The Haredi Exemption
July 11, 2023

Through an arrangement established during the founding of the state, Haredi men have enjoyed a de facto exemption from the mandatory IDF or non-military service requirement that legally applies to all Jewish Israeli citizens. Benjamin Netanyahu's sixth government has taken up the task of establishing a de jure basis for this arrangement, a perennially explosive issue in Israeli politics whose resolution could have decisive implications for the future of Israel's military, judiciary, and religion-and-state status quo.

Background: Mandatory Conscription in Israel

In 1949, the Knesset passed the Defense Service Law, which established military conscription and required that all Israeli citizens be drafted into the Israel Defense Forces or participate in national service from age 18. While additional legislation in subsequent decades modified the length of mandatory service and other procedural aspects of the draft, the system itself has otherwise remained largely unchanged.

Arab citizens of Israel typically do not serve in the military or partake in national service. The exemption for Israel's largest ethnic minority is not explicitly established through law, but rather is implemented through army directives. These directives have not applied to the Druze and Circassian communities, who do typically serve alongside their Jewish counterparts.
The Defense Service Law does provide explicit exemptions for religious, pregnant, and married women.

The History of the Haredi Male Exemption: 1948-2023

The Exemption's Origins: 1948-1998

Like many issues in Israel pertaining to religion and state, the exemption from military service enjoyed by Haredi men has its roots in the birth of the State of Israel. During Israel’s 1948 War of Independence, Prime Minister David Ben-Gurion struck a deal with leaders of the Haredi community to exempt those whose full-time occupation was Torah study from mandatory military service.

This arrangement came to be known as torato omanuto (תורתו אומנותו), translating to “his Torah is his occupation,” and was implemented not through legislation, but rather through a Defense Ministry regulation. This mechanism allows Haredi men to “defer” their IDF service by studying in yeshiva from age 18 until they reach an established age at which the draft no longer applies. Legally, Haredim out of yeshiva were subject to the draft until age 40, although in practice they could leave yeshiva at age 30 and join the workforce without fear of conscription.

As a result of the Haredi community’s high birthrate and its explosive growth relative to the rest of Jewish Israeli society, a system that initially allowed several hundred exemptions has now resulted in merely 69% of Jewish men and 59% of Jewish women actually being drafted (as of 2019). Under Prime Minister Menachem Begin’s Likud government in 1977, the Knesset also removed the cap on the number of exemptions under torato omanuto. This status quo of Haredim not serving in the military while relying on disproportionate government subsidies has fostered significant resentment among non-Haredi Jews. It has also exacerbated the Haredi community’s socioeconomic marginalization and high unemployment rates.

The Rise and Fall of the Tal Law: 1998-2012

In the landmark Rubinstein v. The Minister of Defense case of 1998, Israel’s High Court of Justice ruled that the defense minister had no legal authority to exempt Haredi men from conscription and called on the Knesset to find a solution to the issue through legislation. In his majority opinion, Supreme Court President Aharon Barak argued that torato omanuto violated the principle of equality, and that “the current situation, in which a significant portion of these individuals of service age do not risk their lives for the security of the State is very discriminatory.”

In response to this ruling, Prime Minister Ehud Barak established a committee under the leadership of Supreme Court Judge Tzvi Tal to find a practical legal solution to allow the Haredi
male draft exemption to endure. Based on the recommendations of the committee, the Knesset passed the so-called Tal Law in July 2002, implemented as a temporary measure that could be renewed by the Knesset every five years. The Tal Law permitted full-time yeshiva students to postpone their conscription into the IDF until age 23, after which they could choose to participate in a shortened, 16-month stint of IDF service; do a year of civilian national service; or continue studying full-time in yeshiva. The goal of this arrangement was to pave the way for Haredi men to join the workforce earlier and non-coercively encourage conscription among Haredim.

However, the Tal Law entirely fell short of changing the Haredi community’s paradigm of prolonged yeshiva study, as their strong ideological commitment to religious education and opposition to military service persisted and the incentives for choosing service proved insufficient. A very modest number of Haredim were opting to serve rather than continue their yeshiva studies, and thus the Tal Law merely provided a legislated path for the Haredim to shirk conscription. Given that the Tal Law in practice merely perpetuated inequality, in February 2012, the High Court ruled that the Tal Law was unconstitutional for violating Basic Law: Human Dignity, canceling the legislation as of August of that year.

