



Comparing Rehabilitation: Why, where and how?

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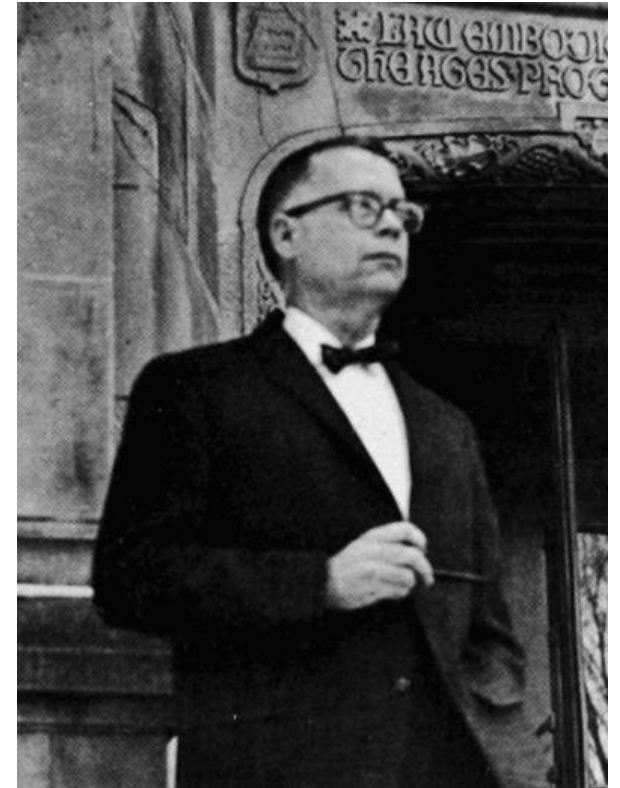


The plan

- Rehabilitative ideals (and realities)
- Why rehabilitation (still) matters
- Why compare and where to compare?
- How to compare rehabilitation and reintegration?

The (decline of) the rehabilitative ideal

‘When I speak of the rehabilitative ideal, I refer to the notion that the sanctions of the criminal law should or must be employed to achieve fundamental changes in the characters, personalities, and attitudes of convicted offenders, not only in the interest of the social defence, but also in the interests of the well-being of the offender himself’ (Allen, 1978: 148).





And its durability?

Pifferi (2025): Tracing the history of rehabilitation in Europe

- Rehabilitation vs incapacitation
- Rehabilitation as a normative issue
- Rehabilitation under and after authoritarianism
- The contemporary European rehabilitative ideal centres on **‘the recognition of social rehabilitation as a right of the offender and its conceptualisation as the essence of punishment’** (p106).

Michele Pifferi

The Historical Origins and Evolution of Rehabilitative Punishment

ABSTRACT

The notion of rehabilitative punishment has changed over time, variously informed by political contexts, prevailing ideas, and institutional frameworks. Enlightenment utilitarian reformers did not prioritize reformation of the offender. The penitentiary movement of the late eighteenth and early nineteenth centuries mainly concerned new prison regimes that did not, however, question the retributive and deterrent rationales of punishment. The nineteenth century was characterized by significant albeit isolated experiments in prison regimes premised on offenders' reintegration and by a theoretical debate on the consistency of reeducative goals and methods with penal liberalism. With the rise of criminological reformism between the 1870s and the 1920s, the rehabilitative principle became the basis for theoretical rethinking of the rationale of punishment and the justifications of structural sentencing reforms. Paradoxically, the growing importance of alternatives to imprisonment and reformative treatment was always associated, in discourse and in practice, with incapacitation. This inherent contradiction characterizes the rehabilitative ideal to the present day. Recently, even more than the constitutionalization of rehabilitation in some countries and its recognition by international law authorities, the jurisprudence of supranational courts seems to open new prospects for recognition of resocialization as a right of the offender.

