

### **Abstract**

Despite robust legal frameworks in Germany and across the European Union designed to support the reintegration of formerly incarcerated individuals, hiring discrimination remains a persistent challenge. This thesis investigates whether an ex-offender's crime type (*mala in se* vs. *mala prohibita*) and disclosure strategy (plain vs. redemption narrative) influence hiring likelihood (HL), and whether employers' perceived trustworthiness mediates these effects. Using a 2×2 between-subjects experimental design, participants (N = 192) reviewed fictional job applications for bus driver positions and rated the applicant's trustworthiness and HL. Results revealed that disclosure strategy significantly influenced perceived trust, with applicants using a redemption narrative rated as more trustworthy than those using plain disclosure. Crime type had no significant effect on trust or HL. While trust strongly predicted HL, it did not mediate the relationship between crime type and hiring outcomes, nor did disclosure strategy moderate this effect. These findings suggest that narrative framing may globally improve trust perceptions, while moral distinctions between offense types may shape hiring decisions through other mechanisms. In parallel, a sociolegal doctrinal analysis of German rehabilitation law highlights gaps in protection against hiring discrimination, particularly the absence of criminal history as a protected ground. This interdisciplinary approach reveals a disconnect between formal legal norms and real-world judgment, offering insight into how stigma and trust function in the hiring process. Practical implications are discussed for employers; for ex-offenders, who may improve outcomes by emphasizing rehabilitation; and for policymakers, who must consider making existing legal protections salient.

*Keywords:* hiring discrimination, criminal record, trust, rehabilitation, legal stigma, disclosure strategy, freedom from discrimination, German law, labelling theory.

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**List of Abbreviations**

AGG	Allgemeines Gleichbehandlungsgesetz (General Equal Treatment Act)
BZRG	Bundeszentralregistergesetz (Federal Central Crime Register Act)
CFCA	California Fair Chance Act
ECHR	European Convention on Human Rights
CFEU	Charter of Fundamental Rights of the European Union
GDPR	General Data Protection Regulation
GG	Grundgesetz (Basic Law of Germany)
HL	Hiring likelihood
PA	Physical assault
StVollzG	Strafvollzugsgesetz (German Prison Act)
TE	Tax evasion

## Introduction

*“Mr. A, we regret to inform you that your application was unsuccessful.”*

Formerly incarcerated individuals face numerous barriers when attempting to reintegrate into society, with employment being one of the most significant challenges (Heydon & Naylor, 2017). Research consistently demonstrates that securing stable, meaningful employment is crucial to reducing recidivism and fostering social inclusion, as it provides a legitimate income, socially valued roles, and structured lifestyles (Graffam et al., 2014; Lockwood et al., 2012; Pager, 2018; Uggen, 1999). However, despite clear links between employment and successful reintegration, ex-offenders often struggle to find jobs due to the persistent stigma associated with criminal records (Holzer et al., 2006). This stigma often leads to employer bias, poor job opportunities, and racial disparities in hiring practices (Bushway, 1998; Graffam et al., 2007; Harris & Keller, 2005; Pager, 2003). Previous research indicates that employers often have access to an applicant’s criminal history, and that the severity of the offense (e.g., misdemeanors versus felonies) influences hiring outcomes (Henry & Jacobs, 2007; Uggen et al., 2006). In various contexts of employment, the crime type also impacts hiring biases (Graffam et al., 2007; Holzer et al., 2003).

Although legal frameworks exist, upholding the principle of freedom from discrimination in the EU—such as the Charter of Fundamental Rights of the European Union [CFEU] (2000) and the European Convention on Human Rights [ECHR] (1953)—challenges persist in practical implementation. The German legal framework, rooted in the principles of rehabilitation and reintegration, places significant emphasis on ensuring that ex-offenders can lead responsible, crime-free lives post-incarceration (Bundesministerium der Justiz, 2023). The German Prison Act (Strafvollzugsgesetz, [StVollzG], 1976) prioritizes rehabilitation, while the Basic Law

(Grundgesetz, [GG], 1949) guarantees freedom from discrimination. Furthermore, the Federal Central Criminal Register (Bundeszentralregistergesetz, [BZRG], 1971) governs the disclosure of criminal records, aiming to balance public safety with the right to reintegration. Nevertheless, empirical studies indicate that hiring discrimination against ex-offenders prevails, as societal perceptions of criminality often overshadow legal protections (Uggen et al., 2004). As such, this thesis uses Germany not as the site of empirical investigation, but as a case to critically explore the disconnect between progressive legal protections and their uncertain realization in everyday practice.

This gap between law and practice is also observed in other legal systems. For instance, in the US, despite protective laws like the California Fair Chance Act (CFCA), nearly 80 percent of hiring decision-makers still access criminal background information before extending job offers (Oselin et al., 2023). Given that most research and legal analysis on hiring discrimination focuses on US and UK contexts, this study contributes to a more diverse understanding by examining how criminal history influences hiring decisions in relation to legal ideals—using Germany as an underexplored legal system. As Germany embodies both civil and common law traditions, it serves as a particularly rich site for analysis (Miller, 2017). While the legal analysis addresses an existing gap in the German context, the empirical component draws on a broader, non-German sample.

In parallel, Germany's social climate over the past decade has intensified public discourse around crime and reintegration. The 2015 refugee crisis and the recent influx of Ukrainian refugees triggered concerns about integration and national security, fueled by media and political rhetoric linking migration to rising crime (Hanewinkel & Oltmer, 2018; Kury et al., 2018). Despite stable crime rates (Bundesministerium des Innern, 2017), these narratives

contributed to increasingly punitive public attitudes. This shift does not only affect migrants. Stigma surrounding criminality appears to have generally intensified, negatively impacting ex-offenders with and without a migration background. Research shows that when public fears rise, individuals perceived as deviant— including former prisoners— face increased suspicion and exclusion (Pager, 2018; Schram, 2010; Sugie et al., 2019). In this climate, hiring discrimination may be further exacerbated, as employers become more risk-averse and morally evaluative in their decision-making. Hence, the current context underscores the urgency of assessing how well legal protections aimed at reintegration hold up against shifting social attitudes and persistent stigma.

Some research has been conducted on positive credentials (evidence of rehabilitation) from applicants with a criminal record (Denver, 2019). While presenting such evidence— referred to as disclosure strategy (i.e., whether applicants provide a plain statement or evidence of rehabilitation)— can reduce stigma and increase employability, little is known about how it is most effective in practice (Denver & Ewald, 2018; Leasure & Anderson, 2016). Moreover, an employer's trust in a candidate plays a pivotal role in recruitment— much research exists on the role of trust in hiring, but it focuses on trust violations by employers rather than applicants (Klotz et al., 2013). Further research is needed to understand how hiring professionals assess the trustworthiness of ex-offenders, and which specific dimensions of trust— such as integrity, ability, or benevolence— most influence their hiring decisions. As mentioned above, the type of offense (crime type) may also shape employer perceptions (Uggen et al., 2006). This study contributes to this academic gap by combining trust, disclosure strategy, and crime type into a single model, exploring how these factors jointly influence HL, alongside a novel legal analysis of German rehabilitation commitments.

Thus, the research question guiding this study is: *How do an ex-offender's crime type and disclosure strategy influence hiring likelihood, and what does this reveal about the effectiveness of rehabilitation protections, using Germany as a legal reference case?*

To address this question, the study adopts an interdisciplinary approach, combining sociolegal doctrinal analysis and an experimental psychological design. The legal component identifies gaps in Germany's rehabilitation framework, while the psychological component investigates general mechanisms that may explain why discrimination persists despite formal protections. To explore these dynamics empirically, a 2×2 between-subjects design is employed, testing how hiring likelihood (HL) is shaped by crime type (physical assault [PA] vs. tax evasion [TE]) and disclosure strategy (plain disclosure vs. redemption narrative) through trust.

By integrating these approaches, the study does not aim to empirically generalize to German labor markets but instead assesses how individual-level judgments may reflect or contradict legal ideals. While psychological research sheds light on the cognitive mechanisms underlying hiring discrimination, and legal analysis clarifies formal protections, neither perspective alone can capture the complex realities of reintegration. This interdisciplinary design thus offers a holistic understanding of how institutional structures and individual biases may interact—providing insight into both behavioral patterns and normative gaps. Findings are discussed in relation to legal standards and psychological theory, with implications for policy, employer practices, and future research.

### **Legal Framework: Doctrinal Sociolegal Analysis**

This section outlines the German legal framework, assessing how rehabilitation is institutionally defined and implemented. The structure reflects how rehabilitation is addressed at



different legal levels— operationalized in prison law, affirmed in constitutional principles, and supported by broader EU legislation.

### **German Prison Act (StVollzG)**

The StVollzG (1976) is the primary statute governing custodial sentences in Germany. Section 2 enshrines the objective of imprisonment— to enable individuals to lead crime-free, socially responsible lives upon release. This dual purpose emphasizes rehabilitation and public safety, acknowledging that effective reintegration not only benefits individuals but also serves to protect communities from further criminality. The law thus reflects a forward-looking approach, prioritizing preparing individuals for life after incarceration (StVollzG, 1976, § 2). Section 3 states that prison life should mirror general living conditions to reduce harms of incarceration. This supports reintegration by ensuring that punitive measures do not hinder prospects for a return to society (StVollzG, 1977, § 3). Section 4 emphasizes the participatory role of prisoners in their rehabilitation, requiring them to engage in treatment planning and goal setting. Restrictions on liberty must be legally justified and are only permitted when necessary for security or order (StVollzG, 1977, § 4). This approach reinforces both legal rights and personal responsibility in the reintegration process.

In sum, by emphasizing rehabilitation, reintegration, and alignment of prison conditions with general social life, the StVollzG illustrates Germany's commitment to balancing public safety with human dignity. However, it is important that these rehabilitative ideals also extend beyond the prison context— particularly into the reintegration phase, where access to employment becomes critical.

