

The Israel Defense Forces, Not the “Democracy Defense Forces”

Kobi Michael and Gabi Siboni | No. 1760 | September 5, 2023

The mandate of the Israel Defense Forces is to defend the state from security threats, and Israel's military is necessarily and unequivocally subordinate to the legally elected political echelon. The IDF is not meant to be the protector of democracy; that is not its role. Reservist officers, no matter how senior and talented they may be, are not constitutional scholars and are not authorized – by virtue of Israel's nonexistent constitution or by the Basic Law: The Military – to defend Israel's democratic regime. Those anxious for the future of Israeli democracy must understand that while the current protest against the judicial changes spearheaded by the government is led inter alia by people who serve in the reserves with a specific ideological outlook, tomorrow could see a protest against the government led by reservists with a very different set of values. The military does not determine what is democracy or what are the nation's values; these are determined by citizens, through their representatives, who were elected in free and fair Knesset elections. Therefore, it is wrong to allow acts of protest to transform the IDF from the Israel Defense Forces into the “Democracy Defense Forces.”

The crisis that Israeli society has experienced over the past eight months has grown more and more acute. The IDF – because of the decision of some reservists to stop volunteering and thereby to stop reporting for reserve duty – is involved in the protests, which means that the political echelon and a large part of the public now identify it as a political actor. In March 2023, reserve officers who threatened to stop serving managed to force the political echelon to change the direction and pace of the judicial overhaul process. It is doubtful they envisioned that a few months later, they would make good on their threat. The very fact of the threat – and certainly its implementation – nurtured the protest, whereby their actions injected a militaristic dimension to the protest and politicized the military, punctured the confidence that the political echelon and large portions of the Israeli population have in the military, undermined the values of volunteerism and unity within the IDF, and eroded Israel's image of power and its

deterrence. Their actions could lead Israel's enemies to the false belief that this is an opportune time to strike Israel and hasten an unwanted war.

The failure of the senior military leadership from the outset to sever the IDF from the protest and from the political realm means that the train has already left the station, creating a much greater problem for the military. At this point, the bear hug of the army and the chief of staff by some have dragged the IDF deeper into the bubbling political cauldron – and the quagmire becomes even harder to exit when politicians accuse the military of political intervention and taking sides in the current argument; some have gone even further, leveling extremely harsh criticism against the chief of staff and commander of the Air Force. So, for example, the large advertisement published by the protesters in all the leading newspapers (paid for by the Business Forum) saluting the chief of staff (August 17, 2023) coopts the IDF, against its will, into the protest camp and drags it into the political debate. The intention of those behind the advertisement is not important; what is important is what it did to the perception of those Israelis who oppose the protest or support the judicial overhaul and the current government. Among these citizens, those serving in the army and politicians, the IDF has been turned into a political tool and actor, as the culture of refusal to serve (according to the protesters: refusal to volunteer, and not refusal to obey a mobilization order; in our view: a unilateral violation by the reservists of the rules of service they agreed to is a refusal to serve) and media coverage of the phenomenon are viewed as an attempt to frighten the public and the political echelon in order to undermine the ability of the government and the Knesset to continue with the legislative process, to challenge the legitimacy of the government, and even to bring about its downfall.

One of the key arguments advanced by officers who refuse to volunteer is that the legislative process violates their contract with the state; some argue that they undertook “to serve the kingdom, not the king.” They contend that the government's plans will lead to a regime change in Israel, which will be the end of democracy. Terminating democracy, they argue, is tantamount to a violation of the contract by the state, and by curtailing their service in the IDF, they are, in fact, defending democracy. According to their worldview, they are entrusted with defending the state only on the condition that the state safeguards what they see as democratic values.

However, these arguments in effect turn the IDF into the “Democracy Defense Forces.” Apart from the fact that there is no clear constitutional basis for the role that these defenders of democracy have taken upon themselves, it is also not clear how those who refuse to serve are upholding the value of protecting the state, its citizens, and its residents. Insofar as the IDF's oath of allegiance¹ does not contain the word “democracy,” it is far from clear exactly what contract they are referring to and whether

¹ “I swear and commit to maintain allegiance to the State of Israel, its laws, and *its authorities*, to accept upon myself unconditionally the discipline of the Israel Defense Forces, *to obey all the orders and instructions given by authorized commanders*, and to devote all my energies, and even sacrifice my life, for the protection of the homeland and the liberty of Israel” (emphasis added).

it is the same contract signed by those hundreds or thousands of reserve officers who did not join the protest and who object vehemently to their actions.

