

RUNNING HEAD: 3E AND REHABILITATION

Correctional Rehabilitation and Human Functioning: An Embodied, Embedded, and
Enactive Approach

By

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Abstract

In order for correctional rehabilitation practices to be maximally effective, they should be grounded in well-developed psychological theory about the causes, development, and nature of crime. This thesis argues that these theories of crime should be based in an underlying perspective of human functioning, or how people work at a fundamental level. I argue that this level of theory has been neglected in theories of crime, as demonstrated through an evaluation of the Risk-Need-Responsivity model of rehabilitation, which currently stands as the most popular and widely used rehabilitation framework throughout much of the world. This perspective is understood to implicitly present a view of functioning which is reward-oriented, multifactorial, norm-based, and modular, resulting in limited explanatory value and diminished treatment efficacy. I then suggest an alternative model of functioning as being embodied, embedded, and enactive (3e). 3e places an emphasis on the individual as an embodied whole, in an adaptive relationship with their physical and social environment. 3e prioritises the affective experience and agency of the individual, with a commitment to viewing the person as a functional whole drawing on comprehensive multilevel explanations. I outline how this perspective could be used to inform the explanation of crime, before applying the model to an exemplar to demonstrate the potential treatment utility of a 3e approach to correctional rehabilitation, as opposed to an RNR approach.

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Chapter One: Theory in Correctional Rehabilitation

In current social and political discourse concerning criminal justice, increasing attention is being directed towards restorative approaches such as the rehabilitation of people who offend. While traditional, punitive approaches to justice are built on retributive principles (i.e. inflicting an aversive punishment upon a person who has harmed others), rehabilitative approaches aim to understand why a person committed an offence and to work with the person to facilitate desistance from future offending. In light of increasing awareness of issues faced by the current, punishment-based model (e.g. over-representation of indigenous peoples in justice statistics and high incarceration rates; Department of Corrections, 2019a), increasing attention is being paid to these more rehabilitative approaches (Department of Corrections, 2019b; Ministry of Justice, 2019)

However, programmes and practices used to facilitate rehabilitation are currently beset by a number of problems including weak effect sizes, high rates of non-completion, and low client engagement (Lipsey & Cullen, 2007; Polaschek & Collie, 2006; Schmucker & Losel, 2015), suggesting that further development needs to take place in order to improve the efficacy of rehabilitation in modern correctional settings. It has been suggested that these problems are largely due to a neglect of theoretical development in the design of rehabilitation paradigms (Ward, 2019). Ward (2019) suggests that theoretical tasks such as prediction (e.g. how can we identify future offending?), conceptual development (e.g., what do we mean by ‘crime’?), explanation (e.g., what causes a person to offend?), and classification (e.g., how can we organize crime and related phenomena in a meaningful way?) are integral to providing a strong theoretical basis for correctional research and intervention by providing a detailed understanding of offending behaviour and how best to reduce it. A good theory of offending should be able to explain a range of different types of offending, and account

for variance in offending trajectories. Development of coherent, well-developed theory arguably leads to more successful rehabilitation programmes, while a neglect of these theoretical tasks limits the ability for rehabilitation programmes to be truly successful in enacting long-term behavioural change.

A central aim of this thesis then is to critically discuss theoretical adequacy in correctional psychology. This discussion is guided by a meta-theoretical framework adapted from Anderson's (2017) model of treatment theories. Anderson (2017) suggests theories to operate at two different levels, or loci. This first of these is the *locus of control*, which concerns how a theory can be used to elicit a change in the target of intervention. A theory is strong at the locus of control if it identifies what primary treatment targets should be, and specifies how treatment should most effectively be carried out. For theories of crime, a theory which is strong at the locus of control should identify what features leading to the development of a person's offending are useful targets for intervention, and provide an outline for how intervention should be carried out to engage clients and facilitate desistance. The locus of control is informed by theory at the *locus of explanation*, which refers to how well a theory explains the causes of a phenomenon. A theory which is strong at the locus of explanation should provide a rich account of the causes, development, and maintenance of the overall target of treatment. At the locus of explanation a theory of crime should provide a detailed account of the development, causes, and composition of an offence, ideally drawing from multiple domains and explanatory levels (i.e. social, developmental, biological; Ward, 2019). Due to the heterogeneity of crime, it is unlikely that rehabilitation theories will be able to draw on a single, unified theory of crime; the locus of explanation might instead be represented by a range of theories concerned with different areas of offending (e.g. single-factor theories, explanatory frameworks, individual formulation; Ward, 2014). It is important to distinguish these levels because a theory may be strong at one level, but

weak at another – for example, a neurobiological theory of crime may be strong at the locus of explanation if it provides a comprehensive account of how neural factors facilitate violent behaviour, but less useful for treatment purposes if it does not provide guidance for how to intervene at this level. Conversely, if a theory does not include an explanation of where crime comes from, control-level theories will be unable to adequately identify treatment targets or practices – we cannot treat what we do not understand.

This thesis introduces an additional level to Anderson’s (2017) framework, referred to as the *locus of human functioning*. Theories of behaviour, such as crime, make implicit or explicit assumptions about how and why individuals behave in the way they do; they presuppose a model of how people “work”. For example, religious theories of behaviour explicitly assume the reality of a spiritual or supernatural dimension, with behaviour in service of a higher, spiritual purpose. Alternatively, theories which focus on the neurological bases of cognition might assume that people are fundamentally brain-based beings, and higher-level cognitive processes are reducible to molecular or neurological processes (e.g. Bickle, 2006). A rehabilitation theory which is strong at the locus of human functioning should aim to present an account of how a person functions in their environment which is consistent with wider psychological and biological literature, and allows us to consider what functions cognitive and behavioural processes (i.e. criminal behaviour) serve for the person as a whole. The assumptions made at the locus of functioning are important as they provide a framework to guide and provide context for more specific explanations of behaviour. In doing so, these assumptions provide an understanding of the kind of person intervention is targeting. For example, a brain-based understanding of functioning might aim to intervene on people as brain-based beings, and therefore adopt neurological measures for intervention. These assumptions may not be explicitly stated or intended, but are nevertheless a key part of

the theoretical frameworks in question. If assumptions are presented implicitly by how a theory explains a phenomena, they still create a picture of what a person is, how a person works, and what treatments are intervening on. A foundational observation of this thesis is that if these assumptions are explicitly developed and empirically consistent, the theory will be stronger by virtue of having a clear basis for explanation and treatment from the outset.

Using this three-level framework, this thesis aims to discuss correctional rehabilitation theory with an initial focus on the locus of functioning. This will firstly involve an evaluation of the Risk-Need-Responsivity model (RNR; Bonta & Andrews, 2017), which is generally accepted to be the most widely used and influential rehabilitation programme throughout much of the world (Ward, Melser, & Yates, 2007). This evaluation will constitute the second chapter of the thesis, and will discuss the main theoretical underpinnings of the RNR before identifying the main assumptions made by the model at the locus of human functioning. The RNR is identified as being based on an understanding of human functioning which is reward-oriented, multifactorial, normatively based, and modular. The implications of these assumptions will be briefly discussed in terms of how these assumptions may impact the explanatory and intervention capacities of the RNR.

I suggest that due to these problems, development of an alternative perspective of human functioning is necessary to provide a theoretical basis for forensic explanation and intervention. Chapter Three then outlines the perspective of 3e Cognition, which is an agency-based view of human functioning which views the mind as being embodied, embedded, and enactive. From a 3e perspective, people are biological beings who exist in a needful, meaning-generating relationship with their environment. Some of the main functional assumptions of 3e are discussed, these being that 3e is a multilevel approach, with a strong emphasis on cultural embedment, relational emotionality, and autonomy.

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With the functional commitments of 3e established, Chapter Four will provide an outline of how 3e could be utilised in a forensic context at the locus of explanation. This will involve a discussion of how 3e can fulfil the major tasks of theory, before outlining three possible causal pathways for offending based on a 3e understanding of functioning. Following this, Chapter Five will discuss how these explanations could be used to guide treatment, drawing on and expanding existing treatment paradigms such as the Good Lives Model. Potential treatment conducted from a 3e perspective will be compared to dominant RNR-based treatment, using a hypothetical case exemplar which will be formulated according to both approaches. It is suggested that while the RNR does have utility in terms of risk prediction and evaluation, 3e presents a richer overall approach to explanation, allowing for more effective potential treatments. In the final chapter, the overall argument will be summarised, with some final thoughts, evaluations, and future directions identified.

Chapter Two: Current Practices

Overview

The Risk-Need-Responsivity Model

The Risk-Need-Responsivity (RNR) model of offender rehabilitation, developed by Canadian researchers Don Andrews, James Bonta, and Paul Gendreau (e.g. Andrews et al., 1990; Bonta & Andrews, 2017; Gendreau & Andrews, 1990), is the most widely used model for rehabilitation throughout much of the western world. As a rehabilitation paradigm which explicitly draws on psychological evidence and to shows effects on recidivism, the RNR has been instrumental in promoting the feasibility of rehabilitation in correctional practice (Bonta & Andrews, 2017; Ward et al., 2007). The RNR remains popular with practitioners because of its relative ease of use, flexibility in practice, and institutional practicality (Polaschek, 2012). The RNR is, at its core, a treatment framework built around 15 guiding ‘treatment principles’, with the most central of these being the titular principles of risk, need, and responsivity.

To briefly summarise, the risk principle concerns how treatment intensity should be determined for treatment recipients, and how resources should be allocated to programmes. Individuals who are at a higher risk of reoffending should receive a higher intensity intervention than those who are at a lower risk, with more resources allocated to programmes for high-risk individuals. Risk level is assessed through measurement of *risk factors*, which are features of an individual or an environment which are predictive of offending behaviour (e.g. familial discord or history of offending; Bonta & Andrews, 2017). Risk factors can be static (fixed elements of a person’s past, e.g. offence history or age) or dynamic (sensitive to change, e.g. substance use or association with deviant peer groups). Eight main risk factors (referred to as the ‘central 8’) have been identified as the strongest predictors of offending behaviour, with risk assessment tools emphasising these factors (namely the Level of Service Inventory-Revised; LSI-R, Andrews & Bonta,

1995) found to be effective measures of risk (Hsu et al., 2011; Yang et al., 2010). Seven of the central eight risk factors are dynamic, with the sole static factor (offending history) identified as the strongest predictor.

The need principle of the RNR is, arguably, the most immediately relevant principle for treatment purposes as it concerns the targets of intervention. According to the need principle, intervention should target needs which are related to the development of offending, with these needs referred to as ‘criminogenic needs’. Criminogenic needs are based on the dynamic risk factors discussed earlier, such as antisocial personality style, associations, or cognitions (Bonta & Andrews, 2017). Unique types of offending may involve unique criminogenic needs, as is the case for sex offending behaviour (Mann et al., 2010). So, if an individual was thought to offend primarily due to association with antisocial peers, these associations would be the primary targets for intervention. Bonta and Andrews (2017) further draw a distinction between criminogenic and non-criminogenic needs. Non-criminogenic needs are human needs which are not strongly predictive of offending, such as mental health or economic difficulties. The needs principle states that *only* criminogenic needs should serve as treatment targets, and that targeting non-criminogenic needs as a direct part of treatment is of little value for treatment purposes, and can even be detrimental to treatment integrity.

Finally, the responsivity principle states that treatment should be delivered in a meaningful way which is consistent with an individual’s learning style. This principle is less about what treatment involves, but rather how it is delivered. Responsivity can be addressed generally (e.g. using methods of therapy which are generally found to be effective, such as cognitive behavioural therapy), or in a way which is specific to a person (e.g. employing means known to be effective at promoting engagement for specific individuals, such as the use of developmentally appropriate language). Bonta and

Andrews (2017) suggest that the responsivity principle is where some non-criminogenic needs (such as cultural factors or emotional well-being) should be considered in treatment, in order to better facilitate engagement.

As a treatment framework, the RNR is primarily concerned with the locus of control; none of the above attempts to explain the causes or development of criminal behaviour, but rather makes suggestions for how treatment should be carried out. An additional principle of the RNR states that intervention should be based on psychological theory, with the suggested theory being the General Personality and Cognitive Social Learning (GPCSL; Bonta & Andrews, 2017) perspective. With regard to Anderson's (2017) framework then, the GPCSL is intended to operate at the locus of explanation.

The General Personality and Cognitive Social Learning Perspective

The GPCSL as a social learning theory states that the decision to commit a crime is made on the basis of the availability of rewards from an immediate situation, with patterns of behaviour learned over time through stable patterns of punishment and reinforcement. Criminogenic needs facilitate this learning process by influencing how an individual appraises the potential outcome of a behaviour. For example, an individual who frequently interacts with antisocial peers may learn that selling illicit drugs is a relatively easy way to make money, and a worthwhile pursuit. From these interactions with friends the individual may learn about strategies and techniques which enable them to avoid detection or imprisonment (i.e. crime-supportive skills; Bonta & Andrews, 2017). As the benefits are seen to outweigh the possible risks, the individual decides to take action and participate in this drug sale. The influence of criminogenic needs on this appraisal may also be indirect; an antisocial personality style characterized by a high level of impulsivity may lead to a poor consideration of possible risks, while substance use may make rewards which may ordinarily seem minor more enticing (Bonta &

Andrews, 2017). The RNR/GPCSL paradigm has faced criticisms in recent years concerning theoretical cogency (e.g. Polaschek, 2012; Ward & Fortune, 2016; Ward et al., 2007). While the aim of this chapter is not to provide a full, systematic critique of the GPCSL, some general points are identified to be relevant for present purposes, related to dynamic risk factors in the GPCSL.

The Dynamic Risk Factor (DRF) is an integral concept to the RNR and GPCSL. As outlined previously, DRF's are correlates of crime which are sensitive to change and serve as targets for intervention. DRF's serve a dual role in the RNR/GPCSL paradigm; they are predictors of crime, used to determine risk level to guide treatment intensity and as criminogenic needs they are causal concepts (Ward & Fortune, 2016). For example, a person who has a high number of procriminal associates would be identified as posing a high risk of offending, and their offending would be identified as caused by these associations. This dual role is theoretically problematic, as while prediction and explanation are both necessary theoretical tasks, they serve distinct purposes. Explanation is concerned with developing an understanding of the aetiology and composition of a phenomenon, while prediction is concerned with identifying how likely it is for the phenomenon to occur in the future. (Ward, 2019). While the predictive value of DRF's is clear (Hsu et al., 2011; Yang, 2010), using prediction as the basis for explanation means that the perspective does not fully develop the explanatory properties of DRF's as causes in their own right (Ward & Beech, 2015). This lack of development of the explanatory properties of DRF's leads to a lack of clarity around how DRF's function as causal constructs.