### **Federal Central Criminal Register Act (BZRG)**

A key legal instrument shaping this post-sentence phase in Germany is the BZRG, which governs how criminal records are documented, disclosed, and accessed— factors that directly influence ex-offenders’ ability to reenter the labor market. The BZRG is a comprehensive official registry managed by the Federal Office of Justice. The register documents criminal convictions by German courts, certain administrative decisions, notices of incapacity, and special court findings (1971, §1). Public access to these records, however, is tightly regulated to balance reintegration with public safety concerns. Individuals aged 14 or older may request their own criminal record via a certificate of conduct (Führungszeugnis), under § 30 BZRG. This certificate is either: a private certificate (for personal/employer use), sent directly to the applicant; or an official certificate (for submission to authorities), sent directly to the relevant institution. However, the BZRG delineates what information is included in these certificates, often omitting minor offenses or those that have surpassed specific time thresholds, thereby supporting the rehabilitation of former offenders. Importantly, not all employers are entitled to request such certificates. Jurisprudence and labor courts have clarified that employers may only ask applicants about prior convictions— and request documentation— if the criminal history is directly relevant to the job (Richardi, 2005). For example, a transport company hiring a bus driver may be justified in asking about traffic-related offenses, but not unrelated convictions (e.g. minor drug possession). This restriction is grounded in privacy protections under Article 2 of the GG (1949) and aims to minimize unnecessary exposure that could hinder reintegration.

Employers are also prohibited from directly accessing the full criminal record. Only courts, law enforcement, and specific state authorities (e.g., immigration or licensing bodies) have broader access under § 41 BZRG. For roles involving vulnerable groups— such as children— employers may request an “extended certificate of conduct” (erweitertes Führungszeugnis),

which includes even minor sexual offense convictions, regardless of penalty. This applies to roles like school bus drivers, teachers, or youth workers. This extended certificate has been criticized for revealing unrelated convictions, contributing to a climate of mistrust (Morgenstern, 2011; Pfeiffer, 2010).

In practice, this layered access system aims to support rehabilitation by limiting blanket discrimination. In sum, while the BZRG establishes important protections limiting employer access to criminal records, its selective transparency and legal ambiguities leave room for discretion, allowing loopholes where discrimination persists under the guise of precaution. Broader anti-discrimination frameworks attempt to address this concern.

### **General Equal Treatment Act (AGG)**

The General Act on Equal Treatment was established in 2006 and incorporates four Anti-Discrimination Directives of the EU into German law. The purpose of this Act is “to prevent or halt any discrimination on the grounds of race, gender, religion or belief, disability, age or sexual orientation” (AGG, 2006, § 1). It applies to employment, everyday transactions, and the search for housing (Antidiskriminierungsstelle des Bundes, 2024). According to this act, several types of discrimination can occur, two of which may be relevant for the context of hiring discrimination in the workplace. Firstly, “direct discrimination [occurs] when one person is treated less favorably than another is, has been or would be treated in a comparable situation on any of the grounds referred to in section 1” (AGG, 2006, § 3). Second, and perhaps more importantly, “[i]ndirect discrimination [occurs] where an apparently neutral provision, criterion or practice is liable to put persons at a particular disadvantage compared with other persons on any of the grounds referred to in section 1, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and

necessary.” (AGG, 2006, § 3). This Act reflects Germany’s strong legal commitment to reducing discrimination and promoting equal access to employment.

Coupled with the country’s constitutional and rehabilitative provisions, it suggests a framework that opposes hiring bias. Overall, however, a critical gap remains: neither the AGG nor the BZRG explicitly prohibit discrimination based on criminal history. As a result, individuals with prior convictions operate in a legal grey area. The law permits employer inquiries into criminal records only when relevant to the position, but much is left to employer discretion, leading to inconsistent application. In certain sectors, access to criminal records is legally mandated, further increasing the risk of unjust exclusion. These ambiguities between legal intent and practical enforcement raise questions about the effectiveness of Germany’s protections and more generally, how employer discretion influences hiring decisions. The study will further explore the latter.

### **Constitutional Protections – Basic Law (GG)**

On a constitutional level, Article 3 of the German Basic Law dictates equality before the law (GG, 1949, Art. 3.1). Moreover, “[n]o one shall be disadvantaged or favored because of his or her sex, descent, race, language, homeland and origin, faith, religious or political beliefs” or disability (GG, 1949, Art. 3.3). Although criminal history is not explicitly mentioned, the broad wording of this article has been interpreted as a commitment to ensuring freedom from discrimination in all forms, offering a constitutional basis for protecting the rights of formerly incarcerated individuals.

Germany follows a predominantly monistic approach to the relationship between international and domestic law, wherein both legal orders complement each other (van Dijk, 2014). In this system, domestic authorities are bound by both sets of regulations, and private

parties may invoke international law before domestic courts if the provision is self-executing—capable of creating direct obligations or rights. This reflects the principle that international law holds supremacy over national law. However, Germany’s legal system also possesses dualistic features, highlighting that the monistic-dualistic distinction is not absolute. While international treaties do not automatically transform into domestic law, they become applicable through an empowering legislative act, which grants courts the authority to apply the treaty as international law. For a treaty to have direct effect, it must be binding on the state, approved by Parliament, and made publicly accessible. This nuanced approach demonstrates how Germany balances the integration of international law with needs for domestic legal certainty. Hence, it is also valuable to investigate European principles that govern German law, alongside its corresponding compliance.

### **The European Level**

At the European level, the principle of freedom from discrimination is enshrined in several legal instruments, including the ECHR (1953) and the CFEU (2000). Article 14 of the ECHR explicitly prohibits discrimination in the enjoyment of rights and freedoms on various grounds, including sex, race, color, language, religion, political opinion, national or social origin, and other statuses. The provision ensures that all individuals are treated equally under the law, irrespective of personal characteristics or affiliations. Although criminal record is not explicitly listed in this Article, the inclusion of “other status” has allowed the ECHR to interpret this clause flexibly. This opens the door for protection against discrimination based on criminal history, particularly when such discrimination interferes with rights such as privacy or employment-related aspects of dignity and reintegration.

The CFEU reinforces this commitment through Article 21, which categorically prohibits discrimination based on sex, race, ethnic or social origin, genetic features, language, religion, political opinion, disability, age, or sexual orientation. When it comes to data protection, Article 10 of the General Data Protection Regulation (GDPR) establishes stringent controls (2016). It stipulates that the processing of personal data related to criminal convictions must occur under control of official authorities or be explicitly authorized by Union or Member State law. Additionally, any comprehensive register of criminal convictions can only be maintained under official oversight. This regulation highlights the EU's commitment to balancing public safety and individual privacy, ensuring that sensitive data is handled responsibly and that unauthorized access is prevented.

### **Critical Reflection on Legal Framework**

Taken together, the German and European legal frameworks appear to offer comprehensive protections supporting anti-discrimination and rehabilitation. On paper, laws such as the StVollzG, AGG, and BZRG, along with constitutional guarantees under Article 3 of the GG and European standards, suggest a strong normative commitment to reintegration. However, a closer analysis reveals important gaps and ambiguities in scope and enforcement. Most notably, discrimination based on criminal history is not explicitly prohibited in any major German or EU legal instrument. This omission places ex-offenders in a legal grey zone—nominally protected under broad equality principles, yet lacking concrete safeguards in hiring contexts. While laws limit employer access to criminal records and restrict inquiries to job-relevant offenses, employers retain broad discretion in defining relevance or risk in practice. Germany's legal structure further complicates matters. Its mixed monist–dualist approach means

that international protections are formally integrated but often rely on domestic implementation. This ambiguity weakens the practical reach of anti-discrimination norms.

Germany thus presents a compelling case: a country with strong constitutional and international commitments, but without targeted legal protections against hiring discrimination based on criminal records. It has received limited scholarly attention (e.g. Morgenstern, 2011), making it a valuable context for legal analysis. This legal gap is not merely theoretical– it risks enabling exclusion under a facade, especially in the absence of clear enforcement mechanisms. As the empirical section will show, such inconsistencies are reflected in hiring behavior more broadly. The legal analysis therefore serves as a reference framework to examine how structural gaps might be reflected in individual decision-making.

### **Literature Review: Psychological Mechanisms in Hiring Discrimination**

Ex-offenders generally have poor work histories (Holzer et al., 2003) and relatively lower levels of educational attainment (Travis & Petersilia, 2001). This reduces their appeal on the job market, as they cannot acquire relevant job experience beforehand (Harrison & Schehr, 2004). Much research has been conducted on demographic characteristics such as age, race and gender exacerbating the negative impact on ex-offenders' applications (e.g., Bertrand & Mullainathan, 2004; Pager, 2003). There can be many explanations for why biases play a role in hiring decisions.

### **Stigma and Labelling Theory**

According to Goffman (1963), stigma reduces a person to a discredited status, often leading to unconscious discrimination and restricted opportunities. LeBel (2012) finds that former prisoners frequently experience “civil disabilities,” such as limited access to employment, housing, education, and financial aid. In this context, criminal records function as “negative

credentials” that legitimize exclusion, marking individuals as a distinct and marginalized group (Pager, 2003; Schwartz & Skolnick, 1962). Stigma theory closely intersects with labelling theory, which holds that once individuals are labelled as “deviant,” their identity and social status are fundamentally altered (Braithwaite, 1989; Becker, 1963; Paternoster & Iovanni, 1989). Internalizing this label can further reinforce exclusion and reduce access to prosocial roles, thereby perpetuating criminal behavior.

In employment contexts, “legal stigma” becomes particularly salient. As Pager (2018) explains, legal stigma arises from formal contact with the criminal justice system, reinforcing exclusion through state-endorsed labels. This process leads to stereotyping, separation, status loss, and ultimately discrimination in the labor market (Sugie et al., 2019). Unlike other stigmatized attributes (e.g., race or disability), legal stigma is sustained through formal legal mechanisms (i.e., a record), that institutionalize exclusion. For example, Morgenstern (2011), drawing on data from temporary employment agencies across Germany, shows that even when legal safeguards exist, ex-offenders often face subtle forms of exclusion—particularly in roles deemed sensitive or trust-based. Similarly, in the US, Oselin et al. (2023) investigate the CFCA, aimed at increasing equal job opportunities for applicants with criminal records. Despite protections, the CFCA has had limited success in changing employer practices, as many decision-makers continue to conduct background checks prematurely. Sugie et al. (2019) further show that stigma operates differently across various job contexts. Their findings challenge the assumption that criminal record screening is fully rational, suggesting that bias instead stems from symbolic moral judgments.

