

Canada's Pro-Israel Lobby Attempts to Shut Down "Peaceful Pressure" against Israel's Systematic Violations of International Law

Reflections on the Timing of Ontario's Bill 202

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The latest attempt of the Zionist lobby in Canada to shut down attempts to organize peaceful pressure against the state of Israel's systematic violations of international law came at what must have seemed an opportune moment. On May 17, the day that Bill 202, "the Standing Up Against Anti-Semitism Act, 2016: An Act respecting participation in boycotts and and other anti-Semitic actions", was presented to the Ontario provincial legislature in Toronto and quickly passed first reading, Ontario Premier Katherine Wynne was in Israel, where she warmly shook the hand of Israeli Prime Minister Benjamin Netanyahu.

Wynne was reported as stating during that five-day visit that "any movement like the BDS [Boycott, Divestment, and Sanctions] movement that is based on anti-Semitism, that is based on division and promotes hatred, is just unacceptable."¹ Although at the same time Wynne also declared herself a supporter of free speech, the proponents of Bill 202, former Conservative Party leader Tim Hudak, Liberal Party deputy speaker of the House Mike Colle, and Avi Benlolo, the President and CEO of Friends of Simon Wiesenthal Center for Holocaust Studies, who drafted it with them,² may have hoped that it could be rushed through the House without significant opposition: the bill was scheduled for second and third readings on May 19 and 20.

That was a miscalculation, for when it came up for second reading Bill 202 was soundly defeated, by a vote of 39 to 19.³ Hudak, Colle, and Benlolo may have underestimated the capacity of human rights groups to mobilize their supporters at short notice, and they certainly erred in their assessment of the readiness of the provincial parliament to pass what amounted to a piece of full-blown neo-McCarthyism. But their timing may also have been less than optimal.

The text of Bill 202 begins with a Preamble that contains a series of statements most of which are either dubious or, to be frank, blatantly counterfactual. The first and most anodyne of these appears in the Preamble's opening sentence: "The State of Israel is the strongest ally and friend of Canada in the Middle East because of a shared commitment to democracy, freedom and human rights."⁴ No less than Premier Wynne's stunningly ignorant denunciation of BDS, many of the declarations which follow this statement in the Preamble to Bill 202, and which amount to a disgraceful and openly dishonest attempt to smear

human rights activists as perpetrators of hate crimes,⁵ urgently require refutation. But let us for the moment focus on this one apparently straightforward sentence.

The state-to-state friendship it refers to can hardly be doubted: Premier Wynne’s visit to Israel, in company with a large delegation of representatives from public and quasi-public institutions, nine Ontario universities, businesses in the life sciences, communications, and other fields, legal and public relations firms, unions, and taxpayer-subsidized charities, provides one salient example of this.⁶ However, the explanation of this friendship, though it has long been a cliché of Canadian political discourse, rings hollow in the context of events that have riven Israeli public opinion in recent months.

The politicians in this country who are happiest in mouthing verbiage about a shared commitment to human rights are also typically in the forefront of those most ready to continue and even exacerbate Canada’s ongoing mistreatment and dispossession of this country’s indigenous people—and they quite certainly stand among those so mentally coarse-grained as to feel no compunction about praising the human rights record of a flagrant and systematic violator of international humanitarian law. It is, unhappily, the case that Israeli law discriminates systematically against non-Jewish citizens—but setting this aside, let us contemplate instead the fact that Professor Eva Illouz of the Hebrew University, who is probably Israel’s leading sociologist, has described the “matrix of control” that her country imposes on the people of the illegally occupied Palestinian Territories as amounting to a “condition of slavery.”⁷ Non-Jewish citizens of Israel have a reduced set of civil and political rights; the Palestinians of the Occupied Territories have effectively no rights at all.

The absurdities about “a shared commitment to freedom and human rights” in Bill 202’s Preamble need not detain us. But what about the other term in that same sentence? How profound is Israel’s current commitment, even within its 1967 borders, to democracy?

