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## **Who wins in war over ultra-Orthodox army draft?**

***Experts claim that the key to the ultra-Orthodox army draft is not canceling the current law, but creating a constructive dialogue with the ultra-Orthodox leadership.***

By Danny Zaken

Al-Monitor (18.09.2017)- <http://bit.ly/2wwgZTJ> - Supreme Court justices claim that their Sept. 12 decision to overturn the amendment to the Recruitment law, passed by this government in 2015, was intended to force new legislation that would treat Israeli citizens more equitably. In fact, according to the Israel Defense Forces' (IDF) assessment, it will actually hinder the dramatic growth in the number of ultra-Orthodox men who enlist. The reason is that the increase in drafting numbers stems from understandings between the army and the ultra-Orthodox leaders, which are based on a conciliatory mood within the ultra-Orthodox sector (as the law no longer forces them to draft). The new ruling revives the sense of persecution within the sector, strengthening the extremists who object to integration into Israeli society in general, and an army draft in particular.

A panel of nine judges ruled 8-1 that the Knesset must repeal the amendment within a year. The amendment allows yeshiva students to extend their exemption up to 2023, effectively releasing them from compulsory military duty. According to the justices, the amendment was unconstitutional. Justice Elyakim Rubinstein wrote, "Military service in the Israel Defense Forces is exactly what the name implies. It is a defense force, defending all of us, and not some default choice for people forced into it by the powers that be. As long as the current saga continues, laws will come and go, while the bitter feeling of inequality continues."

Obviously, the ruling elicited harsh responses from ultra-Orthodox representatives. Health Minister Yaakov Litzman accused the Supreme Court of trying to bring down the government and said that it has become necessary to pass legislation to limit the court's power. Deputy Minister Meir Porush compared the Supreme Court's ruling to nothing less than a military putsch.

Ultra-Orthodox politicians are now planning to respond on two fronts: They plan to come up with a new amendment to the Recruitment law, which would prevent forcing the ultra-Orthodox to enlist, but which would still be ruled acceptable by the Supreme Court, and they plan to pass legislation that would limit the power of the Supreme Court to overturn Knesset legislation. While Defense Minister Avigdor Liberman is expected to oppose the proposed amendment, he will throw all his political weight into supporting the legislation to limit the court's power. One day after the ruling, Liberman said that while he supports the recruitment of ultra-Orthodox men, the way that the Supreme Court is ruling on

issues that are not of its concern is absurd, and the Basic Laws determining the scope of its authority should be re-examined.

Opposing this is Finance Minister Moshe Kahlon of Kulanu. Kahlon said last year that he would avoid doing anything to harm the Supreme Court, but that was before he suffered a severe blow from its justices, when they overruled the Third Apartment Tax law, which he initiated and got passed by the Knesset.

Netanyahu will now have to find a solution that is acceptable to all factions in his coalition.

Meanwhile, the IDF is worried about the immediate implications of the ruling. Given the increase in the number of ultra-Orthodox recruits over the last few years and their special religious requirements, the IDF plans to create a new ultra-Orthodox battalion, in addition to the Netzah Yehuda Battalion of the Kfir Brigade, and to increase the number of places available in the ultra-Orthodox frameworks of the Givati and Paratroopers brigades. At the same time, a senior military source involved in the issue told Al-Monitor that there is some concern that the trend will be hindered.

Figures communicated to Al-Monitor from the Manpower Division of the General Staff show that in the past three years, the number of ultra-Orthodox recruits rose by 12-13% per year, with 2,800 young men enlisting in 2016. According to that same military source, the IDF's expectation for 2017 was 3,200 new recruits.

Between 1997 and 2007, only 1,500 ultra-Orthodox men enlisted, compared to 16,500 in the last decade. In other words, there were 11 times more recruits in the past 10 years. The Manpower Division also said there are currently 7,000 ultra-Orthodox soldiers serving in the IDF, many of them in combat divisions like the Paratroopers, Givati and the Netzah Yehuda Battalion. Some 400 of them are career soldiers, mainly in technological posts.

