Sub-formalization in East Jerusalem Schooling

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This paper investigates processes of formalization of education provision in the contested city of Jerusalem, where the governance of education manifests as a political arena for the control and resistance relations between Israeli state and the Palestinian residents of the city. The paper introduces the notion of sub-formalization of education as a mode of formalization that is characterized by a constant deviation from professional and administrative national norms, both in its methods and outcomes, and which usually results in inferior solutions and irregular arrangements of service provision. Thus, sub-formalization represents a steady state of administrative and functional exception which becomes a structural and normalized feature of the entire education system. Furthermore, in the context of ethno-national conflict in Jerusalem, sub-formalization serves as a governmental mechanism that enables the state to deepen its presence and control over adversary urbanity while at the same time continuing acute discrimination against Palestinians.

Keywords: *Urban informality; Sub-formalization; East Jerusalem; Education.*

East Jerusalem's extensive informalities have been studied mainly in the context of widespread, unauthorized Palestinian construction, which is estimated to account for 40% of all units in Palestinian areas (Braier, 2014). This phenomenon is largely attributed to the Israeli demographic policy of maintaining a Jewish majority in the city by enforcing planning restrictions on Palestinians, while initiating construction for Jews (Bollens, 2000; Chiodelli, 2012; Jabareen, 2010).

However, much less attention has been dedicated to the production of urban informalities in other domains of Palestinians' everyday life in Jerusalem, and their impact on urban politics and control relations. One such domain is the Palestinian education system, which, since 1967, has suffered from severe Israeli discrimination; yet also constitutes constitutes an arena of Palestinian resistance and separatism from Israeli rule. While Israel has built schools and teaching facilities to provide a national standard of education in newly built Jewish neighborhoods in East Jerusalem, it has, to a great extent, avoided doing the same in Palestinian villages and neighborhoods. The Palestinians, for their part, have resisted the Israeli education system and

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maintained a large sector of private, non-Israeli regulated education: rejecting Israeli curricula – both in private and formal public schools funded and managed by the Israeli Ministry of Education (IME) and the municipality of Jerusalem (Dumper, 2014; Yair and Alayan, 2009). Consequently, the Palestinian education system in Jerusalem that has developed during the last 50 years of Israeli control, is afflicted with split administration, characterized by acute functional failures which manifest themselves mainly in high classroom shortage and dropout rates.

Over the last 15 years, Israeli authorities have slightly increased their intervention in the education system. This is in response to lack of compliance with the Israeli Compulsory Education Law, which orders mandatory free of charge education in state-licensed schools for all children between the ages of 3-18 years. However, and as I argue in this paper, Israeli measures and their outcomes, intended to formalize and provide education for East Jerusalem children, have created a process of *sub-formalization* of East Jerusalem's Palestinian education. With the term "sub-formalization" I seek to capture a mode of formalization that is characterized by constant deviation from professional and administrative national norms, both in its methods and outcomes, which usually results in inferior solutions and irregular arrangements of service provision. Thus, sub-formalization represents a steady state of administrative and functional exception which becomes a structural feature of the entire system. Furthermore, in the context of ethno-national conflict in Jerusalem, sub-formalization serves as a governmental mechanism that bridges between the State's contradictory imperatives of control over East Jerusalem: including it in the project of the city's legal and administrative "unification", while at the same time creating arrangements of partial and inferior inclusion of Palestinians in state governmental order and service provisions.

This paper's main argument is thus situated within a body of knowledge that investigates the state's role and policies regarding urban informality (Roy, 2005; McFarlane, 2012). According to critical views in this line of inquiry, the state is perceived as a central actor in producing and maintaining informality. As Ananya Roy argues (2009, 81), "The state itself is a deeply informalized entity, one that actively utilizes informality as an instrument of both accumulation and authority". Yiftachel (2009) and Tzfadia (2013) further this view by arguing that the logic of ethno-national control and the logic of capitalism are core generators of a variety of informalities, which result in hierarchy of rights between ethnic groups.

