the disproportionate number of traffic accidents in the Arab sector (29% of fatal traffic accidents involve Arab drivers, although only 11% of drivers are Arabs; 43% of children age 10 or younger who were killed in road accidents during the period from 1996 to 1999 lived in Arab towns).

10. Under the leadership of retired Supreme Court Justice Goldberg, the report of the State Comptroller now includes across-the-board criticism of government ministries with regard to important public issues. But although the comptroller received some authority, enabling the fining of political parties that violate election laws, the comptroller's findings are still toothless. In addition, the comptroller has no similar authority concerning ministries and institutions found to be discriminating against minority groups.

11. Until very recently, there has never been a Palestinian minister in Israel. A token Arab minister was appointed in the previous Israeli government led by right-wing hard-liner Ariel Sharon. In most government ministries, the proportion of Palestinian employees is less than 1%. In most of the government offices in Jerusalem, where the executive is located, there are no Palestinian employees whatsoever. The office of the state president also does not have a single Palestinian worker. No Palestinian citizen has ever been appointed director-general of a government ministry. The situation is the same in the private sector, with only isolated Palestinians holding senior positions.

12. For example, according to Sinai (2002), only 2% of Arab children have day care centers to go to, in contrast with 60% of Jewish children of the same age. In 2000, the Labor and Welfare Ministry channeled more than 6 million shekels for the development of 64 day care centers, 17 of which were located in Jewish settlements in the Occupied Territories and none of which were for an Arab community, despite the fact that more than 30% of the children who are of day care center age in Israel are Arab.

13. Palestinian students who apply for acceptance to university encounter difficulties in the entrance exams as a result of the low quality of the Palestinian educational system. Only about one third of Palestinians who apply to university are accepted and start their studies, as opposed to two thirds of Jews. Needless to say, the language of study in the universities is Hebrew; there are no Palestinian universities in Israel that teach in Arabic.

14. Rabinowitz (1993) argued that denying the past was a main element in denying Palestinian identity: Palestinians in Israel were expected to overlook their common past as part of the Palestinian community before 1948 and as victims of the 1948 War.

15. The Follow-Up Committee on Arab Education (1997), which operates under the auspices of the Arab local authorities in Israel with the goal of advancing and improving educational institutions and standards among Palestinians in Israel, recently proposed alternative objectives for Arab education reflecting the aspirations of the Palestinians themselves. According to these objectives,

the purpose of State education in Arab schools is to base education on the values of Palestinian, Arab and human culture; on the special connection with the members of the Palestinian people; on strengthening Palestinian historical memory; on the brotherhood of the nations; on the right to citizenship and equality with the Jewish people in Israel, on the basis of equality and mutual respect. (Jabareen, 1999, p. 28)

16. Likewise, being sure that your children “will be given curricular materials that testify to the existence of their race” is considered one of the privileges that Whites enjoy in the United States by reason of their White skin (Perea, Delgado, Harris, & Wildman, 2000, p. 460).

17. In other words, out of 30 years of officially conceded discrimination, 5 years were sanctioned by the government. This is one sixth of the period.

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