

Ordinance Amendment (Prison Labor), which is currently tabled in the *Knesset*. The central claim made in the article is that prisoners cannot be employed to work for private entities unless if by consent and if they are ensured “acceptable working conditions,” including, amongst other things, wages that are equal to or approach the minimum wage. The article shows that the present legal situation, which does not subject employment of prisoners to these terms, derives from an erroneous interpretation adopted by the Supreme Court in *Sadot*, a construction that was then incorporated into the draft amendment to the Prison Ordinance. This claim is consistent with both international labor law as well as an analysis of the historical and comparative aspects of prisoner labor for the private sector. Moreover, the Supreme Court’s ruling on the privatization of the prisons, holding it to be unconstitutional, also supports this claim. Finally, the article proposes a paradigm shift in the debate over prisoner wages, from a discussion focusing on the purposes of minimum wage, as was the case in *Sadot*, to one that centers on forced labor—that is, under which conditions can prisoners be forced to work, principally in the context of the private sector. This shift in paradigm and redirection of the discussion to the question of the right to be free from forced labor will shed new light on the issue of prisoners’ salaries in both the private and public sectors.

Towards Safety in the Criminal Justice System

Mordechai Halpert and Boaz Sangero

Criminal law, unlike other risk-creating fields, currently lacks any modern safety doctrine. In light of the proven phenomenon of wrongful convictions and the severe harm it causes both to those wrongly convicted and to society, this article focuses on the necessary preliminary stages in developing a safety doctrine for the criminal justice system. Under our conception, criminal law is a “safety-critical system”: it deals with matters of life and death. We view false conviction as a type of accident, similar to the crash of a fighter jet. This comparison is not only metaphorical, but quite literal when the damage is assessed from an economic standpoint. Care and safety in criminal law do not merely operate to raise the beyond-reasonable-doubt threshold, in that the number of acquittals increases at the expense of the number of convictions. Rather, care is an investment of resources in reasonable safety measures whose cost is less than their expected harm, since the number of both false acquittals and false convictions will be reduced. As regards safety awareness, the criminal justice system’s divergence from the aviation, engineering, and medical fields is linked to what we term the “Hidden Accident Principle” of criminal law. False convictions are typically unseen. We demonstrate that the legal system is completely unaware of its poor safety practices. Accordingly, we propose some preliminary principles for safety in criminal law, in particular, borrowing from the understanding of modern safety in other fields such as engineering.