The political calculus of bad governance: The fight against COVID-19 in Israel

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The fight against COVID-19 has highlighted the central role that the government plays in governance. State-centric studies almost unanimously agree that (i) effective governance requires formal governmental structures and processes, and that (ii) a differentiation should be made between the study of governance and the study of public policy. Based on the premise that in situations of extreme uncertainty political considerations may intermingle with governance choices, this paper complements the first claim by highlighting the conditions under which bad governance may at times constitute a politically well-calibrated and highly effective strategy that inflicts damage on political rivals; succeeds in shaping voters' perceptions favorably; and creates a "noisy" governance environment, thus increasing the leader's room for maneuver and enabling implementation of disproportionate policy responses almost unimpeded. The last point emphasizes the need to study governance and public policy together. These arguments are illustrated through an analysis of Israel's fight against COVID-19.

Keywords: governance, steering, Israel, COVID-19, disproportionate policy, underreaction, overreaction

INTRODUCTION

The fight to curb the coronavirus outbreak has brought to the fore the central role that the government plays in governance. It has also highlighted the steering function of governments, which was reflected in the way various administrations used their legislative arsenals to impose strict containment measures and to alter course amid a rapidly rising death toll. These policy responses by government agencies, departments, and ministries primarily privileged state actors, who were, at a fundamental level, the sole or at least the main source of governance in countries hit by this pandemic. These responses also highlighted the linkages between governance and public policy: policies are the mechanisms that governmental actors use to steer the economy and society, and the creation of policy and governance follow similar processes, such as agenda-setting, goal-selection, evaluation, and feedback (Peters, 2019).

Studies that rely on a state-centric conception of governance agree almost unanimously that (i) effective governance requires formal governmental structures and processes which ensure effective coordination, data analysis, regulation, and policy delivery (Rotberg, 2014), and that (ii)

a differentiation should be made between the study of governance and the study of public policy because governance is largely a political science concern, whereas public policy is multi-disciplinary in nature, and because governance covers political processes within and outside public policy processes, whereas public policy mainly covers policy content and instruments (Peters, 2019). This paper complements the former claim by highlighting the conditions of extreme uncertainty under which unorganized, uncoordinated, unregulated, and uninformed delivery of governmental services (read, bad governance) may constitute a politically well-calibrated and highly effective strategy that inflicts damage on political rivals; succeeds in shaping voters' perceptions favorably; and successfully creates a "noisy" governance environment, thus increasing the prime minister's room for maneuver and enabling him or her to implement disproportionate policy responses almost unimpeded. The last point is used here to challenge the second claim: because governance can at times be viewed as a political instrument, precisely like public policy, the two should be studied together rather than separately.

The paper draws on a recent conceptual turn in the study of public policy, whereby the concept of disproportionate policy response, and its two component concepts — policy over- and underreaction (Maor, 2012, 2014) — are re-entering the policy lexicon as types of *intentional* policy responses that are largely undertaken when political executives are vulnerable to voters and when there is uncertainty regarding the optimal policy choice (Maor, 2019a, 2019b). In such cases, it becomes increasingly likely that political considerations will intermingle with the definition of policy problems and goals, widening the window for a deliberate disproportionate response (Maor, 2019a, p. 11). The premise underlying this paper is that this also applies to governance choices. Consequently, bad governance may at times be a politically well-calibrated and highly effective strategy.

Based on this premise, the paper argues that elected executives who are operating in conditions of extreme uncertainty and face an immediate and severe threat to their political survival can implement at an early stage the most aggressive control measures on the policy "menu" (e.g., a complete shutdown of society and the economy during a pandemic) but thereafter adopt modes of bad governance. This may enable them to include in the core executive trusted advisers and/or public officials whose advice corresponds with their political interests. It may also allow them to delegate operational responsibilities to agencies that may lack a relative professional advantage in executing the required tasks yet are for the most part exempt from parliamentary and state audits, which are fully disclosed to the general public (for example, internal/external secret security organizations). This may keep at bay political rivals as well as those agencies formally responsible for such tasks during routine times, embroiling them in inter-agency squabbles and frictions over bureaucratic boundaries and policy responsibilities. In this manufactured "noisy" environment, elected executives can implement disproportionate policy responses, such as selecting differentiated policies when evidence calls for general ones or vice versa, almost unimpeded. This has ramifications for governance studies, namely governance should at times be viewed as a political instrument, precisely like public policy, and should therefore be studied together with policy rather than in isolation. The paper analyzes the case of the Israeli fight against COVID-19 to illustrate this argument.

The paper is structured as follows. The first section elaborates on the conception of governance as steering adopted here, while the second briefly explains the disproportionate policy perspective, detailing the political rationale of bad governance under conditions of extreme uncertainty. The fourth section illustrates the argument advanced herein by examining the

governance choices undertaken as part of the fight against COVID-19 in Israel during the period February-April 2020. The fifth section concludes and presents avenue for future research.

