



2009 Religious Freedom Report:

## **The Worst Year of the Decade**

**A major escalation in Haredi religion-based violence, attempts at religious coercion and efforts to enforce sex segregation were among the trends that characterized 2009. The Haredim also received more government funding (in excess of NIS 1 billion a year). In a positive development, 2009 is the first year in which nearly 1,000 yeshiva students joined the Israeli army and a similar amount began national service.**

**By Shahar Ilan, Vice President of Research and Information**



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Dear friends of religious freedom and equality:

It has been a mere few months since **Hiddush-For Religious Freedom and Equality** was founded, in response to the rising sentiment that it is necessary to take action, to blaze new trails in the struggle to implement the promise of religious freedom and equality expressed in Israel's Declaration of Independence, and to give voice to the majority that yearn for an Israel that is both Jewish and democratic.

During the few months in which Hiddush has been in operation, we have felt the increasing public frustration with the cynicism of the civil parties in the coalition, that do not hesitate to trade the rights of the public at large for the votes of the Haredi parties.

This frustration is no longer felt just among secular Israelis or the non-Orthodox Jewish movements, but is also being expressed by an increasing number of religious Zionists who are pained by the expansion of gender segregation as seen in the operation of a growing number of Mehadrin bus lines, by the refusal of the Bnei Akiva religious youth movement to participate in events featuring female performers, by the revocation of Orthodox conversions, by the increasing violence in the name of religion, and similar phenomena.

We present to you a succinct report on the central aspects of the struggle for religious freedom and equality in 2009, prepared by Shahr Ilan, vice president of Hiddush and one of the Israeli media's best-known experts on religion and state issues. The report speaks for itself, and its primary finding is that pressure from the Haredi parties is widening the gap between government policy and public opinion. A broad majority of Israelis support changing policy and laws relating to religion and state, such that freedom of choice, pluralism and equality would be allowed to flourish.

The U.S. State Department's 2009 Report on International Religious Freedom, which lists Israel as one of 30 countries in which violations of religious freedom require special attention, should serve as a warning for policy makers. In today's global village, it is becoming more widely known that Israel is the only democracy in the world in which violations of religious freedom infringe upon basic freedoms, such as the right to marry, of a large proportion of the population, the only democracy that practices such egregious religious discrimination.



The challenge of religious freedom and equality is no longer the province solely of individuals and groups who embrace religious pluralism as an integral part of their worldviews. It has become an urgent issue among leading economists and defense officials as well. The fact that 25 percent of Jewish first graders in Israel attend Haredi schools is increasingly worrisome to many experts who fear for Israel's strength of Israel's economy and security. The current policy, which allows Haredi men to evade military and national service and to subsist on public assistance, leaves the entire burden of the country's security and economic development to the rest of the population. Many fear that Israel is slipping down the path to becoming a third-world economy and that its security will be seriously harmed. Such concerns have been expressed by the Chief of Staff and the head of Military Intelligence, by the governor of the Bank of Israel and the National Economic Council, along with many other leading economists. The question is when the politicians will start listening.

Whatever the angle – from economics to women's rights, from security to the freedom to marry, from “who is a Jew?” to the future of Aliyah, from the Sabbath wars to Haredi attempts to take over secular neighborhoods – Hiddush was established to help you make your voice heard, to contribute to the essential revolution that will move Israel forward in all areas. It will bolster the country's ability to exist as a Jewish and democratic state, improve ties between Israel and the Diaspora, advance individual freedoms and the defense of human dignity, contribute to absorbing immigrants, assist in economic advancement and the equal distribution of the financial burden, assure equal rights for women, and improve Israel's standing in the world. Together, we can effect change! Together, we can turn the promise of freedom of religion and conscience expressed in Israel's Declaration of Independence into a reality!

Stanley P. Gold

Chairman

Rabbi Uri Regev

President and CEO



## **Introduction**

The year 2009 brought a serious escalation in religion-state conflict, violence in the name of religion, damage to religious freedom, attempts at religious coercion, budget allocations to religious institutions and pro-religious legislation. After nearly a decade of relative quiet that saw barely any violent religious battles, in which the budgets for yeshivas and various benefits decreased, the chasm between the Haredi and non-Haredi sectors became glaringly obvious. There is no doubt that 2009 was the worst year of the decade for religious freedom and equality, and the worst year for violence that uses religion as justification. There is serious concern that the events of 2009 are an omen for far worse years to come.

