NATIONAL SECURITY AND DEMOCRACY ON THE INTERNET IN ISRAEL

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Abstract

There exists an inherent conflict of values in Israeli society — the primacy of national security, which subordinates almost every other aspect of democracy in Israel, versus the ideal of liberal democracy focusing on individual rights — chief among these being freedom of expression. These conflicting values have been brought to the surface in recent years due to the rapid growth of Internet use by the general public in Israel. The incidents reviewed in this paper serve to underscore the tensions between national security and democracy in Israel, a tension that today is related more to deeply-seated political and cultural concepts of democracy than to any real threat to the country's existence. This paper discusses the political and cultural aspects of democracy and national security in Israel *vis-à-vis* computer-mediated communication (CMC).

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A recent parliamentary committee meeting devoted to "Freedom of Expression and the Internet," began with a short demonstration in which Internet sites describing the Order of Battle of the Israeli Air Force, nuclear weapons,[1] as well as some pornography, were reviewed. Members of the Israeli Knesset (parliament) were shocked and astounded — not by the pornography, but rather by the fact that "classified" information was readily available on the Internet. The discussion quickly turned from dealing with freedom of expression, to how to prevent information of this kind from being readily available on the Internet. This incident serves to underscore the inherent conflict of values in Israeli society — the primacy of national security, which subordi-nates almost every other aspect of democracy in Israel, versus the ideal of liberal democracy focusing on individual rights, chief among these being freedom of expression. These conflicting values have been brought to the surface in recent years due to the rapid growth of Internet use by the general public in Israel. The incidents discussed serve to underscore the tensions between national security and democracy in Israel, a tension that today is related more to the political and cultural concepts of democracy than to any real threat to the country's existence, particularly following the Oslo Accords. Israel as a society is struggling with traditionalism, authoritarianism, nationalism, and increasing individualisation, each appearing as components within the country's unique political culture. This paper will deal with the political and cultural aspects of democracy and national security in Israel *vis-à-vis* computer-mediated communication, focusing on where these issues conflict with prevailing cultural attitudes towards freedom of expression and freedom of information. Prospects for cultural and political change as a result of widespread Internet use in Israel will also be discussed.

National Security and Democracy in Israel

Yitzhak Rabin, the late Prime Minister of Israel and a former military leader, once described Israel's security situation as one of "dormant war" erupting every few years into active conflict.[2] Others have described Israel as a garrison state (Lasswell 1941), surrounded by enemies, constantly seeking to defend itself.

Israel's security doctrine is based on three points of strategic vulnerability that have guided the doctrine since the founding of the state: demographic advantage of the Arab states; vulnerable borders due to the lack of strategic depth; and the need to hold up under a protracted, violent conflict requiring extensive allocation of resources to national security (Horowitz and Lissak 1989, 200). This doctrine has changed little, despite the winds of political change in the region and in particular, the peace process.

In order to better understand the relationship between national security and democracy in Israel, one must view the social, political and cultural context. Due to the unique qualities of the Israeli polity, these contexts are often intertwined. In the founding Zionist ethos of Israel, the tension between national security and democracy hardly existed as an issue (Cohen 1993). When matters of national security are at stake, democratic considerations are seen as a luxury. The security of the state is strongly tied to the state's survival, and as such, the cause of security must override all other causes, including democracy, but more specifically, freedom of expression. There are in fact very few democracies in existence today that place such an emphasis on national security. This attitude towards national security in Israel has been adopted and internalised not only by the government and government institutions and agencies, but since

Israel's founding in 1948, by the public as well, and has become a distinct feature of Israeli political culture.

The Political Context

The relations between aspects of national security and the framework of democracy are a source of tension in most democratic political systems. This tension is primarily between, on the one hand, the need for external security (which in societies subject to an acute military threat is perceived as a basic existential need) and, on the other hand, the need for a properly functioning democratic political system that usually reflects the desire of the population for optimal conditions of social welfare (Horowitz and Lissak 1989, 203). Horowitz and Lissak relate to these tensions on three levels: values, institutions, and relations among elites. For our purposes I will relate to the value-based tension; that is, the tension between an authoritarian hierarchical concept and a democratic-egalitarian concept of governmental and social patterns and civil rights.