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Any members of the Ontario parliament cosmopolitan enough to read *The New York Times* could have noticed in the *Sunday Review* following the defeat of Bill 202 a strikingly titled article, dated May 21, by Ronen Bergman: “Israel’s Army Goes to War With Its Politicians.”⁸ Contrary to what a naive reader might guess, this article does not contain news of a military coup d’état against the government of Benjamin Netanyahu. But in the wake of Netanyahu’s appointment of Avigdor Lieberman as Israel’s new Defense Minister, together with other recent events, the article comments on a high level of anger within the senior ranks of the military and security apparatus over that government’s growing extremism and defiance of legality—and in fact contains a direct threat of a possible coup.

Bergman calls Lieberman “a pugnacious ultranationalist,” “an impulsive and reckless extremist”; and a *New York Times* editorial published two days later quotes Netanyahu himself as having said in the recent past that “Lieberman hates me, he slanders me, he’s a dangerous man, he stops at nothing.”⁹ Bergman writes that

“In some conversations I’ve had recently with high-ranking officers about Mr Lieberman’s appointment as defense minister, the possibility of a military coup has been raised—but only with a smile. It remains unlikely. The biggest challenge to the relationship between the right-wing politicians and the top

brass will come if Mr Lieberman tries to get the army to do the kinds of things he has enthusiastically proposed in the past.”¹⁰

The threat could hardly be more explicit. Senior figures in the Israeli military and security apparatus were using the columns of their patron-state’s most authoritative newspaper to smilingly raise “the possibility of a military coup”—and thereby explain in stark terms to Netanyahu and Lieberman the precise limits of their power.

Bergman explains the current fissure between the Netanyahu government and senior military and intelligence officers as dating from 2010, when the latter “believed that the prime minister’s plan to attack Iran’s nuclear installations was politically motivated by electoral considerations and would embroil Israel in a superfluous war. Moreover, they thought he was going about it illegally, bypassing the cabinet.” Former Mossad director Meir Dagan told Bergman that Netanyahu lacked a common quality of other prime ministers he had known, that of putting “the national interest” ahead of “their own personal interest,” and said that he resigned from his position “because I was simply sick of him.”¹¹

According to Bergman, the “latest round of this conflict began on March 24” in Hebron when IDF Sergeant Elor Azariah killed with a bullet to the head a Palestinian man who, after stabbing another IDF soldier, had been wounded and was lying, motionless and incapacitated, on the ground. The IDF laid charges against the killer, but in what military leaders saw as a direct challenge to their authority (and, incidentally, the rule of law), Netanyahu called Azariah’s father to offer support, and former Deputy Prime Minister Lieberman, who at this point was no more than the leader of a small extremist opposition party, made an appearance in the military court to demonstrate his own support for Azariah.¹²

Though Bergman doesn’t mention the fact, these provocations were followed within several days by further indications of government extremism. In late March 2016, at the Yediot Achronot conference (where, as Richard Silverstein writes, “attacking BDS has become a veritable carnival of hate”), Intelligence Minister Israel Katz “called for the ‘civil targeted killing’ of BDS leaders like Omar Barghouti,” and Interior Minister Aryeh Deri

“voiced blatant lies claiming Barghouti and other BDS activists are in the pay of terrorist organizations and nations hostile to Israel. He warned that Israel would use the full force of its intelligence services against BDS treating them as if they are terrorists. In this circumstance, and knowing Israel has engaged in serial assassinations of its enemies, it’s not hard to foresee where this could end.”¹³

As Lawrence Davidson has commented, “Such official Israeli attitudes make a mockery of the claims of American politicians, such as Hillary Clinton, that ‘Israel is built on principles of equality, tolerance and pluralism [...]. And [—Clinton’s words still—] we marvel that such a bastion of liberty exists in a region so plagued by intolerance.”¹⁴

Ronen Bergman notes that the IDF’s Deputy Chief of Staff, Major General Yair Galon, “chose one of the most sensitive dates on the Israeli calendar, Holocaust Memorial Eve, to react....”¹⁵ On May 5, while Benjamin Netanyahu declared at the Yad Vashem Memorial

Center that “Anti-Semitism didn’t disappear with the death of Hitler in his bunker [....] propaganda in the Western world against Israel is no less poisonous than that of extremist Islam and the Arab world,” Golan, speaking in strikingly contrasting terms at a kibbutz in central Israel, said: “If there is something that frightens me in Holocaust remembrance, it is ghastly trends that took place in Europe in general, and in Germany specifically, 70, 80 and 90 years ago, and finding a sign of them here among us, today in 2016.”¹⁶

Veteran journalist Uri Avnery, who was born in Germany during the last years of the Weimar Republic, has remarked that

“General Golan was accused of comparing Israel to Nazi Germany. Nothing of the sort. A careful reading of his text shows that he compared developments in Israel to the events that led to the disintegration of the Weimar Republic. And that is a valid comparison. [....]