The reformation of the criminal has been discussed by philosophers and legal scholars as one possible goal of punishment, along with retribution,

Michele Pifferi is a professor of legal history at the University of Ferrara and a research associate at the Centre for Criminology, University of Oxford. I am grateful to Michael

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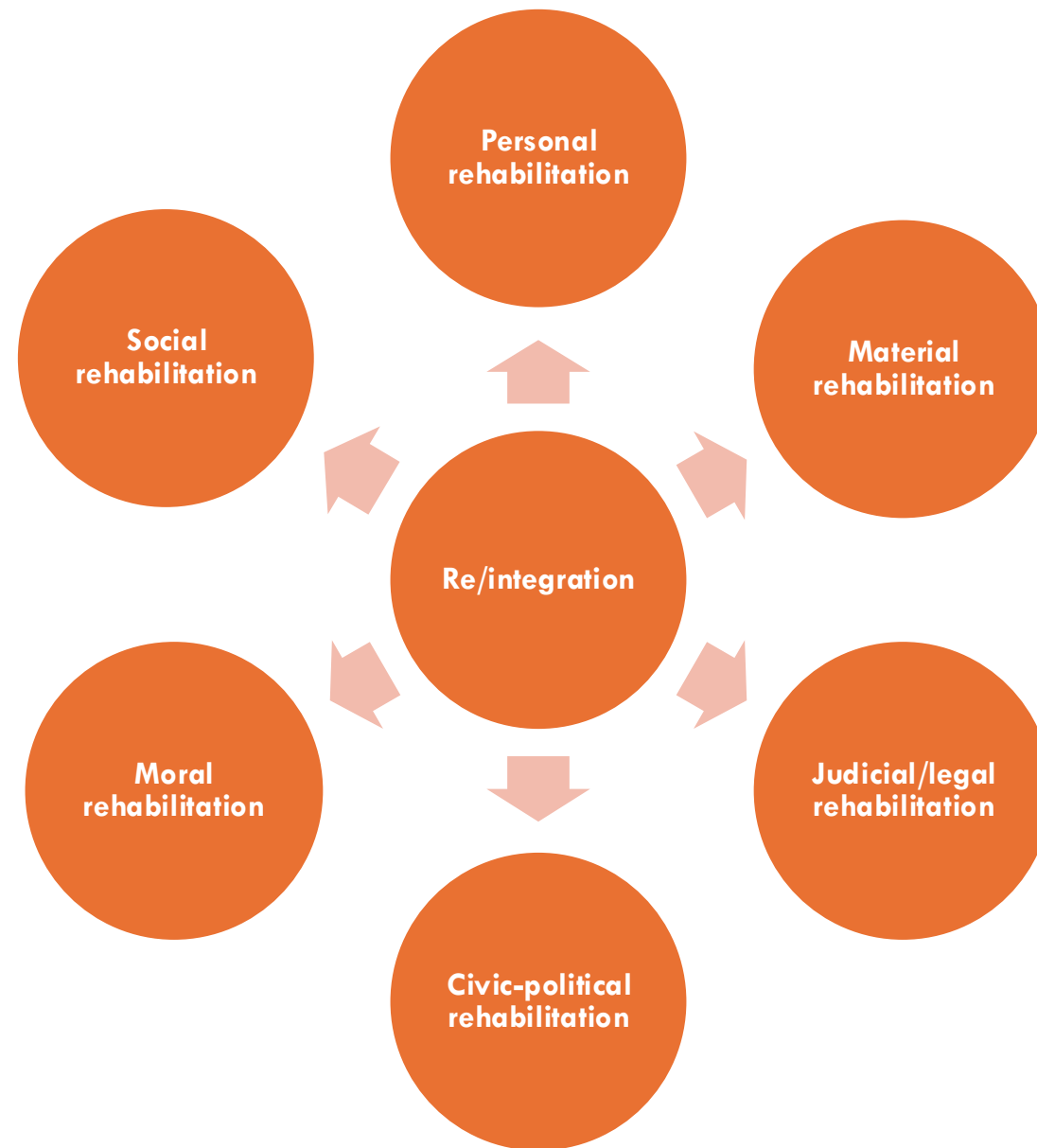
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But which ideal/s?

