

GIVE FIRST IS BULLS***

*Part II: Why a single theory of crime is the same mistake, twice.
And what is actually, universally true.*

THE COUNTER-EXAMPLE

Marcus

Part I built a compelling framework around a compelling story. A man called Sticha, who came from chaos, learned violence as survival, was rewarded for it in prison, and only stopped cycling when someone gave him a caravan, a wage, and a man called Wayno he didn't want to let down.

The framework is real. The evidence is real. The story is real.

And it explains almost nothing about Marcus.

Marcus came from a good family. Two present parents. Stable home. No fractured skull. No heroin. No state removal. He started dealing drugs, got involved in things he shouldn't have, went to prison once, and then never again. He owns a surveying company now. He recently had his first child.

By the framework of Part I, Marcus shouldn't have stopped. He had belonging. He had a family. He had stakes already. The theory says you need to give those things. Marcus had them and still offended.

And then he stopped. Not because someone gave him a caravan. Not because of a Wayno. Because of something else entirely — something the theory doesn't capture.

A theory that explains everything explains nothing. The moment you find the exception, you haven't disproved the rule — you've discovered the rule was a category, not a cause.

Part I is not wrong. It is incomplete. And in criminal justice, incomplete theories applied universally cause the same damage as wrong ones — because the person standing in front of the court is not a data point from the literature. They are Sticha. Or Marcus. Or someone the literature has never met.

THE FISH PROBLEM

Everybody is a Genius

There is a quote that circulates, usually attributed to Einstein, which says: everybody is a genius, but if you judge a fish by its ability to climb a tree, it will spend its whole life believing it is stupid.

Einstein almost certainly never said it. But the idea is old and it is correct and the criminal justice system has been running the tree-climbing test on fish for two hundred years.

The test it runs is this: you committed an offence. The offence is the input. The sentence is the output. The sentence is the intervention. We will now apply the same intervention to everyone who committed the same offence and expect different results.

Imagine a veterinarian who treated every animal that came through the door with the same medication, at the same dose, for the same duration, because they all arrived unwell. The monkey and the fish and the horse — all unwell, all receiving the identical treatment.

You would not call that veterinarian a professional. You would call them a machine. A machine with a very limited number of outputs and no mechanism for distinguishing between inputs.

The question 'what did you do?' is a category. The question 'why did you do it, and what would change it?' is a diagnosis. Justice has been asking the first question and calling it the second.

Robert Agnew's General Strain Theory — one of the most cited frameworks in criminology — identifies multiple, distinct pathways into offending: the failure to achieve positively valued goals, the removal of positively valued stimuli, the presentation of negative stimuli. Three different mechanisms, each producing the same surface behaviour, each requiring a fundamentally different response.

Agnew, R. (1992). Foundation for a General Strain Theory of Crime and Delinquency. Criminology, 30(1).

The person whose crime comes from poverty of hope needs different intervention than the person whose crime comes from loss — of a relationship, a status, an identity they were holding onto. These are not the same person receiving the same treatment because they checked the same box on an intake form.

The box labelled 'offender' is not a person. It is a filing category. The person who was filed there is almost never consulted about which drawer they belong in.

THE COURTROOM PROBLEM

One Moment, No Person

Here is what a court knows about you.

It knows one moment. One slice of one day, extracted from an entire life, presented in a format optimised for legal procedure rather than human understanding. The prosecution knows what they allege you did. The defence knows what they hope to mitigate. The judge knows what precedent suggests the response should be.

Nobody in the room knows what you enjoy. Nobody knows your dog's name, or that you sat with a friend all night when his mother got sick, or that you were good at drawing as a kid and nobody ever told you that was worth something.

You are the kidnapper. The dealer. The assault. A noun made from the worst thing — or the alleged worst thing — you ever did. An entire human life processed into a case number and a charge.

They decide what will help a person they couldn't name one thing about. Not one thing they enjoy. Not one person who loves them. Not one context that might explain anything.

Procedural justice research — led by legal scholar Tom Tyler across decades of study — has established something that should have been obvious but apparently needed thirty years of data to confirm: people comply with law not primarily because they fear punishment, but because they feel the process was fair and that they were treated with dignity and respect. The content of the outcome matters less than whether the person felt heard.

