



Dialogue

## Israel's Mass Surveillance during COVID-19: A Missed Opportunity

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### Introduction

On March 14, 2020, three days after the World Health Organization declared the coronavirus a pandemic, Israeli Prime Minister Benjamin Netanyahu held a press conference announcing his decision to authorize the Israel Security Agency (ISA) to track citizens' geolocations to slow the spread of the virus. Two days later, the parliament passed two emergency regulations to implement this decision, making Israel the only country in the world to use its internal security agency to deal with a purely civil-medical crisis through mass surveillance. This unprecedented step attracted widespread global media attention from CNN and *The Washington Post* to *The Guardian* and *Le Monde*.

ISA surveillance was probably the most prominent manifestation of the wider securitization and militarization that characterized the crisis management by Israeli authorities, but it was not the only one. Other actions included the appointment of military officers as commanders of "corona hotels" accommodating citizens who tested positive and the transfer of command of epidemiological investigations from the Ministry of Health to the Ministry of Defense.

These acts of securitization were accompanied by a particular discourse in which notable politicians and policymakers employed explicitly militaristic terminology to communicate ISA surveillance to the public, thereby legitimizing the securitization of the pandemic, and ISA surveillance in particular. For example, in the press conference mentioned above, Prime Minister Netanyahu (qtd. in Bohbot et al. 2020) said: "It is difficult to locate this evasive enemy, but we are... using everything we have including digital tools with which we fought terrorism, which I refrained from using on civilians so far. But we have no choice, we are fighting a war that necessitates special means.... It provides us with a highly effective tool to locate the enemy."

The Minister of Public Security used similar terminology when he stated, "To stop the spreading of the virus... we have to constantly initiate and change our regular modus operandi to win this critical battle" (qtd. in Eichner and Zimuki 2020). Similarly, the head of public health services at the Ministry of Health was cited as saying, "We must not underestimate the enemy in front of us as the battle has yet to be won" (qtd. in Fox and Azulay 2020).

These quotes, among many others, depicted the pandemic as a critical battle/war and the virus as an evasive enemy that must be located, fought, and beaten using specific wording that, in Hebrew, echoes battlefield maneuvers (e.g., "initiation" and "change of modus operandi"). This militaristic portrayal employed a "no-

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choice” rationale to legitimize the use of “digital tools” and “special means” commonly deployed to thwart terrorism but this time against civilians.

Just as the overall management of the pandemic emanated from the securitization of Israeli society, the above warlike contextualization reflects and draws on the militarization of Israeli culture, which is accustomed to the militaristic imageries and vocabularies that have been dominating it for decades (Ben-Eliezer 2019).

This paper argues that ISA mass surveillance of citizens during the COVID-19 pandemic constitutes a turning point for Israel, both in its formation as a surveillance society and in revalidating its security-oriented, militaristic tendencies. To elucidate the constitutive role of ISA surveillance, the next section will examine the threefold interplay between the de/militarization of Israeli society and culture, the history and importance of Israel’s permanent state of emergency, and the country’s largest and most controversial surveillance enterprise so far: the establishment of a national biometric database.

### **De/militarization, Emergency, and Surveillance**

Israel was founded in 1948 as a nation-in-arms under unique geo-political circumstances that posed tremendous security challenges, including seven wars and numerous major military operations. These circumstances encouraged continuous securitization and militarization of Israeli society and culture (Ben-Eliezer 2019), as reflected in various terms coined by Israeli scholars, from civilian militarism (Kimmerling 1993) to militaristic politics (Ben-Eliezer 1995). Importantly, these macro processes are manifested in Israeli citizens’ everyday realities, and throughout their lifespan, from their socialization as toddlers, to future military service (Furman 1999), to the construction of gender power relations in adulthood (Klein 2002).

An important aspect of these processes of securitization and militarization is the major role that Israeli security forces have been playing in Israeli society and culture, which is partly influenced by the mandatory conscription enacted in Israel from its inception to the present day. For example, the National Security Index and the annual Israeli Democracy Index consistently show that public trust in the Israeli security forces—including the military, ISA, and the Mossad—is very high, particularly relative to other institutions such as the parliament, the government, the media, and even the judiciary (Israeli 2020). The disproportionately high appreciation—some would say glorification—of the Israeli security forces presumably explains, at least partly, the unprecedented decision to authorize mass surveillance by ISA and the securitization of the pandemic more generally.

