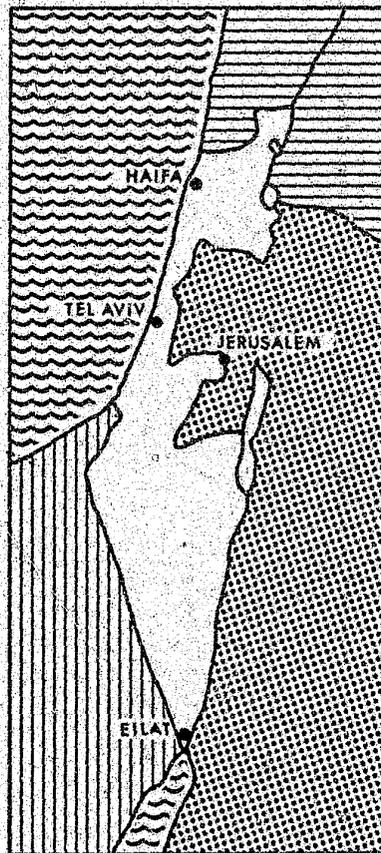


# PAROLE AND RELATED MEASURES IN ISRAEL



**A Study Tour by the Chairman of the English Parole Board and a Senior Inspector of the Probation and After-care Department**

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PAROLE AND RELATED MEASURES IN ISRAEL

A STUDY TOUR BY THE CHAIRMAN OF THE ENGLISH PAROLE BOARD AND  
A SENIOR INSPECTOR OF THE PROBATION AND AFTER-CARE DEPARTMENT



A VISIT TO ISRAEL

26 OCTOBER - 4 NOVEMBER 1970

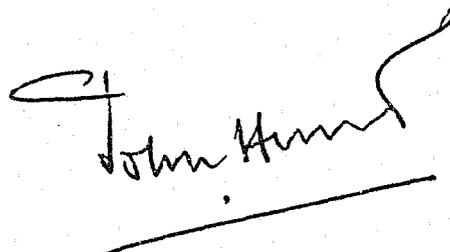
INTRODUCTION

The origin of the tour carried out by Mr. Robert Speirs, an Inspector in the Probation and After-Care Department of the Home Office, and myself was the continuing desire of members of the Parole Board to be informed, by personal witness, about penal systems in other countries which embody some form of early release of offenders from prisons, as part of a process of rehabilitation. The choice of Israel as one of the countries for our study stemmed from my personal involvement in the former British Mandate of Palestine shortly after the war, and the fact that the Israeli law and penal practices still rest upon British statutes. Tours by other members of the Board to a number of countries have produced information which was valuable to the whole membership of the Board and on return from this visit we are confirmed in our belief that, whether or not the factual information may already be available in written form, it is by personal contact that the actual facts, and the deductions to be drawn from them, can best be appreciated.

As regards our observations of certain aspects of the penal system in Israel we feel that there are certain points which, notwithstanding the differences in the law and circumstances, merit careful consideration in regard to eventual changes in our own systems of early release, probation and after-care.

This report is in three parts:

- PART I The programme relating to the main purpose of our visit, including a commentary on our contacts and observations.
- PART II Certain facts in regard to the early release, supervision and after-care of adult prisoners and of young offenders in Israel.
- PART III The tour outside the context of our official programme.

  
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R. W. Speirs

## PART I

On 27 October our programme consisted of a series of meetings with senior officials and academics, starting in the office of the Attorney-General (Mr. Shamgar) who presided over an interesting discussion, enlivened by the dynamic Mr. Terlo, Director General (P.U.S.) of the Ministry, a volatile barrister of Russian-Polish origin. Others present were Mr. Bach (State Attorney) and Miss Salomon, Assistant to the Attorney-General, who is particularly concerned with the granting of Pardons by the President of Israel. We found this a somewhat difficult start, since our hosts assumed more knowledge of their system than we possessed at that time; they were mainly concerned to question us, rather than inform us. We came away with a number of half-formed impressions, which happily crystallised in the course of the day.

Two hours passed rapidly and we arrived late for our next call, on Judge Baker at the new Supreme Court Building, with whom we discussed the operation of Conditional Sentences (ie suspended sentences) in comparison with our own. Baker hails from Scotland, but has not been there since the days of the British Mandate. He took us into the only court room in which a case was being heard; this was an appeal before three judges (the Chairman being a Judge Cohn); it was apparently a civil case. It was disappointing that, contrary to the preliminary programme, we were unable to observe a criminal trial. We then drove out of the City to Mount Scopus, for a visit to the Faculty of Law of the Hebrew University and for an hour's discussion with Professor Feller, professor of criminal law, in company with Dr. Hernom, a lecturer in the Faculty and Mr. Leslie Sebba, a young Oxford law graduate who has recently returned from an attachment to the Research Unit in our own Home Office; the latter is, of course, familiar with our parole system. Feller, who came here seven years ago from Rumania, was the only high placed individual whom we met during our stay without a knowledge of English; but I was able to converse with this delightful person in French during lunch. He developed his pet theme that offenders should be able to have their criminal record expunged on application to the Minister of Justice, after a certain period of good behaviour since the latest conviction. He has written a paper on this and I have asked for a translation. I learnt from him that there is a long precedent for this practice in Europe.

We lunched in the new faculty refectory with the Dean (Mr. Yaion) who later showed us some of the new buildings in the rapidly developing campus and took us to admire the magnificent view over Judea and down to the Dead Sea, from the roof of the Faculty. Since 1967 the Israeli Government has gone ahead fast with the expansion on this site, where formerly the Hebrew University stood in isolation, surrounded by Jordanian territory and with access to it controlled by the enemy.

After a brief rest at the hotel we returned to the Ministry of Justice for a two hour discussion with a number of people representing different disciplines:- Mr. Bach (State Attorney): Dr. Horowitz (Director of Adult Probation): Judge Shalgi (Jerusalem Magistrates' Court): Miss Barzel (Assistant to the State Attorney): Mr. Karti (Assistant Head of the Police Investigation Department): Miss Salomon (Ministry of Justice): Mr. Nir (Commissioner of Prisons): Mr. Leslie Sebba (Institute of Criminology, Hebrew University). The session, which helped to clarify our earlier impressions, took the form of a briefing by our hosts covering sentencing policy, remission and pardons, early release, probation and after-care and recall to prison. The information gathered from these and other sources is included in Part II of this Report.

On 28 October we left our hotel at 8.15 am accompanied by Mr. Elman and his wife for a visit to the complex of prisons in central Israel.

Our first call was at Ramleh (Ramla) a top security prison whose central buildings are the former British police station (or "Taggart" Fort\*) where we were met by the Commissioner of the Prison Service, Mr. Nir, and an Assistant in the Ministry of Police, Miss Hemda Panigel, whose origin is Bulgarian. Nir told me he, like the Attorney-General, had been a prisoner of the British for four years up to the end of the Mandate. Curiously enough, the Governor of Massiyahu semi-open prison had been a guard in one of the prisons in which Mr. Nir was incarcerated. Ramleh prison contained 602\*\* inmates at the time of our visit. It was at full capacity. The accommodation is mainly in cells for four to six prisoners, with a few larger, as well as smaller ones, and single cells, at least for some of the life sentence prisoners. Workshops for bootmaking, clothing, laundry, a Government printing shop, an excellent carpentry shop where good prison furniture is made and some finer work eg marquetry. We heard of occasional out-working projects in groups under escort, but no work for civilian firms, nor is there any equivalent to our own pre-release employment schemes. All men receive the same flat rate of pay, with no opportunity to increase by piecework, or for certain kinds of work. Ramleh includes a hospital with 28 beds, which serves all the prisons. There were 26 patients on the day of our visit, including a number of Arab war wounded. Recreation appeared to offer a good deal of variety. Most of the men I spoke to seemed in a resigned form of mood, without holding much expectation of early release. Home leave is normally granted at, or about one-third of the sentence, and onwards at intervals of about three months. We understood that this privilege is very seldom abused. No escapes from Ramleh had taken place. Guards on the perimeter watch towers are armed with orders to shoot, but the Commissioner was at pains to play down the likelihood of such fire being effective. A double barbed wire fence about 12 feet high surrounds the higher prison fortress wall.

We moved from here to Massiyahu Camp and were met by the Governor, Mr. Turgeman. At the time of our visit, 220 men (capacity is 300) were imprisoned there, of whom about 40 were in Camp A, for men serving sentences from three months to five years, with a few long sentence men towards the end of their sentences, and some lifers. The majority, located in Camp B, were serving less than three months, most of them being debtors and alimony defaulters. Massiyahu is guarded by two low, single strand barbed wire fences with a 20 yard gap between them, but has no walls; generally minimum internal security measures are enforced. It is mainly on the hutted basis with an open layout and plenty of space; much of the work was being done in open sheds, and some of it unsupervised.

The prison includes an allocation centre, to which all male prisoners serving up to five years are sent; they may remain for 14 days to one month before being distributed. A psychiatrist examines them as part of the allocation process. Unlike Ramleh, most men seemed confidently to expect early release here at two-thirds of their sentence. Morale seemed to be high and the atmosphere was relaxed. Visits are allowed once a month for half an hour, as is the case in all prisons. At Ramleh they take place behind a glass screen, whereas at Massiyahu they sit in the open, on benches, in sight of the guard house but without close supervision. It is worth noting, however, that on the morning of our visit a young Canadian, sentenced for his part in a major drug smuggling case, had been caught with his

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\* Named after the late Sir Charles Taggart, a former Inspector General of the Palestine Police.

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Serving 5 - 10 years .....	154
10 years + .....	216
Lifers .....	72
Balance being on remand, awaiting trial.	

