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# Haredim Conscription and the Future of Netanyahu's Coalition

Unit for Political Studies

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## Unit for Political Studies

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The Arab Center for Research and Policy Studies

Al-Tarfa Street, Wadi Al Banat

Al-Dayaen, Qatar

PO Box 10277, Doha

+974 4035 4111

[www.dohainstitute.org](http://www.dohainstitute.org)

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The exemption of ultra-Orthodox Jews from military conscription has represented a major source of contention in Israeli society since 1948. This disagreement has exacerbated in the last three decades due to the increase in the number of Haredi Jews and the growing number of young Haredim who are exempted from compulsory military service. While the number of those who were exempted from compulsory service at the time of the agreement concluded in 1948 by then Prime Minister and Minister of Defence, David Ben-Gurion, with senior Haredi rabbis, amounted to about 400 young Haredim studying in Jewish religious institutes (Yeshivot), the Haredim have grown exponentially since. In the 2023 conscription cycle, more than 12 thousand will be exempted from compulsory service under the slogan “*Torato Umanuto*” (Torah study is his job) equivalent to 16 per cent of the total number of Israelis who have reached military age.<sup>1</sup>

## Deep Societal Divisions

The dispute between the Haredim and the rest of the Jewish community in Israel is multifaceted, with the military exemption representing just one of manifestation of these tensions.<sup>2</sup> The Haredim maintain values and ways of life that are different from the rest of Israeli society.<sup>3</sup> The Haredim follow a religious lifestyle in accordance with their fundamentalist understanding of the Torah and Jewish traditions. Their community is led by rabbis who have devoted their lives to studying the Jewish religion and its traditions, and who have a wide-ranging influence on their community. Haredi youth devote a long period of their lives to studying Judaism and its traditions in religious institutes, many of them until the age of forty.

Haredim representation in the Knesset has massively increased in the last three decades in correlation with their population boom. This trend is expected to continue in the foreseeable future, which worries large sectors of Israeli society. Two main parties are active in the Haredim: Shas and United Torah Judaism. Shas represents the Sephardic Haredim and other traditional Sephardic Jews, and has 11 seats in the current Knesset. United Torah Judaism, formed from an alliance between Agudat Yisrael and Degel HaTorah, represents the Ashkhenazi Haredim and has seven seats in the current Knesset. The Haredim and their political parties belong to the extreme and fascist right camps in Israel. They generally adopt racist positions regarding Palestinians and Arabs, and the overwhelming majority of them oppose liberal democracy and the Supreme Court in Israel.<sup>4</sup>

1 Yael Tobel et al., *Renewed Outlines of the Military Service Model in Israel* (Jerusalem: Israel Democracy Institute, 2023), p. 109. [Hebrew]

2 Senior Haredi rabbis and leaders strongly oppose the service of yeshiva students in the Israeli army, based on ancient Jewish traditions, according to which scholars were exempted from guard duty to enable their study of the Torah and Jewish traditions, as well as the Israeli army's secular lifestyle, which does not adhere to the teachings of the Jewish religion, their strict interpretation of which prevents mixing between men and women.

3 Gilad Malach (ed.), *Haredi Judaism and Democracy: The State of Israel and Democracy through Haredi Eyes* (Jerusalem: Israel Democracy Institute, 2021), p. 31 - 35. [Hebrew]

4 For more on Haredim positions on liberal democracy, the Supreme Court, and the Palestinians, see: *Ibid.*, pp. 77-126, 175 - 188.