Tyler, T.R. (1990). Why People Obey the Law. Yale University Press.

The courtroom, as currently structured, is almost perfectly designed to produce the opposite of this. It is adversarial. It is formal. It strips the person of their context and their voice and reduces them to the facts of the charge. It is experienced, by almost everyone who passes through it, as profoundly dehumanising — regardless of guilt or innocence.

And then it wonders why those people do not feel invested in the social contract it represents.

The court knows your charge. It does not know you are Davo, the old homeroom buddy. Adam, who moved two houses away and used to feed the dog when you went to work. Benny, who drove forty minutes and stayed all night when the cancer call came, knowing he had work in the morning.

It knows a defendant. It has never met a person.

WHAT WOULD WE DO FOR ANIMALS?

Applebee's Assessment

Back to the zookeeper.

When an animal in a sanctuary exhibits a behaviour problem — aggression, self-harm, withdrawal, destruction — the first thing a competent zookeeper does is not apply a standard intervention. The first thing they do is an assessment.

What species? What is the natural history of this animal? What is its individual history — where did it come from, what did it experience, what were its early conditions? What are the environmental factors currently present? What is its social situation? What are its unmet needs, if any? What does the behaviour actually communicate about the animal's internal state?

Only once these questions are answered does a competent practitioner reach for an intervention. And the intervention is selected — not from a standard menu applied to all animals — but from an understanding of what this animal, in this context, with this history, needs in order to return to equilibrium.

We would never treat a traumatised chimpanzee and a bored rhinoceros with identical protocols because they both knocked something over. The behaviour looked the same. The cause was completely different. The cause is the thing that matters.

The Andrews and Bonta Risk-Needs-Responsivity model — the most extensively validated framework in correctional rehabilitation — established exactly this principle through decades of research. It has three components. Risk: who is at genuine risk of reoffending and requires intensive intervention. Need: what are the specific criminogenic needs driving this person's behaviour — and it lists them, because they differ between people. Responsivity: match the style and mode of intervention to the individual's characteristics, learning style, motivation, and circumstances.

Andrews, D.A. & Bonta, J. (2010). The Psychology of Criminal Conduct. Routledge.

The RNR model has been replicated across countries, offence types, demographics, and contexts. Its central finding is consistent: generic interventions produce weak effects. Interventions matched to the individual's specific criminogenic needs produce strong effects.

This is not a radical idea. It is how medicine works. It is how veterinary science works. It is how good teaching works. It is how good parenting works. It is how any system works when it is genuinely trying to produce a good outcome rather than process a throughput.

Criminal justice, structurally, is designed for throughput. The caseloads are enormous. The time available is minimal. The adversarial format actively discourages the kind of exploratory conversation that would produce understanding. And so the assessment never happens, the needs are never identified, the intervention is generic, and the outcome is predictable.

WHAT IS ACTUALLY ASSUMABLE

The Universal Things

If Part I's specific theory doesn't apply universally, what does?

What is it safe to assume about every person who comes before a court — regardless of their background, their offence, their circumstances — that could form the basis of a genuinely universal approach?

Three things. Only three.

First: they are the product of a causal chain. Every behaviour has a cause. This is not a moral claim — it is a claim about how reality works. The question 'why did this happen?' always has an answer. The answer may be complicated. It may involve choices freely made. It may involve circumstances entirely outside the person's control. But there is always an answer, and the answer always contains information relevant to what would prevent it happening again.

The ACE (Adverse Childhood Experiences) study — one of the largest investigations in the history of preventive medicine — tracked over 17,000 participants and found a dose-response relationship between childhood adversity and virtually every negative adult health and behavioural outcome. Not a correlation. A dose-response. More adversity, more outcome. Cleanly. Predictably. Which means the outcome is not random, and not mysterious, and not a moral failing. It is a consequence. Consequences have causes. Causes can be understood.

Felitti, V.J. et al. (1998). Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults. American Journal of Preventive Medicine.