It appears that the results of the November 2008 municipal elections and the February 2009 Knesset elections had a decisive influence on the decline. In Jerusalem, there wasn't much in the way of religious power struggles during the period in office of Haredi mayor Uri Lupolianski. It is difficult not to conclude that the protests that erupted in 2009 were in large part an expression of anger on the part of the Haredi population of Jerusalem, who objected to losing control of the city. The flow of increasing government funds to the Haredim and the uptick in legislative attempts at religious coercion can be tied directly to the establishment of a coalition government including Prime Minister Benjamin Netanyahu's Likud party, the Labor party and Haredi parties. From the perspective of religion and state, the Yisrael Beiteinu party plays a marginal role.

If in the years after the secularist Shinui party joined the Sharon coalition government in 2003 (a situation that lasted until 2005), it seemed that the Haredi parties, especially Shas, had internalized the need for humility and restraint, it now appears that all those lessons have been forgotten under the current Netanyahu government. The legislative and budgetary demands of Shas and United Torah Judaism are once again on the rise. The Haredi parties are getting more than NIS 1 billion a year in supplementary funding allotted as a result of the coalition agreement. Those funds primarily support yeshiva students' continued evasion of military service and absence from the work force, as well as funding the operation of Haredi primary schools that don't teach math, science, English or civics. It's doubtful that any investment could be worse for the Israeli economy.

Perhaps it was only natural that at the end of a year that was so tough on religious freedom Justice Minister Yaakov Ne'eman would call for "a revival of old time glory, that Torah law should become the binding law in the State of Israel. The path of the civil courts is the appropriate path to endow us with Torah rule step by step." There is no doubt that in 2009 Israel took several big steps down the dangerous slope envisioned by Ne'eman.



[Yaakov Neeman, Israeli Justice Minister, Says Jewish Law Must Become Binding](#)

Amy Teibel, Huffington Post, December 8, 2009

***Religion & State Index: 83% of the respondents (and 94% of secular respondents) think there should be freedom of religion and conscience in Israel, but 53% of Haredim do not think there should be freedom of religion in Israel.<sup>1</sup>***

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<sup>1</sup> All surveys cited in this report were carried out by the Smith Research Institute. The Religion & State Index preparatory survey is based on a sample size of 1,200 Jewish adults and the other surveys are based on a sample size of 500 Jewish adults.



## **Shabbat protests in Jerusalem**

After years of quiet in terms of religious protests in Jerusalem, there were several particularly violent demonstrations starting in June 2009. At the demonstrations, Haredi protesters threw stones and soiled diapers at police officers, [wounded police officers](#) and called them Nazis, torched garbage bins and vandalized traffic lights.

The demonstrations were unreasonable even according to the standards of religious struggles. The fight against the opening of the Safra parking lot on Shabbat began in June, despite a previous agreement between the Jerusalem municipality and the Haredi parties, despite the police finding that it was necessary to have a parking lot open on Shabbat near the Old City in order to save lives, and despite the city's agreement to hire only non-Jews as parking attendants and offer free parking. The city ultimately decided to close the municipal Safra lot and open the private Karta lot in the Mamilla area, but [the protests continued](#).

[Another Shabbat struggle](#) erupted in November, over a decision by the Intel high-tech plant to renew operations on Shabbat, at reduced capacity. For nearly 25 years, the plant operated on Shabbat far more extensively. In response to the Haredi protest, several thousand people, secular and religious, gathered at Zion Square in downtown Jerusalem to [show their support for freedom of religion in the city and their rejection of attempted religious coercion](#).

***Smith Research Institute survey for Hiddush: 76 percent of the Jewish population in Israel (and 93% of the secular population) thinks Haredi rabbis are leading the religion wars in Jerusalem out of a desire to advance narrow Haredi interests.***

## **Rallies in support of the ‘child-starving mother’**

An unusual conflict broke out after the arrest of a woman who belongs to the Toldot Aharon Hasidic sect on charges of [starving her three-year-old son](#). At the height of the conflict, Toldot Aharon members threatened to boycott the hospital where the child was being treated. It is doubtful that there is a precedent for the use of the tools of religious warfare for the sake of one family's private struggle.

