



## PERSPECTIVES

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# Fighting COVID-19 vs. Upholding Civil Rights

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**EXECUTIVE SUMMARY: A Pavlovian resistance to government measures put in place to lower the COVID-19 infection rate in Israel is reaching the point that politicians and citizens are deliberately undermining public health for political ends masqueraded as civil rights.**

In the modern world, pandemic conditions essentially change the laws of nature. The direst scenario is a loss of control over the spread of morbidity. Any society threatened with such a scenario requires a consensus on the extent to which considerations of public health must supersede basic civil rights protections.

No clear protocol for fighting COVID-19 has emerged, though the World Health Organization might have been expected to formulate one. Instead, each country has had to come up with its own dos and don'ts, primarily through trial and error. It is now about a year since the outbreak of the pandemic, and we can confidently assert that countries with authoritarian regimes were able to implement decisive and extreme measures to overcome the pandemic as soon as possible. These measures, while draconian, unquestionably turned out to be reliable and effective.

When the pandemic broke out, many in the West ridiculed these countries' measures and lack of transparency, but China's impressive recovery from the first wave of the virus stands out as exemplary compared to the free world's distress, befuddlement, and inability to act in accordance with logic.

The tension between the threat to health and the values of democracy and civil rights exists in countries all over the world. It is extraordinarily difficult to sideline, let alone sacrifice, democratic norms that are sanctified values, the fundamentals of our way of life. The effectiveness of governmental intervention must be painstakingly weighed against the infringement of civil rights, including the loss of privacy.

It is no surprise that rebelliousness, distrust, and denial resulted from attempts to impose such interventions, which in turn caused an undervaluing of the severity of the health threat—so much so that the crisis is dismissed by some as a tool with which leaders are trying to tighten their hold on power.

The Israeli context is even more complex because of the ongoing political crisis, which involves protests against PM Benjamin Netanyahu and the exigencies of his trial. Resistance to government measures to lower the infection rate is encouraging a backlash to the point that citizens are deliberately undermining restrictions put in place to fight the virus, though they come from recommendations by Health Ministry experts and not from the office of the PM. There is even an effort to sow doubt about Israel's impressive vaccination drive that appears intended to curtail or perhaps even stop it. As a January 12 headline in an economic Israeli newspaper put it, "Immunization—Only When Netanyahu Leaves!"

This cultivation of public distrust is reinforced by the exaggerated role of Israel's legal establishment, and particularly by the jurists' failure to internalize that this is an existential crisis. The demand to subject every government decision to legal scrutiny appears divorced from reality; surely logic entails sobering up, and the sooner the better. Given the needs of the hour, amid a health challenge the likes of which the world has not seen for a century, one might have expected total legal backing for the government's measures.

The jurists' insistence, to the point of obsession, on preserving "the right to demonstrate" is particularly surreal, as if the pandemic is doing the thousands of demonstrators a favor by letting them exploit a legal loophole for their own purposes. The tight restrictions on open-air prayer quorums, religious funerals, or street gatherings of more than 10 people hardly jibe with the indulgence of mass demonstrations because "it's legal." This anomaly now has to fend off the much deadlier British variant of the virus, which, according to these jurists, will presumably "pass over" the demonstrators (though not necessarily the police officers who are keeping them safe).

In light of the intensity of the pandemic and the extraordinary measures that many governments have taken to counteract it, the key to success is a maximal willingness by the public to sacrifice some values of freedom and privacy for the sake of public health. The trade-off favors the principle of saving lives. A willingness to make sacrifices and to comply with regulations will save lives in the most literal sense of the word.

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