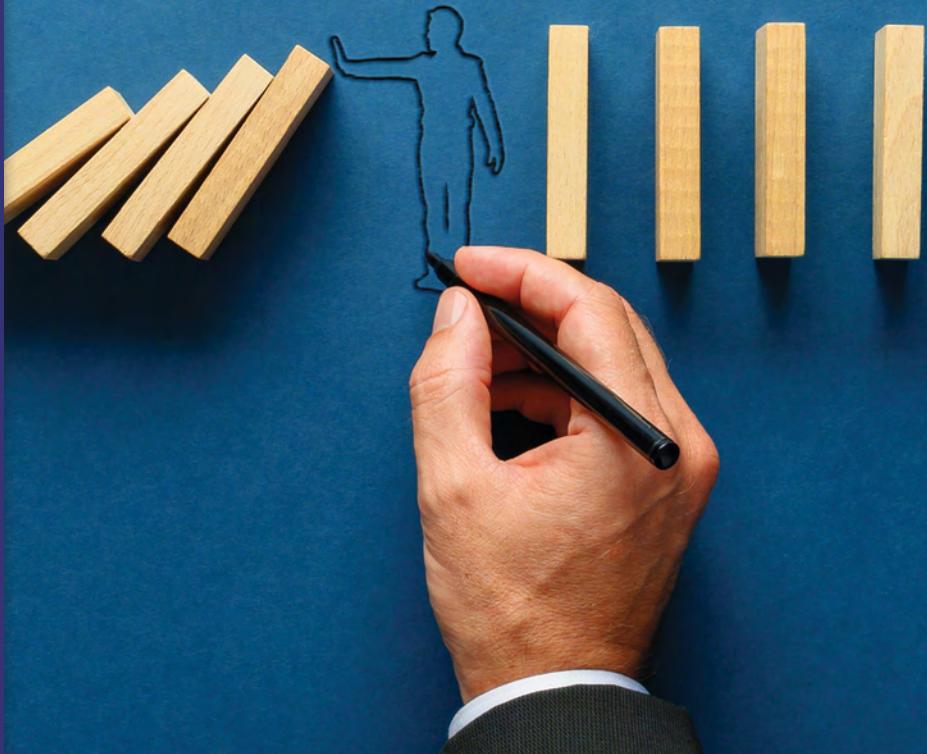




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THE ISRAEL ACADEMY OF SCIENCES AND HUMANITIES



Balancing Needs, Values and Policies in a Time of National Crisis

Report approved by the Council of The Israel Academy of Sciences and Humanities on February 9, 2021

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In July 2020, Prof. Nili Cohen, President of The Israel Academy of Sciences and Humanities, appointed a committee to study the scheme of balances in a time of national crisis: the relative weight assigned to the population's physical and psychological health as against economic security and social justice, and to public health as against individual liberties. The committee's members were: Prof. Moshe Halbertal (Chair), the late Prof. Ruth Gavison, and Prof. David Heyd of The Hebrew University of Jerusalem; Prof. Elhanan Helpman, Prof. Nira Liberman, Prof. Talia Fischer, and Prof. Gidi Rechavi of Tel Aviv University; Prof. Yehuda Lindell of Bar-Ilan University; and Prof. Faisal Azaiza of the University of Haifa.

Committee meetings were held (via Zoom) from July through December 2020. The subject of the committee's work is relevant to Israel's entire populace; it has been of vital importance in recent months and presumably will remain so in the future. We hereby present the committee's report to the public at large and more specifically to decision-makers. Implementation of the recommendations drawn from the report's conclusions will be examined at a later stage.

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Introduction

Introduction

As reflected in the word apocalypse, which derives from the Greek *apokalupsis* – disclosure or revelation – emergencies are a type of X-ray that exposes the strengths and weaknesses of states and societies. By nature, emergencies mandate a significant deviation from a society's routine activities and ways of life. The scope of the deviation and the harm imposed on the society, as well as its ability to cope with such situations, are determined in part by the society's level of readiness and the thought and organization invested in preparing for potential crises.

Extreme and exceptional situations inherently involve uncertainty. Their causes – earthquakes or other natural disasters, climate crises, the outbreak of epidemics, massive enemy attacks on civilian population centers, regional or global economic crises, and more – and their occurrence are difficult to predict. Nevertheless, notwithstanding the great uncertainty surrounding the nature and origins of particular kinds of emergency, each obviously requiring different types of response, these situations share common characteristics. This document aims to address the common features of emergencies, focusing on the value-related, cultural, and social questions they engender, and to chart a response to these questions.

The committee's recommendations relate to these questions and do not directly pertain to the organizational and administrative issues they entail, such as staff work, coordination between various bodies, and so on.

The committee identified and addressed four principal issues that together constitute a platform for different emergency contexts:

A. Trust and Emergency

Emergencies often require mobilization of the entire society to contend with the challenges they bring. The success of such broad cooperation depends among other things on the degree of trust between citizens and policymakers and among the communities and individuals that comprise society. So, how do we foster the public trust that is critical for widespread collaboration in times of emergency? And how do we prevent that trust from eroding?

B. The Value of Life vs. Economic Considerations in Times of Emergency

Tensions arise during emergencies between the tremendous urgency of saving lives and the ability of the health system to function, on the one hand, and economic needs with extensive social and psychological repercussions, on the other. How should we balance these tensions? How does an emergency affect economic reality? And what are the patterns of preparedness for this effect?

