

# Fragmentation of Political Authority and Bureaucratic Entrepreneurship: Explaining Instances of Minority Accommodation in Israel and Estonia

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## Abstract

Why do some ethnic nation-states committed to preferential treatment of the dominant nation within the state choose to accommodate their ethnic minorities in some realms while excluding them from others? I argue that power struggles between elected and non-elected officials in ethnic nation-states account for the variation in the treatment of ethnic minorities. This also explains why even nationalist governments have at times adopted policies of minority accommodation. Delegation of authority to non-elected officials creates opportunities for entrepreneurial bureaucrats to initiate policies and determine outcomes that can shift official government policies' trajectories and establish long-term patterns of state treatment of ethnic minorities. As a result of these struggles, state policy toward minorities may substantially diverge from the one preferred by the ruling government. Drawing on nationalism studies in comparative politics and principal-agent scholarship in public administration, this article outlines a theoretical framework focused on domestic factors accounting for variation in state regulation of ethnic diversity in ethnic nation-states in a novel way. I apply this framework to education policy in Israel and Estonia to explain how and why accommodating policies were adopted toward the Palestinian-Arab and Russian-speaking minorities, respectively. This article illuminates an empirical puzzle of broad minority accommodation under nationalist governments and explains the conditions under which it occurs, offering generalizable theoretical expectations for similar contexts.

## Introduction

Nationalizing states are defined as states *of* and *for* a particular nation, but at the same time as weak, unrealized, and insufficiently national in some sense (Brubaker, 1996). The dominant

elites that capture the nationalizing state use its apparatus and laws to address these perceived weaknesses to strengthen the status and rights of the dominant nation. This takes place in a context of ethnically heterogeneous states, in which the ethnic minorities are excluded from the sociological boundaries of the state-owning nation defined in exclusive ethnic, cultural, or other terms. In addition to being the "other" sizable ethnic group within nationalizing states, ethnic minorities in these contexts are also transborder communities that, to some extent, share a national identity with nearby kin states.

Israel and Estonia qualify as nationalizing states in relation to their transborder Palestinian Arab and Russian-speaking minorities, respectively. The State of Israel embedded Jewish ethnonational markers within the state definition, state symbols, and official ideology (Ghanem 2001; Haklai 2011; Peleg & Waxman, 2011). It is officially defined as a Jewish national homeland, established to provide a haven for the persecuted Jewish diaspora. As a state *of and for Jews* (Kimmerling & Migdal, 2003; Smooha, 1990), the Jewish population is the state-owning nation, while the Palestinian Arab minority is excluded from the Jewish nation's ethnocultural boundaries and is, therefore, marginalized by the state (Haklai, 2011). This minority comprises 21% of the state population, including approximately 325,000 Palestinian Arab permanent residents of East Jerusalem, without voting rights (Israel Central Bureau of Statistics, 2019; Mukbar, 2017).

Following its independence, the Republic of Estonia adopted an official discourse declaring ethnic Estonians as the legitimate owners of the state and the source of its sovereignty. Accordingly, the Estonian state became vested with the responsibility of protecting the freedom of the Estonian nation in its putative homeland (Barrington, 1995a; Smith, 1996). Estonia institutionalized an advantageous position and dominance of ethnic Estonians over the state, primarily in the political, economic, cultural and linguistic domains, which led to rapid marginalization and exclusion of the Russian-speaking minority (Barrington, 1999; Brubaker, 1996; Laitin, 1998; Schulze, 2010, 2014; Smith, 1996). At the time, the Russian-speaking minority constituted about 30% of the state population (Population and Housing Census, 2012).

Alongside the official ethnonationalist discourse and policies of exclusion, Israel and Estonia have also advanced some measures for minority accommodation. This is evidenced by the adoption of a dedicated state program for affirmative action in Israel and the preservation of the minority-language public education system in Estonia. Israel's decades-long policy of exclusion and marginalization against the Palestinian-Arab minority in education was replaced in 2015 with a comprehensive policy of accommodation toward minority education. In Estonia, the initial education policy provided the Russian-speaking minority with a separate publicly funded education system. Crucially for this paper, both instances of minority accommodation in Estonia and Israel were adopted under nationalist governments, committed to exclusionary ethnonationalist discourse on minority rights.

This paper draws on nationalism studies in comparative politics and principal-agent scholarship in public administration to explain the occurrence of accommodation under nationalist governments. The theory asserts that the extent of political authority's fragmentation over a given policy area influences policy outcomes toward ethnic minorities. If political authority over a given policy is fragmented, state policies may deviate from the incumbents' preferred policy outcomes. Under such structural conditions, non-elected officials can use varied mechanisms to increase their autonomy to determine policy outcomes and establish long-term patterns of state treatment of ethnic minorities.

This research employed a comparative examination within and across cases, semi-structured interviews, focus groups, and census and archival data gathered over the course of a year of field research in both countries. Cross-policy analysis focused on education - one of the most salient spheres for the nation-building process and the boundary-making between the state-owning titular groups and ethnic minorities in both countries.

My findings contribute to the scholarships on state regulation of ethnic diversity and public goods provision to diverse populations. Power struggles and fragmentation of authority between elected officials over policy trajectories are central to the study of nation-building and state-minority relations. My research's key contribution is that it shifts our attention to another dimension of fragmentation of authority, that between elected and non-elected officials. It shows that this fragmentation allows non-elected officials to leverage their skills, expertise, and asymmetry in information to shift trajectories of official government policies and establish long-term patterns of state treatment of ethnic minorities. Additionally, it uncovered a pathway for minority accommodation toward ethnic and racial minorities, even under governments disinterested in such policy measures.

The paper is structured as follows. In the first part, contemporary and classical research on policies toward ethnic minorities in ethnic nation-states is surveyed. The following section presents the theoretical framework of fragmentation of political authority. The remaining two sections outline the empirical analysis of two instances of minority accommodation in Israel and Estonia.

