

Hasn't the Time Come for the Political Training of Senior IDF Officers?

Yoram Peri

The Harpaz Affair has revealed one of the worst crises in the history of the relations between the political and military echelons in Israel. Despite the great interest in the affair, one crucial aspect of the relations between then-Minister of Defense Ehud Barak and then-IDF Chief of Staff Gabi Ashkenazi has been ignored: the battle between the two over the “general headquarters” section of the IDF Supreme Command orders, which sets forth the status of the Defense Minister vis-à-vis the IDF Chief of Staff and reflects who is head of the military. This is a struggle on the very principles determining the relations between the political echelon and the subordinate military echelon. While the reasons for the recurring crises between the two echelons are generally known and various plans for correcting the situation have been devised, systematic steps to rectify the situation have yet to be taken. What are the reasons for preferring ambiguity in defining the relations between the two? Whose interest does this ambiguity serve, and to what end?

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A long list of books, articles, interviews, and testimonies—the most recent of which is a biographical study of former head of IDF Military Intelligence

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Aharon Yariv¹—reiterate and highlight the depth of the IDF's involvement in national politics in Israel. Yariv himself regarded this phenomenon with alarm while still in uniform. "I told Golda Meir numerous times, 'You must not use me, the head of IDF Military Intelligence, as a liaison with the American administration. The close connections I maintain with them are liable to affect my ability to be a good, neutral, and impartial evaluator. For that, I need distance from the decision makers,' but she didn't accept my opinion."² Despite these views of the general who later became a cabinet minister, the new biography reveals previously unknown details about the depth of his involvement in determining Israeli policy.

If Yariv's views—though not his deeds—conformed to the rule that the military should not be involved in these civilian processes, the case of Moshe ("Bogie") Ya'alon stands in complete contrast. In the view of the former Chief of Staff-turned-Defense Minister, the fundamental problem underlying Israel's security strategy is the need for national recognition that we are a "nation at war." At present, and for the foreseeable future, Israel is in a state of perpetual war, as a "war between the wars" continues with various peaks of intensity. The ability to withstand a war of this kind depends first and foremost on the civilian population's conceptions, and therefore one of the military's first missions is to prepare the country for this situation.³

Ya'alon was the first to systematically develop this concept, expanding the fields of military endeavor, thinking, and planning to non-military dimensions. These, in turn, affect the military effort and enhance the army's activity within civilian society and the political system. He formulated, developed and realized this doctrine when he served as Commander of the IDF Central Command, and expanded it when he was appointed Chief of Staff.⁴

Between the actual behavior of Gen. Yariv in the 1960s and the reasoned concept of Gen. Ya'alon in the first decade of the 21st century, much evidence was published by academic researchers and members of the military or political system indicating that the IDF's relationship with the political sphere does not coincide with what Israel's first Prime Minister and Defense Minister David Ben Gurion envisioned. In fact, never in its history was the IDF an instrumental army, divorced from politics and merely carrying out policy dictated to it by the civilian echelon.⁵

In addition to the empirical evidence, the symbiotic relations between the military and civilian sectors have been the focus of theoreticians and researchers.⁶ A pioneer in this field was Rebecca Schiff, who presented the Theory of Concordance, asserting that the military and civilian spheres must engage in dialogue and agree to share responsibilities. Douglas Bland spoke of shared responsibility and a regime of norms shared by “friendly adversaries.” Elliot Cohen, who improved Huntington’s concept of professionalism, coined the term “unequal dialogue.” In addition, I proposed the “military-political partnership” model.⁷

The wars in Iraq and Afghanistan have provided a plethora of material for examining the military-political relations in the United States, specifically the Pentagon and the president,⁸ facilitating the development of additional theories; Snyder and Gibson’s Network of Connections model, for instance, was adopted by Sheffer and Barak in their description of the “defense network,” in which the distinction between the two sectors is essentially meaningless.⁹

Kobi Michael aptly described the tension, or dialogue, between the political and military echelons in terms of a “discourse space” in which this dialogue is conducted. He described an “intellectual meeting of exchanges of information and knowledge, in which the political objectives and their military significance are defined.”¹⁰

The most recent in the series of writers was Yagil Levy, who analyzed the relationship between the military and political echelons, and the “bargaining space,” a repertoire of operative possibilities from which the Chief of Staff can choose at times of conflict between the military and political echelons.¹¹ Levy bases his theory on the following rationale: the military and the civilian institutions maintain relations based on exchange, as the military accepts subordination to the civilian echelon in return for resources and legitimization. When the military feels that these relations are unbalanced, it expresses opposition to the political authority. For its part, the political echelon is limited in its ability to restrain the military, because it needs the services provided by the military. To the extent that the political echelon is in need of such legitimization—for example, the dramatic decisions to go to war or peace measures subject to public dispute—its position in the dialogue with its military partner is weaker.

Despite the growing body of research examining the symbiotic nature of the relationship between the military and civilian echelons, it seems that

researchers tend to think in terms of the old instrumental model as they advocate for strengthening civilian oversight by at the military's expense. This model, which former IDF Planning Directorate member Lieutenant Colonel Alon Paz referred to as the "delineation approach," reflects the most common perception of the issue. However, the alternative model of a symbiotic partnership or, as Paz puts it, "the interventionist approach," in which there is constant negotiation and a dynamic equilibrium between the two "spheres of knowledge" is a better description of the situation in Israel.¹²

Should it therefore be concluded that in order to rectify the situation an emphasis must be placed on the military side of the equation? Does the fact that the military bears a direct influence on politics require that senior military leadership gain a deeper understanding of the political process and rules of the game? Shouldn't senior officers' training include broader historical knowledge in addition to military knowledge? Should the IDF incorporate the "civilian leadership" theme in its officers' education, referring not to electoral politics or ideology but rather comprehension of political theory and rules, similar to the education of political science students in the university? Instead of completely ignoring the military's political character and influence, perhaps familiarity with political thought may help strike a better balance between the army and civilian spheres.

The following provides an in-depth analysis of the crisis between former Defense Minister Ehud Barak and former IDF Chief of Staff Gabi Ashkenazi, preceded by an analysis of the source of the conflicted relations between the military and the Chief of Staff.