The tension between civic values of democratic societies and the militaristic values of authoritarian, hierarchical organisations trained in the use of violence is, according to Horowitz and Lissak (1989, 204), basically unavoidable. They distinguish between two models representing extreme cases: the closed military caste and the "nation in arms". The caste model is based on the premise that the difference between military and civilian sectors, especially in democratic societies, cannot be bridged. This model is based on a professional army without conscripts, which poses no threat to the democratic political system as long as society does not face acute danger to the democratic system, and as long as resources are provided for limited military needs.

The second model is based on a reduction in the social and value gaps between the civilian and military sectors combined with permeable boundaries between them that permit two-way influence. Characteristic of this model is a pattern of military service based on a nucleus of professional soldiers that make up the permanent army, with the addition of conscripts and a comprehensive reserve force. A condition for the emergence of this model is a national consensus concerning the existence of a serious external threat to the state which, in turn, requires the allocation of considerable resources to security and the involvement of the military in the processes of political decision making (Horowitz and Lissak 1989).

These models are ideal types in the Webberian sense of the term, and do not exist empirically in any democratic society. However, all democratic societies may be placed at some point on a continuum between these two extremes. Great Britain, for example, is closer to the end of the continuum represented by the military caste, while Israel comes closer than other society to the model of a nation at arms.

The Social and Cultural Context: *Mamlachtiut*

Partial roots of the attitudes towards the primacy of national security may be found in the policy of *mamlachtiut* or Statism, as developed by David Ben Gurion, Israel's first Prime Minister. Briefly stated, the official policy of Statism was composed of three elements: the necessity for the state framework to provide universal services; the exclusiveness of state activity in certain areas of public life; and the depolitisation of state structures rendering them impartial to political party considerations. This Statism was crucial in forming the framework for a common political culture among new immigrant from varying backgrounds. A crucial component of Ben-Gurion's Statism was

the Israeli Army (IDF), whose role, beyond that of defence, was to fulfil the function of a melting pot in society, serving as a crucible in shaping the national identity of Israel's Jewish citizens. In Ben Gurion's own words:

> *The primary function of the IDF is the security of the state, but this is not its only function. The army must also serve as an educational centre for [Israel's] youth, those born in Israel and abroad. The army must educate a pioneering generation, spiritually and physically healthy, daring and devoted, mend the tribal cleavages and the Diaspora mentality, towards the fulfilment of Israel's historic purpose ... and the creation of a new image of the "national" and ingraining it in the new culture and society now developing in the State of Israel* (Ben-Gurion 1957, 105. Hebrew).

Thus, all men and women from the age of 18 are required to serve three years and two years respectively, with an additional month of reserve duty for men every year until the age of 55. This means that the average Israeli male spends between five and six years in uniform, not counting periods of special reserve duty during wartime or other national emergencies. The structure of Israeli military service has wide-ranging implications for the individual at a number of levels. The mandatory service is an economic burden, delaying one's entry into the labour market, or postponing higher education or the acquisition of vocational skills. It also tends to limit individual freedom, in that a reservist must obtain permission from his unit to travel abroad and must always be available for mobilisation at a relatively short notice. Both the mandatory service in the IDF, a key factor in the political socialisation of Israeli youth, as well as the subsequent reserve duty, serve to strengthen respect for the primacy of issues of national security in Israel and, until recently, have served to encourage and perpetuate consensus towards aspects of national security.