For example, DRF's are composite theoretical constructs which exist at various levels of explanation, and exhibit problems relating to conceptual specificity. Consider the DRF of 'self-regulation difficulties' discussed in sexual offending literature (Mann et al., 2010). Self-regulation difficulties could refer to immediate state factors (e.g. negative

emotionality or aggression), trait features (e.g. poor problem-solving capacities, high impulsivity) and may be dependent on a specific situation. To identify that a person presents with self-regulation difficulties then is to state that there are problems in one or more of these areas, without providing an indication of how specific mechanisms and processes relay these difficulties into an offence (Ward & Beech, 2015). This lack of conceptual specificity is inherent to DRF's as used by the RNR and GPCSL and results in a lack of clarity about how DRF's cause crime, and subsequently what *part* of a DRF should be targeted by practitioners in treatment, and at what level (Ward & Fortune, 2016). The composite nature of risk factors is useful for predictive purposes (by virtue of its inclusion of a broad range of items), but inappropriate for explanations which aim to construct coherent models from less heterogenous concepts.

Functional Assumptions of the GPCSL

The core treatment principles of the RNR can be seen to address the locus of control, with the GPCSL representing the locus of explanation. The remainder of this chapter will then examine the assumptions these perspectives make about the way people work, in order to develop a picture of how these perspectives perform at the locus of human functioning. These assumptions are not necessarily explicit, but follow from how explanations and treatments were developed regardless. Four main assumptions are identified, those being that functioning is *reward-oriented*, *multifactorial*, *normatively based*, and *modular*.

Functioning as Reward-Oriented

As a social learning theory, the GPCSL assumes that patterns of behaviour are shaped by punishment and reinforcement, or cost and reward. The decision to engage in a behaviour is made through a kind of cost-benefit analysis – an individual who robs a bank does so because they believe it to be an effective way of gaining money, and is less likely to undertake the behaviour if it is believed to have a high chance of incurring a

cost, such as imprisonment. Criminogenic needs are the ‘causes’ of behaviour in that they facilitate what a person learns about the value of costs and rewards. The implied picture of functioning here is similar to that of behaviourist or rational choice theories of behaviour (e.g. Skinner, 1966; Van Gelder, 2013); humans are reward-oriented beings, motivated by the acquisition of reward and avoidance of cost, with long-term behaviours developing through reinforcement of crime supportive behaviours.

In the GPCSL, reward and cost are primarily considered in terms of how they are understood by the individual, with the acknowledgement that this evaluation may be incorrect regarding whether something is actually rewarding or not. The risks associated with robbing a bank may objectively outweigh the benefits but depending on what an individual has learned about the behaviour through social or environmental influences, their understanding of the discrepancy between costs and rewards may be incongruent with reality. Furthermore, what constitutes a reward is suggested to be subjective and determined by the individual or their culture; for some, the acquisition of money may be highly rewarding and motivating of behaviour, but for others this same reward may be less meaningful. The stress on the subjective valuation of reward and costs is a definite strength of the GPCSL. Behaviour is not said to be motivated by “objective” reinforcers or punishment, as classical rational choice theories might suggest (e.g. Becker, 1968), but rather by the individual’s valuation of their environment. This helps to offset some of the typical problems associated with behavioural learning theories, such as the issue of why people commit offences when the offence lacks a clear reward; these people may have a different idea of what a reward is. However, Bonta and Andrews (2017) devote little attention to a systematic analysis of what rewards and costs are, other than stating that they are drivers of behaviour, with discussion restricted to simple examples such as financial gain or incarceration. Furthermore, precisely how the individual appraises the outcomes of behaviour is given little elaboration, other than the indication of specific

factors which facilitate this appraisal. As it stands, the model presents a specific set of factors which either increase or decrease sensitivity to cost and reward in a generalised fashion. How far the definition of a cost or reward reaches is left largely to interpretation, and person-specific motivations influencing how people might respond differently to similarly appraised rewards are not discussed. As such, the supposed central motivator of behaviour in a GPCSL model of human functioning is conceptually unclear.

Due to this lack of development, the assumption of humans as fundamentally reward-oriented beings presents a narrow view of functioning. The implication here is that the main rewards which motivate behaviour are those which are the tangible outcomes of a given situation, such as financial gain. While it is fair to say that the acquisition of reward can play some role in motivating behaviour, reducing all of human functioning to this motivation neglects other possible explanations, such as why people engage in a particular behaviour in the absence of any perceived reward. Crime, generally, does not seem to be a rewarding behaviour, as evidenced by the lower life satisfaction of people who regularly offend (Buunk et al., 2016) which, according to basic learning principles, should mean that crime is punishing. Emphasising subjective appraisal may partially account for this apparent contradiction, but the overall approach is still too narrow to provide a complete, satisfactory account of motivation for behaviour in general.

Multifactorial but Mono-Procedural

The GPCSL hypothesises that criminal learning is facilitated by factors from multiple domains. Criminogenic needs can be biological (e.g. substance intoxication, genetic roots of personality), social (e.g. antisocial peers), psychological (e.g. antisocial cognitions) and so on. In this respect, GPCSL is partially a response to some sociological or biological theories which attempt to identify single causes (such as class or genetics)

of crime, to the neglect of other possible explanations (Bonta & Andrews, 2017).

Adopting a more multifactorial approach represents a welcome shift away from this narrow approach; human behaviour is complex and multifaceted, and to reduce forms of behaviour as varied as crime to a single cause is clearly a deeply limited approach. However, while the GPCSL does not assume crime to be the result of a single *factor*, it does assume that crime arises through a single *process*.

In the GPCSL, causal factors are suggested to influence behaviour through a singular causal process – that being, the appraisal of behavioural outcomes to facilitate learning. Identifying a single causal process is in tension with the composite nature of DRF's outlined previously (Ward & Fortune, 2016). Despite the causes of behaviours being varied constructs existing at multiple levels, the assumption is that they all work in the same way and at the same point in the causal process. As such, the perspective does not allow for the exploration of processes or mechanisms unique to a particular explanatory level, which a truly multilevel approach might accomplish (Ward et al., 2007). Criminal behaviour results from a host of different reasons and motivations; for example, sexual offending might be motivated by intimacy seeking, sexual pleasure, or mood regulation, to identify a few possible motivators. This diversity of motivation is largely neglected in GPCSL on account of the singular focus on learning. While functioning in the GPCSL is multifactorial, it presents a thin account of causality with causes from a variety of domains funnelled into a single causal process.

Normative Functioning

The GPCSL proposes a clear, quantifiable distinction between behaviours and needs which are related to crime (criminogenic) and those which are not (non-criminogenic). Intervention intensity is determined by how likely a person is to commit a crime, while criminogenic needs are seen as constituting a unique 'kind' of need to non-criminogenic needs; for example, 'antisocial' associates are seen as distinct from

‘prosocial’ associates. The assumed distinction between the criminal and non-criminal permeates every aspect of the perspective, most notably in how ‘non-criminogenic’ needs are indicated to be of little direct relevance for intervention (Bonta & Andrews, 2017). This assumption is by no means unique to the GPCSL. The idea that the criminal and the non-criminal reside in distinct spheres is something which is inherent to many theories of crime. However, while apparently intuitive, the assumption is fundamentally flawed.

Crime is not a natural category of behaviour, but a normative construct used to describe a wide range of behaviours which violate legal norms and cause harm to a person or persons (Ward & Fortune, 2016). In other words, crime is a label to describe the *outcome* of a behaviour. As such, categories of offence related types, traits, and environments are highly heterogenous – murder, sexual offending, and insurance fraud are behaviours which have little in common yet are grouped into the same broad, norm-violating category. This heterogeneity exists within offending subtypes as well. Individuals who commit sexual offences may have very little in common other than the fact they have violated the same norms surrounding appropriate sexual behaviour. Furthermore, offending behaviours can share motivations with non-offending actions, suggesting that the criminal and non-criminal are not as distinct as this assumption would suggest. Somebody convicted of a sexual offence may be more similar to a non-offending person with addiction, anxiety, or mood problems than another person convicted of the same offence (Ward & Carter, 2019).

This assumed divide is of particular concern with regard to criminogenic and non-criminogenic needs. Consider the criminogenic need of ‘procriminal beliefs/attitudes’. What makes a belief procriminal seems intuitive (i.e. “murder is good”), but beliefs rarely fall into such categories. The belief that social status is important for life satisfaction is not inherently criminogenic, so apparently not relevant

for treatment or explanation. But, a preoccupation with status could be instrumental to understanding a person's motivation for how they behave, such as for an individual who attempts to improve their social status by stealing money to artificially inflate their wealth. According to strain theories of crime, criminal behaviour is often deployed to achieve goals which are not inherently problematic by people who lack the means or ability to achieve these goals in a socially appropriate manner (Agnew, 1990; Agnew & White, 1992). Similar problems arise for other criminogenic needs. How 'antisocial' does a peer, personality, or situation need to be in order to qualify as a criminogenic need? This appears to be determined solely by whether it results in an offence; however, this is a circular definition. Crime is caused by criminogenic needs, which are needs which cause crime. Essentially, the theory states that crime is caused by things which cause crime, which clearly leaves much to be desired from an explanatory standpoint.

An additional issue with this assumption is that needs are not defined in relation to the person. Whether a behaviour or action is legal or not may be of relatively little relevance to an individual, with legal categories based on a single, relatively conservative moral code designed for social utility. Individual moral and ethical codes governing behaviour are not contingent on the law, meaning that legal codes may not actually mean much to individual people (Ellemers et al., 2019; Frankfurt, 1982). The purpose of psychological explanation is to understand the person, and if we want to do this explanations should ideally be person-level. The GPCSL, however, restricts its focus to legal categories defined for a very different purpose, meaning that this level of understanding is largely lost.

Classifying behaviour by how it violates norms and causes harm is not inherently problematic, and is useful for legal or predictive purposes. The problems lie in applying this distinction to the task of explanation. Defining explanatory targets by their relation to norm violation and harm and solely considering targets in terms of whether they are

associated with these outcomes can only yield a thin, theoretically impoverished understanding of a behavioural process, and represents a weak understanding of functioning. Classification, for the purposes of explanation, should ideally “carve nature at its joints” (Zachar & Kendler, 2017, 55) by identifying how phenomena naturally group together. In terms of functioning, this would involve identifying natural (or, at least, psychologically meaningful) divisions in the way people operate in their environments (see Ward & Carter, 2019). However, by importing a classification system from a legal context, behaviour is categorized and explained according to these legally-driven, normative distinctions. The resulting products are not scientific explanations, meaning that treatments based on such explanations will be similarly impoverished.

Agency, Risk, and Modular Personhood

A final core assumption the GPCSL makes about functioning concerns agency. Agency, broadly, refers to an individual’s capacity for self-directed behaviour in accordance with individually determined values, goals, and self-image (Heffernan & Ward, 2015; Ward et al., 2007). This involves how a person proactively formulates plans for action in their environment at an intentional level. In the GPCSL, agency is largely absent from explanation, with the arguable exception of the appraisal of cost and reward discussed earlier. The sole focus of the GPCSL model on operant learning processes suggests that agency is of little or no importance to how the perspective views offending or functioning more generally. This is illustrated by the nature of the GPCSL as a risk-based perspective. ‘Risk’ is a statistical concept, which suggests that factors which influence behaviour exert a statistical, probabilistic influence. If a risk factor X is present, the likelihood of an offence O increases by a certain amount. Similarly, if additional risk factors Y and Z are introduced, the risk of O increases accordingly (Bonta & Andrews, 2017). Furthermore, the majority of criminogenic needs are external entities, which exist outside of a person and act ‘on’ the person like a kind of force. Risk

factors which are more intrinsic to the person (such as antisocial cognitions or personality style) are implicitly presented in a similar way – how risk factors develop is not viewed as relevant to how they influence offending behaviour. Rather they simply “are”, and influence behaviour in the same unidirectional, risk-based facilitation of learning as an external entity does; by operating on a person to increase the likelihood of an outcome.

This presents a view of human functioning which is modular. Behaviour is reduced to a series of ‘inputs’ (risk factors) and ‘outputs’ (crime). This is analogous to how disease is often conceptualized. If certain causes of a disease (e.g., bacteria or a virus) are present in a person’s environment or biology, this increases the likelihood of disease. In models of disease, factors such as intentionality or agency are largely absent, as disease is a non-intentional phenomenon; it is something that *happens to* a person. How a person feels about the bacteria in their system does not have an effect on how their illness develops. However, this is an inappropriate simplification when discussing behaviour. Behaviour, be it criminal or otherwise, is something that a person *does*. It is not ‘caused’ in a mechanical sense by discrete elements, but is something which is enacted by an agential, biologically embodied person, in response to their subjective reasons or goals (Brinkmann, 2011; Thompson, 2007; Ward et al., 2007). To neglect agential functioning in a theory of behaviour is to neglect a crucial component of the human experience and remove a key tool for understanding why people behave in the ways they do. Behaviour is irreducibly intentional, and to adequately understand, explain, and intervene on crime, explanations need to centralize the role of agency. In its current form, the GPCSL does not accomplish this, and rather portrays people as non-agential, reactive figures, subject to the normative influences of the world around them; as billiards balls on life’s felt table.