C. Economic and Social Disparities in Times of Emergency

Health, economic, social and educational burdens are not evenly distributed among all sectors of the society, and some population groups are more vulnerable than others in emergencies. So, how do we prepare fairly and appropriately in light of these large disparities? Moreover, cultural differences among the various

communities that comprise the society have a significant effect on their respective responses to emergencies. How should we take these differences into consideration in designing an informed policy?

D. Emergencies and Individual Rights

Emergencies sometimes require imposing restrictions on civil liberties, monitoring citizens' various contacts with their surroundings and acquiring up-to-date information on their condition. How do we weigh the important interest of protecting the public and contending with the emergency, on the one hand, against civil liberties and the protection of privacy, on the other?

While this document discusses each issue separately, they are all linked: The question of the value of life as against economic considerations is intertwined with that of economic and cultural disparities in times of emergency; and fostering trust and cooperation must sometimes take into account the cultural differences that create disparities in access to information and in sources of authority. The balance between protecting the public and maintaining individual liberties is connected, among other things, to the scope of the harm to human life and health and the extent of the economic harm caused by the crisis. In discussing the various topics, the internal connections between them are taken into consideration.

The committee was formed in the midst of the turmoil and distress elicited by the COVID-19 crisis. Consequently, the pandemic is referenced in the discussion of all four of these issues. However, most of these questions, which were addressed from a broad perspective, are relevant to other types of emergencies as well. We hope, therefore, that this document may be useful to the State of Israel in preparing for the challenges of future emergencies.

Trust and Emergency

Trust and Emergency

Trust is critical when attempting to convince an entire population to do something that is contrary to their habits and may be detrimental to them. One might think that effective enforcement is an alternative to trust-based conduct. But, in general, and especially in a crisis, effective enforcement is also based on public trust. In emergencies in general, and in epidemics in particular, the need to comply with directives is crucial and sometimes outweighs basic rights that are inviolate in non-emergency situations. The leadership's credibility and public trust are essential in these circumstances.

In principle, people are willing to do things they are told to do, even when those things are difficult (expending their resources or harming them) – if they trust the leadership that tells them to do so. In this sense, **trust is the leadership's resource in times of crisis.**

What are the components of trust in the leadership?

1. Trust in the leadership's capability and professionalism.
2. The citizen's trust in the leadership's good intentions toward him, based on the following assumptions:
 - a. That the leadership is aware of the citizen's situation.
 - b. That the leadership is interested in their wellbeing. (For example, during the COVID-19 crisis, wedding hall operators surely thought that the leadership was not sufficiently attentive to their situation, but we assume they did not think the leadership was against them, and so their effort to raise awareness was a reasonable response. By contrast, some Arab citizens may believe that the leaders are not interested in their wellbeing.)

It is easy to lose trust but difficult to build it. Trust also tends to erode over time, especially with the intensification and duration of the sacrifice demanded of the population. An active effort is needed to maintain trust. Trust is a resource that requires management – preservation and replenishment – during an ongoing crisis.

What improves trust, and what destroys it? What makes the public believe in the capability and professionalism of the leadership?

1. In emergencies, it is essential to activate plans and procedures prepared in advance. Professional entities established in Israel with the aim of effectively handling national crises include the National Emergency Management Authority (NEMA), the Health Ministry's National Center for Infection Control, the IDF Home Front Command, dedicated municipal services, and more. These

entities must not be neglected during periods of calm; their scope and professional level must be maintained and their preparedness assured by means of drills and monitoring. Activating these entities on the basis of well drilled procedures will provide the most effective and correct response for coping with major crisis situations. We must resist the tendency to invent and improvise solutions during a severe crisis instead of relying on professional, trained entities. Activating orderly procedures, including a coordinated information system with professionals who inspire trust rather than politicians as its spokespersons, is the key to optimal operation and building the public trust that is crucial when contending with a crisis.

2. The principles for dealing with a multi-system emergency are very similar to those guiding a team of physicians in an emergency room when treating a patient suffering from multiple injuries: **The view of each of the relevant professionals should be heard** (in medicine, economics, social welfare, mental health, education, and security), **but each should act and comment only in their own field of expertise.**
3. **At the outset of the crisis, it is essential to decide who will manage the event.** They will receive assistance from professionals in each field, but the manager must be the one to integrate the decisions and direct their implementation.
4. **Trust grows when the reality reflects what the policy has forecasted.** For example, if a closure is mandated with the declared aim of lowering infection rates, and a lower rate of infection is indeed achieved, this will build trust. On the other hand, if the directives are violated and nothing happens, this can diminish trust (unless there is an effective information campaign).

5. **Trust grows when the policy is consistent.** If policies are inconsistent, it will look to people as though they cannot be right (here, too, unless an effective information campaign convinces them otherwise).
6. **Trust grows when the public believes in the leadership's power to implement its policy.** Accordingly, erosion of trust engenders further erosion of trust: If some people do not follow the directives, others will conclude that the leadership cannot execute its policy, and public trust will continue to erode.
7. **Trust grows in the presence of an effective information campaign.**

Principles for information campaigns:

- A. **Tell the truth.** The information should be conveyed in the most positive and optimistic way possible, but it is essential to maintain credibility. Communicating untrue information will severely erode trust.
- B. **Base the information on reliable and precise data.**
- C. **Be a role model.** The medical community and political leadership must serve as role models. Just as a physician who smokes will not convince a person to stop smoking, opinion makers and leaders who do not follow directives will not persuade the public to comply with them – for example, by wearing masks and following quarantine directives, so that the public will do the same.
- D. **Share uncertainty and doubts.** In crises, information is likely to be incomplete, making it unclear how best to proceed. It is very important to share this uncertainty and indecision with the public, and to explain that the directives may change as the picture becomes clearer.

