

rerouting of the barrier. For Gross, however, even those progressive breakthroughs fail to confront a core structural issue: that the settlements were constructed under the authority of a military commander that, in his view, acted *ultra vires* in breach of the Israeli administrative law, the law of occupation, and the principle of self-determination. According to him, the refusal by the HCJ to treat settlements as the heart of the structural problem shows its “blindness to the bigger annexational project that is taking place under the guise of security” (pp. 310, 318, 320, 326).

The HCJ has unapologetically affirmed that the barrier has been erected to protect not only Israeli citizens and others from cross-Green Line attacks, but also the settlers in the occupied territories. It has held that “the military commander is authorized to construct a separation fence in the *area* for the purpose of defending the lives and safety of the Israeli settlers in the *area*.”<sup>18</sup> Gross contests the legality of the security barrier *overall* (and not merely the legality of segments thereof). His rationale lies in the macroscopic evaluation: the dubious linkage of the barrier to the enterprise of settlements in furtherance to *de facto* annexation; and the barrier’s excessive impact on the already desperate living conditions of the Palestinians under prolonged occupation (pp. 281, 296–97, 301, 306–07, 310, 313). This approach casts serious doubt on the Israeli government’s statement, confirmed by the HCJ, that the barrier was temporary and that its purpose was military-security, not political (in the sense of expanding settlement or annexation). On this score, Gross’s assessment converges on the ICJ’s approach in *Wall* that “looked at the forest, and not only at the trees” (pp. 307–08). This is a striking rebuke to *Mara’abe*, where the HCJ, presumably to fend off such a possible charge, held that “the Court shall not ignore the entire picture,” and that “its decision will always regard each segment as a part of a whole.”<sup>19</sup> Gross sides with the ICJ’s appreciation that “the construction of the wall and its associated regime

create a *fait accompli* on the ground that could well become permanent.”<sup>20</sup>

The most salient achievement of Gross’s book is to craft a new framework for the law of occupation based on functional analytical perspectives. This innovative book recurrently engages readers to go beyond the assumptions on which the conceptual approach to the law of occupation is built. In line with critiques by other progressive Israeli academics, the book’s critical analyses focus mostly on Israeli executive and judicial policies relating to the occupied Palestine territories. It is hoped that Gross’s insightful and refreshing analysis may positively influence future Israeli policies toward the settlements in a way that would allow for reconciliation and enduring peace between the Israelis and Palestinians, and for the self-determination of the latter.<sup>21</sup> From a global and academic context, the book serves as a valuable catalyst for reconceptualizing theories of state responsibility under the law of occupation based on divergent types of “control matrices.”

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## BOOKS RECEIVED

### *International Law—General*

Doebbler, Curtis F. *Dictionary of Public International Law*. Lanham, MD: Rowman & Littlefield: 2018. Pp. lxxx, 619. Index.

Eslava, Luis, Michael Fakhri, and Vasuki Nesiah (eds.). *Bandung, Global History, and*

<sup>20</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 ICJ Rep. 136, para. 121 (July 9).

<sup>21</sup> Theodor Meron, *The West Bank and International Humanitarian Law on the Eve of the Fiftieth Anniversary of the Six-Day War*, 111 AJIL 357 (2017).

<sup>18</sup> *Id.*, para. 19 (emphasis in original).

<sup>19</sup> *Id.*, para. 74.

*International Law: Critical Past and Pending Futures.* Cambridge, UK: Cambridge University Press, 2017. Pp. xxxii, 701. Index.

Paddeu, Federica. *Justification and Excuse in International Law: Concept and Theory of General Defences.* Cambridge, UK: Cambridge University Press, 2018. Pp. xlv, 556. Index.

### *International Economic Law & Relations*

Joelson, Mark. R. *An International Antitrust Primer: A Guide to the Operation of United States, European Union and Other Key Competition Laws in the Global Economy (Fourth Edition).* The Netherlands: Wolters Kluwer, 2017. Pp. xix, 556. Index.

Nephew, Richard. *The Art of Sanctions.* New York: Columbia University Press, 2018. Pp. xiii, 216. Index.

### *International Tribunals*

Crane, David. M, Leila M. Sadat, and Michael P. Scharf. *The Founders: Four Pioneering Individuals Who Launched the First Modern-Era International Criminal Tribunals.* Cambridge, UK: Cambridge University Press, 2018. Pp. xviii, 165. Index.

Freedman, Jim. *A Conviction in Question: The First Trial at the International Criminal Court.* Toronto: University of Toronto Press, 2017. Pp. xvii, 219. Index.