“The rain of racist bills in the Knesset, those already adopted and those in the works, strongly resembles the laws adopted by the Reichstag in the early days of the Nazi regime. Some rabbis call for a boycott of Arab shops. Like then. The call “Death to the Arabs” (“Judah verrecke”?) is regularly heard at soccer matches. A member of parliament has called for separation between Jewish and Arab newborns in hospital. A Chief Rabbi has declared that Goyim (non-Jews) were created by God to serve the Jews. Our Ministers of Education and Culture are busy subduing the schools, theater and arts to the extreme rightist line, something known in German as Gleichschaltung. The Supreme Court, the pride of Israel, is being relentlessly attacked by the Minister of Justice. The Gaza Strip is a huge ghetto. [....]

“Of course, no one in their right mind would even remotely compare Netanyahu to the Fuehrer, but there are political parties here which do emit a strong fascist smell. The political riffraff peopling the present Netanyahu government could easily have found their place in the first Nazi government.”¹⁷

Defense Minister Moshe Ya’alon, a former IDF Chief of Staff, defended General Golan against public criticism; and according to Ronen Bergman, “He told a gathering of top officers to speak freely, even if it went against political leaders.” Netanyahu summoned Ya’alon to an “urgent clarification discussion,” and shortly afterwards invited Lieberman “to join the government with his small parliamentary faction and offered him the defense portfolio.”¹⁸

On that same day, May 18, the Netanyahu government gave further evidence of lawless extremism, announcing the impending release from custody of Meir Ettinger, who had been arrested on a murder charge for an arson attack in January 2015 in the Occupied West Bank that killed Riham and Saad Dawabsha and their eighteen-month-old son Ali Saad, and left their severely-burned four-year-old son Ahmad as the only surviving member of the family.¹⁹ The message in this instance seems to be the same as in the Azariah case: Israeli extremists, whether in or out of uniform, can kill Palestinians with impunity.

On May 20, Moshe Ya’alon delivered a farewell discourse at IDF headquarters in Tel Aviv, saying that:

“I fought with all my might against manifestations of extremism, violence and racism in Israeli society, which are threatening its sturdiness and also trickling

into the IDF [...].

“I fought with all my might against attempts to harm the Supreme Court and Israel’s justices, trends whose outcomes greatly harm the rule of law [...].

“But to my great sorrow, extremist and dangerous elements have taken over Israel and the Likud Party and are shaking the foundations [...]. Sadly, senior politicians in the country have chosen the way of incitement and segregation of parts of Israeli society....”²⁰

Former Prime Minister Ehud Barak responded to Ya’alon’s resignation by declaring that Israel has been “infected by the seeds of fascism [...]. This government needs to be brought down before it brings all of us down. There are no serious leaders left in the world who believe the Israeli government.”²¹

The fact that Moshe Ya’alon has been elevated, by comparison with his successor as Minister of Defense, to the status of an exemplary defender of legality and opponent of “extremism, violence and racism” must stand as one of the disturbing features of this situation. For Ya’alon has been accused of responsibility for repeated massacres of civilians committed in the course of a long military career that included two spells of service as IDF Chief of Staff, in 2002-2005 and 2013-2014.

In 1996 Ya’alon had command authority for Israeli military strikes in Qana, Lebanon in which, as Ramzy Baroud writes, “hundreds of civilians and UN peacekeepers were killed and wounded”; and as Chief of Staff during the Second Intifada, “he ordered the assassination of hundreds of Palestinians and oversaw various massacres that were carried out by the Israeli army.”²² In 2014, he was responsible not just for the overall plan of a 51-day attack on Gaza that devastated its life-support and healthcare infrastructures and killed more than 2,200 Palestinians, over 70 percent of them civilians, but also for the details of some of that attack’s most horrifying features. According to Baroud,

“The destruction of Shujaya, in particular, was a calculated strategy devised by Ya’alon himself. In a June 2013 meeting with UN Secretary-General, Ban-Ki-Moon, Ya’alon informed the UN chief that he would bomb the entire neighborhood in case of war. He did.