There is, of course, also the economic aspect. Figures published by researcher Asaf Malchi of the Israel Democracy Institute show that almost 90% of ultra-Orthodox recruits to the IDF were integrated into the job market upon their release from the army. A decline in the number of recruits would therefore lead to a decline in their employment rates.

Almost all parties involved in the issue share the IDF's concern that this positive trend in ultra-Orthodox enlistment could grind to a halt. Deputy Defense Minister Eli Ben Dahan told Al-Monitor that the Supreme Court should have given the Recruitment law time to prove itself and show that it is instigating positive change within the ultra-Orthodox community and in sharing the drafting burden. He said that the ruling is a serious blow to the process by which the ultra-Orthodox have integrated into Israeli society over the past few years, and that the judges ignored the dramatic shift among the ultra-Orthodox in favor of the IDF. If in the past it was impossible to obtain permission from the rabbis to enlist, the amendment that was just overturned by the Supreme Court showed that ultra-Orthodox politicians and rabbis do accept in principle the idea of enlistment.

Past experience shows that court rulings and decisions of this kind, which are seen by the ultra-Orthodox community as threatening forced enlistment, have a negative impact on recruitment figures. For instance, with the repeal of the Tal law in 2012, which allowed full-time yeshiva students to defer national service, the percentage of ultra-Orthodox men enlisting in the IDF plummeted from 28% to just 14%. In 2014, with the passing of the Sharing the Burden law initiated by Yesh Atid, which is perceived as an enemy of the ultra-Orthodox sector, the annual growth rate dropped again, from 35% to just 12%.

Gilad Malach of the Israel Democracy Institute agrees with the assessment that the recent Supreme Court ruling will have a similar impact, at least in the short term. He told Al-Monitor that another attempt to introduce criminal sanctions against yeshiva students

refusing to enlist — like the law passed by Yesh Atid, which was replaced after the 2015 election with the amendment that was just overturned — would be detrimental to the recruitment of yeshiva students. He noted that the focus should be on linking the number of students enlisting in the army to the budgets that the state grants to the yeshivas.

Rabbi Moshe Ravad, a former chief rabbi of the Israeli air force and one of the people behind the Shahar technology track for ultra-Orthodox recruits, told Al-Monitor that until 10 years ago, no one would have believed that thousands of young ultra-Orthodox men would enlist every year. The secret, he said, is dialogue between the military leadership and the rabbis, especially the quiet kind of dialogue, which indeed resulted in an increase in the number of ultra-Orthodox recruits. Ravad warned that the Supreme Court ruling, on the other hand, would increase opposition to the IDF among the ultra-Orthodox public and potentially even to a worsening of attacks targeting ultra-Orthodox men who do enlist.

Even if it was the right decision, legally and constitutionally, the Supreme Court's ruling could actually help those forces opposed to the integration of the ultra-Orthodox into society. The numbers prove that dialogue and cooperation with the ultra-Orthodox leadership on the drafting issue leads to an increase in the number of yeshiva students who serve in the IDF. Furthermore, the decision could result in ultra-Orthodox community activists playing a more active role in the fight by certain forces in the Knesset to limit the authority of the Supreme Court.

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## **Ultra-Orthodox exemption from military service in Israel removed**

***Israel's Supreme Court decision a blow to the Netanyahu regime***

By Derek Welch

World Religion News (18.09.2017) - <http://bit.ly/2fzDtJ5> - The Supreme Court in Israel during the second week of September canceled the arrangement set by the present Israeli Government that permitted Orthodox Jews to avoid compulsory military service altogether. The court called the arrangement unconstitutional and discriminatory. The Supreme Court said the ruling will be effective within a year.

The ruling was given out by outgoing President of the Supreme Court, Miriam Naor, who presided over a nine-member justice panel. The ruling itself was eight for, one dissenting. The majority of the justices consented with the petitioners' position, the Movement for Quality Government, that the present law continues to perpetuate the inequality between the religious and the secular youth. The former is exempt from military enlistment while the latter is compelled by law to do so.

