

INTRODUCTION

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The second issue of Volume 45 of the *Israel Law Review* covers a wide range of public law, international law and human rights law topics, which present challenges to legal scholars and policy makers in and outside Israel.

The opening article – Arlene Kanter’s ‘There’s No Place Like Home: The Right to Live in the Community for People with Disabilities, Under International Human Rights Law and the Domestic Laws of the United States and Israel’ – takes a comparative look at laws and practices involving people with disabilities in Israel and the US. Specifically, it focuses on their conformity with Article 19 of the Convention on the Rights of People with Disabilities (signed but not yet ratified by either Israel or the US), which protects the right of people with disabilities to live in the community, and raises a host of difficult legal and practical issues.

A comparison between the Israeli and American experience in the field of human rights can also be found in the issue’s second article, ‘Separate and Different: Single-Sex Education and the Quest for Equality’ by Tamar Hostovsky Brandes. This article discusses the separation of boys and girls in religious schools in Israel and the tensions between the principles of equality and respect for religious autonomy under the Israeli legal system. These tensions are discussed, inter alia, from feminist and pedagogical perspectives. Hostovsky Brandes then examines US law and policy on single-sex education and calls for stronger regulation and monitoring of religious education in Israel.

Yifat Bitton’s article, ‘Finally, Our Own Brown! (?)’, also discusses the issue of segregation in education, focusing this time on an Israeli Supreme Court judgment (*Noar Kahalacha*) declaring that certain discriminatory practices applied in a religious school in Israel against Mizrahi girls (Jewish girls from an Asian-African descent) should be prohibited. Bitton distinguishes the *Noar* case from the historic decision of the US Supreme Court in *Brown*, mainly by reason of the limited recognition of the status of Mizrahis in Israel as victims and the incomplete internalisation of the problem by Israeli society. Bitton’s article, like that of Hostovsky Brandes, was first presented in a conference on ‘Toleration, Equality and Segregation in the Name of Culture’ held by the Hebrew University’s Minerva Center for Human Rights in May 2010.

The fourth article in this issue – Yishai Blank’s ‘Localising Religion in a Jewish State’ – deals with the tension between human rights and religion from a governance perspective. According to Blank, municipal authorities in Israel have been delegated considerable powers to regulate religion and control religious freedoms. The article claims that the decentralisation of decision making on religious affairs liberty in Israel has generated a mixed outcome: it has helped to weaken the monopoly of orthodox Judaism in some areas, but has also radicalised some religious practices and exacerbated religious tensions in other areas. Thus, changes in the allocation of governmental power between the centre and the periphery have had significant impacts on public policy and human rights.

In 'Reflections on Proportionality, Military Necessity and the Clausewitzian War', Rotem Giladi explores the significance of the reference, in proportionality analyses, to proper purpose and legitimate ends, given the traditional aversion of international humanitarian law (IHL) to questions of legitimacy of violence. Giladi claims that IHL has internalised – without a serious challenge – Carl von Clausewitz's understanding of war as a policy instrument, and calls for the re-examination of some key features of IHL in light of the political aims they serve.

We conclude the issue with a new section, *Opposing Viewpoints*, in which we invite legal scholars to debate key questions of public law, international law or human rights. The first debate involves an exchange between Kai Ambos and Josef Alkatout, on the one hand (or corner) and David Wallace, on the other, over the legality under international law of the killing of Osama bin Laden. The participants' radically divergent approaches to this issue reveal deep disagreement on how to qualify the situation in Afghanistan/Pakistan, how to assess membership of non-state armed groups, and the proper relationship between human rights law and IHL.

Finally, we would like to use this opportunity to welcome Professor Ruti Teitel to our international board. Ruti Teitel is one of the world's leading experts on transitional justice, and a long-standing friend and partner of the Minerva Center for Human Rights. We are certain that her contribution to the work of the *Israel Law Review* will be significant.