## State regulation of ethnic diversity

In comparative scholarships on nationalism and ethnic politics, explanations of why and how states manage diversity are most commonly rooted in domestic factors. Scholars have considered a broad range of factors, drawing on historical legacies, structural conditions, minority characteristics, and geography. The key developments in the scholarship on historical legacy and institutional design emerged out of the research on Central and Eastern European countries as a result of the collapse of communist regimes (Beissinger 2002; Frye, 2010; Laitin 1998; Motyl 1997). In states that emerged as a result of the disintegration of former communist regimes, the titular ethnic elites purposefully disadvantaged ethnic minorities to solidify ethnic ownership of the state. The logic of these explanations holds that the institutional legacy of the former political system and the status each group had held in it can explain the prospects for minority integration within them (Linz & Stepan, 1996). For example, the method of incorporation of the former Soviet republics and the treatment of the titular groups by the Soviet regime, ranging from restrictive in the Baltic states to relatively open in Ukraine, suggests a possible explanation as to why the former initially marginalized and discriminated against the Russian-speaking minority, whereas the latter accommodated this group (Laitin, 1998).

Historical legacy and institutional design are important explanations that have immensely contributed to our understanding of the structural and historical conditions for the initial selection of policies towards ethnic minorities in new states. However, because these explanations focus on the initial selection of policies, they are insufficient to further our understanding of policy change over time (Aktürk, 2012). For instance, in the Israeli case, the comprehensive policy of accommodation was adopted in 2015, almost seventy years after state formation. Furthermore, these explanations do not provide analytical tools for distinguishing between transitional and terminal nation-building policies, states' long-term intentions in

developing these policies, and the implications of these policies for minority rights (Mylonas, 2015).

Ethnic conflict researchers have also offered explanations based on past power relations between ethnic groups. In general terms, a reversal in power relations between ethnic groups is expected to lead a previously marginalized, now-empowered group, to adopt exclusionary policies against the once-dominant ethnic group (Horowitz, 2000; Petersen, 2002). This expectation stems from the characterization of ethnic relations as inherently prone to conflict due to in-group favouritism and inter-group competition for group self-esteem and status (Horowitz, 2000). However, this theory, too, cannot explain policy change over time because it requires the occurrence of a structural change that removes institutional constraints supporting group power-relations, thereby producing an opportunity for action (Petersen, 2002). Because the hierarchy between ethnic groups in nationalizing states is stable, this approach can only explain the initial policy selection, but not its change following the passage of time.

Other explanations use minority characteristics as predictors. These explanations suggest that states develop policies considering minority features: their group size, territorial concentration, indigeneity, and transnationality (Buhaug, Cederman & Rød, 2008; Fearon & Laitin, 2003; Horowitz, 2000; Posner, 2004). These characteristics offer parsimonious predictors for ethnic groups' behaviour and the likelihood of mobilization against the state. Yet, where state-minority relations are relatively stable, these explanations cannot offer predictions for the causes of policy change or its direction, keeping minority features and geography stable. In other words, because these explanations hinge upon relatively invariable characteristics of minorities that change rather slowly – their size and territorial concentration – they offer little utility to the study of policy goods provision to minorities.

Another strand of the state-centred family of theories focuses on political elites' interest, agency, and mobilization strategies to explain the adoption or change of policies toward ethnic minorities (Aktürk, 2012; Cramsey & Wittenberg, 2016; Grigoryan, 2015). A significant contribution in this line was made by Aktürk (2012), who argued that a break from previous policy regulating ethnicity would occur if new elites that are equipped with a new discourse on ethnicity come to power and succeed in institutionalizing their ethnic preferences. Aktürk then proceeds to offer a typology of three ideal types of "regimes of ethnicity" that states can adopt based on the extent to which they restrict membership in the nation and expression of diversity: monoethnic, antiethnic, and multiethnic (Aktürk, 2012, pp.5-6).

This and other elite-level explanations exemplify a common analytical problem of conflating elite preferences with their policy choices and the outcomes of these policies (Brubaker, 2015; Jamal, 2007; Migdal, 2004; Mylonas, 2015). Migdal (2001) and Mylonas (2015) have accurately pointed out that the translation from one to another is at best imprecise. Elite-level explanations should not assume that elite intentions can be immediately observed through their policy choices or that policy outcomes are direct derivatives of elites' preferences.

Another common shortcoming of elite-level explanations is their reference to the ruling elites and nationalizing state as interchangeable, ignoring the fact that the state cannot be reduced to mean the governing political elites alone (Migdal, 2001, p.115). The appearance of state-owning elites as possessing powerful resources and the capacity to adopt and implement their intended policies should not be taken at face value (Calu, 2018; Haklai, 2007; Migdal, 2004; Mylonas, 2012). Indeed, elite preferences might be contingent on a variety of factors, such as public opinion, institutional constraints, government changes, or economic crises, and, therefore, can suddenly change (Jenne, 2007, p.45). Haklai and Norwich (2016) have demonstrated the

constraints imposed on political elites in Israel, often perceived as autonomous and powerful. Even when political elites were interested in including ethnic minorities in the governing coalition, inherited political traditions of minority exclusion fueled public opinion opposing such change, resulting in a missed opportunity for minority inclusion (Haklai & Norwich, 2016).

Overall, domestic-centred explanations implicitly or explicitly assume that ethnic nation-states will either exclude or seek to eliminate diversity (Brubaker, 1996; Brubaker & Laitin, 1998; Horowitz, 2000; Mann, 2004; Marx, 2002; Stein, 2000). This skew towards a general expectation of exclusion stems from the conceptualization of nationalizing states as coherent actors captured by majority elites, who utilize state apparatus as means to materialize the dominant nation's interests. This perception leads to the conclusion that the dominant elites would not act against their interests by adopting accommodative policies toward ethnic minorities. Consequently, an exclusionary policy does better resonate with the dominant elite's preferences toward ethnic minorities.

These theories are insightful and important contributions offering parsimonious explanations to minority treatment in nationalizing states. However, their major conceptual drawback is in undertheorizing why and when nationalizing states would adopt policies of minority accommodation. In their current formulations, these theories have left the puzzling reality of accommodation under nationalist governments unresolved. Importantly, this occurrence is not rare or short-lived, as the empirical analysis in this article will seek to demonstrate. For this reason, we cannot dismiss this complex reality as being the result of an irrational leader or extraordinary circumstances.