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wife during her visit, in the act of receiving a dose of hashish by a transfer from her mouth in the course of a kiss! I spoke to this lad and to several others, Israelis, involved in this kind of offence. We were told that it has become a serious problem since the six-day war and that the North American students and visitors have played a considerable part in it. I also spoke to a number of others, all of them very friendly, in the course of our visit to the workshops where metalwork, laundry, prison clothing, repair and maintenance of public stand equipment, Braille typing and mailbags were going on. It is a pleasant residential area surrounding a grass courtyard.

From there we moved to Neveh Tirtza, and were met by the Governor, Mrs. Epstein. This is the only women's prison in Israel and houses 40 inmates. On the day of our visit these included 18 Arab girl terrorists and two Canadian drug smugglers and a Danish girl on remand for a similar offence. The Arabs and the Europeans made a marked contrast with the balance of some 20 Israeli girls, nearly all of them prostitutes. We also met a woman of English origin, the mother of four children (one of them serving in the Israeli army) who claimed to have been educated at the famous Public School, Roedene. She was found guilty of major insurance frauds, after which her husband died from suicide under circumstances which had aroused some suspicions of a more sinister cause. She did her best to "con" me not only in regard to her education, but on a number of other topics.

The prison is being enlarged and there is plenty of space, but meaningful work seems to be lacking. I was impressed by the Governor, who had, incidentally, previously been secretary to the Commissioner of Prisons and had no formal training. She seemed to be a most wise, humane and firm manager of this difficult bunch of girls. It was strange to see the three European girls, looking and feeling a bit out of place in this environment; one of them had been training as a ballet dancer in London before her present plight. Our impression on meeting the Arab girls was that, by and large, they remain deeply indoctrinated and quite unrepentant, with an aggressively political outlook. Two of them pointedly told me that Britain was to blame for the Middle East situation - with a grain of truth, of course. I felt very doubtful about the policy of holding such people in company with the normal run of criminal prisoner.

On 29 October we paid a visit to the Oranim Girls' Institute, run by the Ministry of Social Welfare for girls over 14 committed to the care of the Youth Authority by a Court order resulting from an offence - there are separate institutions for care and protection cases. This institution was part of a new development begun nine months ago. It had been concluded that it could not help girls who are deeply committed to sexual offences and a separate institution, "Sophia" exists for prostitutes and more serious offenders. We gathered that the eight girl residents (the capacity is 12) who were away at work, all belong to immigrant families from North Africa and that the latter are presenting serious social problems in the State. The girls are mainly pilferers and minor sexual offenders. Residence is for a period of between 1 and 1½ years. Educational classes are arranged in the evenings and also socio-therapeutic groups run by the social worker with the focus of discussion on eg dress, behaviour, the place of a woman etc. The social worker in charge was a psychologist in her first post since graduation and without social or residential work training; she was just beginning group work under consultation. The social worker was assisted by a housemother who also worked in an institution for younger girls. The institution has some features in common with a U.K. probation hostel in that the girls all work outside in paid employment. No charge is however made for maintenance - the girls pay from their wages for clothing and other personal needs and half of their earnings are saved. There are difficulties in regard to employment because of their lack of ability and "stickability". In the event of early release an after-care officer of the Youth Authority undertakes supervision. Although there are visits home every six weeks little social work is undertaken with the families. It was said that it was difficult to work with the parents and that the main hope was to work with the girls.

We lunched with Justice Cohn, after paying a courtesy call on the Chief Justice himself. Other guests at lunch were Miss Salomon, Professor Shoham of the Faculty of Law in Tel Aviv University, and Professor Dinitz, a visiting lecturer from Ohio State University.

Later, we took tea with Judge Berenson, President of the League of After-Care Societies, a voluntary organisation. Dr. Horowitz, another judge and the executive director of the League were among those present. Our hosts explained the setting up and functioning of the voluntary after-care societies in each of the major towns. We exchanged information and views on this work and its implications; some points about this work are included in Part II of this Report.

On 30 October we made a second visit to Massiyahu Prison, this time to meet the members of the Parole Board which is one of two Boards, presently functioning in Israel (the other apparently serves the norther prisons). Judge Kuart, the President, a woman representative of the Attorney General, the medical officer at Ramleh Prison (the law requires either a doctor or an educator to be in the membership), a representative of the Commissioner of Prisons and the Secretary of the Board comprised the membership. They explained the system, which is outlined in Part II of this Report. We then attended the Board session, during which four cases were considered, their sentences varying from one year to 33 months, and the offences being breaking and entering, rape, living on immoral earnings, a security case and a case which was still subject to the hearing of an Appeal. Each case took between five and six minutes to consider, including the time required to explain the documents and to turn the discussion to ourselves.

The prisoners were brought in, sat in front of the Board and a lively exchange took place, mainly between the Chairman and the prisoner himself. Two of these were young prisoners from Tel Mond Juvenile Prison, the security case being that of an Arab girl from Neveh Tirtza whom we had met on the previous day. Two of the prisoners were granted early release and two were refused by the Board, in each case the prisoner being told, including the reasons for refusal.

We then continued our journey to Tel Aviv, where Professor Shoham met us at the Faculty of Law and presented us to a room full of colleagues and senior students, and invited three of his colleagues to give us brief, prepared speeches\* on Israeli law, release and rehabilitation, and research.

Some discussion followed these speeches and we were then entertained to lunch with certain other members of the Faculty, at the conclusion of which short speeches were exchanged between our host and myself.

The University is well placed on high ground to the north of the town, and is still growing after being started only seven years ago.

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\* As far as I could understand from an oral exposition of the Research projects in poor English, these were:

- 1) Two projects on drugs, one of which is the study of the differential influence of information about drugs with reference to the family, education and youth groups, and the other the psychological aspects of the use of drugs.
  - 2) A study of the situational aspects of violence with reference to common features of response and stimulation in various social strata of Israeli society, highlighting eg the differential limits of tolerance, social and economic.
  - 3) The effects of social pressures on delinquency, with particular reference to family influences on young people.
  - 4) A study of fraud offences among white collar workers.
  - 5) A typology of prison population in terms of psychological factors.
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On 3 November we visited two institutions for delinquent boys, located north of Haifa.

Gil An is near Shefaram, where we were met by Mr. Frumann from the Youth Authority of the Ministry of Social Welfare, the resident psychologist of the institution and Mr. Sam Nadan, who is the manager of Achvah, a neighbouring institution which we were to visit later. Gil An is a centre for Jewish boys aged between 13 and 18 years, which comprises two adjacent sections enclosed within a single fenced campus, on a splendid hill top site affording a view for many miles in all directions. The staff includes two social workers.

The open part of the camp (capacity 48, but not full at the time of our visit) is similar in regime to a number of others in Israel, where boys are committed by the courts to terms of 2 - 4 years (average  $2\frac{1}{2}$  years); they are allocated to this centre after classification at a separate establishment under the Ministry of Social Welfare. A fairly liberal regime is followed, with weekly passes to Haifa and periods of home leave. We were told that parents are welcome, but that few come, for many of the boys have broken or disturbed home backgrounds and some are homeless. The detention period may be changed at the discretion of a special board, which is the junior equivalent of the Adult Release Board. A boy may be released into statutory after-care at any time after one year's detention up to the end of his sentence. However, subject to early release being granted, a minimum period of 12 months' after-care is mandatory, regardless of the length of sentence remaining to be served at the time of release. Such conditional release and after-care is considered by the Board on application by the boy or his parents, or at the discretion of the Board itself, always provided that the boy is willing to accept the change and the conditions.

Very occasionally, a boy may be transferred to the adjacent, closed part of the camp; its proximity is, however, seen mainly as a useful deterrent to mis-conduct.

Most boys were working out of the camp at the time of our visit, but we were shown round the roomy and comfortable sleeping quarters (a few single rooms, others three or four beds), the workshops for industries including carpentry and metal work and the recreation rooms. We talked to several boys, one of whom, a handsome redhead whose English was excellent, was reading for the equivalent of "A" levels. We were told that he is also a forgery expert.

The closed part of the institution is confined within 12 foot walls which can, however, easily be scaled; indeed, we learned that there had recently been a mass escape. A private security firm now provides a permanent guard and the incidence of escapes has now been reduced to one or two a month. This is a poorly housed and dismal establishment, which has similar training facilities to the open section, but has poor sleeping quarters and the boys have few privileges. It is the only closed institution for juvenile delinquents in Israel. Variations of sentence, including early release on licence, are subject to the same rules as in the open section.

Achvah Camp is sited near Akko (Accre); it is very different in appearance and character and is far better equipped. This is an establishment for Arab boys, but also holds a few Druzes and Christians. The manager, Sam Nadan, a Jew who speaks fluent Arabic, appeared to have a very good understanding of and rapport with his young charges. The buildings are part of a former British camp on flat ground near the coast, in a well-wooded garden site, which have served as a boys' penal institution since before the end of the British Mandate. The camp holds 96 boys (there were only 80 at the time of our visit) with a staff of 31, of whom only six are Jewish. Most of the living, recreation and class room buildings are either new or recently converted and part of the work had been done by the boys

themselves; they are of an excellent standard. The boys we saw at their afternoon classes left me with the impression that they are very well looked after and are a happier lot than those we met at Gil An. Workshop facilities are similar to those at the latter establishment, but in addition a good deal of the work is agricultural. Hobbies include pottery and model making, and a social worker and an after-care officer are in post. We were told that Arab parents, in contrast with those of the Jewish children at Gil An, take a close interest in their delinquent off-spring.

