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RESEARCH ARTICLE

The 'Question of Palestine': From liminality to emancipation

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Abstract

While the gravity of the injustice and inequality experienced by Palestinians is now widely documented, evidenced, and acknowledged, when it comes to *action* the situation appears 'impervious' to international law and norms of global politics, with Israel largely enjoying impunity. This article argues that this state of affairs can be most coherently understood through a critical interdisciplinary emancipatory framework centred on 'liminality'. Referring to situations and actors 'betwixt and between', the framework of liminality offers significant potential for understanding how particular actors and spaces are intentionally marginalised, disempowered, and silenced within global politics and international law. Furthermore, in revealing the root causes of liminality, and the inherent vulnerability of such spaces to contestation and subversion, the framework also opens up potential pathways of transformative emancipation. Applying the lens of liminality to Palestine, it is demonstrated that Palestinians have been deliberately corralled to a liminal space within international law and global politics in order to enable an expansionist Zionist/Israeli settler colonial enterprise. After exploring how Palestinian liminality manifests in global politics and international law, the article turns to a range of efforts to subvert Palestinian liminality and assesses prospects for a teleological emancipation for Palestinians.

Introduction

While the gravity of injustice, inequality, and human rights abuses experienced by Palestinians is now widely documented, evidenced, and acknowledged, when it comes to *action* the situation appears 'impervious' to international law and norms of global politics, with Israel largely enjoying impunity.[1] This article argues that the dire reality facing Palestinians can be most coherently understood through a critical interdisciplinary and emancipatory framework centred on the paradigm of 'liminality'. An emergent concept within critical international relations (IR), but building on a wealth of scholarship in fields such as anthropology and social theory, liminality refers to situations where actors are 'betwixt and between the positions assigned and arrayed by law, custom, convention'.[2] Liminality offers tremendous potential to understand the processes by which particular actors and groups are marginalised, disempowered, and silenced within the regimes of global politics and international law. In particular, theorising on liminality reveals how liminal

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[1]Virginia Tilley, *Beyond Occupation: Apartheid, Colonialism and International Law in the Occupied Palestinian Territories* (London: Pluto 2012); Laurie King-Irani, 'Exiled to a liminal legal zone: Are we all Palestinians now?', *Third World Quarterly*, 27:5 (2006), pp. 923–36; Susan M. Akram, Michael Dumper, Michael Lynk, and Iain Scobbie (eds), *International Law and the Israeli-Palestinian Conflict: A Rights-Based Approach to Middle East Peace* (Oxon: Routledge, 2010).

[2]Victor Turner, *Ritual Process: Structure and Anti-Structure* (London: Routledge, 1996), p. 95.

spaces do not emerge because of 'accidents of history' or 'local dysfunctions',[3] but rather because it is in the interests of the powerful for certain actors to be corralled as liminal.[4] Yet liminal status is not necessarily permanent. Liminal spaces and framing are inherently contestable and vulnerable to subversion, enabling mobilisation and, ultimately, emancipation.[5]

In order to understand and potentially subvert liminality, it is necessary to lay bare the drivers and rationale behind the creation of liminal actors and spaces – who benefits, how, and why? As Adi Ophir, Michal Givoni, and Sari Hanafi argue, the 'Question of Palestine'[6] is often regarded as arising from a 'tragedy in which the most moral, most justified "solution" to "the Jewish problem"' – the creation of the state of Israel as a haven for world Jewry – 'has taken a perverted, accidental turn'.[7] This frame of analysis is particularly prevalent within mainstream IR. However, the tragedy of the Question of Palestine is not the result of an 'accidental' turn of history. A key aim of the Zionist movement was to create a safe haven for Jews in the face of virulent anti-Semitism in Europe – which eventually reached its dreadful peak with the Holocaust. However, Zionist strategy for this safe haven did not aim to co-exist with the indigenous Palestinian inhabitants, but instead to achieve control over the largest amount of historic Palestine – while minimising, as much as possible, the number of indigenous Palestinians remaining within it.[8] This resulted in a settler colonial project to 'eliminate, eradicate and replace' the indigenous people of historic Palestine, an endeavour that was enabled on a large-scale once client-patron alliances were established between Britain and the Zionist movement, and after 1948, between the United States (US) and the state of Israel.[9] As a result, a settler colonial project has been enacted in historic Palestine from the earliest days of the Zionist movement through to its current apogee in the Israeli state – including Israel threatening an illegal annexation of the West Bank in 2020.[10]

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[3]Susan Marks, 'Human rights and root causes', *The Modern Law Review*, 74:1 (2011), pp. 57–78.

[4]Bahar Rumelili, 'Liminal identities and processes of domestication and subversion in International Relations', *Review of International Studies*, 38:2 (2012), pp. 495–508; Maria Malksoo, 'The challenge of liminality for International Relations theory', *Review of International Studies*, 38:2 (2012), pp. 481–94; Iver Neumann, 'Introduction to the forum on liminality', *Review of International Studies*, 38:2 (2012), pp. 473–9.

[5]Malksoo, 'The challenge of liminality for International Relations theory', p. 492; Rumelili, 'Liminal identities and processes of domestication and subversion in International Relations', p. 496; Fiona McConnell, 'Liminal geopolitics: The subjectivity and spatiality of diplomacy at the margins', *Transactions of the Institute of British Geographers*, 42:1 (2017), pp. 139–52.

[6]The phrase the 'Question of Palestine' emerged after the area known as historic Palestine was placed under British Mandate by the League of Nations in 1922. The British incorporated the 'Balfour Declaration' – a statement of support for the establishment of a Jewish homeland within historic Palestine – at the core of their Mandate control, but attempted to acquiesce Palestinian protests by insisting Britain would act as a fair arbiter over 'competing' claims to the land. British control over Palestine became increasingly fraught, and in 1947 they handed the 'Question of Palestine' over to the successor of the League, the United Nations (UN). Later that year, the UN voted (UN Resolution181) to partition historic Palestine into two states – one Jewish and one Arab (Palestinian). In the ethnic cleansing and Israeli-Arab conflict that followed, three-quarters of Palestine's indigenous population was forcibly displaced. These Palestinians and their descendants remain refugees to this day. The 'Question of Palestine' then became further complicated with the Israeli military occupation of the remaining Palestinian Territories of the West Bank and Gaza in 1967 (previously controlled by Jordan and Egypt respectively). Despite UN Resolution181 voting to establish a Palestinian state, no such state has been allowed to emerge. The term the 'Question of Palestine' has, over the years, come to reflect the complexities of the Palestinian reality. United Nations, 'The Question of Palestine' (n.d.), available at: {https://www.un.org/unispal/history/}.

[7]Adi Ophir, Michal Givoni, and Sari Hanafi, 'Introduction', in Adi Ophir, Michal Givoni, and Sari Hanafi (eds), *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Palestinian Territories* (New York: Zone Books, 2009), pp. 15–30 (p. 15).

[8]Elia Zuriek, *Israel's Colonial Project in Palestine: Brutal Pursuit* (London: Routledge 2016); Patrick Wolfe, 'Settler colonialism and the elimination of the native', *Journal of Genocide Research*, 8:4 (2006), pp. 387–409; Nadera Shalhoub-Kevorkian, *Security Theology, Surveillance and the Politics of Fear* (Cambridge: Cambridge University Press, 2015); Lorenzo Veracini, *Israel and Settler Society* (London: Pluto Press 2006).

[9]Shalhoub-Kevorkian, *Security Theology*, p. 5; Wolfe, 'Settler colonialism and the elimination of the native'; Veracini, *Israel and Settler Society*; Tilley, *Beyond Occupation*.

[10]Nathaniel Berman, 'Annexation in the Shadow of the Law – Part 1', International Commission of Jurists (21 May 2020), available at: {opinojuris.org/2020/05/21/annexation-in-the-shadow-of-the-law/}.

In order to enable this Zionist/Israeli settler colonial enterprise, and in an attempt to justify the violence used against the indigenous people of Palestine to this end, the Palestinians have been cast into a deeply liminal zone within global politics and international law where their political and legal subjectivity has been stripped,[11] and they have been demonised as a 'Monstrous Other'.[12] The direct result of this Othering is that all political and legal initiatives relating to the Question of Palestine have been fashioned within liminal confines, including measures ostensibly aimed at 'improving' the Palestinian reality – such as the so-called Israeli-Palestinian peace process. Such initiatives have enabled Israeli settler colonialism to continue unabated, resulting in an ever-worsening reality for Palestinians on the ground. The framework of liminality, then, reveals that the origins of the 'Question of Palestine' lie in naked power politics.

As liminal positioning and framing is inherently unstable, however, an analysis through the paradigm of liminality reveals potential for emancipation. The emancipation considered here is a teleological one that goes beyond the conflation of emancipation with discourses such as human rights, human security and democracy, and instead conceives of the Palestinian people freeing themselves from colonial, apartheid, and racist oppression.[13] While Palestinians have thus far been relegated to what might appear to be a permanent chamber of liminality, they have capitalised on the dynamic nature of liminality – chipping away at, contesting, challenging, and destabilising the boundaries of their liminality by looking for what Laurie King-Irani calls the 'cracks that let in the light'.[14] This has occurred both through steadfast work to engage the remaining counter-hegemonic potential of international law and global politics, and efforts outside of the main architecture of the international system through civil society and social movements.[15]

The first section of this article maps the conceptual framework employed, making the case that the concept of liminality, within a wider critical interdisciplinary emancipatory approach, presents a potential 'Master' concept for analyses of actors struggling against injustice and inequality.[16] The article then turns to concrete examples of how this liminality situates Palestinians 'betwixt and between' the norms of global politics and undermines their subject position within the supposed universalist confines of international law. The third part of the article addresses the origins of Palestinian liminality – namely in the Zionist/Israeli settler colonial project to 'eliminate, eradicate and replace' Palestinians; and the justification of this project through the deployment of hegemonic discourses which frame Palestinians as a 'Monstrous Other'. Finally, the subversive potential of liminality is explored. This includes examples which draw on existing structures of global politics and international law – such as the recognition of the State of Palestine, Palestine's actions in the International Criminal Court (ICC), and the use of the legal mechanism of Universal Jurisdiction (UJ). The article also explores action outside of the main corridors of global power – namely the efficacy of social movement actions in relation to the Boycott, Divestment and Sanctions (BDS) movement and the growing push for a 'One State Solution' in Israel and Palestine.