To arrive at their conclusion, the justices went through the data thrown up by the draft mechanism. Subsequent analysis revealed the rate of military enlistment by yeshiva or religious students were reduced when the legal framework to sidestep military duty was in force. The justices observed there was hardly any enlistment of the Haredi yeshiva students.

This Israeli Supreme Court judgment was a big blow to the already fragile governing coalition under the leadership of Benjamin Netanyahu, the Israeli Prime Minister. The question of pushing ultra-Orthodox young men studying in the many religious seminaries dotting the city has troubled the small but highly militarized country for many years now. Majority of the Israeli population are not happy with this arrangement, their children are compelled to enroll in the military draft when they reach 18 years of age. Their college education gets delayed by about three years.

In an indication of the stormy welcome Netanyahu will face when he returns to Israel from his foreign tour, two senior Netanyahu Cabinet members reacted with vastly different actions on the news of the ruling. Aryeh Deri, of Shas party, an ultra-Orthodox political entity, and who is also the country's Interior Minister, said that he had the agreement of the prime minister to present a strict law to bypass the rulings made by the Supreme Court. In contrast, Avigdor Lieberman, the Defense Minister, said that he has made the plan to propose a brand-new law which will impose compulsory military service on not only ultra-Orthodox Jews but also among the Arab citizens. Lieberman belongs to the right wing but secular Jewish Home Party.

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## **Israel's controversial conversion bill, explained**

***Israeli politicians and Jewish leaders are fighting again over an age-old question: Who counts as a Jew? And who gets to decide?***

By Ben Sales

World-Wide Religious News (29.06.2017) - <http://bit.ly/2sYbGsW> - This week, Israel's government inflamed simmering tensions over Jewish conversion when a Cabinet committee advanced a bill that would further empower the country's ultra-Orthodox Chief Rabbinate. The measure declares that the rabbinate is the only body authorized by the government to perform conversions in Israel.

Defenders of the bill say it consolidates the conversion system in Israel and safeguards its integrity. But the bill has enraged non-Orthodox Israelis and American Jews who see it as a betrayal of Jewish pluralism.

While the bill does not apply to conversions performed outside of Israel, Jewish leaders fear it will impugn the validity of Reform and Conservative Judaism worldwide.

Here's what you need to know about the controversial legislation.

***The bill gives the Chief Rabbinate authority over all official conversions in Israel.***

The aim of the bill is to "establish that conversion performed in Israel will be recognized by law only if it is done through the state conversion system," which is run by the Chief Rabbinate.

In other words, for those who convert to Judaism in Israel, the state will recognize them as Jewish only if they convert through the rabbinate. Any other Jewish conversion performed within Israel, even under private Orthodox auspices, would not be valid in the eyes of the state. But the bill clarifies that private conversions of any denomination would not be outlawed — just unrecognized.

The rabbinate already determines who is Jewish for the purposes of marriage and divorce within Israel. Under the bill, if a non-Jewish resident of Israel wanted to convert to Judaism and gain citizenship under the Law of Return, the rabbinate would also control that process.

The goal is to consolidate Israel's conversion system under an authority that everyone considers valid.

"Conversion in Israel will be a state-run, uniform conversion, according to Torah law, that will be recognized by all of the Jewish people," the bill states.

### ***The bill would prevent Israel from recognizing non-Orthodox conversions.***

Until last year, the rabbinate controlled all official conversion in Israel. But in March 2016, the Israeli Supreme Court ruled that the state must recognize conversions performed by private Orthodox courts outside the rabbinate's purview.

Religious pluralism advocates celebrated the ruling as a victory because it broke the monopoly of the Chief Rabbinate. Liberal Jewish leaders argued that the next step would be for the court to force recognition of private non-Orthodox conversions in Israel, and a petition before the court asks it to do just that.

The proposed legislation would turn back the clock 15 months, taking away recognition from the private Orthodox courts, and also block any possibility of the state recognizing non-Orthodox conversions performed within Israel.

"They understand that the Supreme Court will grant us what we justly deserve," said Yizhar Hess, CEO of the Israeli Conservative movement. "This law aims to block the Supreme Court. This strengthens the haredi Chief Rabbinate and will anchor it in a way it isn't anchored today."