Crises in Relations between the Political and Military Echelons in Israel

In the summer of 2010, the Prime Minister and the Defense Minister notified then-IDF Chief of Staff Gabi Ashkenazi that they intended to declare Order P+30 on the Iranian question. This meant that Ashkenazi had to prepare the military for an attack on nuclear facilities in Iran within 30 days. Ashkenazi, supported by heads of the Mossad and the Israel Security Agency (ISA), opposed the measure. As Mossad head Meir Dagan said: "P+30 is not something that can be kept secret. After five days, reserves must be called in and supplies of blood transfusions, fuel, and ammunition must be ensured. There isn't an intelligence organization in the world that wouldn't pick up on it."¹³ The security officials told the politicians

that the very commencement of such measures would inevitably bring about an Iranian response, and create a chain of unavoidable reciprocal steps that would cause the outbreak of war, without any explicit decision being made in advance. Netanyahu and Barak were also faced with an argument of constitutional nature: decisions of this kind must be made by the government, or a cabinet authorized by the government—not the Defense Minister, or even the Prime Minister. As the head of the IDF, the Chief of Staff was therefore not obligated to do as asked.

The second event that occurred at that time was coined the “Harpaz Affair,” and attracted significant media coverage. In his description of the affair, the State Comptroller wrote, “In the State of Israel, where the security establishment is an existential system and part of the national ethos, trust in the heads of the security establishment must not be undermined by bitter relationships that have deteriorated to the point of loathing and mistrust.”¹⁴ His language was restrained in comparison to other descriptions. Senior commentators in Israel, quoting the Defense Minister himself, referred to a “colonels’ rebellion.”¹⁵ On February 2, 2011, he appeared on television and accused the serving Chief of Staff of having “severe professional and ethical issues.”¹⁶

Later, in a conversation with the State Comptroller, Barak described Ashkenazi’s actions as “a putsch... illegal action... deliberately subversive and unilateral measures were employed to damage the Defense Minister.”¹⁷ In a court affidavit filed by the Defense Minister on August 13, 2013, he accused Ashkenazi of “an action against the political echelon through criminal behavior,” describing his conduct as being “in violation of the criminal code, the Basic Law: The Military, the norms of command, and the spirit of the IDF.”¹⁸

The accusations voiced by the Chief of Staff and his supporters against Barak were no less severe. From their perspective, what happened was not a putsch by the Chief of Staff against the Defense Minister; it was a putsch by the Defense Minister against the government.¹⁹ According to Ashkenazi and his supporters, Barak assumed a level of authority that is only given to the entire government, and following the failure of this endeavor, he began a campaign “designed to target a serving Chief of Staff... The conduct of Barak and his office was based on his plan to cause the Chief of Staff to either resign or to end his term battered and worn-out.”²⁰

Israel's political history is replete with cases of friction between the political and military echelons. On numerous occasions, Defense Ministers have been on the verge of dismissing the Chief of Staff for this reason, including Defense Minister Ezer Weizman and Chief of Staff Mordechai (Motta) Gur in 1977, and Defense Minister Binyamin Ben-Eliezer and Chief of Staff Shaul Mofaz in 2001. On both occasions the Prime Minister restrained the Defense Minister. Nevertheless, the Iranian event and the "Harpaz Affair" are different, culminating in a true crisis. In these two cases, not only did the military object to the government's policy, but they also entailed a conflict over the principles regulating the relations between the military and the government. According to Yehuda Ben Meir, "the relations between the Prime Minister, the Defense Minister, and the Chief of Staff are slippery... they occasionally cause improper behavior by, or power struggles between these officials."²¹ Over the past two decades, research regarding the friction between the two echelons has reached a point of saturation, as the recommendations did not differ from those first mentioned by the Agranat Commission.

This Commission, examining the failures of the Yom Kippur War, indicated in its 1974 report that there is no clear definition of the division of authority between the Prime Minister, Defense Minister, and Chief of Staff. In Section 17 of its partial report, the Commission stated, "the lack of definition of authority prevailing in the existing situation in the field of defense, a field second to none in its essentiality, diminishes the effectiveness of operations, detracts from the focus of responsibility, and also causes a lack of clarity and confusion among the public." The Commission, however, merely made a recommendation in principle about the need to define the authority and responsibility in the law, and did not propose a detailed and clear format for doing so.

Following the publication of the Agranat Commission's recommendations, the Knesset enacted Basic Law: The Military, 1976. The law's provisions state, "the military is subject to the authority of the government" and "the Minister in charge of the military on behalf of the government is the Defense Minister." This basic law defines the status of the Chief of Staff as "the supreme command level in the military... subject to the authority of the government and subordinate to the Defense Minister," and nothing else. The new law failed to eliminate ambiguity in the definition of that authority and responsibility within the political echelon, as well as the

relations between the political and military echelons. Consequently, it did not prevent further frictions that led to other commissions of inquiry, such as the Winograd Commission that investigated the war in Lebanon in 2006.²²

While the ambiguity has persevered and facilitated the incidents mentioned above, the correct question has yet to be asked and answered: why has nothing been done to right this wrong? How is it possible that the few initiatives for change did not emanate from the political establishment, but rather from the judicial system or academia? And when such a political initiative existed, why did it fail to yield results?²³

This article discusses the unanswered question as to the reason for the lack of real initiative to alter the situation and clear the ambiguity. The discussion will focus on two key players in the arena: the Chief of Staff and the Defense Minister, who most clearly represent the friction in the interface between civilian and military spheres, and between the government and the military.

The Institutional Explanation for the Crisis: The Structure of the Government Coalition

Israel's constitutional structure is at the root of the friction between the military and the political echelons; the multi-party coalition government creates a situation in which the military has no single commander in chief. In addition, aside from the guiding principle adopted from the pre-state era according to which the military is subordinate to the elected civilian political institution, there is no concrete delineation of the nature of this subordination. Unlike the US or France, in which the president is the armed forces' commander in chief; Germany in which the Minister of Defense (or at times of crisis the Chancellor) is the armed forces' supreme commander; or the UK, Greece and Spain in which the military is subordinate to the Prime Minister, the Israeli military is subordinate to a collective entity rather than a single official.

