

Facts & Figures about the Proposed

IDF CONSCRIPTION LAW

An English Version of YAARIMU CHOK

UPDATED & WITH GRAPHS

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Translated in Conjunction with UKforTorah

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NOTE BY TRANSLATOR:

In this booklet, although the terms used are "bnei yeshiva" or "bochurim", we refer to any frum male who is of conscription age, including those with that status **who are already married with children**. Similarly, the term "yeshiva" in the law refer also to kollelim.

Introduction:

As is known, the Torah community in Eretz Yisroel has been dragged against its will into a complex legal situation, in which all Bnei Yeshiva are legally obligated to conscript. Because, Boruch HaShem, this has not happened, they are legally defined as deserters who are liable to various sanctions, and even the fear of attempted arrest – which at this stage is still rare.

At this stage, the sanctions are the denial of budgets from the yeshiva, the denial of subsidies in childcare services, and possibly later the cancellation of the discount on national insurance payments for bochurim, as well as the prohibition on leaving the country.

Of course, this situation makes it difficult for the Torah community and without doubt it is necessary to legalize the status of yeshiva students. As part of the efforts to find an arrangement, an outline by the chairman of the Foreign Affairs and Security Committee, Knesset Member Boaz Bismot, has been presented. Although it is clear that the law he is proposing is not friendly to the world of Torah, the debate is whether it is the lesser of the two evils. In the following essay, we seek to provide a

summary of the law and also discuss its implications, and then compare the situation after the law with the current situation without the law.

It is important to note that, as is well-known and as will be detailed below, the proposed law has particularly high goals in the early years. It is clear that if the goals are actually met (reaching 50% a year in just five years!) this will cause terrible destruction and bring about a complete change in the face of the Torah community.

However, there are those who support the law not because they want to see these terrible scenarios actualized, but in order to gain time, out of the hope that later there will be a possibility of a more favorable arrangement. It is important to understand the implications of supporting the law, and this is what the following points are for. (There are also those who think that even if the goals of the law are met chas v'Sholom, it would still be better to save 50% rather than face complete destruction. We will address that argument as well.)

I

Summary of the Law

Granting a deferment to yeshiva members - The Minister of Defense may defer service to a yeshiva member who meets the conditions of the law, **taking into account the security needs of the State of Israel** (Article #26:4).

The conditions for deferment are: a yeshiva student who (1) studies at least 45 hours a week for bochurim (to keep that in perspective, that means 8 hours a day and 5 hours over Friday-Shabbos), and 40 hours a week for avreichim, (2) who is not engaged in any other occupation whatsoever, (3) and has submitted an affidavit signed by an authorized signatory from a yeshiva recognized by the Ministry of Defense. The law also states that the yeshiva vacation days **will be determined by the Minister of Defense** (Article #26:5)

Immediate sanctions on all yeshiva members – a ben yeshiva will be prohibited from obtaining a driver's license, from leaving the country, and will be deprived of credit points. These sanctions apply immediately upon the law's entry into force, **to all yeshiva members (including those who receive a deferral) and regardless of meeting the goals** (Article #26:16:1)

Recruitment targets – The law sets annual recruitment targets that gradually increase. In the first year **4,800** (although the committee's attorney general currently is demanding an increase to 5,700), and then **5,760**, then **6,840**, then **7,920**, and then in the fifth year **50 percent of the total number of yeshiva students**, while in the sixth year

the law states that the Minister of Defense will determine the number according to various factors but in any case not less than 50 percent. Civilian security service will be included in the targets, but only up to 10 percent of the target, meaning that 90 percent of the target will be in regular military service. (Article 26:13)

Sanctions in the event of failure to meet targets – the law states that if the targets are not met, after the first year 100% of the budget for all yeshiva students will be cancelled, regardless of whether they have an exemption (as opposed to in the current situation, where budgets are denied only for those actually obligated in conscription). In addition the following sanctions will be imposed on all bnei yeshivos: denial of subsidized childcare, denial of eligibility to purchase an apartment under governmental, cancellation of the discount on National Insurance payments, and cancellation of discounts on public transportation (which for many areas is 50%). In the second and third years even more sanctions will be imposed including the cancellation of the exemption from purchase tax on a first apartment and more. (The cancellation of the exemption from purchase is more serious than it sounds, because it will mean that every Chareidi young couple buying their first apartment will end up paying 100,000 shekel more than anyone else buying that same property. Because a very high percentage of apartments being bought are by first-time buyers, that means that the overall spending power of the Chareidi community will drop drastically.) (Article #26:16:2-3-4)

