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Digital Surveillance During the Covid-19 Pandemic: The Case of Israel[*]

Covid-19 Pandemisinde Dijital Gözetim: İsrail Vakası

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ABSTRACT

Different pandemics and diseases hit the world throughout history, and various measures were used to counter the threats posed by these diseases like quarantines or social exclusion. In parallel with this, using technology to combat diseases has become a new normal in the modern era. The last pandemic which impacted the world was the Sars-Cov-2, and its spread led to the adaptation of different monitoring techniques. This study investigates the Israeli use of secret services for monitoring their citizens during the Covid-19 pandemic and intends to lay the primary reasons behind this policy choice. In this vein, Israel's historical, geopolitical, and demographic circumstances will be analyzed to highlight the primary causes for enabling an intelligence apparatus, namely Israel Security Agency (*Shabak* in Hebrew)*,* to monitor civilians.

Keywords: Israel, Digital Surveillance, Covid-19, *Shabak*

ÖZ

Tarih boyunca, değişik hastalık ve salgın dünyada yayılmış ve bunların yarattığı tehditlere cevap vermek amacıyla karantina ya da sosyal tecrit gibi birçok önlem alınmıştır. Buna paralel olarak, bu hastalıklara karşı teknolojinin kullanımı modern çağlarda normal hale gelmiştir Dünyayı etkisi altına alan son pandemi olan Sars-Cov-2'nin dünya genelinde yayılması gözetleme tekniklerinin uygulanmasını da beraberinde getirmişti. Bu çalışma İsrail'in Covid-19 pandemisinde gözetleme teknolojisini kullanımını ve bu tercihin arkasında yatan sebepleri anlamayı amaçlamaktadır. Bu bağlamda, İsrail Güvenlik Ajansının (İbranice *Shabak*) insanları gözetlemesinin ana sebeplerini saptamak amacıyla İsrail'in tarihi, jeopolitik ve demografik şartları analiz edilecektir.

Anahtar Kelimeler: İsrail, Dijital Gözetleme, Covid-19, *Shabak*

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1. Introduction

World history is also a history of diseases, pandemics, and epidemics. In different periods, the world came under the influence of various diseases, which led to a change in the course of history by causing a decline in the world population, economic shrinking, or restrictions on the mobility of people. The last pandemic that hit the world was the Sars-Cov-2 or the Covid-19 pandemic,[1] which erupted in the last months of 2019 in Wuhan, China, and spread throughout the world in 2020. This was a major blow to several countries and the ruling elites. The rapid spread of the virus was accompanied by an increase in the number of cases and death tolls in the affected areas. Even though the World Health Organization (WHO) was slow in taking precautions and understanding the urgency of the situation at the earlier stages, all these developments and the rising death tolls pushed the WHO to declare Covid-19 as a pandemic on March 11, 2020 (Lilleker and Gregor, 2021: 28). The rapid increase in the number of affected areas, cases, and death tolls led to the portrayal of the situation as a "war against an invisible enemy" or "a situation which has to be handled immediately", or the pandemic was securitized by the governing elites (Akgül-Açıkmeşe, 2020: 10; Lukacovic, 2020; Hoffman, 2020; Molnár, Takács, and Jakusné Harnos, 2020; Vankovska, 2020). Following these statements, various policies were adopted to slow down the pace of the virus, to alleviate its impact on the economy and the health system, and to restore the pre-pandemic way of living as soon as possible. The governments on different continents declared curfews and bans on social meetings to reduce mobility, announced economic packages to prevent possible bankruptcies and recessions, or closed their external borders. However, some countries went much further and authorized their military services to check their citizens' compliance with the adopted measures, as it was observed in France (Akgül-Açıkmeşe, 2020: 10).