The multi-party coalition structure in Israel sets the stage for tension between and within political parties, and this tension does not skip the military. The situation is even worse in cases in which the Prime Minister and Defense Minister are not from the same party. During the country's first years, its Prime Minister David Ben Gurion also served as Minister of Defense. The IDF Chief of Staff, therefore, had no question as to his supreme commander. When in 1953 the positions were filled by two different people,

friction and chaos emerged, as noted by Moshe Sharett, Ben Gurion's first (and temporary) successor as Prime Minister, in his diaries.

When the leader of the largest party in the government wields great political power in his party and in the coalition, he will usually choose to fill both positions. This was the case with Ben Gurion in the 1950s; Levi Eshkol after 1965; Menachem Begin in the short period after Ezer Weizman left the government in 1980; Yitzhak Rabin in 1992; and Barak in 1999. A more frequent pattern, however, is that in which the governing party is not strong enough to enable the party leader to demand both positions. As Prime Minister, Eshkol was forced to relinquish the position of Defense Minister to Moshe Dayan, and Prime Minister Yitzhak Shamir from the Likud had to appoint Rabin from the Labor Party as Defense Minister.

The same situation prevails when the Prime Minister is forced to include his party rivals in the center of political power, as happened in the Likud with Begin and Weizman, and later with Ariel Sharon, and in the Labor Party with Rabin and Shimon Peres.

In contrast to the multifaceted government composition, the IDF's leadership is extremely centralized, awarding the Chief of Staff significant organizational and operational power, extending beyond that of his counterparts in other countries.

Every committee of inquiry established following a crisis in relations between the military and political echelons indicates the ambiguity and multifaceted nature of the military's civilian oversight. According to Basic Law: The Military, there is no question as to the military's subordination to the government; ambiguity arises, however, as to the Prime Minister's status vis-à-vis the military. The Prime Minister is not mentioned in the law at all. To this extent, the Agranat Commission reflected the norm according to which the government as a whole holds the highest level of executive authority, and each minister is held accountable for the government's activity.

The definitions set forth in the law do not take into account an imbalance in the government-Prime Minister-Defense Minister triangle in which the Prime Minister's power exceeds that of the other two. For example, several days following Prime Minister Levi Eshkol's abdication of the Defense portfolio in May 1967, the new Defense Minister Moshe Dayan directed the Northern Command to initiate an offensive in the Golan Heights, thus circumventing the Chief of Staff and undermining the Prime Minister. As a result, Minister Yisrael Galili formulated a document dubbed "the

constitution" delineating the military operations that require approval from the Prime Minister.²⁴

While at any given time operations outside the borders of Israel require the Prime Minister's approval, there are some instances in which the Prime Minister may decide to limit the Minister of Defense's authority. Thus, in the First Lebanon War in 1982, when Prime Minister Begin felt that Defense Minister Ariel Sharon was misleading the government, Begin deprived Sharon of his authority to order the Air Force into action. To this extent, in light of the tension between his predecessors Prime Minister Rabin and Defense Minister Peres, Ehud Barak assumed both positions when he became Prime Minister. "I'm embarking on a controversial peace process, so I want to be confident that I have full control over the military, and that I am not dependent on a Defense Minister who can play independent political games against me," he said.²⁵

The balance of power within the government is more complex, because the leaders of other parties in the coalition want to be in a decision making position when defense is involved, and demand cooperation from the Prime Minister in such decisions. None of them wants the Prime Minister's status and authority to be cemented in binding legislation; the ambiguity is convenient. In a situation like this, they can obtain power in practice, while at the same time avoiding responsibility in the event of failure.

What Authority Does the Defense Minister Wield?

No less complicated is the affinity between the two echelons, first and foremost the status of the Defense Minister vis-à-vis the Chief of Staff. Under the Basic Law: The Military, the Defense Minister is in charge of the military on behalf of the government, and the Chief of Staff is subordinate to him. But what does this subordination mean? According to the accepted interpretation of the law, the Defense Minister has no independent status; his status is derived from the government as the minister supervising the military on the government's behalf. The Defense Minister is like a pipeline between the government and the military. He speaks to the military in the name of the government, and communicates what the military has to say to the government, without detracting from the government's authority to act directly vis-à-vis the military.²⁶

Although the Basic Law: The Military was enacted following the Yom Kippur War, there is no agreement on the status of the Defense Minister and

the nature of the Chief of Staff's subordination to him. Various interpretations of the law award different degrees of involvement in military affairs, and this is what underlies the many disputes between the Chief of Staff and the Defense Minister. This dilemma was first discussed in a document written by former IDF Military Advocate General and later Supreme Court Justice Hanan Meltzer as a special opinion on November 4, 1977.²⁷ In the section about relations between the Chief of Staff and the Defense Minister, Meltzer wrote that there were three approaches to the concept of subordination that correspond to three different levels of intervention: absolute subordination, strategic subordination, and relative subordination.

According to the absolute subordination approach, the Chief of Staff is subordinate to the Defense Minister at every level of the military's activity. The minister's authority over the Chief of Staff is the same as the government's authority in regards to both power and scope. He is entitled to intervene and order the Chief of Staff to act in any way he wishes: not only in matters of a strategic nature, but also in tactical and operational matters. According to this version, this is the reason for the use of the term "supreme command level in the military" for the Chief of Staff instead of the term "the military's supreme command level," meaning within the military, but not above the military. At the same time, this regulation also means that the Defense Minister does not give orders to IDF soldiers other than through the Chief of Staff.²⁸

Opponents of this approach argue that absolute subordination of the Chief of Staff to the Defense Minister renders the law's provision that the Chief of Staff is the supreme command echelon in the military meaningless. In their opinion, the correct approach is the strategic subordination approach. This version holds that the Chief of Staff is subordinate to the Defense Minister only in matters of political and strategic significance; in all other matters, the Chief of Staff is authorized to act according to his judgment. Otherwise, the advocates of this semi-restrictive approach believe the minister will be exactly what the Agranat Commission did not want him to be: a super-Chief of Staff. This is particularly important in Israel, because Defense Ministers are often former chiefs of staff, and as such tend to intervene excessively in regular management of the military.