- E. **Convey a decisive message.** In crises, in conditions of uncertainty and deliberation between different options, the medical and political leaderships must explain what they believe to be the best course of action at the moment, noting that the decisions have been made in conditions of uncertainty and might need to be changed and updated in the future.
- F. Information should be coordinated by a single, authorized source.
- G. The flow of information should be continuous, addressing every aspect of the situation.
- H. The information campaign must respond to events in real time.
- I. The information campaign should speak to each element of the public in its language, at the appropriate level of complexity and detail.
- J. The entity responsible for the information campaign should employ experts to speak in their respective fields.
- K. The entity responsible for the information campaign should develop a plan to contend with disinformation and with the presence of multiple expert opinions, experts speaking outside their fields of expertise, and ostensible experts. The entity can use surveys and studies to establish a data-based information policy.

What leads the public to believe in the leadership's good intentions?

1. A person's trust in the leadership grows if their own or similar groups are represented in the leadership. If there are Arabs in the leadership, for example, it will be easier for the Arab public to believe that the leadership is concerned with its wellbeing. During a crisis, the team managing it must include the principal minority groups, and certainly the large ones: Arabs and ultra-Orthodox Jews.

The following decisions must be made in light of the specific circumstances of each situation:

- A.Which groups is it important to represent?
- B. At what resolution should these groups be represented?
- C. Who wields influence in these groups and can foster trust in a particular action? (For example: In the ultra-Orthodox sector, who can influence its members to get vaccinated?)
2. In addition to providing for the representation of minority groups, the leadership must address their needs in the same way that it addresses the needs of citizens affiliated with the majority groups; it must declare this openly and act accordingly. In other words, addressing the needs of minority groups is not the responsibility of their representatives; it is the responsibility of the leaders.
3. People tend to think that they have suffered more than others. Each sector thinks that the harm it has suffered is particularly severe and feels deprived and neglected. Often, particular sectors do suffer more severely. The leadership must try to reduce this inequality in order to create a sense of solidarity.
4. Trust grows when the leadership's motives are transparent and clear.

5. Trust erodes when it is suspected that the motive for the leadership's actions is not the public good, but rather a desire to gain political capital (for example, by attacking a political rival) or personal benefit for the leader himself, for his cronies (for example, by permitting IKEA to open during the first closure), or for the sector to which he belongs (for example, if the health minister devotes special attention to the needs of his hometown). Conduct in a crisis must be a “sacred space” that is immune to such influences, in the same way as what happens (we hope) in times of war.

The public will believe in leaders who take upon themselves sacrifices at least as onerous as those they demand of the public. Trust erodes when leaders do not pay the price their policy imposes on the public. To cultivate trust, leaders must make sacrifices in their life routines, just like everyone else.

The Value of Life vs. Economic Considerations

The Value of Life vs. Economic Considerations

Background

Loss of life is an unavoidable natural phenomenon, over which, to a large extent, society has no control. To a degree, however, society does exert control over mortality, in its responses to war, road accidents, industrial pollution, and so on. In the category of controllable mortality, society, wittingly or unwittingly, has made and continues to make many fateful decisions that affect our lives, and we pay the price in loss of life as part of society's functioning – almost without grieving for it. However, an epidemic is a rare phenomenon for which we are unprepared, so that we lack tools for assessing the value of life in the context of decisions aimed at preserving it that entail a heavy economic cost.

It should thus come as no surprise that the value of life has clearly eroded in the months since the COVID-19 pandemic erupted. The initial public panic as dozens of people died from the pandemic gave way to a dulling of the senses as the virus spread and the number of fatalities rose into the thousands. Institutional and public attention, initially focused on the daily death toll, naturally turned to other parameters that were considered more relevant for maintaining the economic and social conditions required for society to function: preventing the “flooding” of hospitals with severely ill and intubated patients, slowing the daily infection rate, and lowering the virus’s rate of reproduction (R). In addition, as time passed and the economic price of the pandemic reached an unprecedented height, the loss of life featured less prominently in the public and political discourse. At first, the older age range of the fatalities served as a partial defense mechanism against awareness of this loss of life. But even after it became clear that a substantial number of the deceased were from younger age groups, the defense mechanism continued to operate, and the public became accustomed to a steeply rising graph of COVID-19 victims. Unlike Israel’s wars, almost all of which have been short, the pandemic has lasted a long time, and most of its victims have been elderly, and so the tolerance threshold for large numbers of dead has risen with the passage of time. **This document aims to warn against such dulling of the senses in the public discourse and in institutional conduct.**

The Problem

The difficulty in setting a price to human life versus other goods is unique because human life – certainly in the Jewish tradition – is considered sacred and priceless, regardless of life expectancy (*hayei*

sha'a shavim lehayei 'olam) or quality of life. Life, it is believed, is worth saving almost at any cost (*pikuah nefesh*). But, while the principle of the sanctity of life may guide the actions of individuals (such as a physician in relation to a patient), it cannot be the basis for the actions of a state or an institution (such as the Health Ministry or the government), which must determine its price.