Closely related to *mamlachtiut*, indeed stemming from it, is the concept of "civil religion" in the Israeli context. Myths, stories, images, icons, celebrations and rites play a part in the imagining of national community from generation to generation (Bryant 1995, 149). They are key features of both civil and political religion. The term "civil religion" originated with Rousseau, and rests upon the distinction between the "religion of man," which is a private matter between the individual and God, and the "religion of the citizen," which is a public matter of the individual's relation to society and government. According to Rousseau (1963, 114), there is "a purely civil confession of faith of which the sovereign should fix articles, not exactly as religious dogmas, but as social sentiments without which a man cannot be a good citizen or a faithful subject." Coleman (1974, 70) provides a more contemporary definition: "civil religion is a set of beliefs, rites, and symbols which relates a man's role as citizen and his society's place in space, time and history to the conditions of the ultimate existence and meaning." In the Israeli context, *mamlachtiut* became the civil religion of the newly-founded state of Israel, with a strong republican[3] character (Peled 1992).

The military and social aspects of national security in Israel are closely interrelated. From a strategic point of view, the Israel Defence Forces' wartime Order of Battle is based primarily on reserve forces providing an operative military solution to the problem of the demographic imbalance between Israel and the Arab states. At the same time, the Israeli system of reserve mobilisation is also a social phenomenon that shapes civilian life styles and civilian military relations (Horowitz and Kimmerling 1974). The reserve service system entails both a partial militarisation of civilian life,

and a partial civilianisation of the military making for permeable boundaries between the two sectors (Horowitz and Lissak 1989, 197).

Interestingly enough, some researchers (e.g., Ariav and Goodman 1994) have pointed out that it is precisely this partial militarisation of Israeli civilian life that is responsible for Israel's success in the hi-tech industry. Ariav and Goodman point to a "commando ethic," as being partially responsible for Israeli achievements in software development, together with historic and economic circumstances. This commando ethic is seen in Israeli culture as being associated with concepts and terms such as "imaginative, unconstrained, informal, quick, small scale, flexible, resourceful, aggressive, self reliant, improvisational, and effective" (Ariav and Goodman 1994, 19), traits which have been shown to contribute to both military conquest and software development.

National Security and Censorship

Israel's need for censorship in matters of national security is easily understood. Since the founding of the state, Israel has been under an official "state of emergency," resulting in strict censorship regarding all things concerning the military, the intelligence community, the security establishment, and other related issues. This is a result of the past and present state of war with its neighbours and the general high regard for security matters in Israeli society. It is important to note that the IDF and the intelligence community in Israel are among the most highly respected institutions within Israeli society, and criticism of them is not held in high regard or easily accepted by the public. Thus, while there might be a degree of necessity in the existence of the military censor, whose importance is accepted by the public, one must still question whether the use of censorship is restricted only to matters of utmost military importance. There is a fine line between military and political censorship, particularly when the decision to censor is in the hands of one individual, as is the case in Israel. In addition to this, a number of scholars and commentators have noted that since the founding of the state, various means have been used by the government to withhold information from the general public on issues vital to Israel for both political and national security reasons.[4] Part of the problem rests in Israel's lack of a formal constitution. In place of this, Israel has a system of Basic Laws which enjoy constitutional status and guarantee various freedoms.

According to Israeli law adopted from the British Mandatory period, the censor may deny for publication any information that, in the censor's opinion, is likely to harm the defence of the country, public safety or public order. This relatively vague wording technically allows the censor to deny the publication of information that is not directly related to security issues. Changes in economic policy, a harsh article by a member of the opposition, or a report on political demonstrations – all of which may be seen or interpreted as adversely affecting public safety or public order – can be regarded as grounds for censorship. Decisions made by the censor do not have to meet any objective tests of relevance, while all decisions taken by the censor are classified, thus preventing public criticism of his actions.

For the most part, the censor makes fairly reasonable use of his power, and a number of Supreme Court decisions have served to uphold the principles of freedom of the press and freedom of speech in Israel (see Lahav 1993). In a 1988 decision, Justice Barak of the Supreme Court noted that "because of the implications that security re-

lated decisions have on the life of the nation, the door should be opened to a candid exchange of views on security matters. In this context it is imperative that the press be free to serve as a podium for deliberation and criticism in matters vital to the individual and the community" (*Shnitzer v. Chief Military Censor*, PD 1617 1988). In spite of this, there have been recent incidents in which the security community has turned to the court system in seeking restraining orders related to security matters. Thus, the security community is beginning to shift emphasis from the censor to the courts. The number of rulings so far is limited, but in the cases brought to the lower courts, rulings tend to favour the security establishment. The courts are not divorced from Israeli society, and attitudes prevalent among the public, are prevalent within the judicial system as well.