In practice, the military establishment has always operated according to a third, in-between approach, favoring the principle of relative subordination. Under this approach, the Chief of Staff's subordination to the Defense

Minister is absolute in strategic matters, but the minister has only the power to approve or oppose in tactical-operational matters; he cannot initiate or impose his opinion. This approach, however, is not explicitly stated in the law, or even in documents having constitutional weight. The unstable, evasive, and vague character of this arrangement has therefore created a wide opening for misunderstandings, and allowed negotiations and power games between the Chief of Staff and the Defense Minister.

The ambiguity resulting from the state of relative subordination is more convenient for both sides, especially in a prolonged war, such as the Arab-Israeli conflict. For example, if a decision about war requires approval at the government level, what about military action that is less than full war, such as a "war operation"? Ambiguity enables the Prime Minister to act without government constraints.²⁹ This is even more prominent in a low-intensity conflict in which the traditional boundaries between the civilian and professional echelons are blurred.

Ambiguity in Relations among the Leadership

Friction between the Chief of Staff and the Defense Minister or Prime Minister over policy has attracted a very large degree of public scrutiny. Two examples are then-Chief of Staff Shaul Mofaz's opposition to then-Prime Minister Ehud Barak's decision to withdraw from Southern Lebanon in 2000, and then-Chief of Staff Moshe Ya'alon's lack of support for then-Prime Minister Ariel Sharon's plan to withdraw from the Gaza Strip in 2005. The history of relations between the Chief of Staff and the Defense Minister, however, is replete with disputes on many other questions, with the Chief of Staff endeavoring to carve out autonomy in regular operation of the military, while for his part, the minister seeks to deepen influence on the military.

The relations prevailing in practice between the Defense Minister and the Chief of Staff prove the penetrability of each player's area of operation, and how far the formal legal situation is from reality. For example, the Chief of Staff customarily communicates with officials outside the military not through the Defense Minister, while the Defense Minister communicates with officers in the military not through the Chief of Staff. When Barak became Defense Minister in Ehud Olmert's government in 2007, he ordered the Chief of Staff to discontinue the tradition of having a personal meeting with the Prime Minister once every two weeks. Olmert opposed Barak's position, but could not enforce his opinion on his minister. Instead, he

barred the heads of the Mossad and the ISA, who were directly subordinate to him, from participating in the regular weekly meetings conducted in the Defense Minister's office, and ordered them to send only junior officials to these discussions. Barak understood the message, and retracted his order.³⁰

The gap between the law and reality is particularly conspicuous with respect to the Prime Minister's status. How is it possible that the Basic Law: The Military does not mention him at all, even though his role is self-evident? After all, he has the supreme authority in security matters; controls the ISA and the Mossad; decides on differences of opinion between the Minister of Finance and the Defense Minister on the defense budget; approves certain operational actions; and brings the appointment of the Chief of Staff to the government. Why have Israeli Prime Ministers refrained from demanding that their status be explicitly anchored in law, even though "a constitutional practice of also subordinating the Chief of Staff to the Prime Minister has been created"?³¹

The reason is that the ambiguity allows the Prime Minister more flexibility and greater maneuverability in the use of the defense apparatus. It is convenient for the Prime Minister to have someone serve as a pipeline to the military, and who bears direct responsibility for it. This is true when the Prime Minister does not have professional authority, and can rely on the prestige of a minister among the senior officer corps, as was the case in Netanyahu's first government, and even more so in his second government. In his bargaining with the military, in situations requiring difficult decisions liable to exact a high political price, especially in cases of failure, the Prime Minister prefers to deal with the military through a mediator. He can then disavow responsibility, and claim that someone else is responsible—the Defense Minister.

The vagueness in defining the nature of the subordination relationship is convenient for the Prime Minister. The Prime Minister's ability to affect the appointment of the Chief of Staff enables him to bring about the appointment of a candidate who is closer to him than to the Defense Minister, thereby detracting from the latter's control and strengthening the Prime Minister's position vis-à-vis the Defense Minister, without the constraints of a formal definition. For example, Prime Minister Eshkol preferred to appoint Haim Bar-Lev, who was politically close to him, as Chief of Staff, against the wishes of Defense Minister Moshe Dayan, who preferred Ezer Weizman.

The ambiguity also serves the political interests of the Defense Minister. When his power and authority rest on appreciation of his professional capability, he does not need to fear any competition from the Prime Minister or the Chief of Staff (Defense Ministers Dayan, Rabin, Sharon, and Barak, who were all called "Mr. Security," all enjoyed such status). A state of ambiguity, however, enables the Defense Minister to evade responsibility when it is convenient for him. He will then defend himself by saying that his authority is limited, not absolute. That was the main argument by which Moshe Dayan saved himself from a deadly verdict by the Agranat Commission for the Yom Kippur War debacle. He said that all he did was give the Chief of Staff "ministerial advice." In Israeli political culture, this concept has become a notorious expression epitomizing the evasion of political responsibility.

The Chief of Staff also benefits from the rather undefined authority of the Defense Minister above him. In situations in which the minister has no professional military standing, the Chief of Staff can easily expand his maneuvering room. This was the case with Defense Minister Binyamin Ben-Eliezer and Chief of Staff Shaul Mofaz, and with Defense Minister Amir Peretz and Chief of Staff Dan Haloutz. The Chief of Staff can also appeal the Defense Minister's decisions to the Prime Minister, thereby reinforcing his status and making it in effect almost equal to that of the Defense Minister. The Chief of Staff's political proximity to the Prime Minister, if it exists, will further improve his standing. For this reason, Defense Ministers have objected to direct meetings between the Chief of Staff and the Prime Minister, as happened with Barak and Olmert.

Ambiguity is not limited to the top level of the defense establishment; it is a prominent feature of Israeli political and organizational culture. Politicians have always preferred flexibility, even procedural lack of clarity, to precise definitions that put them into a straitjacket of binding constraints. In Israel, ambiguity is used as a "political lubricant."³² In analyzing Israeli strategic culture, Dmitry Adamsky determined that, "egalitarian social norms set by the founders of the State have created extreme patterns of informal behavior and a lack of attention to hierarchal norms. This stems from the fact that Israel is a society with 'small power gaps,' that is, extremely narrow distances in superior-subordinate relationships."³³ One aspect of this characterization is that it encourages a plethora of ideas that originate in the lower echelons and grow upwards through informal

organizational shortcuts; the other aspect is the ambiguity in relationships between managerial levels.

