Shortcomings in the Appointment Process for the IDF Chief of Staff

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Despite his powerful role, the IDF Chief of Staff is not appointed in a transparent process. There is thus room for a public debate prior to the appointment of the Chief of Staff, initiated by the media and agents of civil society, through which the public will be exposed to the mark left by the candidates in their previous roles and to their stances on issues over which the Chief of Staff wields decisive influence.

The IDF Chief of Staff is the most influential actor to shape Israel's military policy after the Prime Minister, and has more than once overshadowed the Minister of Defense. He has the ability to lead the government to a military escalation (for example, Yitzhak Rabin prior to the Six Day War, Shaul Mofaz with the outbreak of the second intifada, Gadi Eisenkot against Iran in Syria). At the same time, he also has the ability to stop escalations urged by the political echelon, a role that Gabi Ashkenazi, for instance, apparently played in relation to the Netanyahu government's intention to attack Iran's nuclear facilities in 2012. Chiefs of Staff have likewise played a key role in the government's ability to confer legitimacy on military restraint (such as Moshe Levy in his support of the military's withdrawal from Lebanon in 1985, or Amnon Lipkin-Shahak in his support of the Oslo process in the mid1990-s), or to threaten such restraint (Moshe Ya'alon could have thwarted the disengagement in 2005 had he not been faced with a determined right wing government led by retired generals Sharon and Mofaz).

The power of the Chief of Staff can be illustrated well by the influence of Gadi Eisenkot, who served between 2015 and 2019. Independently, without any official national security concept endorsed by the political echelon, Eisenkot drew up a document outlining a strategy that anchors an offensive approach, and formulated a multi-year plan for the military that defined priorities for force buildup. Eisenkot was the architect of the restraint in the West Bank when the "knives intifada" broke out, and supported an arrangement with Hamas in the Gaza Strip. He was identified with the escalatory approach toward the Iranian presence in Syria and Lebanon, as well as with the approach that championed the preservation of the nuclear agreement between the Western powers and Iran. Eisenkot was also more influential than his predecessors in redesigning the IDF's recruitment policy which, through a series of steps, may accelerate the future process of ending the draft.

The Chief of Staff's power is not anchored in any official rules (other than those that delineate a uniform command structure for the military, led by the Chief of Staff, that has the power to silence alternative voices that may develop among the top levels of the military). This power is rooted in the high level of trust that the public places in the military as an institution, the value accorded to military thinking in Israeli political culture, and the process since the Yom Kippur War of turning Chiefs of Staff into public figures. These factors join the weakness of the elected civilians, which is divided politically over Israel's military policy in a dispute that developed primarily after 1973. This dispute encourages the politicians to vie for the support of the military when making controversial decisions, whether in the direction of escalation or in the direction of restraint. As long as politicians need the support of the military, the strength of the senior command will increase.

What is absurd is that despite his influence, the process of appointing the Chief of Staff is even less transparent to the country's public than the appointment of the chairperson of a large public company. This is a significant lapse. The formal process of appointing the Chief of Staff is anchored in the Basic Law: The Military (1976), whereby the Chief of Staff "will be appointed by the Government at the recommendation of the Minister of Defense." As has been customary for many years, prior to the appointment process, the Minister of Defense holds a round of interviews, and then brings his recommendation to the Prime Minister. The two have more than once disagreed (such as the dispute between Prime Minister Benjamin Netanyahu and Defense Minister Avigdor Liberman in 2018 that led to the appointment of Aviv Kochavi as a compromise candidate), which is then brought to the government for approval and announced to the public. Before the government gives its approval, the appointment is brought to the Advisory Committee on Public Appointments chaired by a retired judge, which examines the appointee's fitness in terms of integrity only. The committee has never disqualified a candidate for the position of Chief of Staff, including the candidacy of Yoav Gallant, whose appointment was disqualified by the government in early 2011, despite the committee's approval, following the disclosure of information on building violations Gallant had committed.