Audit and Enforcement – The law states that the Minister of Defense is obligated to appoint inspectors (as opposed to previous laws in which it was merely "authorized" to appoint inspectors) according to a specific ratio, so that for each number of bnei yeshiva there will be an inspector, with the inspector being obligated to conduct an audit every three months (Amendment to Article #49:1-8)

Enforcement – In a step unprecedented in any previous law, the law establishes severe sanctions for the Rosh Yeshiva (or any other authorized representative of the yeshiva) who signs a postponement that is found to be invalid. For every student found by the inspector who does not meet the conditions of the deferral (for example, who signed a deferral for a bochur who does not actually study 45 hours a week), the yeshiva head will be personally fined 1,500 shekel. And if the Director General of the Ministry of Defense has "reasonable grounds to assume" that 5 percent of the yeshiva's students did not meet the conditions for the deferral there is an **additional fine of 20,000 shekel** (with an additional fine of the same amount for each repeated offense), as well as being criminal offense punishable by up to 5 years in prison. For the student himself who is found not to meet the conditions of the deferral (such as being absent during the inspection or not studying 45 hours a week, as above), a

warning will be sent to the yeshiva head, and the second time he is found to have done the deferral will be revoked (Article #26:20)

Validity of the law – The law is valid for 6 years, with the possibility of extending it provided that the recruitment goals have been met for 4 out of 6 years. But after even only 3 years of not meeting the goals, the law stipulates that discussions will be held regarding legislative changes, etc., in order to achieve compliance with the goals.

Interfering with Roshei Yeshiva, and invalidating a yeshiva from the arrangement – According to the law, a yeshiva is prohibited from withholding information about the options for a military career from the bochurim. The penalty for this is determined by the revocation of Section 46 from the yeshiva (i.e. it will no longer be recognized as a charitable institution.) But more serious is the section that states that a Rosh Yeshiva who orders his bochurim not to report for registration and tests (*hityatzvut*, a yearly process in the Draft Office before receiving an deferral) **will have his yeshiva rendered ineligible to issue a deferral**. That means that if a bochur was denied a deferral for any reason and has received an order to report for conscription procedures (a "First Summons"), the Rosh Yeshiva cannot tell him not to report, and if he does then all the yeshiva members will find themselves without a deferral! (Article #26:3)

Legalizing the status of those who have not filed in the past year – the law states that those who have not filed in the past year will not be subject to legal proceedings **provided that they have met the other conditions for receiving a deferral**. That includes that they have not engaged in any registered occupation. So any yeshiva bochur or avreich who had a legal pay slip in his name over the last year, for whatever reason, will have no possibility for an exemption.

A few more insights from the law: The law also stipulates that the status of a woman in the military will not be affected by the fact that Chareidim serve as well, meaning that any attempt to make frameworks for frum boys without mixing with female soldiers will be almost impossible legally, at least long-term. (Article #26:21). Another clause is that special "chareidi" pre-military schools (for youths before military service) will be established (Article 26:25)

Mandatory reporting to the Foreign Affairs and Security Committee – The law requires reporting to the Committee every 3 months regarding the implementation of all the conditions of the law: the number of inspectors appointed, the number of inspections that took place, and the number of warnings given to yeshivos that did not meet the conditions. In this way, the law ensures close supervision of the inspections, preventing any unofficial use of "connections" to avoid being reported. (Article 26:28)

To summarize: the pros versus cons of the proposed law

Does the law solve the problems in the current situation?

As is obvious, if chas v'Sholom the targets are met, this will entail destruction of the Torah community of a scale never seen before. Assuming that be'ezras HaShem the targets will *not* be met, then immediately after the first year in which the targets are not met, the denial of **budgets to yeshivos returns**. Similarly with regard to **all the personal sanctions** which exist already. And the **current prohibition on leaving the country will not be lifted even if the targets *are* met**. The **ineligibility for subsidized childcare** is restored immediately after the first year in which the targets are not met.