But the Israeli reality is more complicated. Since the 1990s, the securitization and militarization of Israel are offset by Western trends of democratization, individualization, and ultimately demilitarization, resulting in significant shifts in traditional civil-military relations (Peri 2001). These developments have profound social and cultural impacts, from decreasing motivation to undertake military service to pervading anti-militarist discourses that challenge traditional, state-oriented trends.

This three-decade tension between securitization and militarization and opposing trends of democratization and demilitarization forms an apposite backdrop for understanding and evaluating the emergency regulations enacted in Israel during the pandemic to allow ISA surveillance. These regulations were enabled by the permanent state of emergency that has been in force in Israel since 1948.

Immediately after the establishment of Israel, the Provisional State Council declared a state of emergency and authorized the promulgation of emergency regulations to deal with immediate security challenges. This was reasonable at the time, given that a coalition of four Arab armies had invaded the small, new country only a day after it declared independence. However, although the security challenges have changed dramatically since 1948, the original decision was ratified twice in later legislation, allowing the parliament to declare a state of emergency and the government to issue emergency regulations with “the capacity to

change every law, suspend it temporarily or set new conditions to the law” in order to “protect the country and the public safety” (Basic Law: The Government, 2001, Clause 39c, 165). To put it differently, the emergency regulations enacted during the COVID-19 pandemic to authorize ISA mass surveillance were enabled by the ongoing securitization that originated in 1948.

Israel's permanent state of emergency is constantly criticized and challenged by human rights organizations, activists, and academics, both in public discourse and in court. While democratic countries commonly declare emergency ad hoc and for a limited period of time to tackle specific threats, its permanence in Israel has made it an intrinsic part of the country's political culture, thereby allowing for discrimination against specific populations, privacy violation, and other controversial practices (see Marciano 2016).

Because Israel's state of emergency was originally decided within specific contexts of securitization and militarization, the controversial practices it legitimized thus far (e.g., mistreating Palestinians) aimed to address security threats, whether real or constructed/imagined. However, although a medical crisis such as COVID-19 is fundamentally alien to these contexts, Israel's insatiable tradition of securitization and militarization has made it possible to recontextualize the pandemic by including it within the ever-expanding definition of national security. Using anti-terrorism tools to track citizens' locations was therefore communicated as necessary to eliminate the threat and protect public safety. It is not by chance that key public figures used belligerent language to construct this threat discursively, as demonstrated by the militaristic terminology detailed above.

The clash between opposing trends of de/militarization that Israeli society has been experiencing over three decades suggests that ISA surveillance was not a predetermined, default position that Israel had or was expected to take. The Israel Biometric Project shows that Israel has chosen differently in the past.

Surprisingly, Israel has not been a classic surveillance society like the UK. Until recently, most of its surveillance practices were limited to narrow national security causes, mostly outside its borders and rarely against Israeli citizens (much of Israel's surveillance efforts were directed to the Palestinian territories; see Zureik, Lyon, and Abu-Laban 2011). For example, the wide distribution of CCTV cameras in public areas characteristic of Western surveillance societies was never part of Israel's surveillance agenda.

However, in 2017, after years of vigorous public debate and two petitions submitted to Israel's High Court of Justice, Israel ratified the establishment of a mandatory centralized biometric database for storing its citizens' body measurements, including fingerprints and face templates (Marciano 2019b). While this step signified a critical phase in the formation of Israel as a surveillance society (Marciano 2016), it relied on purely civil infrastructure and administration, largely detached from any traces of securitization and militarization that usually characterize national projects in the country. In this sense, it was a promising step away from Israel's nation-in-arms tradition toward a more civil, demilitarized arrangement. In other words, while this initiative brought Israel closer to the disreputable status of a surveillance society, it was essentially civil, similar to many other Western countries. It was supplemented by relatively critical media coverage that emphasized citizens' right to privacy and warned against the erosion of Israel's democratic tradition (Marciano 2019a). Overall, Israel's obsession with its history seemed to be abating in a way that resolved the ongoing tension between securitization/militarization and democratization/demilitarization.

