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<http://www.israelhayom.com/2017/09/13/haredim-outraged-as-court-reverses-military-draft-exemption-law/>

Haredim outraged as court repeals military draft exemption law
High Court revokes legal amendments that effectively exempted religious yeshiva students from mandatory army service • Haredim vow to fight draft • Yesh Atid leader Yair Lapid: The message must be that "everyone serves," or there will be no government.

Yair Altman, Yehuda Shlezinger, Associated Press and Israel Hayom Staff

Haredim outside the Tel Aviv conscription office | Photo: Yossi Zeliger

Israel's High Court of Justice on Tuesday struck down a 2015 amendment that granted exemptions from mandatory military service to ultra-Orthodox men, in a move that could reignite long-standing tensions between Israel's politically powerful ultra-Orthodox community and the secular Jewish majority.

While Israelis are required to serve in the military when they turn 18, the ultra-Orthodox community has won exemptions, arguing that young men studying in Jewish seminaries serve the nation through study and prayer.

Secular Israelis say the system is unfair. Past attempts to force religious men to enlist have triggered violent protests by members of the ultra-Orthodox community.

The Israeli government moved to reduce exemptions and increase ultra-Orthodox military service in a 2014 law. But a year later, Prime Minister Benjamin Netanyahu's new government, formed with religious allies, canceled those reforms.

In Tuesday's decision, the court ruled overwhelmingly in favor of appeals against the 2015 amendment, saying it discriminates between the ultra-Orthodox and those required to serve in the military. The court ordered the law's replacement within a year.

Former Finance Minister Yair Lapid, head of the Yesh Atid party, which pushed for greater ultra-Orthodox enlistment, hailed the court's decision, saying that military service "is for everyone and not just for suckers."

"The High Court ruled that there are no first-class citizens and second-class citizens in Israel," Lapid said at a press conference Tuesday.

"Today the court handed down justice. Values won out, the spirit of the IDF won out, our soldiers won out. Today, we've started steering the ship toward sanity and values.

"Netanyahu made a cabinet speech at the time about how important it was. [Justice Minister Ayelet] Shaked headed the committee that passed the framework of the law in the Knesset. [Habayit Hayehudi head Naftali] Bennett shared memories of his time in the army. And then a new government came in and they went and voted the opposite. When you ask them why, they say, 'Because Lapid made us [support it], and now [ultra-Orthodox Health Minister Yakov] Litzman is making us [oppose it]."

"I am calling on Defense Minister Avigdor Lieberman. It's in your hands. You are responsible for the IDF. You need to call a press conference today and say: Everyone enlists. Everyone serves in the military. Otherwise, there will be no government," Lapid declared.

But members of the ultra-Orthodox Knesset parties fumed at the court's decision.

Interior Minister Aryeh Deri said the decision "proved once again the serious disconnect between the High Court and the Jewish people." He said his religious Shas party would push for legislation that would preserve the status quo.

"Even after the ruling, yeshiva students will continue to adhere to their Talmud ... and protect the rights of the citizens of Israel. We will exert all our strength to amend the law in a manner that will allow the current arrangement to continue," Deri said.

Meir Porush, a lawmaker with the United Torah Judaism party, said the court's "judicial activism" undermines the Knesset's legislative authority and is leading the country to "Armageddon."

A full panel of High Court judges passed the ruling on Tuesday in a vote of 8-1.

The original law to draft haredi men was passed by the previous government, when Yesh Atid was a member of the coalition. Two amendments to it were passed, in March 2014 and November 2015, the latter designed to soften the original law.

The court's ruling has effectively rolled the situation back to September 2014, when the Tal Law was canceled. Practically speaking, if no other legislative amendment is approved by the court, yeshiva students will no longer be exempt from military service and every haredi man over 18 will be obligated to serve in the military.

Shas and United Torah Judaism were scheduled to convene an emergency meeting on Wednesday to discuss the ruling and its ramifications.

Knesset Finance Committee Chairman MK Moshe Gafni (United Torah Judaism) said, "Throughout the history of the Jewish people, there were many among the people and outside it that tried to prevent yeshiva students from studying. ... Some tried through force, others in other ways. They never managed to harm Torah study, and they won't now either.

"Those who study the Torah will continue to study, with or without the High Court. I absolutely reject the High Court ruling, and this coming year, we will rectify it, regardless of the judges who have no idea what Torah study means. Our people's entire existence depends on the yeshiva students," Gafni said.

Litzman (United Torah Judaism) said: "This is a wretched, bad decision that will become part of a history of terrible decisions in the Jewish world. The High Court judges proved today that they will stop at nothing to place restrictions on students of the Torah in Israel, with the goal of attacking the soul of haredi Judaism, which is the students at the holy yeshivas, whose entire lives are devoted to Torah. We won't allow any power in the world to prevent anyone from studying the Torah. It's been proved that any coercive move like this against Torah students, via laws or sanctions, is destined to fail.

"We will consult with leading religious figures and we will bring about a change to the draconian ruling by the High Court judges, who don't understand the essence and importance of Torah study to the Jewish people throughout the generations."

Outgoing Chief Justice Miriam Naor wrote in her ruling: "For years, out of great awareness of the social sensitivity, this court has acted with excessive tolerance and restraint." She wrote that the amendments made the issue of haredi enlistment dependent on the good will of the haredi community.

"There is a deep flaw in the ability of the amendment to meet the goal of seriously reducing inequality in the burden of military service. ... In effect, there is no significance to the voluntary enlistment goals at this time," Naor wrote.

She said the law gives the defense minister too much power to exercise personal judgment. According to Naor, the law "has genetic flaws," including its lack of a permanent solution to the problem.

"In light of the lessons of the past, we must admit that regretfully the expectation that the new enlistment arrangement would lead to a real change in the state of things is nothing more than a wish, at best. At worst, it is nothing more than a way of putting off the inevitable," Naor wrote.

The sole dissenting justice, Noam Sohlberg, wrote in his minority opinion that there is no reason for the High Court to intervene on the issue: "In the matter before us, a benefit has been conferred on a certain group, without harmfully discriminating against others."

Jerusalem Online

US President Donald Trump will be meeting with Israeli Prime Minister Benjamin Netanyahu alongside the UN General Assembly next week, the US State Department confirmed Wednesday.

"The President is planning to sit down with Prime Minister Benjamin Netanyahu and I know that the President's looking forward to doing that," State Department spokeswoman Heather Nauert said during a daily press briefing.

Netanyahu had already announced the upcoming meeting with Trump before departing to South America earlier this week.

The two leaders last met in May, when Trump was visiting the region.

The US confirmation of the upcoming meeting in New York come amid reports that US officials said Israel was no longer pushing for the cancellation of the 2015 nuclear deal with Iran.

Following these reports, Israel's Prime Minister Benjamin Netanyahu clarified Tuesday that Israel's position is that the deal "is bad and needs to be amended or cancelled."

It is still unknown whether or not Trump will also meet with Palestinian Authority leader Mahmoud Abbas when they are both in New York.