Although jurists and members of academia, as well as military officers and politicians, have argued that the ambiguity inherent in Basic Law: The Government is not conducive to healthy governance, the situation suits the general pattern of behavior in the Israeli public sphere, and the top political and defense echelons have had no real interest in changing the law. They preferred to leave the state of affairs as is—until the next crisis erupts, as happened in Lebanon in 2006.

Following that war, an investigative commission headed by Justice Winograd was appointed, and no one was surprised when its final report, published in January 2008, included recommendations for improvement in decision-making processes within the political echelon. On page 578, the Commission's report reiterated what is by now virtually a cliché: that the present situation must be corrected, *inter alia*, by "clarification of the authority and responsibility of the political echelon and the security echelon, and the interface between them."³⁴ Several of the Commission's recommendations were actually implemented, and a few heads did indeed roll, but with regard to the division of authority between the Chief of Staff and the Defense Minister, and within the military and the political echelons, once again nothing was done.

The Barak-Ashkenazi Confrontation

Thus, by the end of the first decade of this century, the state of the national security system had reached a low point worse than any of the crises in Israel's history: the revolt of the generals during the War of Independence, the Lavon Affair, the failure in the Yom Kippur War, and the Israel Security Agency's Bus Line 300 incident. The State Comptroller described the relations between the Defense Minister and his office and the Chief of Staff and his office as "bitter and charged," and in his final report repeatedly emphasized the damage that the two officials had caused each other, and to the entire security establishment over a two-year period.

The Harpaz Affair relates to a document of instructions allegedly written in the Defense Minister's office designed to influence the selection of the next IDF Chief of Staff by tainting the image of Chief of Staff Gabi Ashkenazi and General Benny Gantz, while at the same time shaping a positive image for General Yoav Galant, the candidate chosen by Defense

Minister Barak. Following the publication of the document on prime time television news show, it was discovered that Lt. Colonel (res.) Boaz Harpaz, who was close to the Chief of Staff, had, over a period of time, collected information intended to cause damage to the Defense Minister and those close to him. However, it also became clear that the appointment of the Chief of Staff was merely one in a series of severe disruptions to the working relationship between the two.

At the same time, it also became evident that the Chief of Staff's improper behavior was a response to the Defense Minister's ongoing undercutting of his position, undermining his authority, and sabotaging his ability to lead the IDF. Examples of this included the appointment of senior military officers by the Defense Minister (including the deputy Chief of Staff and the IDF Spokesperson, among others) against the Chief of Staff's will, and even without his knowledge; delaying the appointment of hundreds of other senior officers for many months; refusing to approve important Supreme Command Orders concerning the mission and function of several of the directorates in the general staff; preventing the Chief of Staff from meeting with civilian officials; barring various civilians from appearing before the military, despite approval by the Chief of Staff; and—for the Chief of Staff, the *casus belli*—initiating a round of interviews of candidates for the position of Chief of Staff many months before the usual time, in order to turn the incumbent Chief of Staff into a lame duck. The Comptroller detailed this behavior in his report, and did not hesitate to condemn the Defense Minister.

Throughout this period, senior officers were actively involved in the conflict between the Defense Minister and the Chief Staff. The case of IDF spokesperson Brigadier General Avi Benayahu is particularly striking, because he has been accused of acting against the Defense Minister while in uniform.³⁵ Indeed at all stages of the affair, the two camps tried to influence public opinion by means of systematic leaks, including classified material; fought over publication of press releases; published photographs and announcements designed to damage the Chief of Staff, the Defense Minister, or their associates; blocked the participation of officers belonging to the other camp in essential meetings; and refrained from orderly briefing of senior officers about regular conclusions and decisions pertaining to their areas of responsibility. It is no wonder that the situation prevailing

at the time has been described as the “worst crisis of leadership in the history of the IDF.”³⁶

This was a clear effort by the Defense Minister to undermine the Chief of Staff’s status and his ability to function, so that he would resign from the IDF. For his part, the Chief of Staff defended himself against the Defense Minister by undermining his status and authority and by pushing him out of decisions and decision-making forums in the IDF. Ashkenazi attempted to thwart the Defense Minister’s plans for the appointment of the next Chief of Staff, and ultimately tried to change the Basic Law: The Military in order to rein in the Defense Minister’s authority by making the Chief of Staff directly subordinate to the government.

The Israeli media covered the drama known as the “Harpaz Affair” for more than two years. Most of the Comptroller’s report also dealt with various aspects of the campaigns conducted by the Defense Minister and the Chief of Staff against each other. Only a small part of the report, however, featured a story almost completely ignored by the media, even though in principle its importance far outweighed the other aspects of the affair: the instructions of the Supreme Command Orders: General Headquarters. More than anything else, this incident reflects the structural crisis in relations between the military and political echelons in Israel, and the attempt by each of these parties to shape a different structural, functional, and legal meaning for these relations.

In the face of the fierce enmity between them and the Defense Minister’s ongoing attempts to constrain his power and position, Ashkenazi tried to improve his position by redefining the relationship between the Chief of Staff and the Defense Minister. Since the Knesset, the legislative branch, refused to deal with this matter, the Chief of Staff decided to take action where he could: within the military, through an amendment to the General Headquarters section of the Supreme Command Orders, which according to military law are the “general orders issued by the Chief of Staff and approved by the Defense Minister, intended to determine the principles related to the military’s organization and administration, regime and discipline therein, and to ensure its proper operation.”

Already in early 2008, before relations between the Chief of Staff and the Defense Minister deteriorated, Ashkenazi ordered the preparation of the new order. The staff work took two years to complete. The new order was approved by the Chief of Staff in October 2009 and by Barak in November

2009, after which it was distributed to IDF units. This critical event took place without the knowledge of the public, or even of the political echelon, other than the Defense Minister, even though it determined the principles governing the status of the Chief of Staff and the Defense Minister with respect to each other and vis-à-vis the government.

In January 2010, as the relationship between Barak and Ashkenazi further deteriorated, the Defense Minister retracted his approval of the new wording of the order. In March, his office issued a directive ordering its immediate annulment. For the next year, the offices of the Defense Minister and the Chief of Staff contested the legality of its preparation, not the contents of the directive, especially the legality of the minister's annulment order. A large proportion of the State Comptroller's report also concerned the procedure of the order's drafting and annulment, not its content, and contained severe criticism of the Defense Minister. The dispute between the Defense Minister and Chief of Staff over the division of authority between them highlights the inherent problem around which our analysis is centered.