The Third and Fourth Netanyahu Governments: 2013-2019

Following the January 2013 Knesset elections, Israel swore in its third Netanyahu government, which notably left the Haredi parties in the opposition. The government did include the ascendent new party of former journalist Yair Lapid, Yesh Atid, which ran on the promise of “sharing the burden” by eliminating the Haredi community's draft exemption. Amid the elections and following the establishment of a ministerial committee led by Science and Technology Minister Yaakov Peri of Yesh Atid tasked with drafting legislation to address the Haredi draft exemption, the Supreme Court allowed the defense minister to continue issuing draft deferrals for yeshiva students on a temporary basis.

In March 2014, the coalition succeeded in passing legislation requiring the IDF to draft a percentage of draft-age Haredi men that increased each year. If the quota of 60% was not met by 2017, all eligible Haredi men would be required to enlist and would face criminal penalties for not doing so. For those first three years, the quotas were not to be enforced with penalties.

That delay in the imposition of sanctions proved to be consequential. The establishment of Netanyahu’s fourth government in May 2015 saw the return of the Haredi parties to power. Months later, the new government passed legislation amending the 2014 law by removing criminal penalties entirely and slowing the imposition of the quotas until 2020.

The High Court took action on the issue once again in September 2017, when it struck down the 2014 law for perpetuating inequality between Haredim and non-Haredi Jews. Once again, contrary to the law’s original intention, it had failed to result in any meaningful increase in the
number of Haredim enlisting. The court granted the government one year to pass a new law addressing the Haredi draft, during which the defense minister could continue issuing deferrals to Haredi men. The fall of Netanyahu's fourth government in late 2018 began a series of five Knesset elections in less than four years, during which the court repeatedly issued extensions to allow the status quo to continue amid the political instability. The Haredi draft issue served as a primary catalyst of this political crisis: erstwhile Netanyahu ally Avigdor Liberman's staunch opposition to a Haredi draft exemption put him at odds with Netanyahu's Haredi partners, blocking Netanyahu from forming a government after the April 2019 elections and launching the series of subsequent elections.

A Frozen Status Quo: 2019-2023

The court has continually issued extensions to prevent the automatic conscription of Haredi men, with the 15th set to expire on July 31, 2023. Under this temporary system, Haredi men are required to stay in yeshiva until age 26, after which they are permanently exempt from service.

While the Bennett-Lapid government was in power and Likud and the Haredi parties sat in the opposition, the Knesset passed the first reading of a Haredi draft bill introduced by Defense Minister Benny Gantz, which sought to lower the exemption age to 21 to allow Haredim to join the workforce earlier. Gantz framed this legislation as the first step in a more comprehensive plan that would ultimately require all Israeli citizens, including both Arabs and Haredim, to perform national, if not military, service. The bill was not ultimately passed into law as it did not come up for additional Knesset votes.

With the return of Netanyahu's right-wing and Haredi bloc to power in late 2022, the Haredi parties’ desire to secure a decisive victory in the fight against mandatory conscription served as a primary impetus for the judicial overhaul. In particular, the Haredi leaders saw passing an override clause, which would allow the Knesset to re-legislate laws struck down by the High Court, as essential to ensuring the durability of a permanent draft exemption for Haredi men.

Enshrining the Exemption: The Government’s Plan Takes Shape

Prime Minister Netanyahu held a meeting on April 16 with Defense Minister Yoav Galant, Finance Minister and Minister in the Defense Ministry Bezalel Smotrich, Justice Minister Yariv Levin, Minister in the Justice Ministry Dudi Amsalem, and Coalition Chairman Ofir Katz to discuss planned legislation on the Haredi draft issue. While not yet finalized, the new draft bill is expected to lower the exemption age from 26, where it currently sits, to 23, meaning that Haredim would have the option to leave yeshiva and join the workforce earlier without fear of being drafted. As a consolation for non-Haredi Jews, the government will also move to reduce the term of service for those who do serve to two years (men typically serve 32 months), increase benefits for conscripts, and raise salaries for those who serve beyond the minimum two-year term.
Initially, the Haredi parties threatened to condition their support for the state budget on the passage of the draft bill, although they backed down from this ultimatum and allowed the budget to pass on May 24. (Had the budget not passed, it would have prematurely ended the government’s term and triggered Knesset elections.)

