



PERSPECTIVES

THE BEGIN-SADAT CENTER FOR STRATEGIC STUDIES

The Wisdom of Hindsight

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EXECUTIVE SUMMARY: The only advantage the state comptroller has over the subjects of his audits is the perspective gained by hindsight. This may prevent him from walking a real mile in decision-makers' shoes. Sometimes breaking protocol is necessary.

State Comptroller Yosef Shapira's report on the 2014 military campaign in the Gaza Strip has yet to be made public, and while snippets of the minutes taken during the Diplomatic-Security Cabinet meetings held at the time have been leaked, they cannot represent the report, nor do they presume to show the full picture.

The media are already depicting the impending report as wielding significant power, placing it on almost an equal footing with the executive, legislative, and judicial branches of government.

In Israel, the comptroller's audits focus on the executive branch, meaning the government and its proxies. Because the report has yet to be released, we can evaluate the principles of the audit without being perceived as either protecting or criticizing those under review.

In principle, the state comptroller's authority extends to three spheres. He reviews whether the government's actions have been tainted by corruption; whether anyone has anything illicitly to gain from putting government decisions into practice; and whether any decision was driven by personal interest or if public funds have been misappropriated.

When it comes to fighting corruption, the comptroller is highly effective. The innate importance of the issue gives him a unique privilege: to offer those cooperating with his investigations immunity from prosecution.

When it comes to the integrity of the decision-making process, the comptroller reviews whether the procedures set by law or regulators have been properly followed. The assumption here is that procedures are the result of trial and error, and following them results in fewer mistakes during the decision-making process.

While it is true that the state comptroller's review in this regard is not as binding as it is with regard to the fight against corruption, which leaves no room for compromise, some leeway is allowed when it comes to procedure.

Decision-makers may have achieved a desired result without following procedure to a T. Could anyone guarantee that sticking to procedure would have produced a better result? And what can we learn from a decision-making process that deviated from protocols but delivered a good result?

A wise man once told me that sometimes, the comptroller checks if mistakes were the result of following procedure. If they were, he will not publish negative findings, even if they demonstrate real folly.

In this regard, the state comptroller's office has a spotty record. Had decision-makers stuck to procedure, the Iron Dome defense system would never have become operational in time, if at all. Fortunately for Israel, decision-makers preferred their better judgment to procedure, despite being lambasted by the comptroller for it. The same can be said for the new security fence on the Israel-Egypt border. The comptroller leveled harsh criticism at the project, despite the fact that it was completed under budget and ahead of schedule.

It seems that any reasonable person would agree that solid results are preferable to solid procedures, as long as they do not lead to corruption. For this reason, the comptroller's criticism of deviation from protocol should not be treated as severely as findings indicating corruption. At times, it may even be proper to commend those who broke with procedure, if their way proved successful and the result defeated expectations.

When it comes to the considerations employed by decision-makers, the real question is, why should the comptroller's judgment surpass those responsible for the issue at hand and who, unlike the comptroller, can be held accountable for their actions? The audit's importance does not lie within this sphere, because there is no reason to think the discretion of those manning the system of oversight is better than that of those they oversee.

Public sector functionaries are put to the test daily by their superiors, and public officials are put to the test on election day every few years. These are the best instruments available to the comptroller to assess their discretion, and he should be very careful not to crudely dismiss their judgment.

An audit – any audit – suffers from two inevitable weaknesses that it is important to understand, especially when it comes to procedures and exercising discretion.

The state comptroller is called in after the fact, when the event is over and most if not all of its results are known. Dispensing advice in hindsight is easy, but the audit is meant to walk a mile in the decision-maker's shoes and review his actions as if they were occurring in real time. Many comptrollers find that difficult to do, so in most cases, their audits simply skim the surface.

Moreover, an audit is, by nature, limited to a specific sphere. It cannot travel into the mind of an individual who at the time was also preoccupied with issues the comptroller is not reviewing, and therefore are not taken into consideration.

Following one of the biggest military operations in Israel's history, I was asked to review the intelligence available before and during the operation. I concluded that in that sector, military intelligence had not used a certain intelligence gathering tool as often as I thought it should have. When I discussed the issue with those actually involved, however, I learned my judgment had been superficial.

At the time, those involved were preoccupied with two other pressing and complex issues, and were therefore torn between three missions, only one of which eventually went on to claim lives. While I changed my findings, I was uncomfortable, as all of them were based on professional considerations. But how can we know if my judgment was better or more correct than that of the officer in charge? Even in hindsight, I'm not sure we can say my opinion was more correct than his.

Unfortunately, a growing number of audits deal with questions of adhering to procedure, without realizing that procedures are merely the means, not the end itself. Woe to the decision-making system that does not know how to set procedure aside in favor of clear analysis and common sense.

I'm afraid the state comptroller is trying to "teach" proper discretion, even though he has no advantage over the individuals reviewed other than the benefit of hindsight. This is why the prestige of his office has been eroded, and he would be wise to take this to heart.

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