“In May 2015, he was still unrepentant. Speaking at a conference in Jerusalem, he threatened to kill civilians in case of another war on Lebanon. ‘We are going to hurt Lebanese civilians to include kids of the family,’ he said. ‘We went through a very long deep discussion. We did it then, we did it in (the) Gaza Strip, we are going to do it in any round of hostilities in the future,’ he said.”²³

How much ethical daylight is there, then, between a man like Moshe Ya’alon (or, for that matter, Ehud Barak, who was the Defense Minister responsible for the Operation Cast Lead attack on Gaza in 2008-2009) and acknowledged “extremists” like Netanyahu and Lieberman?

During a November 2014 visit to a military base in Gush Etzion, Ya’alon is reported to have said: “It must be clear that anyone who comes to kill Jews must be eliminated. Any terrorist who raises a gun, knife or rock, tries to run over or otherwise attack Jews, must be put to

death.”²⁴ Summary extra-judicial execution, in a word, is the appropriate response for any gesture of active or violent resistance by Palestinians—including children, who make up the majority of those rash enough to throw rocks as soldiers and armed settlers.

If this is the position from which the strongest opposition within Israel to “extremism” is to be mounted, there seems little reason for optimism.

* * * *

In 2010, the prominent Israeli journalist Gideon Levy appealed in an interview with Johann Hari of *The Independent* for

“anybody who is seriously concerned about Israel’s safety and security to join him in telling Israelis the truth in plain language. ‘A real friend does not pick up the bill for an addict’s drugs: he packs the friend off to rehab instead. Today, only those who speak up against Israel’s policies—who denounce the occupation, the blockade, and the war—are the nation’s true friends.’

“The facts are clear. Israel has no real intention of quitting the territories or allowing the Palestinian people to exercise their rights. No change will come to pass in the complacent, belligerent, and condescending Israel of today. This is the time to come up with a rehabilitation programme for Israel.”²⁵

Four years later, in the midst of yet another convulsion of Israeli state terrorism against Gaza, and after having in the preceding month been subjected to death threats, incitement of hatred against him on the floor of the Knesset, and a mob attack in Ashkelon that obliged him to flee from an interview that *Channel 2 Television* was attempting to conduct with him, Levy wrote defiantly on August 8, 2014 that

“They haven’t succeeded in silencing me. I will continue to write about the brutality of this war, about the atrocities, the mass killing of civilians and the horrifying destruction in Gaza.

“But I am not the story. The real tale to be told is of the unprecedented cracks in Israeli democracy that have been revealed in just one month of conflict. Years of nationalist incitement by the Israeli government, of expressions of racism, of anti-democratic legislation, or price-tag reactions against the Palestinians in the West Bank, without anyone being brought to justice—all of that intolerance has suddenly exploded in our faces.”²⁶

In late July 2014, at the height of the bombardment of Gaza, Levy said to Amy Goodman of *Democracy Now!*:

“I am one of those who believe that the only way to get out of this vicious circle is by international intervention, because Israel will not change by itself. And the only way is also by making Israel pay a price for the crimes of the occupation. And for this, there must be a wake-up call for the international community....”²⁷

But the likelihood of any form of intervention on the state level, in the form (for example) of

economic pressure and an arms embargo, seems slender. In September 2014, Levy told Lara Marlowe of the *Irish Times* that Westerners should support the Boycott, Divestment, and Sanctions campaign, “because there won’t be a change from within, because Israel will not be punished for the occupation, because in South Africa it was very effective....”²⁸

The alternative to a determined exertion of peaceful economic and political pressure is a grim one. In December 2014, the Israeli filmmaker and journalist Lia Tarachansky provided to Paul Jay of *The Real News Network* what must now seem a brilliantly prescient analysis of the events unfolding before us. Following the final collapse of illusions about the so-called “peace process,” she argued, “Israel is now ripping itself apart. And fascism is celebrating in the ruins.”²⁹

Notes:

1 Jennifer Tzivia MacLeod, “Israel trip means big business, Premier tells the CJN,” *The Canadian Jewish News* (24 May

2016), <http://www.cjnews.com/news/canada/israel-trip-means-big-business-premier-tells-cjn>. Wynne made a similar statement in Tel Aviv near the beginning of her visit: “‘I entirely oppose the BDS movement. In fact, any position that promotes or encourages anti-Semitism in any way—we have to stand against that,’ she announced to enthusiastic applause.” Jennifer Tzivia MacLeod, “Wynne speaks out against BDS during Israel trip,” *The Canadian Jewish News* (20 May 2016), <http://www.cjnews.com/news/israel/wynne-speaks-bds-israel-trip>.