Is it necessary to change the official process? There is nothing essentially wrong in the official process. Even for the future, the executive branch will decide on the Chief of Staff; this is not a public vote. Nonetheless, a public debate prior to the appointment of the Chief of Staff is essential. In other words, there is room for cultural change and not necessarily legislative change, and here is where the media has an important role to play.

Prior to the appointment of the Chief of Staff, the media customarily names the candidates, who traditionally include the Deputy Chief of Staff, the previous Deputy Chief of Staff, and possibly other candidates who have not yet served as deputies to the Chief of Staff, and

even candidates who have already left the military. In the period prior to the selection of the Chief of Staff, the media tends to examine in detail the careers of the candidates and their personal qualities and social connections. They may also discuss their place in social "cliques," such as those of former paratroopers or Golani officers. But the media tends not to talk about the mark the candidates have left in the key roles they have filled, unless their service has been highlighted by exceptional achievements or failures (such as the kidnapping of Gilad Shalit in the summer of 2006, which took place during Aviv Kochavi's term as Commander of the Gaza Division).

The media reports even less about the candidates' worldviews, and thus the public does not know their positions on issues where the Chief of Staff wields decisive influence, such as force buildup or combat doctrine, or their approach to the use of force, the future draft model, Israel's future security boundaries, the issue of ultra-Orthodox recruitment, the issue of gender equality, the position of religion in the military, and more.

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According to the law, the Chief of Staff is subject to the authority of the government, and is subordinate to the Minister of Defense. Under normal circumstances, the public's interest in the appointment should be minimal, as is common in the most industrialized democracies. But that is not the case in Israel, given the exceeding power of the Chief of Staff. The public's position therefore carries some weight. The purpose of political control over the military, according to American military historian Richard Kohn, is that the nation should base its values, institutions, and actions on the popular will, and not on the preferences of military commanders. This leads to the importance of "activization" of the popular will, meaning the need to arouse arguments that will shape the collective will. Otherwise, that will cannot evolve and will remain stagnant, which will give the executive branch, and even the military itself, the power to interpret what that will is.

Activization of the popular will requires at the very least the creation of direct public interest in military activity. But this interest wanes in low intensity conflicts that are low cost and far from the center, and where the social periphery bears a significant share of the burden of combat. Thus despite the difficulty, popular interest, which illustrates "the public will," requires public debate on the appointment of the Chief of Staff, who, as stated, lays the groundwork for policy. The Chief of Staff is appointed, as required, by politicians, but the latter is supposed to represent the public will. However, this is not the case in Israel, when the political collective has no position and the media does not help it formulate one.

A strong public debate regarding the appointment of the Chief of Staff will help inform the ministers and give them the tools to evaluate the considerations of the Defense Minister

and the Prime Minister when they present the candidate whom they have chosen for approval. If it is claimed that this is not the job of the public, then consider again the Gallant affair in late 2010. Despite the government's decision, it was a series of investigations by journalist Kalman Liebeskind in *Maariv* regarding Gallant's building violations that foiled the decision. Due to the investigations, Minister Michael Eitan asked the State Comptroller to examine the case, while the Green Movement appealed to the Supreme Court. The Comptroller's report, which was submitted to the Attorney General, indicated difficulties in defending the appointment, and the government decided to cancel it. In other words, agents of civil society —the media and a nonprofit organization— acted successfully to thwart the Chief of Staff's appointment after a government decision. Integrity is a main consideration, but not the only one that will determine the appointment of a Chief of Staff. His talents, experience, and the policy he will pursue or seek to influence are also major considerations, but civil society is largely prevented from dealing with them.

What should a proper process be? First and foremost, the media must fulfill its duty and conduct in-depth investigations regarding the mark left by the candidates in previous key positions, and not just tell shallow stories about the candidates. Presumably some of the information is not available and may even be classified. But in-depth investigations, in which retired officers are interviewed, published information is collected alongside State Comptroller reports, interviews are held with members of the Knesset Foreign Affairs and Defense Committee who have encountered the candidates, and more, can shed light on the marks left by the candidates, and predict their success if they are appointed Chief of Staff. There is no need to seek classified information.