Another difficulty is the tension between two concepts of “life” – the biological life of an individual versus the social life of an entire community, in the sense of the conditions required for its economic functioning and prosperity. Life, it is said, must be allowed to go on.

Ways to Address the Problem

The state weighs the acceptable price for saving lives: in promoting road safety, in formulating the health budget, in going to war, and so on. It does the same in its battle against the coronavirus. However, as in other contexts, the state does not do this consciously, on a planned and controlled basis. And even when it does, it refrains from revealing its calculations, because any calculation declared as a criterion for setting a price to life would immediately come in for severe public (or sectoral) criticism, making it especially difficult to maintain transparency in this particular aspect of the fight against COVID-19. The coronavirus chief COVID-19 officer tells the public that restrictions will be lifted when the number of daily infections or seriously ill patients dips below a certain level – without citing the daily number of deaths. This creates the impression that the number of deaths is an edict of fate rather than the product of a conscious decision-making process. Non-transparency is a way of muffling the price and turning it into an unavoidable natural phenomenon to which we must acquiesce.

As time goes by, there is a growing tendency to focus on life more in the broad social sense (carrying on with work, production, cultural consumption, and social relationships) than in the narrow biological sense – at least up to the point of exceeding the capacity of the hospitals. The return to the routine of business, production, and earning a livelihood, and to Torah study in the ultra-Orthodox community, overshadows the danger of loss of life.

Recommendations

In light of the erosion in public and political sensitivity to prices paid in human life, we see fit to reiterate that saving life is a supreme goal, albeit not an exclusive or absolute one. A balance must be found between, on the one hand, the effort to maintain regular economic activity and the continuous operation of educational institutions, and, on the other, the concern for protecting population groups that are especially vulnerable to the virus. The underlying principle of this strategy is to apply **differential treatment** to the vulnerable groups as opposed to the rest of the population.

Inevitably, the **everyday life** of elderly people will be more adversely affected than that of young people. Therefore, every effort should be made so that the elderly do not pay with **their lives**. The more the economy can continue to operate, the more resources will be available to the state for attending to the needs of its more vulnerable citizens, by such means as home deliveries, extra medical treatment, special hours for visiting stores and offices, facilitating communication between the elderly and their families, hotel accommodations for elderly people who live in crowded apartments with young family members, and, of course, assigning

them priority in access to vaccinations against COVID-19. This is a middle way. On the one hand, it will enable young members of the society to resume their lives, provide a livelihood for their families, and study at the various institutions of learning. On the other, it will ensure dignity and health security for the elderly – though they will bear the burden of isolation for the period required to reach herd immunity. It should be noted, however, that excessive harm to the everyday life of elderly citizens may lead to a rise in their mortality. Their lives must not be sacrificed for the sake of maintaining the economic prosperity and everyday comfort of the other members of society.

Economic Considerations

In the wake of especially severe emergencies, such as epidemics or major military conflicts, economic activity is liable to come to a halt in significant parts of the economy, sometimes for long periods. This will have serious repercussions, including a decline in GDP and substantial economic and social costs. Israel's experience with the COVID-19 pandemic shows that GDP may drop by an amount that exceeds the education budget, illustrating in concrete terms the potential harm to activities we regard as extremely important. Furthermore, a substantial reduction in economic activity will lead to a range of other negative consequences, with all that they entail.

Foremost among these negative effects is a steep rise in unemployment, as has indeed occurred in many countries in recent months. And when unemployment surges and endures for long periods due to the ongoing slowdown in economic activity, people may lose their employment skills and be pushed out of the labor

market altogether, with long-term impacts that make it difficult for the economy to bounce back even after the emergency is over. In such situations, many people rely on unemployment and disability benefits, which risks becoming a step toward exiting the labor market. Prolonged periods of unemployment can also have an adverse effect on mental health and disrupt relations among family members.

In light of the above, it is important to formulate and implement policy based on reducing unemployment, on the one hand, and providing assistance to ease economic distress, on the other. This is especially important in a state like Israel, where socio-economic inequality is high, because an economic slowdown exacerbates the inequality and is particularly detrimental to people at the low end of the income scale. Poor people are generally less educated than other population groups, and their health is inferior. Therefore, they need greater assistance from the government.

These things also apply to the owners of small businesses. Loss of their businesses, the source of their livelihood, will have severe repercussions for them and their employees.

In short, preparedness for emergencies requires formulating economic assistance programs to soften the blows suffered by the most vulnerable members of society and prevent workers being pushed out of the labor market. Programs to support the owners of small businesses, as well as for professional training and career retraining for workers who have lost their place of employment, should be developed and ready for implementation when needed. In so doing, it is important to bear in mind the risk of overlooking potential long-term ramifications of short-term measures adopted during an emergency, in the heat of action.

Economic activity during emergencies may be hindered in particular by a shortage of equipment and lack of access to essential inputs, especially in a state like Israel that heavily relies on imports. Governments can hold emergency reserves of essential products, such as certain types of foodstuffs, medical equipment, and materials and equipment required for generating electricity.

Solutions in emergencies require decisions on allocating and distributing resources among population groups that differ in income, ethnic affiliation, gender, or area of residence. These are difficult decisions, but decision-makers are well advised to define clear priorities to ease their way in times of emergency, and to formulate how those priorities will play out as part of their planning for such times. Even more difficult are decisions that pose dilemmas about where to compromise – on human life, or on particular socio-economic elements. But governments make such decisions on a daily basis. For example, decisions on funding for hospitals, HMOs, or medications entail such compromises. Less dramatic decisions, such as investment in roads or in reducing air pollution, also affect mortality rates. In fact, inevitable compromises ensue even when governments refrain from making decisions. However, such compromises are more salient in times of emergency – for example, during an epidemic, or when rockets hit population centers in wartime. In formulating emergency preparedness plans, one must bear in mind the inevitability of compromises of this kind.