Summary and Major Conclusions

Current practice in correctional psychology typically uses an RNR treatment framework to guide intervention, with intervention at the locus of control guided by core principles of risk, need, and responsivity. This treatment framework draws on explanations according to the GPCSL perspective, which stipulates that behaviour is caused through an appraisal of the costs and rewards of a particular action, with this appraisal facilitated by the presence of criminogenic needs. The influence that this perspective has had in rehabilitative justice circles cannot be overstated, and much of this influence has been positive. However, the above illustrates that the model nonetheless presents with some major theoretical problems. The primary explanatory constructs used by the perspective, in the form of dynamic risk factors, are problematic theoretical constructs which inappropriately equate prediction with causation, are composite theoretical constructs, and lack explanatory specificity. Partially as a result of this, the GPCSL, as the theoretical underpinning of the RNR, presents an implicit view of human functioning which is reward-oriented, with behaviour motivated primarily by the acquisition of reward. This learning process is suggested to be facilitated by factors existing at multiple explanatory levels, but all working through a single causal process. The GPCSL assumes that normative categories (i.e. crime) are naturalistically valid distinctions of behaviour need and functioning, in spite of the fundamentally normative nature of crime. Finally, the GPCSL presents a non-agential, modular account of human functioning with little regard for an individual's first-person, subjective understandings of their own actions. The overall picture of functioning presented by the perspective then is thin, with a restricted focus affording limited potential for explanation. RNR-based interventions then are targeted towards people who are little more than a collection of 'problem' or 'non-problem' clusters, rather than on agential beings with unique beliefs, desires, and motivations.

As rehabilitation is fundamentally about working with people to improve their lives, this understanding of functioning is a significant issue. According to the theoretical framework which has been adopted as the main guide for this discussion, poor theoretical development at the loci of explanation and functioning leads to limited effectiveness of treatment at the locus of control. This is reflected in several meta-analyses of treatment efficacy of RNR-based programmes (e.g. Gutierrez & Bourgon, 2012; Hanson et al., 2009; Koehler et al., 2013; Lipsey & Cullen, 2007). These studies show effects of treatment which, while significant, are fairly weak. Furthermore, these meta-analyses identified that treatment evaluations were typically of poor quality, and subject to extraneous influences such as experimenter bias, exclusion of non-completion data, or lack of appropriate comparison groups (Gutierrez & Bourgon, 2012) suggesting that even these modest effect sizes may be overstated – Hanson et al. (2009) noted that when poorly designed studies were excluded, effect sizes shrank further to a point of borderline significance. Finally, Koehler et al. (2013) identified significant practical issues with RNR implementation, finding that in some cases only the “right” participants (e.g. offenders of specific ages or risk profiles) would be admitted to or responsive to intervention, suggesting that even if the RNR were to be an effective treatment tool it may not be suitable for all people who require intervention.

These issues with implementation highlight how a treatment paradigm built on an insufficient theoretical orientation can be severely limited in its ability to adequately enact meaningful change in the largest number of people. While the RNR does show that intervention can be effective, there is substantial room to improve, and a renewed focus on the theoretical and functional basis of a rehabilitation is necessary in order to best facilitate this improvement. In order to achieve this, a new approach is needed.

Chapter Three: 3e Cognition

Overview and Core Principles

3e Cognition is a theoretical perspective of human cognition and functioning which views the mind as something which is embodied, embedded, and enactive. Cognitive processes are constituted by bodily as well as neurological processes (Nielsen & Ward, 2018; Roberts, et al., 2019; Thompson, 2007) and, as sense-making beings, people exist in a needful, meaning-generating, and adaptive relationship with a dynamic physical and social environment, behavioural and cognitive processes are enacted by organisms in order to meet functional needs. 3e has been previously used as a perspective for informing theories of mental illness (e.g. Fuchs, 2009; Roberts, et al., 2019; Nielsen & Ward, 2018), but has thus far not been explicitly explored in relation to forensic explanation. 3e is suggested to be a potential candidate for this field for several reasons. Firstly, the assumptions about the way people operate, and the functions behaviours, thoughts, and emotions serve for a person are explicitly outlined as a precursor to explanation. As such, explanations which follow from a 3e perspective are based in, and informed by, a detailed understanding of functioning from the outset, encouraging a better quality of explanation. Secondly, the functional assumptions made by 3e centralise several aspects of behaviour which are thought to be fundamental to understanding crime, namely intentionality, autonomy, emotion, and sociocultural normativity. Thirdly, 3e is an explicitly person-centred approach to explanation with the main focus of the explanation of behaviour being the multilevel functionality of a behaviour. Explanation is guided by the individual's motivations for behaviour, rather than by how their behaviour relates to a pre-existing legal system.

This chapter is split into two main sections, with the overarching aim being to discuss the main assumptions about functioning made by the 3e perspective. The first section involves a brief discussion of each of the three 'e's' (embodied, embedded, and

enactive) which form the foundation of the perspective, with the second section discussing some more specific assumptions relating to multilevel functioning, relational emotionality, and the nature of people as autonomous beings. This will concern the locus of human functioning; as such, the discussion here will not attempt to explain offending specifically, but provide a general framework from which explanation can draw upon.

The Embodied Mind

The embodied thesis holds that cognitive processes and faculties are not limited to the brain but are constituted by the brain working in conjunction with bodily processes, i.e. sensorimotor, circulatory, or endocrine systems. Embodiment refutes the cartesian ideal of the mind being spatially located in the brain, with the body as a distinct set of processes operating as a support system. According to embodiment, this brain/body distinction is illusory (Fuchs, 2009; Thompson & Cosmelli, 2011).

A subtle, but important distinction should be made between theories which argue that cognitive processes can be *causally related to* bodily processes, and theories which argue that cognitive processes are *constituted by* bodily systems (Maiese, 2016). The former type of theory, while acknowledging bodily factors, still preserve a form of this cartesian distinction, and are thus not ‘embodied’ in the sense referred to here. For example, the HPA-axis model of anxiety identifies communication between the limbic system in the brain and the peripheral nervous system to be a feature of anxiety. Some theories based on this model suggest that the emotional experience of anxiety remains a property of the brain, with brain processes ‘causing’ or being ‘regulated by’ bodily functions (i.e. increased heart rate, shallow breathing, sweating; Baumeister et al., 2014). By contrast, embodied theories would assert that these bodily responses are as much a part of the emotional experience of anxiety as are the neurological responses, by

virtue of how they disrupt and distort the capacity for normal thought, temporal experience, and social operation (Aho, 2018).

According to embodied theories of mind then, “consciousness isn’t a brain phenomenon, but an organism phenomenon” (Thompson & Cosmelli, 2011, 164). Conscious experience is necessarily dependent on our bodily, physical interactions with the world around. As embodied beings, we exhibit phenomenological consciousness, meaning that we are creatures of experience; there is an awareness and essential character to an individual’s state of being (Thompson & Cosmelli, 2011). Studies of behaviour should then ideally adopt phenomenological methods, focusing on the bodily feelings and experiences of an actor as much as the content or nature of thoughts and behaviour (Colombetti, 2014). In other words, to fully understand behavioural or cognitive processes our explanations must understand the person to function as a brain with a body.

The Embedded and Cultural Mind

The embedded thesis holds that people exist in a dynamic relationship with a social and physical environment, and that this relationship shapes the conscious mind. With relevance to this thesis, embedment is discussed primarily in terms of a person’s embedment in their cultural context. Culture is a concept which is notoriously difficult to define, and is often used erroneously to refer to high-level social groups, such as races or nationalities. Culture here is argued to go much further than this, and is broadly defined as a shared means of understanding and making sense of the world used by groups of people, with this understanding reflected in shared beliefs, norms, and customs (Durt et al., 2017). Under this definition, cultures can be formed at multiple levels by any kind of group in society; religious faiths, ethnic groups, sports teams, and gangs may all be described as having unique cultural characters. As such, people can, in theory, be a member of more than one culture at once (i.e. a devout Christian may also

feel a strong connection to their ancestral Native American culture). From this view, everybody has a culture and lives in a world which is understood through a unique cultural lens.

Culture facilitates a shared meaning and understanding of the world through the use of shared cultural practices such as ritual, communication, or cultural artefacts (Durt et al., 2017; Tomasello, 2019). As cultural beings we are saturated in these cultural practices and values (Ward & Heffernan, 2017); as such, cultural normativity is an integral part of the constitution of mental and psychological processes. Inter-generational cultural transmission facilitates the development of what people think, and the cognitive and affective capacities which make us uniquely human (Durt et al., 2017; Heyes, 2018). Culture can have a profound influence on the kind of things a person values, as most classically observed in the differences between people from ‘individualistic’ cultures (who place high value in individual accomplishment or success), and people from ‘collectivist’ cultures (who place greater value on community cohesion, or in-group harmony and security; Hofstede, 1928). The values people hold are influential in informing how people relate to the world, such as reasoning about morality (Ellemers et al., 2019) and what people hope to achieve through their behaviours (Ward & Heffernan, 2017; Kirmayer & Ramstead, 2017). For example, a person from a Christian culture may highly value the teaching of biblical principles, and see the spreading of these ideas to others as a valuable moral pursuit, a set of values unlikely to be shared by an atheist.

Furthermore, Heyes (2018) argues that ‘basic’ psychological processes (such as imitation and selective social learning) are developed through an interaction between simple, inherited psychological mechanisms (such as powerful executive function capacities) and ongoing cultural information, which shapes how these basic mechanisms develop within the person. In this respect, existence in a cultural context is what makes

us ‘human’. This is perhaps most clearly illustrated by the development of language. Language is crucial for describing and understanding the world, and the capacity for language is thought to be a psychological universal. However, different cultures develop unique languages, with some languages having words for concepts which lack equivalent translations elsewhere. Furthermore, the way people use language has been found to have a profound influence over how they perceive and understand the world. The language people use influences a diverse range of cognitive and perceptual processes such as how they perceive colour (Sarantakis, 2014), or label and understand emotional experiences (Barrett, 2017). As such, any psychological explanation of a person should address how they exist in relation to their cultural environment. From an embedded perspective, we must understand a person as a brain with a body in a *dynamic relationship with an environment*.

This constitutional view of culture may appear to be in tension with the discussion around the problematic nature of normative classification discussed in the previous chapter. Culture is irreducibly normative, and the embedded perspective does therefore claim that normative factors are in a sense functionally meaningful. The difference is that the classification framework of the RNR and GPCSL draws on only a single ‘set’ of normative influences, those being the norms reflected in legal codes. Embedment on the other hand suggests that the cultural norms which influence functioning are defined by their relationship to the individual and their culture. The norms or values of a person’s culture or subculture are more deeply held and important to the individual than those which are reflected in laws, which serve a specific social purpose (Kirmayer & Ramstead, 2017). Secondly, while the GPCSL uses norm violation prescriptively, to classify and understand the outcomes of a behaviour, the embedded perspective treats socio-cultural normativity as something intrinsic to the person-environment system and studied as part of developing an understanding of the person

as a whole (Kirmayer & Ramstead, 2017). More simply, legal norms are not used to *define* phenomena, but rather cultural norms are a means to *understand* phenomena of interest (be they person, behaviour, or cognition).

The Enactive Mind: Sense-making and the Functions of Behaviour

The enactive thesis holds that people exist in a precarious state and must constantly use energy to self-maintain in the face of a changing environment. Enactive beings interact with their environment to source this energy while avoiding threats; to do so is to act *adaptively* (Thompson, 2007). Under the enactive view, mental processes evolved (and continue to develop through our lifetimes) as means of making sense of the world to serve our core purposes of self-maintenance and adaptation (Maiese, 2018; Thompson & Stapleton, 2009). As biologically embodied, culturally embedded organisms, we *enact* structures of meaning and understanding onto our physical, social, and cultural world, through sense-making processes based on who we are as embodied and embedded beings (Maiese, 2018; Thompson, 2007; Thompson & Stapleton, 2009). We do not passively receive, represent, or recreate stimuli then, but actively make sense of the world in which we exist. As such, intentional behaviours are used to serve core functions of adaptative self-maintenance at multiple levels, in accordance with how we have come to understand the world. An enactive perspective of cognition suggests that bodily and psychological processes (such as organs or affects) are understood in terms of the functions that they serve for the person. What it means for something to perform adequately is evaluated in relation to person-specific *functional norms* at physiological (e.g. whether a heart is correctly circulating blood through the body) or intentional (e.g. whether a person's profession provides adequate life satisfaction) levels (Christensen, 2002; 2012).

Physiological-level functional norms are likely to be reasonably stable across bodies, because bodies only work in certain configurations – if the heart fails to pump

blood, the body dies. Intentional and behavioural functional norms are, however, seen to be diverse across individuals, cultures, and contexts; there is a wide range of ways that people can adaptively function at an intentional level (Nielsen & Ward, 2019). From an enactive perspective, people can be understood to operate according to a sub-set of functional norms known as interpersonal prudential norms (Nielsen & Ward, 2019) which relate to the maintenance of individual flourishing within a socio-cultural environment. Examples of these norms might include tendencies toward mastery, personal autonomy, social dominance, financial security, relationship success, or physical comfort (Nielsen & Ward, 2019; Ward & Heffernan, 2017). As such, the perspective seeks to understand how people strive to survive and flourish by acting adaptively to meet their own, individually defined norms of functioning. The individually defined nature of these functions is crucial, the means used to meet functional needs are understood and studied on the person's terms, and not on the terms of society.

The 3e perspective then suggests that patterns of behaviour are enacted by embodied, sense-making agents, striving to self-maintain and adapt in an embedded socio-cultural context. To understand behaviour then requires consideration of the person as an entire brain-body-environment system, and to explore the structures of meaning which are enacted by the individual, within a context and across development.

Functional Assumptions of 3e Cognition

Multilevel Functioning

An immediate observation which can be made is that the 3e perspective offers an explicitly multilevel approach to explanation. 3e suggests that the core functional processes of adaptative self-maintenance can be met at physiological, behavioural, or intentional levels. One can act adaptively by avoiding threats to bodily integrity (e.g. by fleeing a burning building) or to emotional or social well-being (e.g. avoiding social

situations to be spared embarrassment). The different levels here are reflected in the distinction between physiological and prudential functional norms (Nielsen & Ward, 2019). Furthermore, it is acknowledged that different functional domains provide unique mechanisms people can use to meet their functional norms. For example, engaging in exercise to meet norms of physiological self-maintenance can be facilitated by processes operating at physiological (e.g. release of endorphins after engaging in exercise), behavioural (e.g. engaging in enjoyable exercise behaviour), social (e.g. encouragement from friends and loved ones) or cultural (e.g. exposure to social institutions promoting healthy living) levels. Each of these processes operate by way of mechanisms unique to the level at which they are located, offering a rich tapestry of explanatory potential. Behaviour is suggested to be the product of a wide range of processes, operating in service of overarching *functions*.