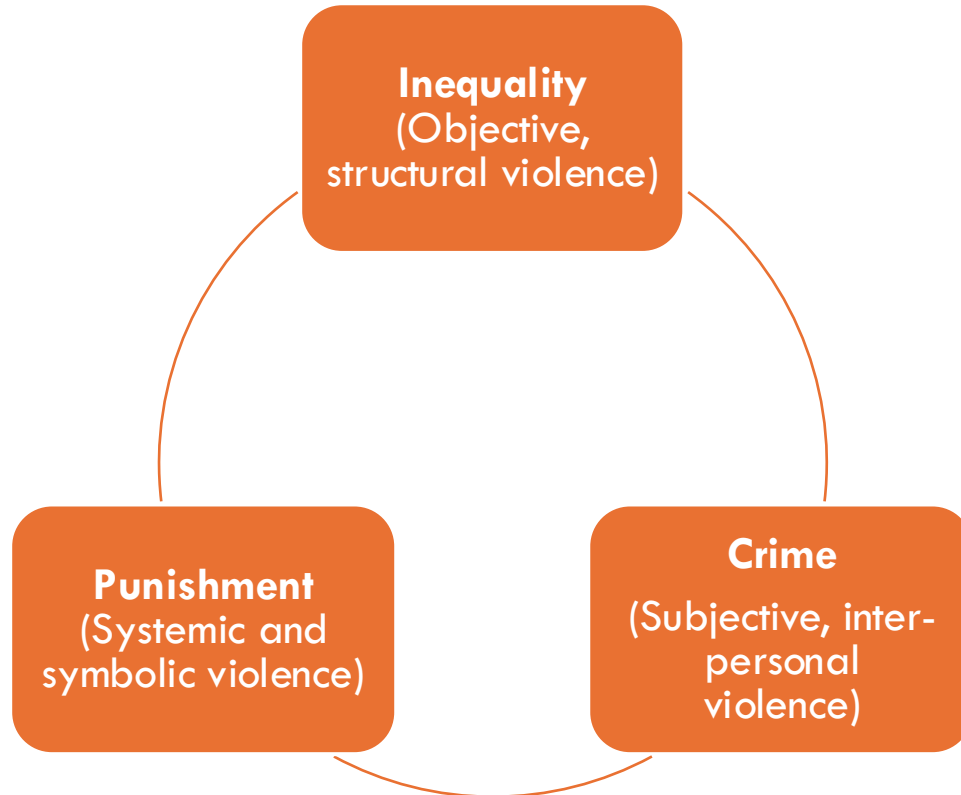
- Is rehabilitation (necessarily) about changing the **dispositions** of people who offend?
- Or is it about changing their **social and legal status and position**?
- Is it about **how we (should) punish**, or **what happens after punishment**?
- Is it synonymous with '**correction**' or is it about protecting or restoring **human or civil rights**?
- Isn't reintegration the whole point or '**core social function**' of punishment (Du Bois-Pedain, 2017)?





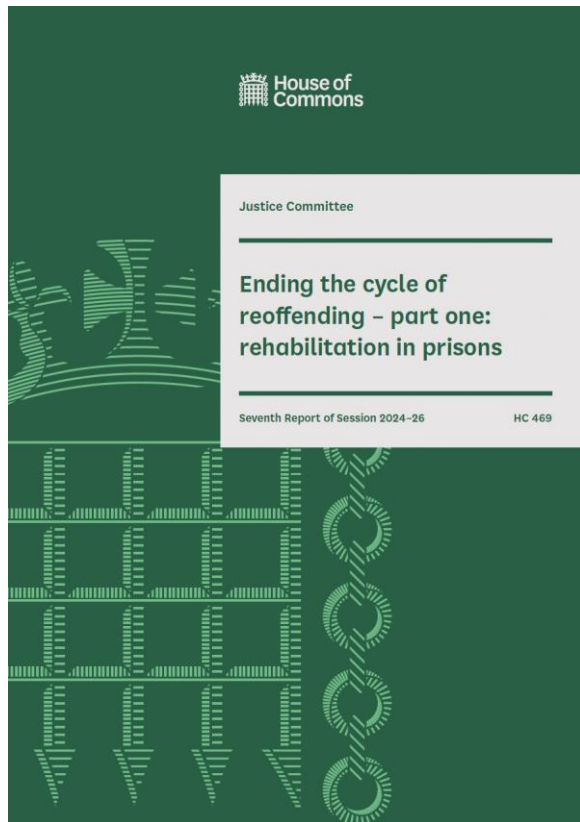
(Rubio Arnal, 2021;
Rubio Arnal and McNeill 2023)

Why (finding out about) rehabilitation still matters (esp. in punitive systems)...





Realities Check



‘...current conditions across the prison estate are not conducive to rehabilitation. Overcrowding has led to arbitrary prisoner transfers, disrupted sentence progression, and reduced access to purposeful activity, education, and family contact’ (p1)

‘The prison estate is in a state of disrepair. Dilapidated buildings and broken infrastructure limit access to rehabilitative spaces and contribute to poor mental health’ (p2).