Cultural Attitudes Towards Democracy

Court decisions aside, the prevailing cultural attitude in Israel supports the primacy of national security over freedom of the press and freedom of speech, and Israelis place great importance on consensus during times of national security stress. This is a direct result of the socialisation process discussed earlier. At the same time as the Supreme Court decision noted above, polls showed that between 80% and 90% of the public agreed that it was imperative to support the government during wartime, even if one disagreed with government policies. About half of the sample allowed criticism, but of a subdued and restrained manner (Arian 1993, 138). In another poll taken around the same time, one third of the sample stated that complete preference should be given to security considerations over democratic rights, to the point of placing significant limitations on democracy, even when the threat to security is, at most, marginal (Yuchtman-Yaar and Peres 1993, 227). In addition, retired military leaders are often recruited by the political parties and are frequently elected to key political positions. The left-right divide of the party system is fundamentally tied to security issues, and less so to economic issues as it is in most Western democracies.

In the Israeli context of social, cultural and, to a certain extent, political preference for security over democracy, the introduction of the Internet and the World Wide Web in Israel — technologies which, according to their proponents, encourage open communication and contribute to democratisation — will challenge the prevailing social and cultural values. Indeed, Internet-related incidents that have occurred over the last few years have forced both the public and policy makers to reconsider certain key issues and attitudes related to national security.

Computer-Mediated Communication, National Security, and Democracy in Israel

The Internet's contribution to democratic and participatory politics, in both democratic countries and countries with little or no formal democratic institutions, is recognised by NGOs, IGOs, and the academic research community. In his 1998 report to the UN Commission on Human Rights, the Special Rapporteur outlined the case against government regulation of Internet access and content thus:

> *The new technologies, and, in particular, the Internet, are inherently democratic, provide the public and individuals with access to information and sources and enable all to participate actively in the communication process. The Special*

> *Rapporteur also believes that action by States to impose excessive regulations on the use of these technologies, and again, particularly the Internet, on the grounds that control, regulation, and denial of access are necessary to preserve the moral fabric and cultural identities of societies is paternalistic. These regulations presume to protect people from themselves and, as such, are inherently incompatible with the principles of the worth and dignity of each individual* (ECOSOC 1998).

In Israel the growth of Internet use has been astounding. Following the deregulation of Internet use by the Ministry of Communication in 1992-1993, allowing ordinary citizens to connect to the Internet and not only members of academia, there has been constant growth, both among the companies providing Internet services and in the number of users. There are over 600,000 users in a population of 6 million. There is an average 20% monthly growth rate of Web sites in Israel, a growing number of schools are incorporating the Internet into the curriculum, several municipalities have begun to provide information and services via the Internet, and in the past year government ministries and institutions have also jumped on the Internet bandwagon.

The increased presence of the new technologies within Israeli society, already undergoing processes of individualisation and liberalisation, has brought with it liberal values that stress the primacy of individual rights over collective rights.

A number of incidents have taken place over the past few years which has served to test the feasibility of protecting national security from the eyes of the public as well as Israel's potential enemies in a "wired" world. The turning point was the Gulf War. While the Pentagon enforced severe restrictions on the press in the theatre of operation, the foreign press in Israel used satellite and facsimiles to broadcast reports. The height of this was when missiles were falling on Tel Aviv, and the reporter for CNN was broadcasting the exact point of impact. The Iraqis could not have hoped for better targeting information regarding their ability to launch missiles at civilian targets. In a conversation with a reservist who served in the military censor's office during the war, the military censor admitted to being powerless in the face of communication technologies such as satellite and facsimile broadcast, and could only hope to do its best at keeping up appearances. At the same time, beyond the public eye, the IRC channels and Usenet groups on the Internet were providing an additional source of information to the public within Israel and beyond, much in the way of Ham Radio operators did in the US in the 1940s and 1950s. Computer users seized technology and made it work, providing accurate, uncensored reports of the effects of the Gulf War (Fredericks 1992).