Among all these countries, Israel adopted a different kind of policy: the authority to monitor citizens to keep the number of cases under control was entrusted to the intelligence and security services (Marciano, 2021: 85). This study aims to understand the reasons behind this policy of using intelligence services to fight against the Covid-19 pandemic and proceeds as follows: Firstly, the reasons for the case selection will be elucidated by referring to the examples from other states and the idiocrasies of Israel. In the following section, a brief summary of the recent political developments and the timeline of the Covid-19 pandemic in Israel in its first few

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[1] In the remainder of the text, "Covid-19" is going to be used to refer to Sars-Cov-2.

months (February-May 2020) will be provided to have a better understanding of the atmosphere in which an apparatus of intelligence services is used during the Pandemic. The last section focuses on the analysis of the primary causes behind the use of intelligence services. The historical, geopolitical, and demographic reasons will be discussed together in an interlinked way to understand this phenomenon.

2. Israel: Why Worth Analyzing?

This study analyzes the use of surveillance technologies and intelligence units for the control of the Covid-19 pandemic in Israel. Israel is selected as a case of analysis because of its difference from other democratic countries in terms of monitoring and digital surveillance. As indicated in Table 1, most of the states developed policies to monitor their citizens during the pandemic, however these policies were different from one another.

Table 1

Countries by their surveillance methods in the face of the Covid-19 pandemic

| China	Central Mandatory Mass Surveillance (Recognition of face and social scoring)
Israel	Central Mandatory Mass Surveillance (Relied on GPS data conducted by Secret Service)
Taiwan, South Korea	Central Mandatory Mass Surveillance (Relied on transparent GPS data)
France, Australia, New Zealand	Voluntary App (Centralized use of Bluetooth Low Energy/QR codes)
Italy, the UK, Germany, Switzerland, Austria	Voluntary App (De-Centralized and the use of Bluetooth Low Energy)

Source: Altshuler and Hershkowitz (2020)

This table demonstrates how countries differed in terms of their use of surveillance tools for pandemic management. While China uses facial recognition and a social grading system, most democratic countries use voluntary apps based on Bluetooth Low Energy (BLE) in a centralized

or decentralized structure.[2] In this table, Israel stands out as an outlier case for two reasons. Firstly, Israel relied on its "secret services" to monitor its citizens. Amit et al. (2020: 1167) states that Israel was the only country using "digital epidemiology investigation" globally. Secondly, Israel is a democratic country, according to those research centers and non-governmental organizations measuring democracy scores. Even though it experienced democratic backsliding in the last decade, it did not make a transition to categories like hybrid regimes or semi-authoritarian regimes (Maati and Švedkauskas, 2020: 54).[3] As the figures below demonstrate, Israel maintains its democratic regime type despite considerable erosion in its democracy score. Between 2017 and 2021, Israel's Freedom House Score decreased from 80 to 76.Two indexes of the Varieties of Democracy (V-Dem) dataset, namely the liberal democracy and the civil liberties indexes, were characterized by zigzags after 2010. The decrease in the liberal democracy index is especially evident in the post-2010 period.

Figure 1

Freedom House Democracy Score of Israel

Israel Democracy Score	2017	2018	2019	2020	2021
Israel Democracy Score	80	79	78	76	76
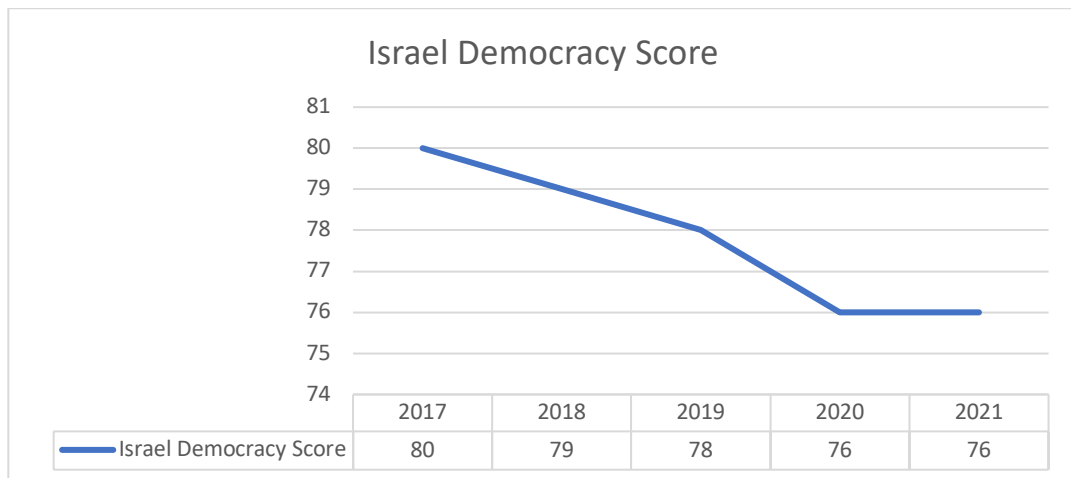
Source: (Freedom House, 2021)