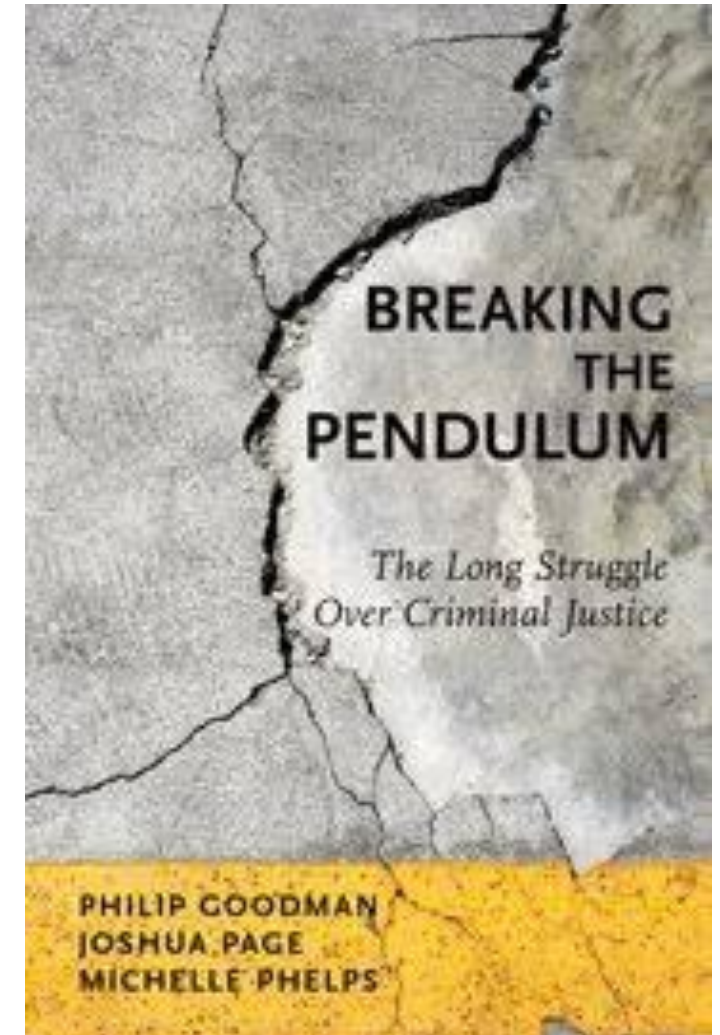
‘Many prisoners are locked up for 22 hours or more each day, with limited access to fresh air, showers, or rehabilitative activities... Purposeful activity, including education, work, and offending behaviour programmes, is central to rehabilitation, yet it is inconsistently delivered and often deprioritised’ (p2).

‘Prison education is underfunded and poorly delivered. Participation rates are low, Ofsted ratings remain poor, and neurodivergent prisoners are not adequately supported. Education on the youth estate is also in a state of decline’ (p2).

‘Health and wellbeing services are failing to meet the needs of prisoners. Mental health support is inconsistent, and operational pressures prevent timely access to care. Women in prison face acute and complex health needs, yet the system is failing to provide even basic support’ (p2).

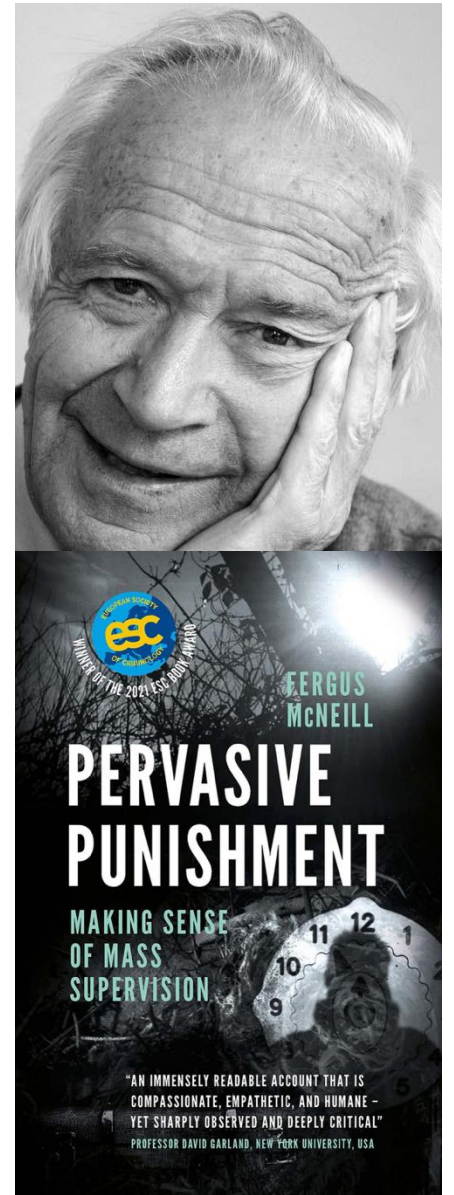
Realities Check

- The decline of post-war (penal) welfarism
- Late modern rehabilitation (Robinson, 2008)
- The contestation of criminal justice (Goodman, Page and Phelps, 2017)
- Ethnographies of rehabilitation
 - Lived experience and practice experience
 - ‘Soft power’ and ‘the pains of rehabilitation’