## PART II

### 1. PAROLE OF PRISONERS

#### A. LEGAL FRAMEWORK

The legislation concerning parole is that of the 1946 administration taken over from the mandatory government subject to the substitution in 1954 of the Parole or Release Board for certain functions formerly within the control of the Commissioner of Prisons. The Release Board is under the aegis of the High Court which plays a principal role both through the chairmanship of the Board by a District Court Judge and through the right of any prisoner refused parole by the Board to apply to the supreme court for an "order nisi".

Legislation provides that the Release Board shall consist of:-  
Judge of the District Court as Chairman;  
Representative of the Commissioner of Prisons;  
A Physician or Educator.

Two District Court Judges alternate as chairman and the Release Board meets at different locations serving groups of prisons in the North and in the South of the country. The representative of the Commissioner of Prisons is one of a rota of Prison Directors (governors). In practice the physician or educator is not an independent member but a prison medical officer, usually the principal medical officer who works from Ramleh Prison.

#### B. PROCEDURE FOR CONSIDERATION FOR PAROLE

Release procedure is determined by length of sentence but the general principle is that eligibility for early release does not arise until two-thirds of the sentence has been served. Exceptions to this principle are:-

- i) There is no early release from a sentence of up to 3 months though there is a rarely used provision that a person given such a sentence may be released by the District Superintendent of Police without serving sentence at all. This arises from a mandate period ordinance and at most there are ten such releases each month, usually with the substitution by the police of a requirement to undertake some community activity such as work in a border village to help with the harvest. This would be "supervised" by the police.
- ii) Categories of cases which may exceptionally be considered for release at earlier than two-thirds stage are not defined but serious ill-health of a prisoner appears to be the usual factor.
- iii) The Chairman of the Release Board may in urgent cases and on his own authority release a prisoner for up to 15 days.
- iv) In cases sentenced by a military court release is not dependent on serving any minimum period.

In other circumstances:-

- i) Sentences of three to six months - the Minister of Police may release on his own discretion and without approval of anyone else after two-thirds of the sentence has been served. Recommendations are made by the Director of the Prison. There is no licence and no supervision.

- ii) Sentences of six months to two years - the Minister of Police on the recommendation of the Release Board may release after two-thirds of the sentence. There is no licence or supervision.
- iii) Sentences over two years - the Minister of Police on the recommendation of the Release Board may release after two-thirds sentence either unconditionally or on licence. Conditions of licence are not significantly different from those customarily imposed in the United Kingdom in so far as they refer to behaviour, but the obligation on the licensee to report is to the police and not to a probation officer nor to any other social worker. Monthly reporting to the police is obligatory for continued validation of licence.
- iv) Life sentences, mandatory for murder, are literally for life and before there can be consideration for early release there must have been commutation to a determinate sentence, which may be for any period. Consideration of pardon and the commutation of sentence to a determinate period normally first arises after four or five years. Once a determinate sentence has been substituted the same procedure applies for early release as for sentences of over two years.

Each Release Board which meets in one prison serving a constellation of prisons usually sees 15 to 20 cases at weekly sittings. Documentation available includes:-

- i) The judgment of the Court but not details of the trial.
- ii) The recommendations of the Director of the Prison.
- iii) The report of the social worker in the prison who may or may not have information from the adult probation service.
- iv) Medical report.
- v) The recommendation of the Director General in the Attorney-General's Department.

The Attorney-General is entitled to make representations and a representative attends. The prisoner attends and is heard. He may be asked to wait outside whilst a decision is reached but he is in any event informed by the Board of its decision during the sitting (and its reasons if release is refused except in "security cases"). The prisoner who is to be granted release may be warned about the consequences of further offences and likewise the prisoner not recommended for release may be told forthrightly where change is needed.

#### C. MAIN POINTS OF COMPARISON WITH THE U.K. SYSTEM IN REGARD TO EARLY RELEASE

- i) The Israeli Early Release Boards have an executive function and are answerable for their decisions to the Minister of Justice. This fact, and the further rights of the prisoner to appeal against a decision of the Board and the responsibility of the Courts to decide in the matter of recalls, gives the Early Release system in Israel a judicial character.
- ii) The only aspect of the Israeli system of early release which relates with the British system is that which applies to sentences of two years and over; early release in the case of sentences of less than two years amounts to a remission of the last third of the sentence or part thereof.

- iii) As regards early release of prisoners serving two years or more, this can be granted only after two-thirds of the sentence has been served. The period available for supervision is therefore at least eight months. But the Board may order release without conditions. There is normally no delay between the decision of the Board and the notification of the outcome to the prisoner. This is done at the time of the Board meeting, with the prisoner present.
- iv) Release may not be refused by the Release Board without seeing the prisoner - and in practice every prisoner is seen when his case is considered.
- v) It is regarded as axiomatic that the gravity of the offence should not be a matter for consideration of the Release Board - gravity should have been taken into account in determining length of sentence; likewise it is not seen as appropriate for the court to have regard to potential remission in fixing the length of sentence. Following decisions by the Supreme Court the Attorney-General would not make representations to the Release Board arguing that parole should not be granted on grounds either of the gravity of the offence or of the effect of early release on the criminal population at large. Problems may therefore arise when the conviction is for a specified offence which is different from the facts which may be presumed to underlie the offence - for example the prisoner may have been sentenced for illegally leaving the country when the presumption underlying this may be that he was engaged in espionage but could not be so charged for lack of evidence. It is customary in security cases for the Attorney-General's Department to make observations on the degree of future risk of involvement in further activities which may threaten the security of the state. Criteria for early release in other cases generally relate to the good conduct of the prisoner and the risk of further criminal behaviour. The Board is slow to release again if there has been a recommittal following previous early release.
- vi) If refused early release the prisoner has a right which can be inexpensively exercised (IL 25, that is about £8) to appeal to the Supreme Court for an "order nisi". The Supreme Court does not review the Decision of the Board but grants redress if the Board have acted arbitrarily. It may order the Board to recommend release. In practice there are few successful "appeals" of this kind but the Court upholds the right of the prisoner to have irrelevant factors disregarded and to be given a reasonable decision.
- vii) A prisoner who is refused early release on first consideration may at any time and on any number of occasions subsequently make further application for his case to be reviewed. Philosophy appears to be that once he has established his eligibility for consideration by serving two-thirds of his sentence the prisoner has a right to apply rather than that the Release Board or Ministry of Police should automatically or otherwise review his case periodically. Exceptionally the Prison Director could take the initiative in stimulating the prisoner to make an application. Prisoners have ready access to the Prison Director and it is presumed that wholly inappropriate applications would be discouraged without however power to deny the prisoner the opportunity of further consideration.

#### D. PARDONS

Apart from early release procedure described above there is presidential power of pardon and of commutation of sentence, the initiative for which except in murder cases is rarely taken by the Ministry of Justice. Application is usually made by the offender or his family. In one year there were over 700 applications and 101 reductions of sentences, mainly reducing the period of

disqualification in traffic offences. There were also 31 complete pardons by the President mainly of young people, retrospectively, for trivial offences committed five or six years previously in order to provide them with a clean record. In this procedure the trial judge is not consulted but the judge in sentencing may make a recommendation in regard to pardon. None of the pardon procedure falls within the jurisdiction of the court.

#### E. REVOCAATION OF LICENCE

Once release has been unconditionally effected the sentence is at an end. In the case of conditional release a licensee cannot be recalled to prison without proof of the facts on which revocation of licence is based. Where the grounds for revocation are the commission of a further offence mere confession to the further offence would not be sufficient - the licensee would need to be found guilty by the court. Recall for the commission of a further offence must be within the period of licence, and the Board may revoke the licence whether or not the court imposes a further prison sentence for the fresh offence. The period of recall is consecutive to any new sentence of imprisonment and consists of an equivalent period to that for which the prisoner has already been at liberty on licence together with the unexpired portion of sentence at the time of recall. The prisoner having already served the qualifying two-thirds period of the original sentence is eligible for consideration for early release again as soon as he starts the further period of imprisonment. In addition to the power of the Board to revoke a licence on proof of a further offence there is power for the courts to order return to the prison on application by the police for breach of the conditions of licence. This appears to be the method by which a licensee charged with an offence during the period of licence but who may not be dealt with by the court during the effective period (and who could not therefore be recalled for the commission of the fresh offence within the period of licence) may alternatively be made subject to recall.

#### F. SUPERVISION

There is no statutory after-care of released prisoners in Israel and there is no after-care or positive supervision associated with parole even in the case of prisoners released conditionally on licence. "Supervision" is exercised by the police and the prisoner conditionally released on licence is required to report at least monthly to the police and to notify changes of residence. Arrangements may be made to involve one of the voluntary after-care societies prior to release where there is a specific social need and willingness to receive help. Neither the police nor any voluntary society in contact with the licensee reports on progress or behaviour to a central authority. As indicated later the voluntary societies concerned with after-care are confined to main centres of population and do not cover the whole of Israel.

#### G. VOLUNTARY AFTER-CARE SOCIETIES

There are six such societies serving only the main centres of population of Israel. There is a League of Societies chaired by Judge Berenson. A district court judge is usually Chairman of each local society. Each society has one social worker (whole or part-time - for example, one-third of the time of the social worker in Jerusalem and one whole-time worker plus an executive officer in Tel Aviv). In Tel Aviv, population about 500,000, there was a caseload of about 400 to 450 with about 200 new cases each year. The volunteers numbering about 25 in Tel Aviv undertook the direct work with clients and were accountable to the social worker.

The societies were largely financed by government grants but they were not in any event very costly because of the heavy reliance on volunteers. No hostels for ex-prisoners were available but it was possible to arrange for accommodation charges to be met or for assistance to be given to enable accommodation to be rented.