But COVID-19 was too challenging and tempting, or it was what Israel needed to put its democratic foundations to the test and redefine its surveillance agenda. Israel's mass surveillance during the pandemic is constitutive: first, because it revalidates the process begun in the biometric project, thus fortifying Israel's status as a surveillance society; and second, because it counteracts the country's progression, suggesting that Israel missed a crucial opportunity to take a civil path and leave behind its tendencies toward securitization and militarization. These tendencies are highly effective as a protection strategy—both to thwart terrorism and slow the spread of a virus—but they constitute a comfortable choice that lays Israel's democratic tradition open.

In Israel, large-scale state surveillance projects, such as the national biometric database, usually stimulate critical public debates, both in news media (Marciano 2019a) and social media (Marciano 2019c). In this sense, ISA COVID-19 surveillance is important, *inter alia*, because it has the potential to raise citizens' surveillance awareness. Israel's next inward surveillance project(s) will be crucial in redefining its status as a surveillance society, particularly in testing the country's ability to restrain its securitization impulse and maintain a civil infrastructure to pursue its surveillance agenda.

## References

- Ben-Eliezer, Uri. 1995. A Nation-in-Arms: State, Nation, and Militarism in Israel's First Years. *Comparative Studies in Society and History* 37 (2): 264–285.
- Ben-Eliezer, Uri. 2019. *War over Peace: One Hundred Years of Israel's Militaristic Nationalism*. Oakland, CA: University of California Press.
- Bohbot, Hagar, Itamar Eichner, Yuval Karni, and Tova Zimuki. 2020. Will ISA Track Confirmed Patients? A Draconian Step. [In Hebrew.] *Ynet*, March 14. <https://www.ynet.co.il/digital/technews/article/ByWuy69r8> [accessed February 25, 2021].
- Eichner, Itamar, and Tova Zimuki. 2020. Digital Surveillance to Stop the Spread of Coronavirus was Confirmed. [In Hebrew.] *Ynet*, March 15. <https://www.ynet.co.il/articles/0.7340.L-5695447.00.html> [accessed February 25, 2021].
- Fox, Nina, and Moran Azulay. 2020. The Knesset Extended ISA Surveillance by Three Weeks: "Better than lockdown." [In Hebrew.] *Ynet*, May 5. <https://www.ynet.co.il/articles/0.7340.L-5725333.00.html> [accessed February 2, 2021].
- Furman, Mira. 1999. Army and War: Collective Narratives of Early Childhood in Contemporary Israel. In *The Military and Militarism in Israeli Society*, edited by Edna Lomsky-Feder and Eyal Ben-Ari, 141–168. New York: State University of New York Press.
- Israeli, Zipi. 2020. *The National Security Index: Trends in Israeli Public Opinion*. [In Hebrew.] Tel Aviv, IL: The Institute for National Security Studies, Tel Aviv University.
- Kimmerling, Baruch. 1993. Patterns of Militarism in Israel. *European Journal of Sociology* 34 (2): 196–223.
- Klein, Uta. 2002. The Gender Perspective of Civil-Military Relations in Israeli Society. *Current Sociology* 50 (5): 669–686.
- . 2016. A Critical Reflection on the Israeli Biometric Project. [In Hebrew.] *Theory & Criticism* 46: 41–66.
- . 2019a. The Discursive Construction of Biometric Surveillance in the Israeli Press. *Journalism Studies* 20 (7): 972–990.
- . 2019b. The Politics of Biometric Standards: The Case of Israel Biometric Project. *Science as Culture* 28 (1): 98–119.
- . 2019c. Vernacular Politics in New Participatory Media: Discursive Linkage Between Biometrics and the Holocaust in Israel. *International Journal of Communication* 13: 277–296.
- Peri, Yoram. 2001. Civil-Military Relations in Israel in Crisis. In *Military, State, and Society in Israel: Theoretical & Comparative Perspectives*, edited by Daniel Maman, Eyal Ben-Ari, and Zeev Rosenhek, 107–136. New Brunswick, NJ: Transaction Publishers.
- Zureik, Elia, David Lyon, and Yasmeeen Abu-Laban, eds. 2011. *Surveillance and Control in Israel/Palestine: Population, Territory and Power, Routledge Studies in Middle Eastern Politics*. New York: Routledge.