## Bureaucratic autonomy and the relationship between elected and non-elected officials

Policy-making in complex modern states is a joint venture of politicians and bureaucrats, where the latter play a central role in determining agendas and initiating policies, structuring policy priorities, and defining implementation strategies (Alesina & Tabellini, 2007; Aberbach, Putnam & Rockman, 1981; Wilson & Baker, 2003; Gailmard & Patty, 2012; Page, Jenkins & Jenkins, 2005). Non-elected officials' policy-making authority stems from the asymmetry in professionalization, skills and expertise between them and the elected officials in a given policy area. These assets make non-elected indispensable throughout the policy-making process. This asymmetry provides the bureaucrats with significant discretion in the policy process "to enact outcomes different from the policies preferred by those who originally delegated power" (Epstein & O'Halloran, 1994, p. 699). Therefore, this ability to affect policy change is a form of fragmentation of political authority between elected and non-elected officials.

The extent of legal discretion the bureaucracy enjoys is partially determined by the decision-making process in each policy area, reflecting historical legacies and governments' preferences to retain or delegate authority (Skocpol & Finegold, 1982; Tsebelis, 1995; Alesina & Tabellini, 2008; Gailmard, 2002). For example, governments typically choose to retain control over 'hard' policies (such as foreign affairs and security) and policies with 'unstable goals' (social policy) while delegating some authority on 'soft' policies (such as environmental policy) and 'stable' or highly technical ones (such as education and monetary policies) (Hammond, 2003; Immergut, 1990; Alesina & Tabellini, 2008). Political executives may also choose to retain greater control over policies that are important for electoral and coalition building purposes but

delegate policies that bring little political returns or expose them to electoral risks (Alesina & Tabellini, 2008, p.445).

Structural opportunities for increased bureaucratic autonomy may also appear as a result of the distribution of power among political actors following electoral cycles. In particular, the higher the number of fractions in the governing coalition and the more diverging their policy preferences, the more fragmented their authority; consequently, the more autonomous the bureaucracy can become (Hammond, 2003; Hammond & Knott, 1996). Multiparty coalitions that lack consensus on a policy issue create structural opportunities for additional veto points along the decision-making chain. The bureaucrats can use it to increase their autonomy from the political decision-makers and influence the policy process.

But which objectives do bureaucratic entrepreneurs enjoying high autonomy in the policy-making process seek to achieve? Recent empirical studies on policy entrepreneurship in civil service are useful for theorizing about the types of policies bureaucrats in nationalizing states are likely to advance in "soft" policy areas, such as education. Civil servants in senior positions typically share the norms of evidence-based decision-making processes and a strong commitment to serving the public's needs (see Andersen & Jakobsen, 2016). These values are most advanced among civil servants in social policies, including health care, education, crime control and corrections (Head, 2015). Moreover, socially aware behaviour and orientation toward equity, not strictly efficiency in policy outcomes, is particularly evident in civil servants working in education, health, and social protection, especially among bureaucrats with higher education degrees in these areas (Fernandez-Gutierrez & Van de Walle, 2018). Indeed, one study found that senior executives stated the most difficult policy decisions they made were "courageous decisions" because they were "unpopular or involved significant personal, political, or organizational risk" (Kelman, Sanders & Pandit, 2015, p.466). For example, evidence-based policy planning and the objectives of facilitating the economic growth of the society at large motivated Canadian bureaucrats to take an assertive pro-immigration position between 1990 and 2010 (Paquet, 2015). The civil servants pursued this policy initiative without congruous political agenda, changes in societal perception on immigration, lobbyism or social movement mobilizing to this end (Paquet, 2015).

The utility of "fragmentation of political authority" is in accounting for agent preferences within a given institutional framework, both elected and non-elected. This allows us to analyze not only who gets to participate in the policy process and who does not, but also how agent preferences are weighed and which rules determine policy decisions (Immergut, 1990; Lowry, 2014). What theoretical expectations can we extrapolate about the types of policy a nationalizing state is likely to adopt toward its ethnic minority in a given sphere and the likelihood of its change if the political authority over that sphere is fragmented?

Given that the playing field in nationalizing states is skewed as a result of the political domination of political actors representing the dominant majority, a policy of exclusion is the most likely outcome. This expectation is in full agreement with the existing scholarship on nationalizing states. Based on this logic, a policy of exclusion is also likely to be highly stable as a result of relatively fixed preferences of majority political actors and their constituencies around minority treatment, the former's domination in the political arena, and electoral incentives to maintain a stable policy in areas under the direct legislative oversight of the government. Consequently, I expect policy change away from exclusion to occur if (1) moderate majority, minority-friendly, or minority-led parties manage to monopolize power in the governing coalition, and (2) have electoral incentives to introduce accommodating measures. For example,

few political parties with proximate ideological stances gaining political power can act as "minority advocates," introducing some measures of minority accommodation or moving away from exclusionary policies (Schulze, 2017). Under this scenario, a policy shift from exclusion towards some degree of accommodation is possible.

I argue that this theoretical expectation will hold only when elected officials exclusively determine policies affecting ethnic minorities. But there is another overlooked path to policy change that does not necessitate political preferences to support a policy of minority accommodation. This path is possible under conditions of fragmentation when additional veto points exist along the decision-making chain, allowing other actors to alter the trajectory of the policy course. As described above, if non-elected actors, such as the military, the courts, the bureaucracy, or unions, are sufficiently authoritative, they can take the lead in the policy-making process, imposing their preferences for state policies and practices (Spruyt, 2005; Tsebelis, 1995, 1999).

This expectation is supported by party politics scholars questioning the "parties do-matter" hypothesis that stipulates that policy outcomes are reflective of the ideological positions of political parties in the governing coalitions (Caul & Gray, 2000; Hallerberg & Basinger, 1998; Schmidt, 1996; Schnose, 2017). The assumption that public policies reflect party ideologies—such as that right-of-centre governments minimize spending and produce lower deficits than left-of-centre governments—is not empirically robust (Caul & Gray, 2000; Tavits & Letki, 2009). In fact, research has found that political and economic environments can create incentives for parties to act in opposition to their traditional platform stances (Tavits & Letki, 2009). Furthermore, the power of governments to determine policy outcomes is contingent on the extent to which these governments are "sovereign" in their decision-making process (Schmidt, 1996), or put differently, in the extent to which political authority is concentrated in the governing executive (Tsebelis, 1995).