Experts – such as medical and military personnel, social service professionals or economists – can outline possible compromises of this type. Decision-makers rarely possess this expertise. Therefore, in formulating plans for emergencies, it will be helpful to convene

groups of experts to advise the decision-makers by assessing the cost-benefit effects of various policies and their potential short- and long-term consequences, with regard to their social and economic aspects, and the quality of life or loss of life they entail. While the experts cannot calculate the prices of all of these consequences, they can outline policy options, including costs and benefits in each field. Decision-makers can then choose the most appropriate options based on their own view of the possible consequences and budgetary-political constraints.

Economic Inequalities, Cultural Differences, and Their Impact in Times of Emergency

Economic Inequalities, Cultural Differences, and Their Impact in Times of Emergency

Introduction

The question of the impact of cultural and socio-economic disparities during times of emergency is particularly relevant in the State of Israel, which is composed of groups and tribes that differ culturally and economically. An emergency is a type of external shock that impacts each of these groups differentially, and they differ as well in their abilities to mobilize private means to coping with the situation and its challenges and to join in the general struggle. In any case, an emergency is a prism through which we can gain a perspective on economic gaps and cultural differences in the society. It illuminates the diverse forms of inequality that exist in the society in more ordinary times as well.

But times of emergency do not only reflect existing disparities – they may also intensify or weaken them. Emergencies may trigger the reallocation of real and symbolic resources, both short-term and long-term, and may thus widen economic, cultural, and other disparities. At the same time, they may lead to a narrowing of gaps on various levels, increased cooperation and a more progressive allocation of resources within the society. For example, in some underdeveloped countries, the COVID-19 pandemic has led to increased integration of women into the labor force. Similar phenomena occurred among women during the world wars. Another example, from the first wave of the COVID-19 crisis, is people's identification with medical and paramedical personnel, many of whom come from the Arab sector, which helped to combat prejudice in Israeli society. Times of crisis thus offer positive potential in terms of distribution as well.

However, the opposite often occurs: Crises may reinforce regressive trends and push weaker socio-economic groups further to the margins of society, and that is our focus here. The first part of our discussion will be devoted to the distributive implications of crises, while the second part will look at the functioning of different segments of the population during the crisis in relation to the economic and cultural disparities between them. The COVID-19 crisis will serve as the case study for our discussion.

Differential Impacts of a Crisis in the Context of Social, Economic, and Cultural Diversity

Crises strike different groups in the population differentially. Taking the COVID-19 crisis as an example, the disease exacted a heavier toll throughout the world on lower-status socio-economic groups, including minority groups, migrants and refugees. According to the Brookdale Institute, the COVID-19 crisis especially harmed individuals and families living in poverty, for a number of reasons: their greater exposure to the disease and its dangers; the adverse impacts of the crisis on their employment or work situations; additional costs; decreased availability of public transportation; widening of learning gaps; growing dependence on bureaucracy and digital tools; and decreased access to welfare services and support frameworks. This reality further harmed the most vulnerable population groups, including single-parent families, illegal residents, and street dwellers. Similar consequences were recorded in other places in the world. In the United States, for example, blacks died of COVID-19 at nearly 2.5 times the rate of whites; Hispanics and Native Americans – at 1.5 times the rate of whites.

Political, structural, and economic factors that perpetuate inequality, discrimination, and marginalization are presented in the literature as primary causes of the disproportional disparity in adverse health outcomes (morbidity and mortality from the coronavirus). These factors include: reduced access to health facilities and testing centers in poor neighborhoods; crowded public housing that may diminish the ability to maintain the social distancing required by a pandemic; low-income jobs without sick leave – compelling weak population groups to continue to go to

work despite the risk of exposure; and lack of access to relevant information about the COVID-19 virus in language adapted to the different communities, including compliance with important cultural codes.

The theory of human capital teaches us that individuals invest in themselves in terms of education, health, and preventive treatment. There is a connection between a person's sense of wellbeing and their longevity, and between education levels and health. In addition, access to health facilities and their quality differ from place to place. If one's immune system is strong, their chance of survival is higher, in the absence of background illnesses.

According to Ministry of Health data, there is a correlation between health problems and geographical areas with concentrations of Arabs and ultra-Orthodox Jews, because of their high levels of poverty and density compared to other areas. Lockdowns reduce the mobility of the virus, but they do not entirely prevent movement of people between different areas. On the eve of the second wave of COVID-19, the ten communities with the highest morbidity rates (confirmed infections per 10,000 residents) were ultra-Orthodox or Arab.

So far, we have underlined the impact of cultural and economic disparities on exposure to the dangers and harm of the disease itself. We now shift the focus to the differential outcomes and harms ensuing from the efforts to contend with the crisis, with an emphasis on the principal measure adopted – the imposition of lockdowns, which exacerbated the vulnerability of weak population groups. Social and political issues that preceded the Covid-19 crisis, such as food insecurity, economic difficulties, unemployment, and education gaps, were aggravated by the effort to combat the

pandemic. For example, members of weak population groups were fired from their jobs at a disproportionately high rate; children in poor families found it difficult to participate in remote learning due to a lack of suitable technological infrastructure and support; and social distancing increased the risks of loneliness, especially among the elderly, and of domestic violence toward women and children.