2 Sheri Shefa, “Anti-BDS bill defeated at Queen’s Park,” *The Canadian Jewish News* (20 May 2016), <http://www.cjnews.com/news/canada/anti-bds-bill-defeated-at-queens-park>.

3 Allison Jones, “Ontario bill targeting boycott movement against Israel voted down,” *The Globe and Mail* (19 May 2016), <http://www.theglobeandmail.com/news/national/ontario-bill-targets-israel-boycott-movement/article30096088/>.

4 See *1st Session, 41st Legislature, Ontario, 65 Elizabeth II, 2016, Bill 202: An Act respecting participation in boycotts and other anti-Semitic actions*, http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session1/b202.pdf.

5 Ibid. These include statements that the BDS movement “is one of the main vehicles for spreading anti-Semitism”; that it “violates the principle of academic freedom and promotes a climate of anti-Jewish and anti-Israel speech leading to intimidation and violence on campuses”; that its “agenda is inherently antithetical to and deeply damaging to peace in the Middle East”; and that it is “anti-Jewish and anti-Israeli” and “promot[es] a climate of hatred, intimidation, intolerance, exclusions and hostility based on ethnicity, national origin and religion.” These statements are clearly intended to evoke the “Hate Propaganda” clauses of the *Canadian Criminal Code* (Sections 318-321.1).

6 For a full description of the May 2016 Ontario Business Mission, see <https://news.ontario.ca/opo/en/2016/05/premier-departs-on-first-business-mission-to-the-middle-east.html>. (I am indebted to Karin Brothers for this information.)

7 Eva Illouz, “47 years a slave: a new perspective on the occupation,” *Haaretz* (7 February 2014), <http://www.haaretz.com/news/features/.premium-1.572880>. In addition to her professorship at the Hebrew University, Illouz was appointed in 2012 as President of the Bezalel Academy, Israel’s national academy of art. She is the author of nine books and of more than eighty articles and book chapters, and the recipient of major academic awards in France, the US, and Germany, among them the 2013 Anneliese Meier Award of the Alexander von Humboldt Foundation.

8 Ronen Bergman, “Israel’s Army Goes to War With Its Politicians,” *The New York Times* (21 May 2016), http://www.nytimes.com/2016/05/22/opinion/sunday/israels-army-goes-to-war-with-its-politicians.html?_r=0.

9 "A Baffling, Hard-Line Choice in Israel," *The New York Times* (23 May 2016), http://www.nytimes.com/2016/05/24/opinion/a-baffling-hard-line-choice-in-israel.html?mabRe ward=A3&moduleDetail=recommendations-2&action=click&contentCollection=Opinion®ion=Footer&module=WhatsNext&version=WhatsNext&contentID=WhatsNext&src=recg&pgtype=article&_r=0.

10 Bergman, "Israel's Army Goes to War With Its Politicians."

11 Ibid.

12 Ibid. For a video, provided by the human rights organization B'tselem, of Azariah's murder of the incapacitated Palestinian in Hebron, see Jonathan Cook, "Another routine execution by Israeli troops," *Jonathan Cook: the Blog from Nazareth* (24 March 2016), <http://www.jonathan-cook.net/blog/2016-03-24/another-routine-execution-by-israeli-troops/>.

13 Richard Silverstein, "Israeli Minister calls for 'Civil Targeted Killings' of BDS Leaders," *Tikun Olam* (30 March 2016), <http://www.richardsilverstein.com/2016/03/30/israeli-minster-calls-for-civil-targeted-killings-of-bds-leaders/>. Silverstein notes that the phrase used by Katz, *sikul ezrahi memukad*, "derives from the euphemistic Hebrew phrase for the targeted killing of a terrorist (the literal meaning is 'targeted thwarting'). But the added word 'civil' makes it something different. Katz is saying that we won't *physically* murder BDS opponents, but we will do everything short of that." Deri seems effectively to have wanted to delete that word 'civil'.