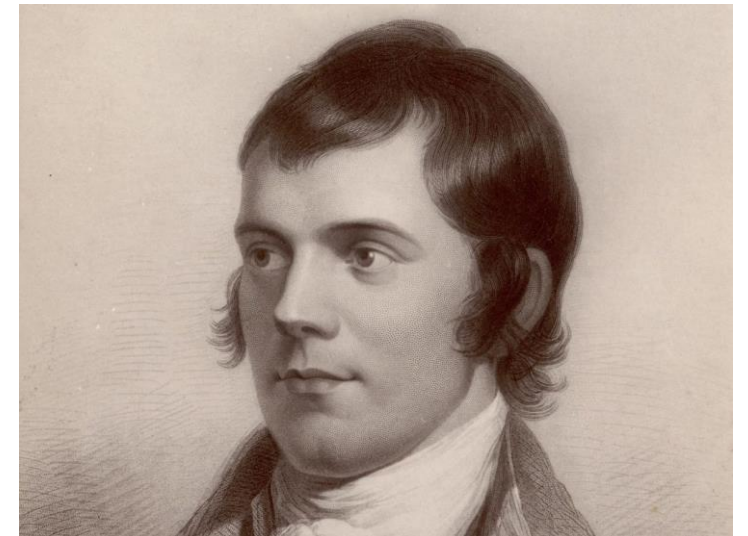
But why compare?

- ‘Penal systems carry deep meanings. They convey information on central features of the states they represent.’ (Christie, 2004: 101)
- Penal systems (and reforms) often do harm while trying to do good
- ‘...tracing the history of the rehabilitative ideal, including its contradictions and unfulfilled promises, sheds light on the ideas underpinning the power to punish and serves as a litmus test of its legitimacy and foundational values’ (Pifferi, 2025: 104).
- What could we learn from comparing not just ideals but also realities in so-called ‘progressive’ countries?



But why compare?

O wad some Power the giftie gie us
To see oursels as ithers see us!
It wad frae monie a blunder free us,
An' foolish notion:
What airs in dress an' gait wad lea'e
us, An' ev'n devotion!