This paper seeks to expand on these views and to elaborate on the dynamics of (sub) formalization in an urban conflict context, which are manipulated by the state not only as tools of control and social stratification, but also as a governmental operation that enables the state to normalize structural discrimination in service provision.

The paper is organized as follows: I start with a brief review of the main narratives in the politics of education provision and their relation to the papers' objective. I then present an account of the political history of the contestation and informaliza-

tion of Palestinian education in Jerusalem from 1967 to the present. Following this, I proceed to explain Israel's mechanism of maintaining educational provision by irregular methods which I have characterized as sub-formalization processes. This will be followed by a discussion of how the Israeli High Court of Justice enables the normalization of irregular and inferior solutions to education provision failures. I conclude with remarks regarding sub-formalization as a technology of government and control in the context of the colonial relations between Israel and Palestinians in East Jerusalem.

POLITICS OF URBAN EDUCATION

Education provision has become a central topic through which urban politics and policies are realized. The main critical views in the study of the politics and urban geographies of education relate to education and schooling as political arenas which reflect, but also affect, social inequalities and stratification (Butler and Hamnett, 2007). Education in this light is perceived as a carrier and producer of social exclusion, or alternatively, of social integration and mobilization (Cole, 2011). Another core issue in the study of education – mainly in the developed world – relates to changing policies and modes of education governance, which tend to a neoliberal logic of privatization and competiveness, while disassociating schooling from state management and public responsibility (Hankins and Martin, 2006; Basu, 2007).

In the less developed countries, education systems face different difficulties, which relate mostly to service provision shortage and educational attainment (UNESCO, 2014). Deep poverty amongst the inhabitants of vast informal settlements which stimulates child labor, as well as incapacity of weak state agencies to provide access to public education, are the main characteristics of educational failures. This constellation often produces splintered educational systems, as philanthropic or humanitarian organizations, as well as local self-initiated informal schooling, step in to compensate for the State's failures (Macharia, 2007; Swift-Morgan, 2014).

Another relevant axis of observation relate to the role of education as a governmental technic that aims to construct and direct population according to national and civic set of values and objectives (Mitchell, 2006). This political function of education may deepen disputes in contested societies where alternative educational agendas which oppose the state or regime are implemented in private or informal schools. On the other hand, in contested societies states may use education in order to include or exclude groups, identities and values from collective national state-building narratives (Christie, 2006; Pinson 2007).

These roughly described schooling narratives are to be discussed in this paper as basic logics which blend into the processes of East Jerusalem's education sub-formalization – but with some specific local variations. Jerusalem, as an ethno-nationally divided city, comprises two different and colliding realms of education. One is the

Israeli public schooling system which at its best is licensed, fully regulated and contained in state apparatus: coinciding in characteristics with developed countries' education systems. The other is the Palestinian system, which has suffered from the severe administrative and functional failures of the last 50 years, and coincides in character with less developed systems; especially in terms of poor state investment, partial containment and weak acquiescence to state regulation, classroom shortage, and general low quality of education in relation to Israeli or Palestinian National Authority (PNA) standards (Alyan et. al., 2012a; Ir Amim, 2006; Vurgan, 2006). Furthermore, a central issue to the sub-formalization analysis is the counter-governmentalities that are embodied in the Palestinian education systems which generate set of values and behaviors perceived as subversive by the Israeli state agencies. Thus, the account presented in this paper aims to investigate the political implications of governmental, functional and managerial ties and dynamics between these two realms – which are both supposed to be supported and regulated by the same authorities.

