

Conceptualizing Extra-Institutional Control of the Military: Israel As a Case Study

By Yagil Levy & Kobi Michael

Introduction

Civilian control refers to the joint institutional arrangements aimed at restraining the military's capacity for autonomous action in areas that have political implications, such as military operations and strategic planning, budgeting, the selection of weapons systems, modes of organization, modes of recruitment, the promotion of officers, and internal cultural arrangements. Civilian control is effective when civilian State institutions can set limits on the military's freedom of action in a way that corresponds to political objectives autonomously shaped by politicians, and when the military abides by these civilian directives (see mainly Feaver, 1999; Michael, 2007). In short, this kind of civilian control is *institutional control*.

The literature on civilian control has focused mainly on political and institutional structures and the dialogue between officers and politicians (this approach typifies, for example, Feaver, 2003; Feaver & Gelpi, 2003). Less attention has been paid to the power relations that form the context for the encounter between the sides and, as Mills (1956, p.21) explained, is more crucial than the black box in which decision-making occurs. When the balance of power between the sides is dealt with (as in Desch, 2001), the focus is on the reflection of this balance in a bilateral civil-military dialogue, rather than on the social-cultural processes that construct the power relations.

Followers of Janowitz (1971) have highlighted the political culture and its impact on civil-military relations, noting the importance of shared norms and symbols among the parties involved. Schiff's theory of concordance (2009) emphasizes agreement among political elites, the military and the citizenry on the core values pertaining to the military. Mutual accommodation and shared values between the military and civilians are thus the key to reducing the probability of domestic military intervention or of the military's functioning in defiance of dominant civilian values (Burk, 2002). These arguments provide a better tool for understanding the power balance between soldiers and civilians than theories that focus mainly on the dialogue between the sides. Nonetheless, shared or disputed values are perceived as a point of departure rather than as an outcome, that deserves an explanation. Such an explanation may include the role of collective actors in shaping shared values or, alternately, creating gaps between civilians and the military.

Collective action, which focuses on issues of war and peace and the human and material resources needed to support policies in these areas, affects the state's ability to administer its military policies autonomously (see, for example, Everts, 2002; Giugni, 2004; Kier, 1997; Krebs, 2006; Meyer, 1993). Collective action can play a role in dividing

the elites; the extent of elite consensus affects public support for war (Zaller, 1992), which in turn impacts on the role played by the media in transmitting countervailing elite evaluations that may ignite public debate (Brody, 1992, 66). However, literature on collective action in the military realm (mainly focused on policies of strategy and recruitment) has not analyzed how such collective action affects the dyadic encounter between generals and policymakers and thereby shapes institutional civilian control, beyond the direct impact on decision-making.

Following these writers, our point of departure is that societal forces influence military policy through collective actors and the press, which shape, and are shaped by, public opinion. We will draw in this regard on the rich existing scholarship. Therefore, our study will not focus on the conditions under which societal actors are encouraged to enter the scene in order to influence military policy and the conditions under which they succeed or fail in their attempts. Rather, we are interested in the impact of their actions on civilian control in terms of the long-term enhancement or impairment of institutional control, not necessarily policy outcomes. Policy can be changed; what matters is the impact on the military's space of operation.

Using the case of Israel, a conceptual framework is offered that develops the theme of extra-institutional civilian control. Extra-institutional control refers to actions generally taken by non-bureaucratic actors (mainly social movements and interest groups) acting in the public sphere in an attempt to bargain with the military or restrain it, either directly or through civilian state institutions. Arguably, extra-institutional mechanisms are effective at restraining the military and narrowing its professional autonomous space. This often leads to a reshaping of institutional control by either enhancing or impairing institutional mechanisms, with the arena of action selected by the group playing an important role. It is worth noting that the term 'institutional' does not involve an institutionalist analysis but refers to statist agencies.

Methodologically, Israel represents a 'critical case'. A critical, single case study can be used to determine whether a theory's propositions are correct or whether some alternative set of explanations might be more relevant (Yin, 2003, pp.47-48). It is used when conditions are least favorable for validating a theory. Israel is a country that, according to the dominant perception among the population, faces existential threats (Michael, 2009). Therefore, restraints on the military's space of operation inspired by collective action are least likely to appear in such a setting. True, Israel has large-scale conscription that maintains intense interaction with the population, to a greater extent than militaries in other democracies. Apparently, these conditions make certain forms of extra-institutional control more possible in Israel than in other countries. Yet, it is precisely these conditions that may also preclude the development of extra-institutional control due to the centrality of the military and military thought in a 'nation-in-arms' (Michael, 2009). Furthermore, one may argue that the structure of the political system in Israel makes it less unique. Its domestic political system has extremely high levels of public interest-group behavior, driven in part by the fractious political system because of the electoral system: Israel's national, proportional representation parliamentary system makes politicians more

responsive to public outcry. Yet, the principle of local representation that governs most democratic polities increases the level of the representative's responsiveness and encourages collective action more than in Israel.

Therefore, if restraints on the military's space of operation appear under such conditions, we may expect a similar pattern in other democracies in which the military's status is less prominent. This is the essence of a critical case. Examples and theoretical propositions, especially drawn from the US military and inserted into the analysis, validates the assumption that the Israeli case is not an exception to what appears to be a more general trend, and that variables and forms of extra-institutional mechanisms in Israel can be generalized to other cases.

The first two sections of this paper present the conceptual background of the emergence of extra-institutional actors and the Israeli context. The third section deals with the action arenas of extra-institutional Israeli actors while the fourth analyzes their impact on institutional control. In the last section, we develop the theoretical insights derived from the new conceptualization.

The Conceptual Background

Steering military policies was widely democratized in industrial democracies following World War II and especially after the Vietnam War. The empowerment of the market society, together with the decline of the external threat, attenuated the legitimacy for war sacrifice (see mainly [Hugh] Smith, 2005). This enhanced public resistance to the military burden, including reduced social acceptance of casualties and the predominance of casualty-averse policies (Ben-Ari, 2005).