Among the few studies in Germany, Knobloch (2025) provides compelling evidence that hiring discrimination against individuals with criminal records persists. In a large-scale field



experiment, applicants with criminal records and Turkish-sounding names were significantly less likely to receive callbacks, indicating that employers rely on stigmatizing heuristics. Although this study demonstrates clear bias, it does not explore what mitigates it—highlighting an empirical gap. Despite anti-discrimination laws, legal protections appear insufficient, and practical application remains under-researched. Thus, stigma and labelling theory offer a valuable framework for understanding why individuals with criminal records may face particularly entrenched barriers to reintegration.

### **The Influence of Crime Type**

One key factor shaping stigma is the nature of the offense itself. In criminal law, offenses are typically categorized as either *mala in se* or *mala prohibita*, depending on whether the act itself is inherently immoral or merely prohibited by legal statute (Black, 1990). *Mala in se* crimes, such as murder, assault, or theft, are considered morally wrong by nature and violate fundamental social norms. In contrast, *mala prohibita* offenses, such as traffic violations or regulatory breaches, are not inherently unethical but are deemed unlawful solely because they contravene specific legal rules. Courts often infer the offense type based on statutory language—if intent is specified, moral culpability becomes central; otherwise, the focus is on the act itself. This legal distinction mirrors social scientific views on morality. While there is ongoing debate about how moral judgments are formed (Haidt, 2001; Schein et al., 2016), research suggests that people tend to consistently view *mala in se* acts as more morally objectionable (Schein & Gray, 2015). These perceptions shape how individuals with criminal records are judged, making crime type a relevant variable in hiring discrimination. Accordingly, this study adopts the broad *mala in se/mala prohibita* distinction to examine how perceived severity influences hiring outcomes.

Further empirical work supports this focus— according to the general evaluability theory of human judgement (Hsee & Rottenstreich, 2004), the recency and nature of a criminal offence influences HL. The magnitude of an attribute— in this case, the severity of the crime— plays a role. Kuhn et al. (2019) and Oselin et al. (2023) both find that employers are less likely to hire individuals with violent offenses (e.g. drug possession, assault) than those convicted of non-violent or regulatory ones. Yet, this research is largely situated in U.S. contexts. Broader cross-national research is needed to understand how crime type influences perceptions in legal systems where rehabilitation is a formal priority, but employer discretion remains high. While this study does not address this gap directly, it highlights the importance of extending future research to broader settings.

Understanding how offense type shapes employer judgment is critical— but it is only one part of the equation. Another key factor is how that information is presented. According to Varghese et al. (2010), more research is needed to examine factors that may increase employability of those with a criminal background, especially a more serious one. The next section turns to disclosure strategy and redemption narratives as mechanisms through which applicants may increase their HL.

### **Narratives and Disclosure Strategy**

The literature above suggests that once an applicant's criminal record is revealed, it irreversibly shapes the employer's judgment. Therefore, a significant question for these applicants is whether to disclose a criminal record or not, and if they do, in what way to disclose it. Although many anticipate rejection, they also emphasize the importance of being honest with potential employers (Cherney & Fitzgerald, 2016), as failing to disclose a record which is subsequently revealed can lead to termination due to dishonesty (Heydon & Naylor, 2017).

Establishing a narrative as a person whose life has changed, who will not re-commit, is the task of the ex-offender (LeBel & Maruna, 2012). As criminal background checks have become more common in hiring, research has shifted from plain record disclosure to examining how framing—particularly through positive credentials—can influence hiring outcomes.

One influential line of research suggests that “redemption narratives,” which emphasize personal change and proactive effort, can improve an applicant’s perceived trustworthiness. Denver (2019) argues that giving applicants the opportunity to present rehabilitation evidence—such as completion of transitional work programs, educational achievements, or formal certifications—can improve their perceived employability. These “costly signals” are thought to demonstrate genuine reform, especially when they reflect effort and motivation (Bushway & Apel, 2012; Doleac, 2016). However, court-mandated or routine credentials may be less persuasive.

Building on this, Denver and DeWitt (2022) show that redemption narratives can prompt employers to reassess reflexive negative judgments, potentially triggering more deliberate and empathetic evaluations. Beyond merely reducing perceived risk, these signals can highlight prosocial traits and help reframe individuals with criminal records as contributors rather than liabilities (Wright, 2020). While such findings are promising, most of this research has been conducted in the US and relies on survey-based or experimental methods, which may not fully reflect how hiring decisions unfold in applied settings. The impact of rehabilitation narratives could vary depending on context, industry norms, or the salience of the criminal record itself—factors that controlled studies often cannot fully replicate. In addition, existing studies rarely examine how narrative effects might vary depending on crime type or are explained by mediators.

Furthermore, current research offers limited insight into which combination of applicant signals— such as crime type, disclosure framing, or personal background— are most effective, or how they interact with employer biases. As Denver (2019) notes, hiring decisions often involve complex, inconsistently interpreted narratives. While it is beyond this thesis to address all such complexities, it contributes by testing a more comprehensive model that combines multiple applicant characteristics. In sum, while research suggests that redemption narratives may increase HL, it remains unclear whether their effects differ by crime type or interact with trust. This study tests whether narrative style moderates the relationship between crime type and HL via trust, using two conditions: a “plain” disclosure and a “redemption” narrative. While not based on a German sample, the study draws on Germany’s legal context as a reference point.

### **The Role of Trust**

Another important dimension in understanding hiring decisions is trust— an essential factor that may explain the relationship between criminal history and HL. Trust shapes how employers assess an applicant’s risk, reliability, and overall suitability (Mayer & Davis, 1999). It is a central psychological factor in recruitment, influencing how both applicants and employers navigate the risks involved in forming a working relationship (Klotz et al., 2013). In their foundational model, Mayer et al. (1995) define trustworthiness as a multi-dimensional perception consisting of three key components: ability, integrity, and benevolence. Ability refers to the competence and skills of the other party, integrity involves adherence to principles that align with one’s own values, and benevolence reflects the belief that the other party has good intentions and genuinely cares about one's well-being. These dimensions inform how willing someone is to make themselves vulnerable to another— essentially the basis of trust itself. Because employers often have limited information at the time of hiring, perceptions of

trustworthiness help reduce uncertainty— especially when assessing applicants with stigmatized backgrounds such as criminal records (Mayer et al., 1995; Mayer & Davis, 1999).

According to rational choice theory (Scott, 2000) making decisions about trust is considered “risky” and people make rational choices to minimize expected losses and maximize gains. In hiring, this translates into balancing the perceived benefit of a candidate with the potential social or reputational risks they pose. Trustworthiness influences decision-making on both sides: applicants are more likely to accept offers from organizations they perceive as fair and competent, while employers use perceived trustworthiness to assess whether a candidate will be reliable and safe to hire (Klotz et al., 2013). This is particularly relevant for applicants with criminal records, who are often seen through a lens of risk, even when legal protections exist. Understanding how trust functions in this context is thus critical for explaining how discrimination may persist despite normative commitments to rehabilitation.

From a rational choice perspective, trust-related decisions in hiring are often framed as calculated risks, where individuals aim to maximize benefits and minimize potential losses (Hu & Wang, 2014). When trust is grounded in expectations of reciprocal behavior, it can resemble an economic exchange (Kramer, 1999). However, real-world decision-making frequently deviates from this idealized rational model. Behavioral research has shown, individuals operate under bounded rationality, relying on mental shortcuts to manage uncertainty and cognitive constraints (Simon, 1956). Rather than using complex models like Bayesian inference or utility maximization, decision-makers often employ fast and frugal heuristics—simple, efficient strategies that can guide judgment effectively under pressure (Gigerenzer, 2010; Gigerenzer & Brighton, 2009).

Hu and Wang (2014) examined how hiring managers assess trustworthiness and found that simple, cue-based heuristics often outperformed more complex decision-making strategies. Particularly when limited information was available, managers relied on straightforward criteria to evaluate applicants. These findings suggest that trust assessments— especially in cases involving perceived risk, such as applicants with criminal records— may be shaped by intuitive judgments rather than systematic evaluations. In a similar vein, Denver and DeWitt (2022) investigate how positive credentials influence HL for individuals with criminal records, specifically examining the role of trustworthiness as a mediator. The study— conducted using a nationwide survey of American adults— finds that trustworthiness is the strongest, most significant mediator influencing callback willingness, especially with support of reference letters rather than involuntary training programs. However, in their study Denver and DeWitt (2022) conceptualized trust (and many other variables) solely on a single item, measuring perceived reliability and integrity. As the concept of trust is extremely hard to define (Cook, 2005), it is important to broaden this conceptualization in future research.

### **Present Study**

Taken together, research in the field of hiring discrimination has been extensively conducted. Findings consistently show that individuals with criminal records face barriers to employment, largely due to stigma and perceptions of moral culpability. Studies have also demonstrated that the type of crime influences how applicants are perceived, and that redemption narratives can improve hiring outcomes. Moreover, perceived trust has emerged as a key psychological mechanism in explaining why certain applicants are evaluated more favorably than others.

Despite this progress, several important questions remain. First, few studies have examined whether trust actually mediates the relationship between crime type and hiring decisions. Second, while redemption narratives have been shown to mitigate stigma, it is unclear how they function within that relationship—specifically, whether they weaken the effect of crime type on trust (i.e., moderation on Path A) or operate more directly. Most existing research has examined direct effects or simple interactions, without modeling the complexity of these relationships together.

This study addresses these gaps using a moderated mediation framework, where trust is modeled as a mediator of the relationship between crime type and HL, and disclosure strategy (plain vs. redemption) is tested as a moderator on the A path (Figure 1). This approach is grounded in prior findings that trust is shaped early in the hiring process—largely based on crime-related judgments—and that narrative framing can soften negative initial impressions. Placing redemption narrative as a moderator on the A path allows us to assess whether it can reduce the negative trust-related impact of more morally condemned crimes. Hence, this study aims to answer the following research question: *How do an ex-offender's crime type and disclosure strategy influence hiring likelihood, and what does this reveal about the effectiveness of rehabilitation protections, using Germany as a legal reference case?* The following hypotheses are formulated:

**H1a:** Path A main effect— Applicants who committed a mala in se crime (PA) will be perceived as less trustworthy than those who committed a mala prohibita crime (TE).