***Smith Research Institute survey for Hiddush: A majority of the public – 53 % – think the police are being too lenient in their response to the Haredi protests in Jerusalem, compared to 11 % who think the police are using excessive force.***



## Sex segregation on public buses

The demand by Haredi extremists for sex-segregated buses (referred to by the euphemism “Mehadrin lines”) became much more aggressive in 2009. In February dozens of Haredim in the Jerusalem neighborhood of Mea She’arim [threw stones and blocked bus traffic](#) to protest the fact that police were preventing a private segregated bus line from operating at the Western Wall.

In April hundreds of Haredim held a rally to demand more segregated bus lines. The rally was held at the site of a 2003 suicide bombing on the No. 2 bus, an Egged line that goes to the Western Wall. The decision to hold the rally there was inspired by a popular belief that mixed seating on buses was to blame for the terror attack.

[An inter-ministerial committee examined the issue of sex-segregated bus lines and determined in October that they are illegal](#). However, Transportation Minister Yisrael Katz (Likud) has not ordered the integration of the dozens of existing segregated lines, and has taken a long time responding to the High Court of Justice regarding a petition against the segregated lines.

***Smith Research Institute survey for Hiddush: 90% of Jewish Israelis (and 81% of secular Israelis) are in favor of eliminating or cutting down on sex-segregated bus lines.***

## Sex segregation in the streets

There has been a particularly sharp rise in demand for sex segregation in public places. For the first time, Haredi rabbis this year ordered [separate sidewalks for men and women](#) in the Haredi Jerusalem neighborhood of Geula. Over Sukkot, extremists in Mea She’arim declared that certain streets would be off-limits to women during the week-long holiday. A woman who walked down one of the streets designated for men only was subjected to tear gas. Yoelish Kraus, considered the “operations officer” for the extremist Eda Haredit sect – meaning he organizes demonstrations and serves as spokesman for the group – was [arrested on suspicion of involvement in the tear gas attack](#).

Many of Jerusalem’s extremist Haredim have moved to Beit Shemesh, a city that has become the capital of the modesty zealots. A local rabbinical committee has put out modesty guidelines for female visitors to the neighborhood where it operates, which includes sketches of permissible necklines for women’s shirts. [A local rabbi released his own modesty guidelines](#), which called on women to walk only on side roads, and banned them from congregating in stairwells and talking on cell phones. A poster in Beit Shemesh reported that a group of [Haredim threw stones at a girl considered to be dressed immodestly](#) who had been waiting at a bus stop.



## The Western Wall

Rabbi Shmuel Rabinowitz, the rabbi of the Western Wall, has adopted a policy of increasing separation of the sexes in the entire Western Wall plaza, not just in the section designated for prayer, as has been done in the past. He has also made extensive demands regarding visitors' "modesty." In the plaza, a pathway has been set aside for men only, and, for the first time, signs were posted asking visitors to maintain sex segregation in the entire Western Wall plaza. Those signs were removed after a public outcry, but the traditional Jewish Agency ceremony to welcome immigrants at the Western Wall has been canceled in the wake of the segregation demands. Rabinowitz has announced that modesty patrols will be keeping watch in the plaza area.

[A member of Women of the Wall, which conducts women's prayer groups at the Western Wall, was arrested in December.](#) It was the first time a member of the group has been arrested for its prayer activities, clearly marking a shift toward greater restrictions on religious freedom in Israel. At the beginning of January 2010, a further escalation took place when police interrogated Anat Hoffman, one of the founders of Women of the Wall and the director of the Israel Religious Action Center, the advocacy arm of Israel's Reform movement. Police said Hoffman was suspected of incitement for her role in organizing prayer services for the women's group.

***Smith Research Institute survey for Hiddush: 74% of the Jewish population is opposed to the Western Wall rabbi's policy of promoting sex segregation in the entire Western Wall plaza.***

## Conversion

In 2009 it became clear that even Orthodox conversion is not accepted by Haredi rabbis, who control Israel's religious establishment. One after the other, rabbinical courts retroactively nullified Orthodox conversions, saying that the converts were not religiously observant. By doing so, they also made it impossible for the converts to get married in Israel, and facilitated the separation of married couples, without the need for divorce. In January the [Jerusalem rabbinical court retroactively nullified the conversion of Yossi Fackenheim](#), determining that the son of the late Prof. Emil Fackenheim, one of the most important Jewish thinkers, was no longer Jewish. Israel's religious establishment is also limiting its recognition of Orthodox conversions conducted abroad.