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[11]I thank the *RIS* anonymous reviewer for their insight clarifying this point.

[12]Sean McMahon, *Discourses of Palestinian-Israeli Relations* (New York: Routledge, 2010); Neve Gordon, 'From colonization to separation: Exploring the structure of Israel's occupation', in Ophir, Givoni, and Hanafi (eds) *The Power of Inclusive Exclusion*, pp. 239–68 (pp. 250–1).

[13]I thank the *RIS* anonymous reviewer for their feedback developing this point.

[14]King-Irani, 'Exiled to a liminal legal zone', p. 930.

[15]Balakrishnan Rajagopal, 'Counter-hegemonic international law: Rethinking human rights and development as a Third World strategy', *Third World Quarterly*, 27:5 (2006), pp. 767–83; Richard Falk, *(Re)Imagining Humane Global Governance* (Oxon: Routledge, 2014).

[16] Bjørn Thomassen, 'Thinking with liminality: To the boundaries of an anthropological concept', in Agnes Horvath, Bjørn Thomassen, and Harald Wydra (eds), *Breaking Boundaries: Varieties of Liminality* (Oxford: Berghahn, 2015), pp. 39–60 (p. 39); Malksoo, 'The challenge of liminality for International Relations theory'; Rumelili, 'Liminal identities and processes of domestication and subversion in International Relations'; Neumann, 'Introduction to the forum on liminality', pp. 473–9.

A critical interdisciplinary emancipatory approach and the paradigm of liminality

The 'accidental' or 'unavoidable tragedy' explanations for the Question of Palestine have not only obfuscated the root causes of Palestinian liminality, but have resulted in the notion that the Israel-Palestine reality is somehow exceptional, with this leading to a reluctance to apply theory to its analysis.[17] As scholars such as Ophir, Givoni, and Hanafi argue, this eliding of theory has impeded the analysis of systems of power between Israel and Palestine and their related 'history, structure and logic'.[18] In this article, I posit that a critical interdisciplinary emancipatory approach, centred on the paradigm of liminality, reveals that Palestine has been deliberately and instrumentally consigned to a liminal zone within global politics and international law, that the origins of this liminality must be understood and subverted, and on this basis a path can be taken towards transformative emancipation.[19] This framework, moreover, has wider efficacy beyond Palestine, particularly for other global actors rendered liminal.

While liminality is a relatively new concept within critical IR, it has a much longer provenance in fields such as social, cultural, and political geography; cultural and social theory; sociology; and literature. To make the case for the importance of liminality, it is necessary to briefly trace its genealogy. Etymologically, liminal comes from 'limen' ('a threshold that needs to be crossed') and 'limes' (a border between).[20] In 1909 the ethnographer Arnold van Gennep – who focuses on liminality as a *threshold* – theorised 'liminality' as 'a transitory state of inbetweenness' that occurs during rites of passage.[21] In the 1960s, cultural anthropologist Victor Turner extended this idea, arguing that liminality is not only a threshold, but can become a 'place of habitation' – a position, situation, or status that is 'neither here nor there, betwixt and between the positions assigned and arrayed by law, custom, convention' and ceremony.[22] Liminality, Turner believes, can 'become a set way of life', and a crucial concept for understanding social change.[23] Turner moreover posits that those occupying liminal situations 'may be disguised as monsters, stripped naked', which, as will be demonstrated, resonates with the work of Edward W. Said, Giorgio Agamben, Judith Butler, and Achille Mbembe on the dehumanisation of the 'Other'.[24] Critically, Turner also argues that liminal groups possess revolutionary potential to subvert social limits and constraints.[25]

The concept of liminality was applied more widely from the 1980s, when it emerged as a key idea among sociologists, cultural theorists, postcolonial scholars, philosophers, and political anthropologists. Sociologist Shmuel Eisenstadt, for example, uses it to trace sociopolitical transformations across social and cultural contexts,[26] while for Homi Bhabha, liminality is the location where 'the margins' displace 'the centre'.[27] For Said, the experience of exiled intellectuals is one of liminality, of being 'neither completely at one with the new setting nor fully disencumbered of the old',[28] and for Zygmunt Bauman, liminality is 'an unstructured, formless condition, where neither the "old" nor the "new" rules apply'.[29] Such ideas are echoed in the work of political

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[17]Ophir, Givoni, and Hanafi, 'Introduction', p. 20.

[18]Ibid.; McMahon, *Discourses of Palestinian-Israeli Relations*.

[19]I thank the *RIS* anonymous reviewer for their feedback on this point.

[20]McConnell, 'Liminal geopolitics', p. 141.

[21]Ibid., emphasis added.

[22]Turner, *Ritual Process*, p. 95.

[23]Victor Turner, *Blazing the Trail: Way Marks in the Exploration, of Symbols*, ed. Edith Turner (Tuscon and London: The University of Arizona Press, 1992), p. 49; Arpad Szakolczai, 'Living permanent liminality: The recent transition experience in Ireland', *Irish Journal of Sociology*, 22:1 (2014), pp. 28–50 (p. 33).

[24]Turner, *Ritual Process*, p. 95.

[25]Ibid., pp. 167.

[26]Shmuel Eisenstadt, 'Comparative liminality: Liminality and dynamics of civilisation', *Religion*, 15:3 (1985), pp. 315–38.

[27]Homi Bhabha, *Nations and Narration* (Routledge: London, 1990).

[28]Edward W. Said, *Representations of the Intellectual* (London: Vintage, 1996), p. 49.

[29]Zygmunt Bauman, 'After the patronage state: A model in search of class interests', in C. G. A. Bryant and E. Mokrzycki (eds), *The New Great Transformation? Change and Continuity in East-Central Europe* (London: Routledge, 1994), pp. 15–17.

anthropologist Liisa Malkki, where liminality assists in understanding the experience of refugees, who fall 'outside' of the 'categorical order of nation-states' in global politics.[30] Bjørn Thomassen, meanwhile, argues that liminality signifies something basic and universal, namely 'finding oneself at a boundary … an in-between position, either spatially or temporally'. He thus argues that liminality assists in understanding how people deal with social, cultural, and political change.[31] Such is the utility of liminality that the concept has been applied to subjects as diverse as natural disasters, transgender identities, airports, cyborgs, and the politics of young people.[32]

Over the past three decades – as IR (and critical IR in particular) has increasingly engaged with a range of disciplines such as critical anthropology, cultural theory, and postcolonial studies – liminality has found itself to be of increasing utility to the field. It has been applied to scholarship including: analyses of political identity;[33] European politics;[34] the positioning of marginal states within the EU;[35] Australia's geopolitical positioning;[36] post-communist transitions;[37] the diplomacy of marginal actors;[38] Turkish exceptionalism;[39] peacebuilding;[40] social movements;[41] and refugees.[42] A number of critical IR scholars, however, argue that liminality has 'considerable unrealised potential' and comprises a 'Master concept' for the field.[43] As Maria Malksoo notes, liminality has the potential to make a significantly greater contribution to IR scholarship – particularly in relation to understanding power, sovereignty, and security, and for analyses of 'agent structure relationship, state formation and recognition, war and political violence, structural transformation of the international system, extraordinary politics during the times of transition, and the constitution of political identities'.[44]

According to Malksoo, the reason liminality has not been widely applied to these topics and areas to date is that liminality challenges foundational approaches of traditional IR, disturbing deep-seated 'level of analysis' frameworks which emphasise a 'fundamental ontological interconnection between the "high" and "low", the "centre" and the "periphery"' and other static categories.[45] Applying liminality as a framework in IR thus has important epistemological and ontological ramifications, revealing the 'entangled nature and asymmetrical power configurations'

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[30]Liisa Malkki, 'National geographic: The rooting of peoples and the territorialization of national identity among scholars and refugees', *Cultural Anthropology*, 7:1 (1992), p. 34.

[31]Thomassen, 'Thinking with liminality', pp. 39–60 (p. 40).

[32]McConnell, 'Liminal geopolitics', p. 141.

[33]Anne Norton, *Reflections on Political Identity* (Baltimore, MD: Johns Hopkins University Press, 1988).

[34]Iver B. Neumann. 'Self and Other in International Relations', *European Journal of International Relations*, 2:2 (1996), pp. 139–74.

[35]Bahar Rumelili, 'Liminality and the perpetuation of conflicts: Turkish-Greek relations in the context of community building by the EU', *European Journal of International Relations*, 9 (2003); Malksoo, 'The challenge of liminality for International Relations theory'.

[36]Richard A. Higgot and Kim Richard Nossal, 'The international politics of liminality: Relocating Australia in the Asia-Pacific', *Australian Journal of Political Science*, 32:2 (1997), pp. 169–85.

[37]Agnes Horvath, 'Tricking into the position of the outcast: A case study in the emergence and effects of communist power', *Political Psychology*, 19:2 (1998), pp. 331–47.

[38]McConnell, 'Liminal geopolitics'.

[39]Lerna K. Yanik, 'Constructing Turkish "exceptionalism": Discourses of liminality and hybridity in post-Cold War Turkish foreign policy', *Political Geography*, 30:2 (2011), pp. 80–9.

[40]Özker Kocadal, 'Emerging power liminality in peacebuilding: Turkey's mimicry of the liberal peace', *International Peacekeeping*, 26:4 (2019), p. 431.

[41]Guobin Yang, 'The liminal effects of social movements', *Sociological Forum*, 3 (2000), pp. 379–406.

[42]Liisa Malkki, *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania* (Chicago, IL: University of Chicago Press, 1995), pp. 2–8.

[43]Thomassen, 'Thinking with liminality', p. 39; Malksoo, 'The challenge of liminality for International Relations theory'; Rumelili, 'Liminal identities and processes of domestication and subversion in International Relations'; Neumann, 'Introduction to the forum on liminality'.

[44]Malksoo, 'The challenge of liminality for International Relations theory', p. 481.

