

**Opening statement to the Joint Committee on Justice inquiry into civil liberties
during the Covid-19 pandemic.**

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Many thanks to the Committee for the opportunity today to present evidence to its inquiry.

I see my role here primarily as a behavioural scientist who can provide evidence and analysis about the public response to the pandemic. I am happy also to share my observations on how scientific evidence has been used to inform policy decisions. I should be clear that at no stage have I had any decision-making role, although at various points I have supplied evidence and advice to NPHET, the Department of the Taoiseach, the Department of Health, the HSE and HIQA. Mostly, what I have to offer is insight into public support for restrictions and factors associated with compliance.

The response to the Covid-19 pandemic consists of what behavioural scientists call a “collective action problem”. It perhaps differs from most instances where concerns about civil liberties are raised in response to attempts by Government to constrain behaviour. Behaviour in a pandemic affects not only the individual actor and those who engage with them, but has rapid, direct and serious consequences for multiple members of society at a remove. Solving a collective action problem requires coordinated behaviour through which individuals are willing, or in some cases coerced, to make sacrifices to pursue better outcomes for all. My team’s research evidence has consistently shown that people in Ireland understand Covid-19 as requiring such a collective response.

At the beginning of the pandemic, in contrast to advice given in the UK, the ESRI’s Behavioural Research Unit, which I lead, provided evidence that in the face of a collective emergency, public tolerance for restrictions on behaviour could be high and enduring. I do not know whether this evidence influenced decisions, but it supported rapid initial implementation of strict public health measures. In my view, this policy and high adherence to the measures saved thousands of lives and is the main reason that the death toll per person is lower in Ireland than in most of our European neighbours.

Once the initial curve was flattened, deciding the appropriate level of ongoing restrictions was always going to be difficult. People have different tolerance for risk. Data by which to gauge the threat constantly change. Restrictions fall harder on some than others. Reasonable people disagree about how to strike the balance.

Nevertheless, the evidence is unequivocal that prior to the most recent (third) wave of Covid-19 infections, Government decisions were consistently less restrictive than majority public opinion wanted. I have made this point repeatedly and demonstrated it via multiple pieces of data-analysis, but I continue to find that it comes a surprise to many.

For instance, from June 2020 to February 2021, the Department of Health tracking data showed that the majority of the population thought that Ireland was trying to return to normality too quickly. The proportion who thought the Government response was too extreme never climbed above 10% during 2020. Other indicators and data sources tell a similar story.

Of course, restricting the rights of an unwilling minority is not necessarily justified by the size of the majority in favour, but it is important to recognise that the overwhelming majority of the Irish population supported the public health restrictions and, throughout most of the pandemic so far,

would have preferred them to be *more* not *less* restrictive. This remained true prior to Christmas, when average public opinion favoured a less liberal easing of restrictions than was implemented.

In my submission, I refer to several reasons why I think Ireland can be proud of how it responded to the pandemic. Nevertheless, the need to decide policy flexibly in an uncertain environment exposed problems. In much of public life, people adopt and argue for positions, with rewards for consistent communication of apparent truths and penalties for expressing doubt or changing stance. This extends beyond politicians, to officials, stakeholders, journalists, lobbyists and researchers. This aspect of democratic discourse has not helped us in the face of rapidly changing and uncertain evidence during the pandemic.

In this opening statement I have focused my remarks on the policy response and the appropriate level of public health restrictions. My submission also contains material relevant to public engagement, inter-county travel and sunset clauses, which I am happy to discuss. There is one further point I would like to make, which was not contained in my submission, as when I wrote it the analysis was incomplete.

The point concerns enforcement. Most behaviour change in response to the pandemic has been voluntary. People have reduced activity without coercion, although social pressure has doubtless been important. However, as we know, some legal sanctions were introduced. Since January my team has recorded data on people's perceptions of how likely they think they are to be caught and fined if they violate various restrictions. We have used statistical models to test whether the people who perceive a high likelihood behave differently; to test for an effect of deterrence. We find that the people who judged the likelihood of being caught and fined to be highest were less likely to meet up with many people from other households, although we found no effect on how likely they were to visit other homes or to have a close contact.¹ The effect is statistically significant but small compared to comparable effects that influence voluntary compliance. Overall, the analysis does not prove, but is consistent with, a modest deterrence effect limiting larger social gatherings.

That completes my opening statement. Thank you for your attention.

Pete Lunn, ESRI

¹ Results published at <https://www.gov.ie/en/collection/a7ee4-see-the-results-of-the-social-activity-measure-behavioural-study/>