GOVERNANCE DURING A PANDEMIC IS ABOUT STEERING

Governance refers to "an interactive process structured by political institutions and intermediary structures such as the political parties" (Peters 2019, 8). Since the 1980s, a scholarly trend has emerged that moves away from a state-centric understanding of contemporary governance and towards an understanding of this topic as interaction with non-state actors. This model of governance focuses on networks and their structuring of interactions, largely among social groups (Kickert, Klijn, & Koopenjaan, 1997; Marin & Mayntz, 1991; Sørensen & Torfing, 2005). Advocates of this model tend to assume that "interactions of network members will produce better outcomes than will representative democracies and state bureaucracies and that they are more democratic because of their continuous involvement of the social actors in making the decisions" (Peters & Pierre 2016, p. 110; see also Sørensen, 2004). This trend has in fact constituted a scholarly project that seeks to describe a process leading to the near-elimination of the state in governance studies and its replacement with societal actors and state–society exchanges. Although there exists a consensus that "decision making is at the heart of governing and governance" (Peters, 2019, p. 1), a wide gap has emerged between those who privilege a society-centric approach to governance, thereby emphasizing the role of non-state actors and their operation at a distance from the state, and those who regard contemporary governance as a matter of understanding the transformation, not the elimination, of the state (Bell & Hindmoor, 2009; Pierre & Peters, 2000; Sørensen, 2004).

The fight against COVID-19 has brought to the fore the primacy of states among the complex set of institutions and actors involved in the formation and implementation of public policies, as well as the distinct boundaries between state organs that can implement emergency laws and regulations and non-state actors that lack these powers. It demonstrated that "[t]he state remains very much at the center of governance" (Peter, 2019, p. 1). The fight against the coronavirus has furthermore crystalized the fact that governance is first and foremost about steering the economy and society and about the effective implementation of state policies across the territory. It has likewise become clear that despite being a generic conception of governance, steering is highly relevant to the discussion of governance performance in the fight against COVID-19 (see Rotberg, 2014), and to the discourse among academics concerning the need to separate good performers from bad performers, thereby privileging a functionalist approach (Peters, 2019). The focus on the steering function has been especially acute in states wherein aggressive measures were implemented in order to keep the virus' transmission rates at a level that the public health system could sustain.

The analytical perspective on governance adopted here equates governance with government performance (Rotberg, 2014). The fight against COVID-19 has highlighted that governance can be analytically structured into a limited number of critical roles or functions (Peters, 2019). Effective governance implies controlling the epidemic and reducing the transmission of the disease to minimal levels. The core functions of governing during the pandemic therefore include the exercise of public authority and the enforcement of public law in order to minimize the death toll as well as the number of people in need of ventilation. These measures share the same meaning across various countries and regions; provide a clear idea as to how governments are performing; and form the basis upon which the performance of various

governments is evaluated from a comparative perspective. Although they may be influenced by contextual situations (e.g., demography) and historical circumstances, they enable elites and general publics to comprehend the extent to which their respective elected executives succeeded in curbing the spread of the virus. In the fight against COVID-19, these core functions have been privileged over the management of democratic institutions in numerous states. Indeed, many governments focused on the effective delivery of governmental services during the pandemic, even if this implied the suspension of parliament (e.g., Israel) or its committees [Cyprus, Luxembourg, and France (except committee meetings related to COVID-19 matters)].

The way governments responded to the coronavirus highlights the linkages between governance and public policy: policies are the mechanisms that governments use to steer the country in difficult circumstances, and the creation of policy and governance follow similar processes, such as agenda-setting, evaluation, and feedback (Peters, 2019). On most topics, studies that rely on a state-centric conception of governance agree almost unanimously on two aspects. First, effective governance requires formal governmental structures and processes that ensure efficient coordination, data analysis, regulation, and policy delivery (Rotberg, 2014). When a severe national crisis strikes and decisions must be made, the expectations vis-à-vis governance are the establishment of a small ad-hoc cabinet of ministers possessing all the powers needed to tackle the crisis; the creation of a centralized command and control system responsible for outlining the overall strategy, led by an expert in national emergency management; the existence of a special operations room, operating 24/7, that includes senior officials representing their respective government agencies; and the operation of an administrative unit to gather and analyze all relevant information, in addition to a special intelligence forum including scientists and experts tasked with researching and understanding the crisis at hand in a comparative perspective. This

literature also recommends following a national emergency plan and the drawing of clear-cut boundaries of responsibility between the agencies involved based on actual policy capacity and relative advantage.

Second, scholars of governance almost unanimously agree that research on this topic should differentiate the study of governance from the study of public policy because the former is largely a political science concern, whereas the latter is multi-disciplinary in nature, and because governance covers political processes within and outside public policy processes, whereas public policy covers mainly policy content and instruments (Peters, 2019). In the growing literature that regards governance as steering, this strategy makes sense for building a more nuanced theoretical understanding of governance. However, adopting this strategy comes at a cost, relegating political factors, actors, and the interactions between them to the residual category of extraneous variables.

