

Haredi Enlistment in the IDF: Does the Proposed New Law Invite Substantive Change?

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In August 2021 the Knesset committee approved a bill designed to escape the existing dead end on the issue of haredi (ultra-Orthodox) enlistment in the IDF. However, the wording of the proposal, the lack of clarity within the IDF on the matter, and the absence of willingness to change among the ultra-Orthodox themselves do not guarantee that the problem will be resolved. It appears that even if the proposal is accepted, the integration of the ultra-Orthodox community into the state institutions, the IDF, and the labor market will not change. This article analyzes the forecast and suggests alternative ways of resolving the legal and social conundrum.

The Security Service Law was one of the first laws enacted in the State of Israel. The law presumes that in principle, all Israeli citizens, men and women, would enlist in the IDF at the age of 18. The haredi (ultra-Orthodox) community, fearing that military service would cause spiritual harm and necessarily occupy time that would be better spent on Torah study, spearheaded legislation whereby potential conscripts appear before the IDF and declare that “Torah is their occupation”; their enlistment is then postponed until the age of 26, when they are exempt from military service. Over the years this law caused many in the general Jewish public to see the ultra-Orthodox as evading their civic duties, and the controversy has caused a deep rift in Israeli society.

Even if there is agreement in the ultra-Orthodox community regarding opposition to compulsory IDF service, there are different stances regarding the issue. Most of the Lithuanian and Sephardi haredi streams believe that an arrangement should be reached that allows yeshiva students to engage in Torah study, and therefore these young men should report to the IDF and declare their commitment to Torah study. The more

extreme Jerusalem faction claims that any cooperation with the state on this matter could lead to the complete displacement of the world of Torah, and therefore refuses to allow eligible conscripts to report to the IDF in order to defer military service.

The existing law will expire in June 2022, following the Supreme Court's demand that changes be made to the law. Without a law in force, however, a situation will be created in which tens of thousands of yeshiva students will refuse to enlist and thereupon be defined as deserters. This situation could spark public opposition and provoke heated demonstrations, as well as a serious political crisis.

Consequently, in August 2021 the Knesset's ministerial committee on legislation approved an updated bill to regulate haredi conscription. The proposal includes two substantive changes to the previous law. First, the age for exemption from military service for the haredi conscript is lowered from 26 to 21, and will rise within three years to the age of 23. Second, yeshivas will have to encourage the enlistment of young men to the IDF according to numerical targets that increase year by year at a rate higher than the average growth rate of the ultra-Orthodox population. The law also speaks of cuts in the budgets allocated to yeshivas that do not meet at least 95 percent of their target, provided that the amount of the cut in their budget does not exceed 50 percent. The bill has a caveat that if from 2023 to 2026 the ultra-Orthodox do not enlist in a way that meets at least 85 percent of the enlistment targets, the law will no longer be in force and the state will enact a new law.

Within the Ministry of Defense there are disagreements regarding the absorption of ultra-Orthodox conscripts. In 2018, a Ministry of Defense committee met in order to fulfill the Supreme Court's requirement for setting operational enlistment targets. The committee set numerical targets and stated that the IDF is prepared to receive ultra-Orthodox soldiers. It later emerged that the commission had set enlistment targets based on data collected and interpreted in negligent fashion, making the commission's conclusions unreliable. Thus a new committee was

convened, headed by Maj. Gen. (ret.) Roni Numa, for examining ultra-Orthodox enlistment goals for the IDF. The Numa committee found that the data at the Ministry of Defense was not reliable, and that the data on ultra-Orthodox recruits should be collected again, with an exact definition of who qualifies as an ultra-Orthodox recruit. In addition, the committee pointed to disagreements in the Ministry of Defense and the IDF regarding the absorption capacity of ultra-Orthodox soldiers, and in fact, concluded that the IDF was not prepared to absorb ultra-Orthodox recruits. The new proposed bill seeks to address the conclusions of the Numa Committee.