[45]Ibid., p. 482.

of geopolitics, calling for a 'cyclical' rather than a 'progressive' conception of global politics, and pushing for a 'relational rather than absolute conception of power'.[46]

Liminality is of particular relevance to those in IR who are concerned with the critical project, with the frame of liminality functioning to reveal, and demand greater critique of, injustice, inequalities, and alienations produced by hegemonic processes in global politics.[47] A particularly vital contribution here is the way the lens of liminality spotlights marginalised actors.[48] As Maria Malksoo, Bahar Rumelili, and Iver Neumann outline, liminality enables us to understand how and why marginalised spaces are deliberately created within global politics and how these liminal spaces and positionalities might be challenged and subverted.[49] This focus on the margins, Fiona McConnell argues, raises questions of who is, who is not, and who should be regarded as a 'legitimate actor' in global politics, thereby troubling 'the stasis' of hegemonic political subjectivities.[50] The focus of liminality furthermore demands that IR take seriously 'practices, discourses and experiences' that are often considered to be beyond the primary focus of global politics, and seeks to 'capture the particular, contingent and idiosyncratic' with a 'sensitive grasp of context'.[51]

One example of how liminality troubles the stasis of hegemonic approaches is the application of the lens to the 'Arab Spring'. As Rumelili outlines, rather than the standard approach of analysing whether Arab states are becoming liberal democracies, the frame of liminality invites us to critique how the uprisings in the Arab world from 2011 might reshape 'discourses on democracy'.[52] Likewise, instead of statist analyses critiquing what they see as deficiencies of the European Union (EU) in the anarchical system, a liminal critique focuses on the frailties of 'Westphalian structures of bounded community'.[53] Due to the efficacy of liminality as a framework, a number of scholars have applied the lens to various aspects of the Question of Palestine – with Laurie King-Irani exploring Palestinian liminality within international law,[54] Lisa Bhungalia examining the framing of the Gaza Strip as liminal so as to collapse the categories of 'combatant' and 'civilian',[55] and Michelle Pace and Polly Pallister-Wilkins unpacking the framing of Hamas as a liminal actor.[56] In this article, I apply the lens of liminality to the wider 'Question of Palestine'.

When applying the framework of liminality, it becomes clear that it exists in a symbiotic relationship with emancipation. On the one hand, it is only once the root causes of injustice and inequality are revealed by a liminal framework that potential avenues for emancipation are revealed. At the same time, without approaching a space or place inscribed as liminal from the perspective of creating transformative emancipation, it becomes difficult to subvert liminality, and achieve change that is anything more than 'lip service'. The notion of emancipation is, of course, a core concern of many critical IR scholars – particularly those from critical security studies – and has been the subject of significant scholarly attention.[57] It is necessary, then, to define

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[46] Ibid., pp. 481–3.

[47] Rumelili, 'Liminal identities and processes of domestication and subversion in International Relations', pp. 493–7.

[48] McConnell, 'Liminal geopolitics', p. 150; Neumann, 'Introduction to the forum on liminality', p. 477.

[49] Malksoo, 'The challenge of liminality for International Relations theory', p. 493; Rumelili, 'Liminal identities and processes of domestication and subversion in International Relations'; Neumann, 'Introduction to the forum on liminality'.

[50] McConnell, 'Liminal geopolitics', p. 150.

[51] Ibid., p. 149; Malksoo, 'The challenge of liminality for International Relations theory', p. 484.

[52] Rumelilli, 'Liminal identities and processes of domestication and subversion in International Relations', p. 497.

[53] Ibid., p. 504.

[54] King-Irani, 'Exiled to a liminal legal zone'.

[55] Lisa Bhungalia, 'A liminal territory: Gaza executive discretion, and sanctions turned humanitarian', *GeoJournal*, 75 (2010), pp. 347–57.

[56] Michelle Pace and Polly Pallister-Wilkins, 'EU-Hamas actors in a state of permanent liminality', *Journal of International Relations and Development*, 21:1 (2018), p. 224.

[57] See, for example, Ken Booth, *Theory of World Security* (Cambridge: Cambridge University Press, 2007); Ken Booth, 'Security as emancipation', *Review of International Studies*, 17:4 (1991), pp. 313–26; Richard Wyn Jones, 'On emancipation: Necessity, capacity and concrete utopias', in Ken Booth (ed.), *Critical Security Studies and World Politics* (Boulder, CO: Lynne Rienner, 2005), pp. 215–36; J. Ann Tickner, *A Feminist Journey through International Relations* (New York: Oxford

emancipation for the purposes of this article. While this article takes into account concerns that 'emancipation' can slide into metanarratives beholden to Enlightenment legacies of elitist, ethnocentric, and thinly-veiled imperialist endeavours, as critical IR scholars such as Richard Falk, Ken Booth, and Richard Wyn Jones rightly argue, it is crucial not to 'throw the baby out with the bathwater' and abandon efforts for real change on the ground for those experiencing violence, injustice, and inequality.[58] Instead, it is necessary to ensure that such emancipation reflects the critical project. As its starting point then, this article builds on Falk's concern to transcend injustice through a non-ethnocentric, emancipatory struggle engaged with the realities of the most vulnerable, alongside Booth's agenda of overcoming 'physical and human constraints' such as war, poverty, political repression, and poor education,[59] and J. Ann Tickner's 'elimination of unjust social relations' including gender relations.[60] It also takes seriously Anthony Burke's concern about the increasing conflation of emancipation with ideas such as 'democracy', 'freedom', and, I would add, discourses of human rights and human security, within 'systems of knowledge and power that continually work to … align individual interests with those of the state and capital'.[61]

In terms of the possibilities of an emancipatory project, Wyn Jones argues that struggles should be viable, and based on 'immanent possibilities' and '*realizable* utopias'.[62] Burke, quite rightly, however, cautions that scholars must be careful not to become *limited to* current horizons where this is 'disabling and risk(s) denying the entire purpose of the critical project'.[63] Addressing such concerns, Falk's notion of emancipation is to strive to reform current realities within the 'horizon of plausible aspirations'/'realm of the possible', working towards making 'desirable, yet unlikely, social movements' succeed through the 'slow merger of horizons of necessity and desire'.[64] As Burke also stresses, emancipatory projects must moreover show concern for 'the Other', rather than a pure focus on 'self-realisation'.[65] Bringing these elements together, emancipation is defined for the purposes of this article's framework as a reflexive and non-ethnocentric schema aimed at transforming and transcending the structural causes of inequality, injustice, and concomitant violence with a requisite concern for the Other. Such an emancipatory agenda is therefore a teleological one – moving beyond conflations with concepts such as democracy, human rights, and human security. Rather, the emancipation envisaged here is about enabling people facing injustice and inequality – in this case the Palestinians – to throw off colonial, apartheid, racist, and oppressive yokes.[66]

In striving for emancipation, critical IR has increasingly recognised the benefits of crossfertilisation with other relevant disciplines, a recognition this article coheres with.[67] As Burke

University Press, 2014); J. Ann Tickner, *Gender in International Relations: Feminist Perspectives on Achieving Global Security* (New York: Columbia University press, 1992); Craig Murphy, 'International relations and responsibility in an unequal world', *Development and Change*, 37:6 (2006), pp. 1293–307; Andrew Linklater, *Critical Theory and World Politics: Citizenship, Sovereignty and Humanity* (London: Routledge, 2007); Hayward Alker, 'Emancipation in the critical security studies project', in Booth (ed.), *Critical Security Studies*, pp. 189–214; Anthony Burke, *Beyond Security, Ethics and Violence: War Against the Other* (Oxon: Routledge, 2007); Anthony Burke, Katrina Lee-Koo, and Matthew McDonald, *Ethics and Global Security* (Oxon: Routledge, 2014); Richard Falk, *Achieving Human Rights* (Oxon: Routledge, 2008); Falk, *(Re)Imagining Humane Global Governance*; Richard Falk, *Palestine: The Legitimacy of Hope* (London: Just World Books, 2014); Richard Falk, *A New Geopolitics: A Forecast for the Future* (London: Zed Books, 2018).

[58]Falk, *(Re)Imagining Humane Global Governance*; Wyn Jones, 'On emancipation', pp. 215–36; Booth, 'Security as emancipation'; Alker, 'Emancipation in the critical security studies project'.

[59]Booth, 'Security as emancipation', p. 319.

[60]Tickner, *Gender in International Relations*, pp. 127–44.

[61]Burke, *Beyond Security, Ethics and Violence*, pp. 20–1. I would also like to thank the anonymous *RIS* reviewer for helping to elucidate this point.

[62]Wyn Jones, 'On emancipation', pp. 229–30, emphasis in original.

[63]Burke, *Beyond Security, Ethics and Violence*, p. 21, emphasis added.

[64]Falk, *Achieving Human Rights*; Falk, *(Re)Imagining Humane Global Governance*; Falk, *Palestine*; Falk, *A New Geopolitics*.

[65]Burke, *Beyond Security, Ethics and Violence*, p. 20.

[66]I thank the anonymous *RIS* reviewer for assisting to hone this point.

[67]Fatemeh Shayan, 'Interdisciplinarity and the emerged shift in the study of International Relations', *Millennium*, 41:3 (2013), pp. 669–78; Pami Aalto, Vilho Harle, and Sami Moisio (eds), *International Studies: Interdisciplinary Approaches*

argues, while 'insecurity, violence and conflict getting ever more destructive', the prevailing theoretical and 'policy frameworks we use to understand and respond to them are deeply inadequate'.[68] As such, this article argues that it is beneficial to draw on key interventions from critical social and political theory, and fields such as postcolonialism and critical international law. As Michel Foucault notes, it is crucial to consider how discourses of power define, shape, and mediate global norms, laws, institutions, and politics, and in particular, which knowledges are legitimated or marginalised.[69] Such work, alongside Antonio Gramsci's thinking on ideological hegemony, is crucial to reveal and contest unequal structures of power.[70] As will be demonstrated in this article, hegemonic discourses relating to Israel and Palestine have underpinned and reified the liminality ascribed to Palestine. Foucault's work on biopower (the ability 'to foster life or disallow it to the point of death') and biopolitics (the 'techniques for achieving the subjugation of bodies and the control of populations'), is also conceptually valuable for understanding the practices and techniques of regulation, control and domination of Palestinians by the settler colonial Israeli state.[71] Building on Foucault's theories, Giorgio Agamben's work is similarly useful in elucidating how a state of exception can be instituted within a political order such that certain people are condemned to the category of *homo sacer* or 'bare life' – where they are excluded from norms and laws.[72] As Ophir, Givoni, Hanafi, and Neve Gordon argue, a state of exception has come to be normalised within the context of the Occupied Palestinian Territory (OPT), with Palestinians regarded as bare life – stripped of 'every right' and at all times 'exposed to an unconditional threat of death'.[73]

Drawing on Foucault and Franz Fanon, Achille Mbembe takes this idea further, arguing that 'contemporary forms of subjugation of life to the power of death' means that the killing of the enemy 'Other' has become an 'absolute privilege' of the powerful in a way that the notion of biopolitics fails to fully encapsulate.[74] What has instead emerged, Mbembe posits, is necropolitics – where sovereignty becomes the 'capacity to define who matters and who does not, who is *disposable* and who is not'.[75] Necropolitics has resulted in spaces of extreme precarity and vulnerability for those inscribed as the 'Other', with Mbembe calling these spaces 'deathworlds' – where exploitation and elimination are normalised.[76] Mbembe has specifically applied his framework to the Israeli settler colonial project, arguing that it comprises the 'most accomplished form of necropower'.[77]

Scholarship on processes of Othering also makes an invaluable contribution to the conceptual framework utilised here. The work of cultural theorist and postcolonial scholar Said, for example, is fundamental to understanding the historical and ideological processes by which the East/ 'Uncivilised'/Orient/Developing World/South is presented by the powerful West/'Civilised'/ Occident/Developed World North as 'backward' and 'Other' in order to justify and maintain the latter's hegemony.[78] Said also contributed pathbreaking work to understanding the specific

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(Basingstoke: Palgrave Macmillan, 2011); Pami Aalto, Vilho Harle, and Sami Moisio (eds), *Global and Regional Problems: Towards an Interdisciplinary Study* (Farnham: Ashgate, 2012).

