Criminal records – A comparison between England & Israel

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Introduction

If you are reading this article, you are probably already aware that people with convictions face multiple barriers in the UK when they reintegrate to society (Maruna, 2011; Padfield, 2011; Robinson, 2014). The availability of background checks, along with the length of time a person has to wait until a conviction is spent (and is no longer required to declare it), renders people with convictions socially disadvantaged. However, it is not only social policies that obstruct reintegration; the overall social attitude in the UK does not help either. There is a widespread cultural norm of background checks and disclosure of past convictions, when a person applies for a job and housing. The British 'eagerness' to evaluate a person by their past convictions was made clear to me when I compared the experiences of probationers in England and Israel. I also noticed how powerful this social norm in England is, in communicating to people with convictions that, although you 'paid your dues', you are not welcome back and that you are 'inherently risky.'

It might not surprise you, the reader, that I have reached this conclusion. However, that would not ease my mind. It seems to me that people in the UK have learned to live with this unfortunate situation and with policies that disadvantage people with convictions. These policies make 'sense' (more or less) to people in the UK and, although problematic, it would seem a bit 'crazy' to not let potential employers undertake a background check, or let people not declare a criminal record. Risky! I want to show you a different way of thought, and what it looks like when there is no systematic exclusion of people with convictions. I'll do so by comparing England and Israel. The comparisons made me see policies and social norms in England as less 'normal.'

Recently, I spoke with probationers (adult men) in England and Israel, who were making a conscious effort to reintegrate into the community and desist from offending. Out of 15 English probationers, only 4 were employed at the time and 11 were unemployed. In Israel, 12 of the probationers were employed (out of 15) and 3 were unemployed. This considerable difference caught my attention, especially since unemployment rates were similar in both countries. I identified two reasons as to why employment was more accessible to people with convictions in Israel. The first was the more 'welcoming' and supportive policies, and the second was the greater social support that Israeli probationers experienced, compared with English probationers.

Communicating inclusion with policies

In contrast to the laws in England, it is illegal in most cases to ask a person about criminal convictions in the Israeli employment market. Companies or organisations that should have access to a person's criminal history (such as governmental agencies) are authorised to request a background check from the police. However, the day-to-day practice in Israel does not always correspond to laws and the way people act in the employment market varies from case to case.

Based on the interviews, I found that Israelis might be asked about their criminal record, despite it being illegal to do so. In such cases, potential employers may ask for a document that is referred to as 'Tehodat Yosher' ('integrity certificate'). To respond to the pressure from potential employers that request 'Tehodat Yosher', the Israel government issued a revised format of the document. In the revised format, past convictions appear only

on the second page of the file, while the first page (which does not disclose any information about criminal convictions) appears as though it is the full document, without any pages missing. Hence, a person can hand out the first page only, thereby giving the impression that this is the whole document and that they have no convictions.

The solution suggested by the Israeli government was based on the assertion that a person has a right to privacy and that one's history should not be grounds for bias in the employment market. Needless to say, the overall social climate in Israel is different from the one held and endorsed by the British Government. In other instances, potential employers did not ask Israeli probationers about criminal records and this was particularly the case for Israelis who were recommended for a job by an acquaintance.

It was no surprise to me that the shared experience of Israelis, when they reintegrated, departed sharply from their English counterparts. Israeli probationers experienced a greater sense of being part of the community, which gave them greater motivation to desist from crime. In contrast, English probationers had a more pessimistic attitude and an amplified sense of social exclusion.

Social support

In Israel, even without having family and friends that can assist with employment, it was relatively easy for probationers to develop social ties that could lead to employment. This emerged out of a social tendency in Israel to help 'strangers' and acquaintances, as well as a culture of linking people with opportunities in the community (Segev & Farrall, 2019). In contrast, the English culture showed a more reserved attitude. Being recommended for a job by another person had aided the interview process, and generated trust between Israeli probationers and potential employers.

When listening to the stories of Israelis, I noticed that they experienced social interactions that did not regularly reminded them of their criminal past. In contrast, English probationers experienced far more social interactions that were suffused with a steady reminder of having a conviction and of presenting a social risk, especially when they applied for a job. The comparison I undertook highlighted that: what the wider social climate — generated by policies and social attitude — communicates to people with conviction is key in shaping opportunities; the type of social interactions a person is exposed to; social integration; and identity. This, in turn, impacts the daily-life in the community.

We can live in a community with 'outsiders' (Becker, 1973), who we push to the periphery of society. Turning to policies to regulate an ongoing social tension, possibly heightening exclusion further. On the other hand, people can offer other people a chance, before turning to distrust them. That's what I'm choosing to do. Because, the way I interact with others influences the type of life I eventually live.

References

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