In 2008 the [High Rabbinical Court ruled that Orthodox conversions conducted by the head of Israel's Conversion Authority, Rabbi Haim Druckman, should be invalidated.](#) Not only was this ruling, made by a judicial panel headed by Rabbi Avraham Sherman, not reversed, but in [June 2009 Sherman nullified another Orthodox conversion, and even](#)



[forced the couple to get divorced.](#) The same month, [Ashkenazi Chief Rabbi Yona Metzger said he supports Sherman](#) and called him a “man of truth.”

The Yisrael Beiteinu political party submitted a bill allowing municipal rabbis to conduct conversions, but submitted to pressure from the Haredi parties and agreed to let the Chief Rabbinate decide which rabbis would receive permission to conduct conversions – essentially voiding the significance of the bill.

The legal adviser for the rabbinical court system informed the High Court of Justice in an unequivocal fashion that the rabbinical courts see themselves as having the authority, on the basis of religious law, to reverse conversions if it determines that converts did not truly intend to be religiously observant at the time they converted. Rabbi Chaim Amsellem, a Knesset member from the Shas party, rejected that position, saying he opposes the retroactive nullification of conversions and sees service in the Israeli military as a serious consideration in deciding whether to accept converts.

A particularly embarrassing incident took place in December 2009, when audio tapes surfaced, apparently showing that Rabbi Leib Tropper of New York – an opponent of Druckman’s conversions and founder of the Eternal Jewish Family project, which advocates more rigorous standards for conversion – [had a sexual relationship with a would-be female convert](#) and was asking her to have sex with other men for money, as the price of her conversion to Judaism.

***Religion & State Index: 72% of Jewish Israelis oppose the current policy of the Chief Rabbinate and rabbinical courts that conditions conversion on observance of Shabbat and kashrut and reverses conversions for those who don’t observe Shabbat and keep kosher.***



## Marriage

Even though the Yisrael Beiteinu party has a base of Russian-speaking immigrants, its participation in the coalition government has not made it easier for some immigrants to get married in Israel. More than 300,000 immigrants from the former Soviet Union classified in Israel as having ‘no religion’ are denied the right to marry in the country. The coalition has submitted a bill that would create a limited civil union that would apply only if both members of the couple were classified as having ‘no religion’. At an October 2009 hearing of the Knesset Constitution, Law and Justice Committee, a [Hiddush representative noted that such a law would apply to no more than 200 couples a year](#). Hiddush and most other Israeli human rights groups joined forces to oppose such a law, saying it would make the situation even worse by creating a pariah class of ‘untouchables’.

***Religion & State Index: 92% of secular Israelis and 95% of immigrants support ending the Orthodox monopoly on marriage. A total of 64% – or 2/3 of all respondents – support civil marriage and/or Conservative and Reform marriage.***

## Discrimination against non-Jews

The [U.S. State Department’s 2009 Report on International Religious Freedom](#) describes several instances of discrimination against non-Jews in Israel. The budget for religious services and institutions for the Jewish population came to NIS 1.6 billion, but religious minorities as a whole received NIS 65 million – less than 4% of the overall expenditure for religious services, even though they constitute more than 20% of the population. In late 2008, there were 137 sites officially designated as holy sites, and all were Jewish, leaving non-Jewish holy sites without the legal protection that Jewish sites enjoy. And in certain instances, the government allows individual citizens or local governments to turn mosques into galleries, restaurants or museums.

## Internet

The victims of Haredi religious coercion include some Haredim, such as those who run the Haredi news Web sites and Internet portals that have sprung up over the past year, finally giving the population some freedom of expression. Shortly before Hanukkah, [Haredi rabbis ordered that such sites be shut down](#). Fearing violence and the ostracism of themselves and their children, some of the site owners did shut down their sites, despite the massive financial losses. At other sites, such as the more veteran Behadrei Haredim, some of the editors quit their jobs. [The daily Haredi newspapers enthusiastically joined the fight against the Web sites](#). One can only assume that at least some of that enthusiasm stemmed from their desire to get rid of competitors angling for the same advertisers.



## Neighborhood Haredization

There has been increased conflict between residents of neighborhoods becoming more Haredi or neighborhoods hosting activities aimed at getting people to become religiously observant. Over the last few years, Haredim have begun buying cheap apartments in the Kiryat Yovel neighborhood of western Jerusalem. In 2009 a dispute arose over a Haredi effort to put up an eruv, a symbolic border typically constructed of rope or string that would allow them to carry objects outside on Shabbat. The Haredim wanted the eruv constructed to their Mehadrin specifications; secular residents vandalized it.