INFORMALIZATION OF EAST JERUSALEM EDUCATION

The informalization of the Palestinian education system in Jerusalem originated in the quasi-colonial relations between Israel and the Palestinians, as evidenced by Israeli demographic and spatio-political unilateral expansion into Palestinian space, and Palestinian resistance to Israeli rule (Yacobi, 2015; Jadallah, 2014). Israel occupied the West Bank in 1967 and immediately annexed the Jordanian city of Jerusalem and an additional 64 square kilometers of the West Bank. Those areas were populated by some 70,000 Palestinians to whom Israel granted permanent but conditional residency status. Jerusalemite Palestinians are not allowed to vote for the Israeli parliament; they boycott municipal elections because they do not acknowledge Israel's annexation, and they therefore have no political representation in either the state's or the municipality's political bodies and institutions. Israel considers the annexation to be the "unification of Jerusalem" and has initiated rapid colonization of annexed areas to ensure a Jewish majority in its capital, while at the same time discriminating against Palestinians in various domains of urban life (Klein, 2001; Cheshin et. al., 1999; Margalit, 2006).

Ever since Israel's annexation of East Jerusalem, the informalization of education has been realized mainly through the Palestinians' rejection of Israeli curricula and the existence of a large private education sector, which continues to operate outside Israeli state governmental order. Unlike the West Bank, which is controlled by military law, since the beginning of East Jerusalem's annexation, Israeli officials have acted unsuccessfully to enforce the state's administration over East Jerusalem – including schools' curricula. During the 1967-68 school year, the IME sought to replace the Jordanian curricula with Israeli curricula as manifestation of sovereignty

and also because it feared that anti-Israeli materials will be taught in schools.[1] This step was met with a massive strike that included students, teachers and principals, organized and supported behind the scenes by the former Jordanian authorities (Caplan, 1980).

The 1967-68 school year began with 50% of public high school students being absent, as many of them moved to the private education sector, or to schools in other areas of the West Bank not annexed by Israel (Klein, 2001). This form of resistance was motivated by parents' and community leaders' acknowledgment of education as central to the preservation of national and religious identity in the face of occupation. It was also motivated by parents' aspirations to send their kids to universities in the West Bank and in Arab countries where an Israeli diploma is not accepted (Yair and Alayan, 2009). During the 1970s, Israeli officials tried to negotiate with the Palestinian community for a solution that would bring students back to public schools. Eventually, Israeli authorities had to compromise on that issue, because while Israel saw the enforcement of its curricula and educational control as a central manifestation of its sovereignty in the annexed areas, the result on the ground was empty public schools, throwing the entire "unification" logic into doubt. Eventually, in 1974, Israel allowed the public high schools to continue teaching the Jordanian curriculum, followed in 1981 by the elementary schools. As explained by the Director of Arab Education in the municipality at the time: "What could we do? Put an Israeli supervisor by every Arab teacher to make sure that anti-Israeli material was not be taught?" (Aharon Sarig, quoted in Cheshin et. al., 1999:107). However, contestation over curricula left its mark on the system. By the early 1990s the private education sector accounted for more than 50% of the entire system, compared to only 35-40% in 1966.

These early events established two parallel and disassociated education systems in East Jerusalem, private and public, both of which deviated significantly from the Israeli education system's standard and norms. In Israel proper (i.e. within the 1967 borders) formal public schools are fully funded and regulated by the IME and the municipalities: they are obliged to comply with the IME's requirements regarding core curricula, qualifications of teaching and support staff, safety standards, matriculations, etc. However, in East Jerusalem, formal public schools are consistently under-budgeted by both state and municipality, and they do not teach Israeli curricula but coordinate with the PNA for matriculations and attendance. We can learn more about these deep-seated structural differences in formal public education from former Jerusalem mayor (1965-1993), Teddy Kollek:

> Whatever was accepted as a norm in Jewish schools, as something that is obvious, that the principal does not need to make any effort in order to achieve it – wasn't that the same in the Arab schools. For example, providing psychological counseling to students. In the Arab schools there was no such position […] there were two norms, two standards, and a deep abyss between them. (Kollek, 1994, 112)