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[2] In the de-centralized model, the data is kept in the phones of the users. On the other hand, the centralized model receives the data from the users' mobile phones through Bluetooth technology and keeps these data in centralized government storages (Amnesty International, 2020).

[3] For more about the democratic erosion in Israel, see Beauchamp, Zack "The War on Israel Democracy", VOX, 27 February 2020, https://www.vox.com/policy-and-politics/2020/2/27/21075868/israeli-democracy-war-netanyahu (Access Date: 3 May 2022), Roznai, Yaniv (2018), "Israel- A Crisis of Liberal Democracy, Mark A. Graber, Sanford Levinson and Mark Tushnet (Ed.) Constitutional Democracy in Crisis?. New York: Oxford University Press.

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Figure 2

Varieties of Democracy Indexes
(Civil Liberty Index and Liberal Democracy Index for Israel)
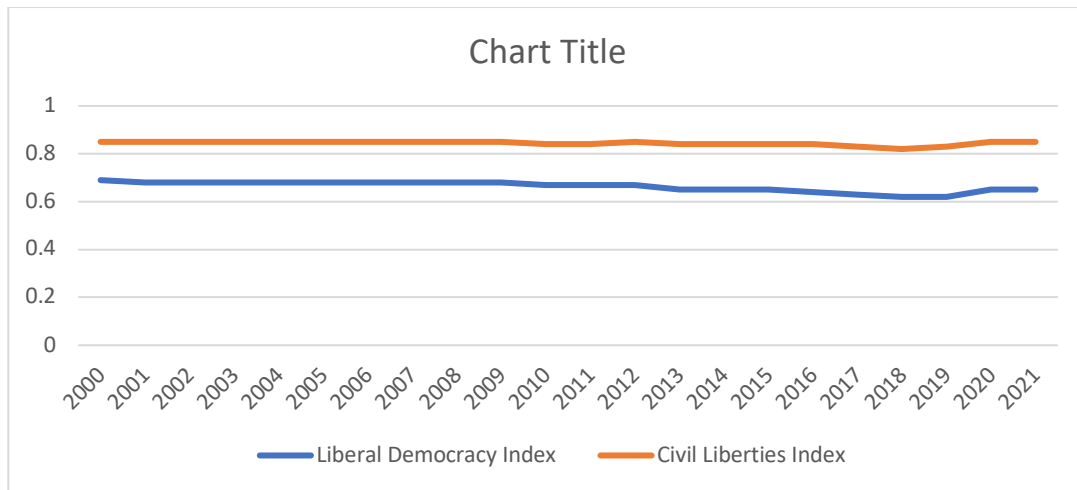
Source: (Varieties of Democracy n.d.)

In the light of this information, it becomes clear that Israel, despite a degree of democratic backsliding, is still a democratic country, as the projections and datasets prepared by international agencies show. However, Israel still authorized its secret services in order to detect infected citizens and slow down the spread of Covid-19. Then, why has a democratic state, such as Israel, used a model which challenges civil liberties and fundamental rights, the core pillars of democratic regimes?