Indeed, dismissing the political considerations that may intermingle with policy and governance can undermine attempts to construct a more nuanced theoretical understanding of governance which is applicable in real life situations, including those that rarely occur, for example, when a prime minister or president whose political survival hangs in the balance encounters extreme uncertainty. It may undermine the understanding of why governments invoke their authority in some areas but not in others; at some points in time but not at others; deprive certain non-state actors of the steering function but not others; and engage in some modes of policy execution (e.g., a nation-wide implementation) but not others (e.g., a differential implementation). The intermingling of political considerations with policy and governance requires an explanation, no matter how unique these cases are. Bringing politics into the fray widens the prism through which the processes and tools of steering are analyzed. Furthermore, introducing the disproportionate policy perspective into the fray allows us to revisit conventional accounts that

tend to view choices of bad governance as either *unintentional responses* due to psychological and institutional factors (e.g., Walker & Malici, 2011) or *nonintentional responses*, that is, unintended consequences of good governance decisions (e.g. Rhodes, 2000, 2011; Hood & Peters, 2004; Margetts, 6, & Hood, 2010) — responses that elected executives never intended to implement yet are not executed unknowingly, inadvertently, or accidentally.

DISPROPORTIONATE POLICY AND GOVERNANCE

In a recent conceptual turn, the concepts of policy over- and underreaction—the analytical components of the concept of disproportionate policy response—have reentered the policy lexicon as types of intentional policy responses that are largely employed when political executives are vulnerable to voters (e.g., Maor, 2017a, 2017b; 2019a). The key argument underlying this turn is that "a disproportionate response in the policy domain may at times be a politically well calibrated and highly effective strategy because of the damage it inflicts on political rivals and/or its success in shaping voters' perceptions favorably" (Maor, 2019a, p. 5). In addition, the disproportionate policy perspective (Maor, 2017a) was designed to guide researchers in this uncharted territory. We try here to ascertain potential links between the design of governance mechanisms and the implementation of disproportionate policy response. The conceptual link between the two boils down to the level of uncertainty within which key elected executives operate. According to Maor (2019, p. 11), "when there exists uncertainty regarding the best policy choice to be pursued, and consequently there are higher chances that political considerations will become interwoven with the definition of policy problems and goals, the window for deliberative disproportionate response widens." The premise underlying our analysis is that, by the same token, bad governance may at times of extreme uncertainty be a politically well-calibrated and highly effective strategy because

of the political gains it offers the elected executives who initiate it. Although at first sight this claim may seem absurd, let us explain the political rationale undergirding such a strategy and, in the next section, illustrate it.

Elected executives continually operate at the political, the policy, and the governance levels, that is, they play a three-level game. To assume a consistency of choices by elected executives at these levels under all circumstances is naïve because it implies that all policies are always designed to be proportionate (Maor 2020a). It is also naïve because it ignores context, especially the fact that uncertainty depends on a host of factors, some of which may be manipulated by elected executives for political gains. Many populist politicians, for example, engage in identifying threats, fanning the flames, and fueling fears among the general public (Maor 2020b).

Governance may also be a source of uncertainty that can be manipulated. A prime minister who identifies *early on* a looming pandemic can immediately employ the full power of the state to impose aggressive measures, such as border closure, school closure, severe lockdowns and curfews, and a shutdown of the economy. Once these policy instruments have been activated at an early stage, the said elected executive has a relative advantage in the political blame game and is in a relatively solid position vis-à-vis any commission of inquiry that may later examine the crisis, because the policy menu offers no further, harsher measures for tackling pandemics. Moreover, the results, in terms of death tolls and the number of patients requiring ventilation in the case of COVID-like pandemics, are thereafter likely to be relatively good, in absolute and perhaps also comparative terms, if such harsh measures are indeed the best policy tools for reducing death tolls. This may not be the case when less aggressive public health tools are employed, such as identifying potentially sick people, helping them to isolate, tracing their contacts, helping those people to

isolate, and so on, let alone when elected executives fail to mobilize the state's vast human and material resources in a timely manner.

From this point onwards, a prime minister who acted aggressively at an early stage may enjoy significant room for maneuver, which can be utilized either to achieve consistency in decisions undertaken in the three arenas or to facilitate inconsistency in decisions for political gain. With regard to the former vis-à-vis the governance arena, one may expect the adoption of modes of governance supporting the aforementioned harsher measures, which will deliver governmental services to the public effectively. These may include following a national plan for transition from routine to an emergency situation and the establishment of institutional infrastructure to support the effective delivery of services to the public. However, the relatively large room for maneuver created by the implementation of aggressive policy moves at an early stage can, under certain conditions of extreme uncertainty, be utilized to facilitate inconsistency in decisions over the three arenas by, for instance, adopting modes of bad governance. Specifically, when elected executives who are operating in extreme uncertainty face an immediate and severe threat to their political survival, they can adopt unorganized, uncoordinated, unregulated, and uninformed modes of governance. This may enable them to include in the core executive trusted advisers and/or public officials whose advice corresponds with their political interests. It may also facilitate the delegation of operational responsibilities to agencies that lack a relative professional advantage in executing the required tasks yet for the most part are largely exempt from parliamentary and state audits, which are fully disclosed to the general public (for example, internal/external secret security organizations). This may keep at bay political rivals as well as those agencies formally responsible for these tasks during routine times, which now find themselves engaged in inter-agency squabbles and frictions concerning bureaucratic boundaries and policy responsibilities. In this manufactured