**H1b:** Path A interaction effect— The negative effect of committing a mala in se crime on perceived trustworthiness will be weaker in the redemption narrative condition than in the plain disclosure condition.

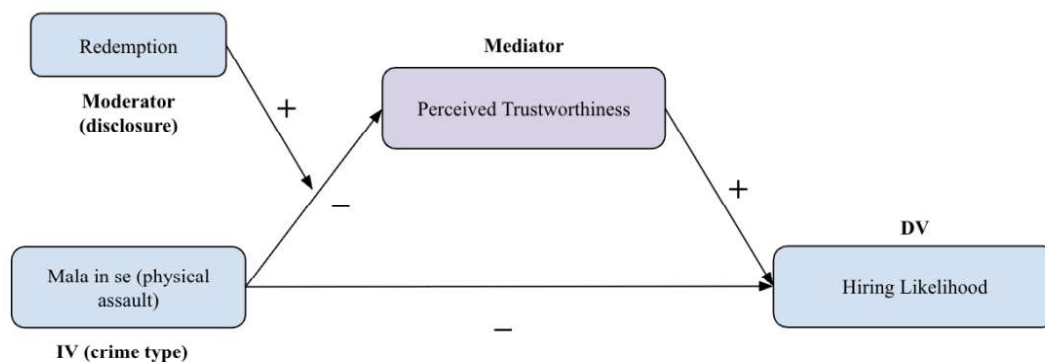
**H2:** Path B main effect– Higher levels of perceived trustworthiness will be associated with increased HL.

**H3:** Indirect effect (mediation)– The effect of crime type on HL will be mediated by perceived trustworthiness, such that applicants convicted of a mala prohibita crime will be more likely to be hired than those convicted of a mala in se crime, via increased trustworthiness.

**H4:** Moderated mediation effect– The indirect effect of crime type on HL via perceived trust will be conditional on disclosure strategy, such that the indirect effect is weaker in the redemption narrative condition than in the plain disclosure condition.

**Figure 1**

*Hypothesized Model*



## Methods

### Participants

An a priori power analysis using G\*Power (Faul et al., 2007) was conducted to estimate that 199 participants were required to reach 80% power. This was conducted using effect size Cohen's  $f = 0.2$ —estimated conservatively based on the small effects generally found in psychological studies (Richard et al., 2003) and the lack of effect size reporting in this field.



(Rade et al., 2016). The convenience sample of 233 participants were students over 18 years old and were recruited during a period of ten days— using social media and family/friend circles. Participation was not restricted to German respondents, as the study does not directly present German law but instead uses it illustratively to highlight broader tensions between legal ideals and hiring practices. Given that decision-makers— whether survey participants or HR professionals— are generally not aware of specific legal provisions in practice, the law was not made salient in the study design. Moreover, practical considerations, including time, budget constraints, and reaching the required sample size, supported the choice of an international, non-German sample.

### **Procedure**

This study employed a 2×2 between-subjects experimental design to examine how crime type and disclosure strategy influence hiring decisions for applicants with a criminal record. Participants were randomly assigned to one of four experimental conditions, based on a combination of: crime type (*mala in se*, i.e., PA or *mala prohibita*, i.e., TE) and disclosure strategy (plain disclosure or redemption narrative— disclosure accompanied by a statement emphasizing personal growth and rehabilitation). The Ethics Review Board of the University of Amsterdam pre-approved the methods for this study (FMG-14217\_2025). The survey was conducted on Qualtrics, with participants first filling out an informed consent form (Appendix A) and demographic information (Appendix B). Furthermore, they were shown one of the four vignettes and subsequently asked to complete the relevant questions as stated below. Finally, participants were debriefed and informed of details of the study.

### **Materials**

#### ***Vignettes***

The independent variables are operationalized using vignettes (Appendix C), based on previous studies in this field (e.g., Pager, 2003; Varghese et al., 2010). Participants read fictional job application vignettes from an applicant seeking a position as a bus driver, a role for which employers in Germany are legally permitted to request a criminal background check due to public safety considerations (Richardi, 2005). Apart from crime type and disclosure strategies, all other base variables remain the same (e.g., gender, education, name). In the plain disclosure condition, participants disclose their crime directly (e.g., *“I was convicted of tax evasion after failing to declare income over several years”*). In contrast, the redemption condition included more details about rehabilitation (e.g., *“I have taken steps to rebuild my life—I completed a reintegration program, received job coaching, and...”*). It was decided not to provide an applicant name (the applicant is called “Mr. A”), to avoid an effect of names (Bertrand & Mullainathan, 2004). In all conditions, the applicant was male considering that 82% of German convicts are male (Statista Research Department, 2025). The variables crime type and disclosure strategy were dummy coded from the original condition variable. Crime type was coded as 0 = PA, 1 = TE. Disclosure strategy was coded as 0 = plain disclosure, 1 = redemption narrative.

### ***Perceived Trustworthiness Scale***

To measure perceived trustworthiness, this study adapted selected items from the widely used trust scale developed by Mayer and Davis (1999), based on their original model of organizational trust (Mayer et al., 1995). Specifically, two items each were selected to represent the dimensions of ability, integrity, and trust, drawing from those with the strongest conceptual alignment and highest internal consistency in previous applications. These items were modified to reflect evaluation of an individual job applicant rather than an organizational entity (Appendix D). All six items were measured using slider scales from 0 (*strongly disagree*) to 100 (*strongly*

*agree*) to collect the most nuanced results possible. One negatively worded item (“I really wish I had a good way to keep an eye on this applicant”) was reverse-coded. The items were averaged to form a composite trust score, with higher values indicating greater perceived trust. The internal consistency of the scale was acceptable ( $\alpha = .71$ ). This shortened version aimed to balance conceptual coverage with survey length constraints, while preserving the theoretical structure of the original model.

### ***Hiring Likelihood***

This variable was measured using a single item based on previous studies (e.g., Denver & DeWitt, 2022). Participants were asked: “Based on the application you read, how likely would you be to hire this candidate for a bus driver position?” This variable was measured on a slider scale from 0 (*not at all likely*) to 100 (*extremely likely*).

### ***Other Relevant Variables***

Finally, two other relevant variables were measured, namely redeemability and political orientation. Research shows that the public’s belief in the redeemability of ex-offenders curbs their level of punitiveness (Burton et al., 2020; Maruna & King, 2009). Therefore, this survey used two items similar to Burton et al. (2020), to measure belief in redeemability as a covariate: (1) “given the right conditions, a great many offenders can turn their lives around and become law-abiding citizens,” and (2) “most criminal offenders are unlikely to change for the better”. The latter was reverse-coded. These were averaged to form a redeemability score ( $r = .54$ ,  $p < .001$ ). Additionally, political orientation was accounted for following an approach similar to Denver and DeWitt (2022) and considering that politically right-leaning individuals tend to be more closed-minded (Acosta & Kemmelmeier, 2022). Participants were asked a single question: “Please indicate your political orientation on a scale from left to right”, which was measured

from 0 (*very left wing*) to 100 (*very right wing*). Finally, gender and age were also included as control variables, as research shows that women and older adults may be more forgiving (Miller et al., 2008; Steiner et al., 2011). Gender was re-coded as 0 = Male, 1 = Female. Participants who selected “Other” or “Prefer not to say” ( $n = 10$ ) were excluded from gender-based analyses.

### ***Manipulation and Attention Checks***

An attention check item was implemented in the “Trust” part of the Qualtrics that read “Please select ‘strongly agree’ (100) to show you are paying attention”. This screened the data and ensured participants were engaged and paying attention, improving its quality. Immediately after reading the vignette, a comprehension check asked participants: “The applicant indicated that they have a criminal history. Which crime did they commit?”, to ensure they understood the survey material. Participants could answer (a) Theft; (b) Physical Assault; (c) Tax Evasion; or (d) I don’t remember. As a manipulation check, two questions were included. Firstly, to ensure the manipulation of crime type worked, participants were asked “How serious do you consider the crime committed by the applicant? ( $0 = \text{not serious at all}$ ;  $100 = \text{extremely serious}$ )”. Second, to check whether the narrative made a difference, the following question was posed: “To what extent do you feel the applicant has made an effort to change? ( $0 = \text{no effort at all}$ ;  $100 = \text{extremely strong effort}$ )”.

## **Results**

### **Preliminary Analysis**

SPSS Statistics Version 29.0.2 was used to analyse whether the effects of crime type and disclosure strategy on HL were mediated by perceived trustworthiness, and whether the impact of crime type on trustworthiness was moderated by disclosure strategy, using a moderated mediation model (PROCESS Model 7). Out of the 233 participants, those not finishing the

questionnaire ( $n = 36$ ) were excluded, resulting in 197 remaining responses. After filtering out participants that failed the attention ( $n = 1$ ) and comprehension check ( $n = 4$ ) the final sample included 192 respondents (68% female) divided almost equally over four conditions. Participants were aged from 18–49 years old, with a mean age of 21. Descriptive statistics for trust and HL across experimental conditions are presented in Table 1. Trust and hiring scores were lowest in the PA x plain disclosure condition and highest in the TE x redemption narrative condition.

**Table 1**

*Trust and HL by Condition*

	Condition											
	PA x Plain			PA x Redemption			TE x Plain			TE x Redemption		
	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>
Trust	61.30	15.44	50	66.98	13.82	51	68.70	14.52	49	70.50	11.91	42
HL	68.04	20.84	50	72.06	18.01	51	77.35	15.57	49	80.38	12.10	42

*Note.* M = mean, SD = standard deviation

A manipulation check confirmed that participants rated PA significantly more serious ( $M = 52.96$ ,  $SD = 21.83$ ) than TE ( $M = 28.00$ ,  $SD = 17.44$ ),  $t(187.37) = 8.79$ ,  $p < .001$ , 95% CI [19.36, 30.56]. This suggests that the experimental manipulation of crime type was effective—participants perceived PA as a substantially more serious offense than TE, consistent with the intended distinction between a mala in se and mala prohibita crime. Similarly, participants perceived applicants in the redemption narrative condition as having made more effort to change ( $M = 79.62$ ,  $SD = 15.21$ ) than those in the plain disclosure condition ( $M = 70.74$ ,  $SD = 19.40$ ),  $t(184.21) = -3.54$ ,  $p < .001$ , 95% CI [-13.84, -3.94]. In short, applicants who shared a

redemption narrative were seen as putting significantly more effort into changing their behavior than those who simply disclosed their criminal record.