The only seemingly beneficial result of the law is regarding those who will receive a **legal deferral**. Although the fear of arrest for most bochurim is remote, there are still many who are afraid, especially those who are not living in heavily chareidi centers. Living with constant fear without an end in sight is extremely unpleasant. With the passage of the conscription law, those who do receive an exemption will be free of this fear. But besides for the question of how right it is to agree to such a law in return for this benefit, we have to examine whether the law really guarantees a deferral for all yeshiva students.

We will present here two points which illustrate the illusion of the law "helping with deferrals".

1. **Many bochurim will find themselves without a deferment** - in light of the drastic tightening of inspections and enforcement, the threats of sanctions and even prison sentences for Roshei Yeshiva who dare to sign on an exemption that is not true, there will be many bochurim who will find themselves without a yeshiva that will agree to sign a deferment for them, especially when it comes to bochurim who are struggling, or are going through a phase of temporary weakness, as well as those who happen to fail the frequent inspections.

2. **Even bochurim who are sure they will meet all the conditions cannot rely on the law** – since the law states that the deferral will be granted "**taking into account the security needs of the State of Israel**". This may seem like a technicality (and that is how it actually was in the past), but today, after the IDF Human Resources Division declare that they need chareidim in the army because they have a manpower shortage of about 12,000 soldiers (regardless of how true that claim is), it is difficult to see how it would be possible under the law to approve a deferral for yeshiva bochurim, certainly

not when there is the Attorney General and the High Court of Justice in the background, who will always enforce the most anti-chareidi interpretation of the law.

A change for the worse from today's situation

The threat of arrests will be greater - since there will be many bochurim who will be deprived of an exemption, those bochurim will be under a much greater threat of arrest than the threat that exists today for all bnei yeshiva, because the army will focus specifically on them. This is especially true considering that these will usually be bochurim from weaker backgrounds, who will now be targeted without the "safety in numbers". As it is, *all* the arrests over conscription so far have been on more vulnerable targets.

The danger of succumbing to the threat. Without doubt, the biggest fear is that many bochurim will break down and go into the army, after finding themselves suddenly in danger of arrest, and without the public support that exists today. Many will feel rejected and betrayed by the yeshiva system after being denied an exemption in favor of more "well-connected" families.

Extreme sanctions on bochurim – the sanctions will be felt deeply by each bochur, and will solidify a public perception of bochurim as second-class citizens without the basic legal and civil rights that even actual criminals are entitled to.

All this is in addition to other unprecedented clauses in the law – direct interference into the internal affairs of every yeshiva, direct threats to the integrity of every Rosh Yeshiva with fines and prison sentences, and constant reports to the Knesset on the progress of implementation, none of which were ever included in any previous law.

Thus, we can conclude that although now there have been numerous bochurim arrested, there will several times that number arrested in the event that the law goes into effect, and – much worse – there will be several times that number of bochurim who will simply break under pressure and enlist. Enabling the law would effectively be pushing these precious neshamos towards shmad in the IDF – alongside all the far-reaching economic and social repercussions for the entire Torah community in Eretz Yisroel.

II

The Implications of the Law

Setting a minimum threshold - It is important to understand that if the "chareidi" political parties support this law, it will be the first time ever that they have agreed to substantial recruitment targets of a scale never seen before, leading up to 50% of the total population within five years and open to even more afterwards. Even the infamous law proposed by Yair Lapid (with Benny Ganz) in 2002 (which all the chareidi parties opposed strongly) did not come anywhere close to these numbers!

Obviously, if the chareidi parties give their consent – even if only in principle – to these numbers, from now on the High Court and the other parties will never agree to offer anything with a lower target, *even if the law ultimately does not pass, or even if it passes and then is invalidated by the High Court, or even if it does pass and then the targets are not met.*

The minimum threshold has already been set without the possibility of going below it, and it will be the *starting point* for all future negotiations.