In this context, we wish to emphasize two main points. The first is the disruption of the education system during the lockdown periods: At the height of the COVID-19 crisis, more than 1.5 billion pupils worldwide were kept out of school. During the 2020–2021 school year, there were significant disruptions in the education system in Israel. Such disruptions have immediate and long-term effects on academic achievement and physical and mental health. According to UNICEF, millions of children are expected to drop out of school following the interruption of their studies during the COVID-19 period. There is much evidence of emotional distress among children in lockdown conditions, and of widening academic gaps – especially in critical years such as grades one and two, and the final years of high school. Exposure to these dangers and distresses is greater among children from low socio-economic backgrounds, partly because of the dependence of remote learning on technological infrastructure on both the familial and the municipal levels. Many children have no computer or access to an Internet connection that would enable effective learning. Remote learning also relies on parental involvement and family support, which many impoverished or single-parent families, or families with a large number of children, find hard to provide.

The second point is the fragmentation of communal life: Communal societies such as the ultra-Orthodox and Arab populations in Israel pay an especially steep social and

personal price during lockdowns, because members of these societies are largely supported by their communities, which provide them with goods and services. In addition, both ultra-Orthodox and Arab societies are characterized by a way of life conducted largely outside the home, while lockdowns impose confinement to the home, often in highly dense, multi-generational living conditions.

The adverse economic impact of lockdowns is also differential: A survey conducted by the Israel Democracy Institute (IDI) in July 2020 showed that those hardest hit by the COVID-19 lockdowns were ultra-Orthodox Jews, Arabs, non-professionals and residents of the geographic periphery. For example, as of June 2020, 9.3% of the Arab working population had lost their jobs – more than twice the rate in the Jewish population (3.7%). A high percentage of Arab salaried employees also had to move into part-time positions – 20%, compared to 13% among Jews. Before the outbreak of the pandemic, over 50% of Arab families lived below the poverty line. Data from the National Insurance Institute indicates a sharp rise in the number of impoverished families in Israel, which increased by 0.9% – a rise of some 40% – and a 33% rise in the number of impoverished children. The Gini index of inequality in household income also rose by 14%. It was also found that the standard of living of these families, as expressed in per capita household income, fell by about 6% in real terms, even with the supplementation of enhanced unemployment benefits.

The greater adverse impact of the disease and the lockdowns on low socio-economic strata and minority groups is expected to persist for a long period, because of their relatively lower ability to adjust to the evolving demands of the labor market and the economy, on account of their limited mobility and their difficulty in dispersing risks.

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Cultural and Economic Disparities and Their Effects on Coping and Collaboration in a Time of Crisis

Besides the differential exposure to the direct harm caused by the crisis and the efforts to address it, cultural and economic disparities affect the ability of communities and the individuals working within them to mobilize and collaborate. The reasons for this include:

- 1. The cost of collaboration, which exacts a heavier toll on these groups on account of their inferior infrastructure and the regressive distribution of resources.** In the context of the COVID-19 crisis, long lines for testing in ultra-Orthodox cities and Arab towns deterred many residents from getting tested.
- 2. Lack of trust in the political and professional echelons by cultural and religious minority groups:** Even in ordinary times, members of these groups are excluded from decision-making processes in various spheres; they do not have the benefit of social or political capital; and they are suspicious of the army and police. For example, according to the Israeli Voice Index published by the IDI's Viterbi Family Center for Public Opinion and Policy Research in August 2020, the percentage of Arab respondents who expressed trust in the decision-making processes in managing the COVID-19 crisis was much lower than the percentage, also quite low, among Jews (18% versus 23%).
- 3. Pressure by the leadership of minority groups for fear of the changes engendered by the crisis:** Precisely because of the potential for fundamental change, community leaders grow concerned and seek to bolster their standing at the expense of collaboration with the state authorities.

III

Guidelines for Future Consideration

It is essential in times of crisis to address issues of allocation, and to do it quickly, to forestall tensions between disparate cultural and socio-economic groups.

- 1. We must be aware of the tension between the need to respond differentially and the risk of creating local identities that may foster excessive sectorality.**
- 2. We must be aware of the possible tensions between the long-term effects of the crisis and the measures taken to address it, and the immediate or short-term effects.**
- 3. Consideration should also be given to the optimal scope of the units of solidarity, and to mutual support and cross-subsidization among the different groups.**
- 4. In times of crisis and emergency, priority should be given to the continued sound functioning of the education system, even at the price of imposing other restrictions on the society and the economy, because of the education system's vital role in maintaining the pupils' psychological wellbeing, physical health, and academic potential in the short and long terms.**
- 5. It would be wise to expand training on the subject of cultural sensitivity in ordinary times as well, and to consider preventive measures, such as simplifying bureaucratic processes, improving access to infrastructure and technology, and cultivating intra-communal mechanisms for coping with times of crisis.**

Emergencies and Individual Rights

Emergencies and Individual Rights

A discussion of the balance between privacy and public security must be prefaced by two important principles:

First principle: There is no way to completely protect information and ensure it will never leak. In other words, there is no absolute information security. Leaks are liable to ensue from errors, malicious acts by “insiders,” sophisticated attacks by state entities, and more. Therefore, when marketers of a security product promise that their product will be “completely safe” from such attacks, they are quite simply misleading the customers. Security experts in various organizations, including government ministries, who claim they can absolutely prevent leakage either are being deceptive or are fundamentally deficient in their understanding of their roles and the limits of their power. There are many examples of this, in Israel and throughout the world.