Second, the media must expose the candidates' worldviews. The information is available, but is not brought to the public. Consider the process that led to the appointment of Kochavi. Kochavi's worldview emerged in the past when he developed the combat doctrine for urban areas ("going through the walls") and wrapped it in intellectual thinking relying on French philosophers. His declaration following the appointment that he "is committed to deployment of a lethal military" attracted criticism, but was consistent with views he had expressed in the past. The media should also have known quite a bit about the more restrained approach of candidate Yair Golan, and about that of Nitzan Alon who, as commander of the Judea and Samaria Division and as OC Central Command, clashed with residents of Judea and Samaria. There may be room to consider a preliminary hearing, some of which would be open to the public, within the Knesset Foreign Affairs and Defense Committee, so that the Knesset will also have its say. The very holding of a hearing may encourage prior exposure of the candidates' positions.

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Third, civil society organizations must take an active role in feeding the public discourse, and even public debate. The way to do this is not just by appealing to the Supreme Court, as the Green Movement did in the Gallant episode. This can be illustrated by the process of appointing the Chief of Staff in 2018. The Im Tirtzu organization and the Choosing Life forum of bereaved parents tried to encourage legitimate public debate of General Yair Golan's worldview, as reflected in his famous Holocaust Remembrance Day speech in 2016 and even more, in a discussion with pre-military academy students in 2006, where he shared his philosophy on ethics in war. The dilemma between risking soldiers and harming enemy

civilians is at the center of professional and political discourse in the Western world, but is barely heard in Israel. Golan expressed his view regarding situations in which soldiers risk their lives to prevent harm to enemy civilians. But the attempt to generate democratic discourse about the views of candidates for the position of Chief of Staff did not gain traction, and the criticism of Golan was silenced as illegitimate. Opposing the critics were Golan's comrades in arms, who turned a principled and essential discussion of Golan's views to a discussion that praised his courage and his achievements in the field of combat. Supportive announcements by the military and the Minister of Defense were also out of place. It is not just permitted, but essential, to critique the positions of a potential Chief of Staff.

Opposing the position is the argument that public debate will politicize the appointment process and may even encourage the candidates to influence the public discourse. Based on this concern, the Rubinstein Committee headed by Prof. Amnon Rubinstein—the Public Committee to Examine Parliamentary Supervision of the Defense Establishment and Ways to Improve it—recommended in 2014 to avoid hearings in the Knesset Foreign Affairs and Defense Committee before appointing senior officials in the defense establishment. This is not an empty concern. However, the Defense Minister has the power to set rules that will limit the ability of Chief of Staff candidates to influence the discussion. To a great extent, the existing rules limiting the ability of officers to appear publicly are sufficient to prevent politicization.

Moreover, the process will not become "polluted" even if the media and civil society organizations take on a more active role. For instance, the discussion surrounding Yair Golan's views cannot be considered such pollution. Even other forms of alleged politicization are not negative. For example, during the "lone wolf intifada" in 2016, an unprecedented public debate developed over the military's rules of engagement—a discussion that until then had been held behind closed doors. The debate intensified following the Elor Azaria affair. If the orders are derived "from both carrying out the task and our scale of values as an army," as Chief of Staff Eisenkot argued, then there is room for public discourse to design this scale of values. Insofar as the Chief of Staff and generals express a position or attempt to influence policy on matters that have political significance, granting a kind of immunity to their positions derived from ostensibly professional values contradicts democratic principles.

The time has therefore come to stop the masquerade that presents the Chief of Staff as a kind of supervising official and the appointment process as apolitical, which in turn enables an allegedly apolitical figure, the Chief of Staff, to influence national politics. If at this stage we cannot reduce the institutional power of the Chief of Staff to what is customary in other democratic regimes, the appointment process should be accompanied by transparency and public debate.

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