[Secular Kiryat Yovel residents' fight to keep the Hebrew University of Jerusalem from selling two of its dormitory buildings to Haredim](#) led the university to cancel the bidding on the buildings. But the residents did not succeed in preventing a minimarket from being turned into a synagogue. In Kiryat Yovel, as in many other places in the country, secular and religious Zionist residents found themselves united against the Haredization of their neighborhood. In July, Haredi yeshiva students attacked the rabbi of a synagogue they wanted to take over.

In December, the [Jerusalem District Court rejected an appeal by members of the Beit Shemesh city council](#) who wanted to keep Haredi construction associations from being the only ones to win construction tenders issued by the Israel Lands Administration for construction in the city. The residents have taken the case to the Supreme Court. If their appeal is rejected there too, the amount of new Haredi neighborhoods in Beit Shemesh will turn it into a city completely under Haredi control.

The more relations between Haredim and non-Haredim are strained, the more non-Haredi residents oppose Haredi activity near their homes. In the affluent northern Tel Aviv neighborhood of Ramat Aviv, [residents came out strongly against Haredi activities aimed at getting people to become religious](#), leading to occasional violent disputes. In the Sharon region town of Kfar Yona, an action committee was established to [resist efforts to start a school affiliated with the Sephardi Haredi Shas party](#).

Housing and Construction Minister Ariel Atias of Shas advocates founding new Haredi cities and neighborhoods, a policy that offers hope for a reduction in the conflict surrounding the Haredization of existing neighborhoods. Proposed Haredi cities include [Harish, at the entrance to Wadi Ara](#) in the north, and Kasif, in the Negev's Tel Arad area. In addition, thousands of housing units for Haredim are slated to go up in Beit Shemesh, Elad (near Rosh Ha'ayin), and in the Ahisamach area in Lod. All the same, we must make sure that making it easy to buy an apartment won't turn out to be a new way of funding yeshivas and their students, or an alternative to the child benefit payments. The new cities, then should all have industrial zones.



Story: [Habad Rabbi attacked in Jerusalem turf wars](#)

***Religion & State Index: Tensions between Haredim and the secular constitute the second-most important dispute in Israeli society, coming right after Jewish-Arab tensions. 50% of respondents rank Haredi-secular tensions as first or second in importance – double the proportion that cited tensions between the left and the right or the rich and the poor.***

## **Ancient graves**

Despite the serious danger of rocket fire in the south, [Barzilai Medical Center in Ashkelon has been prevented from building a reinforced emergency room that could withstand a rocket attack](#). Why? Graves were discovered in the area designated for the hospital's new wing. The issue came to light during the Israel-Gaza war in the winter of 2008-2009, when Israelis living near Gaza were left without a reinforced emergency room, putting patients and medical staff in danger. The Chief Rabbinate and Religious Service Ministry were subjected to severe public criticism. [The Chief Rabbinate council initially decided to allow the construction, but retracted its authorization after being pressured by Haredi rabbis](#).

## **Yeshiva funding**

As part of coalition agreements with the Haredi parties, government funding for yeshivas increased from NIS 770 million a year to NIS 1 billion – an all-time record. While the budget for yeshivas has previously reached almost as high, those yeshivas included schools for children under 18. This time, though, the yeshivas receiving funding are only for adults age 18 and above. This essentially means that the government grant per yeshiva students has shot up to a record high of NIS 880 a month.

In October, Knesset Finance Committee chairman Moshe Gafni, of the Haredi United Torah Judaism party, spent several weeks holding up approval for NIS 2 billion in general budget cuts because they included a reduction of NIS 300 million in the increased yeshiva budget. Gafni approved the general cuts only after the yeshiva budget was restored to its previous level.

***Religion & State Index: 71 % of Israelis support reducing government funding for yeshivas and large families, in an attempt to encourage Haredi men to join the work force.***



## **Child and childbirth benefits**

As part of the coalition agreements with the Haredi parties, child benefit payments increased by NIS 1.5 billion over three years. Due to pressure from Yisrael Beiteinu, most of the extra money went to the third and fourth children, not to the fifth and beyond, as the Haredim had wanted. Nonetheless, the coalition agreements broke the important principle whereby families receive the same child benefits for every child born after June 2003, regardless of the child's position in the family.