It was said that some voluntary after-care cases kept in touch for a year or even two but no figures were available. With 25 volunteers working with two or three cases each and an annual intake in Tel Aviv of 200 cases it seems likely that contact is predominantly short-term. There is no difference between arrangements for licensees and for prisoners released unconditionally so far as voluntary after-care is concerned.

In areas where there is no society a "correspondent", if there is one, may be used in place of a volunteer.

The societies are informed of the dates of release of prisoners a few months in advance, at which point the society contacts the prison social worker and may thereafter become involved with the prisoner whether or not his release includes conditions of licence - any such conditions are entirely divorced from the voluntary after-care which he may seek and receive.

The League of Societies opposed the idea that after-care work might become the responsibility of a statutory body. The activities of the societies appear to be largely concerned with practical matters including assistance with accommodation and employment and intervention if there seems to be discrimination against an ex-prisoner in these areas.

Not all intending volunteers were accepted. Mostly they were recruited through their own interest in the work of the society or through friends. There were no courses for volunteers though in some areas they might attend two or three meetings of the local rehabilitation committee (similar to a case committee) before being assigned individual cases. Support was given by the professional social worker of the local society. Recent suggestions that there should be regular meetings of volunteers engaged with cases had not yet been implemented.

#### H. SUMMARY OF PROVISIONS FOR PAROLE OF PRISONERS

Early release after two-thirds of the sentence may be granted conditionally on licence for prisoners sentenced for two years or more; the minimum period of licence available is therefore eight months. If released conditionally the terms of licence preclude habitual association with known criminals, leading a dissolute life etc. but make no provision for positive supervision or after-care; the only statutory provision is that exercised by the police to whom the licensee is obliged to report in person monthly in order that licence may be further validated. Provisions for revocation of licence are circumscribed and subject to involvement of the court either in proof of a further offence or in making an order on application by the police when breach of conditions is alleged. A limited form of voluntary after-care through the auspices of a voluntary society predominantly using volunteers may be available on request in the main centres of population independently of parole.

The Release Board has in practice no members independent of the courts and prison service and it is subject to the authority of the Supreme Court. Prisoners have a right to be heard and to be given adequate reasons (except in security cases) for refusal to release early, and a right to ask for subsequent reconsideration. In practice all prisoners considered are heard by the Board and are given a decision and, if appropriate, reasons for refusal on the same day in personal confrontation with the Board.

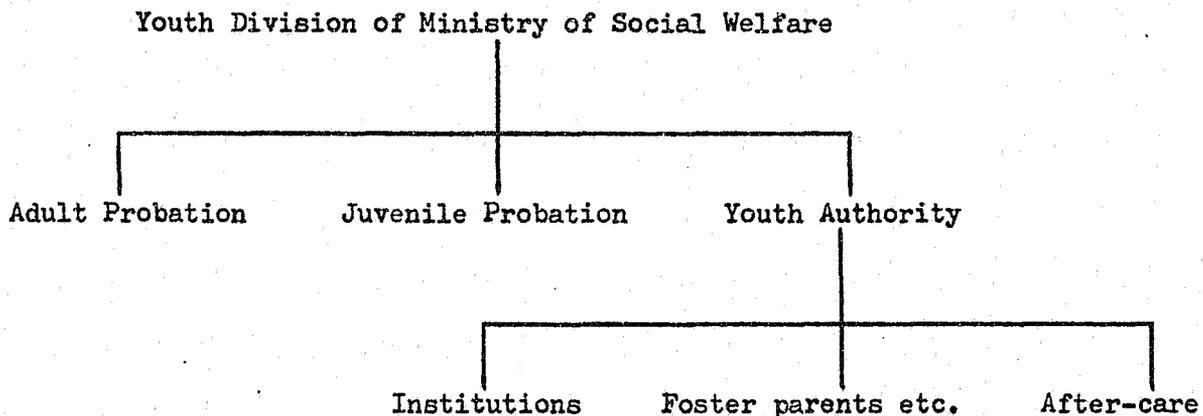
## 2. JUVENILE OFFENDERS OTHER THAN PRISONERS

### A. CENTRAL GOVERNMENT RESPONSIBILITY

Criminal responsibility begins at nine years of age and the jurisdiction of the juvenile courts extends up to 16 years for boys and 18 years of age for girls (pending legislation raising the age for boys also to 18). By contrast with arrangements for prisoners, who are the concern of the Minister of Police, the most significant points of difference are:

- i) Licence may be for a fixed period extending beyond the date of expiry of sentence.
- ii) There is an after-care service.
- iii) Supervision by an after-care officer may be made a condition of licence.
- iv) The Release Board includes a social worker.

The after-care service is the responsibility of one section of the Youth Authority, which Authority has responsibility in different sections also for institutions and for foster parents etc. The Youth Authority in turn is one of three separate departments of the Youth Division of the Ministry of Social Welfare responsible respectively for juvenile probation, adult probation and the Youth Authority viz:-



### B. COMMITTALS TO RESIDENTIAL TREATMENT

The juvenile court determines the period of treatment but classification and allocation to a particular private or government institution or to foster parents is the responsibility of the Youth Authority, who may vary the place and conditions under which treatment ensues without reference back to the court. Residential treatment ordered by the court is for a fixed term, usually three or four years.

### C. RESIDENTIAL TREATMENT

A limited range of government institutions supplemented by private institutions and by foster homes is available. The first "closed ward" in an "approved school", having 48 places, was established for boys in February 1968 at Shefaram,

alongside a semi-open ward for the same number of boys. In the government institutions the staff and training are the responsibility of the Youth Authority. During the period of residence in an institution family care and treatment is not seriously attempted although efforts may be made to promote interest on the part of parents in the treatment of their child. This is generally the responsibility of the institution's social worker who will make periodic visits to family homes in the main centres of population. The feasibility of adequately covering home visits is to some extent facilitated by the fact that most of the children come from the principal urban communities, and is to some extent hindered by the fact that allocation is not on a regional basis so that children may be sent from any part of Israel.

One or two institutions are in advance of the generality in their attempts to involve parents. The "approved school" at Shefaram is typical in that parents rarely visited the school even though the whole fare could be reimbursed and there was no restriction on hours or frequency of visits. Homes were very scattered and the ability of the social worker to visit was therefore restricted. Home leave was granted at frequent intervals subject to good behaviour. Every two or three months at each main centre of population the Headmaster arranged for meetings of parents in groups. The acknowledged philosophy was however that parental attitudes (which traditionally were rejecting of the offender) could not be changed whilst the child was in the institution and that for this purpose the period of parole must be relied upon. The customary arrangements applied that the after-care worker of the Youth Authority responsible in the area to which the child would go on release was involved in pre-discharge plans from six months before the intended release date. By contrast and exceptionally the approved school for non-Jews (predominately Arabs) at Achvah near Akko, because of its special population, had its own after-care worker as well as its social worker. Children were taken from all parts of Israel but not from the Negev and the West Bank. There were places for 96 boys and it was said that there was no one who did not have family visits - in the case of failure to visit the social worker would "compel" the parents to come. The after-care officer was involved as soon as possible after admission instead of waiting till about six months before discharge. From this predominantly Arab school most children did in fact return home on discharge, whereas from the more typical Jewish school they were rarely able to return home because of parental resistances until they had re-established themselves in the community and in work etc. The early involvement of the after-care officer at Achvah School and the role of the social worker no doubt reinforced the more positive and probably culturally determined parental attitudes.

#### D. RELEASE BOARD - CONSTITUTION

An amendment in 1957 of the Juvenile Offenders Ordinance of 1937 dealt with early release of juveniles. Under this amendment the Release Board consists of five persons:-

- Judge of the Juvenile Court, as Chairman;
- Director of the Youth Authority or his Deputy;
- Chief Juvenile Probation Officer or his Deputy;
- Physician appointed by the Minister of Social Welfare;
- Teacher appointed by the same Minister.

The Minister of Social Welfare is bound to release a juvenile recommended for early release by the Board providing he has completed one year of stay at an institution. The Release Board may exceptionally and for special reasons recommend release at earlier than one year.

The Release Board is precluded from recommending early release if opportunity to express their opinions on the matter has not been given to the Director of the Institution involved, the Probation Officer, and the offender himself. Refusal to recommend early release cannot be decided upon until opportunity to express their opinions has been given to the offender and to his parents and lawyer if any.

#### E. PROCEDURE FOR CONSIDERATION FOR EARLY RELEASE

Application for early release may be made by the offender, his parents, and the Head of the Institution or foster parent after one year of the placement has elapsed (earlier only in exceptional circumstances and for stated reasons). Written reports from the Director of the Institution concerned, Juvenile Probation Officer who submitted a report prior to placement, and the After-Care Officer are received and distributed in advance to members of the Board. The offender, his parents and the Director of the Institution are heard at the meeting.

A sample of applications over a period of some years and reported in 1965 showed that 64.5% were submitted by parents, 29.7% by the offender himself and 5.8% by the Directors of the Institutions. Only in 34% of applications made by parent or juvenile did the Director support earlier release. The appearance before the Board nevertheless gave opportunity in some cases to re-inforce necessary development or effort by the juvenile or necessary co-operation and improvement in home conditions on the part of the parents. (One might have assumed that there could be less dramatic and potentially more constructive ways of engaging parents and offender in preparation for discharge than through confrontation with a Board.)

The Board may recommend early release unconditionally or conditionally. If conditional release is recommended the juvenile may be required to be under the supervision of an after-care officer for a maximum period of three years. The minimum period of supervision and licence is one year - even if release is delayed almost until expiry of the placement order. It is understood that it is customary for juveniles released early from an approved school to be subject to licence and to supervision for one year from date of release. If the juvenile is not released until expiry of the placement order there is no licence or compulsory supervision.