[68]Burke, *Beyond Security, Ethics and Violence*, p. 2.

[69]Michel Foucault, 'Truth and power', in James D. Faubion (ed.), *Power: Essential Words of Foucault 1954–1984*, Vol. 3 (London: Penguin, 2002), p. 133.

[70]Antonio Gramsci, *Prison Notebooks* (New York: Columbia University Press 2011).

[71]Michel Foucault, *The Will to Knowledge: A History of Sexuality*, Vol. 1, trans. Robert Hurley (London: Penguin, 1978), pp. 138–40. See, for example, Zureik, I*srael's Colonial Project in Palestine*.

[72]Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998); Giorgio Agamben, *The State of Exception* (Chicago: Chicago University Press, 2005).

[73]Agamben, *Homo Sacer*, p. 183; Gordon, 'From colonization to separation', p. 256.

[74]Achille Mbembe, 'Necropolitics', *Public Culture*, 15:1 (2003), pp. 39–40 (p. 12).

[75]Ibid., p. 27, emphasis in original.

[76]Ibid., pp. 11–40.

[77]Ibid., p. 27.

[78]Edward W. Said, *Orientalism* (London: Vintage, 1979); Edward W. Said, *The Question of Palestine* (London: Routledge and Kegan Paul, 1980); Edward W. Said, *Culture and Imperialism* (London: Chatto and Windus, 1993).

'Othering' of Palestinians – a central *problematique* underpinning the Question of Palestine.[79] Feminist philosopher Butler builds on, and extends, such traditions, demonstrating that contemporary discourses of exclusion are expressed on an axis categorising people from those considered 'human' to those who are 'non-human' (or only spectrally human).[80] As Butler notes, this judging of who is 'less than human' often occurs through a 'racial or ethnic frame'.[81] Those who are deemed to be spectrally human are regarded as possessing 'unliveable lives' and have their legal and political status 'suspended'.[82] Such scholarship is crucial to understanding the 'Othering' of Palestinians – as the 'Monstrous Other', 'terrorists', as bare life, not fully human, and 'ungrievable' – and how this underpins, and continually reinscribes, the liminal space they have been accorded in global politics and international law.

Pursuing a critical emancipatory agenda through the lens of liminality also invites consideration of the ground-breaking interventions of critical international law. Critical international law scholars, including those working on Third World Approaches to International Law (TWAIL), such as Antony Anghie, B. S. Chimni, Balakrishnan Rajagopal, Susan Marks, and Falk, have exposed the colonial origins of international law; the rebranding of nineteenth-century power relations in terms of the 'developed/developing' and global governance discourses; and the continuing Eurocentrism of mainstream international law.[83] Such scholarship is central to addressing the foundational flaws of international law in resolving real-world inequality and injustice. As Anghie and Chimni note, behind the veil of international law's claims of apolitical universality lies a 'continuing complicity between international law and structural violence' in today's global order.[84] As Burke notes, the impulses of contemporary geopolitical power are seldom limited by international law, and indeed are often able to find the 'thinnest' legitimation through it.[85]

For example, while norms such as anticolonialism and self-determination are often held up as exemplars of international law's postwar emancipatory influence, in reality they more reflect the lip service and broken promises embedded in hegemonic international law.[86] In terms of the former, for example, while the 1960 UN 'Declaration on the Granting of Independence to Colonial Countries and Peoples' effectively outlawed colonialism, it was not retrospective, and without enabling reparations, in reality it 'naturalised' and 'normalised' the colonialism that preceded it.[87] This effectively gave imperial and colonising states a 'get out of jail free' card, therefore perpetuating global inequalities through to today (including in relation to the Question of Palestine, with its origins in Zionist settler colonialism). Likewise, while the principal of self-determination is seen as seminal to the modern global political and legal regime, those who are relegated to liminal spaces (such as Palestine) continue to be denied meaningful access, even when they meet the criteria for statehood under international law – such as under the Montevideo Convention. In such ways, international law holds out the promise of equality, justice, and dignity but 'in fact enables control and [infinite] deferral' of supposedly universal principals and rights for liminal

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[79]Said, *Orientalism*; Said, *The Question of Palestine*; Said, *Culture and Imperialism*.

[80]Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004), p. 91.

[81]Ibid., p. 57.

[82]Ibid.

[83]Marks, 'Human rights and root causes'; Rajagopal, 'Counter-hegemonic international law'; Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005); Antony Anghie and B. S. Chimni, 'Third World approaches to international law and individual responsibility in internal conflicts', *Chinese Journal of International Law*, 77 (2003), p. 102; David Kennedy, *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy* (Princeton: Princeton University Press, 2016); Prabhakar Singh and Benoît Mayer (eds), *Critical International Law: Postrealism, Postcolonialism, and Transnationalism* (Oxford: Oxford University Press, 2014); Richard Falk, 'The power of rights and the rights of power: What future for human rights', *Ethics and Global Politics*, 1:1–2 (2008), pp. 81–96.

[84]Anghie and Chimni, 'Third World approaches to international law', p. 102.

[85]Burke, *Beyond Security, Ethics and Violence*, p. 10.

[86]Anghie and Chimni, 'Third World approaches to international law', p. 102; Anonymous *RIS* reviewer.

[87]Anghie, *Imperialism, Sovereignty and the Making of International Law*.

actors.[88] As Falk summarises, this means that for those in the Global South, the 'rights of power' more often than not 'trump' the 'power of rights'.[89] The work of critical international law is therefore crucial for understanding how liminal actors are *subjected* to international law while being denied *full subject positionality*.

Importantly, critical international law also focuses on disentangling the remaining counter-hegemonic elements of international law. As Rajagopal contends, while international law's emancipatory potential has been deeply constrained by power politics, this must be continually challenged, and work undertaken to retain and strengthen counter-hegemonic elements.[90] Especially crucial here, Falk notes, is work towards making 'desirable, yet unlikely' aspects of emancipatory struggles succeed through the 'slow merger of horizons of necessity and desire'.[91] Some examples of such efforts explored in following sections of this article include the Palestinian Authority (PA) using their liminal and ambiguous subject positionality to lobby for, and achieve, recognition as a non-member state by the United Nations General Assembly (UNGA); use of Universal Jurisdiction (UJ) in relation to Israel; recognising Palestine's right of resistance as a colonised people under international law; and potentially charging Israel with the crime of aggression.

'Through the looking glass': Palestine in global politics and international law

While Palestine is certainly not the only liminal actor within contemporary politics, it is particularly important as a case study because liminality permeates every level and aspect of the Question of Palestine within global politics and international law. As per the 1949 Armistice Agreements, Palestine is defined as the territories of the West Bank and Gaza Strip.[92] However, because of control of these territories by Jordan and Egypt respectively between 1948 and 1967, and the Israeli military occupation after 1967, Palestine's 'position and status are fundamentally ambiguous' and it does not comprise 'an actualized territory'.[93] Since 2012, Palestine is recognised as a non-member *state* by the UNGA, is recognised in bilateral relations with 138 states, and has acceded to key UN bodies such as the ICC. On the ground, however, Palestine functions as an 'occupied nation-state' that is 'neither self-governing' (aside from small pockets of the West Bank, and ostensibly Gaza, although it remains blockaded since 2007 and is still de facto occupied) nor integrated into the government of its Israeli occupiers.[94] On top of this, Israeli and US leaders continually demand that the PA exert the powers 'of a fully functioning nation-state' when it is in Israeli/US interests (such as suppressing Palestinian resistance) while at the same time undermining any potential for development and ensuring that an independent Palestinian state is prevented from emerging.[95] The liminality of the Question of Palestine is further compounded by the spatial complexity of the Palestinian body politic – comprising Palestinians within the OPT (who are divided between Fatah rule of the West Bank and Hamas rule in Gaza), Palestinians within the 'Green line' of Israel who live as 'second-class' Israeli citizens, some five million refugees (mostly in the Middle East region) awaiting their 'Return' to their homeland, and another six million Palestinians in the wider Palestinian exilic diaspora.[96] Liminality is also apparent in the continual effort by some pro-Israeli politicians,

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[88]Thank you to the anonymous *RIS* reviewer for this point.

[89]Falk, *Achieving Human Rights.*

[90]Rajagopal, 'Counter-hegemonic international law', p. 775.

[91]Falk, *Achieving Human Rights*; Falk, *(Re)Imagining Humane Global Governance*; Falk, *Palestine*; Falk, *A New Geopolitics.*

[92]Robert R. Saunders, 'Between paralysis and practice: Theorizing the political liminality of Palestinian cultural heritage', *Archaeologies: Journal of the World Archaeological Congress* (2008), p. 472.

[93]Ibid.

[94]Ibid.

[95]Ibid., pp. 474; Lori Allen, *The Rise and Fall of Human Rights: Cynicism and Politics in Occupied Palestine* (Stanford: Stanford University Press, 2013), p. 114; Saunders, 'Between paralysis and practice', p. 472; Gordon, 'From colonization to separation', pp. 254–5.