3. *The Political Context and the Pandemic in Israel*

When Covid-19 arrived in Israel, Israeli politics was at an impasse since three snap elections were held in the country from April 2019 to March 2020 (Eiran, 2020: 44). The failure of Benjamin Netanyahu to form a coalition government following the first two elections (April 2019 and September 2019) was the primary cause for this gridlock. In the following third election, held in March 2020, the Blue and White Party led by Benny Gantz was tasked with forming a coalition, and the unity government was formed on April 20 (Maor, Sulitzeanu-kenan, and Chinitz, 2020: 449–50). The unity government precipitated a rotation of prime ministers between Netanyahu and Gantz (Levinson, 2020). As this brief timeline implies, the political situation in Israel was not well-functioning at the beginning of the pandemic and was characterized by snap elections and political disagreements.

The timeline of the Covid-19 pandemic and the framing of the issue is crucial to grasping the reasons for the use of the intelligence service in Israel. The first Covid-19 case in the country was detected on February 21, 2020 (Sasley, 2020: 48). However, the pandemic started to occupy the agenda in March as it spread around the country. The measures were introduced on different days. For instance, 14 days of self-isolation were imposed on the people who came to Israel from abroad on March 9, and the government closed schools and universities on March 12 (Last, 2020: 1).

After the detection of the Covid-19 cases, the political picture changed due to the attitudes of the Israeli political leaders. Their statements and declarations were replete with military terms. For example, Israeli Prime Minister Benjamin Netanyahu stated, *"We are at a war with an invisible enemy, the virus, and we'll deploy against it measures we've only previously deployed against terrorists"* (I24 News, 2020). The Defense Minister of Israel, Naftali Bennett, made a similar statement: *"we're in the middle of a war. It is no less significant than the previous Israeli wars, but it is very different"* (Arutz Sheva Staff, 2020). Additionally, in another speech, Bennett labeled the pandemic as the "First Corona War" (Hoffman, 2020: 11). The Health Minister, another critical figure dealing with the pandemic, stated that *"we are at war, and at times of war, we all join forces to win. The State of Israel uses every means it has, all the forces and the minds that we have, to cooperate and deal with the enormous challenge facing us. I am certain that the mobilization of all of us will allow the State of Israel to deal with coronavirus challenge"* (Ministry of Health 2020). As these discourses demonstrate, the pandemic was associated with "a state of war" or "a situation which had to be handled immediately," which indicates that the framing of the Covid-19 is consistent with the basic premises of the securitization theory developed by the Copenhagen School (Buzan, Wæver, and de Wilde, 1998).

This framing and the rapid increase in the number of infected patients accelerated the adaptation of novel measures, and the government declared this situation a "Mass Disaster Event" (Kahana, 2021: 262). Also, the first death from the Covid-19 pandemic occurred on March 20, and the number of cases reached approximately 16000 at the end of April, as Figure 3 indicates.