As the government’s plan initially took shape in April 2023, senior IDF officials, including IDF Chief of Staff Herzi Halevi, have reportedly accepted the premise of increasing soldiers’ benefits in exchange for lowering the exemption age for yeshiva students. Simultaneously, Halevi emphasized the importance of protecting the IDF’s character as the “people's army,” alluding to concerns about the fate of universal conscription as an integral component of the army's ethos.

Leaders of Israel’s opposition parties have harshly criticized the government’s proposal, including opposition head Yair Lapid and former IDF Chiefs of Staff Benny Gantz and Gadi Eisenkot. (While as defense minister Gantz had advanced a superficially similar measure to lower the exemption age for yeshiva students, he advocates for doing so along with a plan to enshrine a universal national service requirement that would include Haredim.)

While the current temporary exemption provided by the court that allows the government not to draft Haredim expires on July 31, the (invalidated) 2014 law expired on June 30. As a result, on June 25, the cabinet ordered Defense Minister Galant not to conscript Haredim until March 31, 2024—effectively the same mechanism that the court had ruled illegal back in 1998, but instead instituted as a temporary measure. In the meantime, the government has committed to legislating a draft law in the Knesset’s winter session before the March 31 deadline.

In parallel, the government also plans to pass Basic Law: Torah Study, which will enshrine Torah study as a core value of the state. With the override clause scrapped from the judicial overhaul agenda (at least for the time being), this Basic Law is aimed at preventing the court from invalidating the new draft law on the grounds that it is unequal.

**Looking Forward**

For decades, the Haredi community’s de facto exemption from the military conscription to which the rest of Jewish Israeli society is subject has been one of the most divisive issues in Israeli politics. As Israel’s far-right and Haredi government takes steps viewed by much of Israel’s non-Haredi public as eroding the country’s democratic character, most notably the judicial overhaul, granting the Haredim an unambiguous, legislated exemption from military conscription is likely to exacerbate non-Haredi Israelis’ outrage and existential fear for the future of the country. After months of headlines about Haredi parties calling for controversial religion-and-state measures, ranging from perennial contentious issues like the curricular independence of the Haredi education systems and preventing public transportation on Shabbat to more bizarre ones like [banning electricity production on Shabbat](#) and implementing [criminal](#)
penalties for women who read Torah at the Kotel, mainstream Jewish Israelis are unlikely to stay quiet if this government moves forward with permanently exempting Haredim from the draft. Likewise, a Basic Law recognizing Haredi Torah study as a national priority is all but certain to engender significant public opposition.

While the Tal Law and the draft law of 2014 provided a legislated path for Haredim to evade the draft, they did so with the intention of boosting Haredi conscription rates and creating a more equal system. The High Court struck these laws down because they had the opposite effect, rubber-stamping inequality rather than stamping it out. This government’s approach marks a stark departure from previous attempts to resolve the issue in that it has dropped the pretense of narrowing the conscription gap between Haredim and non-Haredi Jews altogether. In the eyes of many Israelis, such a law would not only entrench the status quo, but also fundamentally undermine the status of the IDF as the people’s army in Israel’s national narrative.

It is important to view this issue within the larger political context of the judicial overhaul given the high likelihood that the High Court would strike down the government’s proposed law. For the government, an override clause or Basic Law: Torah Study would naturally solve that problem. Alternatively, in President Isaac Herzog’s proposal for compromise on judicial reform, he suggested that the parties reach a compromise on the Haredi draft issue that would be immune from judicial scrutiny. This type of arrangement would lessen the Haredi parties’ reliance on the judicial overhaul to deliver on promises to their constituents. If Israeli politicians are able to build consensus on the question of the Haredi draft, there is a good chance that it will be part of a larger judicial reform compromise framework. Whether such a tradeoff is politically possible, let alone whether it could heal Israeli society’s deep sectoral divides, remains to be seen.