Based on the research on the motivations of civil servants in the policy process, I theorize that senior civil servants are likely to seek to mitigate the impact of the central government's policies and even shift the status quo affecting the distribution of resources in "soft" policy areas and areas that allow high bureaucratic discretion. Namely, because bureaucrats are likely to follow an evidence-based policy approach, aim to improve service delivery, exhibit socially conscious behaviour in social policies, and object to myopic policy planning, they are likely to oppose exclusionary policies towards a segment of the public they serve. These can motivate bureaucrats to initiate policy shifts away from the status quo of exclusionary policies towards some extent of minority inclusion. That is because disenfranchised and marginalized minorities are likely to be less productive participants in the economy and in greater need of social and other state services. The benefits of adequate minority inclusion in the economy and the society are likely to overshadow the suboptimal economic and social outcomes resulting from exclusionary policies.

To be sure, I do not claim that either individual or organizational motivations for policy innovation are primarily driven by concerns for the welfare of ethnic minorities. Nor do I claim that policy entrepreneurs in the bureaucracy are motivated by an ideological commitment to champion minority rights. Some civil servants may even object to minority accommodation as a direct public policy objective. Rather, positive returns in the long-term on removing barriers excluding ethnic minorities from participation in the society and the economy can lead even ideologically nationalist bureaucrats to pursue plans for minority accommodation.

How well can these theoretical expectations explain the instances of minority accommodation toward the PAI in Israel and the Russian speakers in Estonia in the sphere of education? The rest of the paper examines the role of bureaucracy in the policy-making processes in these countries.

## The Education Policy of Israel

The education system in Israel is centralized under the authority of the Ministry of Education. It is composed of the general and religious education systems. Arab education was established as a separate stream within the general education system, yet unlike the religious schooling system, it was not granted autonomous status (Shafir & Peled, 2002). Israeli government utilized this separation under a centralized authority of the Ministry to target minority education stream with discriminatory policies. The minority was excluded from the decision-making processes on resource allocation in the Arab stream, which allowed the Ministry of Education to underfund the separate Arab education system and disqualify Arab schools from state subsidies (Al-Haj, 1995). Similarly, the denial to Arab educators of access to the decision-making process on the curriculum prevented them the possibility of determining the educational content of their national group (Jabareen & Agabaria, 2010; Smooha, 1993). As a result, for over four decades, the curriculum in Arab education lacked references to the Palestinian Arab history, national identity, literature and culture.

Between 1948 and 2015, Israel shifted its policy toward Arab education three times. First, following the 1992 parliamentary elections, Yitzhak Rabin from the Labor party formed the governing coalition. The center-left government officially committed to accommodate the minority and rectify the decades-long discrimination, particularly in Arab education. The government adopted a comprehensive program in education, encompassing budgets for physical facilities, adding extra-curricular activities, and psychological support. However, with Rabin's assassination in 1995, this brief era of minority accommodation was only partially implemented and came to a rapid end. In the parliamentary elections the following year, Benjamin Netanyahu from the Likud party formed a new government, which terminated the accommodation programs of his predecessor (Keren Abraham Initiatives, 2013).

The third policy change occurred in 2015. On December 30<sup>th</sup>, Israel's government, led by Benjamin Netanyahu from the Likud party, adopted a resolution on "Government Activities for Economic Development in Minority populations, 2016-2020," also referred to as Government Resolution 922. The Resolution was a comprehensive program for state investment in developing the Palestinian Arabs' human capital and increasing the minority's integration in the national economy (Ministry for Social Equality, 2017). The government approved a budget of 15 billion NIS to implement this plan, which encompassed the spheres of education, industry, infrastructure, employment, trade, housing, and culture (Haj-Yahya & Asaf, 2017). The comprehensive plan and the substantial budget for its implementation make this the largest and highest-funded state program ever invested in the PAI (Haj-Yahya & Rudnitzky, 2018).

Of the total budget of 15 Billion NIS, almost 6.8 Billion NIS (approximately 40%) was allocated to education. This budget share made education the principal domain of state investment in the PAI. Some 915 Million NIS were dedicated to informal learning, including summer camps, youth enrichment programs, community centers, and improving the teaching



quality in Arab schools (Kasir & Tsachor-Shai, 2016). This investment in informal education in PAI localities marked the first allocation of state resources of its kind (Haj-Yahya & Rudnitzky, 2018).

In addition to the increased resource allocation, Government Resolution 922 also marked an important change in the decision-making process relating to Arab education. PAI educators, researchers, and academics, historically excluded from the decision-making process, were included in policy formulation and implementation processes (Shinwell, Cohen, Baruch, & Nagar, 2015). The Ministry also expanded the Unit for Arab Education from three to fifteen civil servants (Haj-Yahya & Rudnitzky, 2018). According to a senior Jewish official at the Ministry of education, consultation with PAI representatives in councils and forums became institutionalized as a routine practice at the Ministry on programs related to the Arab education system (Senior official at the Ministry of Education, personal communication, April 19th, 2016). In addition, the Ministry also sought public input on informal education activities that would meet the needs of Arab children and youth. Over 1,500 respondents participated in this public consultation process (Haj-Yahya & Rudnitzky, 2018).

This policy of minority accommodation is particularly surprising because the government elected in 2015 was a coalition of nationalist and religious parties committed to nationalizing imperative toward the Arab minority. Already in the period leading up to the 2015 parliamentary elections, Netanyahu used anti-Arab rhetoric, notoriously urging his political base to turn out to vote because the "Arabs were flocking to the voting booths in buses driven by left-wing NGOs" (Kaspit, 2018). Further, once in office, this government advanced a nationalizing agenda and produced a series of discriminatory laws against the PAI. Among them were the NGO Transparency Law (2016), which was motivated politically to target human rights NGOs, and the controversial Basic Law: Israel Nation-State of the Jewish People (2018). The latter defined Israel as the state of the Jewish people only, thereby restricting the right of national self-determination within Israel to Jews alone (Adalah, 2018). It also declared Hebrew as the (only) official language in Israel, relegating the Arabic language from an official language to one with an unspecified "special status" (Basic Law: Israel- The Nation-State of the Jewish People, 2018).