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Figure 3

The Number of Cumulative Cases and Death Tolls in Israel (February-April 2020)
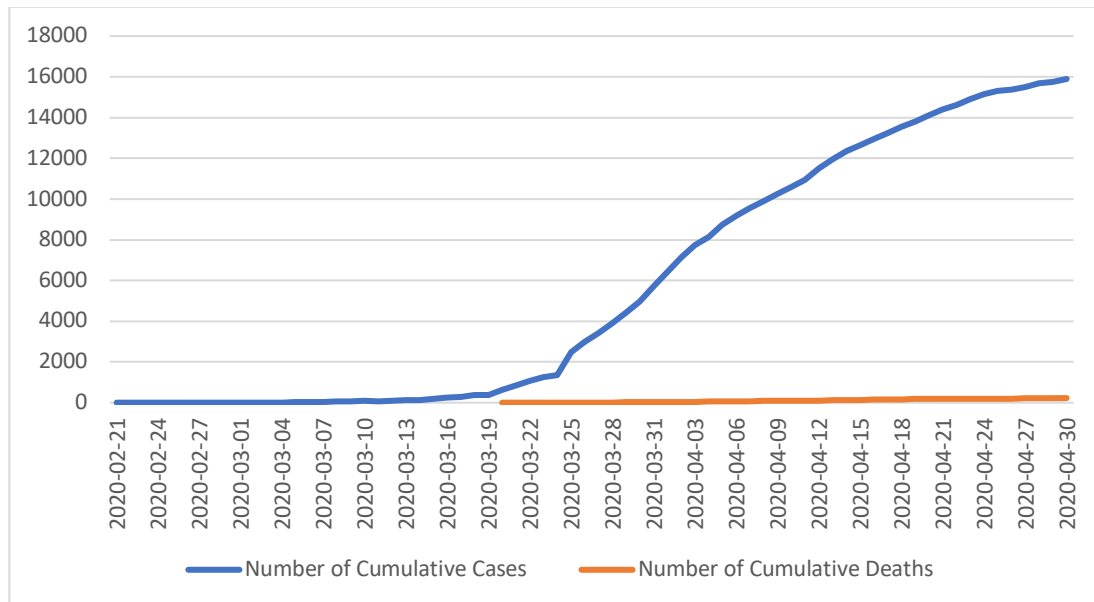
Source: (Ritchie et al., 2020)

On March 14, Prime Minister Netanyahu announced the authorization of the Israeli Security Agency (ISA or *Shabak* in Hebrew) for tracking locations to prevent a dramatic increase in the number of Covid-19 cases (Marciano, 2021: 85). This decision was followed by the enactment of two emergency regulations, which the Israeli Parliament, *Knesset,* did not approve (Kahana, 2021: 262). Thereby, the Parliament, which stands at the core of democratic regimes, was bypassed by the government. However, an anonymous senior security official (Halbfinger, Kershner, and Bergman, 2020) stated that *"[t]he use of advanced Shin Bet technologies is intended for one purpose only: saving lives. In this way, the spread of the virus in Israel can be narrowed, quickly and efficiently. This is a focused, time-limited and limited activity that is monitored by the government, the attorney general and the Knesset's regulatory mechanisms."* In other words, the government and security officials claimed that their only aim was to prevent the further spread of Covid-19.

The primary role of these services (which services???), in fact, is the collection of intelligence from terrorist groups and the hindrance of espionage and terrorist acts (Marciano and Yadlin, 2022: 445). However, this authorization, as mentioned above, makes Israel the only country which uses secret services in the face of a health crisis. Additionally, with this practice, the surveillance system targeted Israeli citizens for the first time in Israeli history (Kahana, 2021:

262). It should be noted that the Israeli government used a security agent for the management of a health crisis in the face of swine flu in 2009 in order to export enough vaccines (Shpiro, 2021: 2). However, digital surveillance is what makes the management of the Covid-19 pandemic distinct. The way in which this surveillance system functions is important since this was an exceptional and uncommon incident. The surveillance system was based on the ISA's system, known as the "Tool," which has been used since the 2000s to collect and store intelligence for counterterrorism, such as the prevention of suicide attacks (Shpiro, 2021: 7). After the authority was entrusted with digital tracing to curb the virus' spread, the Tool was adjusted to track Israeli citizens' locations, and the ISA worked in tandem with the Israeli Minister of Health. Initially, the Minister of Health shared the names, ID numbers, and phone numbers of the citizens who were tested positive for Covid-19. This information enabled the ISA to detect the individuals who approached closer to the infected person than two meters in the two weeks following the positive test. Different kinds of information were used, such as locations, the use of credit cards, and several others, to find the possible infected people and interactions (Gross, 2020). All these data were shared with the Ministry of Health, which sent messages about a mandatory two-week quarantine (Altshuler and Hershkowitz, 2020). However, one point differentiates these activities of the ISA from its counterterrorism-related acts: the non-storage of the data collected from Israeli citizens. Instead, the collected data was transferred to the Ministry of Health, and the Police forces were tasked with the control of the citizens' compliance (Kahana, 2021: 262).

