



## REHABILITATIVE JUSTICE AND MORAL RESPONSIBILITY: WHY SOME OFFENDERS DEFY REHABILITATION

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Rehabilitative justice is a central pillar of modern criminal justice systems, aiming not merely to punish offenders but to reintegrate them into society as law-abiding citizens. Unlike retributive models that focus on reparation through suffering or deterrence, rehabilitative justice centres on transformation, addressing the underlying causes of criminal behaviour, such as trauma, poverty, mental illness, addiction, or lack of education. At its core, rehabilitation assumes that people are capable of change, and that society has a moral obligation to foster that change rather than perpetuate cycles of incarceration and marginalization. Yet, despite the efforts invested in rehabilitation programs ranging from therapy and vocational training to restorative justice initiatives, some offenders persistently defy reform.<sup>1</sup> Their recidivism<sup>2</sup> not only challenges the efficacy of rehabilitative models but also raises profound questions about moral responsibility, free will, and the structural limitations of our justice system.

This disjunction between rehabilitative intentions and real-world outcomes demands closer scrutiny. Why do some individuals, even when given access to support systems and second chances, continue to reoffend? Is it a failure of the programs themselves, or does the root lie deeper in the psyche and personal moral frameworks of the offenders? Can society hold individuals morally responsible for change if the very environments they return to remain unchanged or even hostile to that change? These are not only academic questions but also urgent societal ones, especially given the global push toward demarcation and the pursuit of humane alternatives to imprisonment.

The issue becomes more complex when moral responsibility is introduced into the equation. Rehabilitative justice often presumes that offenders possess the capacity for self-reflection,

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<sup>1</sup> [https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/OCPA\\_International\\_Organization.pdf#:~:text=The%20challenge%20of%20turning%20a%20convicted%20offender,by%20drug%2C%20alcohol%20and%20mental%20health%20problems.](https://www.unodc.org/documents/justice-and-prison-reform/ReducingReoffending/OCPA_International_Organization.pdf#:~:text=The%20challenge%20of%20turning%20a%20convicted%20offender,by%20drug%2C%20alcohol%20and%20mental%20health%20problems.)

<sup>2</sup> <https://www.merriam-webster.com/dictionary/recidivism>

remorse, and moral growth. But moral responsibility is not distributed equally. Individuals differ in their psychological makeup, level of trauma, socialization, and neurocognitive development factors, which can significantly shape or limit their ability to assume responsibility for their actions and to internalize rehabilitative efforts. Furthermore, persistent structural inequalities such as systemic racism, generational poverty, and community disinvestment can render the ideal of rehabilitation more aspirational than attainable. In such cases, labelling an offender as having "failed" rehabilitation risks shifting the blame from societal conditions to the individual, thereby ignoring the broader context in which crime and reform occur.

Additionally, the concept of "defying rehabilitation" often carries implicit moral judgment, suggesting willful resistance or incorrigibility. However, defiance may not always stem from a lack of desire to reform. For some offenders, repeated engagement with the criminal justice system can lead to institutional dependency, identity entrenchment, or learned helplessness. Others may return to crime out of necessity due to economic desperation, lack of social support, or exclusion from mainstream opportunities after incarceration. These realities complicate simplistic narratives of success or failure in rehabilitation, calling for a more nuanced understanding of moral agency in the face of systemic constraints.

This essay argues that while rehabilitative justice remains a vital and ethically grounded approach to criminal reform, its effectiveness is undermined when it fails to account for the complex interplay between individual moral responsibility and structural barriers. By exploring why some offenders defy rehabilitation, this discussion will illuminate the limitations of current rehabilitative frameworks and argue for more context-sensitive, trauma-informed, and socially responsive models of justice. Ultimately, understanding these failures is not an indictment of rehabilitation itself, but a call to refine its methods, broaden its vision, and reframe its expectations of what it truly means to offer someone a second chance.

The core idea of reformatory or rehabilitative punishments is the belief that human beings are not inherently evil, and their behavior can be changed and integrated as law-abiding members of society. It acts as a polishing agent for our nation's social control system, targeting the crucial philosophy of rehabilitating serious criminals, as well as reworking the concept of punitive action as a means of transforming an individual's behavior and conduct.<sup>3</sup> It is based

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<sup>3</sup> <https://blog.ipleaders.in/reformatory-theory-of-punishment/>

on M. K. Gandhi's quote (at least in India), "An eye for an eye will turn the whole world blind."<sup>4</sup> Rehabilitative punishments are a modern approach to punishment. Previous methods of punishment are considered inhumane and brutal. Indeed, they were, and yet, one could argue that despite their harshness, they were necessary to keep individuals within acceptable limits. Whether out of fear or respect for authority, this did not matter, as the goal of maintaining the status quo was achieved.

The immorality of crimes needs to be compared. A society has its citizens adhering to very different conceptions of good and bad. For some people, using drugs is a matter of personal liberty, while for some it is seen to be a reprehensible act. The very question of setting a common moral standard seems to be a bit unfair since it involves asserting one's view over the others. Hence, the process of unifying morality for 'punishing evil' is complicated.