Collective action thus emerged in the military realm. Like other collective actors seeking to influence public policy, extra-institutional actors in the military realm can be conceptualized. They emerge from the point at which the mediating function of the political system, mainly state agencies and political parties, fails to meet the demands of social groups (see Burstein, 1999, p.6). This phenomenon is part of the state's crisis syndrome, which encourages the emergence of new actors primarily concerned with non-class issues related to gender, ethnicity, age, neighbourhood, the environment, and peace (Canel, 1997). In the military realm, peace, environment-related security issues and inclusionary recruitment policies (with regard to women, GLBTs, and ethnic minorities) typify this new type of collective action. It follows that the institutional encounter between politicians and officers can be greatly affected by extra-institutional actors.

Extra-institutional actors in the military realm use tools similar to those of their colleagues acting in civilian realms. But as the American experience shows, at least in the area of military policies, only the combination of shifting public opinion together with the joint effect of protest activities and the action of institutional allies in the public space can increase the government's level of responsiveness (Giugni, 2004). Under these conditions, strategic tools play a substantial role, leading to the careful selection of the action arena. Protest as such is not always the best tool. Drawing on Tilly (1978), the route chosen

reflects the resources of each group, the political and cultural traditions that set the limits of legitimate action, and the structure of power in society. This combination creates the conditions in which actors can mobilize support within their potential constituencies, and impact policies.

Globalization matters in shaping the strategy. Globalization affords a political and cultural context for action in the local sphere. Domestic actors can leverage this context to their advantage and impel the state to argumentatively respond to globalized rhetoric. This is particularly true with regard to human rights issues. Domestic actors are also able to borrow models of action from other organizations and to establish cooperation based on transnational networks, not infrequently supported or inspired by international institutions.¹

This conceptual framework guides analysis of the case of Israel.

Historical Background

Beginning with the founding of the Zionist project in Palestine, the middle class-based Labour Party established itself as the dominant party and held this position for about 50 years. Politics were elitist in the sense that major decisions were made in the upper echelons of the political level and took the form of relations of exchange on the interparty level. The media and interest groups, not to mention the citizenry at large, played a minor role in shaping politics. As a result, by the 1980s, political apathy dominated Israel's political culture. Militarized socialization contributed to this type of political apathy, especially among the younger generation, which is usually expected to serve as an agent of change (Shapiro, 1984). The IDF (Israel Defence Forces) was instrumentally subordinated to the political level but at the expense of politicians' internalization of the military way (Ben-Eliezer, 1997).

As in other democracies, since the mid-1980s, the legitimacy accorded to military sacrifice has eroded, promoting democratization. Like in other Western armies, this stemmed from a broader cultural change, central to which was the declining status of the IDF in a liberalized, market-oriented society; the diminished sense of external threat to the state; and the gradual divorce of soldiering from citizenship, while non-serving groups attained rights irrespective of their lack of military service (Levy, 2007a).

Following the weakness demonstrated by the military in the Yom Kippur War (1973), these structural conditions were amplified by the failure to achieve a decisive victory in the First Lebanon War (1982-1985) and the first Intifada (1987-1993). All contributed to the erosion of the IDF's prestige. This denied upper-middle class groups much of their historical, symbolic capital as omnipotent warriors and could be read by savvy activist entrepreneurs as an invitation to mobilize.² From this conjunction, two movements were established, which broke the elites' monopoly over the scrutiny of military issues and functioned outside the traditional parties (see Hermann, 1996).

¹ See Pieters, 2001; Risse & Sikink, 1999; Tarrow, 2001.

² On the theoretical level, see Meyer & Minkoff, 2004.

First, the younger generation of the religious Zionist movement formed *Gush Emunim* (“*Bloc of the Faithful*”) in 1974. Guided by its belief in the idea of the “*Greater Land of Israel*”, the movement established Jewish settlements, mainly illegally, in populated areas of the West Bank in defiance of government policy. By imposing a historical, metaphysical mission on the state, this group offered a theological alternative to the rational military way.

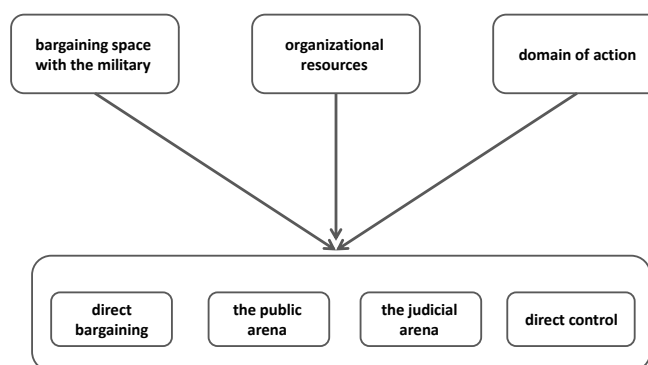
Next, in 1978, *Peace Now* was established as a peace movement composed mainly of middle-class reservists who advocated the exchange of the occupied territories for peace. *Peace Now* led the mass protest movement against Israel’s invasion of South Lebanon in 1982. For the first time in Israel’s history, a significant protest group questioned the very purpose of a war. Central to this discourse was their definition of the First Lebanon War as a “*war of choice*”, as distinguished from wars that had always been described as “*wars of no choice*”, thus instilling the notion of an alternative to bellicosity. Due in large measure to these protests, the IDF partly and unilaterally withdrew from Lebanon in 1985, but was dragged into a war of attrition against Hezbollah militias in South Lebanon for another 15 years.