[96]Victoria Mason, 'The liminality of Palestinian refugees: Betwixt and between global politics and international law', *Journal of Sociology*, 56:1 (2020), pp. 84–99.

scholars, and commentators to deny the very reality of the Question of Palestine, claiming that 'there is no such thing as a Palestinian', that historic Palestine was a 'land without a people', and that the Palestinian territories are 'disputed' rather than occupied.[97]

One example of how this liminality manifests is the most prominent political initiative ostensibly aimed at addressing the Palestinian Question – the Israeli-Palestinian peace process. While officially the objective of the peace process is a two-state solution for Israel and the Palestinians, a more critical analysis reveals that it has been structured so as to ultimately preserve the existing balance of power, therefore reinforcing the stark asymmetry between the two groups.[98] As a result, the peace process has enabled Israel to both greatly expand its project of settler colonialism throughout the OPT, and to separate Palestinians from Israelis – to 'keep the land but not the indigenous population'.[99] Today, the number of illegal Israeli settlers in the Palestinian West Bank has increased to over 611,000 people, with settlements (and their infrastructure) covering over 40 per cent of the West Bank. The percentage of the West Bank out of bounds to Palestinians is, moreover, even higher when Israeli military zones, and the wider closure regime are taken into account.[100] Israel has, furthermore, established a matrix of biopolitical control and surveillance in the West Bank, with the Wall, checkpoints, roadblocks, and panoptic towers, allowing Israel to effectively 'contain' Palestinians into a plethora of non-contiguous enclaves.[101] These enclaves – a 'series of islands adrift in a sea of Israeli-Jewish colonialists' – separate Palestinians from their families, friends, lands, schools, places of work, and from medical assistance, and are arguably designed to make life unbearable so as to force further migration out of Palestine (for those who have the means).[102] Meanwhile, Gaza remains under blockade, experiencing humanitarian disaster. The extreme violence Israeli settler colonialism has wrought for Palestinians reveals that the OPT has become a deathworld where Israel undertakes necropolitics.[103]

Palestine is also effectively consigned to a liminal zone within the regime of international law – despite the latter's claim to being apolitical and universal. This liminality means that despite significant evidence and acknowledgment of the injustice and inequality relating to the Question of Palestine, the field of international law is: 'littered with the detritus of failed legal efforts, including a multitude of UN resolutions (ignored or vetoed), analyses by foreign ministries, forgotten academic studies, and thousands of human rights reports by NGOs reporting the same violations of law noted in earlier reports and demanding action that is never forthcoming.'[104] While there is a strong record of UNGA resolutions attempting to hold Israel to account under international law, effective action to implement recommendations and resolutions has been stymied by negative interventions and voting by powerful states of the Global North. Most potently, these

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[97]Saunders, 'Between paralysis and practice', p. 472. For discussions of the application of the Geneva Conventions in the OPT, see Orna Ben-Naftali, Aeyal M. Gross, and Keren Michaeli, 'The illegality of the occupation regime: The fabric of law in the occupied Palestinian territory', in Ophir, Givoni, and Hanafi (eds), *The Power of Inclusive Exclusion*, pp. 31–88; Gordon, 'From colonization to separation', pp. 248–50.

[98]Edward Kaufman and Ibrahim Bisharat, 'Introducing human rights into conflict resolution: The relevance for the Israeli-Palestinian peace process', *Journal of Human Rights*, 1:1 (2002), pp. 71–91; Lisa Hajjar, 'Human rights in Israel/Palestine', *Journal of Palestine Studies*, 30:4 (2001), pp. 21–38; Omar Dajani, '"No security without law": Prospects for implementing a rights-based approach in Palestinian-Israeli security negotiations', in Akram et al. (eds), *International Law*, pp. 184–206.

[99]Ann Le More, 'Killing with kindness: Funding the demise of a Palestinian state', *International Affairs*, 81:5 (2005), pp. 981–99 (p. 988); Gordon, 'From colonization to separation', p. 245; Ben Naftali, Gross, and Michaeli, 'The illegality of the occupation regime', pp. 31–88.

[100]Ben-Naftali, Gross, and Michaeli, 'The illegality of the occupation regime', p. 45; UN OCHA, '50 Years of Occupation: 1967–2017' (East Jerusalem: UN OCHA, 2017)

[101]Julie Peteet, 'Camps and enclaves: Palestine in the time of closure', *Journal of Refugee Studies*, 29:2 (2015), pp. 208–28 (pp. 209–10); Ben-Naftali, Gross, and Michaeli, 'The illegality of the occupation regime'; Gordon, 'From colonization to separation', p. 260.

[102]Peteet, 'Camps and enclaves', pp. 209–10; UNOCHA, '50 Years of Occupation'.

[103]Mbembe, 'Necropolitics', pp. 23–4.

[104]Tilley, *Beyond Occupation*, p. xi.

interventions occur in the United Nations Security Council (UNSC), the only UN body with authority to issue binding resolutions. A key issue here has been the right of veto possessed by the UNSC's five permanent members, which reproduces significant global power asymmetries. While Palestine is not the only marginal actor impacted by the veto mechanism, the use by the US of its veto to stymie dozens of resolutions addressing the Palestine question and/or criticising the State of Israel is testament to the deeply liminal space accorded to Palestine.[105] Indeed, while it has long been official US policy (alongside the wider international community) that Israeli settlements in the OPT are illegal under international law and an impediment to peace, the US has vetoed the vast majority of UNSC resolutions criticising settlements. One prominent exception, considered a radical and 'landmark' moment, consisted of the US *abstaining* on such a vote. This December 2016 abstention, which occurred during the final days of the Barack Obama administration, is widely accepted as a pointed rebuke of both the belligerence of the hawkish Israeli Prime Minister Benjamin Netanyahu, and incoming president Donald Trump's efforts to influence US foreign policy before his inauguration.[106] The fact that voting *for* such a resolution – despite it reflecting formal US policy and the desire to 'send a clear message' to both Netanyahu and Trump – was considered outside the realm of possibility to the US administration, demonstrates the full extent of Palestinian liminality.

Even the International Court of Justice (ICJ) – the highest international legal body – was effectively ignored when it issued an Opinion in relation to Palestine. The 2004 Advisory Opinion of the ICJ in relation to the Israeli Separation Wall found that the Wall was illegal under international law and needed to be dismantled immediately.[107] The UNGA voted overwhelmingly to accept the Opinion, and demanded that Israel comply with the ruling.[108] Israel and its allies, meanwhile, denounced the Opinion as politically driven, despite the ICJ being widely accepted as 'conservative' and 'rarely reaching beyond settled judicial authority'.[109] A year after it was issued, eight Special Rapporteurs with the UN Commission on Human Rights (UNCHR) issued a joint international appeal for the Opinion to be put into effect.[110] Over 16 years later, however, it remains unimplemented. The disregarding of the Opinion is exceptional – particularly given the response of the international community to previous ICJ rulings such as its 1971 Opinion on the South African occupation of Namibia.[111]

Revealing the origins of Palestinian liminality

As Malksoo notes, a crucial aspect of liminality as an ontological subject is to focus inquiry 'on the genealogical exploration of the process of becoming'.[112] To this end we must ask how the Question of Palestine came to be assigned to a liminal zone. As flagged earlier, while the Question of Palestine is often explained away as the unfortunate outcome of tragic historical circumstance, a critical analysis reveals three interrelated and mutually reinforcing factors relegated Palestinians to a liminal zone within global politics and international law: (1) the Zionist and later Israeli settler colonial project to 'eliminate, eradicate and replace' the indigenous in historic Palestine, which required Palestinians becoming liminal; (2) the patron-client relationships that

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[105]'Security Council Veto List', UN Dag Hammarskjöld Library, available at: {https://research.un.org/en/docs/sc/quick}.

[106]Peter Beaumont, 'US abstention allows UN to demand end to Israeli settlements', *The Guardian* (24 December 2016), available at: {https://www.theguardian.com/world/2016/dec/23/us-abstention-allows-un-to-demand-end-to-israeli-settlements}.

[107]Susan Akram and Michael Lynk, 'The wall and the law: A tale of two judgements', *Netherlands Quarterly of Human Rights*, 24:1 (2006), pp. 61–106 (p. 62).

[108]Ibid., p. 96.

[109]Ibid., p. 85.

[110]Ibid., p. 103.

[111]Ibid., p. 98.

[112]Malksoo, 'The challenge of liminality for International Relations theory', p. 484.

developed between Britain and the Zionist movement, and the US and the state of Israel, which enabled and supported the settler colonial project and made Palestinian liminality a geopolitical necessity; and (3) mainstream discourses on Israel/Palestine which demonise Palestinians as the 'Monstrous Other' – thereby justifying and enabling the violent measures necessary to enforce Palestinian liminality.

Within the Zionist movement – which from the 1880s worked to establish a national home for world Jewry – there were only a small number of 'bi-nationalists' who wished to co-exist with the indigenous Palestinian inhabitants.[113] The majority of the Zionist movement, including its leadership, instead comprised a settler colonial movement, aiming to achieve control over the largest amount of historic Palestine while minimising the number of indigenous Palestinians remaining within it.[114] While settler colonialism is a '"structure" and a process that stretches over time',[115] it manifested in specific ways subject to a range of contexts in historic Palestine: (a) in the pre-1948 Zionist movement; (b) in Israeli state policies relating to Palestinian citizens within Israel; and (c) in policies relating to the OPT post 1967.[116] It is important here to make the distinction between settler colonialism and imperialism. While imperialism can be summed up as focusing primarily on securing 'economic benefits' and 'spheres of influence', and does not always involve the occupation of territory militarily and/or administratively, settler colonialism, on the other hand, involves the occupation and enduring settlement of the territory or land.[117] To this end, the Zionist and then Israeli settler colonial project (as distinct from the *Yishuv,* or indigenous Jewish community in Palestine) 'came to stay' in historic Palestine, and achieved permanent presence through 'eliminating, erasing and replacing' the indigenous people.[118]

The success of this Zionist and then Israeli settler colonial endeavour was made possible on a large scale as a result of the support, variously, of the British imperial power, and later the US. There is general agreement that British support of the Zionist movement – which manifested most prominently in the 1917 Balfour Declaration – was the result of a mixture of anti-Semitism, support by Christians in the UK, and strategy.[119] The latter, however, had the strongest impetus, with the belief that a strong client-patron agreement between Britain and a 'Jewish Palestine' would help maintain and protect British imperial interests in the region – particularly the trade route to India.[120] As Elia Zureik argues, the British government regarded the Jewish settler movement in Palestine as the 'ideal collaborator group' to further British interests, akin to those in New Zealand and Australia.[121] As a result, while Zionists undertook the practical, hands-on acts of their settler colonialism, the colonial 'umbrella' of the British Mandate in Palestine enabled the 'political, legal and administrative' framework facilitating Zionist immigration, land purchases, settlement, and development.[122] British authorities in Palestine moreover recruited, trained, and armed Zionist forces.[123]

The equally, if not more, significant alliance between the Zionist movement and the US was first signalled by US support for the 1947 United Nations (UN) vote on the partition of historic

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[113]Zureik, *Israel's Colonial Project in Palestine*, p. 72.