This multilevel approach does raise an interesting issue, as the means used to meet functional norms at different levels can work in concert or in contrast. The means an individual uses to meet their functional norms at one level may be effective, but come at a cost for their ability to meet their functional norms at another level. The actions described above which facilitate behaviours conducive to meeting physiological norms could, for example, result in a reduced capacity to meet norms related to emotional well-being. Social or cultural encouragement to engage in healthier habits may lead to the development of a negative body-image, which can have negative implications for one's emotional well-being; similarly, a person who struggles with physical activity might find exercise to be an intensely unpleasant experience. Thus, while the processes used to facilitate this behaviour might be doing a good job at helping the individual to maintain adequate *physiological* functioning, these same processes might be *maladaptive* for their emotional functioning.

It is important to be aware of this potential for functional discrepancy because it means that to effectively understand a behaviour we cannot limit our focus to how it is adaptive or maladaptive at one level, but should also consider the functionality of a behaviour elsewhere. This inconsistency between functional norms can be disruptive to a person's well-being generally, generating confusion over what a person 'really wants' or how they 'truly feel' about a certain type of behaviour (Maiese, 2011). As will be discussed more extensively in the next chapter, this is of particular importance for the explanation of offending. Offending behaviours are self-evidently maladaptive in many respects; they cause disruption to one's ability to function in society, and can cause physical or emotional harm. They may however be effective means of regulating emotion, or maintaining some form of social dominance.

Relational Emotion: Desire Hierarchy and Affective Affordances

The first-person experience of emotion is understood to be essential to human functioning from a 3e perspective. Classical views of emotions suggest 'basic' emotions (e.g. happiness, surprise, anger, fear etc.) to be universal, with emotions spatially localised to specific brain regions (Ekman, 1992; Ekman et al., 1969), a conclusion which has been recently challenged. These basic emotions are often studied using limited research designs (e.g. reliance on forced-choice procedures), with little support for basic emotions when more varied designs are used (see Colombetti, 2014). From a 3e perspective, emotion is suggested to be something which is relational, with the fundamental feature of emotion being a sense of *concern* for the actions a person takes and their impact on the world. Emotional experience is "the place where the heart, the brain, and the rest of the living body all come together, and from which action, perception, and cognition originate" (Maiese, 2011, 56).

Maiese (2016) suggests that at a fundamental level, emotions are embodied desires about our environment, which are organised hierarchically. 'First-order' desires

are non-conceptual, reflexive desires to spontaneously move one's body in response to internal or external stimuli (Maiese, 2011). This involves feelings which are *primordially affective*, meaning they involve attraction towards sources of energy and away from sources of harm (Colombetti, 2014). Primordial affectivity is felt in the body as the spontaneous desire to move towards, or away from a feature of the environment. This is perhaps illustrated most clearly by the feelings associated with anxiety (i.e. racing heart, sympathetic nervous system activation), which comprise the first-order desire to escape from the anxiety-causing situation (Aho, 2018). Similarly, the first-order desire to strike another person when provoked may be felt in the body as a tensing of muscles, or a sensation of feeling the 'blood boil,' resulting from increased activation of adrenaline (Barrett, 2017; Haller et al., 1997).

As organisms evolve to become more complex, they become capable of experiencing higher order desires and volitions (Frankfurt, 1988). 'Second-order' desires are desires *about* our first-order desires – essentially, whether we want to want something. If a person experiences a first-order desire to strike a person they dislike, they may feel favourably or unfavourably towards this desire based on their intentional or bodily state, e.g. feeling favourably towards hurting the person because the person was behaving in a particularly aggravating way. People subsequently develop 'second-order volitions,' which are evaluative judgments about whether the person wishes these first-and-second-order desires to actually be carried out (Frankfurt, 1988). A person may experience the first-order desire to strike another person, and want to do so as the person was behaving in an aggravating way, but not have the volition to *act* on these desires because they know that violence is wrong, and doing so could have negative social consequences (Maiese, 2011). A second-order volition can be seen as a judgment about whether a lower-level desire is conducive to an individual's ability to meet a higher-level functional norm which they care about. So, a person may formulate the

second-order volition to disengage from violent behaviour to meet functional norms related to social cohesion. How people respond to these volitions involves further spontaneous bodily feelings and desires related to these effective volitions (Maiese, 2011). If a person acts on their second-order volition to not hit their co-worker, this may give rise to the felt desire to walk out of the room quickly, 'vent' by hitting an inanimate object, or sit quietly and stew; feelings which might then be labelled as anger. Crucially, the emotional experience is not the label it is given; it is the entire experience of caring, desire, and feeling (Colombetti, 2014; Maiese, 2016).

Emotion then, involves the complex interactions between reflexive first order-desires, intentional second-order desires and volitions about the world, and the spontaneous, felt urges to move or act which are felt in response (Maiese, 2011). This approach is one which is fundamentally relational, with the way we experience emotion guiding how we move, understand, and interact with the world (Colombetti, 2007; Maiese, 2016). Krueger and Colombetti (2018) suggest that emotions perform this role through the affective appraisal of affordance. An affordance is a perceived invitation to act presented by a feature of an environment, as understood by a person in context (Heras-Escribano, 2019). Features of the world afford specific actions; for example, an alcoholic beverage affords actions of drinking, perhaps with a group of friends, and the experience of intoxication. The nature of these affordances can vary depending on an individual's preferences, goals, and bodily states (Heras-Escribano, 2019; Withagen et al., 2012). With reference to the example of alcoholic beverages, if a person is hot or thirsty, the actions of drinking may be more strongly afforded than they are for a person who is cold, tired, or full. Differing circumstances facilitate differing desires, inviting differing actions.

Furthermore, these affordances are affective in nature, with our emotional experiences enacted onto the world as *affective frames* which actions are understood

through (Maiese, 2016). The nature of these frames is contingent on intentional and bodily desires, in relation to overarching functional goals. For example, a recovering alcoholic might frame the actions of drinking and intoxication afforded by an alcoholic beverage as something negative, representing relapse, craving, or shame. For a person who regularly consumes alcohol but is not attempting to desist, this affordance might be framed as something positive; a means of relaxing at the end of the day, blowing off steam, and achieving a positive state of mind. At another level, for a person from a culture which frowns upon alcohol use (such as a religious faith), drinking might be framed as something morally wrong. These frames and how they are engaged with link back to the ongoing affective state. If a person who is attempting to avoid succumbs to temptation and consumes alcohol anyway, they may go on to experience feelings of shame, guilt, or weakness as a result of engaging with a negatively framed behaviour (Colombetti, 2007; Maiese, 2011; Zautra, 2015).

Affective framing is not limited to tangible objects and behaviours as in the example here; a similar framing process occurs when interacting with individuals, social groups, norms, ideologies, and virtually every other element of a physical and social world (Maiese, 2016; Krueger & Colombetti, 2018; Heras-Escribano, 2019). The world is laden with the potential for meaning, action, and emotion. Barrett (2017) illustrates this using the example of the affective appraisal of police officers. For a white American, a police officer may elicit feelings of safety and security, whilst for a black American the same police officer may afford strong feelings of fear or threat, due to the culturally learned history and context of negative racial experiences with police. These responses in turn shape the behaviour of the person involved; a black American might avert their gaze and try to avoid the officer, while a white American may smile or make conversation. Whether either of these responses is technically justified in relation to some objective, external truth is immaterial; the meaning of the police officer is

fundamentally different for these two people, and this differing affective frame influences how they perceive the world, feel about it, and what actions are afforded to them. The way a person frames the world, on the basis of their history and learning, is an affective, relational *reality* for that person (Barrett, 2017; de Haan, in press).

From an enactive perspective then, affective bodily states are understood contextually, through individual, cultural, and social experiences; “The world provides not just stimuli, but also cultural values, norms, and rules of behaviour that shape and impact [emotional states] at various levels” (Colombetti, 2017, 1442). Emotions, behaviours, and even the realities in which people exist are not deterministically caused by specific, tangible causes of the environment, but are enacted, through the relationship between the embodied organism and the social, cultural, and physical environment which they are embedded in.

Autonomous Functioning

A final major assumption of 3e cognition suggests that people function in a way which is organisationally separate from their environment, as autonomous agents. People operate in a multidirectional relationship with their environment, rather than merely in response to it through a unidirectional causal process. While the environment plays a role in influencing how people understand features of their world, people retain the ability to modulate how they respond. In brief, “stimuli... act as triggering conditions but not as sufficient causes” (Thompson, 2007, 69). Christensen (2002) illustrates this through the analogy of an autonomous state such as Switzerland. Switzerland is influenced by the actions of other states, who can control the availability of important trade goods or pose threats to Switzerland’s national security. However, Switzerland does still maintain control over its internal laws and actions, including how it chooses to respond to such threats or opportunities. From a 3e perspective, the individual’s relationship with their environment is similarly multidirectional. Cultural, physical, and

social stimuli influence the opportunities and the threats which we understand to be afforded by our environment, but what we do with this understanding remains self-determined. This means that while a person requires an ongoing engagement with environmental stimuli to adequately meet their needs, the nature of the needs themselves and the processes which are used to meet these needs are enacted by, and are properties of, the autonomous organism (Christiensen, 2002; Di Paolo, 2005).

This is of particular note concerning the earlier discussion around culture, and the contribution of culture to the development of the mind. While cultural values and practices are instrumental to developing how we come to understand the world, people retain the ability to challenge, disengage from, or to embrace the culture which they are embedded in. People from highly prejudiced cultures may understand people of certain races to be genetically inferior to others, and this conclusion would appear to be accurate for them based on their enacted, affective understanding of their world. But this understanding does not have to be fixed; under the right conditions, a person can challenge the cultural beliefs which have given rise to this understanding. As such, they can enact a different meaning onto their world, and change their beliefs and actions accordingly (Barrett, 2017). While individual minds are shaped by their culture, culture itself is shaped by groups of individuals (Durt et al., 2017). Neither culture nor the mind is static, fixed to predetermined and linear influences, but both are ever-evolving, existing in a dynamic relationship and changing in response to, and in defiance, of the other.

Summary

It is notable that despite being a framework proposed for forensic psychology, this chapter has included very little direct discussion of offending or criminality. This is intentional. As was discussed in the previous chapter, a major problem with contemporary theories in this field is that they are permeated by an illusory distinction

between the criminal and the non-criminal. 3e cognition eschews such a distinction, instead aiming to build an understanding of how people operate as autonomous agents in their environments, irrespective of how this relates to violation of legal norms.

3e cognition builds such an understanding on the core assumptions that people are biologically embodied organisms, who are embedded in a dynamic sociocultural context. Our behaviours, emotions, and thoughts are enacted through the interplay between our bodies and environments to facilitate adaptive action to the world around us (via avoidance of threat), and to source energy to self-maintain. The processes (be they cognitive, physiological, or behavioural) used to serve these basic functions are best understood by how they relate to person-specific functional norms, at physiological, behavioural, or intentional levels. Behaviour and cognition are therefore dynamic, performed by emotionally concerned agents in the world, striving to meet functional needs situated at multiple levels. Behaviour is purposeful, sense-making, and meaning-generating, with autonomy, emotion, and normativity playing key roles.

This approach to explanation is seen to be of value for forensic practice because it encourages explanations which place behaviours in an overall context, rather than reducing them to isolated events. As such, the primary focus of explanation is the person and their relationship to the environment, with behaviours understood in terms of the functions they serve. By doing so, explanations based in a 3e understanding of functioning can provide a better understanding of the processes which are involved in an individual's offending, while also better facilitating client engagement in treatment by virtue of conducting treatment on the client's terms, rather than on the needs of a society. What such an approach to explanation and treatment could look like is explored more thoroughly in the following chapters.

Chapter Four: Towards a 3e Explanatory Framework

Overview of Chapter

With the previous chapter establishing the core theoretical assumptions of the 3e perspective, I now explore how this perspective could be used to inform the explanation of offending. This will involve a discussion of how the theory fulfils the major theoretical tasks outlined in Chapter One, those being conceptual development, classification, and explanation (Ward, 2019). While prediction is also a key theoretical task, 3e as a conceptual framework of functioning does not aim to be a predictive model. Prediction from a 3e perspective can be said to be consistent with the risk-factor based approach of Bonta and Andrews (2017) – as was previously noted, risk factors are useful predictors of crime, and are only problematic in that model due to their use in explanation. As such, this chapter will focus on the identification of relevant concepts to a 3e perspective of offending, how offending-related behaviours can be classified under a 3e approach, and how 3e could be used to inform the explanation of offending.

Central Concepts

The 3e model presents several major concepts relevant to offending. Firstly is the concept of the person as an autonomous, sense-making agent in an environment. This environment is one which is irreducibly cultural, with culture defined as a shared process of sense-making and meaning-generation between individuals, extending beyond surface-level features such as racial, ethnic, or national identity (Durt et al., 2017). The conceptual centrality of the person in a needful relationship with their cultural environment suggests that theories of behaviour should aim to understand criminal behaviour in context, as emergent from the entire brain-body-environment system.

The central purpose of behaviour from a 3e perspective is adaptive self-maintenance to a physical and social environment, through the meeting of functional

norms at intentional, behavioural, or physiological levels (Nielsen & Ward, 2019). Functional norms are understood to be motivational concepts, with intentional-level prudential norms of particular importance. Individuals prioritise different prudential norms based on their unique experiences and how they have come to understand the self and world. The individual's capacity to meet functional norms is facilitated by processes operating at multiple explanatory levels (i.e. physiological, social, cultural, intentional), with these levels being irreducible to one another; this is to say, explanation draws on processes and mechanisms operating at all relevant levels to fully explain phenomena (Hochstein, 2015; Thagard, 2019). This multilevel natural normativity is a constitutional aspect of the person's capacity to adapt to and make sense of their environment (Christiensen, 2002), and therefore remains central to explanation from a 3e perspective.

Emotion is central to the 3e perspective, and is a tool used to understand and navigate a person's environment. Emotion from a 3e perspective is relational, involving intentional desires and bodily feelings about our place and actions in the world (Colombetti, 2014; Maiese, 2016). People understand their world through an affective frame, with the way a person affectively frames their world shaping how opportunities for action are understood by the individual (Barrett, 2017; Colombetti, 2017; Maiese, 2011). The way people *feel* about their physical and social world is used by the individual to determine how they interact with the world through sense-making practices and behaviours, solidifying the status of people as autonomous agents (Colombetti, 2014; Di Paolo, 2005; Thompson, 2007).