Similar to other forms of collective action, extra-institutional actors in the military realm emerged the moment they felt that the mediating function of the institutionalized political system had failed to respond to their demands. The ineffectiveness of institutional control mechanisms, which had been characterized by the malfunctioning of state institutions and the military supreme command since the Yom Kippur and the First Lebanon wars, nurtured these sentiments. In both wars, the citizenry remained out of the circle of control and left the politicians and the generals with a wide autonomy to shape a flawed military doctrine and implement it. A new political space opened to collective actors from the left and right alike, challenging previously agreed upon military policies (see Lebel, 2007). This activity is reflected in four arenas of action.

Arenas of Action

The groups involved in extra-institutional activity differ from each other in the main arenas they select for their actions. Following the conceptual framework above, we contend that three major variables define this selection: the character of the domain within which the groups act (civil rights, recruitment, etc.), which set limits on legitimate action; the group’s available resources; and the bargaining space of the group with the military. This last variable is affected by: (1) the level of the military’s dependence on the group and (2) the extent to which the group has powerful allies in the military. Based on these variables, the groups operate in one or more of four arenas: direct bargaining, the public arena, the judicial arena and the arena of direct control. In reality, the groups work in more than one arena but are distinct in the main arena in which they function. Figure 1 illustrates this idea:

Figure 1: Action Arenas



Using this scheme, we will analyze the action arenas by illustrating the actions of the most active groups in each arena, though this framework may explain the actions of many other groups as well. To a large extent, the selection of the arena determines the way the group's action will impact on civilian control.

Direct Bargaining

Direct bargaining relates to intensive, informal, even intimate cooperative interaction of the group with the military organization, which constrains the latter to benefit the interests of the former. Generally speaking, the stronger the military's dependence on a group and the more powerful allies that group has within the military establishment, the more the group can rely on direct bargaining. The military's dependence on the group reflects the extent to which that group controls a human or material resource critical to the military.

One of the most prominent examples of this situation is the *hesder yeshivas*. *Hesder* (arrangement) is a special program that allows young men to engage in religious studies while serving in homogeneous religious combat units. There are more than 40 *hesder yeshivas*. Their existence depends on special arrangements that recognize the special status of religious draftees and create a suitable cultural environment for their service alongside secular soldiers.

The *hesder yeshivas* enjoy broad bargaining power with the military, based on the increasing dependence of the military upon the qualitative manpower resources that the *hesder yeshivas* can provide the military. Despite the draft system, *yeshiva* students can be exempted from military service. The IDF believes that cooperation with the rabbis may instill a strong motivation for military service and thus swell the military's ranks.

Consequently, some units are co-managed by the military command and the rabbis. This takes several forms: the military's dialogue with the heads of the *yeshivot* over the character and terms of their students' military service; the construction of an appropriate cultural and religious environment for religious soldiers; the rabbis' access to the military camps in which their yeshiva students serve; and the fact that the students frequently turn to their rabbis for guidance in dealing with the interface between religious and professional issues (Cohen, 1999). In the 2000s, this form of co-management was extended when the

military command accommodated the rabbis' political concerns regarding their students' involvement in dismantling what they perceived as holy Jewish settlements in the Gaza Strip and the West Bank and deployed the forces accordingly, by distancing religious soldiers from the inner circle of forces deployed to physically evict settlers (Levy, 2007b). It follows that this co-management partly corrupts the military command's code of professionalism, distorts the chain of command and limits the military's freedom of operation in the areas of cultural management, recruitment and assignment of politically loaded missions.

With the bargaining power of the *hesder* rabbis, intimate dialogue is often sufficient for the rabbis to achieve their goals. Some of this dialogue takes place between the heads of the *yeshivas* and the units in which the *hesder yeshiva* soldiers serve, while some is conducted between the heads of the *yeshivas* and the senior military officials. When the rabbis feel that they are facing difficulties in achieving their goals, they may use the public arena to voice their demands and strengthen their intimate bargaining capabilities with the military. Naturally, as the number of *yeshiva* graduates holding high ranks in the military grows, the dialogue becomes more intimate.

A similar pattern typifies the actions of *Amana*, the settler arm of the national-religious movement in the West Bank. Since the end of the 1970s, this group has promoted the creation of settlements, providing the settlement project with religious legitimacy and the institutional backing of both formal and informal channels within the Israeli government.

In 1993, the Rabin government assured the American administration that it would freeze settlement expansion in the West Bank and Gaza Strip, with the exception of the "natural growth" of existing settlements. In response, the settlers' leadership shifted their energy to expanding existing settlements and illegally building new ones. At that point, the informal arrangements crafted on the ground between the settlers and the military commanders became crucial, as the IDF commanded both the policing units stationed in the occupied territories and the Civil Administration, which is the military sovereign of the territories. The *Sasson Report* (2005), commissioned by the government to investigate the phenomenon of growth in unauthorized outposts, implied that without the IDF's cooperation, the illegal settlements could not have been expanded.

An illustrative example is the way the IDF's commitment to protecting Israelis in the occupied territories was used to guard unauthorized settlements. The outcome of the policy, as the *Sasson Report* comments, "is that the settlers are the ones who set the army's deployment in the territories, not the army" (p.106). Furthermore, commenting on the fact that the military refrains from enforcing laws, the report said:

"The commander spirit" [...] sees the settlers' acts [of] building outposts as Zionist deeds, although illegal, and asks them not to inspect such acts through the eyes of the law. This "commander spirit" is nourished by the involvement of State authorities and public authorities in establishing unauthorized outposts (p.62).

Not only did *Amana* serve as a driving force behind this process, but it also fashioned deals with the military when the latter attempted to dismantle illegal settlements. For example, in December 2002 senior officers reached a compromise with *Amana* about the proposed dismantling of an illegal outpost in the heart of Hebron in return for the establishment of an IDF outpost in the area (Shragai, 2002). Therefore, direct and even intimate dialogue was the group's primary strategy; the jurisdictional arena was less relevant even when such a dialogue failed.