Fundamental differences are also seen in the existence of a large sector of Palestinian private schools. In Israel proper, private schools (like any other school which provides education under the compulsory law) have to be legally licensed and registered, and are entitled to partial public funding according to their compliance with the IME's criteria. In East Jerusalem, private schools have operated – and continue to operate today – with complete separation from state agencies. This is how the head of the municipal department of Arab Education described the private education system's relations with the municipality:

> Private education is managed and supervised totally by itself. It doesn't want any connection with the state, the Ministry of Education or the municipality. We can hardly verify the number of its students. We approach principals and beg for figures. (Personal communication, Lara Mubariki, 4.5.2014)

During the 2013-14 school year, seven private schools in East Jerusalem were administered by The United Nations Relief and Works Agency for Palestine Refugees (UNRWA), and 42 by the Islamic Waqf, both established institutions with international or local reputations. Some other private schools are managed by private or ecclesiastical organizations and represent elitist institutions. As aforesaid, in the case of some of these schools, state agencies see their adversarial autonomy as a threat to Israeli authority over East Jerusalem in terms of values and the curricula been taught. As the former mayor stated in his book:

> The state has to pursue enrolling those kids in public governmental schools and not at the Waqf or other Islamic schools that receive their budget and educational content from hostile organizations. (Kollek, 1994, 109)

The formation of administrative differences in education was in line with the consolidation of the Israeli "cultural mosaic" policy in East Jerusalem in the early 1970s. In practical terms, this meant minimal state intervention in Palestinian civic and social life. Israel employed this policy as a result of its unwillingness and inability to enforce administrative and other governmental operations among the Palestinians. However, as Klein has asserted (2001), although this policy did enable Palestinian separatism from Israeli rule, on the ground it served as a disguise for Israel's institutionalized neglect and discrimination against Palestinians in the domains of urban infrastructure and services.

National struggles, as well as regional political events, continued to affect the formation of the splintered system during the 1990s. The beginning of the first Intifada (popular Palestinian uprising of 1987-1991) led the private sector to join in the long-term Palestinian national strikes, while the public sector was subjected to harsh Israeli policing in an attempt to prevent students from participating in protests (Cheshin et. al., 1999). The resulting entry of the Palestinian Liberation Organization (PLO) into the political arena and the signing of the Oslo Accords in 1993 shifted both educational matriculation and curricular affiliation from Jordan to the newly established PNA. Ever since then, the PNA has been responsible for the educational content and final exams of most Palestinian students in Jerusalem,

in both the formal public and private schools (see: Yair and Alayan, 2009; Dumper, 2014).

For several reasons, the 1990s also saw a new trend of students returning to the public system. The shift from the Jordanian to the Palestinian curriculum was accompanied by managerial and budgetary instability in the private schools, which also resulted from the economic crisis within the PLO after its support for Iraq in the First Gulf War. However, the PNA's success in implementing its own curriculum in public schools in the second half of the 1990s motivated parents to choose the more economical and stable public system (Cohen, 2011). Additionally, in 1996, Israel harshened its demographic policy, revoking the residency status of many Jerusalemite Palestinians who moved out from Jerusalem and lived in other towns in the West Bank or localities around the city's municipal lines (Be-Tselem and HaMoked, 1997).[2] It is estimated that 20,000-30,000 Jerusalemite Palestinian residents reacted to this policy by moving from the suburbs back into the city. This caused increasing population density and demand for services, including enrollment in public schools (Klein, 2001).

These developments, accompanied by continued Israeli discrimination against Palestinian education in East Jerusalem, manifested most strongly in the underdevelopment of schools and the resulting shortage of classrooms, which has increased consistently since annexation. Between 1967 and 1994, Israel has built only 200 new classrooms in Palestinian areas, resulting in an estimated shortage of 200 classrooms (Kimchy and Ramon, 1994). In 2005, the classroom shortage reached 1354 (Vurgan, 2006), and as of today the shortage is estimated at 1600 classrooms (Maimon 2015). The consequences of neglect and under-budgeting continued through the new millennium, as the Palestinian high school drop-out rate reached an estimated 17%, compared to an average of only 4.2% for Hebrew education in Israel proper. Furthermore, an estimated 10,000 Palestinians do not participate in any educational framework in Jerusalem and the entire system suffers from a severe lack of educational support professionals and complementary educational programs (Alyan et. al., 2012a).