Finally, we arrive at what is arguably the most central concept to any theory of crime; that of crime itself. Crime is typically conceptualised as harmful behaviour which violates legal or social norms (Bonta & Andrews, 2017; Ward & Fortune, 2016). While the problems with this conceptualisation have been discussed at length, it bears

repeating that this has little utility from an explanatory point of view (Ward & Fortune, 2016). A possible response to this might be to disregard the concept of crime entirely – essentially taking the ‘forensic’ out of forensic psychology. However, people do exist in a normative context, and while it is inappropriate to use legal norms as the primary basis for explanation, consideration of how people understand and relate to these norms is still arguably necessary for a full explanation of offending behaviour. Generally, people know that criminal behaviour is illegal and can result in sanctions, so it is worth considering the individual’s reasons for *why* they acted in a specifically illegal way. Furthermore, criminal behaviour by definition causes significant harm, both to individuals and to society, so there is a clear need to target specifically criminal behaviour for intervention, and to have a clear concept of what exactly “crime” is.

Drawing on the concepts of 3e presented here, I suggest that offending, from a 3e perspective, is behaviour which individuals use to illegally meet certain functional norms afforded to them by their environment in the pursuit of adaptive functioning. These means are *maladaptive* regarding their ability to meet functional norms related to sociocultural functioning, and may be disruptive to the capacity to meet other functional norms as well. In other words, offending behaviour is felt by individuals to be adaptive for some purposes, but is maladaptive for others. For example, stealing a loaf of bread may be *adaptive* in that it provides access to a source of food, but *maladaptive* in that it leads to imprisonment or social ostracization. This conception of offending preserves the essential nature of offending behaviour as harmful and norm-violating, but shifts the focus onto how behaviours are harmful or useful to the *person*, as violations of the individual’s functional norms.

Adopting this more person-focused conception of crime presents two major benefits; it encourages theorists to develop a greater understanding of the individual’s specific, first-person reasons for engaging in an offence (thus affording a richer

explanation of the behaviour), and makes the individual's ability to adaptively function the primary aim of treatment. A functional conception of crime means that intervention is fundamentally about working *with* people who offend to help them meet their own functional needs; essentially, conducting intervention for the sake of the person, rather than for the sake of society.

Classification of Offending

Classification in science serves as a precursor to explanation, and seeks to organise phenomena into non-arbitrary categories based on shared features or qualities. In psychology, this means that classification should identify naturally occurring or psychologically meaningful distinctions between phenomena categories, ideally on the basis of shared causal features (Ward & Carter, 2019; Wilkins & Ebach, 2014; Zachar & Kendlar, 2015). Typically, correctional practice classifies behaviour according to offence type (i.e. sexual offending, violent offending), or the risk of future offending (Ward & Carter, 2019). These modes of classification were developed for use in a legal context, i.e. for sentencing, parole, or legislation where they are clearly useful. Classifying behaviour in this way is less useful from an explanatory perspective however, as it does not recognise underlying causal or motivational features.

A 3e conception of crime suggests that behaviour should be classified according to the functional norms which a behaviour is enacted in service of. Ward and Carter's (2019) functional offending behavioural classification framework (FOBCF) takes such an approach, by basing explanatory categories on the broad motivations for behaviour, with reference to evolved, multilevel 'motivational systems' (e.g. attachment, bodily regulation, or mating and pair bonding systems). Such an approach is consistent with a 3e approach to explanation, and the concept of 'functional norms' shares some overlap with Ward and Carter's (2019) motivational systems. Like functional norms, motivational systems are multilevel concepts which behaviours are enacted in service of.

An additional benefit of the FOBCF is that it is not limited to offending behaviours, but views offending as ‘part’ of the person’s striving to meet their goals, encouraging researchers to consider the person’s wider context in explanation. A 3e explanatory approach could therefore use this approach to classification as a baseline to identify the specific motivations underlying behaviours, and how these relate to higher level adaptive functioning.

Explanation in 3e: Pathways to Offending.

Explanation of crime from a 3e perspective cannot be restricted to a singular causal process. As varied behaviours enacted in service of adaptive functions, the 3e perspective suggests that crime emerges from interactions between a host of different process at multiple explanatory levels, meaning that the reasons for offending can vary from person to person. As such, the focus here is primarily on how 3e can inform a broad explanatory framework which can be used to guide explanations to inform intervention. A good explanation of offending from a 3e perspective should accomplish three major tasks.

Firstly, explanations should build a picture of a person’s affective understanding of their world and their place in it. Heffernan and Ward (2017) suggest that people create general models about how they understand features of the world, with these models guiding their agentic behaviours. These models concern how people feel about prominent people, places, and practices in their world, and about themselves. The first step in a 3e explanation should consider these models, and look at how these general understandings and feelings developed through processes operating at multiple explanatory levels and across development. Secondly, explanations should consider what interpersonal prudential norms a person holds to be of primary importance, i.e. what is the person’s ideal mode of functioning and what it means for them to lead a

good life. By doing so, explanations can develop an understanding of the individual's broad, high-level motivations and priorities which guide behaviour.

Finally, explanations should seek to understand the specific functions a behaviour of interest was serving for the individual in relation to these high-level motivations. This might involve asking why a person chose this *specific* behaviour for their purposes, and whether the behaviour was adaptive or maladaptive and in what ways. Explanation here aims to identify the *intrinsic motivation* for an offence, which can be beneficial for informing how best to motivate individuals with intervention, while providing an understanding of the offence itself. While the means a person uses in service of a motivation are problematic, the motivation itself is not necessarily so. For example, if a person's offending was a striving for relationship success, intervention could aim to help them to achieve and maintain healthy relationships by desisting from offending; the motivation for offending can be similar to the motivation for desistance. By understanding how to align these motivations, interventions can work *with* a person, rather than attempting to enforce change through an extrinsic motivation of maintaining legal standards.

Through these three main areas of inquiry, explanations can aim to build an understanding of why a person committed an offence the impact the behaviour had for the person. The person, and the person's adaptive functioning, is the primary focus of inquiry, explanation, and intervention. To fully develop an explanatory model of the offence process from a 3e perspective is well beyond the scope of a single thesis; instead, I present three possible causal pathways to offending which can lead individuals to offend which are based on the assumptions of the 3e model. These are the *impaired control* (IC), *maladaptive volition* (MV), and *effective adaptive* (EA) pathways. Each of these pathways will be described and explained with reference to a specific type of offending (Intimate Partner Violence; IPV) for the sake of simplicity and clarity, with

the understanding that a variety of behaviours can be explained with reference to these pathways.

The Impaired Control Pathway

Maiese (2011) suggests that strongly felt, reflexive first-order desires (i.e. basic urges to act) can be inconsistent with a person's higher level, intentional volitions (i.e. their desire hierarchy is disorganised). Individuals who follow the IC pathway to offending experience such a disconnect between what they *feel* and what they *want*. Offending results from the presence of strongly felt, first-order desires to act in a harmful way which arise in response to triggering events (such as a perceived threat). On the IC pathway, people have an impaired ability to enforce intentional level volitions which conflict with their problematic low-level desires. Acting on these desires is not consistent with how the individual wants to act, or live their life, meaning that behaviours which arise on the IC pathway are ultimately harmful for a person's broader functioning, despite the adaptive function they may have served in an immediate sense. More pertinently, the behaviour is *understood* to be harmful by the individual. The basic process and areas of interest are outlined in Figure 1.

To illustrate, a person who commits an act of physical violence against an intimate partner on the IC may experience a strong affective urge to violently respond when they are in an argument with their partner. At the bodily level they may experience feelings of 'blood boiling' or 'seeing red,' manifestations of a basic need to neutralise potential sources of harm. These feelings could be preceded by a dysregulation in catecholaminergic systems (i.e. regulation of adrenaline and noradrenaline), which increases sympathetic nervous system activity, eliciting sensations related to aggression and the desire to fight (Haller et al., 1997). This could additionally be related to consumption of substances such as alcohol (McMurran, 2009). This visceral response can occur in response to a threat perceived at an intentional level, such as a person's

feeling that arguments arising in the relationship are threatening to emotional or physical well-being. The threat may be relatively minor, but be affectively framed as

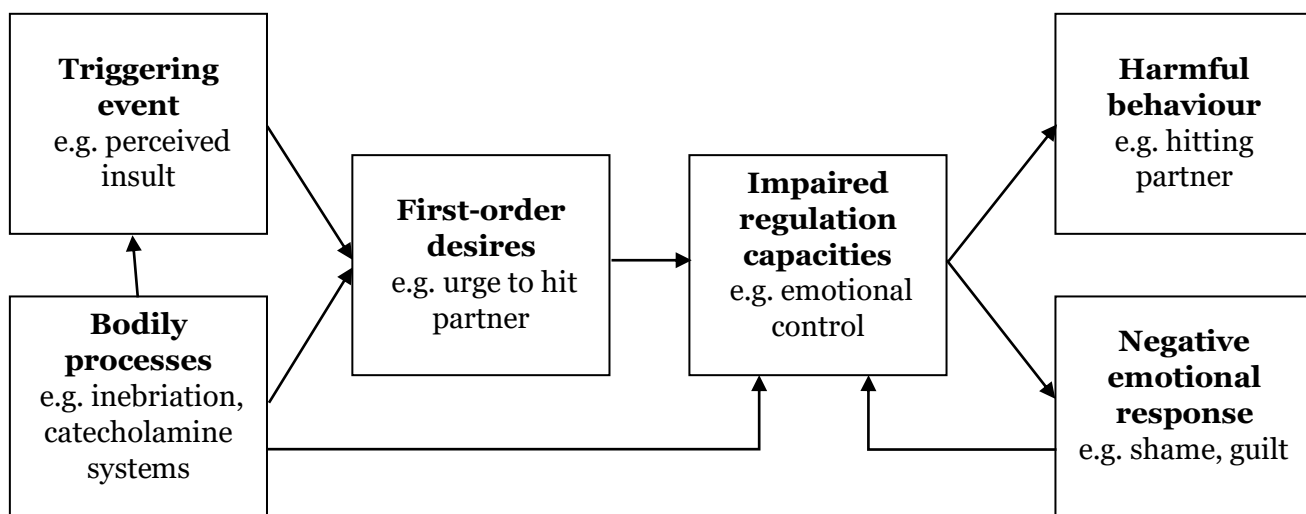


Figure 1. The Impaired Control Pathway

severe due to the persons affective state (Colombetti, 2007; Maiese, 2011).

The person here does not want to act in such a way - they care about their partner, believe acts of violence towards loved ones to be deeply immoral, and know that violence is detrimental to the relationship. But, due to inhibition resulting from intoxication, the strength of the bodily experience, or a lack of intentional strategies to regulate negative emotions, the individual lacks the skills and capacities needed to enact their higher-level volitions. This lack of control could then result in feelings of shame, guilt, and general internal conflict, intensifying the general negative emotional state and leading to further difficulties with self-regulation. A person on the IC pathway would plausibly attempt to distance themselves from their action, by claiming that the person who acted violently 'wasn't really them'. This schism between self and action is not unjustified – if we define ourselves by acting in a way which is consistent with what we care about, the failure to act in accordance with this is in some sense to become a different person (Frankfurt, 1988). The temporary loss of a sense of self has been associated with enactive accounts of addiction (Zautra, 2015) and anxiety (Aho, 2018),

and it stands to reason that this is also the case for similarly uncontrollable feelings associated with aggression or violence. Other examples of IC-related offending could be people who disapprove of child sexual offending but experience strong, involuntary sexual desires towards children, or ‘crimes of passion’, such as an ordinarily non-violent person who murders his partner when he finds her in bed with another person.

A key point here is that the desire to act on the IC pathway is principally felt as a bodily desire, although the bodily response may be triggered by threats at an intentional level. As such, intervention for individuals on the IC pathway would involve the development of strategies to regulate bodily feelings, and effectively carry out higher-order volitions. This is not a novel approach, and resembles impulse control or self-regulation models of offending (e.g. Ward & Hudson, 1998). In adopting a 3e perspective, the IC pathway furthers these approaches by also exploring where the reflexive desires to offend came from, and why the individual was unable self-regulate. This might involve conducting therapy in a way which encourages the re-creation and self-examination of an individual’s affective state to develop strategies to better regulate or change these affective states (Greenberg 2011; Ward, 2017). Furthermore intervention can examine the nature of triggering events, working with the individual to explore why a particular event triggered such a visceral response. In theory, individuals who come to offend via the IC pathway should be the most receptive to treatment, as they do not truly *want* to offend, and therefore have a strong intrinsic motivation to desist.