Consequently, in collecting information, it is essential first and foremost to act on the following principle: Collect the minimum amount of basic information possible, and only if it is really needed. This principle contradicts the prevailing approach of collecting as much information as possible and deleting only if one must. The reasonable chance of information leakage and the harm that may ensue must always be kept in mind.

Second principle: It may be claimed that public security always trumps privacy, but that is not the case. In the physical realm, the opposite is true. For example, the police must obtain a search warrant from a court before entering a person's home or searching their car. By contrast, there are no such immediate protections in the digital arena: People are often unaware that their computers or smartphones have been breached – and by the time they discover it and protect their device, their privacy has already been severely compromised.

The claim that privacy must be sacrificed to protect the security of our citizens is very problematic. It may be the easiest way to frighten people into relinquishing their need for privacy, but this approach is only rarely justified, and in practice it is only applied when there is a real need for it. The police, in carrying out their everyday work, must contend with the requirement to obtain search and other warrants from the courts, because of the importance of the right to privacy.

To pose a hypothetical extreme example of this dilemma, domestic violence could be significantly reduced if cameras were installed in each room of every apartment, and the police were summoned every time an act of violence was documented or the camera's field of vision was blocked. However, even though many more

people are harmed by domestic violence than by terror attacks, it is difficult to believe that anyone would justify such a blatant invasion of our privacy in the name of protecting public security (even if it were claimed that only “algorithms” would watch the video footage). This principle is important, because it requires us to consider various aspects of privacy, and it pulls the rug out from under attempts to resolve these questions simplistically with the claim that security always comes first.

And now for the matter at hand: First, there is a fundamental difference between conducting surveillance on masses of people and specific, individual surveillance. When there is probable cause, individual surveillance can be a very important tool. However, the use of mass surveillance to collect information on everyone at every given moment is very different and extremely dangerous. Proponents of mass surveillance argue that the collected information can be protected and used only when there is probable cause. But the first principle above tells us that any piece of information we collect is liable to leak. This not only violates the abstract value that we are seeking to protect – the right to privacy – but it may also cause real harm. For example, merely by tracking a certain person’s whereabouts, one can find out all there is to know about them: where they live, where they work, the people they meet, where they shop, their friends, and more. This information could be used for identity theft, to steal commercial secrets (industrial espionage), or even just to find out when the person will be out of the house in order to break in during their absence.

In weighing whether to permit the Israel Security Agency (the ISA or Shin Bet) or any other governmental body to employ means that enable it to know the comings and goings of each citizen for epidemiological monitoring, it is important to recognize that the

information gleaned in this way is a coveted commodity for various types of hackers. In addition, even if the law prohibits using this information for anything outside the expressly permitted purpose, there is always a danger that such unauthorized use will nevertheless occur and inflict serious harm. For example, there are many cases of people spying on their spouses, using confidential information that they were unauthorized to access. It is important to appreciate how dangerous such information can be when it falls into the hands of someone who behaves violently toward their family members or seeks to harm them in other ways, in light of the prevalence of domestic violence. And this is just one example.

Another point to consider is that the collected information is not always precise, and, in the absence of transparency, citizens cannot correct the mistakes. In practice, they often are not even aware of the existence of such mistakes, and if they are, they find the mistakes very difficult or impossible to correct. Minorities living in Israel have good reason to be concerned about incorrect information being collected on them: They could become targets of surveillance by the security forces on account of false or distorted information, and not because there is a real cause to monitor them.

In this connection, we must emphasize that naïve and simple methods of data anonymization do not work. Let's assume, for example, that someone has information on a person's whereabouts, but no other identifying details. This will not stop them from discovering who that person is with relative ease: If they know where the person sleeps at night – whether it's in a single-family home or an apartment building; and they can also connect the person to the place of work where they spend most hours of the day, that will suffice to identify the person uniquely.

This does not rule out conducting epidemiological surveillance and tracking, or the adoption of other measures aimed at collecting information. As a rule, however, we should not turn to easy solutions as the first resort. In many if not all cases, it is possible, with some more effort, to reduce the potential exposure substantially. For example, to reduce the scope of money laundering and confirm the identity of a person seeking to open a bank account, one need not give the banks sweeping access to search the entire population registry and extract information from it. A bit of creative thinking might lead to this solution: A bank wishing to confirm that the information provided matches that in the population registry can suffice with sending the information to the Population Registry Office and inquiring whether the details correspond to those in the registry. A simple yes/no answer to the inquiry will suffice: either the information matches, or it does not.

The Ministry of Health kept the right to privacy in mind in developing its Hamagen (Protector) app. In its initial version, information was saved only on the user's personal cellular device and was transferred to the ministry only when the user was asked to do so and consented willingly. That version offered optimal protection of personal information (at least for people who had not been infected with COVID-19). The second version incorporated advanced encryption methods that were also employed in several countries in Europe. Thanks to these methods, it was possible to collect precise information while still guarding privacy.