Although it involves treating the underlying causes of criminal behaviour, such as addiction or mental health issues, it doesn't account for unavoidable circumstances, changes in situations at home, or even the very criminal intentions of the individual. It is easier to deal with the criminal, rather than the criminality, and I find that frightening.

Even the apex court in India, the Supreme Court, in the case of *Gulab Singh v. Yuvraj Singh* (1994)<sup>5</sup>, where the Supreme Court refused to increase the accused's punishment, mentioning that the goal of the Indian penal system is reformative.

Even so, considering the vastness of our country and the unpredictable nature of human life and circumstances, one could argue that this form of punishment is not practical for everyone. An admonition for a first-time offender or a petty thief, someone who committed a crime unintentionally, or an offense under the Motor Vehicle Act is feasible, and the criminality might be deterred. Perhaps, there was no criminal intent in the first place.

This perspective suggests the focus on an offender's reformation sometimes comes at the victim's expense, potentially eroding their trust in the justice system and diminishing their voice in the process.<sup>6</sup> Reformatory theory may result in reduced sentences, thereby denying victims the sense that justice has been served. This leads to the invalidation of their experiences and might lead them to take up law into their own hands to attain their justice. In its attempt to

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<sup>4</sup> First said during Satyagraha

<sup>5</sup> 1985 AIR 1884, 1985 SCC (3) 434

<sup>6</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC10240635/>

protect the rights of the prisoners, the courts may unconsciously violate the rights of the victim. It is a settled principle of law that justice must not only be done but must also be seen to be done. In the cases where a lenient view is taken in the light of the reformatory theory, the victim might suffer again.

This approach can lead to significantly lenient sentences that fundamentally undermine justice, especially when judgments are influenced by the offender's personal circumstances such as age, education, or family responsibilities. For example, in the case of *Chinnakond v. State of A.P.*<sup>7</sup>, a rape conviction was upheld, yet the sentence was sharply reduced from 10 to 5 years based primarily on the offender's agricultural background and familial duties. Similarly, in *State of M.P. v. Rameshwar*<sup>8</sup>, the punishment was drastically shortened from 4 years to just over a month because the offender was uneducated and from a rural area. Such rulings set dangerous precedents, suggesting that judicial discretion is being applied inconsistently, which not only compromises the principle of equitable justice but also erodes public confidence in the impartiality of the legal system and diminishes the accountability owed to victims of serious crimes.

In a country like India, where poverty is one of the primary reasons for crime, if the people find prisoners to be comfortable, they will want to commit petty crimes and go back to prison on the pretext of reform. Reports from Tihar Jail in Delhi, India's largest prison, highlight this unexpected dynamic. During harsh winter months, when temperatures plummet to around 2–4 °C, homeless individuals or those without proper shelter sometimes deliberately commit minor crimes (like petty theft) to get arrested and escape freezing nights outside.<sup>9</sup> The prison guarantees a roof, hot food, warm blankets, free healthcare, and even job opportunities within the jail factories, making it, for some, a safer and warmer option than life on the street.<sup>10</sup> This isn't about convicted criminals exploiting the system; rather, it's about destitute individuals seeking shelter, health, and safety, basic human needs that are not met outside. India's criminal justice system bears a heavy burden from poverty-related offenses. About 80%<sup>11</sup> of prisoners come from marginalised, low-income backgrounds. Many are undertrials accused of petty crimes linked to survival needs, not necessarily habitual offenders. Overcrowding compounds

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<sup>7</sup> 2004(2)ALD(CRI)420, 2004CRILJ3901

<sup>8</sup> Cr.A. No.959/1997

<sup>9</sup> [https://www.hindustantimes.com/delhi-news/seeking-tihar-s-warmth-many-turn-to-petty-crime-in-bitter-cold/story-kvCAijXgY9e4cLkMObcUnL.html?utm\\_source=chatgpt.com](https://www.hindustantimes.com/delhi-news/seeking-tihar-s-warmth-many-turn-to-petty-crime-in-bitter-cold/story-kvCAijXgY9e4cLkMObcUnL.html?utm_source=chatgpt.com)

<sup>10</sup> <https://www.drishtias.com/daily-updates/daily-news-analysis/poor-state-of-undertrials>

<sup>11</sup> [https://www.civildaily.com/burning-issue-need-of-prison-reforms/?utm\\_source=chatgpt.com](https://www.civildaily.com/burning-issue-need-of-prison-reforms/?utm_source=chatgpt.com)

the issue prisons are often operating at double capacity or more. Yet, despite these harsh conditions, they still offer some basic support missing outside.

However, this does not apply to repeat offenders. Various reasons like social unacceptance and stigma, unemployment, a lack of housing, proper rehabilitation, and diminished reputation due to incarceration. Moreover, violence and abuse in jail cause the offender to be more inclined to commit a crime. Some people are criminals by heredity, i.e., they model after the behaviour set forth by someone in their family, or even by drug use, after all, desperate people have desperate means to solve their problem.