The Maladaptive Volition Pathway

Individuals who offend via the MV pathway understand the actions they take to be an effective way of meeting functional norms, based on their enacted understanding of their worlds. Unlike people on the IC pathway, people who offend on the MV pathway do not necessarily experience a disconnect between their offence related desires, and

subsequently harbour less conflicted or negative feelings about their offending. The defining factor of the MV pathway then is that while a person may *feel* that their

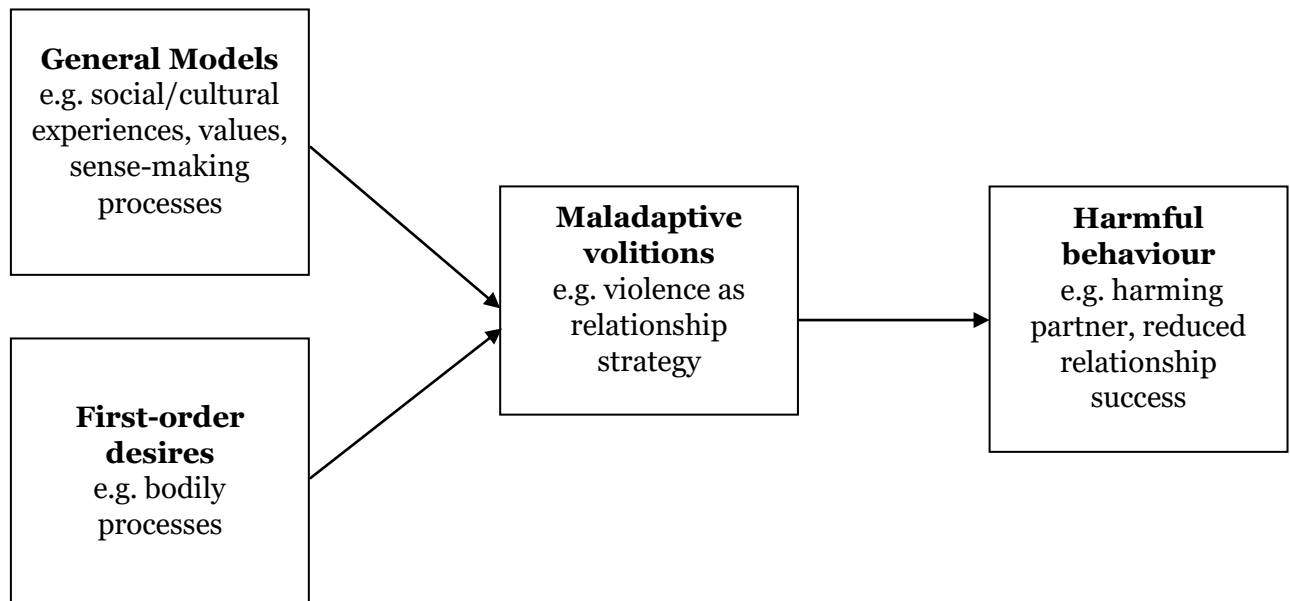


Figure 2. The Maladaptive Volition Pathway

behaviours are an effective way of meeting functional norms, in actuality they are maladaptive, and impede the individual's ability to meet the functional norms they are striving for. To explain offending requires consideration of what a person feels to be the best way of meeting their needs, and how they developed. The basic offence process of the MV pathway is outlined in Figure 2.

A person who engages in violence against an intimate partner on the MV pathway might view violence as an appropriate and effective way of meeting relationship based functional norms (such as relationship success or social dominance). This person may have experienced violence in prior family or interpersonal relationships, and subsequently view interpersonal violence through a somewhat positive affective frame, as a means of maintaining relationship stability, or even of displaying affection. This can be furthered by encultured learning; as if the perpetrator in this example was a female, they may have grown up in a culture which trivialised female aggression towards men,

instilling the understanding that such behaviour is acceptable or normal (Bates et al., 2019). Furthermore, they may experience the same bodily urges towards violence as people on the IC pathway, but because they are *consistent* with a person's views towards violence and aggression, this may lead to the volition that the behaviour is adaptive; they are quite literally acting in a way which *feels right* at a bodily level. In contrast to the internal conflict of the IC, people on the MV are 'of one mind' in relation to their actions, by virtue of a consistent desire hierarchy (Maiese, 2011).

In viewing the use of violence as adaptive, the offending behaviour can be seen to be enacted in service of functional norms related to relationship security. While this individual may experience less overt dysfunction, the behaviours are still maladaptive for the individual's functional goals. By treating her partner in an abusive fashion, the quality of the relationship is diminished, with her partner will likely developing negative feelings towards her, i.e. by reciprocating hostility or leaving the relationship. Her ability to develop a fully healthy, productive relationship and form new relationships if the current one ends is impaired, directly counteracting the understood purpose of the behaviour.

Other examples of offending on the MV pathway might be people who use violence to maintain status in a social hierarchy, people who use sexual contact with children to meet emotional needs, or use illicit substances to maintain a positive emotional state. These behaviours are all harmful for one's ability to function adaptively, but are *understood* to be adaptive. As such, people who offend on the MV lack a strong intrinsic motivation to desist from offending, as they do not necessarily view their behaviour as problematic. A key intervention task for people on the MV pathway then would be to understand what a person was aiming to achieve with their behaviours – adopting a classification framework such as the FOBDF could be of particular use here. Furthermore, intervention would seek to identify how and why a person developed these

problematic volitions, using similar emotionally activating techniques to those outlined previously. From here, treatment would prioritise working with the client to acknowledge how their actions were problematic while identifying more effective, healthy, and productive ways for a person to use to meet their primary functional goals.

The Effective Adaptive Pathway

As was discussed previously, something which is adaptive at one level may be maladaptive at another. As concerned agents, we assign differing levels of importance to different functional norms depending on our unique circumstances and enacted understandings, i.e. on the basis of basic, first-order desires and higher-level intentional models about the world. This differential prioritisation forms the basis of the EA pathway. Offending behaviours on the EA pathway are effective means of meeting desired functional norms; they are *adaptive* for their intended purpose. EA behaviours are still maladaptive with regard to their detrimental effect on social and legal functionality, but the defining feature of the EA pathway is that the levels at which a behaviour is maladaptive are understood to be less important to the individual; to put it bluntly, people at this level care less about the functional norms which are being negatively affected. Figure 3 outlines the main features of the development of offending on the EA pathway.

A perpetrator of IPV on the EA pathway may use violence as a means to assert and maintain social dominance within the context of their relationship. If both people in the relationship and their wider social circle share the understanding that the perpetrator does indeed occupy some position of dominance, the means they have adopted to serve this function have, in a sense, been effective. Of course, the behaviour remains harmful for the perpetrator's ability to form deep, mutually caring intimate and wider social relationships (if people around them to disapprove) and causes harm to the other person, but for the actor these problems are of less subjective importance as their

primary needs have been met. The person in this example may favour social dominance due to enculturation in a highly hierarchical society; perhaps they are a male perpetrator from a conservative society which upholds the idea that a man should be the authority in the home, and simply views the harms caused by the behaviour as being of secondary importance to this ideal.

Prioritisation of norms may in other cases be necessitated by external or material needs. An economically disadvantaged person who robs a store to obtain more money for their family may fall on the EA pathway – theft can be a genuinely effective way of

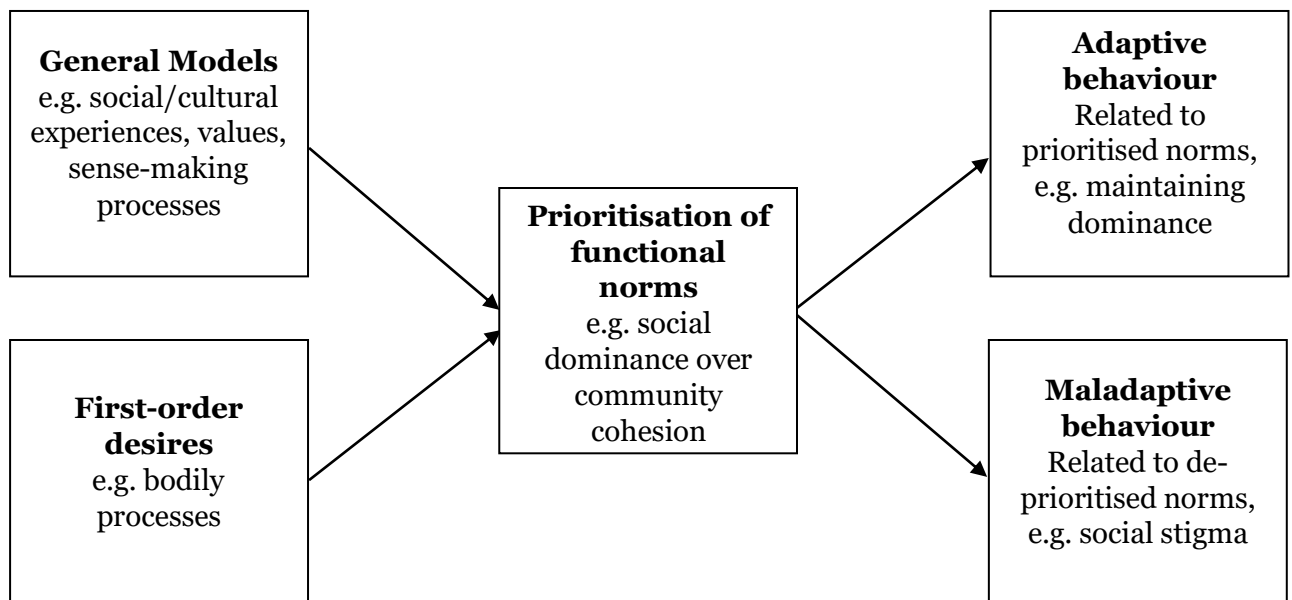


Figure 3. The Effective Adaptive Pathway

meeting norms relating to basic survival (i.e. being able to acquire food or shelter), which is more important for the individual than their ability to abide by legal norms. For people in this situation, the differing priorities to which they afford differing functional norms are something of a forced choice, as they may *want* to act legally but do not see a way that they can without compromising safety or survival. At a different level, biological needs may be felt to be of paramount importance, which could lead to the development of sexual offending, e.g. if the bodily desire for sexual satisfaction was felt by the individual to be more important than social functioning. In future research it may

be worth considering people in these types of situations to operate on a distinct pathways – however for present purposes, as they are still employing effective means to achieve the functional norms which are of importance to them, they can still be discussed as falling on the EA pathway. People in these situations do not view their behaviours as something problematic – however, unlike those on the MV, here they are in a way correct, as these behaviours are not maladaptive for that which is important to the individuals.

This suggests that when attempting to explain an individual's offence for intervention, the development of the person's prioritised norms should be the primary focus of inquiry. This would consider what external or internal factors drive their apathy towards other aspects of functioning, through an exploration of the person's immediate and historical circumstances surrounding their perspective, at multiple levels (i.e. whether prioritisation is driven by social, material, or biological factors). From here, intervention should aim to develop an awareness and appreciation for their capacity to function adaptively in other domains. EA-behaviours are likely to be the most resistant to intervention, because unlike behaviours on other pathways EA behaviours are genuinely adaptive for the person's self-determined functional needs. As such, people who engage with this pathway may feel less intrinsic motivation to engage with treatment or change their behaviour – they are living a life which is consistent with what is important to them. As such, for behaviours on this pathway, intervention may be unable to solely appeal to a person's pre-existing motivations for offending as on the other two pathways, and may need to find ways to facilitate the development of a more extrinsic motivation for desistance, while still acknowledging the value of the person's priorities and experiences.

Summary and Major Conclusions

This chapter has aimed to provide a general sketch of what an explanatory framework of offending based on a 3e perspective might look like, through a brief restatement of some of the main concepts of a 3e perspective and how the 3e perspective conceptualises crime as something which is both adaptive and maladaptive. Classification of crime from a 3e perspective should classify behaviours according to the motivational functions they served for the individual, rather than the harms caused. Following this, it was suggested that explanation in correctional psychology should aim to develop an understanding of a person's embodied understanding of the world, what functional norms they understand to be of the greatest importance, and what functional ends their behaviour is understood to serve. Three main explanatory pathways were suggested and outlined to guide this inquiry; the impaired control pathway (wherein offending results from an inability to regulate harmful first-order desires), the maladaptive volition pathway (wherein behaviours are understood as adaptive) and the effective adaptive pathway (wherein behaviours are adaptive to the functional norms a person prioritises). Behaviours on the IC pathway are primarily impulsive, unplanned, 'hot' crimes, while behaviours on the MV or EA pathway are likely to involve a greater degree of planning or premeditation. Also note that in terms of motivation, MV and ES behaviours may appear very similar – both are planned behaviours used to meet one's needs. As such, developing the understanding around the specific motivation of an offence and how effective the offence was at achieving this can be invaluable in developing explanations for why people offend.

Table 1 summarises the main differences between a 3e and a GPCSL approach to forensic explanation, in terms of major theoretical tasks. From this and the above, it can be seen that the approach affords a richer approach to explanation than the GPCSL. Rather than assuming a singular behavioural process, explanation here understands

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offending to be a product of a multitude of biological, emotional, and encultured processes operating along three broad pathways in service of the individual's attempt to adaptively function in their environment. As the overall purpose of this thesis is to improve forensic explanation for treatment purposes, the discussion here has focussed primarily on explanation at the person-level, i.e. through individual case formulation. However, a commitment to 3e principles could also be used in the development of other, broader theories as well (such as comprehensive theories of specific offence types) – the 3e framework is by design applicable to a host of different areas. The key point is that explanation, whether at the individual level or the offence level, is by necessity *pluralistic*, acknowledging the role of multiple causal processes and mechanisms, and focusing on the functions served by a behaviour, criminal or otherwise.

Theoretical task	GPCSL	3e
Prediction	- Crime prediction based on factors found to strongly correlate with offending.	- Crime prediction based on factors found to strongly correlate with offending
Conceptual development	<ul style="list-style-type: none"> - Causal constructs equated with predictors, and defined on the basis of legal norms (i.e. criminogenic needs) - Crime conceptualised as legal norm-violating behaviour. - Little concept of agency or autonomy 	<ul style="list-style-type: none"> - Causal concepts and targets defined by relation to purposes served for the individual (e.g. functional norms) - Crime conceptualised in relation to individual's adaptive functioning. - Autonomous functioning involving the individuals emotional relationship to a cultural environment.
Classification	- Behaviors and needs classified according to norm-violation	- Behaviour classified based on motivational systems underpinning behaviour.
Explanation	<ul style="list-style-type: none"> - Behavior as caused through facilitation of learning for achievement of reward - Composite causal factors suggested to operate according to single process 	<ul style="list-style-type: none"> - Behavior motivated by functional needs. - Three pathways to offending, each involving multiple causal processes and models. - Specific causal processes relating to specific explanatory levels

Table 1. Comparison of main explanatory tasks between 3e and GPCSL

Chapter Five: 3e, RNR, and Intervention

Overview of Chapter

Thus far, I have provided a brief critique of the explanatory and functional commitments of the RNR/GPCSL rehabilitation paradigm, and outlined an alternative, 3e perspective. For this chapter, I aim to bring these strands of argument together to discuss the implications of the 3e perspective for intervention. I begin by providing a brief outline of recently developed approaches to intervention which are consistent with a 3e intervention at the locus of control, specifically the Good Lives Model (GLM; Ward, 2002), and where 3e could fit in with this model. Secondly, the intervention prospects of the 3e model will be compared with the RNR/GPCSL paradigm through the use of a hypothetical case exemplar (Joseph), which expands on how the explanatory capacities of the model can be used for treatment.