[114]Ibid.; Shalhoub-Kevorkian, *Security Theology*, p. 5; Wolfe, 'Settler colonialism and the elimination of the native'; Veracini, *Israel and Settler Society.*

[115]Zureik, *Israel's Colonial Project in Palestine*, p. 51.

[116]Ibid.; Wolfe, 'Settler colonialism and the elimination of the native'; Veracini, *Israel and Settler Society.*

[117]Zureik, *Israel's Colonial Project in Palestine*, p. 51.

[118]For in-depth discussion, see Zureik, *Israel's Colonial Project in Palestine*; Wolfe, 'Settler colonialism and the elimination of the native'; Veracini, *Israel and Settler Society*; Tilley, *Beyond Occupation.*

[119]Nur Masalha, *Palestine: A Four Thousand Year History* (London: Zed, 2018), pp. 313–14; Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Beacon Press, 2006); Peter Mansfield, *A History of the Middle East* (3rd edn, London: Penguin, 2010), p. 162.

[120]Masalha, *Palestine*, pp. 313–14; Khalidi, *The Iron Cage*; Mansfield, *A History of the Middle East*, p. 162.

[121]Zureik, *Israel's Colonial Project in Palestine*, p. 53.

[122]Ibid., p. 54; Khalidi, *The Iron Cage.*

[123]Zureik, *Israel's Colonial Project in Palestine*, pp. 59–63.

Palestine.[124] While the horrors of the Holocaust, guilt at the US refusal to accept Jewish refugees at its height, and sympathy for Zionist ideas, were factors in this alliance, an equally significant element was the US 'coveting artificially low-priced energy sources and open access to a large, underdeveloped, structurally dependent market' in the Middle East, particularly as the Cold War unfolded.[125] Support for Israel soon became a key pillar of US foreign policy in the Middle East, with significant military, aid, and diplomatic outcomes for Israel.[126]

As discussed earlier, the 1960 Convention on the Independence of Colonial Peoples effectively naturalised 'historic' cases of imperialism and colonialism. The Convention was, however, meant to prohibit active or ongoing cases. The ongoing and expanding Zionist-Israeli settler colonial enterprise, therefore, required that Palestinians remain within a liminal zone in global politics and international law, so Palestinians could not prevent, nor seek redress for, this settler colonialism. For the Protocols Additional to the Geneva Conventions (Art1/4) of IHL recognise the right to resistance through armed struggle for 'armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination'.[127] Palestinians, therefore, have a *right,* under international law, to armed resistance.[128] The point must be made here that the activation of such a right would undoubtedly result in further asymmetric violence and would therefore be unlikely to lead to any significant improvement in the Palestinian situation. Such an approach would also not be in keeping with the critical emancipatory framework proposed here – in terms of concern with the position of the Other (in this case, the settler colonial state of Israel). The point here is that Palestinians possess this *right*, and a recognition of this by the mainstream international community has the potential to generate significant international pressure on Israel (as occurred with South Africa in relation to Namibia). Because of such implications for the Palestinian struggle, however, there has been a concerted effort to obfuscate this right to the point where mainstream political discourses frame it as taboo to *even name* Zionist and Israeli settler colonial projects as such.[129] As Rachel Busbridge notes, identifying Israel's settler colonialism is often portrayed as 'evidence of anti-Semitism. This manoeuvre … has been relatively successful in keeping the colonial question out of the international arena.'[130]

The recognition of Israeli settler colonialism also has the potential to challenge the hegemonic discourse presented by Israel, and reproduced by its allies, which demonises Palestinians as a 'Monstrous Other'.[131] According to this discourse, acts of Palestinian violence (and many of their acts of non-violence) comprise irrational anti-Semitic 'terrorism' and are the root cause of the conflict with Israel.[132] This conflation of all Palestinian resistance, including non-violence,

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[124]Ilan Pappé, 'Clusters of history: US involvement in the Palestine Question', *Race & Class*, 48:3 (2007), pp. 1–28.

[125]Omar Barghouti, 'BDS: "Upholding international law, asserting Palestinian rights", *Palestine Yearbook of International Law*, 17 (2015), pp. 115–36 (pp. 129–30).

[126]Rashid Khalidi, *Brokers of Deceit: How the US Has Undermined Peace in the Middle East* (Boston: Beacon Press, 2013); Falk, *Palestine*, pp. 139–70; Noam Chomsky, *Fateful Triangle: The United States, Israel, and the Palestinians* (Cambridge: South End Press, 1999).

[127]Protocols Additional to the Geneva Conventions of 12 August 1949 (Art1/4); Victoria Mason and Richard Falk, 'Assessing nonviolence in the Palestinian rights struggle', *State Crime Journal*, 5:1 (2016), pp. 163–86.

[128]This right to armed struggle is also an established norm of international law. Any resistance must, of course, conform to international law, and therefore certain acts – such as attacks on civilians – are illegal and/or may comprise acts of terrorism. Mason and Falk, 'Assessing nonviolence in the Palestinian rights struggle'.

[129]Rachel Busbridge, 'Israel-Palestine and the settler colonial "turn": From interpretation to decolonization', *Theory, Culture & Society*, 35:1 (2018), pp. 91–115 (pp. 97–8).

[130]Ibid.

[131]Saree Makdisi, 'Spectres of "terrorism"', *Interventions: International Journal of Postcolonial Studies*, 4:2 (2002), pp. 265–78 (p. 266); McMahon, *Discourses of Palestinian-Israeli Relations*.

[132]Gordon, 'From colonization to separation', p. 244; Yehouda Shenhav and Yael Berda, 'The colonial foundations of the state of exception: Juxtaposing the Israeli occupation of the Palestinian territories with colonial bureaucratic history', in Ophir, Givoni, and Hanafi (eds), *The Power of Inclusive Exclusion*, pp. 355–6; Makdisi, 'Spectres of "terrorism"', p. 266; McMahon, *Discourses of Palestinian-Israeli Relations*.

with 'terrorism' serves a particular function. As Saree Makdisi argues, Israel's use of 'terrorism' to describe all Palestinian resistance means that 'the label is not restricted to specific acts of violence but functions instead as an ontological category … it is only by identifying all Palestinians, and their collective being, with "terrorism"' that Israel can justify its extreme and violent repression.[133] This hegemonic discourse also acts to render invisible the *actual* root cause of Palestinian resistance – in Zionist and Israeli settler colonialism. Moreover, this discourse demonises Palestinians by slandering them, without evidence, with the most pernicious smear in post-Holocaust global politics – anti-Semitism.[134] As Tony Klug notes, Palestinian resistance against Israeli brutality is not driven by anti-Semitism: 'Had it been a Hindu or a Buddhist state … the Palestinians would have been no less embittered if the state, irrespective of the motive, had dispossessed them and later proceeded to corral and dispossess them further through policies of annexation, expropriation and the settling of their would-be state with its own citizens.'[135]

The framing of Palestinians as Other, of course, has a long history. As Said's work demonstrates, in order to justify the violence, exploitation, domination, and subordination of imperialism, colonised people have long been described as 'depraved', 'childlike', 'irrational', and 'inferior'.[136] The prevalence of such Orientalist ideas has then resulted in a 'web of racism, cultural stereotypes, political imperialism, [and] dehumanizing ideology' within powerful Global North states when it comes to Palestinians, and Arabs and Muslims more widely.[137] In particular, as Burke notes, the 'matrix of cultural and epistemological assumptions' that encapsulate Orientalism underlies US policy and strategy when it comes to the Middle East.[138]

This entrenched demonisation of Palestinians allowed post-1945 global society to enable and continue the liminality ascribed to Palestinians, and look away from the extreme violence of the Israeli settler colonial project.[139] As Mbembe argues, colonies are the sites 'where sovereignty consists fundamentally in the exercise of a power outside the law'.[140] In the case of Palestine, Israel applies a 'concatenation of multiple powers: disciplinary, biopolitical, and necropolitical', resulting in the 'absolute domination over the inhabitants'.[141] As Ophir, Givoni, and Hanafi outline, Palestinians are 'exposed to arbitrary violence and coercive regulation of daily life' on the 'whims' of Israel with impunity.[142] In many cases, this violence comprises gross violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL).[143] There is also increasing agreement that the policies and practices of the Israeli occupation meet the definition of the crime of apartheid as outlined in the 1973: 'International Convention on the Suppression and Punishment of Apartheid' (ICSPA).[144] Yet, as Gordon argues, a state of

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[133]Makdisi, 'Spectres of "terrorism"', p. 266.

[134]McMahon, *Discourses of Palestinian-Israeli Relations*; Tony Klug, 'Antisemitism: the Middle East Connection', Open Democracy (5 March 2015), available at: {https://www.opendemocracy.net/en/north-africa-west-asia/antisemitism-middle-east-connection/}.

[135]Ibid.

[136]Said, *Orientalism*.

[137]Ibid., p. 27. For a discussion of how such stereotypes remain pervasive today, see Peter Morey and Amina Yaqin, *Framing Muslims: Stereotyping and Representation after 9/11* (Harvard: Harvard University Press, 2011).

[138]Burke, *Beyond Security, Ethics and Violence*, pp. 199–200.

[139]Zureik, *Israel's Colonial Project in Palestine*; Shalhoub-Kevorkian, *Security Theology*.

[140]Mbembe, 'Necropolitics', p. 24.

[141]Ibid., pp. 29–30.

[142]Ophir, Givoni, and Hanafi, 'Introduction', pp. 22, 18.

[143]See reports by the United Nations Human Rights Council (UNHRC); the UN 'Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967'; Amnesty International; Human Rights Watch; B'Tselem; Breaking the Silence.