The use of the ISA in the Covid-19 pandemic was successful, according to the reports published by the ISA and the Ministry of Health. According to the Ministry of Health, only 33 percent of the spreaders were detected through traditional methods. In comparison, the digital surveillance methods identified 67 percent of the individuals contacting with infected citizens. Another report by the ISA claimed that almost about 40 percent of Covid-19 patients were detected with the help of digital surveillance technology (Amit et al., 2020: 1167). However, the authorization of the ISA to use the Tool was criticized by the NGOs on human rights issues for possible threats to civil rights and liberties, and the case was brought to the Supreme Court one month after its introduction. The decision taken by the Supreme Court was that this was not amongst the ISA's duties regulated by law, and the monitoring must end in a week. However, the Supreme Court's decision stated that this measure could be renewed by primary legislation regulating the measure and the government (Shpiro, 2021: 8). This decision was followed by the extension of the Covid-19 measures for three weeks by the Israeli Parliament on May 5,

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which gave more time for the Israeli Government to pass primary legislation (Amit et al., 2020: 1168).

All these incidents that took place in a short period of time indicate that the Israeli government authorized Shabak, an intelligence service, to track citizens' locations and other information for detecting the places which an infected person visited and the other individuals who shared the same place with these people. Even though this situation led to political unrest and a High Court decision which challenged this authorization, the government passed the necessary legislation, which extended the duration of these measures. This process and the distinct position of Israel, a democratic state tracing its citizens' data, raised a question about why the Israeli government pursued this policy.

4. The Use of Intelligence Services During the Covid-19 Pandemic: Underlying Reasons

The timeline of the use of the intelligence body, whose primary duty is counterterrorism, ranging from detection to prevention, by the Israeli government was analyzed and provided above. However, the causes need to be explored. There are two primary reasons for this surveillance policy: the historical and spatial experiences from the formation of Israel onwards and the demographic structure of the country. However, besides these two reasons, there are secondary reasons, such as the high level of trust in the military as well as the intelligence agents and the rapid spread of the pandemic after its detection.

Israel has become a country of constant securitizations, wars, and external challenges since it declared independence. The country witnessed seven wars and other military operations against its Arab neighbors (Marciano and Yadlin, 2022: 4). Furthermore, the Arab Israeli conflict has implications for domestic politics due to the presence of the Palestinian community in Israel. All these external or domestic challenges have influenced the country in favor of a constant "state of emergency," and this situation is regulated in the Basic Law of Israel. The Basic Law envisages that the government or the Knesset (the Israeli Parliament) can declare a state of emergency for a year, with a possibility of extensions. Additionally, the Civil Defense Law entrusts authority to the government to declare a "Special Situation on Home Front," and the Police Ordinance gives power to the Ministry of Public Security for the declaration of a "Mass Disaster Event" (Kahana, 2021: 261–62; Gimpelson et al., 2016). All these examples clearly indicate that this "survival" instinct has shaped the political outlook, laws, and regulations of the country, and the "state of emergency" remains in effect even though the threats change over

time (Marciano, 2021: 86). These situations and the constant state of emergency enabled state organs, notably the ones dealing with security issues, to gain expertise in data collection and analysis. As mentioned above, the main duty of the ISA, for example, is counterterrorism, and the ISA has carried out several operations in this field. Hence, it can be stated that the state of emergency is the norm for Israeli politics, and the security agents are the most experienced actors in the face of threats and challenges. This experience of the security bodies in the previous crises, wars, border skirmishes or counterterrorism makes this apparatus the first option for all types of crises. The use of security bodies in avian flu in 2007 and the swine flu in 2009 exemplifies this phenomenon (Murciano, 2020: 2). In other words, the security apparatus was the first state branch which came to mind for any kind of problem.

