

Democratic Values and Military Activity

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The government's proposed judicial overhaul, which looks increasingly like a recipe for a regime coup, has aroused much opposition. The most important of these critical voices came from officers in the reserve corps, who linked their continued service in the reserves with the democratic nature of the State of Israel. In response, a counterargument was raised, claiming that any such linkage is a political expression, which, in accordance with the apolitical nature of the IDF, is not valid. The purpose of this article is to refute this counterargument.

Among the most prominent voices protesting the government's proposed judicial overhaul were officers who volunteer in the reserve forces of the Israel Air Force, special intelligence units, and more. Some hinged their continued service as volunteers in the reserves on Israel's remaining a democratic state. Since the government's proposed judicial overhaul, which looks increasingly like a recipe for a regime coup, threatens the democratic nature of the country, it endangers the continuation of essential volunteer reserve duty – if the principal laws proposed are passed.

The most direct and important response from those who oppose this approach rests on two arguments: first, any linkage between continued voluntary reserve duty and the democratic character of the State of Israel is a political statement; second, the IDF's apolitical nature means that it must be protected from political division in its ranks, especially in the context of operational activity.

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This response is flawed, however, and reflects a conceptual misunderstanding that must be corrected.

First, it is important to understand the profound significance of expressions of loyalty to democracy when they have a practical nature – such as willingness to volunteer for reserve duty. The critical and fundamental difference between a democratic regime and a nondemocratic regime manifests itself in the value of human dignity. The value of human dignity for all people and the unwavering obligation to safeguard that dignity are what distinguishes a democratic regime from any other kind of regime. A functioning democratic state bases its conduct on this fundamental value, in accordance with an entire codex of human and civil rights, and whereby any general disagreements that arise are dealt with through the just processes of “majority rule.”

An officer or a soldier who is engaged in a mission in which he or she must face the enemy should know that the goal of the mission and the means used to conduct it uphold the duty of protecting human dignity for all people. This duty is one of the moral and ethical responsibilities incumbent on a soldier within the framework of the IDF's ethical code. A democratic regime is supposed to ensure that every soldier knows that the operational activity he/she engages in meets the value of “human dignity” that is part of the IDF's ethical code, which is the code by which soldiers must act. Another kind of regime would not ensure that such operations meet the IDF's ethical code.

For example, a pilot who is about to undertake a mission in an area where there are enemy terrorists and civilians, as part of a military operation by a democratic country, will assume that the mission will not cause collateral damage, that is, the death of civilians who are not involved in fighting or terrorism, or that, if the mission does indeed entail the risk of collateral damage, that it will be proportionate – that the military importance will be so great that it outweighs the likely collateral damage.

The considerations at the heart of the efforts to avoid injuring civilians who are not involved in combat or terror stem from a desire to adhere to the

values of “human dignity” and “purity of arms,” which are important elements of the IDF’s ethical code, and which, in a democratic state, must not be violated. So, for example, in a nondemocratic state it is feasible that someone would envisage a mission to “wipe Hawara off the map” – a mission that does not uphold the IDF’s ethical code and would be considered unthinkable in a state that cherishes democratic morals and principles.

Such, too, are the considerations at the heart of efforts to plan and execute a counterterrorism military operation, in which there is the possibility of collateral damage, to ensure that the damage done to noncombatants and those not involved in terror is as limited as possible. In a democratic state, a pilot can be certain that the assigned mission meets the demands of the values of “human dignity” and “purity of arms” (as well as the moral demands of international law). In a democratic state, the pilot would not be dispatched on a mission to kill terrorists and neighbors indiscriminately, in the name of revenge or deterrence, without the obligatory moral restraints. A democratic state restrains its use of the force at its disposal as necessary. The State of Israel does this, *inter alia*, by obligating its soldiers to abide by the IDF’s ethical code.