SUB-FORMALIZATION OF EDUCATION

By the turn of the millennium, the functional crisis of formal education came to a head as the demand for public education continued to increase. The outbreak and aftermath of the Second Intifada (2000-2005) and the failure of the peace process resulted in an economic decline in East Jerusalem, which further intensified with the construction of the Separation Barrier between Jerusalem and the rest of the West Bank starting in 2002 (UNCTAD, 2013). As poverty increased and affected 78% of East Jerusalem's Palestinians (Alyan et. al., 2012b), many parents tended to seek for the more economic public education. Furthermore, the Barrier not only

prevented Jerusalemites from studying in cheaper schools in the rest of the West Bank, as many had done in the 1970s and 1980s, it also caused a second wave of immigration back to city as many Jerusalemites living in the West Bank returned to Jerusalem for fear of losing their Israeli residency status; this also increased the demand for public education.

Educational demands and an acute shortage of classrooms in formal schools provoked intense Israeli public debate, in which the *Haaretz* newspaper, parent committees, NGOs, the State Comptroller, and the Knesset (Israeli parliament) Education Committee and research center, as well the Israeli courts and other actors, were all involved. The most acute issue was the municipality's rejection of students' enrolment in public schools due to the classroom shortage – estimated by the State comptroller to have affected 1000 students in 2007 (ISC, 2009). Furthermore, public discussions revealed that for years, and until approximately 2010, the municipality and principals had not systematically collected information about cases of refusal to enroll students. The legal argument then became central to the debate as state agencies were widely blamed for violating the Compulsory Education Law.

In 2006, for example, the Knesset Education Committee chairman Michael Malkior criticized the head of the municipality's Education authority, Ben-Tzion Nemet:

> Q: Are you aware of the fact that whenever you tell a child there is no vacancy in school for him, you and the IME are actually breaking the law?
>
> A: I am totally aware of that. I said that before. We cannot let children in from second grade and on. For first grade it's OK, we have solutions for everyone. However, for the rest – this is highly problematic. (Knesset Education Committee protocol, 18.10.2006)

The sub-formalization of East Jerusalem education emerges in this context of systemic dysfunction and discrimination, which have brought pressure from the public and governmental agencies on the municipality and the IME to formalize the system and provide suitable educational solutions. Under this pressure, the municipality and the IME have implemented, since the turn of the millennium, various abnormal arrangements as solutions to the classroom shortage in order to better comply with the Law. As mentioned above, the sub-formality of these solutions is grounded in their structural deviation from Israeli norms, as they are based on steady irregular and exceptional administrative and functional arrangements for education provision.

One example was the practice of studying in two shifts: morning and afternoon. This practice was used until 2006 in several neighborhoods and caused tremendous resentment among parents, eventually leading to a strike aimed at ending this arrangement (Khromchenko, 2005).

Another arrangement used by the municipality is that of renting residential or commercial buildings and converting them to educational facilities. According to the Knesset Education Committee (discussion held on May 12 2013), by 2013, 700 out of 1400 public education classrooms were of that type (see Figs. 1 & 2).

Officially, those classrooms are classified as irregular and are subject to exceptional approval because they do not meet IME standards for educational facilities, such as class size, width of classroom entrance, and safety. These classrooms became an integral part of East Jerusalem education because poor progress in new classroom construction could hardly keep up with the natural growth of the system, let alone replace irregular facilities. Since 2001, the municipality has built an average of 36 classrooms per year while, according to the estimate of the 'Ir Amin' NGO, the system requires 63 new classrooms every year to keep pace with natural growth (Maimon, 2015).