A study by the Bank of Israel and the National Insurance Institute, published in December found that child benefit payments encourage high birth rates and that the 2003 reduction in benefits led to lower birth rates among Bedouin and Haredi women. Since those cuts, Haredi women went from giving birth to an average of 6.25 children to giving birth to an average of 5.75 children.

## **Supplementary funding for education**

Government funding for religious institutions was increased in a number of ways. What most of this supplementary funding has in common is that it supports educational institutions that do not teach the core curriculum required by law in state-run schools and does not prepare students for gainful employment.

The coalition agreement with Shas, which was reached in March, stated that the party would receive NIS 130 million to distribute to yeshivas and other educational institutions as it pleased.

The previous Knesset approved the Nahari Law, which obligated local governments to fund 'unofficial but recognized' educational institutions – primarily Haredi schools – by paying them 75 percent of the budget for state-run schools. This is another way of funneling money to schools that, for the most part, do not teach the core academic curriculum. In July, the current Knesset passed an amendment to the law (with coalition support) that allows municipalities not only to fund Haredi education, but also to go beyond providing money directly, by subsidizing employees, equipment and construction. The amendment thereby gives the local authorities the right to provide Haredi schools with more than 75 percent of the budget for state-run schools.

The Education Ministry also increased its funding of high school yeshivas, from 55 percent of the budget for state-run schools to 60 percent of the budget. The move was in accordance with a law passed in the previous Knesset that authorized government funding for those yeshivas even though they do not teach their students math, English, science or civics.



## **Ethnic discrimination**

At the beginning of August, the High Court of Justice ordered the Education Ministry to put an end to ethnic discrimination in the Beit Yaakov girls school in the Haredi settlement of Emmanuel. The school is divided into two institutions, one with a clear Ashkenazi (of Eastern European descent) majority and one with a majority of Mizrahi (of Middle Eastern or North African descent) students. Even the recess hours were different so the Ashkenazi and Mizrahi girls wouldn't socialize together, and each institution had its own uniform.

The High Court ruled that the school was practicing illegal discrimination by “closing the doors to Sephardi students just because of their ethnic origin.” The justices ordered the Education Ministry “to use all legal means to amend the situation, including revoking the school's operation permit and halting its funding.” In December, Ashkenazi parents responded to Education Ministry efforts to implement the ruling by shutting down classes.

Despite the High Court ruling, systemic discrimination against Mizrahi students continues to prevail in the Ashkenazi Haredi school system, which continues the use of quotas dictating the number of Mizrahi students it accepts.

## **Scope of draft evasion by special deferrals**

Over the past year, there has been a turnaround in the Israel Defense Forces' position on the recruitment of yeshiva students. The head of Military Intelligence, Maj. Gen. Avi Zamir, said in an interview with Israeli newspaper Israel Hayom that he intends to draft half of all Haredi men. He warned that if that doesn't happen, “We're on the way to [becoming] a third of the people's army.”

Brig. Gen. Amir Rogovsky, who serves in Military Intelligence, told a Knesset Constitution, Law and Justice Committee that the IDF needs Haredim to serve because of a significant personnel shortage. The Plesner Committee, headed by MK Yohanan Plesner of Kadima, oversees the implementation of the Tal Law, a law aimed at establishing clear procedures for granting draft deferrals to yeshiva students. In an effort to combat high unemployment among Haredi men, the law allows yeshiva students older than 22 to take one year off from their studies, during which time they can work or learn a trade without being drafted. At the end of the year, the students must choose between returning to full-time yeshiva studies and completing an abbreviated national service.

And in December, Chief of Staff Gabi Ashkenazi called for mandatory national service, either military or civilian.



Today 13% of 21-year-old Israeli recruits receive a draft deferral. The IDF told the Plesner task force that it expects the deferral rate to rise to 25% by 2019. (Age 21 is used as a benchmark to make sure that the deferral number doesn't include hesder yeshiva students, who combine Torah study with military service, or those who study at pre-military preparatory academies before serving in the army.)

