INTRODUCTION

This issue of the *Israel Law Review* comprises three parts. The first part contains the proceedings of a symposium held at the Hebrew University in the fall of 2008 dedicated to Prof. Marc Tushnet's recent manuscript—*The Rights Revolution in the Twentieth Century*. Besides Prof. Tushnet himself, participants in the symposium included three Israeli academics who commented on his work. Prof. Tushnet opened the symposium with a short *précis* of the main arguments presented in the manuscript, which surveys the changes that ideas about individual rights and institutions dedicated to promoting them underwent in America during the twentieth century. Prof. Alon Harel's contribution focuses on the shifts in institutional roles and approaches discussed by Tushnet. According to Harel, such shifts over time should leave us wary about placing great faith in the long-term ability of rights-promoting constitutional institutions such as courts to adequately protect human rights. Dr. Margit Cohn also adopts a cautious approach toward the role of courts in promoting rights, and proposes to view the judiciary as part of a broader picture of political institutions engaged in a constitutional dialogue on rights-related issues. The specific functions assigned to the courts may, thus, be the result of a political position taken by relevant stakeholders on a substantive rights agenda, rather than an intrinsic attribute of their existence. The third and last commentator, Dr. Rivka Weill, calls for further analysis of the interplay between the historical roles of ideas and institutions in promoting individual rights. She also questions the limited vision of judicial review advocated by Harel. The symposium concludes with short remarks by Prof. Tushnet, which address the relationship between rights-promoting institutions and the social and political environment in which they function.

The second part of this issue contains four articles: Prof. Wojciech Sadurski's article, "Judicial Review in Central and Eastern Europe: Rationales or Rationalizations?" discusses the record of constitutional courts established after the end of the Cold War in Eastern Europe. Despite some impressive achievements, Sadurski questions the suitability of such institutions to the needs of the relevant societies and identifies certain costs associated with their establishment and operation. Advocate Benjamin Rubin's "Disengagement from the Gaza Strip and Post-Occupation Duties" presents a theory of post-occupation obligations. Specifically, Rubin argues that the occupation of the Gaza Strip ended after Israel's withdrawal from the territory in 2005, but that Israel nonetheless continues to shoulder certain legal responsibilities for conditions of life in the Gaza Strip. The next contribution, "The Meaning and Liberal Justifications of Israel's Law of Return" by Dr. Dan Ernst, takes issues with some of the human

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rights-based criticism directed against Israel's Law of Return (which recognizes the rights of Jews to immigrate and naturalize in Israel), and discusses a number of liberal and historical justice-based justifications for that Law's central prescriptions. The final article in this part, Dr. Tally-Kritzman-Amir's "'Otherness' as the Underlying Principle in Israel's Asylum Regime," also discusses Israel's immigration laws and criticizes the extension of Israel's ethnic-based immigration policies to the treatment of asylum seekers,

The third and final part of this issue includes a book review by Dr. Robbie Sabel, which discusses *The Palestine Question in International Law* (edited by Victor Kattan and published in 2008 by the British Institute of International and Comparative Law).

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