### [Explaining why a Nationalist Government Adopted the Most Comprehensive Policy for Palestinian Arabs' Accommodation in Israel's History](#)

Netanyahu's government consisted of the right-of-centre Likud, centre-right Kulanu, and the religious United Torah Judaism, Shas, and the Jewish Home parties. Likud and Kulanu had a general electoral appeal to the middle and lower socioeconomic classes, while the other parties represented niche constituencies with particularistic interests, specifically, the orthodox Jews, settlers in the West Bank, and *Mizrahi* Jews (Jews of North African and Middle Eastern descent). Although diverse, this coalition was not at odds over the Palestinian Arab minority, as none of them represented this electorate's preferences. At the same time, they all held a strong commitment to the exclusively Jewish identity of the state. Moreover, they potentially stood to be punished electorally for promoting the interests of the PAI and not their core electoral base. Indeed, part of Netanyahu's strategy for mobilizing his political base was by targeting the minority, at least rhetorically (Kaspit, 2018). Yet, despite these electoral interests and ideological commitments, this government adopted Government Resolution 922.

What explains the divergence between this government's level of commitment to a nationalist agenda and the accommodative program? The answer lies with the fact that Prime

Minister Netanyahu and his coalition members were not the initiators of this Resolution. Rather, it was developed by senior civil servants as a collaborative, cross-ministerial national plan. Assertive framing of minority accommodation as a policy for the strategic development of the national economy was the key to its adoption by one of the most right-wing governments in Israel's history. The following section outlines the key characteristics of the Israeli bureaucracy that led civil servants to engage in entrepreneurial behaviour for accommodation in Arab education.

### Developments in Israel's Civil Service

During the first decades of Israel's independence, the political system was dominated by the hegemonic Labor party, in power between 1948 and 1977. Through integration and cooptation of pre-state institutions, and the establishment of new ones, Labor effectively controlled the formation of the public administration and created strong links between the party and the bureaucracy (Nachmias & Sened, 2002, p.17). The heavy politicization of civil service had meant that these officials were not recruited and promoted according to meritocratic principles, but rather that they worked at the party's service to some degree (Etzioni-Halevy, 2002). As a result, the bureaucracy lacked impartial and formal rules of conduct, was insufficiently professional, and overall characterized by favouritism so pervasive as to become an accepted institutional practice (Rosenbloom & Yaroni, 2002; Nachmias & Sened, 2002; Arian, 2005). Even with the end of Labor's hegemonic rule in 1977, Israeli bureaucracy did not become more professional and independent of the governing political elites as Israeli governments avoided the global wave of public administration reforms in the 1980s and 1990s (Cohen, 2016).

It was not until the late 2000s that the civil service in Israel underwent a sweeping reform targeting its efficiency in policy planning, holistic policy development and transparency in service delivery and policy implementation. The reform was introduced in 2006 by Raanan Dinor, the Director-General of the Prime Minister's Office under Ehud Olmert's government (2006-2009) (Morgenstein, 2006). In 2011, Israel's public administration underwent additional reforms due to the cumulative effects of joining the OECD in 2010, recommendations of special commissions to improve the management of public administration, and public protests that demanded responsive and cost-effective public services (Cohen, 2016). These reforms resulted in further improvement of the planning and implementation and encouraged collaborative policy planning (Cohen, 2016). Further, the reforms encouraged and rewarded policy entrepreneurship across government ministries, which in turn, had significant implications for state policies toward the PAI. The development of what would materialize into Government Resolution 922 illustrates this.

In 2013, the National Economic Council, the Ministry of Education, and the Authority for the Economic Development of the Minority Sectors developed a strategic policy for Israel's economic development. According to their evaluation, Israel's economic advancement was entering a stagnation phase (Shinwell, Cohen, Baruch, & Nagar, 2015). Because the Israeli economy depends primarily on human resources, the reversal of the anticipated stagnation trajectory required maximizing all Israeli residents' human potential (Shinwell, Cohen, Baruch, & Nagar, 2015). The writers argued that the discrimination against the Arabs in various life areas marginalized them from the economy and constituted the key impediment to the strategic economic advancement of Israel as a whole (Shinwell, Cohen, Baruch, & Nagar, 2015). The report recommended large government investment in the Arab minority, particularly in

education, because it is the most influential factor in employment opportunities (National Economic Council, 2015).

This committee's analysis and recommendations gained traction among the senior and strategically positioned civil servants, who concurred with the idea that "What is good for Arabs, is good for everyone" (Knesset Member Ayman Odeh, personal communication, May 17th, 2016). Specifically, this policy analysis was initiated as part of a strategic economic plan and presented as a collaborative result of multiple government agencies and policy entrepreneurs in the civil service. The program's initiators—the National Economic Council, the Ministry of Education, and the Authority for the Economic Development of the Minority Sectors—were joined by new partners in government ministries, including the Ministry for Social Equality (which became the authority responsible for implementing the program), and the Ministry of Finances. A notable example of a bureaucratic policy entrepreneur behind this program is Mordechai Cohen, an official who has gained a reputation as one of the most innovative and influential senior civil servants, who has initiated policies intended to reduce the socioeconomic inequalities in Israel (Arlozorov, 2018). Set as an important national agenda across government institutions, the recommendations of this analysis materialized into Government Resolution 922, adopted in December 2015 (Haj-Yahya & Asaf, 2017).

This is not the first time that Israeli bureaucrats have demonstrated their ability to set a political agenda (Nachmias & Sened, 2002; Pedhazur, 2012; Spryut, 2005). Non-elected officials' policy entrepreneurship in the sphere of public health is a conspicuous example of this case. Cohen (2012) illustrates the successful entrepreneurial behaviour of non-elected officials under the Rabin-led government that led to the adoption of Israel's National Health Insurance Law in 1994. The policy was driven by influential bureaucratic entrepreneurs that recognized structural opportunities for policy change, employed strategies to set the policy initiative on the political agenda, and generated support for it by creating political alliances (Cohen, 2012).