"noisy" environment, elected executives can implement, almost unimpeded, disproportionate policy responses, such as prioritizing differential over general policies (or vice versa) when publicly available epidemiological, socio-economic, or other data support contrasting solutions.

The next section illustrates this argument by focusing on the governance choices made during Israel's fight against COVID-19 in the period February–April 2020. The Israeli government successfully curbed the spread of the novel coronavirus (COVID-19) by shutting down society and the economy at an early stage of the outbreak, after which modes of bad governance were selected. At the time of writing (May 27, 2020), the number of deaths stands at 284 [Ministry of Health (MoH) 2020a]. The Israeli case has been selected as a plausibility probe in an attempt to highlight the phenomenon studied. This case provides therefore an extreme example of the political calculus of bad governance.

BAD GOVERNANCE IN THE FIGHT AGAINST COVID-19

As the Israeli government began implementing measures against COVID-19 in late January 2020, it was in the midst of a constitutional crisis exacerbated by a yearlong electoral impasse. Indeed, following two consecutive elections before the pandemic and a third that was held immediately after its initial outbreak, the government—comprised of right-wing and ultra-Orthodox religious parties—fell short of winning the majority it needed to form a new coalition government. This unique situation, which occurred amid deep global anxiety regarding the spread of the coronavirus, resulted in great uncertainty, and the situation was further aggravated by the fact that the head of the Israeli care-taker government, Benjamin Netanyahu, was scheduled to appear in court on March 17, 2020, on charges of fraud, bribery, and breach of trust.[1] Thus, the conditions were ripe for political considerations to intermingle with governance choices in the fight against COVID-

19. Regarding health system capacity, although Israel has faced serious emergency management challenges, especially wars and major terrorist attacks, its healthcare system was not prepared for an epidemic. A state audit report published on March 23, 2020, concluded that the MoH, the Health Management Organizations, and the hospital system were not fully prepared for a pandemic flu outbreak despite a 2005 government decision regarding the need for preparedness. It also highlighted the shortage of hospital beds, isolation rooms, staffing, and medications, in addition to ill-equipped intensive care units and a lack of cooperation between the MoH and the Ministry of Defense (MoD) (Office of the State Comptroller and Ombudsman of Israel 2020, 518).

The coronavirus (COVID-19) outbreak began in China at some point between the end of November and the beginning of December 2019. The first case of coronavirus in Israel was confirmed on February 27, 2020. Subsequently, on March 9 (44 known cases),[2] home quarantine became mandatory for anyone returning from abroad, and on March 14 (183 known cases), the government ordered the closure of all educational institutions as well as recreational and entertainment sites; recommended that people maintain a distance of two meters from others; and used the cellphones of confirmed and suspected COVID-19 patients to warn potential victims and to enforce quarantine orders. On March 20 (813 known cases), Israel registered the first death due to coronavirus, and on March 25 (5 deaths; 2462 known cases) new regulations forbidding people to move more than 100 meters from their homes, apart from shopping for food and medicine, were instituted for a period of one week. At the beginning of April, there were signs that the rate of infection was slowing, and during that month lockdowns were imposed on the first and last days of the Passover holiday and on Independence Day, in addition to travel limitations on Memorial Day. By mid-May it was clear that Israel had succeeded in curbing the (first wave of) the coronavirus outbreak.

Determining Goals and Policy

Prime Minister Netanyahu understood relatively quickly that the outbreak of the coronavirus in Israel constituted a national emergency. The centralized decision making he employed stemmed from the nature of this crisis as well as from a clear-cut policy orientation at this strategic juncture, as Netanyahu himself clearly stated: "I instructed [health officials] to overreact, rather than underreact."[3] Aggressive steps, designed to minimize the death rate and the rate of infection and to prevent hospitals from being overwhelmed by patients in need of ventilation, were implemented at a relatively early stage. These policies were implemented in light of physicists and mathematicians' models, which projected that between 8,600 and 21,600 Israelis would die from the coronavirus and recommended these uncompromising moves (Arlosoroff, 2020). Netanyahu found an ally in the MoH, headed by a minister without medical training who had served in this role almost continuously since 2009, with a break of one year and eight months, and a director general who predicted 10,000 deaths. According to Health Minister Yaakov Litzman: "Policy was to take more extreme measures than necessary […] sometimes I thought that there are unnecessary stringencies. There were stages at which I thought they [the prime minister and the MoH director general] went too far. For example, I did not think there were going to be 10,000 deaths […] the ministry did not twist and turn. It went in one direction all the time, towards an excessive response."[4] Thus, decision-making during the crisis was largely based on public health considerations, which were not balanced by financial and economic concerns. As the health minister noted when asked about the damage that these aggressive steps caused to the economy: "You're talking about money, I'm not interested in money. I'm interested in health, [in] human life."[5] Although the prime minister accepted the apocalyptic scenarios presented by the MoH and the derived policy solutions, the decisiveness that characterized the steps taken at the start of the pandemic was not mirrored by the adoption of decisive modes of governance.

