

respect to the identity of the perpetrator ought to be excluded from the definition of rape, even when deception is severe and systematic. The argument is based on a moral-tagging consideration, according to which the culpability of a person who obtains consent to sexual intercourse by deceptive endeavours is not as severe as that of a person who coerces the victim into sexual intercourse against her will, a distinction that ought to be reflected in criminal law. To further establish the need for a change in the law, the paper also identifies problems in the offence of Rape by Deception as it is currently understood in Israeli law.

### **Child-Welfare Expert Opinions – Another Reason for Parental Responsibility Law Reform**

**Ruth Zafran**

This article reviews the involvement of child-welfare experts in the legal proceedings of family courts in Israel. To date, through their opinions such experts play a dominant role in the courts' determination of parental responsibility (previously known as physical custody) and visitation rights. The article begins with a description of the nature of these opinions and their significance in family court decisions. It then goes on to recount the prevailing criticism of the use of such opinions, their inherent difficulties, and the complications that derive from their common use. In light of such criticisms, the article proposes (1) solutions to the intrinsic problems of relying upon child-welfare expert opinions and (2) an alternative model to the one that invokes the need for expert opinions (as often occurs in custody disputes). Unlike the model used today, which is based on the best-interests-of-the-child principle and thereby justifies the reliance upon expert opinions, the proposed alternative model would provide, among other advantages, an answer to the inherent difficulties in using expert opinions and reduce the courts' need for them. The proposed model is inspired by the "approximation model," a similar model used in the United States. This presentation of the approximation model contributes to the public debate regarding the resolution of parental responsibility and the question concerning the validity (or cancellation) of the tender years doctrine, suggests reforms of the laws dealing with the question of parental responsibility, and can lead to a substantial decrease in the courts' need to rely upon expert opinions.

### **Prohibited Labor: Between the Private and Public Realms, a Decade after *Sadot***

**Faina Milman-Sivan**

This article reexamines the issue of prisoner labor, particularly when carried out for the private sector. The article analyzes and criticizes the Israel Supreme Court's *Sadot* judgment, the central piece of case-law in the field, as well as the draft government bill intended to arrange the matter of prisoner labor, Prisons