#### F. SUPERVISION AND AFTER-CARE

Supervision of licence is exercised by an officer of a field unit of the after-care section of the Youth Authority. The officer is normally brought into the picture six months before the offender is expected to be released. At that time he receives a report from the Institution and customarily makes contact with the juvenile's home prior to visiting the Institution to participate in a conference to plan for discharge. Up to this point any contact with the home would normally be the responsibility of the Institution's Social Worker but if, most exceptionally, the Evaluation Committee in the Institution on reception of the juvenile recommended that the family needed special care one of the after-care service officers might be assigned locally to work with the family from an early stage.

A juvenile released from an institution without being subject to statutory supervision may if he wishes ask for voluntary after-care. Arrangement for this are not clear, but it is doubtful whether this would be available from the after-care section of the Youth Authority. It is also understood that if after the

expiry of statutory supervision a juvenile still needed and wished to receive help such continuation of after-care on a voluntary basis would not be with the same after-care officer.

G. COMMENT ON ARRANGEMENTS FOR JUVENILE OFFENDERS FOR WHOM THE YOUTH AUTHORITY HAS RESPONSIBILITY

Committal by the court in the case of a juvenile other than to prison involving "treatment" away from home is virtually a "care order" for a determined period. Once the order is made the Youth Authority, which has classifying facilities, decides the nature and location of the placement. It can subsequently vary the nature and location of treatment by executive action - including for example transfer from one institution to another or between institution and foster home. It may not however during the currency of the order release the juvenile to his own parents without the appropriate recommendation of the Release Board.

The structure therefore provides a degree of flexibility according to changing treatment needs. Flexibility however is limited by the small range of institutions, governmental or private, which are available. The lack of diversification of treatment resources within each natural catchment area means that young people may be placed at considerable distances from home. This has an effect on the ability of the institution and social worker to maintain contact with the family, but home leave is generously provided and financial assistance is available to enable parents to visit. In general parents' visits are not very frequent and some institutions arrange periodic meetings with groups of parents in the main centres of population. By and large the focus of treatment is the offender in the institution and, whether for lack of trained man-power resources or because of the intractability of cultural patterns which tend towards the offender being cast out from his family, little if any attempt is made to modify conditions or attitudes within the home during the period of institutional or foster home treatment. In Shefaram approved school the average period of detention was  $2\frac{1}{2}$  years which means that the average period which would elapse after committal before a social worker based or having responsibility in the local community became engaged with the family would be two years (that is an after-care officer of the Youth Authority) and it was then not usual for the juvenile to be able to return home on discharge.

Although the social workers in the institutions and the after-care officers in the field are the responsibility of the Youth Authority there is apparently no interchange of staff nor between these services and the juvenile probation service. If there were, one might expect the development of a more dynamic and earlier approach to involving the family than is at present customary.

The percentage of young people released early is not known but in 1965 it was reported that about 90% of them served the full term. The Release Board did not automatically review cases after one year or after any other period - application had to be made to the Board.

### 3. PRISON SOCIAL WORK

There was limited opportunity to assess the social work element in prisons. A memorandum of 1968 shows an establishment of 21 prison social workers though the complement fell to 16. The 1969 report of the Israeli prison service said that there was no prison without two or more social workers on its staff but we were told at the women's prison that there was one social worker only. The 1968 memorandum states that all prison social workers were graduates of the "social workers faculty". Information gleaned in the course of the visit shows that this is not in fact the case. The social worker at the women's prison is a graduate in psychology reading for a masters degree in that subject but without social work qualifications. One of the social workers at Massiyahu said that not all prison social workers were professionally trained but some had in service training.

Arrangements precluded more than brief contact with the three social workers at Ramleh prison (maximum security, population about 600, sentences over five years and lifers apart from the hospital wing which served the whole of the male prison service). All were said to be trained social workers and they seemed on superficial contact to be of good calibre. There was opportunity to observe part of an interview with a prisoner and his young wife. The prisoner had been convicted of procuring his wife for prostitution and her parents were pressing her to institute divorce proceedings. The objective of the interview was to resolve with the young man and his wife their own intentions towards each other. The interview was conducted informally in the privacy of the social worker's interviewing room.

A more profitable contact was made with one of the two social workers at Massiyahu prison - Mr. Zeev Holin. Both social workers were professionally trained graduates. This was Mr. Holin's first employment since qualifying as a social worker. His responsibility was wholly to prisoners in Camp A, the semi-open camp numbering about 40. His colleague participated in work in Camp A but had responsibility also for Camp B. There were distinct differences in roles in the two Camps.

Camp B which had the greatest numbers was for men sentenced to less than three months, predominantly for unpaid debts and alimony. With these the matters dealt with by the social worker were principally those arising from the family crisis relating to sentence and absence of the wage earner. In the main this was short term first aid work ensuring that appropriate help was available from community resources.

Camp A population was mainly for first offenders or repeaters who had a long gap since last sentence who were serving more than three months but less than five years. In addition there were a few longer term prisoners transferred after ten to twelve years in closed prisons for pre-discharge preparations.

The social workers' role in Camp A was fairly dynamic though it was made clear that not all of these prisoners were subject to intensive treatment. The intention first was to identify from contact with the man and from social information, if it had been obtained, what the immediate needs were and to help the man and family adjust to the sentence. Initially the social worker acted as a "ventilator" including, if appropriate, contact with the woman of the family who might be called in for interview. Sometimes work with the family was undertaken at the prison, for example whilst a member of the family was waiting for acceptance for out-patient treatment in a mental welfare clinic in her own home area. This was done if there were fundamental emotional needs. In this Camp special point was made of involving families. Home leave normally came after one-third of the sentence, or in certain circumstances earlier, and thereafter every three to four months. In a few cases where there might be doubt

about the capacity of the prisoner to return on his own initiative, use was made of the family to collect and return the prisoner.

Both social workers were engaged in group therapy. Mr. Holin had two groups and it was interesting to note that his social work qualification from the Hebrew University included a specialisation in group work as well as in casework. If the social worker found early in sentence that there were social needs related for example to the children or finance he could call for the help of the social welfare ministry to investigate. If necessary he would arrange a link with an out-patient clinic to deal with emotional problems centred in the family or for the local welfare department to attend to practical needs.

Mr. Holin said that the weakness of the prison social work was in the link for after-care. With the limited range of prisoners with whom he was concerned he appears to have a clear and dynamic role. He was attempting to meet real needs and in some cases he took on work with the family. In such cases contact with the family was through visits to the institution rather than through visits by the social worker or an agent to the family. He illustrated the kind of work he did in this situation by referring to a young man who was in conflict with his parents and in respect of whom he undertook some joint work with the man and his parents.

Mr. Holin said that he had ongoing contact with prisoners according to need. He was involved in preparation of reports for the Release Board. In exceptional circumstances it was possible to involve a voluntary after-care society but the impression was gained that this was of fairly limited value. Although he spoke with some enthusiasm of conditions in his own job he believed that situations in other prisons were less favourable. He referred to the support which he received from a governor who was sympathetic to his ideas. Although there was no professional supervision of the social workers, the workers attached to the complex of three prisons around Ramleh and others in the North met together each week for professional discussion. These meetings were attended also by psychologists and psychiatrists.

#### 4. SUSPENDED SENTENCES

At meetings with the representatives of the Ministry of Justice we were told by the State Attorney, Mr. Bach, that suspended sentences were introduced in 1954. Use of suspended sentence otherwise discretionary was excluded for certain offences, for example "pimps" in prostitution, though the use of probation for such offences was not excluded. The Attorney can appeal against the lightness of a sentence, and the Supreme Court may identify certain cases in which there must be a real sentence of imprisonment however short. There is a belief in the deterrent value of short sentences.

Courts have been empowered in certain circumstances to extend the period of suspension of sentence when a further offence has been committed providing that no further custodial sentence is imposed. This is to avoid the injustice of activation of a substantial suspended sentence for a relatively minor further offence.

Since 1963 it has been possible to impose a suspended sentence at the same time as probation or at the same time as certain other penalties such as a fine. It was said that it was too soon to say how the arrangement for combination of sentences was working in practice. If probation is imposed at the same time as a suspended sentence the orders run concurrently for any single offence. A suspended sentence which is activated is consecutive to any other sentence unless the court otherwise directs. This is in contrast to the normal rule that where there are dual orders or prison sentences these are concurrent unless the court otherwise directs.

Dr. Horowitz, Director of the Adult Probation Department, said that he was now convinced that there was some validity for combining probation and suspended sentence in some cases but the problem was to know in which cases. In some cases where there were dual orders one of them was superfluous and he thought might even be harmful. There was a problem also in that the Supreme Court had not yet decided whether breach of probation other than the commission of a further offence in such cases could be dealt with.

The opinion of Professor Shoham of the Institute of Criminology at the University of Tel Aviv was that the efficacy of suspended sentences diminishes when combined with other sentences of whatever nature. This was his impression from empirical studies but there were no hard facts which could be quoted. He also said that the courts were not favouring combination of orders. The law had shown need for amendment following the earlier introduction of combination of suspended sentences with probation because of the conflict which arose when perhaps there was a later minor offence. The courts were then by amendment of the law given discretion to extend the period of suspension but they could do so only on one occasion.

## 5. PROBATION

In the course of an informal meeting with Dr. Horowitz, Director of the Adult Probation Service, and Mr. Saemy Kahan, in charge of the After-Care Unit of the Youth Authority in Jerusalem, some points were clarified from previous meetings and some contradictory statements about the probation service and its use were resolved.