## High Fertility Rates

The ultra-Orthodox community observe traditional religious family values, including high birth rates, as part of a strict religious obligation.<sup>5</sup> The fertility rate (the average number of children born per women) among the Haredim is 4.2, compared to 1.9 among the total population of Israel, and 1.4 among non-Haredi Jews. The number of Haredim in Israel reached 1,335,000 at the end of 2023, with their overall proportion of the total number of Jews in Israel steadily increasing.<sup>6</sup> While they made up 12 per cent in 2009, they comprised 17.2 per cent of Israeli Jews by the end of 2023. The Haredi community is characterized by its young population, with 58 per cent under 19, compared to 32 per cent of all non-Haredi Jews in Israel. The Israeli Central Bureau of Statistics expects that the number of Haredim in 2033 will reach two million people, and about two million and 900 thousand people in 2043. They are predicted to number slightly greater than the number of Palestinian Arabs within the Green Line by then, while the number of non-Haredi Jews in Israel is predicted to reach just under 8 million.<sup>7</sup>

## The Haredim and the Labour Market

There is a huge difference between the proportion of Haredim in the labour market and the rest of Israeli Jews. In 2002, only a third of Haredi men and half of Haredi women of working age were employed. The rate of participation of the Haredim in the labour market has increased since that time for several factors. Poverty rates have increased in their communities in recent years, forcing them out to work, and state institutions have generated various efforts and incentives to encourage the integration of the Haredim into the labour market. By 2022, 53% of Haredi men, aged 25 - 66 years, had joined the labour force, in contrast to 87% of other Jewish Israeli men that same year. Ultra-Orthodox Jewish women have joined the labour market at a much higher rate, at 79.5 per cent in 2022. Their participation rate is now close to the per centage of other Jewish women in the labour market, which was 83 per cent in the same year.<sup>8</sup>

The difference between the average monthly per capita income of the Haredim and the rest of Israeli Jews remained high, however. In 2021, the average monthly income of a Haredi man was only 50 per cent of the average monthly income of a non-Haredi Jewish man, while the average monthly income of a Haredi woman was 67 per cent of the average monthly income of a non-Haredi Jewish woman in the same year.<sup>9</sup>

<sup>5</sup> Ibid.

<sup>6</sup> Lee Kahand and Gilad Malach, *Yearbook on the Haredim in Israel 2023* (Jerusalem: Israel Democracy Institute, 2023), p. 11 - 12. [Hebrew]

<sup>7</sup> Ibid.

<sup>8</sup> Ibid, p. 61 - 62.

<sup>9</sup> Ibid. For more on the fertility rates of the Haredim and their integration into work, see: Gabriel Gordon, *Demographic Trends and Integration into Work: A View of the Haredi Sector* (Jerusalem: Israel Democracy Institute, 2022). [Hebrew]



## Position of the Supreme Court on Haredi Conscription

The number of Yeshiva students who were exempted from service in the Israeli army under the pretext of “*Torato Umanuto*” remained limited, until 1977. In the first two decades of Israel’s founding, this number was limited to about 400 people annually, rising in the late 1960s to 800 people annually.<sup>10</sup> When the Likud Party came to power for the first time in 1977, Menachem Begin’s government suspended the limit on the number of Yeshiva students exempted from military service, according to the government coalition agreement with the only Haredi party at the time, which was Agudat Yisrael, with four seats in the Knesset. This led more and more Haredim exemptions from compulsory military service in the 1980s and 1990s, exacerbated by their high birth rates and the growth of the Haredi parties.<sup>11</sup>

Given the increase in the number of Haredim exempted from military service by the Minister of Defence, a request was made to the Supreme Court, which decided, in 1998, that the Minister of Defence is not authorized to grant Yeshiva students a comprehensive exemption from compulsory service in the army, and that the Knesset must enact a relevant law.<sup>12</sup> As such, in 2002, a law was enacted to postpone military service for students in religious institutes, valid for five years and subject to renewal. This law granted the National Security Minister powers to exempt religious institute students from military service according to certain conditions specified in the bill.<sup>13</sup> However, the law was not implemented correctly, and more than 80 per cent of Haredim remained exempted from service. Consequently, the Supreme Court decided in 2012 that the Knesset could not extend the law again due to its violation of the principle of equality in military service, which contradicts the Basic Law: Human Dignity and Liberty.<sup>14</sup> In 2014, a new law was enacted regarding Haredi conscription, imposing criminal penalties on those who evade compulsory service.<sup>15</sup> However, the Knesset made amendments to this law when the Haredi parties joined the government coalition, which abolished criminal penalties.<sup>16</sup> The conscription exemption law has been a source of friction between the government, the Knesset, and the Supreme Court in recent years.