The Governance Strategy

Israel's rapid understanding of the health risks posed by COVID-19 and the implementation of uncompromising measures at an early stage to curb the spread of the virus gave the country an advantage. However, subsequently this advantage was largely lost due to the bad governance modes adopted. The prime minister decided not to activate the national crisis management strategy for pandemics that had been compiled in 2007 — "A Healthy Wave" (*Nachshol Bari*) (Health Ministry and National Emergency Authority, 2007). At the heart of this strategy is the declaration of a state of emergency and the transfer of responsibility for managing the crisis to the National Emergency Authority — the sole purpose of this body, which operates within the Ministry of Defense (MoD), is to manage states of emergency on the home front, and its duties include ensuring functional continuity, determining priorities, coordinating activities with government offices, and managing the entire national system in an emergency. The National Emergency Authority has been trained precisely for such an event, while simultaneously guiding, coordinating, and preparing local governments. An alternative strategy would have been to transfer responsibility for crisis management directly to the Home Front Command, that is, to the Israel Defense Forces (IDF). Netanyahu may have decided against these governance alternatives because both the National Emergency Authority and the Home Front Command operate under the authority of Defense Minister Naftali Bennet, who is Prime Minister Netanyahu's bitter political rival. It may also explain why Netanyahu decided not to assign the MoD, which has global purchasing abilities, the task of purchasing testing kits, ventilators, and other medical equipment.

Following the same line of reasoning, and with an eye to avoiding other loci of crisis management decision-making, Netanyahu decided not to open the command bunker for emergency situations located in the Prime Minister's Office, which should host the professional headquarters for the crisis under the command of an expert in managing national states of

emergency (Eiland, 2020). There was therefore no system of command and control, such as a small forum of cabinet members responsible for managing the fight against COVID-19, supported by a special situation room on the national level. The consequent extreme centralization left the prime minister as the sole decision maker, assisted by the director general of the MoH, with the health minister "updated here and there,"[6] although he later contracted coronavirus and was thus confined to home quarantine.

Meetings were held at the Prime Minister's Office and included representatives of government ministries; the Mossad, Israel's mythological secret service agency; the Home Front Command; the Ministry of Defenses Research and Development Agency (Mafaat); the 8200 unit, the central intelligence gathering unit in the IDF; an ultra-elite reconnaissance unit (Sayeret Matkal); the Weizmann Institute; and others. The complexity of the decisions, on the one hand, and the lack of relevant preparatory work supporting the prime minister's decision-making, on the other, generated a chaotic decision-making process that manifested in frequent changes to the regulations and the guidance given to the public, a lack of timetables for changes in these regulations and guidance, a lack of clear justifications for and ambiguity concerning some aspects of the guidance, a lack of enforcement mechanisms, and last minute decision-making. For example, on March 9, a regulation was introduced requiring anyone returning from abroad to enter home quarantine. However, it was not decided which body would be responsible for enforcing this decision. Finance Minister Moshe Kahlon gave another example of the chaotic decision making: "We have sacrificed the economy on the altar of health […] when we begin to feel that this group [the leaders of the MoH] is exaggerating a bit, I give an instruction that contradicts what they requested. They wanted to close down the entire industry and I didn't agree […]industry did not go below 80% of its activity […] you see they are going in a direction that is not proportional to

what is happening, but everyone is making you frightened, presenting horrific scenarios, and you have no way of contradicting it […] everyone looked around and said to himself that surely there will be a national committee of inquiry, and no one wants [to have] to explain why there are Israeli corpses."[7] Regarding the fear of an inquiry, he added: "There is no doubt that it was in there. That some were afraid that when this is all over they will need to account [for their actions], so they decided to take the surest path of 'I was careful' and 'I did everything I could'."[8]