To verify the suitability of the data for regression-based analysis, assumption checks were conducted for both the trust model (path A, Appendix E) and the HL model (path B/C', Appendix F), including all covariates. Visual inspection of histograms, P–P plots, and standardized residual scatterplots indicated that the assumptions of normality, linearity, and homoscedasticity were reasonably met. Multicollinearity, which occurs when predictors are highly correlated and potentially distort regression estimates, was also assessed. All variance inflation factors (VIFs) were comfortably below 10 in both models, and tolerance values exceeded .70, indicating that multicollinearity was not a concern. Overall, the data met the statistical assumptions required to proceed with the moderated mediation analysis.

### **Confirmatory Analysis**

A moderated mediation analysis was conducted using PROCESS Model 7 (Hayes, 2022) with 5,000 bootstrapped samples and heteroscedasticity-consistent standard errors. The model examined whether the effect of crime type (0 = PA, 1 = TE) on HL was mediated by perceived trust and moderated by disclosure strategy (0 = plain disclosure, 1 = redemption narrative). In this section,  $\beta$  refers to standardized coefficients, while B are unstandardized coefficients.

#### ***Path A: Crime Type on Perceived Trustworthiness***

Crime type did not significantly predict trustworthiness ( $B = 5.71$ ,  $p = .056$ , 95% CI  $[-0.15, 11.57]$ ,  $\beta = .12$ ). Disclosure strategy significantly predicted perceived trustworthiness, such that applicants with a redemption narrative were rated as more trustworthy than those who gave a plain disclosure ( $B = 6.44$ ,  $p = .015$ , 95% CI  $[1.28, 11.60]$ ,  $\beta = .17$ ). In other words, using a redemption narrative increased trust ratings by approximately 6.4 points (on a 0–100 scale), even

when controlling for crime type and covariates. There was no significant interaction between crime type and disclosure strategy on perceived trustworthiness ( $B = -4.03$ ,  $p = .294$ , 95% CI  $[-11.60, 3.53]$ ) (see Table 2).

***Path B: Perceived Trustworthiness on HL***

Perceived trustworthiness significantly predicted HL, with higher levels of trust associated with greater willingness to hire ( $B = 0.78$ ,  $p < .001$ , 95% CI  $[0.62, 0.94]$ ,  $\beta = .65$ ). This means that for every 1-point increase in trust, participants' likelihood of hiring the applicant increased by about 0.78 points. In other words, trust was a strong predictor of hiring decisions—applicants who were perceived as more trustworthy were substantially more likely to be hired, regardless of their crime or disclosure type.

**Table 2**

*Summary of Moderated Mediation Results*

Outcome variable	Moderator: Trust (Path A)			DV: HL (Path B)		
	B	SE	p	B	SE	p
Crime Type (IV)	5.71	2.97	.056	3.32	1.80	.066
Disclosure Strategy	6.44	2.61	.015	—	—	—
(Moderator)						
Crime Type x Disclosure	-4.03	3.83	.294	—	—	—
Strategy (Int)						
Trust (Mediator)	—	—	—	0.78	0.08	<.001
Age	-0.52	0.23	.025	-0.28	0.29	.320
Gender	-0.82	1.29	.528	1.60	1.34	.234
Political Orientation	-0.02	0.05	.711	0.20	0.05	<.001
Belief in Redeemability	0.31	0.07	<.001	0.22	0.07	.003
R <sup>2</sup>	.22			.58		
F	7.49*			30.02*		

*Note.* n = 192. Unstandardized regression coefficients are reported. \* $p < .05$

### ***Direct Effect***

Crime type did not significantly predict HL after accounting for perceived trust and covariates ( $B = 3.32$ ,  $p = .066$ , 95% CI  $[-0.22, 6.87]$ ,  $\beta = .17$ ). This suggests that, while



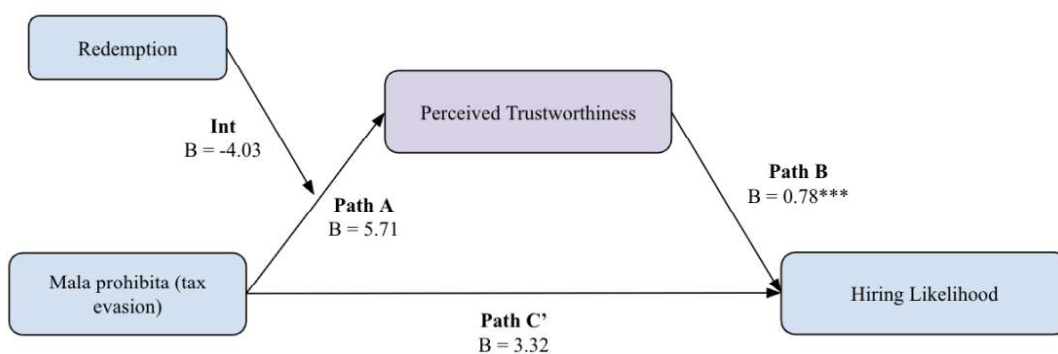
applicants convicted of TE were on average rated 3.3 points higher in HL than those who committed PA, this difference was not statistically reliable.

### *Indirect Effect*

Furthermore, the indirect effect of crime type on HL through perceived trust was not statistically significant in either disclosure condition (see Figure 2). When participants received a plain disclosure, the indirect effect was 4.48 (95% CI  $[-0.06, 9.56]$ ), and when they received a redemption narrative, the indirect effect was 1.32 (95% CI  $[-2.41, 5.03]$ ). Because both confidence intervals included zero, these mediation effects were not significant. Hence, while trust strongly predicted hiring, trust did not reliably explain how crime type influenced HL. The index of moderated mediation was  $-3.17$  (95% CI  $[-9.30, 2.58]$ ), indicating that the strength of the indirect effect did not significantly differ between the two disclosure conditions.

**Figure 2**

*Moderated Mediation Model of Crime Type, Disclosure Strategy, Trust, and HL*



*Note.* \*\*\* $p < .001$ . Asterisks indicate statistical significance of path coefficients.

Overall, the model predicting perceived trust was statistically significant,  $F(7, 184) = 7.49$ ,  $p < .001$ ,  $R^2 = .22$ , as was the model predicting HL,  $F(6, 185) = 30.02$ ,  $p < .001$ ,  $R^2 = .58$ , indicating that the predictors explained a substantial proportion of variance in both outcomes.

Among the covariates, belief in redeemability significantly predicted both trust ( $B = 0.31, p < .001$ ) and HL ( $B = 0.22, p = .003$ ), such that participants who more strongly believed that offenders can change were more trusting and more likely to hire. Political orientation also predicted HL ( $B = 0.20, p < .001$ ), with more right-leaning participants showing greater willingness to hire. In contrast, age and gender were not significant predictors. Thus, participants' personal beliefs—especially about second chances and politics—shaped how they evaluated applicants with criminal records, while their age and gender did not appear to influence decisions.

## Discussion

### Interpretation of Findings

This study investigated how an ex-offender's crime type and disclosure strategy influence hiring likelihood, and whether trust mediates these effects. While trust significantly predicted hiring outcomes, crime type had no significant effect, and the interaction between crime type and disclosure was also non-significant. However, redemption narratives increased perceived trustworthiness overall. The following sections interpret these results considering the psychological and legal frameworks discussed earlier.

#### *Path A: Crime Type, Disclosure Strategy and Trust*

First, crime type did not significantly predict trustworthiness, failing to support H1a. Applicants who committed TE were rated as more trustworthy than those who committed PA, but this difference was not statistically significant. The findings challenge some assumptions derived from labelling theory and moral judgment literature (Goffman, 1963; LeBel, 2012). According to these frameworks, mala in se crimes should provoke stronger moral condemnation and social distancing than mala prohibita crimes (Schein & Gray, 2015). The lack of significant

effects suggests that, in this context, participants may not have perceived the moral distinction between the crimes as particularly meaningful. One reason the crime type manipulation did not produce a significant effect on trust is that participants may not have perceived either offense as directly relevant to the job role. It is also possible that trustworthiness judgments are more strongly influenced by narrative cues and presentation than by the nature of the offense itself—especially when both candidates have a criminal record.

Second, there was no significant interaction between crime type and disclosure strategy on perceived trustworthiness, failing to support H1b. While the coefficient suggested that the redemption narrative might attenuate the negative effect of a serious offense (PA) compared to a less serious crime (TE) on trust, this interaction was not significant. However, disclosure strategy did have a significant main effect: applicants who included a redemption narrative were perceived as significantly more trustworthy than those who offered a plain disclosure. This suggests that the redemption narrative may have functioned as a global cue for moral character and motivation, benefiting all applicants regardless of the underlying crime—aligning with prior research showing that “costly signals” of rehabilitation improve HL across offense types (Denver, 2019; Doleac, 2016). These signals—such as voluntarily completed programs—are perceived as credible indicators of change because they require time, effort, or personal investment, which helps to reduce perceived risk and increase employer confidence (DeWitt & Denver, 2019).

Finally, the sample may have held generally trusting or less punitive attitudes, further dampening the expected stigma effect. The lack of significance suggests that trustworthiness judgments may be more strongly influenced by narrative framing or perceived effort than by the crime label alone. This supports the idea that stigma may operate in more complex or indirect

ways than previously assumed (LeBel, 2012). Additionally, it supports earlier work suggesting that way a criminal record is presented shapes employer judgements (Denver & DeWitt, 2022; LeBel & Maruna, 2012).

