



TEL AVIV אוניברסיטת
UNIVERSITY תל אביב

The Center for the Study of Contemporary European Jewry

PERSPECTIVES

No. 22, February 2023

The Center for the Study of Contemporary European Jewry publishes commentary and analysis on Jewish identity and culture. You are welcome to share your thoughts on our Perspectives with us: cst@tauex.tau.ac.il. We are glad to share with you the twenty-second issue of Perspectives.

The Ultra-Orthodox and the Law of Return

The big picture is being missed, and it is scary

Uriya Shavit

There is a crucial disparity between ultra-Orthodox and secular Jews. The ultra-Orthodox are exposed to mainstream secular media, whereas the secular have no idea what Haredi media writes. Which is why the secular miss the big picture.

The suggested amendment to the so-called grandchild clause in the Law of Return is an example.

If the current erratic coalition would abide by the agreements that bind it together, by Passover, the amendment might be enacted.

In its early years, Israel allowed almost any person self-described as Jewish to become a citizen. This was at a time when the country was eager for population growth, and not many wanted to make it their home.

In 1970, a legal challenge led the Knesset to define more clearly who is a Jew and who has a right to citizenship. Yet the two did not overlap.

Under the law, a Jew was any person born to a Jewish mother (unless the person chose to convert to another religion) or who converted to Judaism. Yet non-Jews who had a spouse, a parent, or even one grandparent who was Jewish were also entitled to become Israeli.

As a result of the Law of Return, hundreds of thousands of non-Jews (from the point of view of Rabbinic law) were naturalized. Their contribution to the prosperity and the defense of the state has been tremendous, and their integration into secular Jewish society has been successful.

Why are ultra-Orthodox politicians so keen on closing the door to more such migrants?

Today, the ultra-Orthodox make up slightly less than two in ten Jews in Israel. Current demographic trends suggest that by 2065, approximately four in ten Jews in Israel will be ultra-Orthodox.

The ultra-Orthodox are the fastest-growing community in the Western world. This is happening for a reason.

Studies suggest the ultra-Orthodox are the happiest group in Israel, which is, in general, a land of happy people.

Haredi happiness has to do with some comforting aspects of their communities, including strong faith, impressive solidarity, leading lives not dominated by materialistic ambitions, and relief from the burden of making individualist choices.

Yet what has made the ultra-Orthodox communities so strong and prosperous is also the exceptional and historically unprecedented privileges they enjoy in Israel. These privileges are sponsored by the majority, which is not ultra-Orthodox, in an incredible display of self-suicide.

State funding enables half of Haredi men to not work and instead dedicate their time to textual religious studies or, in the case of some, to the pretense that they do so.

State concessions exempt Haredi men from military service. The ultra-Orthodox justify these concessions through cumbersome theological excuses, which are, at best, embarrassing. Haredi adulthood is thus sheltered – from physical harm but also from exposure to modern norms.

A huge, and in part gratuitous and nepotistic, religious bureaucracy provides the community with well-paying jobs.

The state welfare system encourages the creation of large families, and state-supported educational institutions groom generations of children who lack the diverse and demanding knowledge required by the current job market.

Haredi communities promote enclave mentalities in the deeper sense of the word, imbuing their children with a sense of superiority by teaching them that the outside world is morally corrupt and transient. Yet they enjoy the full advantages the outside world provides, including a thriving hi-tech economy, a superb health system, and a mighty defense force.

The ultra-Orthodox leadership cannot risk losing the system of privileges that made the Haredi way of life flourish.

To maintain its privileges, it needs king-making political power.

Currently, the Haredi vote accounts for almost one-third of the seats needed to form a coalition, and their leaders do not eye the top job. This is an excellent starting position.

Still, to maintain king-making political power under the present demographics, ultra-Orthodox parties need two things to happen: for the Arab minority to be considered an illegitimate political partner and for the secular center-left not to join a coalition with the non-ultra-Orthodox elements on the right.

This is why the ultra-Orthodox parties so aggressively campaigned against the first government that relied on the support of an Arab party, which was also the first government in the nation's history led by a religious Jew. This is why they aligned so uncompromisingly with Prime Minister Netanyahu, who – from the moment he was vetoed by the center-left due to the corruption charges against him – has become a gift unable to stop giving.

Ultra-Orthodox politicians are correct in arguing that the centrist parties would have given them everything the right gives them and more. That they declined the offers reveals their ability to differentiate between long-term and short-term interests.

The long-term interest of ultra-Orthodox parties is not to be in government at any cost. Rather, it is to fortify a political structure where a stable coalition cannot be formed without them – until the day comes when it would be demographically impossible to do so anyway.

Contrary to recent conventional wisdom, demographics in Israel still favor the secular. Together with the secular-traditionalist, and the secular who came to the country through the Law of Return but are not Jewish, the secular Zionist group comprises more than six out of ten Israeli Jews.

For now, that is.

Hence a partial explanation for the desire to see the doors shut before most of the prospective migrants currently eligible to become citizens under the Law of Return. These potential arrivals, none of whom is ultra-Orthodox, may contribute to the economy and to the nation's defense, but they risk demographically balancing the more than triple-fold higher ultra-Orthodox birthrate.

Why wait for 2065 if demographic processes can be hastened?

Yes – changing the Law of Return would, among other things, stir resentment in Jewish communities across the world, where only a minority is ultra-Orthodox. But that is no price to pay from the point of view of the ultra-Orthodox leadership, which has an existential interest in seeing the secular majority erode.

Few debate that Israel would economically collapse and socially disintegrate if current demographic trends persist and the ultra-Orthodox do not radically change their ways.