However, this reason has been accompanied by two other factors which facilitated the use of the ISA for digital surveillance during the pandemic: the high level of trust in security organs due to geopolitical and historical reasons and the coexistence of multiple threats besides the unknown pandemic. The Israelis' trust in the security bodies is related to the highly securitized environment in the country. As mentioned above, the historical experiences of the Jews and Israel have led to the perception that the security agents have been the protector of the Jewish people who had memories of the Holocaust and other traumas (Almog, 2000). This perception and the ongoing securitizations have caused further trust in these state organs than in the Parliament or the judiciary (Marciano, 2021: 84). Their activities in the prevention of terrorist attacks, suicide bombings, and border management have also reinforced their positive images. For this reason, the use of the ISA was not perceived as a problematic issue in a democratic country like Israel. As the report published by the Institute for National Security Services (INSS) in 2021 indicates, approximately 80 percent of the Israelis trust the state's security apparatus. For instance, 84 percent of the population has confidence in the Israeli Defense Forces and Mossad. In comparison, this rate is 78 percent for the ISA, which has carried out surveillance activities during the Covid-19 pandemic. On the other hand, the confidence rate is 43 percent for the Supreme Court and 25 percent for the government, which are important institutions for democracies (Israeli and Pines, 2021: 67). In the previous year, these rates were 93 percent for the Israeli Defense Forces, 86 percent for Mossad and 80 percent for the ISA (Israeli, 2020). The high confidence in the state's security agents can be a facilitating condition for the government to use the ISA during the pandemic. As mentioned above, the use of the surveillance technology raised some concerns about civil liberties. However, the existence of trust may have positively contributed to its adoption (Altshuler and Hershkowitz, 2020). The

second related reason which reinforced the primary factor is the high number of challenges and the unknowns about the pandemic. When the first cases were detected in Israel, the government did not understand the gravity of Covid-19, which spread very quickly, and whose impact on the economy, politics, and the population was unknown. There were other military and geopolitical crises and challenges accompanying the Covid-19 pandemic for Israel such as Iran in Syria and Hezbollah in Lebanon. The existence of various accompanying threats and the unknowns about the pandemic became one of the catalysts for the Netanyahu government to put the ISA into effect, whose experience in the military matters can be beneficial to pandemic management (Shpiro, 2021: 3). Additionally, the high spread of the virus among the population necessitated the monitoring of the citizens closely. The following remarks by a member of the opposition in the Knesset, Merav Michaeli, who was critical of the use of *Shabak,* summarizes the above-written phenomena (Gradstein, 2020): *"Israelis, the majority of them, go through an army service. We are living and have been living under the concept of an existential threat and that we have to pay a price for our security. Israelis were the first to go through the routine of having their bags checked at the entrance, any entrance to a public space. So for Israelis, it's less inconceivable for them that the secret service is so deeply involved in their lives."* As this statement demonstrates, the security-oriented way of life impacted and facilitated the adoption of this decision. In brief, the spatial conditions made the security apparatus the first address for the resolution of any crisis and made these branches more trustworthy than any other state apparatus in the eyes of the public. When the idiosyncrasies of the pandemic met these conditions, the resort to them became inevitable.

The second reason besides the historical/geographic circumstances, the demographic ones, are related to the existence of the Ultra-Orthodox Jews (Haredi Community) in Israel, one of the groups which fall outside the Jewish-Zionist identity together with the Palestinian Community (Eiran, 2020: 44). There are two interrelated problems related to the Ultra-Orthodox Jews. The first problem is the large population of this community, which makes up 12 percent of the whole Israeli population. They have certain privileges exclusive to their community, such as autonomous education and exemption from the compulsory military service (Belder, 2022: 34-35). Even though this privileged status was brought under criticism after the 1990s, it is still perpetuated. The second problem regarding this community is their reluctance to use technology, notably smartphones. Most Haredi community members use "kosher phones," which do not allow social media and several other apps, including texting (The Times of Israel Staff, 2022; Duke, 2021: 120). This situation put an obstacle to using the Bluetooth Low Energy