It is worth noting that the bias of the military is naturally in favour of the settlers over the Palestinians because the military force deployed in the West Bank is manned by large numbers of local settlers and religious youngsters from other regions with a strong commitment to the settlement project (Levy, 2008a). Empowerment of *Amana* vis-à-vis the IDF, which ultimately restricts the military's operation in the West Bank, is the result.

In these two examples, we see two different modes of direct bargaining. The *hesder yeshiva* is based on arrangements within the military, while *Amana* works from the outside. In each case, the organization obtains the information it needs from those interacting with the military command – either religious soldiers internally or settlers externally – and converts the information into an intimate exchange. While the internal organization draws on the IDF's dependence on religious recruits, the external one leverages the IDF's bias toward the settlers that produces a sort of dependence on *Amana*'s good will. Without this good will, bickering with the settlers might permeate into the ranks and push right-wing politicians to condemn the IDF.

Direct bargaining is not unique to Israel and may appear whenever intense interaction is developed between military commanders and civilians. For example, as Lutz's (2002) account of the complicated relations between cities and the military bases they host demonstrates, although civilians were dependent upon the base for their economic wellbeing, local interactions also affected the manner in which commanders carried out federal policies vis-à-vis the local civilians with regard, for instance, to racial discrimination. In our terms, the local civilians supervised the military. Another case was the French army in Algeria where the loyalty of the local troops was gradually diverted towards the local settlers rather than toward the republic (see Lustick, 1993).

The Public Arena

This arena relates to activities undertaken in the public sphere – demonstrations, assemblies, publicizing information and actions in the legislative area, including lobbying. All the groups involved in controlling the military act in this arena with differing levels of intensity. When informal arrangements play a decisive role, the public arena is less important. That is why the *hesder* rabbis are less active in this arena. On the other hand, the more electoral power a group has, the greater the role this arena will play in shaping the group's strategy.

An example of such groups includes organizations of reservists. Intensification in the unequal distribution of military service during the 1990s prompted the establishment of new reservist organizations that lobbied for better conditions for reservists, forming *ad hoc*

coalitions with politicians to promote reservists' interests and organizing protest actions. Gradually, these new forms of protest propelled the IDF and the government to enact reforms in reserve military duty. Consequently, the *Reserve Service Law* was passed in 2008, which reduced the load on reserve soldiers and institutionalized a package of financial benefits. Other limitations on reserve call-ups were already institutionalized in the *Security Service Law*. Still, it is reasonable to assume that if the reservist organizations could have behaved like a professional union with the power to strike, they would not have concentrated their actions in the public arena.

The public arena is also the home of feminist activists, among them NGOs and female politicians. They struggled to increase women's access to combat roles, which were denied to them since the inception of the IDF. Women can act primarily in the legal and the public arenas by invoking the normative principles of gender equality. At the same time, their small numbers and lack of mediating influence over the recruits are reflected in the organizations' weakness in engaging in direct dialogue with the military command, the arena in which practical arrangements are shaped and where the rabbis are very influential. Since the 1990s, their actions in the public arena have borne some fruit, the most prominent of which was the amendment of the *Security Service Law* in 2000 to state that equality must be maintained throughout the military without gender discrimination. In practice, as a result, many combat roles were opened up to women.

Public activity also typified the strategy of parents and reservists who targeted the human price of war. As part of the *Peace Now*-led anti-war protest during the First Lebanon War, a politicization of bereavement took place, thereby shaking the hegemonic pattern of bereavement that had until then stood above politics. At first, the *Beaufort Family*, a group composed of parents of soldiers killed in the battle to capture the Beaufort Castle in South Lebanon and later the reservists' movement *Soldiers Against Silence*, staged protests against the cost of the war in terms of casualties. This form of action culminated with the *Four Mothers* movement in the late 1990s, which effectively led the campaign to end the IDF's presence in South Lebanon, primarily by mobilizing the media. These protests played a key role in encouraging the IDF's withdrawals from Lebanon: in 1985 and 2000 (see Maoz, 2006, pp.206-229).

At the same time, parents became more involved in military affairs, primarily in the way in which training and operational accidents were investigated within the IDF. This resulted in an increase in the number of internal investigations of accidents and the trial of several commanders, which limited the IDF's autonomy in dealing with accidents (Doron & Lebel, 2004). Due to the involvement of parents' groups, the military lost much of its professional autonomy. Their activity increased the weight of human cost in considering or reviewing military operations, which raised the casualty sensitivity of the IDF command and Israeli politicians. Israel, like its Western counterparts, began to adopt risk-aversion practices. In the Second Lebanon War, casualty sensitivity mounted and contributed to restricting the IDF's freedom of action. As the *Winograd Commission of Inquiry*, appointed by the government to investigate the flawed performance of the military in the war claimed:

The IDF conducted itself during the war as if its concern about casualties among its soldiers was a central element in its planning process and operational considerations (2008, p.252).

Furthermore, as the case of the withdrawal from Lebanon in 2000 attests, extra-institutional players, in this case the *Four Mothers* and their impact on shifting public opinion, empowered the government to enforce the unilateral withdrawal that the IDF had previously resisted (Barak, 2003, p.35).

Comparatively speaking, casualty sensitivity in the American public that was reflected in public opinion and anti-war protests had a similar impact on civil-military relations. As Feaver & Kohn recognized (2001, p.467), the casualty aversion approach is not merely an expression of the military's self-preservation, but may well be grounded in its lack of confidence in the political leadership. Such an approach reflects the concern that politicians might prevent the military from accomplishing its tasks and the belief that casualties will be interpreted as a mission failure. In other words, the generals internalize the external, cultural restrictions, whether realistically or in an exaggerated manner, and translate them into self-restrictions in anticipation of intervention by politicians (as the IDF's cautiousness in the Second Lebanon War attested). Yet, this sensitivity is largely mediated by collective actors, mainly antiwar movements. So, when the war touches less powerful actors, as typified by the All Volunteer Force, effective resistance is less likely to emerge (see Vasquez, 2005) and thus politicians have broader autonomy to deploy the military. Another expression of action in the public arena are LGBT organizations aimed at lifting the military's ban on gays in the US Military. A combination of public campaigns leveraging the electoral power of the groups, with action in the judicial arena bore the expected fruits in terms of policy changes (see below).