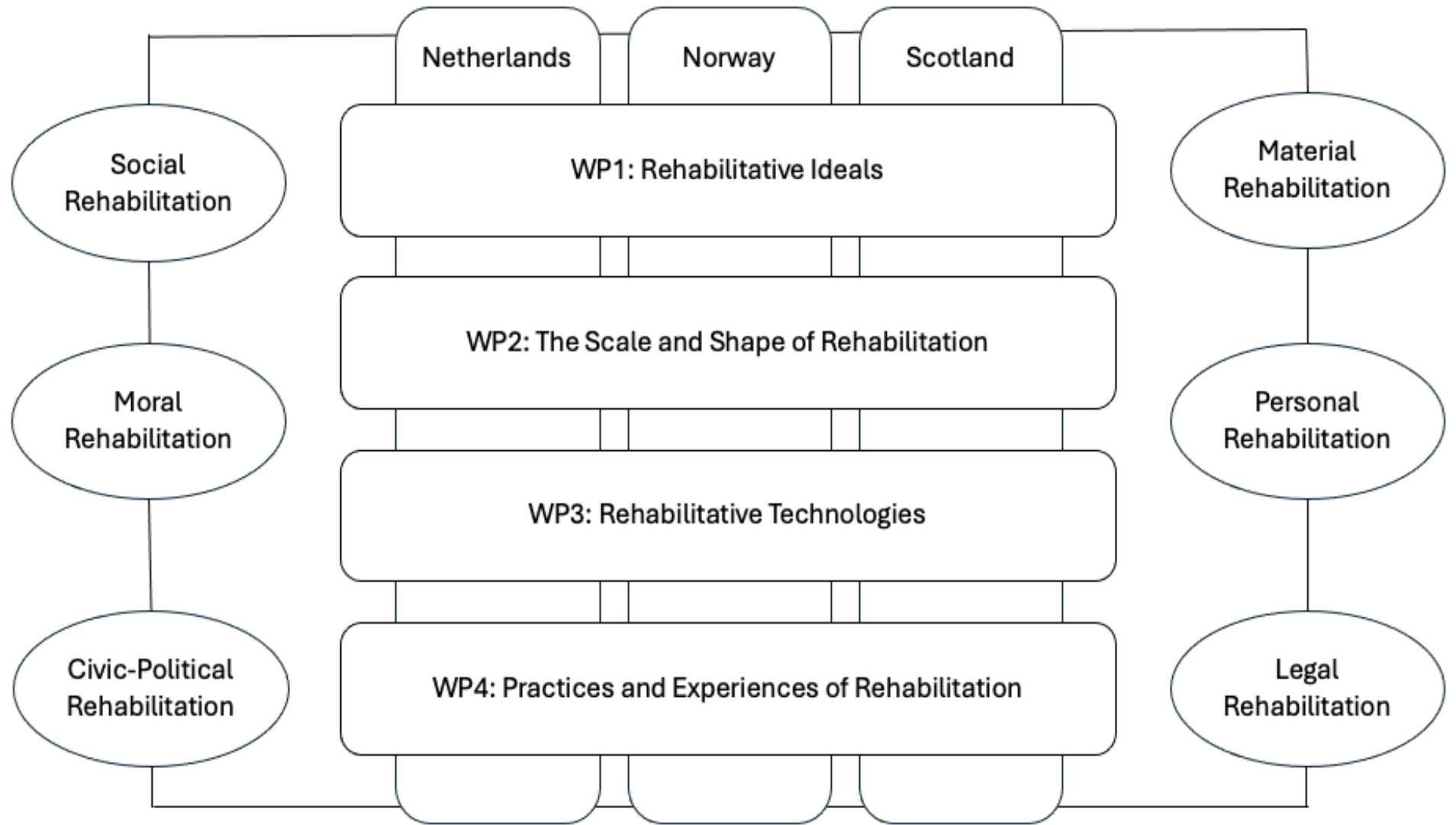




3 Trailblazers?



How?





Dialogical Comparative Penology

- Assessing vertical consistency and coherence (within country)
- Assessing horizontal similarity and difference (across countries)
- In addition to conventional methods, creative workshops within each country explore and represent experiences from multiple perspectives
- These inform dialogue (and dissemination) events across countries
- **Participants make the comparisons with researchers and with each other**



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An illustration of our beginnings (WP1)...

- The Research Question:
 - How has the rehabilitative ideal been understood, constructed, contested and represented in each country?



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The sub-questions...

- I. What **historical and cultural factors** have most influenced and sustained the rehabilitative ideal in each country?
- II. How has the rehabilitative ideal been defined and articulated as an ideal by key **legal and philosophical** scholars in each country? How has it evolved?
- III. What are the core non-academic texts that reflect important or influential moments in the articulation or revision of **the rehabilitative ideal in policy and/or practice**? Why are they particularly important?
- IV. What are the **institutional, organisational and professional structures and relationships** through which rehabilitation is intended to be delivered. In other words, what is its institutional or formal architecture?

The sub-questions...

- V. What are the **prevailing practice models** of rehabilitation that are (said to be) applied in each country
- VI. What are the most important published **empirical evaluations of the effectiveness of rehabilitative sanctions**, measures, interventions and practices, and what do they tell us?
- VII. What **critical empirical work** exists on how rehabilitation is constructed, contested and experienced in reality?
- VIII. How has **comparative penological work** tended to depict/assess rehabilitation in each country?
- IX. Which **cultural representations** of (punishment and) rehabilitation seem especially important either in expressing or in shaping **national attitudes** or dispositions towards rehabilitation?
- X. Conclude by mapping the above in relation to the 6 forms.



The prize...

- To better understand whether and where rehabilitation lives up to its ideals, and to creatively, critically and comparatively interrogate its development and prospects, its coherences and contradictions, its rhetoric and its realities, its pitfalls and its possibilities.
- RaRIE's ambition -- the 'step-change' it offers – lies *both* in developing a new approach to comparative penology, *and* in using that new approach to reshape how rehabilitation is understood and developed in Europe.
- If you are interested, keep in touch at: www.gla.ac.uk/research/az/rarie/ (website not yet live)