The new version of the order defines the Chief of Staff as "the commander of the military" instead of "the supreme command level in the military." The government was defined as the supreme command level, to which the Chief of Staff was subordinate. As strange as it may seem, the Defense Minister was not mentioned at all in the order. There was a good reason why Barak wanted to change the wording by replacing "commander of the military" with "the supreme command level" and replacing the phrase "The Chief of Staff is responsible for translating the decisions of the highest political echelon into operative military action" with "responsible for translating the decisions of the Defense Minister, who is in charge of the military on behalf of the government, into operative military plans of action."

The IDF Military Advocate General, representing the Chief of Staff's point of view, opposed this. He contended that the version prepared by the IDF Planning Directorate did not contradict the Basic Law: The Military, and proposed a compromise that essentially entailed a return to the previous state of ambiguity before the initiative to change the provisions of the Supreme Command Order-General Headquarters. He proposed that instead of stating that the Chief of Staff "is responsible for translating the decisions of the political echelon," a compromise wording would be used: "... translate the government's decisions and the decisions of the Minister

of Defense in charge on behalf of the government.” Barak also objected to this, however, and ordered the immediate annulment of the order.

As noted above, it was at this stage that the dispute between the two bureaus over the Defense Minister’s cancellation notice began in earnest. However, the battle was actually over the position of the Defense Minister vis-à-vis the Chief of Staff and the government. In testimony provided to the State Comptroller in early November 2011, Yoni Keren, director of Barak’s offices, explained the Defense Minister’s position by stating, “The facts show that for a long period of time... the Chief of Staff has adopted views detaching him from the Defense Minister, was not adhering to the Basic Law: The Military, and for all intents and purposes, has appointed himself as a commander in chief of the military who has no need for a Defense Minister. These actions have no place in a democracy.”

According to Keren, the contention that the Chief of Staff is directly subordinate to the government as a whole “undermines the authority of the Defense Minister, while eliminating the link between the Defense Minister and the IDF... The Chief of Staff is upgrading his status from head of the general staff to the commander of the military, thereby removing the Defense Minister from the entire equation.” Koren also attacked the constitutional change that the Chief of Staff had made in the military, saying that these issues were province of the legislative branch. “This means that the Supreme Command order amends the Basic Law: The Military, and effectively creates a situation in which the IDF seems to be above the law, and does not need the Knesset in order to change legislation.”³⁷

As expected, the Chief of Staff’s position was diametrically opposed. As stated in his testimony before the Comptroller and his supporters’ media appearances, the amendment was made in order to improve the military’s functioning and efficiency, following lessons learned from the Second Lebanon War. It was asserted that the process of preparing the order was entirely correct. As evidence, they emphasized that the amended order had been forwarded to the Defense Minister’s offices, and that Barak had fully approved them. It was therefore the Defense Minister who had acted inappropriately, first by rescinding his approval, then by issuing instructions to cancel a legal order. Furthermore, they contended, he had done these things as part of the war he had declared on the Chief of Staff, and with the intent of injuring the latter, diminishing his professional standing,

making it difficult for him to command the IDF properly, and constraining his ability to function within and outside the military.

An impartial interpretation, such as in the State Comptroller's report, can easily provide a complete picture. It is clear that the original formulation excluding the Defense Minister from the order went too far in its interpretation of the law. However, it seems as though the Chief of Staff's unwillingness to accept the minister's position was a defensive act; he felt as though the Defense Minister was hindering his ability to command the military, trying to force him out of the military.

Barak's motivation is related to the main theme of this paper: the nature of the Israeli political game. Barak felt that the public gave popular Chief of Staff Ashkenazi credit for rehabilitating the military after the Second Lebanon War, that Ashkenazi had made even greater political strides following Operation Cast Lead in Gaza, and that these gains by Ashkenazi were at his expense, as Barak was losing his luster in public opinion. This was therefore a head-to-head battle for the "Mr. Security" title—a zero sum game in which the success of one side depended on the defeat of the other—even if it involved targeting a uniformed officer on one hand and undermining a ministerial superior on the other.

Barak assumed that Ashkenazi intended to convert his public support into political capital upon retiring from the military, and that he would join the Labor Party, perhaps even become party leader as an alternative to Barak, who was losing his grip on the leadership. Barak therefore believed that he had to block this ambitious officer before he could realize his plans. The first step was to tarnish his reputation by cutting his period of service short and forcing him to leave the military "battered and worn out." Does this sound familiar? Prime Minister Netanyahu used the same rationale in his relationship with popular Chief of Staff Amnon Lipkin-Shahak.³⁸

When the Harpaz Affair continued to attract the media's attention, the Attorney General ordered the police in the summer of 2013 to begin a criminal investigation of the episode, and many more details about the tangled relations between the security leadership under Barak and Ashkenazi were disclosed. When this article was written, the affair remained unresolved, but the state of legal and political ambiguity at the top of the defense establishment remains unchanged.

The Political Nature of the Chief of Staff Position

The position of Chief of Staff is inherently political, because it affects the political, social, and economic spheres, in addition to the very broad security sphere. Four aspects of Israeli reality make this fact more salient: the perpetual state of war or preparation for war; the “military-political partnership” nature of the relations between military and government; the asymmetric wars in which Israel is involved which emphasize this relationship pattern; and the fact that the military is involved in the country’s key political issues—responsibility for the territories, defending their Jewish residents and managing the Palestinian population.

As a result, the position of Chief of Staff has traditionally been filled by officers with a political orientation, including Moshe Dayan, Motta Gur, Ehud Barak and Moshe Ya’alon. In addition, the intense involvement in national politics may, at times, entice ostensibly a-political officers to join politics, as did Amnon Lipkin-Shahak, Rafael Eitan and Shaul Mofaz. Indeed, 13 out of 19 Chiefs of Staff have embarked on a political career following the end of their military career.