Another successful way of influencing the political agenda is attributable to the Israeli bureaucracy's close relations with organized sectarian and interest groups. According to some, the characteristically close ties between Israeli ministries and organized interest groups can be politically beneficial to both sides (Nachmias & Sened, 2002). In return for the advancement of their policy preferences, interest groups make their political resources available to bureaucrats in government ministries seeking to increase their capacity to influence public policy, including lobbying political representatives on the bureaucracy's behalf, engaging in public relations regarding the Ministry's activities, and assisting in their implementation (Nachmias & Sened, 2002). Similarly, the high representation of organized interests within the Israeli bureaucracy has been conducive to these clients' ability to successfully set a policy issue on the agenda and affect policy change. For example, organized agricultural interests represented in the water policy-making authorities in Israel successfully defined water policy problems and shaped their solutions (Menahem, 2002). They even framed national interests in water to benefit agricultural interests, despite the irreversible damage of overexploitation of limited water resources such a policy agenda eventually caused (Menahem, 2002).

These examples illustrate the agenda-setting capacity of the Israeli bureaucracy in various policy spheres. Importantly, the adoption of new policy initiatives requires political approval, or at the least, no outright political objection to new initiatives. This was no exception for the bureaucratic initiative to advance the national program for minority accommodation, which had to be approved by a government highly committed to the "nationalizing state agenda." Typically, this awareness of the need to obtain political approval leads senior bureaucrats to plan policies

based on the reactions they anticipate from the political actors and seek to address potential sources of conflict before they materialize (Aberbach, Putnam & Rockman, 1981; Page, Jenkins & Jenkins, 2005). A senior Jewish official in the Ministry of Economy explicitly expressed the anticipatory character of civil servants' policy planning and the way objectives for this policy initiative were framed before their presentation to the government:

"When coming to the political level, we need to have a story...and we had many partners to this storytelling, such as the National Economic Council, the Bank of Israel and others. And all of them engaged in this storytelling to the [political] policymakers" (Senior official at the Ministry of Economy, personal communication, March 29th, 2016).

This illustrates that civil servants framed policy initiatives for comprehensive minority accommodation consistently as a strategic action with the instrumental goal to benefit the national economy (Shinwell, Cohen, Baruch, & Nagar, 2015), not as an ideological or normative commitment to minority accommodation. To reiterate, the non-elected officials advocated for accommodative policy, particularly in education, to maximize the economic potential of the Israeli economy (National Economic Council, 2015).

Two years after Government Resolution 922 was adopted, senior officials continued to present a unified narrative on the necessity to accommodate the Arabs for Israel's strategic economic development. Cohen, one of the program's initiators, stated in 2017: "The Israeli government is not doing the Arab society any favours...[accommodation] does not come from a humane or values-based place...it is clearly in the government's interest, and if it [accommodation] does not materialize, the state will have given up a huge potential" (Lavie, 2018). David Brodet and Eli Gruner, the Chairman of the Bank Leumi Board of Directors and Director-General of the Prime Minister's Office, respectively, articulated similar ideas and framed minority accommodation as a necessary step development of Israel's economy (Lavie, 2018).

That the plan came from within the professional bureaucracy rather than elected officials provided it with the advantage of a comprehensive implementation path, something that even the plan adopted under the Rabin-led government in 1992 did not have. The action plan for its implementation was highly detailed, with an annual allocation of budget and expected implementation rates (Haj-Yahya & Asaf, 2017). The first half of the plan was diligently followed through in accordance with the annual objectives the responsible ministries had set (Elran, Abu Nasra, Yashi & Abu Mokh, 2017).

The Netanyahu-led multiparty government represented mainstream and niche Jewish constituencies and had no dedicated agenda on Arab education. The absence of an explicit agenda on this issue created a structural opportunity for bureaucratic drift, while comprehensive bureaucratic reforms motivated bureaucrats to engage in entrepreneurial behaviour. Under these conditions, the bureaucracy had opportunities to shape policies. Collaborative bureaucratic efforts in policy planning and framing policy solutions persuaded this right-wing government to adopt an accommodative policy. Non-elected officials presented this policy as a plan to maximize the growth of the Israeli economy, a fundamental objective for Netanyahu (and indeed most politicians), and something he has eagerly credited to his own efforts (Bahar & Eckstein, 2019). Further, the plan was thorough, enjoyed broad support from government agencies and national financial institutions, and focused on benefitting Israel as a whole, not only the PAI.

## The Education Policy of Estonia

Following independence, the first post-Soviet government authorized the formation of a new education system. Through legislative and administrative steps, Estonia's education policy was set out to achieve two objectives: creating an independent, decentralized education system and de-Sovietizing its content and goals.

First, the primary feature of the decentralization of the education system was manifested in the institutionalization of complementary responsibilities and jurisdictions among the Ministry of Education, local governments, and the schools. Local authorities oversaw and managed primary education, while the Ministry of Education managed upper-secondary schools. Correspondingly, local authorities spent a significant percentage of their budget on operating primary schools. According to data from the Ministry of Education (2001), between 1995 and 1999, the percentage of budgets municipalities spent on education ranged from 45.5% (1995) to 39.8% (1999) (gradually declining each year).

Since 1992, the schools themselves have exercised a significant degree of autonomy in managing school affairs, curricula, educational goals, and staffing procedures (Ministry of Education, 2001). School principals were afforded autonomy in hiring teaching personnel and the allocation of school budgets, while teachers were granted the autonomy to choose the study materials and evaluation process they preferred (Lees, 2016). As a result of these complementary responsibilities, but diverging spheres of autonomy among the Ministry of Education, local governments, and the schools themselves, negotiations between these bodies became an integral feature of the decentralized education system in Estonia (OECD, 2001).

The most important lasting feature of decentralization that pertained to the Russian-speaking minority was the possibility of obtaining education in a minority language. Although Estonian is the only official language, schools could choose to teach in the Russian language if granted the relevant authority's permission (local governments in the case of primary municipal schools and the Ministry of Education in secondary state schools).

Notably, the Education Act required all secondary schools (grades 10-12) to complete the transition to Estonian as the main language of instruction by 2000. With the introduction of the University Act (1995), the option to pursue higher education in Russian in a public university in Estonia was eliminated. These reforms foreshadowed the decline in the former dominant status that the Russian language enjoyed in the education system. The planned reforms created a strong incentive for Russian-speaking youth to acquire proficiency in the official language while in secondary school, to pave the way for pursuing higher education in a public institution, all of which were (and have remained) free for Estonian residents.

