



**PERSPECTIVES**

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## **The Moral Failure in Israel's Approach to the COVID-19 Pandemic**

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**EXECUTIVE SUMMARY:** Israel is different from other democracies in two ways: it has moral political values that are set forth in its Basic Laws; and its values are derived from Jewish morality. This means that Israel is not just a democracy; it is a Jewish democracy. The fight against COVID-19 requires difficult decision-making, and those decisions should be based on the country's moral values. Instead, Israel is acting in contravention of its own moral values. Because those values are contained in its laws, this means the law is being violated as well.

Democracy as a method of government was designed to ensure individual freedom by decentralizing governmental power, with power descending from the top of a pyramid down toward its much broader base. The idea lacks an inherent morality, and because of that weak point, Kant said the democratic process could be used to establish a state for the sons of Satan.

The COVID-19 pandemic, which is forcing humanity to confront difficult moral issues, highlights this weak point of the democratic method. For example, Britain, the mother of the Western democracies and a paradigm of well-established democracy, enabled its hospitals to admit prospective large numbers of coronavirus cases by closing them to elderly people and transferring already hospitalized elderly people to old age homes—all without ascertaining ahead of time whether they had been infected with the virus. And so, in the old age homes, thousands of members of the generation that had provided Britain with the power and capability to contend with such a crisis died—not necessarily from the virus, but from other ailments and conditions that required hospitalization. This is particularly ironic as it

transpired that occupancy in British hospitals, even at the height of the pandemic, was lower than normal, not higher.

David Ben-Gurion, who was cognizant of democracy's major weak point, wrote in his diary on the eve of the declaration of statehood:

I am in favor of a Jewish democracy. "Western" is not enough.... We are not required to identify with the West.... We have a special Jewish character—which should be the legacy of the world.... The value of human life and human freedom runs deeper among us, in accordance with the teachings of the prophets, than in Western democracy.... I want our future to be built on prophetic ethics.

Seeking to ensure that Israel would not fall prey to the weaknesses of Western democracy, Ben-Gurion made sure to include in Israel's Declaration of Independence the fundamental values of the state, and to assert that "the State of Israel...will be based on freedom, justice and peace as envisaged by the prophets of Israel."

The Basic Law: Human Dignity and Liberty states: "Fundamental human rights in Israel are founded upon recognition of the value of the human being, the **sanctity of human life**, and the principle that all persons are free; these rights shall be upheld in the spirit of the principles set forth in the Declaration of the Establishment of the State of Israel" [emphasis added]. Thus the morality of the prophets, which is an integral part of the law of the state, was made binding like the law itself, and Israel was created as a Jewish democracy by law.

The pandemic gave Israeli democracy an opportunity to highlight the advantages of being a democracy with a special morality whose values are grounded in its constitution.

Maintaining social distance, which is a critical aspect of checking the spread of the pandemic, clashes head-on with fundamental democratic values including the right to demonstrate, freedom of movement, and freedom of worship. As a Jewish democracy, it could be expected that Israel would contend with the pandemic as mandated by the Basic Law: Human Dignity and Liberty, and that, in light of the values of its Jewish morality in an emergency situation that endangers life, it would subordinate democratic values to morality and prohibit large gatherings that enable the virus to spread.

In fact, Israel left the right to hold large-scale demonstrations in place, thereby showing a blatant preference for the values of democracy—which, from a

moral standpoint, is a blank slate—over the fundamental human right to life, which, according to Israeli law, takes precedence over the right to dignity, freedom, or any other right.

Because an emergency situation requires social mobilization and a deepening of the commitment to protect others from harm, it entails prioritizing duties over rights. The great democratic celebration of the right to demonstrate in Israel falsely signaled that the emergency had come to an end, paving the way to a mistaken state of calm and the rights attendant on it. In recent weeks, these rights have been drained to the lees in all sectors, leading to a loss of control over the spread of the pandemic and to the possibility that Israel will undergo a calamity similar to what Western democracy, which lacks an established morality, underwent during the first wave.

Thus, in a difficult hour of emergency, both secular Jews, whose grandparents laid down the Basic Law: Human Dignity and Liberty, and Haredi Jews, who are commanded to “Keep thy soul diligently” and “Live by them,” are flouting the laws of the state and of Jewish morality, as well as the precepts of the Jewish religion in the vein of “What is mine is mine and what is yours is yours.” This constitutes a serious national failure. The need of the hour is to investigate the reasons for this and overcome it as quickly as possible.

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