

The Position of the Institute for National Security Studies—INSS—The Knesset Bill of the Security Service Law (Amendment No. 26) (Integration of Yeshiva Students), 5782–2022 “The Conscription Law”—Danger to the National Security of Israel

The bill to amend the conscription law in its current form is unfathomable, especially after October 7.

Its legislation endangers the model of the people’s army, is inconsistent with the needs of the army, and exacerbates the inequality.

This legislation is a danger to the national security of the State of Israel.

There are important fundamental principles that should be integrated into any legislation. The law should be adapted to Israel’s security needs, it should preserve the people’s army model and be based on a wide scope of conscription which preserves the values to which the IDF is currently committed. The law should be applicable and ensure a balance between conflicting values, linkage of government funding with military service, establishing civil security service, and the implementation of differential service.

1. The Facts:

The Security Service Law (Amendment No. 26) (Integration of Yeshiva Students), 5782–2022, which is currently being discussed in the Knesset, was submitted by former Defense Minister Benny Gantz during the Lapid–Bennett government. It passed its first reading in the Knesset on January 31, 2022 and includes the following main sections:

- **Lowering the age of exemption:** According to the bill, the age of exemption from military service will be lowered from 26 (today) to age 21 for a duration of three years. After that, the age of exemption will be age 22 for one year, and then increased to age 23.
- **Low recruitment targets:** The recruitment targets detailed in the bill are 1,566 in the first year, an additional 125 in the second year, and another 136 in the third year.
- **Overly expansive counting:** The bill allows for an expansive count, in relation to both the recruits themselves—since it also includes those who are not currently Haredi—and to the framework of the service, as it also includes shortened service tracks lasting three weeks.
- **Ineffective sanctions:** The sanctions set out in the bill will apply to educational institutions and will not be used as personal sanctions, and will be applied only after a long period of time. It should be noted that the sanctions mentioned in the bill will also be very difficult to apply, due to the rigid criteria for applying them.

2. Relevance and Validity of the Wording of the Proposed Law:

Even before the outbreak of the Swords of Iron war, the wording of the proposed law suffered from considerable flaws. The quotas presented were unreasonably low compared to the quotas that had been in place until then. In fact, there was no increase; rather, it was the opposite. They also included shortened service tracks, including three-week service periods, which made a mockery

of the value of service. It was therefore clear that the law would not serve as a catalyst for broader recruitment of the Haredim.

It is clear to everyone that the reality during the days of voting on the wording of the law—which included the notion of shortened compulsory service—has drastically changed in ways that are relevant to the normative validity of the law currently under discussion. This is true both in terms of the scope of the security missions and personnel as well as the need for force build-up following the events of the past months. For these reasons, it has been planned, as is widely known, to extend compulsory service to 36 months for men (and also for women in positions where “the law for a woman is the same as for a man”), while abandoning the differential service that was planned prior to the war.

In addition, it is planned to significantly increase the burden of reserve service by almost tripling the amount of reserve duty currently enshrined in the law and by raising the age of exemption from reserve duty from 41 today to 45. Due to these measures that bring inequality to the extreme, the law poses a danger to the ethos of service and the model of the people’s army even among the public that does serve. Moreover, the law, as it is currently drafted, does not provide a response to the need to reach a decision on this issue that has been postponed for decades. The decision can no longer be postponed, and this is also according to the rulings and reasons given by the High Court.

3. Significance:

In accordance with all of the above, the proposed law does not align with the needs of the military. It ignores the drastic change in security needs and exacerbates the inequality between the serving public, who bear the burden of security, and the Haredi public. This injustice is further highlighted by the intention to extend the duration of compulsory service as well as the reserve service. Therefore, we believe this is a flawed law, which, in addition to its inherent injustice, endangers the people’s army, as other groups may also demand such exemptions.

Furthermore, it is likely to increase the lack of motivation for reserve service against the background of the immense burden that reservists are currently experiencing, and it does not improve the required combat personnel situation for the IDF in light of the upcoming challenges. This is evident, in part, from the statements by the Chief of Staff about the lack of dozens of battalions needed to complete the tasks at hand.

4. Recommendations—Legislation of a different amendment to the Security Service Law based on the following guiding principles:

- **Adapting to security needs:** The law must reflect security needs and adapt to changes in security needs, following combat events and the likelihood of another campaign in the north.
- **Preserving the model of the people’s army:** The law must reflect the change in public attitudes after October 7 regarding the demand for equality in bearing the burden of service.
- **Ensuring applicability:** The law must take into account the system’s needs and the army’s capacity to actually implement it. It should reflect a sincere attempt to achieve practical results and not lead to a collapse of the model.
- **Expanding recruitment alongside maintaining army values:** The law should aim for broad recruitment, gradually leading to similar recruitment rates in all sectors of the Jewish population, without contradicting other values of the army.
- **Linking budget and governmental funding to military service:** The law should reflect the principle of linking budget and governmental funding to military service, denying such funding to those who do not serve, except for a small, distinct group recognized as outstanding exceptions (“prodigies”).
- **Anchoring of civilian security service:** Civilian security service should be anchored in frameworks like the Israel Police, Border Police, and Home Front security, which can quickly absorb large numbers of Haredim.
- **Implementing differentiated service and adjusting general conscription:** Alongside the required extension of service due to the current situation, the service framework should be anchored according to the principle of differentiation, and selection criteria should be based on suitability rather than on gender or other characteristics.
- **Balancing between conflicting values:** It must be ensured that integration into Haredi frameworks does not undermine other values that may come into conflict with the characteristics of these frameworks. It is necessary to ensure that the regulations are established by command and that the manner of implementing the command is clarified to the relevant commanders.