These examples point to the role of democracy in the framework of military operations. Democracy is not some abstract framework that remotely envelops the activities of the soldiers and officers who operate on behalf of the state, defending the country, its citizens, and residents. A democratic regime manifests itself in values that must be embraced in everything that the state does, including all the military operations conducted by those serving in its armed forces.

The difference between a democratic regime and one that is not democratic manifests in many elements of military operations based on the IDF’s code of ethics, first and foremost the value of human life. In a democratic state, soldiers know how the state views them in the military framework. People serving in the military are not tools of the state, operated by their commanders to achieve political, economic, or other

goals. In a democratic state, the life of a soldier is priceless, and the state must do everything in its power to protect it. To be sure, there may be some circumstances in which there is no alternative but to risk the lives of officers and soldiers. Such circumstances include an enemy attack on the country or its citizens and residents, whereby protecting them entails an operation that risks the lives of soldiers and their commanders. Even in these circumstances, however, the lives of soldiers are valuable and not disposable. The commanders, the military, and the state must take the course of action that protects the state and its citizens, while at the same time safeguarding the lives of soldiers as much as possible. The life of a soldier never becomes less valuable: such are the morals of the military, which are inspired by the morals of a democratic state. A nondemocratic state will be preoccupied with the spoils of a military operation. A democratic state will be concerned with the outcome of the operation, but no less so with its efforts to minimize the risk to its soldiers.

The difference between a democratic and a nondemocratic state must manifest itself not only in the choice of missions and the development of the right tools to execute them, but also in the very decision to fight – in wartime, during an operation, or in any other military activity that endangers the lives of the participating officers and soldiers. In a democratic state, risking the lives of soldiers is only supposed to occur when an aggressive enemy attacks and the country, its citizens and residents, need defense from this aggression, with the military the most suitable body for carrying out these defensive measures.

What has been said thus far addresses the claim that linkage between willingness to continue to volunteer for reserve duty and the democratic nature of the state is a political statement. The line of thinking that underlies this link contains five steps: one, at issue is military activity that occurs in accordance with certain guidelines; two, the guidelines at the core of a military operation include defined moral elements, such as “purity of arms” and “human life”; three, at the very heart of each of these values is the value of protecting human dignity for all people; four, this value is at the heart of a democratic regime; five, the replacement of a democratic

regime by a dictatorial one disregards the duty to safeguard human dignity for all people, and, in so doing, it disregards all the related duties, such as “purity of arms” and “human life,” and invalidates the moral elements of those guidelines at the heart of a military operation. In short, if the State of Israel is not a democratic regime, there is no validity to large parts of the “spirit of the IDF.”

Any examination of the moral elements that comprise a military operation – elements that stem from the IDF’s code of ethics – is an examination of the ethics of the military operations, which in turn is an examination of the moral elements of the professionalism of the military operations. There is no foundation to the argument that says that this is a political act. Such an examination does not deal with policies, one of the areas of life of the whole country, but with the fundamental identity of the military in the framework of a democratic state.

The apolitical nature of the IDF does, indeed, obligate its removal from the political divisions within its ranks, especially in relation to military operations. However, examining the moral elements is the same as examining the professional elements, and that is completely free from political considerations. The value of the state demands the examination of all elements of professionalism in the military, including moral aspects, which include the IDF’s ethical code and, at their roots, the fundamental democratic obligation to safeguard human dignity for all people.

Officers or soldiers who link their agreement to volunteer for reserve duty to the safeguarding of the democratic nature of the country express a profound and decisive loyalty to the values of the IDF. They are pointing out that the judicial coup will overturn the status of the IDF’s code of ethics and will turn anyone who works in the IDF into someone who is acting in accordance with an unclear, perhaps even unknown, ethical structure, whose only known element is that it is not based on the values and principles of a democratic regime. Activity in a military of this kind would be acting in the service of a dictator, not in the service of the public or the

service of the state, in its original format as a democratic state that is also the national homeland of the Jewish people.

Editors of the series: Anat Kurtz, Eldad Shavit and Judith Rosen