The Judicial Arena

This arena is mainly suitable for groups whose focus is on civil rights rather than political or social rights, and that have limited organizational resources, precluding their ability to act in other areas, or that lack bargaining power with the military establishment. The judicial arena became readily accessible at the end of the 1980s as a result of the expansion of the right of standing before the High Court of Justice, which recognized the standing of a public petitioner. This policy encouraged various groups to submit judicial petitions against state authorities, a process that was extended to the monitoring of the IDF.

The globalization of law and the increasing interest of the international courts in Israel – central to which was the decision by the International Court in the Hague in 2004 against Israel's policy that determined the route of the security fence separating Israel from the West Bank – encouraged those who felt offended by the Israeli government and needed the backing of international institutions. This trend empowered the High Court's role in reviewing the government's activities with the intent of reducing the potential damage to Israel due to international judicial decisions, including the prosecution of Israelis as war criminals.

A prominent example of the reflection of global trends was the High Court of Justice's decision regarding 'targeted killings'. Since 2001, Israel has used targeted killing operations against Palestinian commanders of perceived terror cells. In 2006, the High Court of Justice handed down its decision on the petition filed by the *Public Committee against Torture in Israel* (HCJ 769/02), ruling that targeted killing operations are not forbidden, *per se*, but at the same time imposing limitations on the IDF policy. "*The law of targeted killing is established under customary international law*", stated the Court, "*and the legality of each said individual act must be determined in light of it*" (Section 64). In other words, international humanitarian law guided the decision.

Another example of an organization that leverages the judicial arena is *Adalah*, which represents the collective rights of Palestinian citizens in Israel. Some of its efforts are directed towards defending the rights of the population of the occupied territories. Its major achievement occurred in 2005 when the High Court of Justice (HCJ 3799/02) accepted a petition filed by the organization forbidding the use of the 'neighbour procedure'. This is a practice in which Israeli soldiers use Palestinian civilians to order other Palestinians to leave their houses to be arrested. In other words, unprecedentedly, an Israeli-Palestinian organization shaped the IDF's *modus operandi*. Action in the judicial arena is natural for an organization that cannot directly affect the IDF inasmuch as the military has no interest in dialogue with the Palestinian minority, which is entirely exempted from military service. All in all, the IDF's activities in policing the Palestinian population have been gradually and partly subject to civilian norms.

Similarly, LGBT organizations in the US have utilized, in addition to the public arena, the judicial arena as well. Appeals to the courts challenging the 'Don't Ask, Don't Tell' policy legitimated the claim to limit enforcement of that policy (see for example, Mazur, 2009, p.3). Pressure led to the Senate decision in December 2010 to repeal the ban. Politically limiting the military's autonomy in administering recruitment policy is the result.

The Direct Control Arena

Direct control is the most innovative control model. Here we see the impacts of globalization. Globalization inspired the establishment of new organizations, which made use of global rhetoric, leveraged the international interest in information published by the organizations, leveraged international law, relied on foreign funds, and borrowed methods to undermine the legitimacy of military actions and to narrow its autonomy. The changing international scene placed such organizations in a new political context and provided them with resources for collective action.

Direct control is influenced in large part by the *modus operandi* of global human rights and environmental organizations like Greenpeace and other alarm groups. In the military realm, this mode of action is still less developed. In general, the division of labor between the organizations and the government in other forms of extra-institutional control is clear: the organization raises issues (mainly in the public or the judicial arenas) and the state is expected to accept the organization's position and take responsibility for

implementing the amended policy. In contrast, in the direct control model, the organization steps into the state's shoes. The organization not only introduces an issue and expects the state to tackle it, but directly monitors the military units to ensure that the required policy is indeed implemented.

It is important to distinguish between two sub-models – passive and active control. *Active direct control* is embodied by *MachsomWatch* [Checkpoint Watch],³ a civil rights movement composed exclusively of women. It was founded in 2001, inspired by reports of human rights abuses against Palestinians at the many checkpoints the IDF had set up throughout the West Bank, allegedly to perform security checks on the Palestinian population. *MachsomWatch* physically monitored the behavior of the soldiers and police at the checkpoints through which Palestinians enter Israel to ensure that the latter's human and civil rights were protected, and reported the results of their observations. Perceived patterns of abuse and humiliation were documented and reported on the Internet, and very often, the women intervened with the soldiers on site, or helped Palestinians in their interactions with the IDF. This not only remedied deviations; it also reduced the probability of their occurrence by the very presence of the activists at the checkpoints.

Consequently, the IDF improved the treatment of Palestinians by raising the standard of manpower and the quality of physical infrastructures. On the policy level, moreover, in 2005 the Israeli government initiated the civilianization of the crossing points between Israel and the West Bank to deliberately reduce friction between Palestinian citizens and Israeli soldiers at the checkpoints (Ben, 2005).

Instead of demanding that the government shape new rules for dealing with the Palestinian population and concentrating on the struggle for their implementation – the traditional modus operandi of human rights organizations – *MachsomWatch* independently monitored the IDF soldiers' behavior. The dialogue was not between the organization and the government, members of *Knesset* or the IDF supreme command, but between the group and the local commanders.