It is important to note how planning and construction restrictions on Palestinians affect the sub-formalization of education. While searching for suitable facilities, the municipality had to overcome the years-long Israeli policy of planning restrictions in East Jerusalem, which had resulted in over 40% of all housing units being unauthorized (Braier, 2013). It is here that the resulting informal construction overlaps with other domains of service provision such as education, as we learn from a municipality council member addressing the Knesset Education Committee:

> We have a problem with the rented classes, which you ought to know about. We have two serious dilemmas: the one of compulsory law that obliges us to provide education and pushes us to rent facilities. The other is the planning and construction law. You may be surprised to hear this but we don't rent facilities that don't have construction permits – and these are the majority of houses. We could do so. We have the budgets. We don't have a problem with money for this purpose. But, because there are unauthorized additional rooms or balconies in many of the buildings, we cannot rent them. (Knesset Education Committee protocol, 12.5.2013)

Figure 1: A rented educational facility next to a taxi station, Arab al-Sawahre, Jerusalem. Source: ISC 2009

Figure 2: Irregular classroom in a rented educational facility, Arab al-Sawahre, Jerusalem. Source: ISC 2009

Another arrangement promoted by the IME to meet classroom shortage is a massive approval of "recognized but not formal" (RBNF) schools. This is a formal status granted by the IME to unregistered private schools that meet its requirements (such as curricula, teachers' qualifications, and other administrative and managerial criteria) and are qualified to receive public funds of up to 75% of the funding of public schools. The number of schools in this group rose from 6 in 2001 to 76 in 2012, and they now serve 43,000 students – 42% of all students in the entire system (see Fig 3). During this period, this sector developed rapidly in other parts of the country as well. However, while in Israel proper RBNF schools may be considered as a local type of "charter school" (Lipman, 2013), associated with neoliberalization of education that promotes semi-private elitist or religious alternatives to public education, in East Jerusalem they serve as the system's structural component, used by the state to compensate for the shortage of classrooms and to meet its own legal obligations. As the head of the municipal department of Arab Education explained to the author:

> "The parents who moved into the city after the construction of the wall overwhelmed the system, and back then we didn't have the RBNF schools to provide solutions […] Today we deal a lot with those schools. We sent them students that we cannot receive; they serve children from East Jerusalem and we are coordinated with them; we serve and support them indirectly. (Personal communication, Lara Mubariki 4.5.2014)."

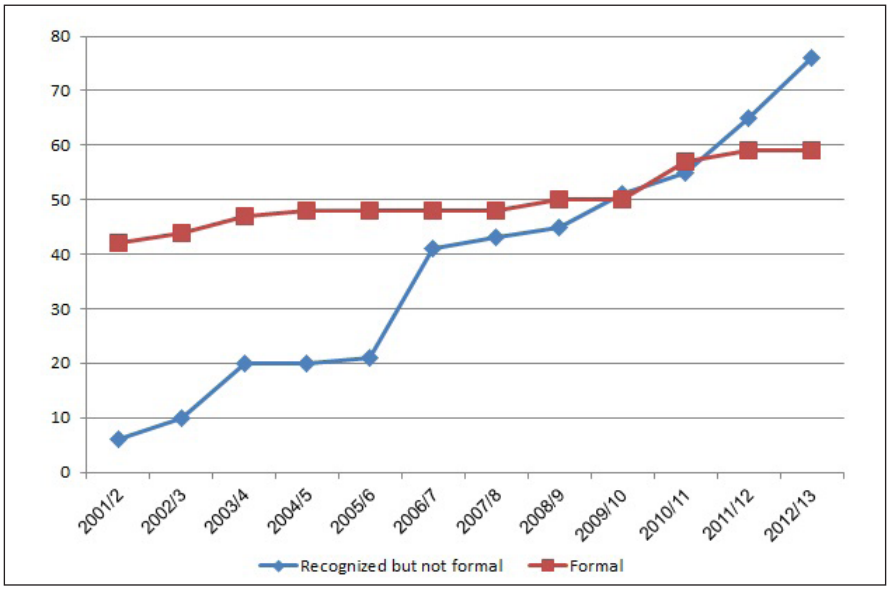

Figure 3: Growing number of RBNF schools, 2000-2013. Source: Data gathered from Jerusalem Education Authority annual reports.