### ***Path B: Trust and HL***

Trust was a strong and significant predictor of HL, confirming H2. Participants were more likely to hire applicants they perceived as trustworthy, regardless of crime or disclosure type. This is in line with rational choice theory (Hu & Wang, 2014; Scott, 2000) and Mayer et al.'s (1995) model of trust, which suggest that trustworthiness serves as a heuristic for minimizing hiring risk. When applicants are perceived as trustworthy—competent, honest, and well-intentioned—they are more likely to be seen as safe, appropriate hires. This reinforces the idea that trust-building measures (e.g., references, structured disclosure, certifications) are vital for ex-offenders seeking employment.

### ***Mediation and Moderated Mediation***

The indirect effect of crime type on HL through perceived trust was not significant in either disclosure condition, leading to a rejection of H3. In other words, while trust predicted hiring, it did not reliably explain how crime type influenced HL. The index of moderated mediation was also non-significant, indicating that the strength of this indirect effect did not differ significantly across disclosure conditions and thus rejecting H4. This suggests that trust, while important overall, may not be the mechanism through which crime type influences hiring judgments. Crime type might instead affect other perceptions—such as perceived risk or job qualifications (Denver et al., 2017; Varghese et al., 2010)—which were not captured in this model. From a methodological standpoint, this highlights the importance of testing alternative mediators in future research (e.g., warmth, remorse, or perceived reform). It also reminds

policymakers that promoting trust is only one part of the reintegration puzzle— framing and employer bias both require attention at different stages of the hiring process.

Lastly, the direct effect of crime type on HL was not statistically significant, even when controlling for trust and covariates. These findings indicate mixed results for the research question: an ex-offenders' disclosure strategy may indeed influence HL, however not clearly through trust and not based on crime type.

### **Legal Framework**

Germany's legal system places strong emphasis on rehabilitation, dignity, and non-discrimination, as reflected in the StVollzG, BZRG, AGG and the GG. However, criminal history is not a protected category under the AGG, and employer discretion remains broad, especially where records are deemed job-relevant. The results of this study suggest that such discretion— though legally bounded— may not prevent bias. Although crime type did not significantly affect HL in this study, the direction of the effect and the significant role of narrative framing suggest that legal protection alone does not determine outcomes (Sugie et al., 2019). Rather, employer judgments rely on moral cues and impressions of trust.

The findings of this study underscore the benefit of adopting an interdisciplinary approach— integrating legal analysis with psychological experimentation. While legal frameworks such as the StVollzG and AGG suggest a strong normative commitment to rehabilitation and equality, the psychological findings reveal that stigma and trust-based judgments may still influence hiring decisions in practice. By combining these perspectives, this research offers a more comprehensive understanding of how structural protections and individual-level biases interact, and where gaps in application remain. This interdisciplinary lens not only highlights the limits of law in shaping behavior, but also points to concrete

psychological mechanisms (e.g., trust, narrative framing) that can either reinforce or mitigate bias.

### **Implications and Recommendations**

Although the study did not find statistically significant effects of crime type or its interaction with disclosure strategy, the results offer several practical insights for improving hiring practices and supporting reintegration efforts. Firstly, for employers, findings highlight the need for training that encourages more structured, fair, and informed assessments of applicants. The possibility of bias remains, particularly when judgments are made under uncertainty. Making anti-discrimination protections more salient in recruitment processes (e.g., referencing specific laws in HR materials) could help promote consistent, legally informed decision-making.

One of the most actionable findings is that redemption narratives improved perceived trustworthiness. This suggests that how applicants present their past can matter—regardless of the specific offense. Reintegration programs should continue to support ex-offenders in developing credible, growth-oriented narratives. Including voluntary credentials, reference letters, or participation in education or work programs may serve as effective signals of trustworthiness and rehabilitation. Even in the absence of a significant interaction effect, these narrative strategies showed value across conditions.

The study also contributes to a growing body of research suggesting that legal frameworks alone may not be enough to ensure fair hiring for individuals with criminal records. For example, Germany's laws emphasize rehabilitation and non-discrimination, the lack of explicit protection for criminal history under the AGG, and the continued discretion granted to employers, create potential for inconsistent application. Policymakers could consider developing clearer guidance on when and how criminal history can be considered relevant in employment

decisions, and support oversight or monitoring initiatives that help translate symbolic protections into practical equity (Calluso & Devetag, 2024). It is also worth considering an explicit mention of criminal record into the law, as this may increase salience while hiring.

Additionally, the theoretical rationale behind this expectation remains valid and should be further explored. The absence of a clear effect in this sample may be influenced by several factors—including the relatively high average willingness to hire applicants across conditions ( $M = 74.18$ ,  $SD = 17.63$ ). This could reflect sample-specific characteristics such as higher education levels, political orientation, or stronger belief in the possibility of redemption (Burton et al., 2020; Maruna & King, 2009). Findings suggest that the psychological and legal dimensions of hiring discrimination are complex, context-sensitive, and potentially moderated by additional factors not captured here. As such, there remains room for future research—particularly studies that combine legal analysis with experimental psychological designs to better understand where protections fall short and how perceptions can be shifted.

### **Limitations**

This study faces several limitations that should be acknowledged when interpreting the findings. First, while the plain disclosure condition served as a realistic baseline, the lack of a no-record control group limits conclusions about the absolute effect of having a criminal record. However, this aligns with previous research (e.g., Denver, 2019) focused on how disclosure strategy shapes outcomes for those who must disclose.

Second, although Germany was used as a legal reference case, the empirical component did not sample specifically from German participants. The aim was not to test knowledge or impact of German law directly, but rather to investigate general psychological mechanisms within a legally relevant framework. The legal analysis therefore served as a contextual

foundation rather than a manipulated variable. Nonetheless, given the identified legal gaps and limited empirical research in Germany, future studies applying this experimental design to a German sample would be valuable to assess how national legal norms correspond to behavioral outcomes.

Third, the study relied on a convenience sample of student participants, which may limit generalizability. While student samples are commonly used in early-stage decision-making research (e.g., Pager, 2003), and offer strong internal validity, future work should replicate the design with employers or HR professionals.

Fourth, due to time and sample constraints, the study may have been underpowered (post-hoc power = .79) to detect subtle interaction or mediation effects. Replication with a higher sample size is recommended in the future.

Finally, the trust scale was a shortened version of an existing measure, which may not have fully captured the construct. Similarly, the redemption narrative may not have been vivid enough to meaningfully shift trust in all conditions— although the manipulation check confirmed that participants perceived rehabilitative intent where expected. These factors, combined with the potential relevance of alternative variables, suggest fruitful directions for future research.

### **Future Research**

Future research should further explore the legal-psychological interface that shaped this study. One promising direction involves testing whether increasing the salience of legal protections— such as informing participants about anti-discrimination laws like the AGG— can shift hiring judgments. Such research would help clarify the gap between formal rights and practical decisions. Future work could also examine how policy salience or organizational implementation (such as HR guidelines) shapes the application of legal protections in hiring



decisions. Additionally, studies should examine individual difference factors, including belief in redeemability or strength of non-discrimination values, which may moderate reactions to criminal disclosures.

Building on the current focus on disclosure strategy, subsequent research could vary the format of redemptive cues— such as length, emotional tone, or whether the signal comes from the applicant versus a third-party reference. To better understand the psychological mechanisms at play, future work should also expand potential mediators beyond trust— such as perceived warmth, remorse, or competence— particularly since trust did not clearly mediate the effects in this study. Finally, to strengthen the cultural and legal relevance of these findings, researchers should test this framework in German samples or across other EU member states, where attitudes toward reintegration and legal norms may differ.

### **Conclusion**

This thesis set out to examine how ex-offenders are perceived in the hiring process by analyzing two key factors— crime type (*mala in se* vs. *mala prohibita*) and disclosure strategy (plain vs. redemption narrative)— as well as the role of perceived trustworthiness in mediating these effects. Through an interdisciplinary lens combining legal analysis and psychological experimentation, the study aimed to uncover not only how hiring decisions are made, but also how they are embedded within broader legal frameworks and driven by underlying cognitive mechanisms.

The findings revealed a complex picture. While disclosure strategy significantly influenced trust— supporting psychological theories of narrative framing and impression management— crime type did not have a statistically significant impact on trust or HL. Trust itself emerged as a robust predictor of HL yet did not mediate the relationship between crime

type and HL as hypothesized. These mixed results suggest that while individual-level interventions (such as redemption narratives) can positively influence employer perceptions, moral evaluations based on offense type may not operate via trust alone or may be more contextually dependent than previously assumed. From a legal perspective, the analysis of Germany's rehabilitation laws highlighted a strong formal commitment to reintegration and freedom from discrimination. Yet, the absence of explicit protections against hiring discrimination based on criminal history points to a gap between legal ideals and practical enforcement. The experimental findings reinforce this gap, suggesting that legal safeguards alone are insufficient to prevent bias when subjective judgments (like trust) are left unregulated.

Bringing these strands together, the study demonstrates that reintegration outcomes are likely not shaped by legal frameworks or psychological processes in isolation. Employers do not operate in a legal vacuum, nor do legal protections automatically dictate behavior. Instead, hiring decisions are filtered through individual perceptions, social norms, and the interpretive flexibility allowed by law. Understanding these layered dynamics requires precisely the kind of interdisciplinary inquiry undertaken here.

In sum, this thesis contributes to the field of second-chance hiring by highlighting both the structural limitations of legal protections and the psychological pathways through which bias can persist. Future progress will depend not only on improving laws or training employers, but on bridging the gap between what the law prescribes and how people actually make decisions.

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## **Appendix A**

### **Informed Consent**

#### **Job Applicants with Criminal Records**

Dear participant,

Welcome to the study Perceptions of Job Applicants with Criminal Records of the Faculty of Social and Behavioural Sciences of the University of Amsterdam (UvA) as part of a Bachelor's thesis project in the PPLe Programme. Please read the following text carefully before you start. If anything is unclear to you, feel free to contact the student researcher at (...), or the academic supervisor at (...).

#### **Why is this research performed?**

This study investigates how people form opinions about job applicants with a criminal history.

#### **What happens during my participation?**

You will read a short job application profile and then answer a few short questions about your impressions of the applicant. Participation takes approximately 5 minutes. There are no risks associated with this study. Some people may find reading about criminal behaviour mildly sensitive. If you feel uncomfortable at any point, you are free to stop.