A probation order may be made for a period not exceeding three years with a minimum specified period of one year. A requirement to reside may be for the same maximum period of three years. The probation service is not attached to the courts for any administrative purposes but is a separate unit under the Ministry of Social Welfare. There are no probation committees. The Juvenile and Adult Probation Services are separately organised but together total 170 probation officers. Of these 90 are for juveniles and 70 for adults. There is no distinction between the sexes in supervision of clients, but this mainly stems from the fact that 70% of the probation officers are women.

There is provision in law for social enquiries to be considered by the courts in every case in which the maximum period of imprisonment exceeds six months, but this is to be implemented in stages. Since 1961 the requirement has been operative only in respect of offenders aged 16 - 21. It is mandatory that the court should receive the report of a probation officer before making a probation order. Probation can be used for all offences except where life sentence is mandatory.

Under the 1967 legislation probation may be combined with another sentence for the same offence. In particular this makes it possible for probation to be used in conjunction with a conditional or suspended sentence. We were told that it is not possible to use probation in conjunction with a simple sentence of imprisonment only, but by interpretation of law by the Supreme Court it is possible to use prison plus a suspended sentence plus probation. The view of the Director of the Adult Probation Service is that there are cases in which probation may be profitably used in the association with the suspended sentence, though the criteria indicating such use were not known. There are also cases in which such a combination of orders would be harmful - presumably because of the pre-determination of the penalty in the event of re-conviction. In regard to use of probation with an actual sentence of imprisonment the Director considered that compulsory after-care would be better. The Director was aware of few cases in which an actual sentence of imprisonment was combined with probation though Judge Berenson said that there had been several cases. Apart from probation supervision following such a sentence the probation service was not involved in after-care.

Shortly before our visit, it had been decided that on completion of probation a final report should be made to the court together with the original case papers and record. This perhaps reflects an element of distrust of probation expressed on one or two occasions by members of the legal profession. The Attorney General for example had referred in a meeting with us to some clashes with the tenor of probation officers' reports to court with a comment about "playing god". Judge Baker of the District Court of Jerusalem, who however no longer deals with criminal cases, said he did not think much of probation. He wanted to bring every probationer back before the Judge in person every six months. He would not be satisfied with written reports and in any case he thought that probation officers did not carry things through effectively. He wished, therefore, for the Judge to take a personal interest in the progress of each probationer - the number of cases for each Judge would be small.

The Director of the Adult Probation Service said that probation was used for 4% of adult offenders. Although published material refers to a fixed

"standard caseload" the fact is that caseloads are much higher in practice. The standard provides that a Juvenile Probation Officer with 20 probation/supervision cases could undertake 10 - 13 social investigations a month. It provides that an Adult Probation Officer with 20 probation cases could undertake between five and seven social investigations a month, or with 30 probation cases only two social investigations a month. The reality is that adult probation caseloads are in the range of 40 - 50 for each officer plus about five social investigations a month. The figures for juveniles are not known.

It is proposed to experiment in Tel Aviv with a group of officers carrying small caseloads for intensive supervision, but there appear to be few if any of the ancillary services which one would expect to be associated with a special supervision unit.

Volunteers are little used in probation. Additional services undertaken by probation officers include:

- Reports to the Attorney General in connection with stay of proceedings;
- Reports to the Ministry of Justice in connection with pardons;
- Reports to the Release Board in connection with consideration for parole;
- Reports to Military Courts on offenders.

Probation Officers may also act as Youth Interrogators in connection with children under 14 years of age who are witnesses or victims of sexual offences. The provisions for the use of Youth Interrogators in these cases are fully described in the papers for the Kyoto Congress of 1970.

The division of responsibility between ministries for probation and the Youth Authority on the one hand and prisons and parole of prisoners on the other appeared to the observer to inhibit the development of a comprehensive policy and integrated service in relation to after-care and social work within the institutions and with the families of offenders who for the time being were removed from home. This division of responsibility was seen as a not unmixed blessing by the Director of the Adult Probation Service since this left him relatively free of ministerial or departmental direction and control. Dr. Horowitz said that the 1965 report on probation in Israel for the Stockholm Congress was not now very accurate. The paper for the 1970 Kyoto Congress was not, in his opinion, very clear. Certainly one finds that description does not always accord with the situation in practice and also that there are substantial differences of understanding in Israel itself as to what the legal provisions and practice really are.

Dr. Horowitz had ideas about getting approval for an adult after-care service, but he was not yet sure that if Government support was forthcoming for this he would favour the use of the probation service for this purpose. In this regard he appeared to have been influenced by his contacts with voluntary after-care bodies in his visits to the U.K. but in the light of further information he was now wavering.

THE TOUR OUTSIDE THE CONTEXT OF OUR OFFICIAL PROGRAMME

We left London by BOAC scheduled flight on 26 October. There was less delay at Heathrow than I had expected. Each passenger was processed through an X-ray beam, with an additional hand-baggage search. We were well looked after by a Mr. Collins, a Chief Immigration Officer from the Home Office, before departure.

We took off on a glorious clear morning and, an hour later, were flying over the snow covered foothills of the Alps; there had evidently been a very early fall this year. Although the whole flight was in clear weather we were so high, in our Boeing 707, that it was not possible to appreciate the beauty of the Aegean Sea and the Turkish coast and I missed the periodical explanations by the pilot, who appeared to be a silent type. Darkness had fallen before we landed at Lod (Lydda) where we were met by a Mr. Peter Elman\* from the Ministry of Justice and a Mr. Entebbe from the Ministry of Foreign Affairs, and Mr. Peter Gregory-Hood from our own Embassy. The latter took us straight to our Ambassador's residence (H.E. Mr. John Barnes) where a cocktail party was in progress and I met a number of delightful people; but it was all a bit confusing and exhausting. Then, with Peter Gregory-Hood and his charming wife, Camilla, to supper in a French restaurant in the Old City of Jaffa, where we ate excellent sea food. Finally, by Embassy car in an hour's drive to Jerusalem, along a magnificent double carriageway, to arrive at the King David Hotel, which I had last seen 22 years ago, just after the Stern Gang or Irgun Zvei Leumi had blown up a large wing of the hotel, shortly before the end of our Mandate.

On the evening of 27 October, the day finished with a pleasant dinner party at the "Inter-Continental Hotel" on the south end of the Mount Scopus range, our host being the voluble and informative Mr. Terlo, with the Attorney-General, Mr. Shamgar, and our liaison officer, Peter Elman. Shamgar was a prisoner of the British for four years between 1944 and 1948 and had served in the Israeli army for the last twenty years, mainly in the Judge Advocate General's Department and finally as Judge Advocate General before taking up his present appointment. He read his law while in our prisons in Eritrea, Sudan and Kenya. We were given enthralling accounts of the six-day war in Jerusalem and after dinner we toured the floodlit excavations beneath the West Wall (Wailing Wall), finally driving into the old city by St. Stephen's Gate and along the Via Dolorosa. The amount of excavation done by the Israelis since 1967 and in restoring their ancient capital is most impressive.

On 28 October we travelled by car to visit three prisons in central Israel, as reported in Part I. The drive through the Judean Hills, amid forests and down to the fertile, skilfully cultivated lower slopes and valleys was delightful. We passed Latrun\*\*, a Trappist monastery and called there on our way back to buy some

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\* Peter Elman, with his wife Frances and their two youngest children emigrated here in 1963, following a private visit to Israel. His legal work in London (he was a barrister in the Chancery Division engaged in conveyancing and commercial work) was appropriate to the vacancy offered to him in the Ministry of Justice, by Mr. Justice Chaim Cohn.

\*\* Latrun is derived from a Hebrew word for "robber". Tradition has it that it is on the site of the home of the robber who was crucified with Jesus and who asked for his forgiveness before he died.

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wine. Nearby is the empty shell of the former British Police Station (Taggart Fort) which had withstood desperate onslaughts by raw, newly arrived Jewish recruits in 1948. In the forests are some well preserved wrecks of armoured cars, destroyed in the 1948 war, in which young Jewish heroes ran the gauntlet of the Arab ambushes, while trying to bring food to beleaguered Jerusalem.

That evening we were entertained in Jerusalem at a very pleasant and informal fork supper party by Mr. Meron, Director of the Legal Advice Bureau of the Foreign Ministry where, among other congenial guests, I met again Arthur Laurie, who had formerly been Israeli Ambassador in London. Mr. Marsden, correspondent of the Sunday Times who had been expelled from Kenya a year ago, Professor Dinitz from Ohio University, Mr. Felix Landor, Moshe Pearlman and Professor Shoham of Tel Aviv University were among the other guests.

On 29 October, after visiting the Oranim Girls' Institute of which details are given in Part I, we were conducted on an intensive and exhausting sight seeing tour starting with the main University Campus, then on to the Herzl Museum, Tomb and Cemetery, later moving to Mount Zion and the Old City. On Mount Herzl lies the heart of Zionism and to come here is to understand the spirit and will of the Israel Nation. The Cemetery is a remarkable place, each tomb being given considerable space and dignity. Herzl's tomb is on the summit with a superb panorama; it consists of a simple black marble block, which is approached on all sides by a sloping dais of limestone. I was reminded of the ghat of Gandhi-ji in New Delhi. One particularly striking memorial was an enclosure of land commemorating Jewish soldiers who died in a ship sunk in 1941 while en route from Egypt to Greece. It takes the form of a ship, the tablets commemorating the soldiers lie beneath the water of a shallow, blue-tinted pond. Another imaginative concept is a memorial to the fallen in 1948 in the Old City, taking the form of a tunnel, symbolising the narrow streets where they died; they were buried by the Jordanians in a common grave.