One of the problems with using such government-issued apps is a lack of transparency – real or perceived as such by the public. In this respect, the Ministry of Health acted commendably (at least in the first version of the app): It allowed independent security analysts to study the app and developed it from the outset in open

code. The problem was that not many people knew about this, apart from professionals in the data security field in Israel, and, consequently, only a small number of people actually installed the app on their devices. If that were not enough, it was rumored or insinuated by various media outlets that law enforcement agencies would have access to the information if needed, and this only worsened the situation. For reasons it kept to itself, the government preferred the means employed by the ISA, which are much more invasive while yielding less precise information.

Had use of the Hamagen app been mandated in the framework of regulations for going to work, entering stores or sitting in restaurants, much greater benefit might have been derived from it. This was a tool that provided a good balance between privacy and the objective it was designed to serve. However, no one encouraged use of the app, and so people did not use it. In future, preference should be given to this type of solution. Like Hamagen, the preferred means should be transparent to the public and based on open code. Security tests should be conducted by independent experts – ideally by a large number of entities and people – and the test results should be open to the public and published in every possible way. Finally, to ensure that such means are effective, incentives should be offered to use them. If this is not done, surveillance means that are more invasive – like those used by the ISA, which are easier to install and use – will continue to proliferate.

Summary

Summary

Emergencies force us to make choices that we would not have to make in ordinary times, or at least so we think. A painful example of this kind of choice could arise during an emergency or disaster in which medical teams in overburdened emergency rooms were obliged to make tragic decisions about which patients to treat, because of the limited resources at their disposal. A time of emergency therefore requires thinking about correct balances to guide sound policies, based on a deep understanding of the alternatives and possibilities. Such balances are the focus of two of the subjects discussed in this document: the value of life versus economic considerations, and public security versus privacy. In addition to the specific recommendations discussed in relation to each subject, a common thread joins them: the recognition that sound preparation can help minimize the costs imposed on the society.

Preparation, in this context, does not refer to the day-to-day management of a crisis; the committee did not address these issues. Our recommendations refer to a broader infrastructural

preparedness relating to the social and value-related implications of emergencies. In epidemics and emergency conditions, saving lives will exact an economic price – and this should be taken into account. However, this price will be much lower if a plan is prepared in advance for tackling the economic problems the emergency engenders, and less harm will then ensue. The approach we have outlined in this document calls for rejecting any deliberate policy of sacrificing life to protect the economy, while taking measures to reduce the severity of the economic blow ensuing from the protection of life. The same applies to the tension between public security and the protection of privacy. On this subject, we have tried to suggest a solution that, while not making light of the need to protect the public, endeavors to defend privacy as a basic value.

Widespread public cooperation with state authorities during a crisis is of the utmost importance. One of the great advantages of such cooperation is its elimination of the need for binary choices between high-cost alternatives. In pandemic situations, strict compliance of the entire public in social distancing and refraining from congregating in large numbers helps to protect life while substantially reducing harm to economic activity. States like Taiwan and South Korea lowered the risk to their citizens' lives to an impressive extent without paralyzing economic activity. The ability of these states to contend with the crisis without the need for painful binary decisions stemmed from their successful mobilization of the public in the battle against the pandemic. The ability to marshal compliance with the rules and a willingness to make sacrifices depends on the level of the citizenry's trust in the authorities. Without such trust, cooperation can be achieved only by employing enforcement measures whose effectiveness is limited. Our document therefore opened with the subject of trust,

because winning and fostering trust is essential when dealing with emergencies, and because public trust becomes more fragile in times of emergency, due to the heightened levels of anxiety and uncertainty.

However, success in contending with emergencies also depends on mutual trust between different sectors in the society. Emergencies expose human vulnerabilities, but the harm caused by the crisis does not fall equally upon all elements of the population: The weaker groups in the society suffer greater harm – in part, because they cannot afford all of the resources required for battling the crisis. We have emphasized the need to be aware of and sensitive to the exacerbated harm suffered by certain groups in society as a consequence of economic disparities and, in some cases, cultural differences.

The societal solidarity that is essential at all times thus becomes much more so in times of emergency. Consciousness of mutual responsibility also depends largely on the public's trust in the authorities. Without such trust, and without mutual trust among the citizens, the individual citizens and communities that make up the society will each look to their own interests in their efforts to protect their families and communities. An emergency is a time of reckoning that can reinforce processes of disintegration and degeneration – or it can foster a real sense of solidarity with those in distress and pain. Israeli society has experienced that sense of solidarity more than once in wartime situations.

The traditional Jewish response to emergencies and disasters involves fasting and crying out. Maimonides wrote: "Anything that causes you distress, such as drought, plague and locusts – cry out about it" (*Hilkhot ta'aniyot*, 1:1). This cry, according to Maimonides, is not merely a passive act of begging for divine

mercy; it also requires public soul-searching. Fasting is “one of the paths of repentance”: “But if they do not call out ... but say that this is the way of the world, and this hardship is a chance happening, then it is a cruel path and leads them to persist in their bad actions and will engender more hardship” (*ibid.*, 1:3). It is cruel to take a fatalistic view of tragedies as the inevitable hand of fate, totally outside of human control, because passive fatalism accepts the loss – primarily of the most vulnerable members of the society – with chilling indifference. As Maimonides declares, this kind of attitude will only “engender more hardship” and exacerbate the dimensions of disasters to come. A crisis demands the kind of soul-searching that holds the key to improvement and preparedness. The presentation of the topics identified and discussed in this document, along with our modest effort to outline directions for addressing them, are an expression of our public commitment to be partners in the processes of thinking and course correction that are incumbent upon us in a time of crisis.

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