On Command, Authority, and Responsibility in the IDF

Yehuda Ben Meir

In an article published in the previous issue of *Strategic Assessment* (August 2007), Gabriel Siboni attacks and criticizes the Winograd Commission for its perception of authority of command in the IDF. The Winograd Commission wrote that the ultimate loyalty of professionals is to their role and profession, and not to their superiors or to the organization they serve. Moreover, if according to the professionals the organization or superiors act in a manner that is liable to cause actual damage, they must caution against this and not shirk from confronting them.

Siboni railed against this observation. He said that the Commission's stand "is liable to harm significantly the ability of the IDF to function as an effective military organization." Siboni argues that "the chief of staff understood fully what the Commission did not" – namely, the total separation between engaging in deliberations within the army and the chief of staff's duty to make decisions and submit his decisions to the political leadership while "assuming full responsibility for that decision as commander of the armed forces." Siboni fiercely objects to the Commission's ruling, whereby loyalty of the armed forces is to the job and to the profession. He contends that the individual responsibility of all military personnel is to obey their commanders, and that this is a legal duty. Siboni believes that the Commission's ruling – that when an officer or organization acts in a manner that to a professional soldier may be dangerous and constitutes actual and severe damage, the professional is duty bound to caution his superiors – is "astonishing!" and "will place the IDF in an intolerable situation."

With all due respect, I feel that as far as relations between the political and civilian leaderships are concerned, Siboni's approach rests on a basic misconception of the military's role in a democratic country, and that the Winograd Commission is, in fact, right. If there is any reason for astonishment it is actually with regard to some of Siboni's statements.

First, his statement that military personnel are bound to their superior officers is fundamentally incorrect. On the national level – as opposed to the personal level – there

Yehuda Ben Meir, principal research associate at INSS

is no place for commitment to any particular person. It is only in the most authoritarian of regimes that loyalty is pledged to a leader. The soldier and officer's responsibility in the IDF is to the State of Israel and its laws. Based on this obligation only, every IDF soldier commits "to obey all commands and instructions given by authorized commanders" – as Siboni cited from the IDF pledge of allegiance. The duty to obey one's commanding officer exists because it is set out in law, but one's obligation is to the rule of law, and loyalty is to the state.

The writer's second error stems from his dubbing the chief of staff as commander of the armed forces, or as "commander of the IDF, who is given the authority to call all of the army's resources into action." This opinion is incorrect and is not written down anywhere. The basic law on the military clearly and precisely defines the status of the chief of staff. Had the legislation wished to make the chief of staff "commander of the armed forces" it would have done so explicitly. However, that is not what is stated. The law determines that "the supreme command level in the military is the chief of staff." The chief of staff is the most senior officer in the military and is the superior of all the officers in the military, but he is not the commander of the military. The chief of staff is part of the military, and the entire military – including the chief of staff – must answer to the government, which is the commander of the armed forces. The authority to direct the armed forces does not lie with the chief of staff but with the minister of defense, who acts on the government's behalf. Only the minister of defense has the authority to utilize all or part of the military's resources as he sees fit, and on this basis he instructs and issues guidelines to the chief of staff.

Siboni's major error is in his understanding of the nature of the General Staff. Is it conceivable that the head of the Northern Command staff would assemble the staff in advance of a meeting with the OC (officer in command), hear the opinions of the staff officers, summarize the discussion by presenting his own position, which is fundamentally different from the position of all or some of the staff officers, and in a meeting with the OC present his position as "the staff position"? Is the staff head authorized to prohibit his officers from submitting their opinions or opinions that are different from his to the OC? Is there any OC, divisional commander, or corps commander who would accept such a situation?!

Siboni, it seems, believes that the General Staff is the chief of staff's own staff – and this is not the case. The General Staff is the staff of the Government of Israel, which is the commander of the armed forces. As his title implies, the chief of staff is head of the General Staff, the staff designed to serve and be available to the government and to the minister of defense, who is responsible for the military on behalf of the government.

All members of the General Staff (in fact, this includes every soldier and officer) who take part in a working meeting with the minister of defense or prime minister or in a government meeting, are duty bound to express their honest and true opinion on any subject that comes up for discussion. This duty has already been determined as a constitutional duty by the state commission of inquiry on Sabra and Shatila, headed by then president of the Supreme Court, Judge Yitzhak Kahan. The Kahan Commission arrived at serious conclusions regarding Major General Yehoshua Sagi, then head of Military Intelligence. However, this was not because he erred in his assessments. To the contrary, he was right in every one of them. This was because, as the Commission put it, he "stepped aside." At a discussion held at the Ministry of Defense (note, not at the chief of staff's office but at the minister of defense's office, as the political authority) the head of Intelligence expressed opinions and assessments that were fundamentally different from those of the chief of staff and the minister of defense. However, at the cabinet meeting, when the prime minister asked him to present his opinion freely, he avoided the issue. The Commission determined that in so doing, he violated his fundamental duty as an IDF officer.

I do not know if in fact Chief of Staff Dan Halutz forbade his officers to express an opinion that was different from his. If he did so, I believe that was a fundamentally illegal order and the members of the General Staff should not have obeyed it. In defense of Dan Halutz, whom I greatly admire, one can say that if he did so, his directive was based on an inaccurate understanding of his position. This misunderstanding constitutes the conceptual basis for Siboni's article and his criticism of the Winograd Commission. And indeed, if such an order was issued, it constitutes a serious act of insubordination.