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A War on Two Fronts: Government Power During the Corona Pandemic

The outbreak of the coronavirus in Israel met a complex and unprecedented political reality: Four election campaigns in less than two years and two caretaker governments that managed one of the biggest crises in the country's history. During the epidemiological crisis, the caretaker governments took drastic measures and imposed severe restrictions on the public, potentially infringing on constitutional rights and democratic mechanisms. The unusual circumstance of both a severe epidemiological crisis and a political crisis reinforces the need for effective review mechanisms concerning the executive branch's far-reaching powers. Specifically, when the executive branch is a caretaker government with questionable political legitimacy, but nevertheless retains unusually extensive powers during the epidemiological crisis.

The article discusses the scope of the powers of a caretaker government when it takes measures that restrict human and civil rights. What should be the proper law to govern the caretaker government's authority to exercise powers that could infringe on constitutional rights?

The article will conduct a comparative examination of additional countries where emergency powers in the COVID-19 pandemic have been exercised by caretaker governments. We argue that special powers require special oversight mechanisms, especially when they are held by a caretaker government. In this article, we propose adopting an integrated model which is intended to ensure that emergency powers are exercised reasonably and proportionately, minimizing the violation of rights.