#### **Is my participation voluntary?**

Your participation is voluntary. If you want to stop, you can simply close the browser. After your participation the researchers cannot link the research data to you anymore.

#### **What happens to my data?**

In this study, the University of Amsterdam will not collect your personal data directly. We make use of a third party to collect the research data and have a contract in place to

guarantee your privacy. Research data can be published and reused in other research, but only in such a way that it cannot be traced back to you.

**How long will my data be stored?**

The anonymous research data and related materials will be securely archived for a minimum of 10 years after the project has finished.

**Additional information**

For questions about the study (FMG-14217\_2025), either before you participate or afterwards, please contact the responsible researcher: (...) or (...). For complaints about this study, please contact the Ethics Review Board (ERB) of Psychology, by sending an email to [melding-ethiek-psy-fmg@uva.nl](mailto:melding-ethiek-psy-fmg@uva.nl). For complaints about the processing of your personal data, you can contact the Data Protection Officer of the University of Amsterdam through [fg@uva.nl](mailto:fg@uva.nl).

Kind regards,

(student researcher)

(academic supervisor)

**Informed consent**

In this form, we refer to the above information letter describing the research in which you participate. By signing this form, you declare that you understand the nature and methods of this study as described in the information letter.

By clicking on the button “I agree to participate in this study” I declare the following:

- I am 18 years old or older.
- I am currently enrolled at a higher education institution.
- I read and understood the information about the research study.
- I consent to the participation in the project and usage of my data.

- I reserve the right to withdraw this consent without a reason
  - I reserve the right to stop the experiment at any time
- 
- ☐ Yes, I agree to participate in this study.
  - ☐ No, I would not like to refrain from further participation in this study

## **Appendix B**

### **Demographic Questions**

First, we would like to ask you to fill out some demographic information

1. How old are you in years? (Open question)
2. What is your gender
  - a. Male
  - b. Female
  - c. Other, please specify: [Open answer]
  - d. Prefer not to say



## Appendix C

### Vignettes

Imagine you are part of a hiring committee reviewing applications for a **bus driver position**.

Below is an excerpt from the CV and motivation letter of one applicant, Mr. A.

Please read it carefully. The "next" button to proceed will appear after 15 seconds, to give you time to read the application.

#### **Condition 1: Plain Disclosure x Physical Assault**

##### Curriculum Vitae

Name: Mr. A

Date of Birth: 04.05.1991

I am interested in applying for the position of bus driver. I believe my experience in logistics and driving-related roles makes me a strong candidate. I would like to be transparent about my background: in 2019, I was convicted of assault. The incident occurred during a bar fight that got out of hand, and another individual was injured. This led to a conviction and I served a prison sentence. I am now looking to rebuild my life, and have held stable employment for the last two years

##### Education:

2007–2011 Secondary School Certificate (Realschulabschluss), Munich

2011–2013 Vocational Training – Transport & Logistics Assistant

##### Employment History:

2013–2016 Driver, Munich Logistics GmbH

2016–2019 Delivery Assistant, Hermes Parcel Services

2019–2022 —

2022–2024 Warehouse Staff, ReWe Group

### **Condition 2: Redemption Narrative x Physical Assault**

Curriculum Vitae

Name: Mr. A

Date of Birth: 04.05.1991

I am interested in applying for the position of bus driver. I believe my experience in logistics and driving-related roles makes me a strong candidate. I would like to be transparent about my background: in 2019, I was involved in a bar fight that escalated, resulting in an injury to another person. I was convicted of assault and served a prison sentence. This incident became a major turning point in my life. Since then, I have completed rehabilitation programs, including anger management, and have maintained steady employment for the past two years. I am committed to contributing positively to society and earning a second chance through meaningful work.

Education:

2007–2011 Secondary School Certificate (Realschulabschluss), Munich

2011–2013 Vocational Training – Transport & Logistics Assistant

Employment History:

2013–2016 Driver, Munich Logistics GmbH

2016–2019 Delivery Assistant, Hermes Parcel Services

2019–2022 —

2022–2024 Warehouse Staff, ReWe Group

### **Condition 3: Plain Disclosure x Tax Evasion**

Curriculum Vitae

Name: Mr. A

Date of Birth: 04.05.1991

I am interested in applying for the position of bus driver. I believe my experience in logistics and driving-related roles makes me a strong candidate. I would like to be transparent about my background: in 2019, I was convicted of tax evasion after failing to declare income over several years. This led to a conviction and a custodial sentence. I served my time and have since been working to get back on track both personally and professionally and have held stable employment for the last two years.

Education:

2007–2011 Secondary School Certificate (Realschulabschluss), Munich

2011–2013 Vocational Training – Transport & Logistics Assistant

Employment History:

2013–2016 Driver, Munich Logistics GmbH

2016–2019 Delivery Assistant, Hermes Parcel Services

2019–2022 —

2022–2024 Warehouse Staff, ReWe Group

#### **Condition 4: Redemption Narrative x Tax Evasion**

Curriculum Vitae

Name: Mr. A

Date of Birth: 04.05.1991

I am interested in applying for the position of bus driver. I believe my experience in logistics and driving-related roles makes me a strong candidate. I would like to be transparent about my background: in 2019, I was convicted of tax evasion after failing to declare income over several years. I served a short prison sentence as a result. This incident became a major turning point in

my life. Since then, I have taken steps to rebuild my life—I completed a reintegration program, received job coaching, and have held stable employment for the last two years. I am committed to contributing positively to society and earning a second chance through meaningful work.

Education:

2007–2011 Secondary School Certificate (Realschulabschluss), Munich

2011–2013 Vocational Training – Transport & Logistics Assistant

Employment History:

2013–2016 Driver, Munich Logistics GmbH

2016–2019 Delivery Assistant, Hermes Parcel Services

2019–2022 —

2022–2024 Warehouse Staff, ReWe Group

## **Appendix D**

### **Adapted Perceived Trustworthiness Scale (Mayer & Davis, 1999)**

1. This applicant is very capable of performing their job
2. I feel confident about the skills of the applicant
3. Strong principles seem to guide the behaviour of this applicant
4. This applicant acts with integrity
5. I really wish I had a good way to keep an eye on this applicant
6. I would be comfortable giving this applicant a task or problem which was critical to me, even if I could not monitor their actions
7. Please select 'strongly agree (100)' to show you are paying attention

## Appendix E

### Path A Assumption Checks

This appendix presents diagnostic tests for the regression model predicting perceived trust from crime type and covariates (Path A). Included are plots assessing normality and homoscedasticity of residuals, as well as a multicollinearity table. The residuals appeared approximately normally distributed, and the scatterplot showed no clear heteroscedasticity as residuals appeared randomly scattered around zero, with no clear pattern or funnel shape. Multicollinearity statistics confirmed that predictor variables were not highly correlated, as predictors had VIF values well below the commonly used threshold of 10. Tolerance values were also above .70, further supporting the absence of problematic intercorrelations among the independent variables.

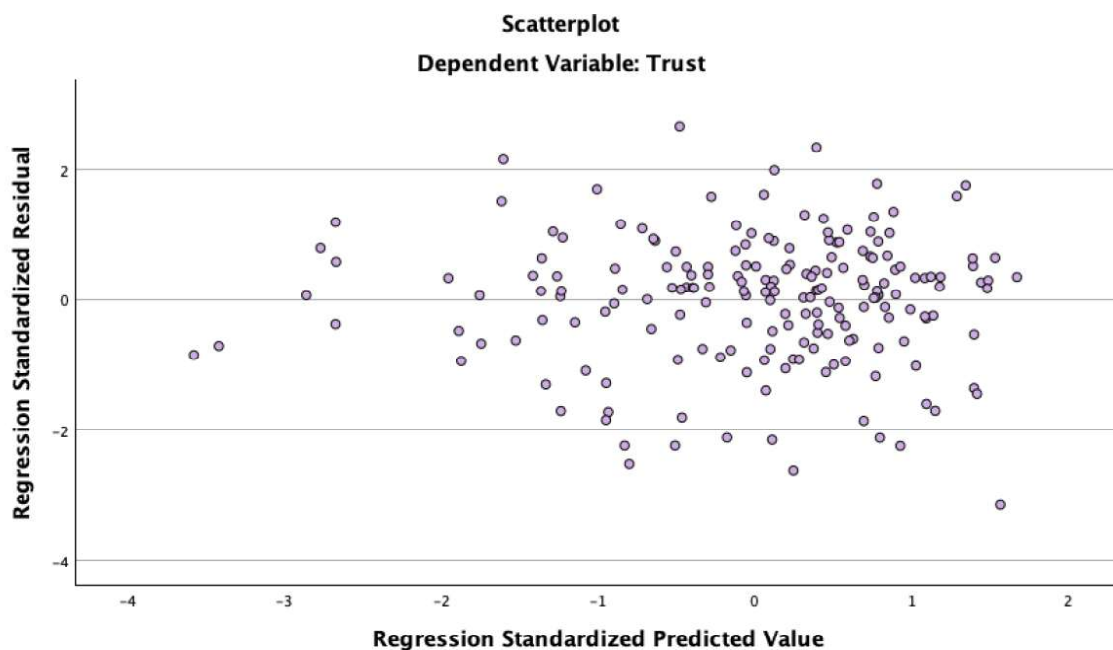


Figure E1. Scatterplot of standardized residuals vs. predicted values (Trust).