Related Intervention Frameworks: The Good Lives Model

The GLM is a strength-based treatment framework for rehabilitation, which assumes that people strive to lead ‘good lives’ (Ward, 2002; Ward & Stewart, 2003). People operate according to a ‘good lives plan’ which involving the attainment of *primary human goods*, which are long-term, domain general states ascribed with great personal value (e.g. happiness, community, knowledge). People attain primary goods with the use of *secondary goods*, which are more specific actions or behaviours (e.g. reading to achieve knowledge, attending social gatherings to achieve community). Offending results from problems with one’s good lives plan, such as the use of problematic secondary goods (e.g. substance use to achieve happiness), constraints on the ability to acquire primary goods (e.g. lack of money or housing), or difficulties with how primary goods are valued (e.g. seeking knowledge at the expense of all else). The central aim of intervention from a GLM perspective is to help people to attain their primary human goods in a productive, healthy, and prosocial way, with the ultimate aim

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being to help individuals lead a good life. While the GLM has not been as extensively studied as the RNR due to more recent development, existing evidence has been supportive of the effectiveness of well-implemented GLM principles in therapy (Willis et al., 2014).

The GLM as a rehabilitation framework does not aim to be explanatory, but simply identifies the main areas of import as a guide for treatment. 3e could be a useful tool to fill this explanatory role; there is some parallel between the ‘primary goods’ of the GLM and the interpersonal prudential norms of 3e. Where 3e can be additionally beneficial then is to elaborate on how the development and prioritisation of primary and secondary goods can emerge from the individual, e.g. through exploring how encultured and bodily experiences shape the development of affective processes. This can develop a deeper insight on the causes and context of the individual’s behaviour, and provide direction on how to best engage with treatment targets.

Case Exemplar: Joseph

Joseph is a 23-year-old male of Māori descent, who has been convicted for his involvement in the armed robbery of a local liquor store. The robbery was carried out with members of a local gang which Joseph has been a part of for several years, and whom he considers to be like family. Joseph has a history of offending both within and outside of the gang context, primarily involving violent offences of varying severity. He was described as a “difficult” child, and was regularly in trouble at school for truancy, arguing with school authorities, and fighting with other students. Joseph has a history of substance related offences such as drink driving and drug possession. He regularly uses alcohol and marijuana, and has used methamphetamine on several occasions. He has used these substances both in social settings and by himself. He was under the influence of alcohol at the time of the index offence. Joseph presents with several mood difficulties, primarily involving social anxiety which has been a problem for much of his

life. Joseph did not complete school, and psychometric tests suggest moderate cognitive difficulties. Joseph has little contact with his parents who have been separated since his birth. He has a history of short-term employment but has been unable to hold a job for longer than a few months; similarly, while he has a history of short-lived relationships, he has not maintained any long-lasting romantic relationship. Finally, although Joseph identifies as a New Zealand Māori, he has little involvement with Māori cultural groups or communities.

Formulating Joseph from a GPCSL approach

A GPCSL formulation of Joseph would identify Joseph's offending as the central target for intervention, resulting from seeking of rewards such as money or alcohol. From here, a formulation would identify risk factors in Joseph's presentation. In the case of Joseph, a formulation might identify risk factors of procriminal associates, antisocial personality, and substance abuse to be of particular importance.

Gang membership would be noted as Joseph's main source of procriminal associations. GPCSL would suggest that through association with antisocial gang members, Joseph has learned skills and attitudes conducive to offending behaviour, like using violence to obtain goods. The presence of these antisocial associates would be compounded by a lack of support for prosocial behaviour due to the dearth of positive role models in Joseph's environment. Several other aspects of Joseph's presentation would be considered in terms of how they relate to Joseph's antisocial associates – for example, his anxiety and mood difficulties may contribute negatively to his self-esteem, encouraging him to seek social support from a gang context (Bonta & Andrews, 2017), and serving as further reinforcement for offending.

Joseph's use of substances would be identified as a potential more immediate risk factor associated with Joseph's motivation to offend. Transient intoxication may impair Joseph's judgment, leading him to consider the potential risks of an offence less than he

might ordinarily, while the status of the offence as involving the acquisition of substance and money (used to buy more drugs) may have provided additional reinforcement for offending (Bonta & Andrews, 2017).

Joseph would likely be identified as presenting with an antisocial personality style, characterised by a high level of impulsivity and aggression across the lifespan. This would be evidenced through evidence of poor temperament in Joseph's childhood (with childhood temperament as a precursor to personality; Cicchetti et al., 2014). This might suggest that Joseph tends to act on impulse, maximising rewards or gains without appropriate consideration of the costs associated with his behaviour. This could be compounded by Joseph's cognitive difficulties, and inability to engage in long-term relationships and employment.

Finally, the fact that Joseph has a history of offending would suggest that offending behaviours have been learned and reinforced over a significant period of time, so a high-intensity intervention would be required. A history of offending is the strongest single predictor of future offending (Andrews & Bonta, 1995; Bonta & Andrews, 2017), and under the RNR framework, higher risk individuals should be allocated higher-intensity interventions in order to best minimise risk.

These causal elements would serve as the main targets for Joseph's intervention. Intervention would involve alcohol and drug intervention programmes, encouragement for Joseph to decrease his gang association, and acquisition of more prosocial associates – this could involve developing employment skills or completing an adult education course. Joseph would also be encouraged to undergo cognitive behavioural therapies to help manage his impulsivity and anger issues, related to his antisocial personality. As per the 'risk' component, treatment would be intensive, on account of Joseph being a high-risk individual (Bonta & Andrews, 2017). Finally, Joseph's limited education and cognitive difficulties would be identified as responsivity factors; they would not be a

target for treatment in their own right, but an intervention would acknowledge these difficulties and account for these in intervention delivery, perhaps by avoiding excessively complex language. Similarly, practitioners would need to be aware of Joseph's anxiety issues with relation to how his emotional state may affect his ability to engage with treatment, and intervene here if deemed necessary.

Evaluation of a GPCSL formulation

An immediate observation here is that Joseph, the person this intervention is ostensibly for, is almost a secondary focus. This explanation says little about how Joseph feels about his actions, what motivated him to offend, or how he came to develop these problematic associations or behaviours; reading this gives little understanding of Joseph as a person. This is a formulation of *offending*, with Joseph reduced to a set of basic variables which are relevant to this. This is a product of the normative and modular assumptions of GPCSL; crime is an explainable entity, and behaviour and needs can be segregated into the criminogenic and the non-criminogenic. To understand why Joseph has offended, we need to understand Joseph; yet, the formulation as presented does not readily encourage this. This is not to suggest that specific, crime-related processes should be disregarded – indeed, they should be explored in as much detail as possible. But in neglecting how Joseph understands and feels about his behaviour, the formulation is unable to adequately achieve this. As such the formulation presents a fair description of *what* happened in the offence process, but does not give a strong understanding as to *why* it happened.

This is of particular concern regarding Joseph's motivation to engage with treatment. By the admission of RNR, client engagement is essential for successful rehabilitation, particularly for high risk offenders. However, the way GPCSL identifies treatment targets inadvertently hinders the ability for rehabilitation to adequately engage people, because the formulation does not provide a detailed account of what

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motivated Joseph to offend in the first place, or how this may conflict with the motivation to desist. To compare rehabilitation with medical treatment, when people go to the doctor for an illness, they do so to resolve a problem which is causing them distress. They were not motivated to have an illness, and there is a clear reason for them to engage and comply with therapy. Joseph, however, is undergoing rehabilitation because his behaviour has been deemed harmful to society and that it should be changed. Unlike a medical intervention, the motivation is not inherent to the practice (Ward & Maruna, 2007). This is a serious issue when we consider that the ultimate arbiter of whether Joseph successfully desists from offending is Joseph. By neglecting a more holistic view of Joseph's offending, Joseph's motivations, needs, and overall functioning are relegated to factors of secondary importance, subsumed by the drive to resolve crime, and satisfy what is important to somebody else. Joseph is told that he is broken, and that he needs to radically alter his life. If Joseph does not agree with this assessment, practitioners are forced to fight an uphill battle.

Furthermore, by classifying needs as criminogenic or non-criminogenic, GPCSL implies that criminogenic elements can be removed in the way one might excise a pathogen, with nothing of value being lost. As has been extensively discussed, this implication is clearly false; people's lives do not fall into these discrete categories. A treatment following this formulation subjects Joseph to the "pincushion" effect (Ward, Mann, & Gannon, 2007), meaning that problematic factors for Joseph such as his social circle (gang members) and means of emotional regulation (substance use and intoxication) are treated as pins to be systematically removed from Joseph's life. However, by not considering the functions served by these 'pins,' this approach to intervention does not replace these pins with anything, leaving Joseph as an empty cushion. If Joseph is told to sever ties with his social circle, stop taking part in activities he enjoys, and stop drinking and taking drugs so he can satisfy a legal standard which

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may mean very little to him, practitioners again risk working against Joseph's intrinsic motivation to encourage a behavioural change via a motivation which is thoroughly extrinsic (Ward & Maruna, 2007).

With the above noted, the RNR approach does have some strengths in how it presents a clear direction for treatment. A theory which is strong at the locus of control should present clear treatment targets and strategies for engagement, based on how they are explained (Anderson, 2017). Despite the problems with the explanations in question, the RNR does achieve this, in providing clear, and specific areas and suggestions for treatment, which improves its utility for use by practitioners (Polaschek, 2012). In particular, the identification that a higher intensity of intervention is necessary due to the high risk of Joseph reoffending is a strength, as a high risk of reoffending suggests that Joseph poses further danger to himself and others, and that previous opportunities to desist have been unsuccessful. In this respect, the predictive and practical utility of the GPCSL/RNR is clear. Additionally, identifying that intervention should utilise interventions tailored to Joseph's capacities is a strength, and may mitigate some of the motivational issues discussed earlier. However, these responsivity elements of the RNR are not integrated with the overall treatment plan, and are treated as a means to an end rather than as worthy treatment targets in their own right (Ward, Melser, & Yates, 2007).

None of the above should be read to argue that the GPCSL/RNR is flawed because it tries to reduce crime. Criminal behaviours are sanctioned for good reason and rehabilitation frameworks should absolutely aim to reduce them. But treating people to be rehabilitated as a collection of 'crime-related needs' to be 'fixed' only places constraints on our ability to actually achieve this. If we are to rehabilitate people, rehabilitation must acknowledge this and shift the focus back onto the *person*.

Formulating Joseph from a 3e perspective

A formulation of Joseph's offending would begin by identifying the main functional norms of import to Joseph's life. We can see that Joseph seems to prioritise functional norms relating to community engagement, social relationships, and emotional well-being. Using the FOBCF as a guide for classification, interventions might then classify Joseph's behaviour as being carried out in service of motivational systems of affiliation, status, and emotional well-being (Ward & Carter, 2019).

To this end, a formulation might again look at Jacob's gang membership. The construct of 'gangs,' as typically used is conceptually vague and value-laden, so Joseph's affiliation would be better understood as a 'group' (Wegerhoff et al., 2019). Joseph's association with this group would not be assumed to be something wholly negative, as it may enable him to maintain social bonds, meeting prudential norms relating family, security, and belonging. This group could function as a 'subculture', with Joseph using the shared values, ideals, and norms of the group to navigate and make sense of his social and physical environment. As such, the cultural context which Joseph is embedded in influences how he understands his environment, especially in relation to how behaviours, people, and places are affectively framed and the actions they afford (Durt et al., 2017; Heras-Escribano, 2019; Krueger & Colombetti, 2018). People from outside of this cultural context likely view activities and characteristics such as interpersonal violence, drug use, gang iconography, and large gatherings through a negative affective frame, affording feelings of threat, injury, and avoidance of people who engage in these behaviours. To a person within this cultural context, such as Joseph, these may be viewed through a positive frame, affording feelings and actions of community, support, and friendship. The antisocial behaviours Joseph engages in (assault, robbery) could be afforded as communal experiences in the same way that a

prosocial group behaviour (such as attending a sports match) would be for a person outside of this context.

Due to a combination of this subcultural context and his adverse life experiences, typical indicators of a 'prosocial' life (e.g. education, employment, family) may be understood through a negative frame. Joseph's limited success and conflicts throughout his schooling, combined with his social anxiety may have led him to view education and the people associated with education (e.g. teachers, students, educated professionals) as hostile, foreign, or threatening. This could be particularly pertinent if we consider Joseph's status as a Māori attempting to operate in a European educational and political system. Joseph might frame European society as affording limited ability for success, social alienation, and cultural marginalisation. A strong sense of cultural identity and belonging is associated with improved life satisfaction and reduced incidence of offending (Thakker, 2014). As such, Joseph's alienation from the culture of his ancestry and his ostracization from the European culture he exists in may further contribute to his negative feelings towards people and systems (e.g. legal authority figures) which he sees as responsible for this cultural isolation, and further increase his attraction towards a social circle (such as a 'gang') who exist and are defined by an opposition to these structures of alienation (Wegerhoff et al., 2019). This can solidify his positive appraisal of these situations, while further compounding his alienation from prosocial spheres. Similarly, marriage, family, and raising children are likely framed as affording feelings of fear, violence, and loneliness due to his own unstable family dynamic and negative childhood experiences. These frames are not errors in perception or maladaptive cognitions; according to Joseph's enacted reality, the threat afforded by a nuclear family or a western school system may feel as real as the threat one feels when hearing a gunshot on a street after dark (Barrett, 2017; de Haan, in press).

Something made clear from this formulation is that the means Joseph currently employs to meet his core functional needs are maladaptive. While they may enable Joseph to adapt and self-maintain to some degree, they also cause serious disruption to Joseph's life. While engagement in violent offending with other people may provide a sense of inclusion and social support, it limits his ability to fully engage with his wider social and physical environment. Through continued engagement in problematic behaviour (such as violence) Joseph further alienates himself from other groups in society, by limiting employment prospects, exacerbating estrangement from family and/or cultural groups, and causing harm to others. Furthermore, engagement in criminal conduct has led to imprisonment and other legal sanctions throughout his life, limiting his freedom to adapt to his environment in a way which he would see most fit.