Compatibility or conflict between the political interests of the Defense Minister and the Chief of Staff is therefore one of the most crucial factors in the quality of their relationship. If their interests are in conflict, as was the relationship between Barak and Ashkenazi, the situation is more likely to result in serious friction. In contrast, as Chief of Staff, Barak’s political aspirations did not threaten Defense Minister Rabin, and their political proximity encouraged Rabin to look favorably upon his Chief of Staff. If the Prime Minister is more dominant than his Defense Minister, the same principles also apply to relations between the Prime Minister and the Chief of Staff.

In his first term, Prime Minister Netanyahu felt alienated from the senior IDF leadership, whom he viewed as cooperating with the Labor Party. He was especially concerned, unjustifiably so, that popular Chief of Staff Lipkin-Shahak would compete against him in the political arena, and therefore employed various tactics exhibiting disdain, even hostility, towards the Chief of Staff, such as refusing to meet in the course of regular work. As a result, Lipkin-Shahak, initially devoid of political aspirations, stated that he had decided to embark on a political career in order to put an end to the rule of Netanyahu, whom he regarded as a danger to Israel. Relations of distrust also prevailed between Sharon and Chief of Staff Ya’alon.³⁹

In Israel, the military is a highly valuable resource for political capital, status, and prestige. As a result, the battle between political players for involvement in defense matters is intense—it is a struggle to make political gains of military achievements, and avoid blame for military failures. This battle determines political fates (see the success stories of Dayan after the 1956 Sinai campaign and Rabin after the Six Day War in 1967, in contrast to Sharon's failures following the first Lebanon War in 1982 and Dan Haloutz's failures following the Second Lebanon War in 2006). For this reason, control over the defense sphere has great potential for becoming a source of tension between the Chief of Staff, who may later become a politician, and the Defense Minister, to whom the Chief of Staff is currently subordinate.

In Israel's first years, the loyalty of officers with potential to become Chief of Staff was also assessed according to their political affiliation. It would be a mistake, however, to assume that considerations of loyalty have disappeared in the early 21st century with the decline of Israel's polarized political parties. Politics have changed, and are now much more personal. Knowing that Chief of Staff Ya'alon objected to disengagement from the Gaza Strip (even though he would obviously perform the task if entrusted with it by the political echelon) led Defense Minister Mofaz (as an agent of Prime Minister Sharon) to instigate Ya'alon's dismissal, and replace him with Haloutz, an officer more acceptable to him and close to Sharon's inner circle, popularly known as "the forum on the ranch"—the kernel of Sharon's camp.

Section C in Basic Law: The Military states, "the Chief of Staff shall be appointed by the government in accordance with the Minister of Defense's recommendation." Yet, once again, we see that the definition is ambiguous. The law does not even mention the Prime Minister, despite his decisive influence over the procedure. After all, in the final analysis, it is the Prime Minister who will bring, or decide not to bring, the appointment to the cabinet for approval, and can therefore force his opinion on the Defense Minister. According to tradition, although the exiting Chief of Staff has no formal standing in the Defense Minister's decision, great weight is given to his opinion. Disagreement between them is liable to create a protracted struggle that can at times have a negative impact on the military. That is exactly what happened when Ashkenazi objected to Barak's attempt to

appoint Yoav Galant as his successor, a bone of contention that became the basis of the Harpaz Affair.

Conclusion: The Nature of Political-Military Interdependence

Since it is very difficult to foresee any change in the coalition character of Israel's governments or in its political culture, in which the government constitutes a theater for power struggles between the coalition partners, there is also little reason to expect any reform in the relationships between the military and political echelons. The division of authority within the political sphere—government, Prime Minister, and Defense Minister—will persist. The ambiguous definitions of the military's relationships with the government will also remain unchanged. For these reasons, there will not be any changes in the relationship between the Defense Minister and the Chief of Staff. The interests of the Defense Minister and the Chief of Staff in preserving the ambiguous relationship will remain, as they compete for power in maneuvers that can easily deteriorate into a "balance of terror."

This balance is rooted in the fact that the government needs legitimacy in the eyes of those in uniform. As former deputy Chief of Staff and deputy Defense Minister Matan Vilnai once put it, "the political echelon is dependent on the military echelon. It cannot move without the military; it is needed for public legitimacy and for coping with challenges in the field."⁴⁰ On the other hand, senior officers are subject to the good graces of the politicians, on whom they depend for their professional advancement. As former minister Yossi Sarid observed, "the political echelon has one clear point of strength that gives it an advantage over the military echelon and provides leverage for action. The political echelon appoints senior officers, promotes them, and can also suspend or damage their careers. Since officers naturally want to get ahead in life, the military echelon relies on the good will of the political echelon, and tries not to anger it. After all, who wants an officer who is a troublemaker?"⁴¹

An abundance of recurring recommendations by various investigative committees, private bills, academic publications, and editorials in the media have all called for reforming the present system. They spell out the advantages for both the military and government with regard to decision-making processes and Israel's overall security policies. But these are no match for the fundamental interests of the major protagonists.

The ambiguity in the relationships between the Defense Minister and the Chief of Staff subordinate to him stems from both constitutional structure and political culture, which create a background that was conducive to conflict between Barak and Ashkenazi: a conflict between a Defense Minister who made every effort to intervene intensively in the IDF because his political stature was facing a critical historical test and a Chief of Staff at a critical stage in building his political future. That crisis blew over because both of them vacated the scene, but the conditions for the next crisis remain.

Because the nature of neither civil-military relations nor the political culture will change in the foreseeable future, it is very doubtful whether civilian oversight of the military can be improved. If so, is not reform on the military side of the equation worthy of consideration? Should we not upgrade the political training given to senior officers, deepen their political awareness, and give them better training in political knowledge? These questions call for a very serious and close examination.