However, NGOs' reports and parents' committees have indicated that many of RBNF schools in East Jerusalem do not meet appropriate educational standards and that they provide low quality education. As the head of the Union of Parent Committees in East Jerusalem, Abd al-Karim Lafi, explained in an interview with the author:

> Those are subcontractors who rent a house, hire teachers, and bring the kids and get paid per capita. They don't care about education or if the students are really studying or not. The supervision is our problem since the IME doesn't know anything about East Jerusalem. There are only four inspectors around here and all they do is hire and fire teachers, according to the bribe they get. (Personal communication, 9.4.2014)

NGOs monitoring education in East Jerusalem describe the "proliferation of RBNF schools without appropriate supervision" as a process that violates the rights of students to education that meets Israeli standards (Alyan at el. 2012a, 25). NGOs stress that these schools are often set up by organizations and entrepreneurs who charge high tuition fees and take advantage of "the vacuum in East Jerusalem's education system" (ibid. 26).

NORMALIZING SUB-FORMALITY

Since the turn of the millennium, protest against the failed education system has also taken place in the legal sphere: Palestinian and Israeli civil society organizations and public officials joined forces and petitioned the Israeli High Court of Justice (HCJ) against the IME and the Jerusalem Municipality. The first petition was filed in 2000 by 117 students whose requests for transfer from private to public schools had been rejected (HCJ 5125/00). The petitioners asked the court to order the municipality to enroll them or reimburse them for private tuition fees. The petitioners were granted a court order to appoint a committee to recommend ways for authorities to provide public education services as required by law.

Two similar petitions were filed in 2001 by 931 students and their parents along with NGOs, municipality council members and neighborhood representatives (HCJ 3834/01, 5185/01). After two years of proceedings, during which the court acknowledged and validated the petitioners' claims, the petitions were finally dismissed after the authorities submitted to the court a plan to build 245 classrooms. In 2005, after the petitioners had appealed again on the grounds of contempt of court, the HCJ acknowledged that very little progress in classroom construction had actually been made. It then ordered the municipality to survey East Jerusalem's population to accurately assess its educational needs. At that time, as noted above, the shortage in classrooms was estimated at more than 1000 (Ir Amim, 2006).

In 2007 the municipality and the IME informed the court of a new construction plan for 400 classrooms. The court announced in a 2009 hearing that these measures were insufficient. The court also stated, as it did at every other hearing on this issue in the last decade, that it would keep monitoring the progress of classroom construction.

In 2008 yet another petition was filed by five students and the Association for Civil Rights in Israel (ACRI) on the same grounds (HCJ 5373/08). The petition stated that since legal procedures had started in 2000, only 183 new classrooms were built and that the current shortage was estimated at 1500 classrooms. It also quoted an internal legal opinion by a municipality legal advisor arguing that rejecting applicants to formal public schools was illegal. In 2011, the court finally accepted the claim that the state and municipality had severely violated the petitioners' rights to education. The court ruled in favor of the petitioners and ordered that, should the state and municipality find themselves unable to provide public education, they would have to reimburse students for their tuition at the RBNF schools. However, the court gave the state and municipality a stay of five years before they would be required to provide reimbursement, so that the ruling will enter into effect only in late 2016.