technology and voluntary-based tracking during the pandemic since these phones lack essential apps and tools. It pushed the Netanyahu government to operate a mandatory and centralized tracking system for the surveillance of the Haredi Community. There is another point regarding this community, which is their desire to keep their routines functioning and their lifestyle intact. As of February 2021, approximately a fourth of all positive cases in Israel belonged to the Haredi Community (Sharon, 2021). As Belder (2022: 38–39) maintains, the Haredi Community had a desire to continue with their religious affairs and keep their religious buildings open for religious and educational activities. This situation led to an increase in the number of Covid-19 cases in this community. These incidents constituted an important concern for Israeli officials. Thus, one of the objectives of the authorization of the ISA was to track the Ultra-Orthodox Jews, who comprise more than ten percent of the Israeli population and lack phones with essential functions or apps.

In sum, there were two major reasons, which caused the authorization of the ISA for the Covid-19 pandemic: the unique historical and geographical challenges which shaped many pillars of the political life as well as narratives and the demographic structure in Israel. The first reason was reinforced by two other factors: the high trust in the state apparatus operating in the security field and the concurrent presence of various threats besides the unknown pandemic. All these factors, to varying degrees, contributed to making the decision to monitor the Israeli citizens via the ISA during the Covid-19 pandemic.

5. Conclusion

In a nutshell, the Covid-19 pandemic caused governments in different states to employ various methods to counter this "invisible enemy," and the improvement of technological tools opened new ways for digital surveillance. This study has analyzed an exceptional digital surveillance mechanism during the Covid-19 pandemic and intended to answer the question of why Israel, a democratic country, as demonstrated by several international indexes, has deployed its intelligence agency, ISA (*Shabak*), to monitor its citizens in the face of the Covid-19 pandemic. As shown above, the government entrusted authority to this specific agency to fight against Covid-19, and the ISA used the technology, namely the Tool, which was previously used for counterterrorism. The analysis above indicates that historical experiences and population-related factors became the leading reasons for the adoption of this policy. Two other factors influenced policymaking: the trust in the security apparatus of the state, which is a result of the

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wars and terrorist attacks that have affected the state of Israel since its establishment, and the concurrent security threats, such as Hezbollah's presence in Lebanon or the ongoing Palestinian issue. The pandemic, which has been full of unknowns, was regarded as a security threat as well. Hence, the government's decision to use the intelligence agency was shaped by the historical experiences, sociological factors prevalent in the Israeli society, and the country's demographic structure. The case of Israel clearly shows that a country, irrespective of its regime type, can take steps that infringe on civil liberties under certain circumstances. Even though the civil society organizations adopted a negative stance on this policy, the government enacted the necessary legislation to keep the ISA carrying out its duty.

This study has analyzed Israel, the only state, which authorized its intelligence agency to cope with the Covid-19 pandemic. However, there are different subjects that can be studied within the framework of digital surveillance and the Covid-19 nexus. Future studies can investigate other cases shown in Table 1. For instance, Maati and Švedkauskas (2020: 62) claim that India, another state suffering from democratic backsliding, used digital surveillance technology in an illiberal manner during the Covid-19 pandemic. Additionally, the report published by Amnesty International states that the apps used in Norway, Bahrain, and Kuwait for Covid-19 threatened privacy (Amnesty International, 2020). In addition to the future effort to study other cases, another venue for analysis is the use of other security agents by the Netanyahu government. In the first few months of the pandemic, the government authorized several state security agents for different purposes. For example, Mossad was used to coordinate the procurement of medical supplies such as ventilators, Covid-19 tests, or masks from other countries Also, a branch of the intelligence service, IDF (*AMAN* in Hebrew), was used to compare Covid-19 measurements in different countries to determine the best way to deal with the pandemic (Shpiro, 2021: 4-6). The underlying reasons for using these various institutions and a comparative analysis of these leading causes can be studied in the future.

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