With regard to the enlistment targets, however, it seems that they ignore the recommendations of the Numa Committee and are based on criteria that have already proved to be problematic. Moreover, the data available to the IDF is based on the number of ultra-Orthodox conscripts aged 18-26, while the bill applies to conscripts aged 18-21.

The section on lowering the exemption age to 21 corresponds with the campaign promise by Prime Minister Naftali Bennett, who argued that yeshiva students should be allowed free choice, and that the age barrier, which he believes prevents yeshiva members from entering the labor market, should be lowered. Yet the issue of lowering the age of exemption for the haredi population is also controversial among decision makers. On the one hand, there are those who emphasize the preference for equality in the burden of military service, and on the other hand, there are those who emphasize the national interest of integrating the ultra-Orthodox into the employment market and therefore call for lowering the exemption age. This dispute led to a compromise, whereby an exemption will be granted temporarily to the ultra-Orthodox who have reached the age of 21, and within two years the recruitment age will gradually increase to 23.

The ultra-Orthodox community as a whole is not particularly worried about the consequences of the current bill. In the context of fulfilling the enlistment targets and potential sanctions, they assume that as long as

the Numa committee's conclusions are not implemented, the IDF will continue with the faulty numbering method and will define poorly the criteria that determine who is an ultra-Orthodox recruit. In that scenario the ultra-Orthodox community is expected to meet the enlistment targets set for the coming years, provided that the definition of who is haredi is not amended. The leaders of the ultra-Orthodox community are also not worried about the coming years in which the targets are expected to grow, mainly because they expect that in the future, when the representatives of the ultra-Orthodox parties return to the coalition, the law will be updated again. Past experience shows that budgetary threats do not constitute an existential threat to the number of yeshiva students: in 2013, when the yeshiva budget was cut and an exemption from military service was granted to about 20,000 yeshiva students, the number of yeshivas dropped about 5 percent, but rose by about 2 percent the following year. Then in 2015, with the ultra-Orthodox joining the coalition, the number of yeshiva students recovered, and even increased. If the haredi community fails to meet the targets between 2023 and 2026, the current bill will no longer be in force, and then the same dilemmas that preceded the bill will recur. In any case, the ultra-Orthodox claim, the goals and sanctions will not cause a change in the current state of affairs.

Nor did the reduction in the age of exemption stir the ultra-Orthodox community. From the point of view of the Jerusalem faction, which refuses to recognize the draft law in principle, there is no question as to whether the candidates for service in the IDF are defined as exempt from service. The rest of the ultra-Orthodox community is also not particularly bothered by the question of recruitment. According to an August 2021 study by the Israel Democracy Institute, about 70 percent of ultra-Orthodox young people do not believe that the recruitment law will significantly affect the integration of the ultra-Orthodox in the employment market. Therefore, it seems that while the government argues that yeshiva students study to dodge the draft, yeshiva students themselves report that even if the door to the labor market opens, they will not be influenced to leave the yeshivas.

This means that the new law is not expected to change the existing situation in an effort to effect the change sought by the government, i.e., to encourage the integration of ultra-Orthodox in the army and the labor market. If the government is indeed interested in such a change, it must first determine whether the IDF can absorb ultra-Orthodox soldiers and provide them with their particular needs – and whether it is interested in doing so. Beyond that, it must define credible enlistment targets, according to transparent and precise criteria that take into account the personal, social, and spiritual needs of the ultra-Orthodox recruit. This should be done in a manner that is acceptable to the IDF and the leaders of the ultra-Orthodox community, as much as possible. At the same time, the state should make it easier for the ultra-Orthodox who have been exempted from military service to join the labor market in a manner adapted to their cultural and spiritual needs. In these circumstances, if the state recognizes the importance of Torah study, and the ultra-Orthodox community for its part sees that the state does not seek to create a fundamental change in the unique cultural/spiritual nature of ultra-Orthodox, then those who want to serve in state institutions and enter the labor market will be able to do so. This long-awaited change has the potential to contribute significantly to mutual respect and the sense of social solidarity between the various groups that comprise Israeli society.

Editors of the series: Anat Kurtz, Eldad Shavit and Judith Rosen