14 Lawrence Davidson, "The Unraveling of Zionism?" *CounterPunch* (23 May 2016), <http://www.counterpunch.org/2016/05/23/the-unraveling-of-zionism/>.

15 Bergman, "Israel's Army Goes to War With Its Politicians."

16 "Wreaths Laid at Yad Vashem Memorial Center as Israel Remembers Holocaust," *Deutsche Welle* (5 May

2016), <http://www.dw.com/en/wreaths-laid-at-yad-vashem-memorial-center-as-israel-remembers-holocaust/a-19237679>.

17 Uri Avnery, "Israeli Weimar: It Can Happen Here," *CounterPunch* (23 May 2016), <http://www.counterpunch.org/2016/05/23/israeli-weimar-it-can-happen-here/>.

18 Bergman, "Israel's Army Goes to War With Its Politicians."

19 "Jewish Extremist Accused of Dawabsha Murders to be Released," *The Palestine Chronicle* (18 May 2016), <http://www.palestinechronicle.com/24251/>. Meir Ettinger is a grandson of the notoriously racist Rabbi Meir Kahane. He was imprisoned for six months in 2012 "for collecting intelligence about the IDF's plans to evacuate settlements," and in January 2014 was briefly held captive by Palestinian villagers along with several other settlers allegedly involved with him in an attempted "price tag" attack. He is suspected of having organized an arson attack on the Church of the Multiplication at Tabgha in northern Israel in June 2015. See Simona Weinglass, "Who is Meir Ettinger, the Shin Bet's No. 1 alleged Jewish nationalist?" *The Times of Israel* (6 August 2015), <http://www.timesofisrael.com/who-is-meir-ettinger-the-shin-bets-no-1-alleged-jewish-nationalist/>.

20 Jonathan Lis, "Outgoing Defense Minister Ya'alon: Extremists Have Taken Over Israel," *Haaretz* (20 May 2016), <http://www.haaretz.com/israel-news/1.720653>.

21 "Israel Has Been Infected by the Seeds of Fascism, Says ex-Prime Minister Ehud Barak," *Haaretz* (20 May 2016), <http://www.haaretz.com/israel-news/1.720715>.

22 Ramzy Baroud, "Israel's Future is Terrifying: Moshe Ya'alon and Israel's Disconcerting 'Morality'," *CounterPunch* (1 Jun 2016), <http://www.counterpunch.org/2016/06/01/israels-future-is-terrifying-moshe-yaalon-and-israels-disconcerting-morality/>.

23 Ibid.

24 Ibid.

25 Johann Hari, "Is Gideon Levy the most hated man in Israel or just the most heroic?" *The*

Independent (24 September

2010), <http://www.independent.co.uk/news/world/middle-east/is-gideon-levy-he-most-hated-man-in-israel-or-just-the-most-heroic-2087909.html>.

26 Gideon Levy, "Opinion: Why Israel is its own worst enemy," *CNN* (8 August 2014), <http://www.cnn.com/2014/08/08/opinion/israel-own-worst-enemy-levy/>.

27 "Israeli Writer Gideon Levy: If Netanyahu Wants to Stop the Rockets, He Needs to Accept a Just Peace," *Democracy Now!* (22 July 2014), http://www.democracynow.org/2014/7/22/israeli_writer_gideon_levy_if_netanyahu.

28 Lara Marlowe, "Holocaust makes Israelis think international law doesn't apply," *Irish Times* (11 September 2014), <http://www.irishtimes.com/news/world/holocaust-makes-israelis-think-international-law-doesn-t-apply-1.1924554>.

29 "Identity and Collective Denial—Lia Tarachansky on Reality Asserts Itself (3/3)," Interview with Paul Jay, *The Real News Network* (19 December 2014), http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=12867. Tarachansky is the writer and director of *On the Side of the Road* (Naretiv Productions, 2013), an award-winning feature-length documentary which explores the attempted silencing of the State of Israel's early history, the attempted erasure of Palestine, and the ensuing "Israeli landscape of denial."

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