The second incident concerns an anonymous posting to various Usenet news groups dealing with Israel, providing the name and address of the newly-appointed head of the General Security Services (GSS). Until then, the names of the heads of Israel's intelligence organisations were known to a relatively few people, and were considered state secrets. On March 14, 1995, the following post appeared on a number of news groups on Usenet:

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Message-ID: <123311Z14031995@anon.penet.fi>
Path: NetVision.net.il!aristo.tau.ac.il!barilvm!dearn!nntp.gmd.de!stern.fokus.gmd.
de!ceres.fokus.gmd.de!zib-berlin.de!Germany.EU.net!EU.net!news.eunet.fi!anon.penet.fi
Newsgroups: soc.culture.israel,talk.politics.mideast
From: an217892@anon.penet.fi
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X-Anonymously-To: soc.culture.israel,talk.politics.mideast
Organization: Anonymous contact service
Reply-To: an217892@anon.penet.fi
Date: Tue, 14 Mar 1995 12:27:34 UTC
Subject: Shabak[5]
Lines: 12

Mazel tov to the new head of Shabak Carmi Gilon. You can send letters of
congratulations to:
Carmi Gilon
6 Hagefen Street
Mevaseret Zion
Jerusalem
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This Usenet posting managed to make headlines in all the daily papers in Israel but, following orders of the military censor, the name and address was blacked out. At the same time, anybody with Internet access could view the posting. A number of months later, the name of Carmi Gilon was officially made public, as was the name of the head of the Mossad. Since this incident, every intended appointment to the heads of both security services is now made public, allowing public debate and criticism prior to the appointments. It is interesting to note that the posting caused a great deal of discussion in the newsgroups to which it was posted. Many of the Israeli conversants were critical of the poster for providing details regarding the head of the GSS, citing concern for national security, whereas in most democratic countries this information is part of an open and transparent system of accountability of public servants.

The third incident occurred over a year ago, following the attempted assassination of Khaled Mishal by the Mossad in Jordan. While the story was breaking elsewhere, the Prime Minister requested that the press refrain from reporting on the matter, claiming that such reports would endanger the lives of Mossad agents still in Jordan. The press went along with the voluntary censorship until details of the botched operation appeared on London's *Sunday Times* web site. The dailies then felt free to deal with details of the case, leading to a public debate that almost caused the resignation of the Prime Minister, and which eventually led to the appointment of a new head of the Mossad.

More recently, Col. (ret.) Mike Eldar, a former commander in the Israeli Navy, was arrested on July 21, 1998 for posting classified material on his web site. Eldar's arrest is the result of an ongoing struggle by him to allow his books to be published. Eldar is the first Israeli to be arrested and charged with making classified documents available over the Internet. It is important to note that the documents publicised by Eldar have been published in the past in book form, prior to censorship[6]. This case is significant in that it will serve as a test case, possibly establishing precedent on the part of the judiciary regarding the Internet and national security.

In addition to the above, more and more voluntary organisations in Israel are making use of the Internet to provide information to the general public. These organisations, the cornerstones of civil society, are using computer-mediated communication (CMC) to overcome restrictions *vis-ŕ-vis* the media and censorship. Groups like *Be'Tselem* (a human rights watchdog organisation), *Association for Civil Rights*, *Amnesty Israel*, *Committee Against Torture*, *Israeli-Palestinian Union of Doctors*, *Minerva Centre for Human Rights*, *Peace Now*, as well as other voluntary and extra-parliamentary organisations, provide a valuable function in acting as non-institutional watchdogs for democracy

and human and civil rights. Some of these groups have begun to use CMC as an additional way to provide information, mobilise support and membership, raise funds and express views related to issues of national security, hoping to influence both the public and decision makers.