***Religion & State Index: 84% of Israelis oppose exempting yeshiva students from military service. Of those, 31% think all yeshiva students should join the army, 9% support a limited quota for yeshiva study exemptions, 33% think yeshiva students should perform national service, and 11% say that even though they oppose the exemption, the situation can't be changed.***

## **National Service**

Nearly 2,000 former yeshiva students performed military or civilian national service in 2009, about five times the amount two years ago, and 2.5 times the amount in 2008, indicating that there may have been a breakthrough in efforts to get Haredim to serve. All the same, those who served last year constitute just 3.5% of the 55,000 yeshiva students who are deferring their service by citing Torah study.

More than 1,000 Haredi men participated in civilian national service last year, but during meetings of the Plesner Committee, it was revealed that 80% of them were performed their service in social service agencies, most of which were Haredi, rather than volunteering for security or emergency services jobs. Thus, civilian national service in large part became yet another way of obtaining government funding for Haredi institutions.

There is also an age problem for those who sign on for civilian national service duty. Most are over 25, making it difficult for them to integrate into the work force.

Despite this dire state of affairs there was one noteworthy positive development in 2009; some 800 yeshiva students enlisted in the IDF. They joined different units, including the Haredi Shahar program and Netzah Yehuda Battalion, as well as becoming technicians and teacher-soldiers. Most of the men were married and aged 22 and up.



## **Economy**

There was greater awareness in 2009 of the urgent need to integrate an increasing number of Haredi men into the work force, and that if they don't start working, the Israeli economy is in danger of deteriorating to third-world level. In July, Bank of Israel Governor Stanley Fischer took part in a conference of Haredi financial leaders, which was organized by Hamodia, a newspaper of the Haredi Agudat Yisrael party. Fischer said that 60% of Haredi men don't work, causing serious poverty, and called on Haredi leaders to work to integrate more Haredi men into the labor force.

A National Economic Council report published in early 2009 warned that the support system for yeshiva students creates a disincentive to work. When Haredi men leave the yeshiva to go to work, they can expect a drop in income, bringing home between NIS 3,100 and NIS 4,100 less per month, because they are no longer collecting a stipend from the yeshiva, National Insurance Institute payments for yeshiva students or charity. Getting a job also leads to a drop in social status for Haredi men. In London, by contrast, the rate of Haredi men who work is double the rate in Israel because benefit payments for large families there are conditioned on employment.

## **Religious legislation**

While Shas spent most of the year focusing on getting Haredim more government money and getting political appointments for its supporters, toward the end of the year it also began heading toward religiously coercive legislation. In December, Shas began pushing a proposal aimed at completely banning the sale of chametz (leavened bread) on Passover, even though the existing Chametz Law, which bans the public display of chametz but not its sale, was not enforced last Passover.

Also in December, the Knesset Interior Committee discussed another proposed Shas law that called for business licenses for stores to be conditioned on their not operating on Shabbat.

***Religion & State Index: 63% of Israeli Jews are disturbed by Haredi parties' decisive influence on religion-state issues. This political influence is disturbing to 83% of the secular respondents, 74% of immigrants and 84% of Kadima voters.***



## **Judicial system**

Attacks on the courts and incitement against them, especially by Shas activists, have become an unfortunate routine over the past decade. A December conference on civil law drew public attention primarily because of Justice Minister Yaakov Neeman's statement in favor of implementing religious law in Israel. But the conference has long been a venue for attacks on the courts by Shas spiritual leader Rabbi Ovadia Yosef.

This year Yosef argued, in statement to the conference, that there was no difference between non-Jewish judges and Jewish judges who base their rulings on civil law. He said Jews "must not take a case to the civil courts. You must take a case only to the Jewish sages." He also said Jewish law considers any Jew who brings a case before a secular court to be "an evil person, and it is forbidden to consider him part of a minyan [prayer quorum]."

Yosef also brought up the court ruling that sent former Shas minister Shlomo Benizri to four years in prison for incitement against the judicial system. Referring to the judges as "heretics," Yosef said: "We very much regret the unjust trial. Woe to us for having such a crooked court. They have no religion, no law, they don't believe in anything."

## **Kashrut**

The Chief Rabbinate has failed to heed a High Court ruling from June that obligated the Ashkenazi chief rabbi of Ashdod, Yosef Sheinin, to grant a kashrut certificate to a bakery owned by a messianic Jew. The High Court ruled that the religious affiliation of the owner is an irrelevant consideration because the law restricts the rabbinate to determining whether the food itself is kosher, as the courts have already ruled on this matter multiple times. The ruling said it is unacceptable that non-Jews are unable to receive kashrut certification.