Notes

- 1 Amos Gilboa, *Mr. Intelligence* (Tel Aviv: Yediot Ahronot, 2013).
- 2 Personal interview, 1977.
- 3 Moshe Ya'alon, *Derekh Aruka Ketzara* (A Long Short Road) (Tel Aviv: Yediot Ahronot-Hemed Books, 2008).
- 4 Kobi Michael, "The Dilemma behind the Classical Dilemma of Civil-Military Relations," *Armed Forces and Society* 33, no. 4 (2007): 518-46; and Kobi Michael, *Between Militarism and Statesmanship in Israel* (Tel Aviv: Tel Aviv University, 2008).
- 5 For example, see Alon Paz, *Generals from Mars, Statesmen from Venus* (Tel Aviv: IDF Publishing House, 2010), pp. 28-33; or Charles D. Freilich, *Zion's Dilemmas: How Israel Makes National Security Policy* (New York: Cornell University Press, 2012).
- 6 Assaf David, "Military Civilian Relations in Israel: The Dispute and the Missing Link," *Megamot* 41 (2013): 326-40.
- 7 Rebecca L. Schiff, "Concordance Theory: Response to Recent Criticism," *Armed Forces and Society* 23 (Winter 1996): 277-83; L. Douglas Bland, "A Unified Theory of Civil-Military Relations," *Armed Forces and Society* 26, no. 1 (1999): 7-25; Elliot Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (New York: The Free Press, 2003); Yoram Peri, *Generals in the Cabinet Room: How the Military Shapes Israeli Policy* (Washington DC: United State Institute of Peace, 2006).
- 8 Bob Woodward, *Obama's Wars* (New York: Simon and Schuster, 2010); Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge: Harvard University Press, 2003); Dale R. Herspring,

- The Pentagon and the Presidency: Civil-Military Relations from FDR to George W. Bush* (Lawrence: University Press of Kansas, 2005); Fred Kaplan, *The Insurgents: David Petraeus and the Plot to Change the American Way of War* (New York: Simon and Schuster, 2014).
- 9 Oren Barak and Gabi Sheffer, "The Defense Network in Israel and its Effect," in *An Army Having a Country? A New Look at Defense-Civilian Relations in Israel*, eds. G. Sheffer, O. Barak, and A. Oren (Jerusalem: Carmel Publishing House), pp. 16-44.
 - 10 Kobi Michael, *Between Militarism and Statesmanship in Israel*.
 - 11 Yagil Levy, "Military Contrarianism in Israel: Room for Opposition by the Chief of Staff to Politicians," *Military and Strategic Affairs* 5, no. 2 (2013).
 - 12 Alon Paz, *Generals from Mars, Statesmen from Venus*.
 - 13 Ben Caspit, *Evasive: Ehud Barak, the Real Story* (Or Yehuda: Kinneret Zmora-Bitan, 2013).
 - 14 State Comptroller's Report of the "Harpaz Document" Affair, 2012, <http://www.haaretz.com/print-edition/news/state-comptroller-completes-draft-report-on-boaz-harpaz-affair-1.414220>.
 - 15 Aluf Ben, "The Galant Document: as Severe as the 'Lavon Fiasco,'" *Walla*, August 18, 2010, <http://news.walla.co.il/item/1723164>.
 - 16 Caspit, *Evasive*, p. 313.
 - 17 State Comptroller's Report, 2012, p. 244.
 - 18 Yaniv Kobovitz, "Harpaz Investigation Coming to a Close: Suspicions of Ashkenazi, Benayahu and Wiener Rise," *Haaretz*, August 14, 2014, <http://www.haaretz.co.il/news/law/1.2405431>.
 - 19 Amir Oren, "The 'Putsch': Ehud Barak vs. the Government," *Haaretz*, August 25, 2013, <http://www.haaretz.co.il/opinions/.premium-1.2105081>.
 - 20 State Comptroller's Report, p. 244.
 - 21 Yehuda Ben Meir, *Civil-Military Relations in Israel* (New York: Columbia University Press, 1995).
 - 22 Mordechai Kremnitzer and Ariel Bendor, *Basic Law: The Military* (Jerusalem: The Harry and Michael Sacher Institute for Legislative Research and Comparative, Hebrew University, 2000); Shmuel Even and Zvia Gross, "Proposed Legislation on the IDF," *Strategic Assessment* 11, no. 1 (2008).
 - 23 As occurred in 2003 in the Knesset Constitution, Law, and Justice Committee, which discussed the "Basic Law: The Military" in the framework of the Consensual Constitution initiative (Protocol no. 112, December 5, 2003), <http://huka.gov.il/wiki/index.php/פרוטוקולים>.
 - 24 Yoram Peri, *Between Battles and Ballots: The Israeli Military in Politics* (Cambridge: Cambridge University Press, 2003).
 - 25 Personal interview, 2003.
 - 26 Even and Gross, "Proposed Legislation on the IDF," p. 13.
 - 27 Hanan Meltzer, "Constitutional Aspects of Relations between the Government, the Ministry of Defense, and the Chief of Staff: A Summary of

- Approaches," IDF Military Advocate General's Corps, Opinion no. 100101, November 4, 1977.
- 28 Even and Gross, "Proposed Legislation on the IDF," p. 14.
- 29 Eyal Nun, "The Legal Constraints on the Military: A proposal for reformulation of Basic Law: The Military," *Law and Military* 16 (2002).
- 30 Caspit, *Evasive*.
- 31 Meltzer, "Constitutional Aspects."
- 32 Ira Sharkansky, *Ambiguity, Coping, and Governance: Israeli Experiences in Politics, Religion, and Policymaking* (Portsmouth: Greenwood Publishing Group, 1999).
- 33 Dmitry Adamsky, *Strategic Culture and Military Innovation* (Tel Aviv: Modan, 2012), pp. 174-90.
- 34 Commission to Investigate the Lebanon Campaign in 2006, Winograd Commission Final Report, Volume 2.
- 35 As testified by officers and journalists in court. For example, see "Barak Attacks Ashkenazi: 'He Led a Group of Criminals,'" *Maariv-NRG Online*, August 14, 2013, <http://www.nrg.co.il/online/1/ART2/499/162.html>.
- 36 Dan Margalit and Ronen Bergman, *The Pit* (Tel Aviv: Kinneret Zmora-Bitan, 2012), p. 12.
- 37 Caspit, *Evasive*, p. 196.
- 38 Yoram Peri, "The Democratic Putsch of 1999," in *In the Name of Security*, M. Al Haj and U. Ben-Eliezer, eds. (Haifa: Haifa University Press, 2003), pp. 125-43.
- 39 Peri, "The Democratic Putsch."
- 40 Michael, *Between Militarism*, p. 138.
- 41 Yossi Sarid, "Relations between the Political and Military Echelons—A Personal View," in *Civil-Military Echelon*, ed. P. Yechezkel (Tel Aviv: Defense Ministry Publications, 2008), pp. 117-22.