As a result of the decision not to activate the 2007 plan for a state of emergency, most of the burden in tackling the crisis fell on the MoH, a ministry that is usually occupied with regulatory activities and therefore lacks skills in operating logistical systems, managing states of emergency, and overseeing situations of uncertainty. The MoH is also weak politically, with a low capacity for strategic planning (Tshernichovksy, 2020). Instead of limiting the responsibility of the MoH as far as possible to fields in which its expertise is unparalleled, during the fight against COVID-19 the MoH made all the decisions in a centralized fashion, enjoying the prime minister's support. These decisions included matters outside the ministry's expertise, among them logistical decisions and equipment purchases, even though the MoD has proven abilities in purchasing and transportation. During the crisis, the MoH did not succeed in establishing a clear policy due to its weak strategic capacity. In addition, it did not involve the Health Management Organizations (Kupot Holim), which constitute the operational arm of the ministry, in community testing. Thus, unsurprisingly, the ministry failed to organize mass coronavirus testing and was far from meeting the prime minister's pledge of 30,000 tests per day; likewise, its testing system was neither fast nor extensive enough to provide an accurate picture of how the virus was spreading. Such an accurate picture could have facilitated the implementation of a differential policy, hastening the reopening of the economy. For example, Israel has 27 laboratories capable of testing for the

coronavirus, yet for two months only one such laboratory processed the tests. Other laboratories were introduced into the testing system only when some of the staff at this laboratory were quarantined after becoming infected with coronavirus or being exposed to infected patients. Moreover, the MoH battled against hospital directors who proposed alternative plans and acted in opposition to the MoH's stance on testing, mainly in an attempt to protect their medical staffs and, at a later stage, workers in essential industries (Rotstein Zeev, quoted in Magen, 2020).

An allocation of responsibilities according to agencies' relative operative advantages should have resulted in the MoH concentrating on improving health services, leaving other tasks to better skilled ministries and government agencies (Eiland, 2020). Instead, political considerations largely determined governance choices. At the prime minister's request, the Mossad, which specializes in espionage, not in purchasing and logistics, established and led a dedicated procurement war room at Sheba Hospital, under the administration of the Mossad director. This control center was responsible, among other things, for purchasing emergency medical supplies, such as ventilators, masks, gloves, test kits, and personal protective equipment. The fact that the Mossad is under the direct authority of the prime minister and that most of its activity is not subject to open public scrutiny by the State Comptroller constituted a relative political advantage, not a relative operational advantage in a time of national crisis. The same consideration also applied to the use of the Shin Bet, Israel's internal secret service, in tracking coronavirus patients, with the aim of warning people that had come into contact with them via SMS. In addition, the task of collecting samples from suspected cases, including the running of testing stations, was assigned to Magen David Adom, Israel's National Emergency Pre-Hospital Medical and Blood Services Organization, rather than to the Health Management Organizations

that have a strong presence at the community level. In so doing, the MoH retained complete control over the testing operation and, more importantly, the derived testing results.

The control center that the Mossad established included task forces comprised, among others, representatives of the IDF, volunteer organizations, hi-tech entrepreneurs, academics, and other volunteers. These taskforces were assigned to oversee, among other topics, testing for the coronavirus (identifying bottle necks and suggesting operative solutions), the revamping of medical equipment, geriatric institutes, data science, data gathering and analysis, and more. Lacking a central emergency headquarters, the decision-making remained in the hands of the prime minister and the director general of the MoH, while the role of the government was restricted to a discussion forum. According to the health minister: “Government sessions [operated as] the corona cabinet. The ministers discussed the matter. Each one voiced his opinion, all the opinions were heard, a variety of opinions.”[9] By adopting unorganized and uncoordinated modes of governance at the operative level, the prime minister was able to distance his political opponents, even though some of them should have assumed central roles in the fight against COVID-19, for example, the MoD. In addition, the Gertner Institute for Epidemiology and Health Policy Research (which is run by the MoH), private entrepreneurs, and university institutes played a role in the control center. These bodies acted without any management from above to outline main priorities and secondary goals and without a managerial hierarchy. The coordination was managed by the Council for National Security, which is an advisory body operating under the responsibility of the prime minister, without any experience in management and coordination during national crises.

As a result, strategic crisis decision-making lacked a comprehensive perspective and an organized decision-making process (Eiland, 2020). The outputs of the task forces, mainly reports and operative recommendations, were for the most part not implemented, knowledge was not

accumulated, and lessons were not learned in an optimal manner. The information arriving from other countries battling the corona virus, especially regarding the great risk to the elderly population, did not lead to the design and implementation of a national strategy for the elderly or to the establishment of a general system for preventative medical care, targeting especially those living in nursing homes for the elderly. Information concerning the importance of the testing system did not lead to the expansion of this system, its increased efficiency or focus, or a preference for serological tests.