We then inspected a remarkable model of Herod's Jerusalem, based on seven years' painstaking research, mainly based on the writings of Gustavus Flavius, before moving on to Mount Zion to visit King David's tomb, the memorial to the six million Jews who perished in Europe in 1939 - 1945, the church of the Dormition, the Crusader reconstruction of the Chamber of the Last Supper and other sites. In the Old City, we saw the second, fourth, fifth and sixth traditional Stations of the Cross in the Ecce Homo and Holy Sepulchre Churches. Unfortunately, we had to go through the fascinating Suk (Arab market) at a mad pace in order to keep within our time-table.

The Ecce Homo evidence of the barracks, the courtyard where the soldiers played games and the submerged pavement of the original Via Dolorosa are doubtless authentic, but I found the superimposition of Armenian, Greek and Catholic edifices and adornments, upon the supposed site of the Crucifixion and Golgotha, and the horribly commercialised tomb itself, disillusioning and distasteful. Indeed, once inside the confined space of the tomb, with no easy chance of escaping, it is made very clear to the tourist that he must make a substantial contribution to the maintenance of the Holy Place.

In the evening we were entertained to a dinner in our hotel by Hanooh Givtan, Director General of Tourism and his English wife, Minna, with Peter and Frances Elman. After dinner, we went to a night club with a difference, located in a converted grotto stable of the Turkish regime, where a packed audience, mainly young people, listened enraptured to a gifted Jewish-Moroccan singer and guitarist, with an excellent three-piece band. After the show, in which there was a considerable amount of audience participation, particularly in the lively and vigorous kibbutzine songs, the small stage filled with dancers, several of them boys and girls in uniform and back from the Suez Canal front, performing country dances with immense zest. The atmosphere of youthful happiness was quite infectious and exciting.

After visiting Tel Aviv University on 30 October we travelled to Herzliya, a small township ten kilometres north of Tel Aviv, to visit to Elman family, in order to meet their son, Richard, and his wife, Judy, who were passing through on their way from Hong Kong to the United States to attend a conference. Present also were the two youngest daughters of the Elmans, Carnel, who is still at school, and Ina, who is serving in the Army. This was a delightful family occasion, enlivened by the infectious enthusiasm about life in Israel evinced by the two girls, who had left England at the ages of 12 and 10.

We were entertained to supper by Mr. Yehuda Erel, a senior official concerned with youth work in the Ministry of Education, to which he had invited the Mayor of Ramat-Gan, a retired Israeli General, Zamir, who had played a distinguished part in the six-day war, and a retired naval Captain, Yanai, who had attained fame by capturing an Egyptian destroyer in 1956. Also present was a business man; all of these being accompanied by their wives, and Erika Landau, a psychologist and artist, who is director of a museum of glass artefacts. Yehuda appears to travel widely, spreading the example of the Israeli youth programmes, some of which he claims to have been inspired by the Duke of Edinburgh's Award Scheme; he had studied the Scheme during a visit to England ten years ago, when we had first met.

On 31 October we were called for by an official from the Legal Department of the Israeli Ministry of Foreign Affairs, Mr. Naftali Tamir, and a registered guide-driver, Arie Fisher, to start a tour which the Israeli Ambassador in London kindly agreed to arrange. We drove out northwards on the first leg of this journey which took us to Natanya on the coast, then inland and eastwards, through the pre-1967 border (which is only 12 miles inland from the coast at this point) via the Arab town of Nablus (population 15 - 20,000) to Jenin (population 80,000) the principal city of the Jordanian West Bank territory. No Israeli soldiers are presently stationed in, or near, the towns, although we later passed several camps situated close enough to intervene quickly, when necessary. In both towns life appeared to be normal, with a brisk market in progress in Nablus. We learned that the inhabitants pay no national taxes to Israel (or, of course, to Jordan) and the teachers receive their salaries from Jordan and an additional salary from Israel.

We then turned northwards, through the Hills of Samaria, again crossing the pre-1967 frontier to reach the rich plain of Jezreel, a battle ground through the ages from Megiddo where Saul and Jonathan died on neighbouring Mount Gilboa, and up the steep climb escarpment on its north flank, to reach Nazareth. Even though the sowing had not yet started the richness of this valley, the "bread basket" of Israel, is striking in contrast to the surrounding hills; the land was neatly ploughed, waiting for the rains. On our right, as we climbed out of the valley, lay Mount Tabor, a shapely hill where Jesus was transfigured: ".... let us build three Tabernacles ....". Nazareth, or what we saw of it, we found very disappointing. We did not go into the new Basilica of the Annunciation, the fifth church to be built upon the supposed site of the grotto where the Angel Gabriel appeared to Mary, but we did do some trinket shopping and were pestered by the pedlars, before setting off back again, down the long descent through the attractive village of Cana, to the shores of the Sea of Galilee (Lake Kinneret). The temperature was by no means intolerable, even at 200 metres below sea level.

On the way we passed the Horn of Hritin, scene of the furthest advance of the second crusade in 1187 AD, where Saladin's hosts swept across the Jordan River and overwhelmed the unacclimatised and overburdened Crusaders, dying of thirst and exhaustion in their heavy accoutrements.

At Maagan Kibbutz we were kindly received, provided with an informal lunch and taken on a tour of this medium-sized Kibbutz, dated from 1938, with 350 members. Here children sleep separately from their parents in little houses,

according to age groups, starting at the age of six weeks onwards. Accommodation is provided in children's houses, also according to age group, where they live in small dormitories with a single living room all charmingly furnished. Through the camp runs a rabbit warren of trenches, leading to shelters where, until recently, all residents normally slept. Indeed, the smallest youngsters are still taken down to their shelter for the night.

Maagan is a fully communal, or idealistically communistic society, in contrast with certain other Kibbutzin whose philosophy and practice is co-operative rather than communal; these are known as "moshevs" and "ishus", depending on the degree of co-operative enterprise and commitment. The concept here at Maagan is that of an extended family, living an entirely communal life, almost every aspect of which is subject to decisions by the general assembly of all Kibbutzniks; they include such privileges as travel abroad, for which a rota is maintained, depending on seniority, two families being granted this privilege each year. Every family receives a small allowance based on a communally agreed budget; within the Kibbutz there are very few personal expenses and there is no individual taxation. Membership is decided by vote of the assembly after one year's residence.

The work done at Maagan is agricultural, with the banana crop comprising 50 per cent of the product. It is worth noting that the total membership of over 240 Kibbutzin in Israel, which amounts to only 4 per cent of the population, produces 30 per cent of the total agricultural product. It is also a noteworthy fact that most of the people currently prominent in public life in Israel were brought up in Kibbutzin; moreover, 80 per cent of the pilots in the Israeli airforce come from these sources.

From Maagan we drove along the east side of the lake, through another Kibbutz (En Gev), which before 1967 was confined to a narrow cultivated strip, only a few yards wide in places, between the shore and the mountain, which like Maagan had been completely dominated by the Syrians before 1967. From here the new road runs up the mountain side on to the plateau of the former Syrian-held Golan Heights, where already the industrious Israelis are cultivating the erst-while neglected soil and building new settlements. Turning back, we descended to the lake side and drove round, south and westwards, through Tiberias\* on the main road under Mount Arbel\*\* to Tabgha (Capernaum) where we admired the famous fifth century mosaic pavement of birds and fishes, part of a fifth century church built on the ruins of St. Helena's fourth century church. It was on this spot that St. Helena, mother of Constantine the Great, located the site of Christ's miracles with the loaves and fishes, and other fishing occasions during his Ministry. Then, passing the Mount of Beatitudes (Sermon on the Mount) and the new excavations at Hazor where Professor Yadin has identified 22 levels of civilisation, of which Solomon's Palace here is only the eleventh, we finally reached our stopping place for the night in Ayelet Hashahar. This is a very prosperous and large Kibbutz of more than 800 members, which was founded in 1915 and is, therefore, one of the oldest settlements; it stands on the edge of the former marshes in the Upper Jordan valley and was at that time highly malarial. We were most hospitably entertained and accommodated, attended a lecture with slides on the life of the Kibbutz given by an English girl Kibbutznik and later, listened to a part of the monthly general assembly of the community. We finished the evening by taking tea with two Kibbutzniks, Ruth and Arie Dotan.

On 1 November we were up at 6 o'clock to take the 7.30 am flight from Rosh Pinner to Tel Aviv, getting a fine view of the Hazor excavations soon after

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\* Tiberias was built by Herod Antipas.

\*\* Where Herod lowered his soldiers in baskets down the cliffs, to surprise the Jews hiding in their caves.

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take-off. Our travelling companions were a middle aged group from Canada, one of whom, the wag of the party, was a sore trial to my companion and myself in the plane. Arie Fisher was waiting for us at Tel Aviv and we were joined by a young free-lance photographer (Uzi Kenigfest) on the journey to Beersheva. As we moved south, the land became more and more parched - we were now in the Negev - but we noticed that it was nonetheless ploughed and waiting for the rains (rainfall ca. 20 millimetres a year) when the sowing will start and the country will be transformed. Beersheva has grown from a ramshackle shanty town into a flourishing modern city of 70,000 inhabitants since 1948, with a number of industries including textiles to add to the ancient market of sheep, camels and horses. From here we continued to the township of Arad, near the Hill of Tel Arad\*. Arad is an even newer town which has sprung up in the last seven years and now houses some 7,000 people, mainly Jews from North Africa, whose principal livelihood is in the potash mines at Sedom (Sodom); but the climate also attracts older people suffering from bronchial complaints. A new road from here makes it possible for cars to continue the journey, formerly only feasible for trucks, to the famed citadel of Massada, passing through the second level of the Judean Desert, and later the third level. The last redoubt of Herod, with his Edomite Guard and the Zealots in the years AD 70 - 73, comes dramatically into view at the lip of the escarpment above the Dead Sea. It lies at about sea level, with the sea still 1200 feet below.

