



The Evyatar Outpost: Israel's New Pioneers

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EXECUTIVE SUMMARY: The establishment of the Evyatar outpost is a direct continuation of the activist pioneering ethos that the Yishuv leadership developed during the Arab riots of 1936-39, and that has long been lost to considerable parts of the Israeli political establishment.

The Evyatar outpost was set up in the midst of the recent war in Gaza. Located on a hill overlooking Highway 5—the Trans-Samaria Highway—from the north, it has a vital security importance. In the past, a military base on that hill enabled the seizure of weapons and terror operatives in the area.

The highway is a main corridor between greater Tel Aviv and the Jordan Valley. During the Oslo process, PM Yitzhak Rabin, in demarcating Area C, identified the corridors crossing the West Bank from west to east as vital to Israel. In his view, keeping the Highway 5 corridor under Israeli control was a necessary condition for controlling the Jordan Valley. When the Trump plan was issued, the struggle over control of the highway intensified, including the Palestinian occupation of the ancient Hasmonean fortress of Tel Aroma.

The timing of Evyatar's establishment must be understood in a wider context that includes the Arab rioting in Israeli cities during the latest Gaza war. During the 1936-39 riots, the Yishuv leadership realized that alongside defense and security efforts, it was crucial to take a proactive approach. Amid the tension that emerged between adopting a proactive mode of struggle and the moral restriction on revenge attacks on Arabs, David Ben-Gurion chose to expand the settlement enterprise as a form of activist Zionism. In that regard, the creation of Evyatar is part of the pioneering approach taken during the founding of the modern State of Israel.

In the face of this pioneering initiative, the state authorities, led by the defense establishment, are focusing their attention on the technical violations involved in building this community without the necessary documentation.

Circumstances that can justify taking the law into one's own hands, if they in fact exist, require a moral-philosophical discussion beyond the purely legal. Even a country like Britain, with its age-old legacy of the rule of law, was able to recognize the special conditions under which taking the law into one's own hands can be justified and expedient as a circumstantial necessity.

The Zionist enterprise has had to deal with this tension for more than a century. The basic problem concerns the ongoing struggle in the Land of Israel over the control of territory. As Zionist activist Manya Shohat, in her letter to Henrietta Szold in March 1909, described it:

[In] Palestine the land must not remain untended. When an Arab sees that no one is working the land, he settles on it, and from the moment he has eaten bread from that land he will not leave it. Then he has to be expelled by force, and the trials begin.... This, in turn, creates hatred between Arabs and Jews. Because the land cannot be left untended, it has to be leased to an Arab, and then the story that I described repeats itself.... The Arabs do not leave the land that was leased to them and the outcome is agrarian riots, trials, prison.

More than a century later, little has changed. What *has* changed—for the worse—is the degree to which many of Israel's leaders and jurists are aware of and sympathize with the difficulties of the pioneering struggle in the frontier areas. The complex dynamic of the struggle over territory in the Land of Israel continues to require approaches stemming from a sense of emergency. It is in light of the emergency conditions in which this struggle is still being waged that acts regarded from a formal legal standpoint as "taking the law into one's own hands" should be judged.

In the old days, the leaders of the labor movement understood the interrelationship between the institutional leadership and the pioneering groups who faithfully carried out the settlement enterprise. In the summer of 1967, cabinet minister Yisrael Galili visited Kibbutz Merom Golan, and when the residents asked for a promise that from the Israeli government's standpoint they were there to stay, he replied, "You people [should] promise that you will fight any Israeli government that tries to uproot you." That should be the basic principle for managing the tension between a state and its pioneers—a principle that considerable parts of the Israeli political establishment appear to have forgotten.

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