The fact that the aggressive steps to curb the spread of the virus were implemented at the beginning of the outbreak reduced the potentially negative effects of this chaotic decision-making process and gave the prime minister relatively wide room for maneuver. Presumably, this room for maneuver would have been limited by the existence of an effective system of inter-ministerial command and control headed by a well-known and authoritative national figure. Further political flexibility was achieved when decision makers and the public did were not given access to epidemiological data (for example, regarding the rate of infection in the camps run by state hospitals to look after the children of doctors and nurses), to the findings of epidemiological investigations (for example, information about the work places of coronavirus patients), and to peer criticism of the models used by the MoH in managing the fight against COVID-19 and the exit strategy. The MoH also failed to utilize the 22 councils for public health—professional mechanisms that concentrate on various areas of expertise, discussing and offering advice in these fields (e.g., the National Council for Geriatrics, the National Council for Health in the Community, and the National Council for Workers' Health). Likewise, no information was gathered concerning the cost of the steps taken in terms of health, and mainly the effect of steps such as lockdowns or the closure of kindergartens on health indexes, illness, and death from illnesses other than

coronavirus. In addition, the lack of information made it difficult to compile a picture of the local or regional situation, thus enabling the prime minister to adopt policy solutions that sometimes intermingled with political considerations (Maor, Sulitzeanu-Kenan, & Chinitz, 2020).

Selecting modes of bad governance served the MoH, and indirectly also the prime minister, because it was not necessary to obligate to action/inaction thresholds and deadlines, thus allowing the prime minister to make decisions as he pleased. In reality, no government agency challenged the prime minister and the director general of MoH. Likewise, very few commentators did so, and most of those who did were rapidly coopted. During a zoom meeting with the external team of experts on March 29, Prime Minister Netanyahu explained his strategy as follows: "The only thing that wins is results, winning results. But we don't know the results. This [will last] a long time. We don't know what will happen. Therefore, I would bring them [the critics of the government] into this discussion immediately. First, we need to change the direction of the discourse and certainly the intensity of the disagreement. It's not good for us because we can't rally the public if the disagreement is [too] intense."[10]

Considering the discussion so far, were the modes of bad governance adopted by the prime minister the result of bad management skills on his part? Based on a number of observations, the answer to this question is negative. First, the decision not to implement the 2007 national emergency plan, which was designed to tackle a pandemic, and the failure to establish a cabinet to manage the fight against COVID-19 left the prime minister free to do as he pleased. Second, the central bodies on which the chosen strategy relied—the Mossad and the Shin Bet—are not subject to scrutiny by the State Comptroller that is fully disclosed to the public. This protects the prime minister in the case of a complete or partial policy failure, and in the eventuality of a commission of inquiry. Third, the decision not to limit the authority of the MoH to areas in which it has a

relative advantage and transfer other tasks to agencies with the necessary expertise, as well as the decision not to establish an intelligence body separate from the MoH, gave the MoH complete power over the advice presented to the prime minister. This enabled the prime minister to exploit the ministry's tendency towards an excessive response to create an atmosphere that suited his calls for the creation of a unity government under his leadership. Fourth, while strategic decisions were made at an early stage of the outbreak, the adoption of modes of bad governance created tensions and arguments between the ministries, largely concerning operative issues. These were subsequently resolved by the prime minister, thus casting his leadership abilities in a positive light. Fifth, uncertainty in the domain of governance, in addition to the uncertainty caused by the spread of coronavirus, created the perfect setting for the implementation of deliberate disproportionate policy responses, which are detailed elsewhere (Maor, Sulitzeanu-Kenan, & Chinitz, 2020). In a nutshell, a *deliberate policy underreaction* was recorded when returning travelers from the U.S.—including infected ultra-Orthodox flyers arriving from the New York area—were exempted from the quarantine restrictions imposed on travelers returning from Europe between February 26 and March 4, 2020, even though most of the 24 million travelers who passed through Ben Gurion airport in 2019 were traveling to and from Europe and the US;[11] a *deliberate policy overreaction* was recorded when a national curfew was enforced during the Passover holiday, while epidemiological data indicated that a differential response covering in particular ultra-Orthodox localities, which were hotspots for the spread of the virus, should have been selected;[12] and a *deliberate policy overreaction* was recorded when a "Coronavirus grant" was paid to all families with up to four children aged 0–17, benefiting ultra-Orthodox households especially, although income inequality data supported means-testing to target those most in need of this grant (Maor, Sulitzeanu-Kenan, & Chinitz, 2020).

We can summarize the analysis so far by arguing that when Prime Minister Netanyahu, whose political future was hanging in the balance, faced the extreme uncertainty caused by COVID-19, and the most aggressive policy moves on the policy menu were employed at an early stage, bad governance choices constituted a politically well-calibrated and highly effective strategy that succeeded in minimizing opportunities for credit claiming by political rivals. Likewise, these choices were successful in creating a "noisy" governance environment, which increased the prime minister's room for maneuver and thus enabled him to implement disproportionate policy responses almost unimpeded. Consequently, both Netanyahu and the Director General of MoH enjoyed high levels of public support, with Netanyahu's job approval rating reaching 60%.[13] In addition, Prime Minister Benjamin Netanyahu and Blue and White Party Chairman Benny Gantz formed a "national emergency government" to fight the coronavirus pandemic.