Second, the Estonian government embarked on its objective to eliminate the education system's substantive Soviet characteristics. The government adopted a new national curriculum in 1996 that developed new learning materials and pedagogical retraining of teachers trained during the Soviet era (Lees, 2016). The reformed system focused on adopting a Western-oriented pedagogical approach and phasing out the Soviet approach. Specifically, the transition entailed transforming the learning process from a strictly hierarchical teacher-student relationship to more pluralist and student-focused interactions. Learning outcomes prioritized the humanities and active learning rather than hard sciences and memorization of material (Ministry of Education, 2001).

The structural and substantive changes to the education system were profound, as were these changes' practical implications. The decentralized structure and differential sources of authority over schools allowed the Russian-speaking schools to exercise autonomy in defining educational objectives, choosing learning materials, the language of instruction, and pedagogical approaches, thus creating significant disparities between Estonian and Russian-speaking schools (Krull & Trasberg, 2006; Lees, 2016). These schools established Russian as the dominant language of instruction, and between 1992 and 1996, they taught Estonian as a foreign language, introduced gradually only in the third grade. Further, Russian language schools followed Soviet-era curricula and continued to use learning materials produced in the USSR and later in Russia (Vetik, 2002). They also maintained the priority of subjects in a way characteristic of the USSR; favoured hard sciences over humanities; and employed a centralized, top-down hierarchy within schools—the Soviet era's pedagogical approach that was abolished in Estonian language schools (Krull & Trasberg, 2006; Vetik, 2002).

In sum, the approach to education policy adopted by the first Estonian government in 1992 displayed inconsistencies concerning the Russian-speaking minority. On the one hand, the government nationalized the education system and anchored the privileged position of the Estonian language as the only official language in the state and public education institutions and reversed the previous asymmetric bilingualism, which until then favoured Russians. On the other hand, the government did not abolish the Soviet-era separate education stream for Russian speakers, an explicit objective of the nationalizing elites at the time. Neither did it institutionalize tight control over it, the way Israel did for over half a century. Instead, the decentralized education system established a separate stream for minority education and granted Russian speakers partial autonomy and special provisions that guaranteed their status. This autonomy, in turn, undermined the government's attempts to institutionalize a nationalizing system in which the minority would be stripped of all its past privileges. The separate education streams meant that the Russian schools were not fully accommodated as state education facilities that provided education to a distinct community, yet they were not expected to be fully integrated into Estonian society, of which they became an integral and significant part (Agarin, 2010).

### [Explaining why Estonia Maintained Russian-education System and Afforded it a Semi-Autonomous Status](#)

Estonia's first independent government was a right-wing coalition that came to power with the promise to enact laws and government programs to protect ethnic Estonians and "clean the house" of Russian speakers in all positions of power (Pettai & Kreuzer, 1999). Given this nationalizing government's ideological commitments and electoral preferences, the fact that it laid the legal and practical foundation for a publicly funded minority-language education with significant autonomy is counterintuitive. Adopting policies that sought to abolish the Russian language education stream and banish the minority from the state's national and political boundaries would have been a more expected approach. Thus, this policy is inconsistent with the nationalizing government's objectives, which also developed a comprehensive Estonian-language education policy to safeguard the Estonian language and culture and advance the privileged position of the language as the only official language in educational institutions.

The answer to this inconsistency between the first government's level of commitment to a nationalist agenda and the accommodative approach it adopted in relation to the Russian-language schools lies with the civil service agency. Estonian civil servants and educators played

an important role in developing the first national education policy and establishing a decentralized education system. These officials and educators supported this approach because of the deep resentment of the harsh Soviet control over the education system. Estonian educators and non-elected officials were determined to avoid another centralized and politicized education system. Accordingly, they advocated for a decentralized approach to the decision-making process that would allow local authorities and schools autonomy to define their goals, develop specific content, and express the interests of parents and students. Although decentralization was intended to secure ethnic Estonians' rights and freedoms, the proximate unintended consequence was the extension of protections and autonomy to the Russian minority as well. Developments in the pre-independence teachers' organizations and civil service in the early 1990s outline the motivation of these non-elected officials to engage in entrepreneurial behaviour in education policy toward the Russian minority.

#### Developments in Estonia's Civil Service

The Estonian educators and education officials' broad policy-making authority stemmed from a strong pre-independence organizational structure and their role in the independence movement. Their capacity for collective action had begun to form already in the late 1970s as a response to the aggressive Russification campaign undertaken by the central authorities in Moscow. Estonian educators' strong resistance to this reform succeeded in postponing its implementation and even made Estonia one of the last Soviet republics to align with this Soviet-wide policy (Grenoble, 2003).

At the Teachers' Conference in 1987, Estonian educators and education officials voiced deep grievances over the marginalization of the Estonian language and national content in the curriculum and the prevalence of Soviet educational values that prioritized memorization over the practical application of theoretical knowledge (Krull & Trasberg, 2006). Their mobilization against Russification gained broad traction during the national independence movement. It ultimately led to the passage of the Estonian Language Law in 1988, which contravened the all-Soviet language policy that enforced the Russian language's monopolization of the public sphere (Krull & Trasberg, 2006). This cooperation among Estonian educators throughout the 1980s resulted in developing a "...strong, indigenous, grassroots movement for educational renewal" that laid the institutional foundation for the Estonian education system (Ministry of Education, 2001, p. 8).

Between 1989 and 1992, forums on education revival facilitated by Soviet-era education institutions of the Forum of Culture and Education and the Council of Education drew large participation from both professionals and the public (UNESCO, 2001). Based on these discussions, the Forum of Culture and Education defined a set of principles for rebuilding the education system in Estonia based on progressive ideas in learning objectives and materials, including Western learning materials (Krull & Trasberg, 2006). These bodies were precursors of the Estonian Education Forum in the 1990s and laid the foundations for redesigning Estonia's national education system (Krull & Trasberg, 2006; Ministry of Education, 2001; UNESCO, 2001).