Some government officials have said the bill would prevent African asylum seekers in Israel from getting a Reform conversion and subsequently obtaining citizenship. But there is no discernible movement among asylum seekers to pursue Jewish conversion.

### ***The bill would not affect conversions performed outside of Israel ...***

Backers of the bill appear to understand that they cannot risk invalidating Reform and Conservative conversions performed abroad. The measure stresses multiple times that it only applies to conversions performed in Israel, not to any performed outside its borders.

So even if the bill passes, Diaspora Jews who converted through the Reform and Conservative movements can still gain automatic Israeli citizenship under the Law of Return.

"American Reform and Conservative Jews, including Reform and Conservative converts, are considered Jews under the Law of Return," a senior Israeli official told JTA on Monday. "The proposed conversion law will not change that in any way."

### ***... but Jewish leaders are still raising hell over it.***

If American Jewish leaders are angry about the crisis over the Western Wall, they are apoplectic about this bill. They acknowledge that it does not affect Diaspora conversions. But Jerry Silverman, CEO of the Jewish Federations of North America, warned of a domino effect that could lead the rabbinate one day to extend its reach across the ocean.

"The biggest challenge for the North American Jewish community is codifying the rabbinate as the sole owners of conversion in Israel," Silverman told JTA on Wednesday. "We think that it will be a domino effect, and it opens the door to give them more decision capability well beyond Israel."

Silverman has spent the past few days lobbying Knesset members against the bill, and some local American Jewish leaders have made threats in the wake of Sunday's committee vote. Steven Nasatir, president of Chicago's federation, told The Times of Israel that any lawmaker who votes for the bill "will not be welcome in our community."

"This would set back the current reality and make all matters of conversion subject to the furthest right of the ultra-Orthodox world," Rabbi Rick Jacobs, president of the Union for Reform Judaism, told JTA. "It would begin the slow erosion of the Law of Return and affect the validity of conversion throughout the Jewish world."

### ***This is the latest battle in a decades-long war.***

American Jews and haredi Orthodox Israeli politicians have been fighting over this issue for at least three decades; this is just the latest round.

In 1987, a Reform Jewish convert sought citizenship under the Law of Return, and the Israeli Supreme Court allowed it despite haredi protest. Ten years later, a government commission was appointed to come up with a solution to the conversion debate, which had been exacerbated by the mass arrival of Soviet immigrants who had Jewish ancestry but were not necessarily Jewish. The commission recommended a pluralist conversion school that would lead to an actual conversion ceremony performed by the rabbinate.

In 2010, a bill was introduced that would allow a range of local Orthodox rabbis in Israel to perform conversions, but would make the rabbinate the sole authority over all conversions performed in Israel. Amid a massive outcry from Diaspora Jewish leaders, the bill was shelved.

In 2014, the government voted in a Cabinet decision to let those local Orthodox rabbis perform state-recognized conversions — but not under the authority of the rabbinate. After joining the governing coalition the following year, haredi parties succeeded in getting the decision repealed.

Then, a year later, the Supreme Court issued its ruling on private Orthodox conversions. And here we are.

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## **'Muting mosque' bill derided as an attack on religious freedom**

***The bills -- the second of which would ban loudspeakers in urban areas between 11:00 pm and 7:00 am -- will eventually have to be reconciled, with three more readings required before they can become law.***

AFP (09.03.2017) - <http://bit.ly/2m1XsQV> - They were approved after a heated discussion that turned into shouting matches between ruling coalition members and Arab lawmakers, some of whom tore copies of the legislation and were ejected from the chamber.

The bills passed 55-48 and 55-47 in the Knesset, or parliament.

While the bills in theory would apply to any religious place of worship, Muslims say it is clearly meant to silence the traditional call to prayer at mosques.

The measure has become commonly known as the "muezzin law" after the Muslim official charged with calling the faithful to prayer, often through powerful speakers mounted on minarets.