In light of the failure of Netanyahu’s government to enact a law regulating the conscription of Haredim, on 26 February 2024, the Supreme Court issued a temporary order requiring the government

<sup>10</sup> Assaf Malhi, “The Challenges of the People’s Army: Haredi Recruitment to the Israeli Army Over Time,” *Parliament Magazine*, No. 81, Israel Democracy Institute, 16/4/2018, accessed 21/4/2024, at: <https://tinyurl.com/5bfwkpnm> [Hebrew]

<sup>11</sup> *Ibid.*

<sup>12</sup> Oriana Almasi, Implementing the Law on Postponing Service for Yeshiva Students Whose Profession is Studying Torah (Tal law), Knesset Information and Research Center, 2022, p. 9, Knesset website, accessed on 21/4/2024, at: <https://tinyurl.com/tn4shvrc> [Hebrew]

<sup>13</sup> *Ibid.*, p. 10.

<sup>14</sup> *Ibid.*, p. 11.

<sup>15</sup> Malhi.

<sup>16</sup> *Ibid.*



to explain, until 31 March 2024, the reason for not recruiting Haredi Yeshiva students into the army.<sup>17</sup> On 27 March 2024, Netanyahu asked the Supreme Court to give him 30 days to formulate a law regarding the recruitment of Haredim into the army, so that the court would not make a decision during this period. However, on 28 March, it issued an order obligating the government to stop providing financial allocations to Yeshivot whose students do not enlist in the army at the beginning of April 2024.<sup>18</sup> In May 2024, the Supreme Court will issue its decision with an expanded composition of nine justices regarding the allocations for Yeshivot and their students' military exemption.<sup>19</sup>

## Impact of the Conscription Crisis on the Government Coalition

The Supreme Court left the government no room for further procrastination in the enactment of the Haredim conscription law in accordance with the standards that the court had set in its previous decisions. These include the standard of equality in the mandatory conscription burden between the Haredim and other Israeli Jews, and punitive measures for the Haredim who do not enlist. The Netanyahu coalition faces difficulties obstructing the enactment of this law as a result of the political atmosphere prevailing in Israeli society since “Operation Al-Aqsa Flood” and the genocidal military campaign that Israel is currently waging against the Palestinians in the Gaza Strip. Even some leaders of the Likud Party itself, who call for the Haredim to do their share in shouldering the burden of military service like any other Jew in Israeli society. The biggest challenges in enacting the law, thus threatening the Netanyahu coalition can be summarized as:

1. If the Netanyahu government delays or does not enact the Haredi recruitment law, the pressure will increase on Security Minister Yoav Galant and the military establishment to begin recruiting students of Haredi Yeshivot. And if the army drafts the Haredi students for mandatory military service, or close to 40 percent (about 5,200) of the total Haredim who are of military service age (about 13,000 in 2023), as the army demands, the Yehdut HaTorah and Shas parties will withdraw from the government coalition, leading to the collapse of government.
2. Agreeing on an exact formula for the conscription exemption law within the Netanyahu government coalition, which has the support of a Knesset majority (excluding the Gantz camp); While the Torah and Shas Jewish parties want to maintain the status quo regarding Haredim conscription and reject a compromise regarding the percentage of those who should be exempted or the minimum number of Haredim who should be conscripted, many leaders of the Likud party, led by Security Minister Yoav Gallant, oppose this and generally support the military establishment's

<sup>17</sup> Gilad Morag, “The High Court in Order to the State Following Discussion on the Conscription Law: Why Not to Recruit Yeshiva Students,” *Ynet*, 26/4/2024, accessed 21/4/2024, at: <https://tinyurl.com/bdtavk8h> [Hebrew]