Joseph's use of substances can be understood to be similarly maladaptive in a bodily sense. Joseph likely uses substances as a means of meeting needs related to emotional well-being, by alleviating problems with social anxiety. This can cause impairment to Joseph's normative bodily and emotional functioning, most clearly in the potential for substance dependency. Dependency can form a kind of affective feedback loop, with cravings and/or withdrawal symptoms causing unpleasant bodily sensations when Joseph attempts to reduce substance use. This may compound Joseph's negative affective state when he attempts to engage with his environment unassisted by substances (Zautra, 2015). Furthermore, the use of substances as a strategy for regulating feelings of anxiety may mean that Joseph uses substances as a substitute for healthier, more sustainable ways of dealing with his emotional difficulties, meaning that they ultimately remain unresolved. Long-term use of substances can be further detrimental to Joseph's physiological health, both through the pathological implications of sustained substance use (e.g. loss of neurological tissue, liver damage) and the physical risks associated with substance use (e.g. driving under the influence of alcohol).

From the above, we can understand Joseph's offending to have developed on the maladaptive volition (MV) pathway; he understands his behaviour to be an adaptive way of meeting his needs related to community support and emotional well-being, but in doing so he impairs his capacity to meet these needs. In relation to the GLM, Joseph's primary goods seem to involve community, relationships, and happiness, achieved through problematic secondary goods such as the use of substances, engagement in group-based offending. An embodied, embedded, and enactive formulation identifies why Joseph has chosen to utilise these particular secondary goods, and how they are maladaptive for Joseph. By understanding this aetiological and motivational chain, practitioners can work with Joseph on his terms to help him acknowledge how his current good lives plan is problematic due to the means he uses, and help him to resolve this.

Intervention would be encouraged to work with Joseph to encourage him to realise how his behaviours are ultimately harmful to his overall ability to function. This might involve helping Joseph to understand his affective frames and biases about the world (Heffernan & Ward, 2017). Emotionally focussed techniques such as activation, juxtaposition, and narrative construction could be used to help Joseph reflect on his feelings about offending and his life, and how these are ultimately harmful for his ability to lead his best life (Greenberg, 2011; Ward, 2017). Intervention would suggest other ways Joseph could satisfy his needs in a way which is still meaningful and valuable for him. For example, his need for community could be met by reconnecting with his Māori heritage, which may help to ameliorate his sense of cultural isolation, while providing a context to overcome his mood difficulties. Similarly, psychotherapy would aim to address the roots of Joseph's emotional difficulties, alongside aiming to develop strategies to regulate spontaneous aggressive tendencies to mitigate the 'need' Joseph feels to offend in the first place.

Evaluation of a 3e formulation

An immediate point of distinction between this formulation and that of the GPCSL is that this formulation paints a much more detailed picture of Joseph. This Joseph, rather than presented as a collection of problematic variables, is a person. Rather than focusing exclusively on factors deemed relevant to offending, this formulation views offending as a part of Joseph's life, focusing on how Joseph meets the needs afforded to him by his environment. From a forensic standpoint, this arguably helps us to understand Joseph's understanding *better*, as there is now greater context for it. For example, the GPCSL identifies that Joseph's offending is caused by dynamic risk factors like antisocial associations, while neglecting association with prosocial institutions and social groups. A 3e conception does this as well, but actually tells us what attracts him to these social circles, and why he has been unable or unwilling to adapt to a prosocial lifestyle. Most importantly, this tells us *how* these associations translated into offending. As has been extensively discussed, DRF's as primary causal and treatment constructs present issues which underlie much of the RNR approach to intervention. From this approach, DRF's can be seen as broad categories, indicating general weaknesses in a person's capacity for agentic goal directed action. Heffernan and Ward (2017) identify that evaluating DRF's in terms of how they influence a person's agency in regard to these actions can address the problems posed by the composite and heterogenous nature of DRF's – they are 'causal markers' here, with the actual causes being the embodied, embedded, and enactive processes which underlie them (Ward & Fortune, 2016).

Accordingly, a treatment based on this kind of formulation avoids the issues of motivation found in a GPCSL conception. Joseph's offending is examined in relation to how it affects him, rather than whether it is deemed right or wrong by a legal system. The effect of Joseph's offending on others is still relevant to treatment, but focusing on

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how the behaviour is maladaptive for his own purposes gives Joseph a reason to desist for his own sake. The motivation of treatment is matched to his intrinsic motivation; practitioners are not people trying to take away his friends, and sources of support, to shape him into the kind of person he feels no desire to be – they are trying to help him lead a genuinely better life (Ward, 2002; Ward & Maruna, 2007). Understanding, warmth, and compassion are crucial for the strong development of a therapeutic alliance and successful rehabilitation (Bonta & Andrews, 2017). It is argued here that to fully show these characteristics, people being rehabilitated need to be met on their terms. The 3e approach further benefits from its consistency with the GLM, in that it focuses on person-centred interventions to benefit both the functioning of the individual, and the desistance of harmful behaviour, Psychotherapy, emotional therapy, and development of life skills are the primary focus of intervention, which is a strength of the approach for the reasons related to motivation discussed above. These principles are present in the RNR, but only in a limited capacity as ‘responsivity’ concerns; they are far from the principal focus.

However, these are not unconditional triumphs. In its current form, the 3e example lacks a clear suggestion for how risk assessment should be approached, or how treatment intensity should be determined. The risk assessment tools utilised by the RNR are not necessarily inconsistent with a 3e approach; some synthesis between the two approaches may be a useful avenue to explore in future development of the model. Additionally, this formulation providing significantly more information than the GPCSL formulation, which may run the risk of becoming more difficult for practitioners to work with, or identify the clearest and best ways to conduct treatment. As such, the applicability and practicality of implementing a model like the 3e approach to practice should be a central focus of future development.

Summary and Major Conclusions

From the above, it can be seen that the 3e perspective presents a deeper, more comprehensive account of the offence process to inform treatment by virtue of grounding explanations in an understanding of the person as a whole and emphasising person-specific, sense-making processes in conjunction with social, cultural factors. Furthermore, by focusing explanations on the individual's capacity for adaptive action, the 3e perspective has clear strengths in facilitating client engagement, by virtue of appealing to a person's intrinsic, functional motivations, and building treatment practices around ways to improve a person's life on the whole, rather than the simple mitigation of offending. However, the RNR does retain some advantages over the 3e approach by virtue of its acknowledgement and measurement of risk, and its clearer (albeit problematic) guidelines for treatment.

Somewhat counter-intuitively, it seems as though shifting the focus *away* from offending may provide a more effective means of reducing offending, while simultaneously helping the individual to live a better life on their own terms. This is because by broadening the focus, we can gain a greater appreciation for the context (both personal and environmental) that an offence actually occurred in, and allows for a deeper understanding and acknowledgement of a person's broader motivations. While this example has been hypothetical, evidence does suggest that the use of person-centred interventions like the GLM can increase intervention efficacy when implemented correctly (Willis et al., 2014). Furthermore, while the example discussed here focussed on an individual on the MV offending pathway, a similar approach to formulation could be deployed for behaviours on other explanatory pathways, with different foci. By deepening the explanations which GLM interventions are built on, there is good reason to believe that utilisation of 3e explanations can improve the quality and effectiveness of rehabilitation further.

Chapter Six: Final Thoughts

Summary and Evaluation

The pursuit of better practice in the rehabilitation of people who offend is essential if we wish to move away from a punitive criminal justice system and towards a system based around restorative principles. This necessarily involves casting a critical eye on the practices which are currently used – even if those practices involve assumptions which are foundational to our understanding of rehabilitation. To this end, I have identified that while the RNR rehabilitation paradigm has had clear and inarguable benefits in promoting the feasibility of rehabilitation in wider social and political discourse, it is built on a theoretical foundation which is critically flawed. Through a conflation between prediction and explanation and a reliance on normatively defined treatment targets, the RNR (by way of the GPCSL) assumes that people are non-agential beings, with their lives and thoughts operating in line with legal standards in an endless pursuit of reward. This picture of functioning severely restricts the focus of explanation, affording only thin understandings of the processes and mechanisms which lead people to offend. As such, our ability to adequately engage the subjects of intervention in treatment and encourage them to desist will be limited.

The 3e cognition approach to human functioning provides a viable alternative to this, by adopting an explicitly person-focused, agentic account of human functioning and behaviour. According to the 3e perspective, our lives and actions are not predetermined, mechanical responses to specific stimuli. Rather, our lives are what we build, and who we build them with. Explaining offending from a 3e perspective places the focus of explanation on the functions an offence served for a person at a range of explanatory levels, rather than limiting explanation to the structure of the offence itself. This affords a far greater explanatory depth than conventional approaches, while also prioritising the functional well-being of the individual. This encourages interventions

based on this foundation to conduct treatment on the individual's terms, improving the potential for engagement and emphasising agency in the pursuit of understanding behaviour.

While similar perspectives of human cognition have been developed in areas relating to clinical psychology and mental health (e.g. Fuchs, 2009; Nielsen & Ward, 2018; Roberts et al., 2019), this thesis represents the first major application of this form of the 3e model to the correctional sphere. However, several theoretical developments in the forensic sphere are consistent with a 3e approach, most notably the Good Lives Model (Ward, 2002), functional classification frameworks (Ward & Carter, 2019), and self-regulation models (Ward & Hudson, 1998). The 3e perspective can be viewed as serving two functions in relation to these developments; firstly, providing a broad framework to bring these models together through a coherent overall picture of human functioning, and secondly encouraging additional explanatory depth for these approaches (e.g. providing an embodied context for motivational systems, or tracking the aetiology of secondary human goods). In this regard, the 3e perspective is explanatorily fertile, encouraging specific explanations pertaining to the multilevel processes underpinning behaviour, the development of a person's affective relationship with their world, and the main functional norms which a person strives for.

It is important to note that as an explanatory framework, 3e does not aim to provide a general explanation of all offending. This is seen as a strength of the 3e model, especially in relation to the GPCSL. A significant underlying problem of the GPCSL could be identified as it simply attempting to explain *too much*. In the GPCSL, Bonta and Andrews (2017) aim to provide a comprehensive explanation for *all* possible offences, drawing on *all* possible causes, despite the variance in behaviour, motivation, and developments within the category of 'crime'. To accomplish this, the perspective simplifies its explanatory constructs and processes to the point that while the GPCSL

can *technically* explain any incidence of offending, the explanations are thin to the point of incoherence. The 3e model avoids this problem by presenting an overarching framework to guide explanation, and by identifying areas to explore with offence-specific theories and individual formulations. This pluralistic approach is essential for developing a full picture of the diversity of possible offending behaviours (Anderson, 2017; Ward, 2014), and a 3e framework clearly lends itself to such a pluralistic approach.

Note that while the RNR in its current form has been heavily criticised in this thesis, some aspects of the RNR as a treatment framework are not necessarily inconsistent with a 3e approach. The RNR does have clear strengths at the locus of control related to risk assessment, practical utility, and clear directions for intervention (Bonta & Andrews, 2017; Polaschek, 2012). The issues identified with the RNR primarily lie at the loci of explanation and functioning, as manifest in the GPCSL. In providing a stronger theoretical basis for treatment targets and recentralising the value of client engagement (perhaps by way of further developing the responsivity principle) the basic structure of the RNR could remain a useful framework for intervention design. Some research has suggested that integrating the RNR with person-focused, strengths-based principles such as those held by the GLM has been beneficial for overall treatment efficacy (Jones et al., 2014; Ward & Stewart, 2003). Adopting a 3e explanatory basis for this conjoint rehabilitation paradigm could help to further accentuate the strengths of all three approaches, while accounting for their weaknesses.

Future Research Directions

As a preliminary framework of human functioning, there remains potential for further exploration of the applications of 3e cognition to correctional rehabilitation. An immediately apparent direction is to further develop the perspective's strength at the locus of explanation. Chapter Four presented a preliminary sketch of three possible

explanatory pathways which could provide a basis for 3e models of offending. These pathways identify some key processes related to the development of an offence, which could be explored through the development of more specific theories related to these specific processes (e.g. how regulation can be impaired on the IC pathway, how certain volitions or behaviours can be affectively framed as positive or negative). Furthermore, while the focus of discussion in this thesis has mainly been on explanation at the person-level, this approach could theoretically be expanded to develop an explanatory framework for more general, offence-specific theoretical models. In doing so, further work could simultaneously explore its conceptual validity, theoretical adequacy, and potential for improvement.

Furthermore, as interventions are constrained by the theoretical basis they are built on, the value of a theory is arguably determined by how well it can inform the development of effective intervention. While some general treatment implications for the intervention capacities of the 3e perspective have been outlined, such as centralising individual motivation and utilising emotion focused therapies, these treatment prospects, are still largely provisional suggestions. Future work could aim to more fully integrate the explanatory and intervention aspects of the 3e model, in a way which is useful and accessible to practitioners. Explanations from a 3e perspective are significantly more complex than those from a GPCSL perspective, by virtue of the commitment to multiple processes, motivations, and eschewing of simple causal concepts. While this is a definite strength in terms of providing a better explanation of a crime, it does run the risk of alienating practitioners who may lack a strong theoretical or research background. As such, it may be worthwhile to develop some form of codified treatment principles or manual to improve accessibility. This should however be undertaken with caution, to avoid oversimplifying the content of explanations to the point where utility is diminished. This may involve providing an overview of how to best

evaluate and assess an individual's motivations, perhaps using Ward and Carter's (2019) motivational systems as a base, and engage with these under a framework like the GLM. Furthermore, an incorporation of risk and risk assessment could be useful for improving the practical utility of this model.

Conclusion

The purpose of rehabilitation is to provide people with the tools and resources to facilitate the desistance from further offending. To effectively achieve this, rehabilitation paradigms need to be grounded in a coherent understanding of how and why an individual's offending develops in the context of a person as a whole, through the use of well-developed theory based in an understanding of human functioning.

Fundamentally, correctional rehabilitation is about *change*. If we want to be able to effectively facilitate meaningful, long-lasting change in people who commit offences, the people who are receiving treatment need to have a *reason* to change. To achieve this, intervention must view people who commit offences, no matter how severe, as people with needs, goals, and desires preceding and outlasting the incidence of an offence. The current approach represented by the RNR model, due to several major theoretical shortcomings, does not achieve this. A 3e approach on the other hand not only allows this approach, but demands it. As such, it is a highly promising tool for expanding the scope of rehabilitation theory and helping people who commit crimes to desist from offending and live meaningful, healthy lives. By doing so, rehabilitation can help us to move closer to a more ethical, safer, and humane justice system and society overall.

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