The court's ruling captures the normalization of the process described in this paper – the sub-formalization of education – and promotes the implementation of various solutions for increasing the system's capacity to avoid reimbursement by 2016. As stated in the verdict:

> Studying in two shifts may well be considered, as well as using mobile houses as classrooms; renting other available facilities; transporting students to other parts of town where there are vacant classrooms; and similar solutions that authorities use in other parts of the country where there is a growing need to physically expand education services. Another means will be the procedure already suggested by the state of integrating RBNF schools into the formal system.[3]

The court justifies its ruling on the basis of "objective difficulties and special complexities" (ibid) that characterize construction in East Jerusalem. The court refers here to the inability of the municipality to initiate effective planning procedures for schools in Palestinian areas in Jerusalem. This is how Israeli planning policy and restrictions on Palestinians in East Jerusalem resulted in violation of the right to education. Lack of Palestinian land registration as well as poor planning resulted in residential unit deficit and unauthorized construction, but also in lack of allocation of land for public facilities (Cohen-Bar, 2014). This has caused a lengthy and complicated planning process for new construction, involving legal proceedings on expropriation of land, owner's compensation, land registration and preparing zoning and facilities plans.

While it may be argued that the court offered conventional temporary solutions to an acute crisis, it is important to note, as explained in this paper that during the last decade these solutions were applied unsuccessfully to the system. The court ruling, however, legitimized those very same problematic arrangements that have caused both parent and student strikes (as in the case of learning in shifts) or that have been severely criticized by NGOs or other state agencies, such as the state comptroller or the Knesset Education Committee. Further, and as I stress in this paper, these solutions have become a legitimate steady and integral feature of the system as they sub-formalize it structurally.

However ,in the eyes of Ismail Shakart, chairman of the Palestinian Jabel Muchbar neighborhood committee, the origins of this inferior structural difference in the provision of education services are very clear: "The municipality is practicing deliberate discrimination against East Jerusalem. While we were waiting for classrooms, the municipality kept on building schools in the new Jewish neighborhood of Har Homa".[4]

CONCLUSION

This paper has provided a detailed account of structural, administrative and functional deviations from state norms and standards in the process of formalization of education – which I term sub-formalization. In this process of sub-formalization, consistency and constancy of large scale deviations as well as their legal legitimization have resulted in inferior outcomes and failures which have become a structural component of the schooling system. In the formal public sector, sub-formalization

is strongly evident in the implementation of exceptional and irregular arrangements of service provision such as the use of rented sub-standard facilities, and in chronic classroom shortage. In the semi-private sector, it is evident in the superficial formalization of RBNF schools, which in practice remain, to a large extent, inferior in their functions and under-regulated by the state. These developments have turned the education system of East Jerusalem – which is responsible for 100,000 students – into a huge case of structural exceptionalism which legitimately deviates from Israeli norms.

To a large extent, the construction of East Jerusalem education sub-formalization is formed by ethno-national urban conflict, characterized by colonial relations between the Israelis and the Palestinians; and hence it has its own particularities in relation to other known processes of neo-liberalization and discriminative segregation in education. It is important to note that historically, colonial powers did not apply a full and coherent version of their administrative and judicial systems in their colonies due to their unwillingness to fully include the colonized population in their governmental operations and legal orders (Hansen and Stepputat, 2005). However, as we have seen in this paper, even though Israel insists, at least *de jure*, on extending its full sovereignty over annexed areas in East Jerusalem as if they were an integral part of Israel, the politics of education provision in those areas reveal how state-led administrative arrangements keep them only partially in line with state governmental order. Thus, the sub-formalization of East Jerusalem education has to be regarded as a governmental and administrative technology of control designed to give the appearance of the "unification" of the city. On the one hand, this enables the state to continue its offensive policies of neglect and discrimination against Palestinians. On the other hand, partial and sub-formal administrative containment may provide a view of seemingly full governmental control over both the space and the population.

NOTES

1. The curriculum that Israel tried to impose was that taught in Arab communities in Israel – a formal state curriculum in Arabic.
2. Since Palestinians in Jerusalem hold residency status they are obliged to prove actual residency in the city. Leaving the city for a period of more than 7 years could cause revocation of Israeli residency and deportation to the West Bank.
3. HCJ Verdict in Petition No. 5373/08, Article 51.
4. Har Homa is a Jewish neighborhood established in 1997 next to the Palestinian village of Jabel Muchbar; quoted at (Khromchenko, 2005)

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