[144]Judge ad hoc of the ICJ, John Dugard, for example, has provided clear evidence that the majority of the 'inhuman acts' outlined in Article II of the ICSPA are carried out as part of the Israeli occupation. While Israel is not a party to ICSPA, the prohibition of Apartheid is widely regarded as a *jus cogens* (non-derogable preemptive) norm of international law. (Yearbook of International Law Commission, 'Draft articles on Responsibility of States'). The crime is also prohibited under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (which Israel is a signatory

exception has come to be normalised within the OPT such that Palestinians are regarded as bare life – reduced to *homo sacer*, where they can be killed without it even being considered a crime.[145]

Butler's work further assists us in understanding how Palestinians have come to be regarded as bare life, or unhuman. As she argues in *Precarious Life*, discourses of exclusion, underwritten by hegemonic Othering of Palestinians, have occurred to the extent that Palestinians have been cast as only spectrally human, as people without a livable life or grievable death.[146] Butler illuminates this reality through the example of an obituary written by a US citizen in tribute to Palestinians killed in the OPT. It was rejected by the *San Francisco Tribune* on the basis that 'obituaries could not be accepted without proof of death' (a reasonably dubious assertion given the onerous bureaucracy such a policy would entail). When the notice was rewritten as a 'memorial', the text was again rejected – this time on the basis that the 'newspaper did not wish to offend anyone'.[147] The notion that the grieving of Palestinian lives can constitute an affront to those who support Israel led Butler to ask, 'What is the relation between the violence by which these ungrievable lives were lost and the prohibition on their public grievability? … Does the prohibition on discourse relate to the dehumanization of the deaths - and the lives?'[148]

Emancipating Palestine

While Palestinian liminality has underlined much of their experiences of injustice and inequality, Palestinians and those concerned with their struggle have worked tirelessly to subvert this liminality. As this section of the article will argue, this has been through: (a) attempts to harness the remaining counter-hegemonic potential of global politics and international law; and (b) efforts bypassing the main architecture of the global regime – namely through civil society and social movements.[149]

As has been demonstrated, the full emancipatory potential of international law has been deeply constrained by power politics. As Burke notes, 'international human rights instruments and conventions … are difficult to enforce and are riddled, in their text and operation, with disabling compromises to sovereign power and prerogative'.[150] As Falk argues, however, it is crucial to attempt to reclaim the remaining emancipatory potential found in the 'normative architecture' of international law and associated norms that are 'ethically helpful in challenging prevailing forms of oppression and exploitation'.[151] Particularly crucial here has been work towards making 'desirable, yet unlikely' aspects of the Palestinian struggle succeed through the 'slow merger of horizons of necessity and desire'.[152] King-Irani elaborates how this has been achieved in the Palestinian struggle by using the 'roles, structures and political ideologies flickering at the edges of the known legal and political universe … cracking open the implicit interstices of existing judicial structures by enlarging legal and socio-political spaces.'[153] She argues that 'By using their interstitial location and liminal status … Palestinians have availed themselves of, and helped

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to) and is treated as a distinct crime against humanity under the Rome Statute of the ICC. John Dugard and John Reynolds, 'Apartheid, international law, and the occupied Palestinian territory', *European Journal of Human Rights*, 24:3 (2013), pp. 867–913; Richard Falk and Virginia Tilley, 'Israeli Practices towards the Palestinian People and the Question of Apartheid', Economic and Social Commission for Western Asia (ESCWA) (Beirut, 2017), E/ESCWA/ECRI/2017/1, available at: {https://electronicintifada.net/sites/default/files/2017-03/un_apartheid_report_15_march_english_final_.pdf}; Tilley, *Beyond Occupation*; Ophir, Givoni, and Hanafi (eds), *The Power of Inclusive Exclusion*.

[145] Gordon, 'From colonization to separation', p. 256.
[146] Butler, *Precarious Life*, pp. xiv–v.
[147] Ibid., pp. 35–6.
[148] Ibid.
[149] Falk, *Achieving Human Rights*, p. 91.
[150] Burke, *Beyond Security, Ethics and Violence*, p. 91.
[151] Falk, *Achieving Human Rights*, p. 91.
[152] Falk, *Achieving Human Rights*; Falk, *(Re)Imagining Humane Global Governance*; Falk, *Palestine*; Falk, *A New Geopolitics*.
[153] King-Irani, 'Exiled to a liminal legal zone', p. 935.

to consolidate, mechanisms of international justice that transcend the nation-state system and that are not based solely on territorial jurisdiction.'[154] Where gains have often been achieved, King-Irani continues, is where Palestine has worked 'around, through and above, rather than against, the nation-state system' – looking for potential where the 'cracks' in liminality let in the 'light'.[155] Examples of such endeavours include: using UJ mechanisms to bring alleged Israeli perpetrators of crimes against humanity to justice; the 2012 UNGA recognition of Palestine as a non-member state; and the accession of Palestine to important international organisations such as the ICC.

The assessment to date of such initiatives is, of course, mixed. UJ is a legal principle enabling a state to undertake proceedings in relation to serious crimes against international law – regardless of where the crime occurred or the nationality of those involved. While historically UJ has been utilised sparingly, it has been applied in both Belgium and the UK in relation to alleged Israeli war crimes.[156] In Belgium in 2003 it was determined that Ariel Sharon had a case to answer in relation to 1982 Sabra and Shatila massacres of Palestinians in Lebanon.[157] In the UK, evidence submitted by human rights lawyers resulted in arrest warrants being issued for leading Israeli officials, a number of whom subsequently cancelled trips there.[158] In Belgium, however, a UJ case subsequently brought against US officials resulted in significant pressure by the US, and occasioned Belgium to render UJ non-universal, making the previous Sabra and Shatila decision null and void.[159] Similarly, in the UK, following pressure by Israel, laws were changed so that UJ arrest warrants had to receive approval from the UK Director of Public Prosecutions (DPP).[160] The UJ example, then, arguably shows where emancipatory potential exists, but power politics continue to undermine its efficacy on the ground.

Another effort to challenge Palestinian liminality and extend the realm of Palestinian subjectivity and agency through the existing global architecture is the 2012 UNGA recognition of Palestine as a non-member state. Given that for many years Israel and its allies had managed to cleave Palestine's right to self-determination from international law, and instead make it conditional on a (highly unlikely) negotiated political outcome with Israel, this recognition comprised a momentous symbolic shift. In addition, to date, 138 states have recognised Palestine as a state in bilateral relations. Despite the symbolism of these achievements, however, arguably anything less than full political acknowledgement of Palestinian sovereignty, and an end to, and withdrawal of, Israeli settler colonialism within the OPT, will do little to change the dire reality on the ground.[161] The UNGA move, however, has allowed Palestinians to apply for membership of key UN bodies such as the ICC.[162] While Palestinian membership of the ICC has been encumbered by significant bureaucracy and politicking, in December 2019 the ICC Chief Prosecutor ruled that 'all the statutory criteria under the Rome statute for the opening of an investigation' into alleged Israeli and Palestinian war crimes in the OPT had 'been met'.[163] While the ICC were lobbied to discontinue the investigation on the grounds that Palestine is 'not a state', in

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[154]Ibid., p. 930.

[155]Ibid.

[156]Ibid., p. 931.

[157]Ibid., p. 933.

[158]Soeren Kern, 'The UK's Selective Application of the Universal Jurisdiction Law', Gates Institute (22 November 2010), available at: {http://www.gatestoneinstitute.org/1671/uk-universal-jurisdiction-law}.

[159]King-Irani, 'Exiled to a liminal legal zone', pp. 933–43.

[160]Alexandra Malatesta, 'UK passes law limiting arrests under universal jurisdiction', *Jurist* (16 September 2011), available at: {http://jurist.org/paperchase/2011/09/uk-passes-law-limiting-arrests-under-universal-jurisdiction.php}.

[161]Michelle Burgis-Kasthala, 'Over-stating Palestine's UN membership bid? An ethnographic study on the narratives of statehood', *European Journal of International Law*, 25:3 (2015), pp. 677–701.

[162]While Israel is not a member of the ICC, due to Palestine's accession, the Court has jurisdiction over alleged crimes committed on Palestinian territory, including by Israel.

[163]Peter Beaumont, 'ICC to investigate alleged Israeli and Palestinian war crimes', *The Guardian* (21 December 2019), available at: {https://www.theguardian.com/law/2019/dec/20/icc-to-investigate-alleged-israeli-and-palestinian-war-crimes}.

early mid-2020 the ICC reiterated that the investigation was going ahead.[164] This move suggests that the ICC avenue retains emancipatory potential for subverting Palestinian liminality.

Despite the challenges inherent in these examples, a key takeaway is that they were regarded as *outside the realm of possibility* even twenty years ago. They were achieved through many years of struggle – working steadily to lay the necessary groundwork so that emancipatory paths could be forged when, as King-Irani puts it, 'cracks' let the 'light' in,[165] or what Falk describes as the 'opportunities where the unforeseeable suddenly becomes foreseeable'.[166] There are also, arguably, other 'cracks' in liminality that can be similarly pursued. The first of this would be a widespread acknowledgment of the Palestinian right to resistance under the Geneva Conventions potentially galvanising international action.[167] The second would be international action against Israel (including through the ICC) on the basis that their actions in the OPT meet the definition of the crime of apartheid under the 1973 ICSPCA Convention.[168] Thirdly, Orna Ben-Naftali, Aeyal H. Gross, and Keren Michaeli argue that the illegality of Israel's ongoing military occupation, their failure to protect the Palestinian population, and their refusal to transfer OPT control to the Palestinians could 'be construed as a form of aggression', thereby demanding an international response.[169] Such examples all suggest tentative glimmers of hope to use international law in a more emancipatory way.[170]

Significant subversions of Palestinian liminality have also occurred as a result of efforts by global civil society and social movements – what Falk calls the work of 'citizen pilgrims' working towards non-violent emancipation through direct action.[171] As Stanley Cohen notes, the main non-violent tools that civil society and social movements can harness to pressure states to end injustice and inequality are: shame, accountability, isolation, and sanctions (economic, military, and cultural).[172] To this end, civil society organisations and social movements have played a significant role in revealing the injustice and inequality experienced by Palestinians. As demonstrated by this article, however, despite the awareness raised, Israel's impunity continues. A major issue underpinning this impunity is the continued traction of the hegemonic discourse relating to Palestine, and its obfuscation of Israeli settler colonialism. As Sally Engle Merry highlights, 'ways of packaging and presenting' ideas of social movements 'generate shared beliefs, motivate collective action and define appropriate strategies of action'.[173] A recognition of the reality of Israeli settler colonial violence within the global mainstream, therefore, has the potential to shift the way the situation is regarded. As Busbridge argues, a recognition of Israeli settler colonialism hypothetically increases the 'readability and accessibility of the Palestinian struggle in sympathetic terms'; creates significant solidarities and alliances between Palestinians and other anti-colonial movements; and offers new strategies and pathways for transformative emancipatory action.[174]

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[164]Ben Doherty, 'Australian government tells ICC it should not investigate alleged war crimes in Palestine', *The Guardian* (10 May 2020), available at: {https://www.theguardian.com/australia-news/2020/may/10/australian-government-tells-icc-it-should-not-investigate-alleged-war-crimes-in-palestine}.

