

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.

## A Response to Yehuda Ben Meir

Gabriel Siboni

The response of Yehuda Ben Meir to my article published in *Strategic Assessment* (August 2007), which criticized the Winograd Commission's perception of military command in the IDF, displays the uncertainty and confusion inherent in all that has to do with military command in general, and that of the IDF in particular. It would be a mistake to underestimate the importance of this issue to the ability of the IDF to function as an effective military body that will be able in times of need to discharge its tasks and realize its purpose.

Yehuda Ben Meir chooses first to discuss the relationship between the civilian echelon and the military one, claiming that the "statement that military personnel are bound to their superior officers is fundamentally incorrect." Ben Meir goes even further by choosing to link the subject to "the most authoritarian of regimes [where] loyalty is pledged to a leader." Discussion of these subjects requires a sense of proportion and basic common sense. Radicalizing the debate to the point of the absurd in order to make it easier to handle does not serve the reader well, and is liable to deepen the confusion. What exactly in my article makes it possible to conclude that obligation to a commander is similar to commitment to a leader of an authoritarian regime? The foundation of a mili-

tary organization is the ability of commanders to demand that their subordinates carry out orders issued to them. This authority is given to IDF commanders by law, and there is no place for sophistry or fudging on this point. My main claim is that the obligation to obey *orders* is a supreme duty.

Yehuda Ben Meir's second claim concerns his understanding of the role of the chief of staff. The law determines that the chief of staff is the *highest command echelon* in the army. The meaning of this law is that the chief of staff is the commander of all IDF officers and soldiers, and has the authority to issue them orders. In addition, the significance of this is that there is no source outside of the IDF that has the authority to issue orders to IDF soldiers. I do not understand why Ben Meir chooses to argue the claim that the army is subordinate to the authority of the government. Nowhere have I written anything to the contrary, and that is the legal situation in Israel. However, one cannot ignore the fact that the civilian echelon (the government and the minister of defense) directs the army via the chief of staff. There is no civilian agent anywhere that has the authority to issue orders to any one of the commanders of the IDF. The chief of staff receives instructions from the civilian echelon, and his job is to use the resources of the army in such a way as to fulfill these instructions. It is unclear to me what argument Yehuda Ben Meir is trying to manufacture here.

Ben Meir complains about my conception of the fundamental nature of the General Staff. First of all, in terms of command the General Staff by law is subordinate to the chief of staff. There is not one commander on the General Staff who would claim that he is subordinate *in terms of command* to the Government of Israel. The government does not

Gabriel Siboni,  
research associate at  
INSS

issue orders directly to the commander of the air force, to regional commanders, or to any other officer on the General Staff. True, the General Staff is a professional body that also serves the government, and that is as it should be. However, this situation is a far cry from one in which the government or one of its members has command authority over IDF officers. *The government has no authority to command IDF officers.*

Furthermore, the example brought by Ben Meir is confusing. The analogy between the OC Northern Command and the chief of staff is an erroneous one. The chief of staff is not the chief of the IDF staff. The chief of staff is the highest command echelon in the IDF and has supreme authority in the IDF. By contrast, the head of a regional command staff has no command authority over the command's staff officers, who are subordinate to the OC of the regional command. The General Staff counterpart of the head of a regional command staff would be the deputy chief of staff, who serves also as the chief of the IDF staff. This arrangement was put in place as Dan Halutz began his term as chief of staff, and was recently reaffirmed by the current chief of staff. According to this arrangement, the deputy chief of staff is the chief of the IDF staff. Therefore, the example used by Ben Meir is not relevant to the discussion. And to complete the picture, I should note that the OC of a regional command is indeed allowed to ban officers on his staff from expressing objections to his stance during discussions with the chief of staff, because he is the highest figure in the regional command and bears the ultimate responsibility. This banning is within the full legal authority of the commander, although the routine use of this power is frowned upon.

As for the conclusions of the Kahan Commission regarding then head of Military Intelligence, Major General Yehoshua Sagi, it is necessary to remember that the status of the head of Military Intelligence is unique. The head of Military Intelligence bears several functions, including the government's chief intelligence officer and the chief intelligence officer of the IDF. Much has been written about the problematics of this situation, and this is beyond the scope of this discussion. However, nowhere in my article did I write that IDF officers are not allowed to express their opinions in government discussions, though this must be done with the express permission of the chief of staff. When such permission is withheld, the proper recourse for a staff officer is to resign from his post immediately, and present his opposing stance. My central claim in the article was that the rulings of the Winograd Commission on this question are liable to set an unacceptable norm in the IDF that will undermine the authority of IDF commanders.

And finally, a note on the proper use of language and concepts. Ben Meir writes that Lieutenant General Dan Halutz's order (if ever given) to IDF officers not to express their opinions before the government was "fundamentally illegal." This is a sweeping assertion, bordering on exaggeration. It is proper to choose one's words with care and use them with precision. At most, Ben Meir can claim that the order was unlawful (though he would be hard pressed to prove this). And even if it were unlawful, *the obligation to obey stands even with regard to unlawful orders.* The obligation to refuse refers only to patently unlawful orders, orders that fly the black flag of immorality. It seems that that was not so for the case under discussion.