A blow to the morale of the bochurim. Beyond the statement made to the other side that we are prepared to go so far, there is also a dangerous statement made *inwardly*, since even if the intention was simply to gain time and even if the plan was from the beginning to never meet the target of conscripts, the reality is that the formal agreement and support for the law is interpreted by many as a **clear statement that a bochur who is not in yeshiva, or is not being successful in yeshiva, should enlist.**

There is no way of agreeing to a law of 50% without the implicit statement that 50% of bochurim belong in the army. Even if (theoretically) the chareidi politicians would not be looking to make that statement, the undeniable reality is that all the various media outlets, including the pseudo-chareidi ones, all interpret it that way and that is the way it will be understood by many bochurim themselves.

What makes it much worse is that many chareidi politicians and spokesmen openly do express that statement (such as MK Yaakov Margi of Shas, who said to the media that that they are "promoting a law that will lead to the conscription of 50 percent of the population", or similar statements from Shas spokesman Asher Medina, or of Pindrus and others). Of course, it is most of all the weaker bochurim who are exposed to the media and will be influenced by this message, and so ironically, while the politicians claim that the law is most of all to help the most vulnerable bochurim, the

truth is that specifically they will be the ones who will be in danger of falling for this new legitimacy given by the political establishment to conscription.

It's also obvious that the countless "chareidi" recruiters and IDF headhunters who already work full-time to snag bochurim will use the "chareidi-approved law" for their advantage. The gravity of this issue cannot be overstated, especially when it comes to bochurim undergoing a vulnerable phase, who are already struggling to stay strong, and will be suffering even more when even stronger sanctions are imposed due to the law.

When the IDF headhunters can present them with the supposed "rabbinical consent" for 50% conscription, the damage this could cause would be unbelievably horrific. And already now – just from hearing of the approval of the chareidi parties in the name of their rabbonim to proceed with the law *even without getting close to passing it* – Roshei Yeshiva and educational professional *already* are warning of irreversible damage to their bochurim, who are beginning to waver after hearing that essentially there is a "green light" given to 50% conscription. Even if nothing comes of the law (which is likely), this damage will already be done.

What's ironic is that without this law – which is being touted as something to save the yeshivos – there would be no concept of special penalties on yeshiva bochurim. As with every democratic state, the State of Israel does not really have a legal way of imposing "collective punishment" and discriminating between two people committing the same crime. Essentially, chareidim who are "draft evaders" should be treated exactly the same as secular evaders. But according to the proposed law, if the targets are not met (and to an extent, even if they *would* be met) *all bochurim will suffer collectively* with harsh personal penalties.

In other words, there is (1) collective punishment, penalizing every individual chareidi for the "failure" of his fellow chareidim to meet the law's targets, and (2) open discrimination between the secular draft evaders and the chareidi evaders, effectively making their "crime" much more serious than a non-chareidi doing exactly the same thing.

This frightening new step of agreeing to blatant discrimination will inevitably lead to even worse developments. Once the chareidi parties have agreed to the fundamental concept of defining chareidim as a separate group who can be treated worse than everyone else, there is no chance that the anti-chareidi authorities will not use that to their advantage, and indeed this in the process of happening.

The tightening of inspections – although the concept of governmental inspections is not new, it was never more than a formality. Under the proposed law, inspections *must* take place every three months, four times a year! If two times the yeshiva was found to have 20% of the bochurim missing, **the entire yeshiva will be invalidated**. Remember, the yeshiva cannot decide by itself on a vacation day if the Ministry of Defense do not agree. So they could send an inspection on the day after Purim, on the last day of Zman, on Lag B'omer (when many bochurim go to Meron), or any other time when they know that there is a good chance of catching the yeshiva without full capacity. And if the yeshiva becomes invalidated, every bochur will have to instantaneously find another yeshiva or be drafted. Any bochur who simply can't find a yeshiva to accept him in time will lose his exemption, but of course, the yeshivos will be very wary of accepting anyone if there is a chance that he might make their own situation worse.

Even worse is the clause in the law regarding a bochur who is absent – if a bochur does not meet the conditions, a warning will be sent to the Rosh Yeshiva, and if this continues, his deferral will be revoked. Try to imagine a bochur who happens to be absent twice during an inspection, as could happen even in the best of yeshivos... Suddenly he finds himself under risk of arrest, *without* any public support.