<sup>18</sup> Chen Menit, “The Supreme Court Ordered the Freezing of Allocations to the Yeshivot Whose Students Are Not Drafted; Netanyahu Asked for a Month to Clarify Arrangements on the Exemption from the Draft,” *Haaretz*, 28/3/2024, accessed 21/4/2024, at: <https://tinyurl.com/yc3bsnup> [Hebrew]

<sup>19</sup> Suzy Nebubot, “Supreme Court's Interim Order Regarding Conscription and Equal Burden: If There Is No Law, There Are No Provisions,” Israel Democracy Institute, 29/3/2024, accessed 21/4/2024, at: <https://tinyurl.com/2tbr89cy> [Hebrew]

direction, which aims to recruit about 5200 Haredim per year.<sup>20</sup> It is expected that Gallant and other members of the Likud party will vote against Netanyahu's proposed bill in this regard.

3. The opposition parties in the Knesset stand against the enactment of any version of the Haredim exemption law that conflicts with the Supreme Court's requirements in this regard. These parties seek to overthrow the government and hold early elections as soon as possible, so they invest in this crisis and are strict in their interpretation of the law. The opposition parties include the New Hope party led by Gideon Sa'ar, who broke away from the National Camp on 13 March 2024,<sup>21</sup> then withdrew from the government coalition on 25 March 2024, after Netanyahu refused Sa'ar's request to join the war cabinet.<sup>22</sup>
4. The Gantz led National Unity party opposes the proposed law on Haredim conscription. Gantz has declared that the law formulated by the government is a serious failure of values, and that it creates a deep rift in society "at a time when we have to fight together against our enemies". He added that his party cannot remain in the emergency government if the Knesset enacts this law.<sup>23</sup> Although the government proceeded to enact the Haredim recruitment law without obtaining Gantz's approval, nor even consulting him, which breaches the agreement on the formation of the emergency government, it is noteworthy that Gantz decided his party would only withdraw from the emergency government once the process of enacting the law is complete, i.e. once it has undergone the preliminary, first, second and third readings in the Knesset, a process that will probably take several months.

## Conclusion

Netanyahu is taking great pains to maintain his government coalition as long as possible, hoping that it will improve his popularity that of his party and camp before he has to call for Knesset elections. It seems that multiple factors and pressures will spur early elections sooner than planned. The postponement of the problems facing the Netanyahu coalition under the pretext of the continuation of the war, primarily the failure of 7 October, the failure to achieve the goals of the genocidal war in Gaza or to secure the release of the Israeli prisoners, the strained relations with the White House, increased popular protests, and the strained relations between Netanyahu and the military and security establishment, does not solve it. In this context, the decision of the Supreme Court forcing the Netanyahu government to enact the Haredim conscription law according to its specific criteria, and its decision to stop the payment of allowances to Yeshivot whose students do not serve in the army, will simply add to the challenges faced by the Netanyahu government coalition

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<sup>20</sup> Yaniv Kobowitz, "I Will Not Support the Course of The Conscription Law that Will Be Voted for on Tuesday", *Haaretz*, 24/3/2024, accessed 21/4/2024, At: <https://tinyurl.com/4zmw28xv> [In Hebrew]

<sup>21</sup> Moran Azalea, "The Official Camp Disintegrating: Sa'ar Announces End of Partnership with Gantz", *ynet*, 12/3/2024, accessed 21/4/2024, at: <https://tinyurl.com/32ytz8x4> [Hebrew]

<sup>22</sup> Michael Hauser Tov, "Sa'ar Announced His Withdrawal from the Government after Being Left Out of the War Cabinet", *Haaretz*, 25/3/2024, accessed 21/4/2024, at: <https://tinyurl.com/yz5kksmm> [Hebrew]

<sup>23</sup> Michael Hauser Tov and Noa Spiegel, "Gantz on the Law Exempting the Haredim from Conscription: We Can't Stay in the Government If the Legislation Passes", *Haaretz*, 24/3/2024, accessed 21/4/2024, at: <https://tinyurl.com/2yuk59h6> [Hebrew]