This institutional legacy meant that at the time of state independence in 1992, Estonian educators and education officials had already relied on a strong, functioning grass-root organization and became central actors in education policy in the post-independence period. The education system's decentralized and deregulated character further increased the Ministry of Education officials' authority in strategic planning and policy leadership (OECD, 2001).

In the early 1990s, non-elected officials initiated the development of the national education strategy and curriculum, both of which the right-wing government of 1992–1995 adopted. Non-elected officials and educators on the Academic Council of the President of the Estonian Republic (who is a ceremonial figure) developed a national strategy in education "divorced from party politics" (Krull & Trasberg, 2006, p.10). In 1993, the Ministry of Education facilitated depoliticizing the national curriculum by delegating authority to the Laboratory of Curriculum Studies at the Tallinn Pedagogical University. The curriculum designed by the Laboratory introduced progressive innovations in all aspects of public education, from objectives and values to school guidelines for their curriculum design (Krull & Trasberg, 2006).

The education system's redesign and deregulation gave local authorities autonomy to plan and manage education (Lees, 2016; OECD, 2001). These conditions provided opportunities for Russian language schools to preserve the Soviet curricula, teaching pedagogies, and learning objectives during this transformative period of decentralization, which they overwhelmingly did (Krull & Trasberg, 2006).

This independent-minded behaviour of non-elected officials undermined the government's attempts to centralize the education system and enact a nationalist agenda in minority education. It also weakened the government's capacity to impose its agenda. Had the elites been successful in enforcing their ethnonational preferences in education, the separate stream of Russian language schools would have been at the very least banned from using Soviet or Russian curricula and learning materials and from deviating from the national curriculum's objectives. However, the abolition of Russian language schools and instruction was not feasible given the education system's institutional structure and autonomy at the local level (Agarin, 2010), which undermined the government's nationalizing efforts. Consequently, although Russian language schools' partial autonomy in education was not intended to accommodate, this policy resulted in that.

## Conclusion

This article examined the conditions under which nationalizing states committed to the preferential treatment of the dominant nation at times adopt policies of minority accommodation. Comparative scholarship on nationalism has offered various theories on diversity regulation in deeply divided states, most commonly emphasizing historical legacies, past power relations between ethnic groups and ethnic conflicts as explanatory factors for the chosen state policies. In general, scholars have examined minority policies as direct outcomes of dominant political elites' perceptions and policy preferences toward these groups. Given the uneven playing field between ethnic groups in nationalizing states, inclusionary policies are expected to occur where the minority enjoys institutional guarantees for the protection of their rights, such as minority veto-power and some autonomy in managing their communal affairs. However, this research's findings suggest that minority inclusion also occurs in the absence of minority-dominant or minority-friendly parties in the government or institutional guarantees for minority autonomy.

My research highlights an understated feature of policy-making in ethnic politics studies: the agency of non-elected officials in influencing policy outcomes. Minority representation in the state bureaucracy, where some policy trajectories are set, and most practical measures are decided upon, is central to determining state policies toward these groups. Still, it has not been subject to rigorous comparative empirical analysis, nor has its effects on policy outcomes been



well specified. To develop causal inferences about how the fragmentation of political authority creates opportunities for minority accommodation in nationalizing states, I conducted a process-tracing analysis in Israel and Estonia utilizing semi-structured interviews, focus groups, and census and archival data gathered over the course of a year of field research.

My theory suggests that the extent of authority fragmentation over a policy issue influences policy outcomes toward ethnic minorities. Elected officials adopt policies in accordance with their political preferences and have the oversight capacity to determine desired policy outcomes if they concentrate political authority over a given policy area in the executive branch. Thus, nationalist governments are likely to adopt exclusionary policies, and minority-friendly ones are likely to adopt more accommodating ones. The concentration of political authority over the policy process increases policy stability, making the policy change contingent on the incumbents' alternation in power.

However, where political authority is fragmented, additional actors become endowed with policy-making authority. Drawing on qualitative research strategies and interviews with elected and non-elected officials, I show that fragmentation resulting from delegation of authority to the bureaucracy creates opportunities for "bureaucratic drift"—entrepreneurial bureaucrats' ability to increase their autonomy in the policy-making process and cause diversion from the government's policy preferences. Key tools at their disposal include asymmetries in narrowly specialized skills and expertise, information, and strategic framing of policy problems and solutions. Bureaucratic entrepreneurship can explain why, at times, even nationalizing states adopt policies toward minorities that are inconsistent with the official government preferences.

The Estonian case illustrates how ethnic Estonian educators and civil servants used the policy process to acquire extensive bureaucratic autonomy in education policy during the early state-building period due to fragmented political authority. Their bureaucratic autonomy and entrepreneurship led to a more accommodating outcome than the governing coalition at the time had preferred. Specifically, these officials resented the Soviet-era heavily centralized and politicized education system. This attitude motivated them to act against the dominant elites' attempts to enact similar measures in independent Estonia. Their capacity to act on this motivation and shape education policies stemmed from their central role in the independence movement and the strong pre-independence organizational structure they relied on for shaping new educational institutions and policies. Paradoxically, although their motivation was to guarantee the freedoms and rights of ethnic Estonians, the proximate unintended consequence was the extension of protections and autonomy to Russian speakers.

In Israel, the fragmentation of authority over education policy also enabled bureaucrats to advance minority accommodation under a government with a strong nationalist agenda. The non-elected officials capitalized on the absence of a clear government policy toward the PAI (other than the general preference for their discrimination) to become drivers of policy change. Evidence-based policy planning led these officials to identify minority exclusion as detrimental to the growth of the national economy and initiate a policy shift toward minority inclusion.

In conclusion, Woodrow Wilson famously viewed the civil service as an apolitical institution of public trust that exists to carry out state policies. He said: "Administration lies outside the proper sphere of politics. Administrative questions are not political questions

"(Wilson, 1887, p.210). This paper presented evidence that defies Wilson's position. It also gives reason to be optimistic that the normative stance underlying Wilson's position is undesirable and counterproductive from the point of view of minority rights and peaceful state–minority relations. In a world where many nationalizing states exist, there may still be room for minority accommodation because professional bureaucracies are in place. In particular, where civil servants are, as Wilson stipulated, meritocratically recruited officials that serve in positions of public trust. Of course, minority-friendly governments would make the likelihood of minority inclusion even greater.

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