The proposed law also is designed to intimidate Roshei Yeshiva so that they will not agree to sign an affidavit for deferment for those who are not 'really' studying. The law stipulates a fine of 1,500 shekel, to be imposed on the yeshiva head (or other authorized signatory on behalf of the yeshiva) for each bochur he has signed for and is found not to meet the rules. In addition, the law stipulates that if the Director General of the Ministry of Defense has "reasonable grounds to assume" that 5 percent of the yeshiva's students did not meet the conditions for deferment against the yeshiva head's declaration, an **additional** fine of **20,000 shekel** will be imposed, in addition to denying his right to sign deferments in the future **and in addition to the criminal offense** (which carries a penalty of up to 5 years in prison). In other words, five bochurim from a yeshiva of 100 students who the inspector has "reasonable grounds" to assume that they are not learning eight hours a day are enough to impose fines and personal liabilities on the Rosh Yeshiva.

What will a Rosh Yeshiva do when he sees that some bochurim are endangering his yeshiva and himself personally? Will he be able to stand firm? Or will he feel that he has no choice but to tell them that they will not get their deferment? And what will those bochurim feel? Will they then have the strength to face the threat of arrest and jail time alone? Would it not be so much better for them without this law,

when they stand together with the entire community and are not pushed out to stand alone against the forces of the law?

To conclude – there is no question that those who are promoting the law see it as a means of causing mass enlistment to the IDF, and they invested vast amounts of effort into making a well-crafted sinister system which could indeed – chas v'Sholom – accomplish that goal.

III

Summary and comparison to the current situation

As we discussed at the beginning, without question the current situation is not desirable at all. The lack of money for yeshivos, the threat of arrest, and the block on leaving the country, are all major problems. But let's consider a few important points:

There is a good chance that the persecution will end:

The situation in the country today is greatly affected by several factors all of which could change. One of them is the war, which raised tensions over the draft issue, but that is now over. Another is the struggle over reforming the judicial system, which led to the leftists in general and the High Court in particular declaring all-out war on the chareidim. But it's very possible that this will change. For example, if the leftists take part in government in one way or another, they will have an interest in calming down the situation. In fact, in the Bennett-Lapid leftist government, a much less severe law was approved (on first reading), without any comparison to the law proposed today. (And even *that* the chareidi parties opposed so strongly, simply because it had targets of conscription, unlike the law passed in 2016 where there were no goals with numbers in the law at all...)

The truth is that in general it is harmful and undesirable for a democratic state to have a large community in it defined as lawbreakers, even if they don't actually protest. Here, where tens of thousands of people are openly declaring that they do not recognize the law when it comes to the draft, the government doesn't really have a way of dealing with it, and there's no question that over time they would look for a way out of the whole mess.

Even right now we see that the authorities are already showing signs of breaking down. The civilian police openly say that they do not arrest deserters because of the public protests (the recent arrests were from the military police), and so clearly

there is a limit on how much effort they are prepared to invest in this and how much headache they will endure.

But all of this is on the condition that the Torah community continues its firm stance and makes it clear that there is no chance of conscription for even one single yeshiva bochur. Charedi agreement to submit the conscription law would send a message that there's what to talk about, and there can be even be in principal an agreement to give up 50 percent of the yeshiva world!

And so there is no reason for the state and the High Court to stop demanding the conscription of yeshiva students, with 50 percent serving as merely the opening conditions of the negotiations, in addition to even worse and more comprehensive sanctions. And all this when, as mentioned above, the law is most likely *not* to pass, or the High Court will strike it down; in which case we will be left without any exemptions, but with all the sanctions and all the damage done to the public morale.

May HaShem protect us from all those who plot against us, and send us the Geulah Sheleima speedily in our days!

UPDATES

On Thursday 6 Kislev the updated draft of the Conscription Law was released. Despite repeated assurances from political representatives that the Law would be modified and all the worst elements removed, this was not the case. Here are the most significant changes:

The only substantial (so-called) **improvement** was the removal of the wording which made the entire system of deferrals conditional on "the security needs of the State of Israel". Without removing this condition, it would have been almost impossible for any deferrals to have ever been granted, as there is (officially) a shortage of manpower in the IDF. Now that the wording has been changed, the Law can function and provide limited deferrals in exchange for substantial percentages of conscription.