CONCLUSION

This paper endeavors to understand the political calculus of bad governance during a serious crisis, when patterns of governing may change and state actors in general become more powerful (Boin 't Hart, Stern, & Sundelius, 2005; Peters, Pierre, & Randma-Liiv, 2011). Guided by the claim that "[i]f governance is about steering, it is helpful to know what the collective direction of the society is meant to be" (Peters & Pierre 2016, 36), the paper distinguishes between strategic decisions taken at an early stage and decisions related to the actual delivery of essential public services during a pandemic. It draws on insights generated by the disproportionate policy perspective, applying those insights to the area of governance. It argues that when conditions of relatively high uncertainty threaten the survival of the incumbent prime minister, governance choices, like public policy ones, may be affected. The incumbent may strive to increase his or her leeway by

centralizing strategic decision-making to a significant degree yet at the same time may adopt modes of bad governance for political gains. This argument may hold true in presidential systems as well as in parliamentary systems in which goal-selection in the public sector is dominated by prime ministers, that is, when goals are political rather than governmental, with leaders seeking to ensure their reelection.

Uncertainty may arise from elections, election cycles, and any actor or factor causing uncertainty about the government's future actions. Uncertainty may also be inherent in the nature of the policy problem, especially when a new virus is spreading. Policy under extreme uncertainty can trigger key political executives to strategically weigh political costs and political benefits related to potential policy as well as governance choices. Consequently, they may utilize this uncertainty to delay decisions that are unlikely to have positive consequences for themselves and facilitate decisions that may have detrimental consequences for their political rivals. Instances of extreme uncertainty therefore call for studies regarding the political calculus of bad governance, the mechanism through which such choices are made, the impact on key political executives, and the mechanism via which the impact works.

Studying the political calculus of bad governance under extreme uncertainty offers several advantages. First, key political executives possess substantial power in shaping the governance environment. Thus, they can employ this power when they wish for political gains. One question that currently remains unanswered concerns whether even moderate uncertainty can cause political considerations to intermingle with governance decisions to any significant degree. Second, we can isolate the effects of political uncertainty from other (e.g., social, economic) conditions because some cases of political uncertainty follow prescheduled events, such as elections. This may allow us to minimize the endogeneity problem between political uncertainty and policy decisions. In

federal countries that are experiencing extreme uncertainty, elections in different states that occur in different years can provide variations across states and time.

Our study also contributes to the burgeoning literature on governance and the trend to differentiate the study of governance from the study of public policy. According to the current paper, such a view underestimates the importance of a (manufactured) “noisy” governance environment for elected executives whose political future is hanging in the balance and who are operating under extreme uncertainty. In such environments, we claim, key elected executives can implement disproportionate policy responses, such as selecting differentiated policies when relevant information calls for general ones or vice versa, almost unimpeded. The implication for governance studies is that governance could be viewed as a political instrument, precisely like public policy, and should therefore be studied together with policy rather than separately.

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[1] The shutdown of the justice system due to the coronavirus led to a delay in the court appearance, which was rescheduled to take place on May 24, 2020.

[2] For detailed historical data, see: https://govextra.gov.il/ministry-of-health/corona/corona-virus/

[3] Benjamin Netanyahu, quoted in *Israel Hayom*, March 5, 2020, p. 4.

[4] Yaakov Litzman, quoted in *Israel Hayom*, May 1, 2020, pp. 14–15.

[5] Yaakov Litzman, *Israel Hayom*, May 1, 2020, p. 14.

[6] Yaakov Litzman, Interview with Israel's Public Broadcasting Corporation (Kan), 19.5.2020. Available online at: kan.org.il/radio/player.aspx?Itemld=131558

[7] Moshe Kahlon, quoted in: *Israel Hayom*, May 14, 2020, p. 9.

[8] Moshe Kahlon, quoted in *Israel Hayom*, May 15, 2020, p 26.

[9] Yaakov Litzman, quoted in *Israel Hayom*, May 1, 2020, pp. 14–15.

[10] Channel 13 News, 23.5.2020. https://13news.co.il/item/news/domestic/health/ministry-of-health-coronavirus-1065246/

[11] There was therefore a gap in policy from February 26 until March 9, when Israel sealed itself off from international travel, which "contributed substantially more to the spread of the virus in Israel than would be proportionally expected" (Miller, Martin, Harel, et al. 2020). This gap, according to Minister of Tourism Yariv Levin, resulted from Israel's desire to maintain good relations with the United States. It may also have been due to the pressure exerted by ultra-Orthodox politicians to allow hundreds of infected yeshiva students from New York unregulated access to Israel (Harel, 2020).

[12] In those localities, for example, the doubling time of the number of infected persons ranged from 3.9 to 2.5 days (National Center for Information and Knowledge for the Fight against Corona 2020,

3). This policy overreaction was employed in order to avoid stigmatizing the ultra-Orthodox community and to avoid angering its representatives in the government.

[13] Ma'ariv, April 4, 2020, https://www.maariv.co.il/news/politics/Article-761729; Israel Democracy Institute, February 27, 2020, https://www.idi.org.il/articles/30883; Israel Democracy Institute, March 30, 2020, https://www.idi.org.il/articles/31153