INTRODUCTION

This issue of the *Israel Law Review* comprises three parts. The bulk of the issue is devoted to a collection of articles resulting from the international conference entitled "Human Rights and Justice in Immigration: National and International Perspectives," held by the Minerva Center for Human Rights at the Hebrew University of Jerusalem in May 2009. The conference was the culmination of the work of an interdisciplinary research group, which had been working together at the Minerva Center since early 2007, and it was held with the cooperation of the Konrad-Adenauer-Stiftung and the Hebrew University's Bruce W. Wayne Chair of International Law.

The papers address three main themes related to immigration, human rights, and justice: the adequacy of the rights discourse in general, and of various types of rights in particular, for discussing immigration issues; the role that global justice can play in the immigration law discourse; and immigration and identity (in particular, cultural interaction between migrant communities and receiving states).

Ruth Gavison, Christian Joppke, and Stephen Legomsky offer theoretical contributions on the first of these issues—rights and immigration—and Eugene Tan provides a case-study of Singapore's rights and immigration policies. Gavison argues that the whole language of rights, especially human rights, is inadequate for addressing immigration policies. She draws her argument from the immanent tension between the moral claims that rights are universal and the fact that actual protection of human rights is the primary responsibility of states; the related distinction between the basic recognition of a human right and the processes of identifying the nature and scope of the duties such recognition involves; and the institutional implications of choosing between the human rights discourse and policy questions. Joppke argues for two theses. First, he claims that the importance of multicultural rights has been greatly exaggerated and that much of the effect attributed to them has in fact been accomplished by group-indifferent individual rights. Second, he argues that antidiscrimination rights, to the degree that they tackle indirect discrimination, cannot but be factually group-making even in states that reject multiculturalism. Legomsky discusses the justifications for distinguishing legal rights that states should be confined to their own citizens from rights that flow from residence, immigration status, territorial presence, or simply personhood. Tan points out that concerns of human rights and justice are

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largely peripheral, if not absent in the immigration discourse in Singapore. This, he claims, is seen most clearly in employment issues pertaining to foreign female domestic workers in Singapore, most of whom come from other parts of Southeast Asia. "Rights talk" is largely absent, Tan claims, even as activists seek to engage the key stakeholders through the subtle promotion of rights for such workers.

The second major theme—the role that global justice can play in the immigration law discourse—is addressed in contributions by Yaffa Zilbershats and Chaim Gans. Zilbershats considers the question whether considerations of global justice require a change in the rules of international law which provide that sovereign states have almost absolute control over their immigration policy. After surveying the work of several scholars, she arrives at a negative answer to this question. Gans argues the contrary: States have a duty to accept quotas of immigrants who have no individual rights to enter the state prior to the determination of specific immigration criteria applicable in their case and a duty to admit immigrants who are entitled to enter as individuals, namely refugees and immigrants who wish to enter the state for family reunification. He defends this complex thesis by rejecting some positions supported by contemporary liberal immigration theorists such as Joseph Carens and Christopher Wellman.

Gila Stopler and Alexander Yakobson contributed papers on the third theme: immigration and identity. Stopler analyses the veil debate in France as a test case for rights in immigration in France; Yakobson examines non-Jewish immigrants to Israel from the former USSR, and their interaction with Israeli identity and Jewish peoplehood.

The second section of this issue includes the Lionel Cohen Lecture delivered at the Hebrew University's Faculty of Law in January 2010 by the UK's Attorney-General at the time, Baroness Scotland of Asthal, QC—on "Lawfare" and rules of engagement.

Finally, in the last section of this issue, we bring a response by Orna Ben-Naftali, Aeyal Gross and Keren Michaeli to the review of *The Palestine Question in International Law* by Robbie Sabel—a book review that was published in volume 42(3) of the *Israel Law Review*—and a rejoinder by Robbie Sabel.

It is important to acknowledge the contribution of some individuals to the publication of this issue. First, we thank Prof. Chaim Gans from Tel-Aviv University, who orchestrated the work of the Minerva Center's research group on human rights and immigration, and served as a guest editor in this issue. In addition, we would like to acknowledge the contribution made by the other members of the research group to the development of the themes and papers presented in this issue: Dr. Tomer Broude,

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Prof. Ruth Gavison, Dr. Adriana Kemp, Prof. Guy Mundlak, Dr. Gila Stopler, Dr. Alexander Yakobson and Prof. Yaffa Zilbershats. Finally, we thank the members of our new international advisory board for their willingness to assist the work of the Israel Law Review. We are certain that their involvement and guidance will help us further develop the *Israel Law Review* as a leading international academic publication in the field of human rights and public law.

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