Another change which could theoretically be considered an improvement was that the vacation days for yeshivos was worded "as is customary for yeshivos", so as to give the impression that nothing will be changed in this regard. However, this does not appear to have any actual meaning, as the essential clause remains – the Ministry of Defense is the one with the authority to decide on the legitimacy of any vacation days

from yeshiva. If they deem it suitable they can allow the yeshivos to continue their present schedule, and if not they can require attendance on days which usually yeshiva bochurim and avreichim do not usually come, and then send inspectors on those days to invalidate the deferral of any missing person.

Another minor improvement was that although the yeshivos may not withhold information from their students with regard to possible tracks in the IDF, if they do so they will not lose their legal status as a charitable institution.

Another point is that it appears that it will be easier for those who already declared "evaders" over the last year to be eligible now for a deferral even if there is a registered pay slip in their name.

One supposed improvement is that instead of writing that the Ministry of Defense is **obligated** to appoint inspectors to visit yeshivos every three months (as opposed to previous laws which included only that it is **permitted** to appoint inspectors), the new text of the Law is that the Ministry "**will authorize inspectors**". However, it is likely that this is a deliberate deception to make an impression that these draconian inspections might not necessarily happen, while in truth the simple reading of the text remains that the Law instructs the Ministry to appoint inspectors, meaning that it is not actually voluntary.

On the other hand, several clauses in the law became even worse. Most notably, the numbers in the target for the first year is reckoned as if half the year has already passed. According to this, in one and a half years there already has to be 8,140 chareidi conscripts, chas v'Sholom.

All the rest of the clauses – including the sanctions of the yeshivos and on the bochurim themselves, the threat of arrest to roshei yeshiva who do not cooperate and so on – remain. The denial of budgets to yeshivos actually is somewhat even worse.

Overall, the Law remains as it was meant to be – a calculated system to tempt, threaten and manipulate chareidi conscription.

	The legal requirement over the last 78 years since the founding of the State until now	The legal requirement according to the new proposed Conscription Law	Total
Minimum number of draftees in the FIRST year	0	8,160	8,160
Minimum number of draftees in the SECOND year	0	6,840	15,000
Minimum number of draftees in the THIRD year	0	7,920	22,920
Minimum number of draftees in the FOURTH year	0	8,500	31,420
Minimum number of draftees in the FIFTH year and on	0	50%	!!!

אבינו מלכינו הפר עצת אויבנו...

Discriminatory Policies against ALL BNEI YESHIVA

regardless of if granted a deferral or exemption

	Right now, before any Conscription Law	according to the proposed Conscription Law <i>before</i> failure to meet conscription targets	according to the proposed Conscription Law <i>after</i> failure to meet conscription targets
Inability to Leave the Country (without special permission from "Exceptions Committee")	Already in effect	Remains in effect	
Inability to make a driver's license	Not in effect	Will be put in effect	
Prohibition to engage in any form of paid work (even bein hazmanim etc)	Technically in effect but not relevant	Will be relevant, with constant inspections. Anyone found to have broken this rule will be disqualified from any deferral or exemption.	
Inability to earn any academic status (lawyer, etc), or to get any government-funded scholarship	Not in effect	Will be put into effect, meaning that even years after leaving yeshiva a ben yeshiva will be unable to enter any field which requires an academic title	
Disqualification from receiving "credit points" on Income Tax	Not in effect	Will be put into effect, meaning that one who was once a ben yeshiva was always pay more income tax.	
Disqualification from a discount in government-sponsored childcare	Partially in effect	Will be removed	Will return for every ben yeshiva, even if the mother is eligible
Disqualification from government subsidies in housing	Not in effect	Not in effect	Will be put into effect, meaning bnei yeshiva will often end up paying much more for housing
Disqualification from discount in purchase tax	Not in effect	Not in effect	Will be put into effect, even for bnei yeshiva who would otherwise be eligible for a discount due to disability, etc.
Raised payments to National Insurance	Not in effect	Not in effect	Will be put in effect, meaning that they will be charged payments as if they are working, even when they are in full-time study

Heard so much about the proposed "Chok Giyus", the law to finally sort out the legal arrangement for yeshiva bochurim in Eretz Yisroel?

Confused about all the controversy and sharp differences of opinion on the topic?

Here is your chance to see the actual details of the proposed law.

Remember: this law will directly affect you, your family and all the Torah community of Eretz Yisroel.

So be informed!