I often hear the opinion that ultra-Orthodox society is indeed changing and will change more as it grows.

There is little evidence for that, except on the fringes. The reality is that communities of all sorts and kinds are reluctant to voluntarily give up the privileges they have. Rather, they concoct explanations for why they deserve those privileges.

There is a human tendency to confuse alarming data with false data. The facts are that Israel is racing to catastrophe.

The assumption that shifting demographics would force transformations in the Haredi society is based on the assumption that their leaders care about the same things the secular majority cares about. A thriving, high-tech, scientifically based economy, for example.

Read the Haredi press, please. Listen to Rabbinic sermons. Pay attention to the contempt and the animosity towards human-made laws, Judaism that is not Rabbinical, values that are not medieval.

What we have are two publics with almost nothing in common and with entirely different priorities.

Minorities usually rely on supreme courts to protect their rights. Yet the ultra-Orthodox think of themselves as a moral majority at present, and know they will become a demographic majority in the near future.

The absence of a sense of urgency facilitates the secular self-suicide. While the priority of Haredi politics is to preserve the privileges system that allows the endurance and thriving of their communities, ending this system does not top the secularist agenda.

It helps that ultra-Orthodox leaders have been very clever in picking their fights and advancing their interests.

By and large, the Israeli public sphere dramatically secularized over the past four decades. You know what I mean if you tried to buy milk or watch television on a Saturday morning in the 1980s.

So, rest assured: even under the current government, minimarkets will remain open on Saturday across the country, although the legal premise of their operation is questionable. Even under the new government, some so-called premier-league matches will still take place on Saturday, although this tradition infringes on the religious convictions of at least a significant minority of the Jewish players.

There will be much smoke, screening the real important developments.

What the new government *will* do is massively protect and expand ultra-Orthodox privileges, including by budgeting Haredi autonomous education and by shielding Haredi communities from external influences. The silent majority will not care because this has no immediate bearing on its current way of life.

Secular Israelis are a unique kind of frog. Their pot is getting steadily hotter, but only their tadpoles will burn.

There is another nuance to the secularist self-sponsored suicide, and it adds to the understanding of Haredi obsession with the Law of Return.

The ultra-Orthodox idea of Judaism is clearly defined. The secular notion of Judaism is not.

The great revolution of Zionism was to consider Jews a nation, one entitled to a nation-state. Ultra-Orthodox theology rejected this concept.

Yet Zionism never systematically and coherently defined what makes a person part of the Jewish nation (See [Perspectives 19: Is There Anything Else?](#)).

Israeli society established de-facto orientations and practices that make for a minimalist yet effective framework that binds the majority as a nation. This identity framework involves the Hebrew language and Hebrew culture, ceremonial routines rooted in Rabbinic Judaism, and a blending of attitudes and practices that reflect the many diasporas and influences from which Israeli society is composed.

Non-Jews who came to the country through the Law of Return integrate into this identity framework even if they don't convert.

Around half of secular Israelis are believers. For them, the practices of Jewish-Israeli secular identity are also a means of connecting to the divine, even though they do not believe in revelation as such.

Much of this majority identity grew bottom-up, without structure or coherence. And much of it – from kosher certificates to giving children a bit of Yiddishkeit to Jewish burials – relies today on the ultra-Orthodox establishment.

This puts the secular in a needy position. Their obscure Jewish identity is frail and seeks Haredi affirmations and orchestrations.

There is a good reason why Rabbi Gilad Kariv of the Labor Party freaks ultra-Orthodox politicians more than anyone else. If reformed Judaism was to gain ground in Israel, Israeli secularists – still the majority – may become just slightly less dependent on the ultra-Orthodox establishment.

By rejecting the notion that a non-Jew can become a citizen by joining the secular Jewish framework of identity without becoming a Jew in accordance with Rabbinic law, the ultra-Orthodox leadership shrewdly seeks to delegitimize the very existence of that identity.

I recently heard from two liberal Israeli politicians that the problem with their political side is that it is too elitist and intellectually inclined.

This old rhyme is self-congratulatory nonsense.

On the contrary, the problem of the Israeli left is that it has been intellectually insipid and devoid of new and exciting ideas for decades. For its electoral revival, it must address the Big Questions it has avoided, starting with: who are we and what do we believe in?

Secular Zionism cannot be defended unless people know what it means and what it stands for.

There are good reasons not to be optimistic.

The current leadership of secular Zionists reflects and aggravates its intellectual crisis.

The President, a former member of the Labor party, is an exceptionally nice man, but he appears to be afraid of his own shadow. And it is not the shadow of a giant.

The self-indulged leader of the opposition, a former television anchor and bank presenter, is a terrible speaker for the democratic, liberal, pro-rational and pro-equality camp, given that he runs what is arguably the most despotic major political party in the West, is not a high school graduate, his military record is made of urban legends, and he has a life-long habit of inspiring through fortune-cookie slogans and getting basic facts wrong.

The Supreme Court is under threat, but, regardless, it was under its so-called activism that the immoral system of Haredi privileges prospered. Justices cannot do for the polity what the polity fails to do for itself.

If secular Zionism and a liberal State of the Jews are to survive, it is only through the serious reckoning of the secular majority with the harsh realities, and it cannot be expected to start at the top.

Jewish communities worldwide have a role, too. They must make it clear that their unconditional support for Israel would be withdrawn if it becomes a medieval society where their Judaism is considered second rate.

This is the third sovereign Jewish state we are talking about, and with strike three, you are usually out.

Prof. Uriya Shavit is Head of the Center.

© 2023 The Center for the Study of Contemporary European Jewry. All rights reserved.