[165]King-Irani, 'Exiled to a liminal legal zone', p. 930.

[166]Falk, *Achieving Human Rights*, pp. 13–24; Falk, *(Re)Imagining Humane Global Governance*.

[167]Mason and Falk, 'Assessing nonviolence in the Palestinian rights struggle'.

[168]Falk and Tilley, 'Israeli Practices towards the Palestinian People'.

[169]Ben-Naftali, Gross, and Michaeli, 'The illegality of the occupation regime', pp. 67–8.

[170]King-Irani, 'Exiled to a liminal legal zone', p. 930.

[171]Falk, *Achieving Human Rights*; Falk, *(Re)Imagining Humane Global Governance*; Falk, *Palestine*; Falk, *A New Geopolitics*.

[172]Stanley Cohen, 'Government responses to human rights reports: Claims, denials, and counterclaims', *Human Rights Quarterly*, 18:3 (1996), pp. 517–43 (p. 538).

[173]Sally Engle Merry, 'Transnational human rights and local activism: Mapping the middle', *American Anthropologist*, 108:1 (2006), pp. 38–55 (p. 41).

[174]Busbridge, 'Israel-Palestine and the settler colonial "turn"', p. 99.

Given that the hegemonic discourse on Palestine has stymied the efficacy of tactics of shame and accountability to date; it is increasingly argued that direct non-violent action aimed at isolation of, and sanctions against, Israel, is the most promising path to subvert Palestinian liminality. A key development here is the BDS movement.[175] Launched in 2005 by Palestinian civil society, BDS calls for an end to the Israeli occupation, full equality for Palestinian citizens of Israel, and justice for Palestinian refugees. BDS has evolved into a global non-violent movement (with this including support from a range of Israeli NGOs and individuals) centred around: boycotts of 'products and companies (Israeli and international) that profit from the violation of Palestinian rights' and 'Israeli cultural and academic institutions' that 'directly contribute to maintaining, defending or whitewashing the oppression of Palestinians'; divestment from 'corporations complicit in the violation of Palestinian rights'; and sanctions against Israel until Palestinian rights are upheld 'in full compliance with international law'.[176]

BDS has experienced significant success,[177] and has therefore been met with a fierce reaction by Israel, including Israel barring entry to the Jewish state of foreigners who support BDS and bringing lawsuits in foreign states against both individuals and organisations instituting BDS.[178] Within Israel, financial penalties apply for supporting BDS, there have been calls to revoke the citizenship of such Israelis, and Israel's Ministry of Strategic Affairs utilises its intelligence services to undertake surveillance against, and work to undermine, BDS supporters.[179] One of the most pernicious aspects of Israel's anti-BDS programme has been the attempt to frame the movement as anti-Semitic. All official BDS literature outlines that the movement adheres to the UN definition of racial discrimination and 'does not tolerate any act or discourse which adopts or promotes, among others, anti-Black racism, anti-Arab racism, Islamophobia, anti-Semitism, sexism, xenophobia, or homophobia'.[180] The BDS movement furthermore repeatedly stresses in all publications that BDS members and partners must abide by the 'movement's commitment to nonviolence as well as its ethical and anti-racist principles' or they will be expelled.[181] A more critical analysis, therefore, suggests the charge of anti-Semitism against BDS is linked to wider attempts to conflate legitimate criticism of the state of Israel with anti-Semitism, with this serving as a powerful trope of silencing.[182]

As explored earlier, it is widely accepted that the so-called 'Two-State Solution' has been rendered unviable – due to the deeply problematic peace process, the related expansion of the Israeli settler colonial project, and repeated statements by Israeli leaders that they will never allow the emergence of a Palestinian state.[183] A final example, therefore, of looking for emancipatory

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[175]Omar Barghouti, *Boycott, Divestment, Sanctions (BDS): The Global Struggle for Palestinian Rights* (Chicago: Haymarket, 2011).

[176]Nathan Thrall, 'BDS: How a controversial non-violent movement has transformed the Israeli-Palestinian debate', *The Guardian* (14 August 2018); Barghouti, *Boycott, Divestment, Sanctions (BDS)*; Audrea Lim (ed.), *The Case for Boycotts Against Israel* (London: Verso, 2012); Sean F. McMahon, 'The Boycott, Divestment, Sanctions campaign: Contradictions and challenges', *Race and Class*, 55:4 (2014), pp. 65–81.

[177]Thrall, 'BDS'.

[178]Ibid.

[179]Ibid.

[180]BDS National Committee (BNC), 'Racism and Racial Discrimination are the Antithesis of Freedom, Justice & Equality', BDS website (n.d.), available at: {https://bdsmovement.net/news/%E2%80%9Cracism-and-racial-discrimination-are-antithesis-freedom-justice-equality%E2%80%9D}; See also Hanan Ashraw, 'Is a boycott of Israel just?', *New York Times* (18 February 2014); Barghouti, *Boycott, Divestment, Sanctions (BDS)*; Lim (ed.), *The Case for Boycotts Against Israel* (2012).

[181]BNC, 'Racism and Racial Discrimination are the Antithesis of Freedom'.

[182]John Mearsheimer and Stephen Walt, *The Israel Lobby and US Foreign Policy* (London: Penguin, 2007), pp. 188–96; Peter Beinart, *The Crisis of Zionism* (Melbourne: Melbourne University Press, 2012), pp. 54–8; Ilan Pappé, *Out of the Frame: The Struggle for Academic Freedom in Israel* (London: Pluto, 2010), pp. 175–6, 179–80, 194, 198; Matthew Abraham, *Out of Bounds: Academic Freedom and the Question of Palestine* (New York: Bloomsbury, 2014); Butler, *Precarious Lives*, pp. 101–27.

[183]Tilley, *Beyond Occupation*, pp. 54–5; Tovah Lazaroff, 'Netanyahu: A Palestinian state won't be created', *Jerusalem Post* (8 April 2019).

potential where the 'cracks' let in the 'light' is the growing movement for a 'One State Solution' – the idea of creating a single, bi-national, democratic, and secular state based on principles of equality for all Israelis and Palestinians. Proposals for a One State Solution have, to date, been outright rejected by Israel, as it would comprise the end of Israel as a religious and ethnocratic state. Such ideas, moreover, have a long road ahead in terms of concrete and workable strategies for dismantling entrenched power asymmetries between Israelis and Palestinians, and reconciling the tragic and violent nature of their intertwined histories. However, important collaborations to this end, including efforts between leading Palestinians and Israelis, demonstrate that such an outcome is within the 'horizons of the possible'.[184] As demonstrated by the 2007 'One State Declaration', such blueprints offer concrete and breakthrough pathways to transcend the current violent reality and work towards teleological emancipation where justice and peace is achieved for both Palestinians and Israelis.[185] The One State Solution therefore deserves significantly more scholarly and policy attention.[186]

Conclusion

As this article demonstrates, an interdisciplinary theoretical framework centred around liminality and teleological emancipation offers the most coherent understanding of the origins of the Question of Palestine and transformative pathways forward. Such a framework reveals the origins of the injustice and inequality experienced by Palestinians, and how extreme violence against them has been enabled and justified as a result of discourses of Othering and exclusion. This framework also shows, however, how Palestinians have continually challenged and subverted their liminality. By working around and through the existing architecture of global politics and international law, Palestinians have destabilised their liminal positionality and reclaimed elements of political subjectivity – such as in their recognition as a non-member state of the UNGA and their membership of the ICC – achievements once considered outside the realm of possibility.

Moving forward, a key challenge in subverting Palestinian liminality and working towards transformative emancipation is to destabilise the hegemonic discourse which continues to frame Palestinians as 'Other' and obfuscate the Israeli settler colonial project. As leading US civil rights advocate Michelle Alexander argued in 2019, it is time to end the 'silence' on Palestine and complicity in 'this grave injustice of our time'.[187] Such an approach demands a normative rethink of the unconditional support given to Israel by much of the powerful Global North, and establishes a strong case for international action on the Question of Palestine – such as through a recognition of the right of Palestinians to resistance, and/or pursuing charges of the crimes of aggression and/or apartheid.[188] While BDS has had considerable impact, the continual disintegration of the situation facing Palestinians on the ground means the 'One State Solution' will arguably soon become the only via path of meaningful emancipation.

As demonstrated in its conceptual unpacking, the theoretical framework applied here also has significant potential beyond the Question of Palestine, particularly in terms of analyses of other marginalised actors within global politics and international law. For a lens of liminality, centred on achieving teleological emancipation, critiques liminal spaces and/or roles, and interrogates the

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[184]Virginia Tilley, *The One State Solution: A Breakthrough for Peace in the Israeli-Palestinian Deadlock* (Ann Arbor: University of Michigan Press, 2005); James Ron, 'Palestine, the UN and the one-state solution', *Middle East Polity*, XVIII:4 (2011), pp. 59–67; Yousef Munayyer, 'There will be a one-state solution: But what kind of state will it be?', *Foreign Affairs*, 98:6 (2019), pp. 30–1; 'The One State declaration', *Electronic Intifada* (29 November 2007), available at: {https://electronicintifada.net/content/one-state-declaration/793}.

[185]'The One State declaration'.

[186]Ibid.

[187]Michelle Alexander, 'Time to break the silence on Palestine', *New York Times* (19 January 2019).

[188]Busbridge, 'Israel-Palestine and the settler colonial "turn"', p. 98; Mason and Falk, 'Assessing nonviolence in the Palestinian rights struggle'.

genealogy behind such corralling. It reveals that political structures and subjectivities are not static, and that liminality possesses inherently subversive and emancipatory potential. Liminality also enables boundaries to be pushed, and for a critique of the very structures and agents who create liminal spaces. In sum, claims that liminality is a 'Master' concept for IR – epistemologically, ontologically, in terms of richer empirical analyses, and in regards to working towards meaningful emancipation – are well founded and should be taken seriously.

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