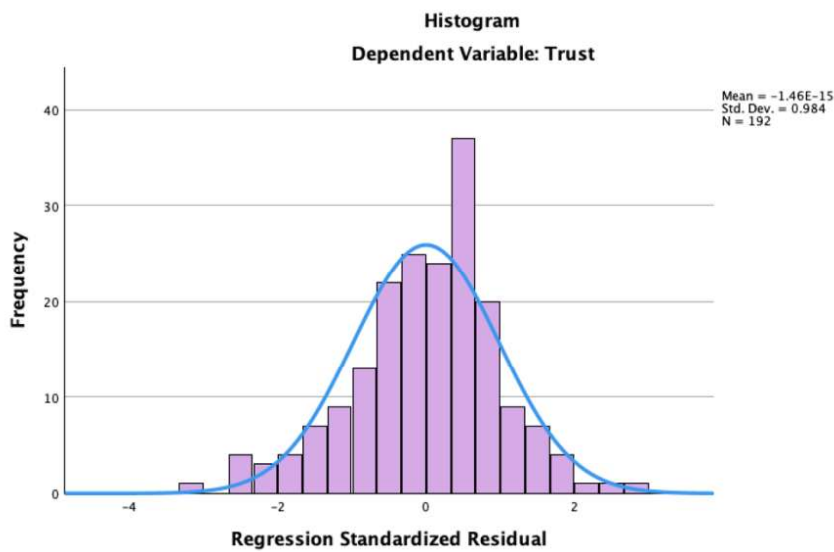


Figure E2. Histogram of standardized residuals for perceived trust.

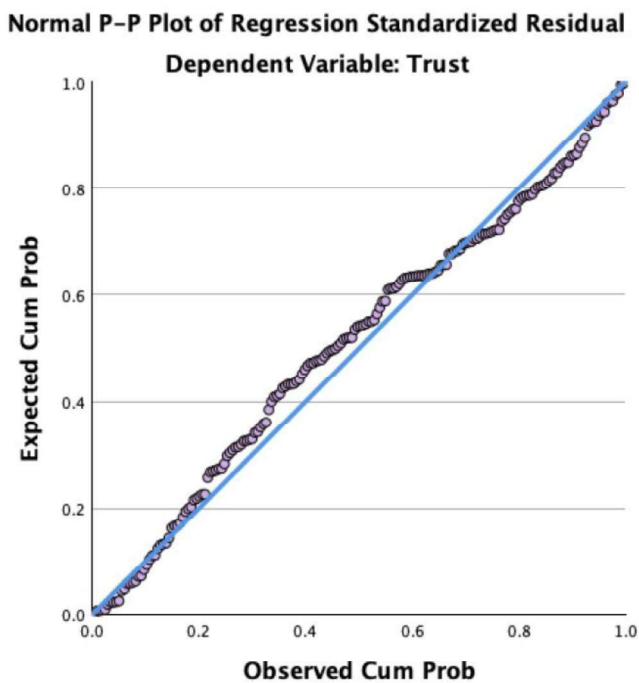


Figure E3. Normal P-P plot of standardized residuals for perceived trust.

Outcome Variable	Collinearity Statistics	
	Tolerance	VIF
Crime Type (IV)	.932	1.073
Disclosure Strategy	.978	1.022
Age	.970	1.031
Gender	.900	1.112
Political Orientation	.791	1.264
Belief in Redeemability	.818	1.222

*Note.* Dependent Variable: Trust

Table E1. Multicollinearity diagnostics for regression model predicting trust.



## Appendix F

### Path B/C' Assumption Checks

This appendix contains assumption checks for the model predicting HL from perceived trust and covariates. Visual inspection of the residual histogram and P–P plot indicated acceptable normality. The scatterplot supported homoscedasticity, and collinearity diagnostics ruled out multicollinearity concerns.

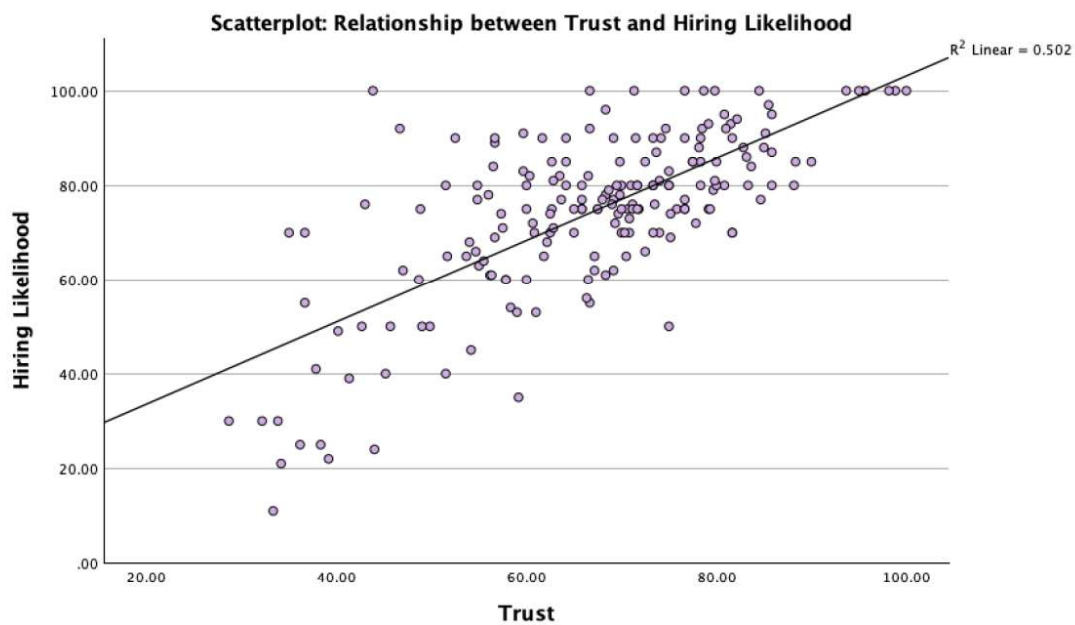


Figure F1. Scatterplot of perceived trust and HL illustrating linearity

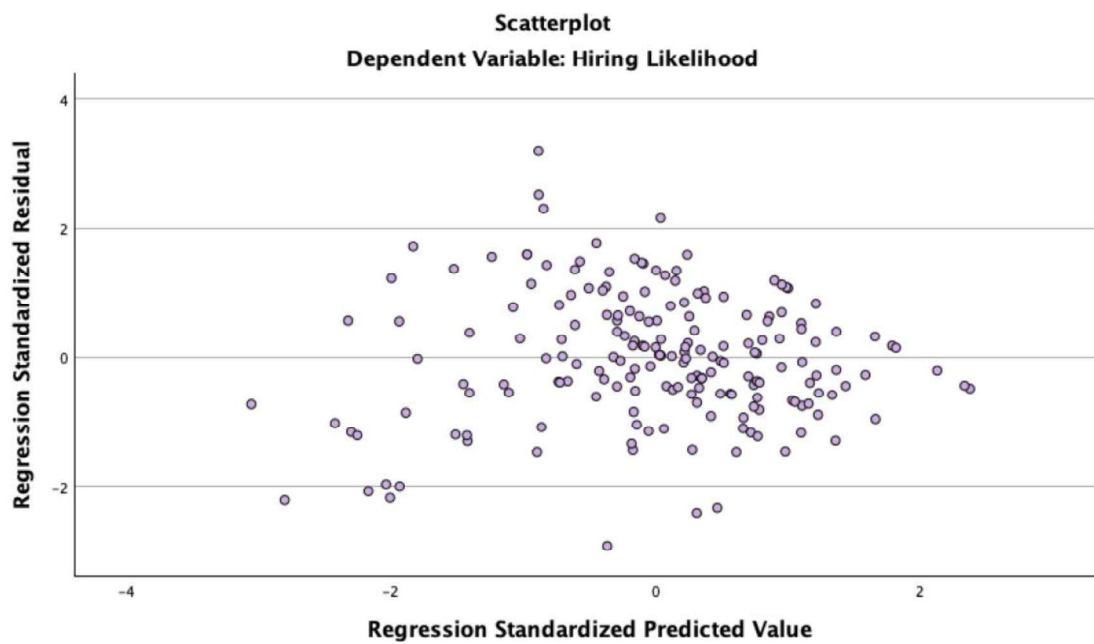


Figure F2. Scatterplot– standardized residuals vs. predicted values of Trust on HL

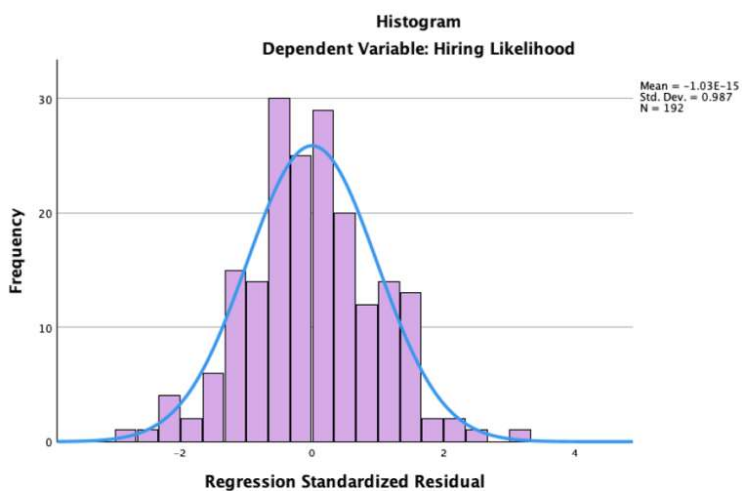


Figure F3. Histogram of standardized residuals for HL.

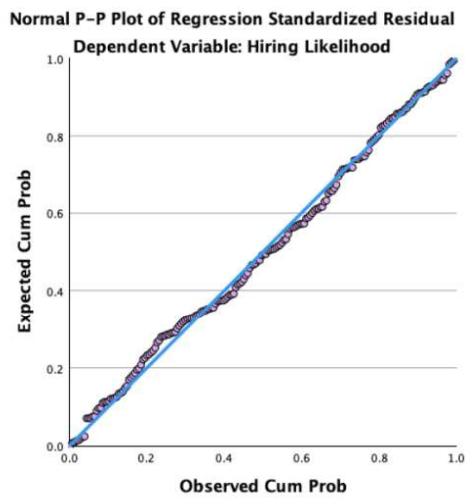


Figure F4. Normal P–P plot of standardized residuals for HL.

Outcome Variable	Collinearity Statistics	
	Tolerance	VIF
Trust	.829	1.207
Age	.966	1.035
Gender	.928	1.078
Political Orientation	.795	1.258
Belief in Redeemability	.738	1.356

*Note.* Dependent Variable: HL

Table F1. Multicollinearity diagnostics for regression model predicting HL.