Here we spent some three hours exploring the remarkable finds of Professor Yadin, of which I had seen an exhibition in the Festival Hall in London in 1966. Arie proved a most informative guide, lecturing us as if his audience of three comprised a large group of tourists from the United States. We proceeded to examine the astonishing water system, the bath houses, the mosaic pavements, the food and ammunition magazines, the earliest Jewish synagogue\*\*, a fourth century Byzantine Church and, more especially, the western and northern palaces of Herod the Great. Here pilgrimages are made to honour the memory and example of these heroic ancestors of the Jewish race, who defied the Roman legions for three years and finally killed themselves rather than submit to their besiegers. A military tribute is paid annually at the new grave in which the archeologists have laid the bones of these people, at the foot of the west side of the plateau.

We descended in company with a large, gay party of students from the Hebrew University in Jerusalem, including many from the United States and Canada. Below the mountain we inspected the museum before our car arrived to take us down to the sea shore, for a snack at a new luxury hotel. There followed a "float" ("dip" is here not an apt description) in the bitter slimy water of the sea\*\*\*.

On the evening of 3 November I attended a dinner at the British Embassy given for Mr. Joseph Godber, Minister of State in the Foreign and Commonwealth Office which included the Israeli Minister of Labour and Mr. Arthur Laurie, a former Israeli Ambassador in London. I sat next to the Israeli Chief of Staff (General Chaim Herzog) and Mr. Rafael, Director General (P.U.S.) of the Foreign Ministry, both of them delightful dinner companions. Herzog regaled me with the latest arguments, provided by a professor who had spoken to senior officers during a battlefield tour immediately after the war, pointing to the actual route taken by the Israelites in their flight from Egypt.

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\* Where once a palace stood which was a gift of one of the Pharaohs to Solomon when the latter took the Pharaoh's daughter to be his thousandth wedded wife.

\*\* Our guide assured us that synagogues did not exist before the destruction of the Temple in AD 70.

\*\*\* Its salt content is 30 per cent.

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BIBLIOGRAPHY

**A** PUBLICATIONS ABOUT THE PENAL SYSTEM

PROBATION IN ISRAEL: Dr. M. Horowitz, 1965

CRIME AND THE PENAL SYSTEM IN ISRAEL: J.E. Hall Williams, The Prison Service Journal, Vol. III, No. II

THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS: Papers for United Nations Congress, Kyoto, 1970

ISRAELI PRISON SERVICE: English summary of the 1969 Annual Report

**B** CRIMINOLOGICAL PUBLICATIONS

THE MARK OF CAIN (THE STIGMA THEORY OF CRIME AND SOCIAL DEVIATION): Shlomo Shoham, Israel University Press, 1970

RESEARCH IN CRIMINOLOGY IN A COUNTRY OF SOCIAL CHANGE: Shlomo Shoham, Council of Europe, 1969

CRIMINOLOGY IN ISRAEL: Shlomo Shoham

ECONOMIC CONDITIONS AND CRIME IN ISRAEL: Shlomo Shoham

CRIME AND CULTURE: ESSAYS IN HONOUR OF THORSTERN SELLIN: Various

INSTITUTIONS FOR DELINQUENT YOUTH IN ISRAEL: EVALUATION OF TREATMENT AND FOLLOW-UP: Shlomo Shoham, Giora Rahav, Michal Menaker, 1968

ISRAEL (Reprinted from THE ACCUSED): Shlomo Shoham

SOCIAL STIGMA AND PROSTITUTION: Shlomo Shoham and Giora Rahav

PSYCHOPATHY AS SOCIAL STIGMA: A MYTH REVISITED: Shlomo Shoham

THE FAMILY AND VIOLENCE: A Staff Report to the National Commission on the Causes and Prevention of Violence

POINTS OF NO RETURN: SOME SITUATIONAL ASPECTS OF VIOLENCE: Shlomo Shoham

THE TEL-MOND FOLLOW-UP (RESEARCH PROJECT): Shlomo Shoham, Yoram Kaufmann, Michal Menaker

THE MEASUREMENT OF MOVEMENTS ON THE CONFORMITY-DEVIANCE CONTINUUM AS AN AUXILIARY TOOL FOR ACTION-RESEARCH: Shlomo Shoham, Giora Rahav and A. Kreizler

LAW AND ORDER: A PROLEGOMENON FOR CROSS CULTURAL RESEARCH: Shlomo Shoham and Gerhard O.W. Mueller

TWO SIDES OF THE BARRICADE: Shlomo Shoham

SOCIAL STIGMA AND THE CRIMINAL GROUP: Shlomo Shoham, The Irish Jurist, Vol. III, New Series, Part I

IMMIGRATION, ETHNICITY AND ECOLOGY ETC.: Shlomo Shoham, Nahum Shoham and A. Abd-El-Razek

BIBLIOGRAPHY - continued

**C CULTURAL AND EDUCATIONAL PUBLICATIONS**

ON DEVELOPING CREATIVE BEHAVIOUR (ART & SCIENCE YOUTH CENTRE): Erika Landau

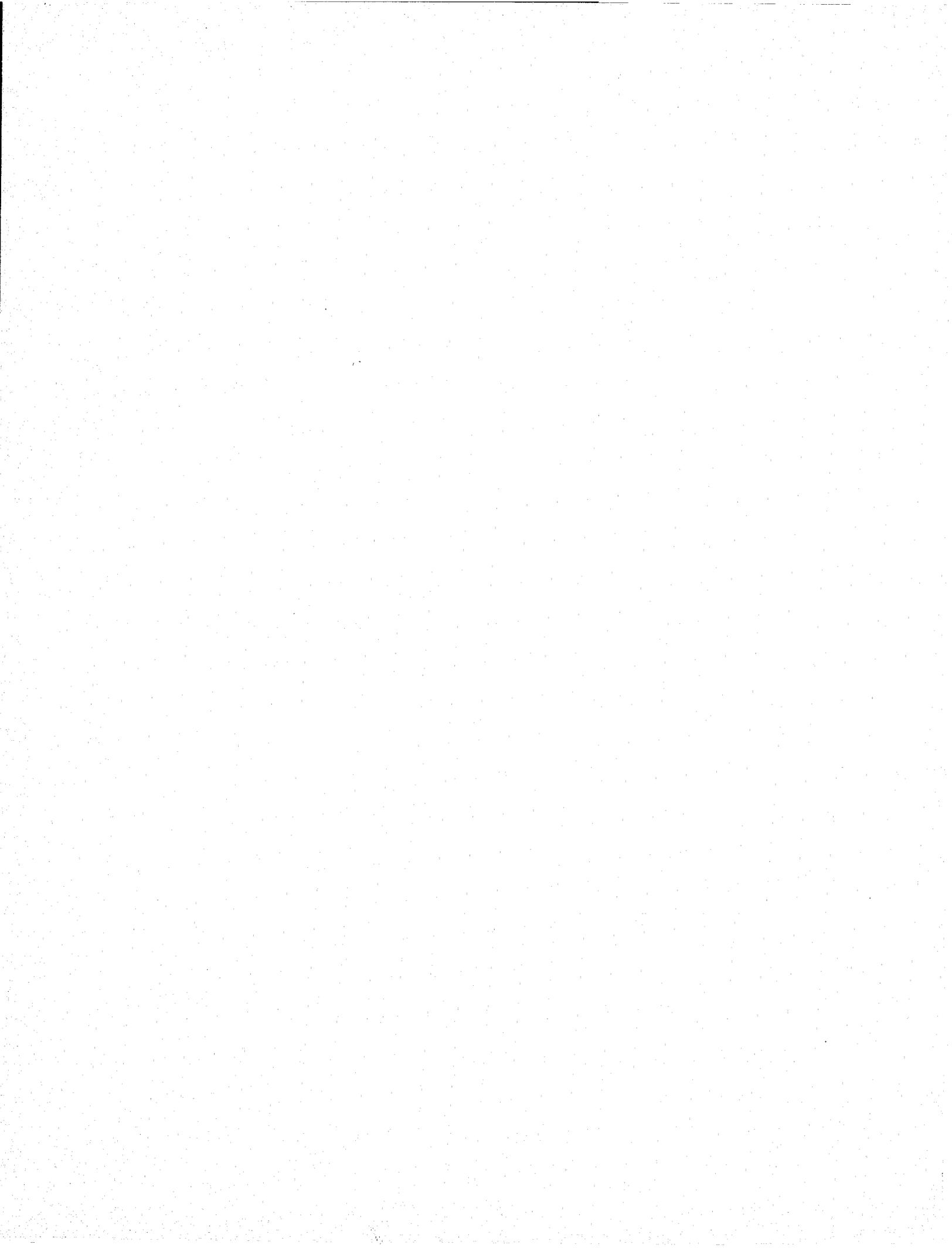
PROJECT FOR AN EDUCATIONAL CENTRE FOR EXCEPTIONALLY GIFTED CHILDREN: Erika Landau

S.Y. AGNON: THE WRITER AND HIS WORK: Cultural and Scientific Relations Division,  
Ministry for Foreign Affairs

THE REVIVAL OF THE HEBREW LANGUAGE: Cultural and Scientific Relations Division,  
Ministry for Foreign Affairs

THE ISRAEL MUSEUM: Cultural and Scientific Relations Division, Ministry for  
Foreign Affairs

JERUSALEM: Cultural and Scientific Relations Division, Ministry for Foreign Affairs



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