Second: they have needs. Whatever those needs are — and they will differ — no person walking into a courtroom has all of their genuine human needs met. Not because crime requires deprivation. Marcus is evidence enough of that. But because the very fact of being in crisis — legal, social, whatever form it takes — indicates that something in the person's life is not working. Something is absent or broken or misaligned. That something is findable, if someone looks.

Third: they are capable of a different outcome under different conditions. The evidence for this is the existence of desistance — the fact that the overwhelming majority of people who offend, including serious and repeat offenders, eventually stop. They stop not because of what the system does to them but because of what changes in their lives, their identity, their relationships, their circumstances. Which means the capacity for a different outcome was always there. The conditions for it were not.

Three assumptions. Causal chain. Unmet needs. Latent capacity. These apply to Sticha. They apply to Marcus. They apply to every person the system has ever processed. They are the only universal truths.

THE UNIVERSAL SOLUTIONS

What Works For Everyone, Always

If the universal assumptions are causal chain, unmet needs, and latent capacity — then the universal interventions follow directly.

Find the causal chain. Ask why. Not why in the legal sense — not what facts support the charge — but why in the human sense. What was happening in this person's life? What brought them to this moment? What would have had to be different for this moment not to have occurred? This is not therapy. It is information gathering. It is what the zookeeper does before reaching for the intervention.

Identify the specific needs. Not the assumed needs. Not the needs that fit the theory you're most familiar with. The specific needs of this specific person. This requires asking them. It requires treating them as a source of information about their own life rather than as a subject to be processed. Howard Zehr's restorative justice framework — one of the most evidence-supported alternatives to conventional criminal procedure — is built on exactly this: what happened, who was affected, and what does the person who caused harm need in order to not cause it again?

Zehr, H. (2002). The Little Book of Restorative Justice. Good Books.

Match the response to the need. For one person that is drug counselling. For another it is housing stability. For another it is a mentor relationship. For another it is a single significant consequence that lands differently than every previous one. For Sticha it was a caravan and a man named Wayno. For Marcus it was something else — perhaps the simple experience of consequence after a life that hadn't produced one that stuck. The Good Lives Model, developed by Tony Ward, reframes rehabilitation not as risk reduction but as building a positive life — one where the person's genuine needs are met through legitimate rather than harmful means.

Ward, T. & Brown, M. (2004). The Good Lives Model and Conceptual Issues in Offender Rehabilitation. Psychology, Crime & Law.

Treat the person as a person. Tom Tyler's procedural justice research is universal in its application: dignity, voice, neutrality, and trustworthiness in the process — these reduce reoffending independent of the outcome. Before any specific intervention, simply being heard by someone who is genuinely trying to understand rather than process — this matters. It matters neurologically. It

matters for compliance. It matters for the person's relationship with the social contract they are being asked to re-enter.

The universal solution is not a program. It is a process. Ask why. Identify needs. Match response. Treat as a person. Four steps. Every case. Every time.

WHAT PART I AND PART II TOGETHER SAY

The Whole Framework

Part I is true. Deterrence through addition — giving people identity, community, role, and stakes — works for people who have never had those things. Sticha is real. The research is real. The caravan is real.

Part II is also true. Part I is one answer to one root cause. There are other root causes. They have other answers. Marcus's story is real. The fish who can't climb trees is real. The courtroom that knows your charge and not your dog's name is real.

The thing they agree on is the most important thing.

The system as currently structured does not ask why. It processes what. It sees the offence, not the person. It applies generic intervention to specific human beings whose specificity it never inquired about. And then it measures recidivism and calls it evidence that 'nothing works' — when what the evidence actually shows is that nothing works when you don't know what the problem is.

Give First is still true. Three people. A name. A date. Nine dollars. For the person who has never had belonging, never had stakes, never had a Wayno — this is the door.

But for Marcus, the door was different. And the system should have been able to find it.

Root cause analysis is not a theory of crime. It is the precondition for having one. You cannot solve what you will not look at. You cannot help who you will not know.

The universal question is not: what did you do?

The universal question is: who are you, what happened, and what would have had to be different?

Ask that question of every person before the court, with genuine curiosity and adequate time, and you will find the answer is different every time.

That is not a weakness of the framework.

That is the framework.

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