While it's essential to prioritize the rehabilitation of offenders, ensuring that victims' rights to justice are not compromised is equally crucial. Modern approaches to sentencing emphasize not just punishment, but also victim compensation, striking a balance between these dual aims.

Judicial sentencing often faces criticism for being unfair or ineffective. In theory, restorative or reformatory justice presents an ideal framework, but it cannot serve as a one-size-fits-all solution for every case. The distinct circumstances of each case require judicial discretion in determining the appropriate response. When applicable, judges may allow opportunities for offenders to demonstrate reform and reintegration into society, such as by granting commutation. Ultimately, restorative justice must be applied cautiously, ensuring neither the offender's rehabilitation nor the victim's rights are overlooked.

In conclusion, rehabilitative justice—anchored in moral responsibility and societal betterment—presents a compelling framework for addressing criminal behaviour. Yet, its efficacy is neither universal nor guaranteed. Some offenders resist rehabilitation not merely due to system-level failures, but because of deeply rooted psychological, structural, and ideological factors. At the individual level, certain offenders possess entrenched antisocial traits—such as aggression, poor impulse control, manipulative behavior, and a warped value system—that render them ill-suited for conventional rehabilitative programs. These traits often reflect early-life habit formations, emotional deficits, and even identity tied to criminality, making change extraordinarily difficult. As one analysis notes, “changing fundamental deficits in personality is a task of a different order” altogether<sup>12</sup>.

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<sup>12</sup> <https://manhattan.institute/article/why-rehabilitating-repeat-criminal-offenders-often-fails>

Psychologically, offenders may employ mechanisms like techniques of neutralization or moral disengagement to justify or normalize their behaviour.<sup>13</sup> They might deny responsibility, minimize harm, dehumanize the victim, or shift blame onto authorities, thereby circumventing internal moral accountability. These cognitive defences effectively suspend self-reproach and reduce the motivational tension required for genuine transformative change.<sup>14</sup>

Beyond psychology, systemic and structural issues significantly undermine rehabilitative efforts. Many prisons are overcrowded, underfunded, and plagued by outdated infrastructure, as seen in Victorian-era facilities across England and Wales, which suppress rehabilitative programming and support.<sup>15</sup> In the U.S., the pandemic further disrupted educational and therapeutic initiatives, compounding mental distress and weakening post-release preparedness. Insufficient funding, institutional resistance, and lack of standardized best practices further erode the potential of these programs.<sup>16</sup> Equally important are the post-release challenges. Ex-offenders often confront social stigma, employment and housing barriers, and diminished access to education factors that significantly elevate the risk of recidivism and thwart attempts at reintegration.<sup>17</sup>

Moreover, while rehabilitative rhetoric is often portrayed as progressive, it may be used to justify harsher punishment for those labelled "incorrigible." Indeed, historical and political trends show that rehabilitation can carry punitive backlashes, particularly when reform fails, leading to stricter sanctions under the guise of treatment.<sup>18</sup>

The Risk–Need–Responsivity (RNR) model offers an evidence-informed counterpoint: tailoring interventions based on an offender's risk level, specific needs, and responsiveness improves outcomes substantially. However, the challenge remains to effectively implement and scale such nuanced approaches across diverse systems.

Ultimately, some offenders defy rehabilitation because of an intricate confluence of personal pathology, moral rationalization, institutional failings, and societal exclusion. Addressing these

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<sup>13</sup> "Techniques of Neutralization". Archived from the original on 2003-07-04. Retrieved 2006-10-30

<sup>14</sup> Bandura, Albert (1999-08-01). "Moral Disengagement in the Perpetration of Inhumanities". *Personality and Social Psychology Review*. 3 (3): 193–209.

<sup>15</sup> <https://www.theguardian.com/society/2025/may/03/cramped-victorian-prisons-england-wales-limiting-rehabilitation-chief-inspector-says?>

<sup>16</sup> <https://apnews.com/article/prison-pandemic-shutdowns-rehabilitation-education-programs-d0aab915c2cd130543025f5bffe6672>

<sup>17</sup> Henslin, James M. (2008). *Social Problems: A Down-to-earth Approach*. Pearson A and B.

<sup>18</sup> [https://blogs.lse.ac.uk/usappblog/2017/04/06/why-pursuing-more-rehabilitative-policies-may-actually-lead-to-harsher-punishments-for-prisoners/?utm\\_source=chatgpt.com](https://blogs.lse.ac.uk/usappblog/2017/04/06/why-pursuing-more-rehabilitative-policies-may-actually-lead-to-harsher-punishments-for-prisoners/?utm_source=chatgpt.com)

obstacles requires a multifaceted strategy: designing individualized, evidence-based treatment; investing in rehabilitative infrastructure and staffing; combating social stigma; and ensuring meaningful support during re-entry.

Thus, while rehabilitative justice remains a noble goal—grounded in moral responsibility and belief in human potential—it must be tempered by realistic acknowledgment of its limitations. Only through systemic reform, empathetic yet rigorous programming, and societal commitment to reintegration can we hope to narrow the gap between ideals and outcomes in the quest for justice.