These incidents took place at a time where there was a growing lack of consensus on matters related to national security. If, in the past, respect for the army could be described in terms of a civil religion, that is less so the case today. While motivation on the part of the youth to serve in the army and to volunteer for combat units has remained steady, there has been growing criticism and scepticism on the part of the Israeli public. In addition, the increasing individualisation, and what one may call a growing liberalisation of society (in a free market sense), as well as the peace process, have led to growing calls for reduced reserve military service, and to requests on the part of reservists to be released from service prior to the age of 55. Matters of national security, including the previously taboo discussion of Israel's nuclear capability, are now being discussed more openly, including open criticism by citizens of actual military operations. Partially responsible are the new channels of communication provided by CMC in general and the Internet in particular. This increased openness is a healthy sign of maturity in any democratic society. There is a growing sense in the public that the army and other institutions of national security should be judged by higher and stricter standards than in the past, and should be open to public criticism. In addition, there is a shift from the authoritarian-hierarchical concept towards a democratic-egalitarian concept of governmental and social patterns and civil rights. This in turn has led to a partial breakdown in the national consensus regarding national security. The Internet has thus contributed greatly to changing existing cultural attitudes towards national security within Israeli society, by providing new and open channels of communication and discussion for those willing or capable to use them.

Conclusion

The Internet is by no means the chief factor responsible for the changes taking place within Israeli cultural attitudes *vis-ŕ-vis* national security. Rather, in the last few years it has served to enhance deeper cultural and social trends and other transformations of Israeli political culture. The individualisation and economic liberalisation of society, changes in the overall political atmosphere, the Oslo Accords and the peace process, have all led to greater criticism among the public regarding national security. While the general public as a whole continues to hold issues of national security in high regard, there is more scepticism on the part of the public. The Internet in particular is acting as a catalyst for these trends, providing citizens and voluntary organisations with open forums for discussion and debate, as well as the dissemination of information, beyond the eyes of the military censor, helping to break down boundaries that previously existed. The increased dissemination of the Internet among the general public has led to the further fragmentation of the boundaries between the civilian and military spheres, allowing greater influence on the part of the civilian sphere. These social and political trends are fairly new and, as such, it is still too early to fully assess the changes mentioned above. One point is clear — rather than merely conflicting with existing cultural attitudes, the Internet is quickly becoming a key factor and catalyst in the change and transformation of existing cultural attitudes towards national security within Israeli society.

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Notes:

1.The sites reviewed were: http://www.geocities.com/TheTropics/9305/ (The Air Force) and http://www.envirolink.org/issues/nuketesting/hew/Israel/index.html; http://www.janes.com/geopol/sentinel/geosent_focus10.html (Nuclear Weapons). These sites are based solely on information garnered from open sources generally available to the public.

2. See Y. Rabin's lecture in *Academy in Memory of Yitzchak Sadeh,* September 21, 1967 (Hebrew). Quoted in Horowitz and Lissak (1989, 195).

3. Republican in the sense of citizenship, where the republican citizen experiences citizenship as practice (active participation in the determination, protection and promotion of the common good). The will and capacity to participate constitute one's civic virtue and are not only an expression, but also a condition, of citizenship. For a full discussion of the concept of republican citizenship, see Oldfield (1990).

4. See for example Dina Goren (1976) snd Moshe Negbi (1985).

5. *SHABAK* is the Hebrew Acronym for the GSS.

6.The documents were published in Eldar's book *Dakar*, which deals with the disappearance of the Israeli submarine *Dakar* and its crew in 1968. The book was initially published in September 1997 and 1000 copies were sold before the censor (acting on a request by the Unit of Field Security of the IDF) ordered the publisher to withhold further distribution. Prior to publication, Eldar requested and received permission from the military censor to publish the book. Eldar is currently facing charges of espionage and treason stemming from the publication of the book. Following his arrest due to the web posting, Eldar stated that "All those that saw the document on the Internet realize that this is a public service. I am proud that I posted this document" (*Ha'aretz* daily newspaper, July 22, 1998, p. 10A). Eldar will serve as a test case for checking the court's stand on the posting of security related information on the Internet. The URL of the site in question is: http://come.to/mike.eldar.com/

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