Other organizations gradually adopted a model of *passive direct control* based mainly on research and documentation. There is nothing new in collecting information from Palestinians and distributing it; the change is in the mode of collection. The organization is no longer merely a pipeline; it now plays an active role in the documentation and research process. One of the most influential organizations in this regard is *B'Tselem* (The Israeli Information Center for Human Rights in the Occupied Territories), which, since the 1980s, has documented human rights violations in the occupied territories (including those by the Palestinian Authority), publishing regular reports of their findings. Since the beginning of the Second Intifada (September 2000), the organization has increased its staff of field researchers and enhanced the collection of information about Palestinians harmed by the IDF. This endeavour had almost no impact on decision-makers until 2002, as when the international community increased its pressure

³ For further details, see <http://www.MachsomWatch.org/en>.

on the Israeli government to respect human rights in the West Bank. At that point, the IDF began to respond to the organization's reports and, in some cases, opened its own investigations using *B'Tselem* witnesses (Lori, 2002). Gradually, a new model of interaction was shaped: the organization examines events and transfers its findings to the Military Advocate with demands for a military police investigation. In most cases, the organization's reports are treated seriously by the IDF authorities and are in some cases followed by police investigations.⁴

In the direct control approach, the organization enters the political-military hierarchy. *B'Tselem* and *MachsomWatch* entered the vacuum that the fighting in the occupied territories created in the political control of the military and the supreme command's control of ground forces. Naturally, in a war waged in the midst of a civilian population, the center of gravity of command shifts from the supreme command to the lower field level (see [Rupert] Smith, 2005), where there is far less central control. The organizations' reports actually replaced reports that were supposed to flow in the ordinary military chain of command. An outsourced-like mode of control was set in motion.

Under these circumstances, civilian control is worthless if the military command does not control its own forces. Uniformity of military control is the first condition required for establishing the infrastructure of civilian control. Where this condition does not exist, extra-institutional agents may assist the military to control its own forces. As long as the military provides legitimacy for this action by cooperating with the organizations, it empowers and encourages them to continue their activities.

Another manifestation of direct control is control that emerges from the ranks. Antiwar protests that spring from the ranks and their social networks, various forms of disobedience, and the leaking of information from within the ranks about overly aggressive conduct of units, are among the tools that determine the profile of control. Here the aim is to drive senior levels of commanders and even the political echelon to act. An example of such an approach is the *Breaking the Silence* movement. Made up of discharged soldiers, mostly from the secular middle class, *Breaking the Silence* entered the scene in 2004 and exposed problematic and deviant behavior toward the Palestinian population in the West Bank and Gaza Strip during the Second Intifada. This movement drove the IDF's high command to rein in aggressiveness and clamp down on violations of military codes (see Levy, 2007a, pp.131-141).

Breaking the Silence resembles an American example that represents the direct control arena of 'control from within': the petition entitled *An Appeal for Redress from the War in Iraq*, signed in 2007 by about 2 000 soldiers and submitted to the Congress. "Implicit in the appeal", claimed Andrew Bacevich (2007), "is the suggestion that national-security policies somehow require the consent of those in uniform".

⁴ For evidence, see: http://www.btselem.org/Download/20060913_letter_from_Central_Command_attorney_about_cases_of_abuse.pdf.

How Extra-Institutional Mechanisms Impact Institutional Control

Stuart Cohen (2006) argued that a syndrome of “*over-subordination*” of the military to the civilian echelon has evolved, signified by the erosion of the military’s professional autonomy due to conflicts between military and civilian groups. Even if we do not completely accept the concept of over-subordination, the processes outlined in the section above indicates a decrease in the military’s professional autonomy.

Control over the military is conceptualized in this article as a differential process rather than a unified one. Different domains of military action are differentially controlled with variations in the level of intensity of control : military armaments and special operations are the domains that are almost completely left out of extra-institutional control mechanisms in Israel. In these areas, we find an intimate dialogue between the military and the government with some parliamentary involvement and, occasionally, the participation of the media and research institutions with influential ‘security networks’ made up of ex-servicepersons (Barak & Sheffer, 2006). In particular, nuclear armament, which is not handled by the military, was left in the shadows, as long as the opaque nuclear policy aimed at the international arena prevented control at home as well (Cohen, 1998). Other domains, however, were gradually subordinated to enhanced civilian control through extra-institutional mechanisms.

Recruitment Policy

This policy was clearly subordinated to civil control in two main domains: the scope of recruitment and service arrangements, much due to the activities of the *hesder* rabbis and feminist organizations as well as other groups not described in this article.

Casualty Aversion Policy

The military lost much of its professional autonomy due to the involvement of reservists, parents of soldiers and bereaved parents in antiwar actions and the investigation of accidents. Military doctrine was largely subjected to cultural-social variables.

The Policing Policy in the Territories

Extra-institutional control was effective in three areas : (1) subordinating military operational procedures to civilian judicial norms, including the prohibition of using the ‘neighbour procedure’ and the limitations imposed on targeted killings ; (2) tightening the Military Advocate’s control over the misconduct of soldiers due to the activities of *Breaking the Silence* and *B’Tselem* and their cooperation with the Military Advocate and Military Investigation Police ; (3) improving IDF behaviour at checkpoints observed by *MachsomWatch*.

The Settlement Policy

In this case, extra-institutional control succeeded, but in the opposite direction; it restricted the military’s ability to impose law and order on the Jewish settlers. The military became the settlers’ vassal, not the authority managing the entire population of the occupied territories. While civil rights organizations enhanced their monitoring of the IDF,

the settlers did the same. The IDF thus balanced the two countervailing pressures: it subjected much of its policing practices to civilian law vis-à-vis the Palestinians, while tolerating the settlers' violations of precisely the same law.

To recall, extra-institutional actors in the military realm emerged when they felt that the mediating function of the institutionalized political system had failed to respond to their demands. The failure, or at least the perceived failure, of the institutional system in dealing effectively with external threats, in administering a fair and equitable recruitment policy, in reducing the risk to which soldiers were exposed, and in securing Palestinians' as well as settlers' rights in the occupied territories characterizes the vacuum into which extra-institutional actors stepped.