The purpose of Israel's military, the Israel Defense Forces, is to defend the state from security threats, and it is necessarily and unequivocally subordinate to the legally elected political echelon. The IDF is not meant to be the protector of democracy; that is not its role. Reserve officers, no matter how senior and how talented they may be, are not constitutional scholars and are not authorized – by virtue of Israel's nonexistent constitution or by the Basic Law: The Military – to defend Israel's democratic regime.

Protection of the state and its citizens, political impartiality, responsibility, dependability, personal example, and professionalism, which are the values that the “protesters in uniform” claim to represent, obligate officers in the standing army and in the reserves (when they are on duty or use their status, rank, and role in the IDF) to ensure that the IDF remains untainted by politics and that there is an impenetrable wall between the IDF and its responsibilities and the civilian-political sphere – especially when it comes to a civilian-political protest movement. In this sense, all those values obligate the officers to ensure that the military remains loyal to its fundamental principles and that it adheres strictly to its military and security missions. The value of “stateliness” (*mamlachtiut*) is especially important; it means loyalty to the state and action on its behalf, not on the behalf of any party, ideological group, or societal segment. In choosing to threaten to stop serving in the IDF and by realizing that threat, they violated that stateliness norm and identified themselves with a specific and defined segment of society. In so doing, they undermined one of the core principles that gives the IDF its strength.

Members of the protest movement who seek to drag the IDF deep into the political debate seek to foster symmetry between the political echelon and the military leadership, arguing that army commanders must also take a position vis-à-vis the judicial overhaul. Indeed, in the professional debate among them, officers are expected to present and explain their views – but these views should be from a professional military standpoint, or from a political standpoint that takes into account the ramifications of military action, but not be a political, ideological, moral or interpretative view of the essence of democracy. Moreover, after presenting their professional military position to the political echelon, the civilian leadership has the right not to accept it and to choose an alternative course of action or interpretation. Ultimate responsibility will always rest with the political echelon, and in a democratic country, elected politicians have the right to err. It is the civilian population that is supposed to punish or settle the score over such mistakes in the ballot box, not the military and not reserve officers.

The attempt to forge symmetry between the two echelons also emerges in the argument that the government does not have a code of ethics and that, according to the views of protest leaders, the behavior of some ministers does not suit the core values and spirit of the IDF. While it may be desirable for the political echelon to have a code of ethics, this is not its sacred duty, and it is certainly wrong to create any kind

of symmetry between the political echelon and the military leadership that serves under it. Even in a situation where there is no code of ethics – and there are many countries where politicians do not have one – the military is under the absolute authority of the political echelon. The decisions of the political leadership reflect a wide range of considerations – military, diplomatic, and political – and this echelon alone has the authority to decide how much weight to attach to each component.

The political echelon, like a large part of the Israeli public, views the attempts to drag the IDF into the political debate as stemming, first and foremost, from a desire to restrict the legitimacy of the current government to act and the Knesset to legislate. Both the behavior of reserve officers who suspended their service in the IDF and their arguments to justify their decision are seen by the political echelon and those Israelis who support it as a violation of the rules and as endangering the security of the State of Israel.

The idea that the political echelon must accept the recommendations of the military leadership, and must even refrain from enacting policies that are driven by the conservative worldview of the elected government, is both undemocratic and unconstitutional. The political leaders will always have a wide range of considerations that are influenced by the moral and ideological platforms on which they were elected, so they are not obligated to accept the opinion of the military echelon as impartial, if that opinion is based on a different set of moral and ideological values. There have already been cases where senior officers – either knowingly or unwittingly – acted in accordance with moral and political considerations that have patently political significance and sometimes countered the political echelon. For example: Dan Shomron, who was IDF chief of staff during the first intifada, argued in public and contrary to the position of the political leadership, that there was no military solution to the Palestinian uprising; during the first months of the second intifada, Chief of Staff Shaul Mofaz and the top IDF officers acted in opposition to the stance and instructions of the political echelon; and Maj. Gen. Oren Shahor met with then-opposition leader Shimon Peres in 1997 behind the Prime Minister's back.

Anyone who is anxious for the future of Israeli democracy must feel some discomfort when reservists drag the IDF onto the political field and into the heated political and moral debate over the essence of Israeli democracy, and when there are those who want to turn it into the "Democracy Defense Forces." This is a clear militarization of the political space as much as it is a politicization of the army. Those fearful for the future of Israeli democracy must consider that while today the current protest against the judicial overhaul is led by reservists with a specific ideological outlook, tomorrow could see a protest against the government led by reservists with a very different set of values. The military does not determine what democracy is and what are the nation's values; these are determined by its citizens, through their representatives, who were selected in free and fair Knesset elections. Therefore, the IDF must return to be nothing more or less than the Israel Defense Forces, and there must be an impenetrable wall between the military and political arenas.

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