In December, the High Court ordered the chief rabbinate to authorize someone other than Sheinin to grant the certification, but didn't say that Sheinin was in contempt of court for failing to implement the ruling up to that point. At the hearing, judges heard a recording of Sheinin saying he would not grant the certificate "even if 80 High Courts require me to grant kashrut [certification], and even if they hang me from a tree."

In response to the ruling, Sephardi Chief Rabbi Shlomo Amar sent out a letter to Knesset members asking them to get a law passed that would prevent the High Court from intervening in kashrut issues.



## **Organ transplants**

The 2008 Organ Donation Law was supposed to allow religious Israelis to donate their organs under religious supervision. Tamar Ashkenazi, who heads the Health Ministry's transplant center, told the Knesset Labor and Welfare Committee that despite the change in the law, there was no increase in the number of organ donors in 2009. It appears that one of the major factors is Haredi rabbis' opposition to the law. Toward the end of 2009, Degel Hatorah's Rabbi Yosef Shalom Elyashiv released a ruling stating that even though Haredim are not allowed to donate organs, they are allowed to receive them.

## **Political appointments**

Shas took advantage of its control over the Religious Services Ministry to make a long list of political appointments in dozens of religious councils across the country and take over many of them. The Ramat Gan and Be'er Sheva municipalities petitioned the High Court of Justice against the appointments made by Religious Services Minister Yaakov Margi.

Margi also began efforts to appoint new municipal rabbis, some in cities where there hasn't been a municipal rabbi for many years, including Jerusalem. His plan is to appoint rabbis affiliated with Shas, including relatives of Rabbi Ovadia Yosef.

During the Knesset's winter session, Shas tried to push a bill that would allow for the appointment of dozens of deputy mayors, which came to be known as the "Jobs Law." In light of the public criticism generated by the proposal, Prime Minister Benjamin Netanyahu ordered Shas chairman Eli Yishai in the first week of 2010 to recall the bill and make do with two more deputy mayors in Jerusalem, which is also controversial.

***Religion & State Index: 60% of Jewish Israelis, 82% of secular Israelis and 81% of immigrants support separation of religion and state.***



## Summary

The U.S. State Department's 2009 Report on International Religious Freedom seriously criticized Israel's discrimination against women, the secular, non-Orthodox Jews and non-Jews. The report cites a long list of violations of religious freedom and equality in Israel, including preventing more than 300,000 immigrants from legally marrying in the country, operating sex-segregated buses, and funding Haredi schools that don't teach math or English. The State Department report also lists Israel as one of 30 countries "where violations of religious freedom have been noteworthy" – along with Iraq, Turkey and Russia. It reveals that the U.S. Embassy in Israel consistently raises concerns about religious freedom, in talks with Israel's Foreign Ministry and Prime Minister's Office.

The State Department report states that the government, "through the Chief Rabbinate, discriminates against women in civil status matters related to marriage and divorce. Under the Jewish religious court's interpretation of personal status law, a Jewish woman may not receive a *ghet* (final writ of divorce) without her husband's consent. Consequently, thousands of women, so-called *agunot* -- 'chained women' – are unable to remarry or have legitimate children because their husbands have either disappeared or refused to grant divorces."

The report also says there are many problems related to religious coercion and the violence that stems from it. Writing about the sex-segregated buses, the report states that women who refuse to sit at the back of the bus "risk harassment and physical assault by male passengers."

The next State Department report can reasonably be expected to be a lot worse, featuring new or revived trends that are particularly problematic, such as religiously coercive legislation, the police persecution of Women of the Wall, the religious establishment's practice of ignoring High Court of Justice decisions, and the extensive funding for schools that teach only religious studies.

The Israeli government is selling-off the rights of its citizens and mortgaging their future for power and coalition votes. There is some encouragement to be found in the increasing public awareness of religious freedom and equality, as seen in the Smith Research Institute surveys for Hiddush, especially the Religion & State Index. But only when this increased awareness becomes an explicit priority for Israeli policymakers will there be a chance of carrying out the necessary political changes and finally achieving the religious freedom and equality promised to the people of Israel in the Declaration of Independence.

***Religion & State Index: 43% of Israelis said they would be more likely to vote for a party that actively promotes freedom of religion. Just 13% said they would be less likely to vote for such a party.***