In many situations, the problem of ineffective control emanates from the flawed performance of the *Knesset* as a state institution that is expected to monitor the military (Michael, 2008, pp.24-27). While members of the Foreign Affairs and Defence Committee complained about the absence of means of control, they did not make use of the main tool at their disposal, namely, legislation. In most cases, legislation is the outcome of extra-institutional activity, resulting in a tightening of the formal controls, and reflected in the passage of such acts as the *Reserve Service Law* and the *Security Service Law*. Even the High Court's intervention in the targeted assassination policy and 'neighbour procedure' would not have been necessary had the *Knesset* passed appropriate legislation that restricted the military's actions.

In the early stages of their activity, the extra-institutional actors usurp the responsibility of executive and legislative agencies by stepping into their shoes, thereby weakening their position. Efficient control is generally achieved before extra-institutional control affects institutional control. Gradually, however, extra-institutional actors encourage the politicians to tighten their reins over the military. As the case of the withdrawal from Lebanon in 2000 attests, extra-institutional players empowered the government to enforce policy on the military and a similar scenario repeated itself in other instances when extra-institutional actors left their imprint on institutions. Extra-institutional actors thereby encourage civilians to practice their formal tools of civilian supervision of the military.

On the other hand, when the extra-institutional control arena is silent and inactive, as it was during the outbreak of the Second Intifada, the dyadic encounter between policymakers and officers has a stronger influence. Under these circumstances, when the military feels that the public demands military solutions and the government does not have broad support, the military command can use blurred directives and lack of determination by the political level to act more independently (Michael, 2008; Peri, 2006). Under these circumstances, the government's formal tools for regimenting the army are less important than political willingness to use them. Power relations overshadow formal arrangements.

In the long run and in most cases, effective extra-institutional activity leads to institutionalizing or reshaping institutional control mechanisms, either by legislation, court rulings, government decisions or administrative moves that strengthen the military's

internal control. A challenger may gain structural reforms that give the represented group increased influence over political processes, argued Amenta & Young (1999, p.31). This can serve as an expression of institutionalization of influence that may come at the expense of the autonomous sphere of the military, as the positions captured by the religious, feminists and others in influencing recruitment policies attest.

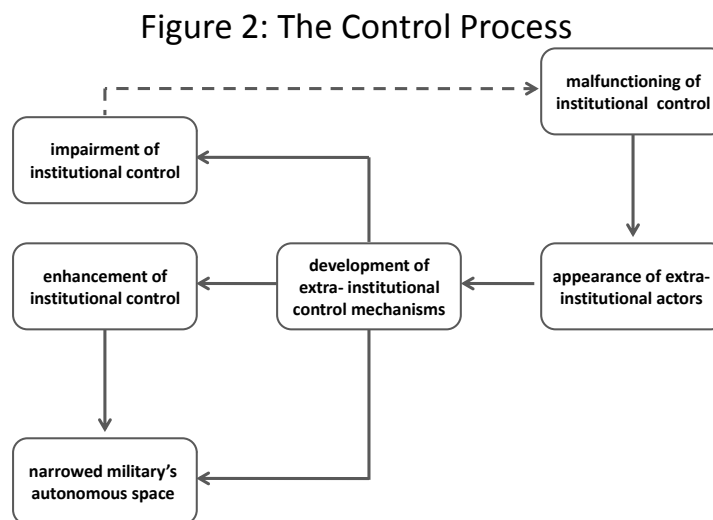
Taking this analysis one step further, the groups' impact on institutional arrangements may go beyond the direct, immediate and intentional result. For example, in addition to directly motivating the withdrawal in 2000, *Four Mothers* helped set barriers to future involvement in Lebanon. Their role in instilling the "casualty phobia" in political culture shaped the power relations between generals and policymakers during the Second Lebanon War and determined not only the directives the politicians issued but also, and especially, those they refrained from issuing (delaying the insertion of ground troops), due to the 'phobia' barrier, as reflected in the *Winograd Report*. To offer another example, legal amendments that secured reservists' rights (by, for instance, limiting the number of days a reservist can serve per year), also empowered the *Knesset* to monitor military operations by authorizing it to approve emergency reserve call-ups on which large military operations rely (as detailed in *Reserve Service Law*, articles 8-9).

However, the interrelations between extra-institutional and institutional control are also interactional. Extra-institutional mechanisms may actually weaken civilian control without necessarily enlarging the military's space of operation. One example of such a situation is the set of obstacles that confronted the IDF in dealing with Jewish settlers in the West Bank. By nature, direct bargaining breeds informal arrangements that defuse institutional mechanisms and, to a large extent, even replace them. Likewise, excessive action in the public arena impairs civilian control by weakening the politicians' position. Theoretically, an active public arena encourages the military to develop a direct dialogue with the public, to inform debates with politicians, recruit allies, and establish legitimacy, even if this means manipulating public opinion. Direct dialogue shifted the relationship between the military and the media from military manipulation of the media (exchanging the media's self-restriction for access to information) to a new mode in which the military now "courts" the media (Moskos, 2000).

This direct dialogue further weakens the traditional pattern of civilian control that negates the soldiers' right to publicly disagree with their political superiors (Sarkesian & Connor, 2006), and weakens the political mechanisms that mediate between military commanders and the public. Furthermore, the attempt to mobilize public opinion may upset civil-military relations when tensions between generals and politicians concerning the right policy sour to mutual leaks of information and statements to the public, as exemplified by the debate between the generals and the Obama team over the exit strategy from Afghanistan (Feaver, 2010). Activity in the public arena re-demarcates the power relations between generals and civilians. This being the case, the perfection of institutional mechanisms will be late to appear and may emerge following deficiencies in institutional control. Against this background, the group's selection of the preferred action arena not

only determines its potential success, as theories of collective action already show, but also the sort of impact it may have on the enhancement or impairment of civilian control.