### *Dispute Settlement*

Najjar, Nathalie. *Arbitration and International Trade in the Arab Countries.* Leiden; Boston: Brill Nijhoff, 2018. Pp. xviii, 1322. Index.

### *Use of Force & Humanitarian Law (Law of War)*

El Kouhene, Mohamed. *Les garanties fondamentales de la personne en droit humanitaire et droits de l'homme.* Leiden; Boston: Brill Nijhoff, 2017. Pp. xxii, 306. Index.

### *International Investment*

Chaisse, Julien, and Luke Nottage. *International Investment Treaties and Arbitration Across Asia.* Leiden; Boston: Brill Nijhoff, 2018. Pp. xxxiii, 691. Index.

Demirkol, Berk. *Judicial Acts and Investment Treaty Arbitration.* Cambridge, UK: Cambridge University Press, 2018. Pp. xxxii, 258. Index.

### *Terrorism*

Duffy, Maureen. *Detention of Terrorist Suspects: Political Discourse and Fragmented Practice.* Portland, OR: Hart Publishing, 2018. Pp. xxxv, 275. Index.

### *Human Rights*

Daly, Aoife. *Children, Autonomy and the Courts: Beyond the Right to be Heard.* Leiden; Boston: Brill Nijhoff, 2018. Pp. xvii, 449. Index.

Oliphant, Ken, Zhang Pinghua, and Chen Lei. *The Legal Protection of Personality Rights: Chinese and European Perspectives.* Leiden; Boston: Brill Nijhoff, 2018. Pp. x, 227. Index.

Salem, Nora. *The Impact of the Convention on the Elimination of All Forms of Discrimination Against Women on the Domestic Legislation of Egypt.* Leiden; Boston: Brill Nijhoff, 2018. Pp. xii, 230. Index.

### *Refugees & Migration*

Ineli-Ciger, Meltem. *Temporary Protection in Law and Practice.* Leiden; Boston: Brill Nijhoff, 2018. Pp. xvi, 281. Index.

Lester, Eve. *Making Migration Law: The Foreigner, Sovereignty, and the Case of Australia.* Cambridge, UK: Cambridge University Press, 2018. Pp. xiii, 373. Index.

### *Environment & Natural Resources*

Dupuy, Pierre-Marie, and Jorge E. Viñuales. *International Environmental Law.*

Cambridge, UK: Cambridge University Press, 2018. Pp. lxxiv, 522. Index.

### *U.S. Law & Foreign Relations*

Quigley, John. *Foreigners on America's Death Rows*. Cambridge, UK: Cambridge University Press, 2018. Pp. xx, 282. Index.

### *Regional, Foreign, & Comparative Law & Politics*

Bearden, Bennett L. *Following the Proper Channels: Tributaries in the Mekong Legal Regime*. Leiden; Boston: Brill Nijhoff, 2018. Pp. xxii, 265. Index.

Harding, Andrew J., Jiaxiang Hu, and Maartje de Visser (eds.). *Legal Education in Asia: From Imitation to Innovation*. Leiden; Boston: Brill Nijhoff, 2018. Pp. xix, 354. Index.

Tuckett, Anna. *Rules, Paper, Status: Migrants and Precarious Bureaucracy in Contemporary Italy*. Stanford, CA: Stanford University Press, 2018. Pp. xii, 178. Index.

Valdesalici, Alice, and Francesco Palermo (eds.). *Comparing Fiscal Federalism*. Leiden;

Boston: Brill Nijhoff, 2018. Pp. xix, 389. Index.

Venzke, Ingo, and Li-ann Thio. *The Internal Effects of ASEAN External Relations*. Cambridge, UK: Cambridge University Press, 2016. Pp. xx, 233. Index.

### *Globalization*

Slobodian, Quinn. *Globalists: The End of Empire and the Birth of Neoliberalism*. Cambridge, MA: Harvard University Press, 2018. Pp. x, 381. Index.

### *Miscellaneous*

McClendon, Gwyneth H. *Envy in Politics*. Princeton; Oxford: Princeton University Press, 2018. Pp. xiii, 231. Index.

Meese, James. *Authors, Users, and Pirates: Copyright Law and Subjectivity*. Cambridge, MA: The MIT Press, 2018. Pp. x, 227. Index.

Young, Tomme Rosanne, and Morten Walløe Tvedt. *Drafting Successful Access and Benefit-Sharing Contracts*. Leiden; Boston: Brill Nijhoff, 2018. Pp. x, 416. Index.