The notion of Israeli legislation silencing mosques has sparked outrage around the Arab and wider Muslim world.

Supporters of the move say it is needed to prevent daily disturbance to the lives of hundreds of thousands of non-Muslim Israelis.

Last month, government ministers endorsed the softer version of the bill prohibiting loudspeakers overnight, which limits its scope to the first of the five daily Muslim calls to prayer just before dawn.

That version would apply to mosques in annexed east Jerusalem as well as Israel, but not to the highly sensitive Al-Aqsa mosque compound, Islam's third holiest site, according to an Israeli official.

### **'A racist act'**

An earlier draft limiting volumes throughout the day had been rejected because it might have silenced the siren sounded in Jewish areas at sunset on Friday to mark the start of the Sabbath.

However, the stricter measure was revived by members of the hardline Yisrael Beitenu party, part of Prime Minister Benjamin Netanyahu's coalition, leading to Wednesday's two votes.

It was not immediately clear if that version would apply to Al-Aqsa, located in mainly Palestinian east Jerusalem.

One of the sponsors of the less rigid bill, Motti Yogev of the far-right Jewish Home, said the proposal was "a social law that aims to enable people to sleep".

"Loudspeakers have not been here forever, and in recent decades there are alarm clocks for whoever wants to wake up for the mosque," he said.

Ahmad Tibi of the predominantly Arab Joint List alliance of lawmakers called the measure "a racist act".

"This is an important Muslim religious ceremony, and (the Knesset) has never intervened in a Jewish religious event," he said.

Opposition has not only come from Arabs and Muslims.

Israeli President Reuven Rivlin has spoken out against the move, saying existing noise pollution regulations provide a solution.

Government watchdog groups have called the measure an unnecessary provocation that threatens freedom of religion.

At Wednesday's debate, Environmental Protection Minister Zeev Elkin said the new law was necessary since the existing rules set a low fine that causes police to disregard noise violations.

The new proposed law sets a fine of 10,000 shekels (\$2,714, 2,573 euros) to transgressors.

In Jordan, the official custodian of Muslim holy sites in annexed east Jerusalem, Information Minister Mohamed Momani condemned the bills as "discriminatory".

They were contrary to "Israeli commitments under the peace accord" that the Jewish state signed with Jordan in 1994, he said, quoted by the official news agency Petra.

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## **Jehovah's Witnesses: military service, social hostility and state recognition**

***Yad Vashem has designated nineteen Jehovah's Witnesses Righteous Among the Nations, an honorific used by the State of Israel to describe non-Jews who***

***risked their lives during the Holocaust to save Jews from extermination by the Nazis.***

HRWF (16.01.2017) - There are approximately 1,600 Jehovah's Witnesses in Israel and 300 more in the areas of the Palestinian Authority. They obey the laws of the country, pay their taxes and believe that they are upstanding citizens, but refuse to fulfill one national obligation: to perform military service.

***Military service***

Young Jehovah's Witnesses are permitted to submit a formal letter to the army declaring that they are members of the community who have been baptized, whereupon they receive an exemption from service – a process that is repeated every year until they reach the age 30, when they are officially discharged from military service. They thus undergo a process similar to those of Orthodox youths studying in yeshivas, though in the case of the Witnesses it is regulated by the military draft law, the last version of which was approved in 2015.

"Jehovah's Witnesses are exempt from service since they belong to a special community, and must be presented with a proper alternative due to their way of life," according to the Israel Defense Forces Spokesman's Office. "The exemption is not part of an agreement [with the IDF per se], but is anchored in laws regarding the security services."

**On 3<sup>rd</sup> December 2016, Haaretz published an article written by Netta Ahituv and entitled "A rare glimpse into the insular world of Israeli Jehovah's Witnesses" ([See full article here](#)):**

***Social hostility***

Motti Danziger, 43, a former Jew who became a member of the community as a teenager, says that recently an ultra-Orthodox man followed him into the apartment building where he lives with his wife, who is also a member of Jehovah's Witnesses. The next morning, all the building's occupants found in their mailboxes a letter warning that, despite Danziger's affable exterior, he is a dangerous person who will try to convert them.