Figure 2 summarizes this process:



Conclusions

In this article, we tried to shed light on a neglected issue in the literature; namely, the role played by extra-institutional players in shaping civilian control. Israel serves as a critical case study.

The article's main contribution is in mapping the process through which extra-institutional mechanisms evolve and make their impact, as figures 1 and 2 clearly demonstrate. As we clarified from the beginning, the gap with which we dealt is not to trace the societal actors' influence on military policies, but rather the impact of their action on the enhancement or impairment of institutional civilian control.

There is no reason to believe that the case of Israel cannot represent the broader picture. Given the centrality of security in Israeli life and its ongoing conflict with neighbouring armies, which is perceived as an existential struggle, one would not be surprised to find a high degree of willingness to support the military and the values it represents. If an unexpectedly middling degree of public monitoring appears in Israel, we may expect a similar pattern in other democracies in which the military establishment's status or importance is lower. Indeed, examples from the US and theoretical propositions validate our assumption that the Israeli case is not an exception to what appears to be a more general trend.

Therefore, some conclusions emerge and advance the existing literature. First, extra-institutional players affect the military's space of bargaining vis-à-vis the politicians by driving politicians to legitimately limit the military's autonomy. In other words, the institutional encounter between the politicians and the officers is bounded by power relations developed outside the institutional system. In the spirit of Mills (1956), an

analysis of extra-institutional mechanisms helps to demarcate the social and political areas within which decision-making takes place. Extra-institutional actors may drive the sides to accept the modification of recruitment policies, to adjust military doctrine to casualty shyness, to change strategic doctrines and others, in situations in which the institutional actors would not have otherwise acted without external intervention. Here, globalization plays a significant role in limiting the state's freedom by enhancing the work of extra-institutional actors, beyond its other external influences.

By focusing on the work of extra-institutional control, dynamic changes in the balance of power between soldiers and civilians can be swayed. Therefore, control over the military can be perceived as a process rather than a formal and institutional arrangement or outcome. What matters here are the mechanisms affecting the military's space of autonomous operation, not whether those mechanisms have formal expressions. Practices precede formal institutionalism. This observation opens up options for examining other mechanisms that limit the military, such as the market's influence on its resources (Levy, 2008b).

Since power relations are the key, we also considered situations where extra-institutional mechanisms can weaken civilian control, mainly when the public arena is over-reactive or when intensive direct bargaining takes place. In both cases, the military is empowered relative to politicians who step aside, voluntarily or not, and leave the military to deal directly with civilian groups seeking to limit its autonomy.

Yet, 'extra-institutional control' is not 'subjective control', in Huntington's (1964) famous terms, meaning that civilian groups define and monitor military activities in accordance with their specific interests. The demise of the military's professional identity is likely to result. Although the activity in the arena of direct bargaining signifies a process toward partial 'subjectivization' of control, activity in other arenas represents pure processes through which collective actors endeavor to influence military policies. True, this influence is a deviation from the confines of 'objective control', in the sense that the military is not socially isolated and thus vulnerable to political intervention. As shown, even the US military, the prototype of objective control, is subject to the influence of extra-institutional actors.

Thus, this analysis advances the literature dealing with civilian control by opening up the black box of the dialogue between politicians and generals (see Michael, 2007). The explanatory power of Desch's matrix of threats is enhanced by bringing in the role of extra-institutional players in intensifying or reducing the reading of external threats and weighing them relative to other costs. Likewise, Feaver's principal-agent theory may benefit by looking at the way extra-institutional actors can influence politicians, directly or indirectly, to punish the military for disregarding politicians' instructions and thereby compel the military to cooperate.

Focusing on extra-institutional mechanisms provides additional support for the cultural approach, advocated by Janowitz and his followers. Collective action that constructs extra-institutional mechanisms also plays a part in shaping shared values

between generals and politicians. This is the missing link in the Janowitzian tradition, exemplified by casualty-aversion policies. What is common to the actions of the *Beaufort Family*, *Soldiers against Silence* and *Four Mothers* is the gradual instilling into the public discourse of the notion of casualty cost and, thereby, shaping a cultural restriction that restrains military operations. These organizations brought new value priorities to the involved echelons. As Feaver & Kohn (2001) predicted, the politicians did not impose risk-avoidance restrictions upon the officers. Rather, the officers internalized the sensitivity to casualties as a cultural restriction that informed the generals' conduct vis-à-vis the political echelon, as the IDF's cautiousness in the Second Lebanon War attested. Here, cultural restrictions did not breed a formal arrangement, but rather culturally guided practices. Thus, Schiff's theory of concordance is enhanced by not taking the agreements between the institutional agencies and the citizenry as a point of departure but rather, tracing the origins of the agreements that may emerge from disagreement between the sides. In this way, the societal player is not a unified actor, as Schiff's theory implies, but is divided into different actors with different agendas. Their interaction with the military yields agreements or disagreements differentiated by domains of action rather than a unified concordance.

Here the role of collective actors takes on another dimension. Our interest is not simply in their impact on policy but on the way that their actions affect the reshaping of institutional arrangements of control. Against this background, long-term, partly unintended results are considered, such as the impact that protest movements had on the formulation of casualty-aversion policies. In sum, our study enhances the dialogue between literature on civilian control and that of collective action.

Another advantage of the proposed analysis is that it highlights the question of which components of military activity are actually controlled. As the analysis shows, different components are differentially monitored. It is true that the analysis of formal, institutional control facilitates such a differential view, but by factoring in the extra-institutional mechanism, this view is almost inevitably brought to the front.

The impact of extra-institutional actors on civilian control, beyond *ad hoc* modifications of public policies, deserves special scholarly attention. Hopefully, those who embark on such studies will find the conceptual tools developed in this paper a useful framework.

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