Danziger also encountered harassment during his missionary activity. In the town of Nes Tziona, south of Tel Aviv, he knocked on the door of an apartment and was invited in by the woman of the house. But when her husband arrived, he locked the door and threatened Danziger and his associate. After words were exchanged, and Danziger tried to call the police, the man agreed to let them go – on condition that they leave all their written material with him.

In several large assemblies of Jehovah's Witnesses from different cities, participants were met with violent demonstrations. The latest such incident occurred this past June, when adherents who attended an assembly in Rishon Letzion endured attacks that included stone-throwing and physical assaults, apparently organized by the ultra-right Lehava organization (the name is an acronym, meaning "flame") for Prevention of Assimilation in the Holy Land.

A similar event occurred a year earlier, in Ra'anana, which also involved a legal saga. On the morning of the assembly, the municipality announced that it was canceling the event, "for fear of offense to the public's sensibilities," after discovering that a public hall had been rented by Jehovah's Witnesses. The issue reached the Supreme Court (after the municipality appealed a decision of the District Court that ordered that the gathering could take place), which ruled that

the city cannot cancel a gathering on the grounds of religion, as this would infringe on freedom of religion and worship. When it became clear that the assembly would proceed as planned, the city's rabbi, Yitzhak Peretz, organized a demonstration outside the venue. About 1,000 people showed up and tried to break in. Two demonstrators were detained by the police and released shortly afterward.

### **Unrecognized community**

The primary confrontation Jehovah's Witnesses have in Israel is with the state, says Haaretz.

Recognition would accord them various rights, such as being able to marry according to their faith, as well as social, legal and cultural legitimacy, and certain tax benefits.

In August 2000, lawyers for Jehovah's Witnesses sought recognition for them as a formal religious community in Israel via the cabinet secretary, the attorney general and the Prime Minister's Office. Fully three years later, the attorney general's office replied that the decision was up to the government, as the community itself had noted in its request. Following another letter, they were told that only a cabinet minister could place the subject on the agenda, and therefore the attorney general was referring the matter to the interior, justice and religious affairs ministers. Seven years after that, the cabinet secretary informed Jehovah's Witnesses that no progress had been made.

In 2014, another request for recognition was conveyed to the cabinet secretary. A year went by without a reply. A month after the community sent a reminder, the legal adviser to the Prime Minister's Office informed Jehovah's Witnesses that she was rejecting their request. "There are many different groups in Israel that wish to be recognized as a religious community. Accordingly, in the past 40 years, given the broad implications entailed in recognizing new religious communities, the government has not seen fit to change the existing situation," the legal adviser wrote.

The "existing situation" is that the state recognizes only the following religious communities (in addition to Jews): Muslims, Christians, Druze, Circassians, Bedouin, Samaritans, Ahmadis and Bahais. (By comparison, Britain recognizes about 30 religious communities.) Jehovah's Witnesses now believe that, all other possibilities having been tried, the only remaining alternative is the High Court of Justice. A petition to the court to that effect is now being drawn up by attorney Yael Nagar from the law firm of Eliad Shraga & Co.

Concurrently, Jehovah's Witnesses are seeking recognition as a public institution from the Tax Authority as a nonprofit organization engaged in religious activity. This process, which is being spearheaded by attorney Amit Moshe Cohen from the law firm of Doron Tikotzky Kantor Gutman Cederbaum, has been ongoing for three years. During that time, representatives of the Israel Tax Authority, after visiting the Jehovah's Witnesses offices in Tel Aviv and being persuaded that the required criteria were met, transmitted the request to the Knesset's Finance Committee. In a meeting held last March, the committee's chairman, MK Moshe Gafni (United Torah Judaism), announced that he was referring the request to the attorney general because the issue is a matter of "deep public controversy."

No response was received from the Prime Minister's Office, which is responsible for the attorney general's office, by press time.

Jehovah's Witnesses hope that Haaretz article – the first to enter into the community's usually closed doors since their activity got underway in 1913, in Palestine and Israel – will help reduce social hostility.

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