

Hans von Hentig and Crime and Human Nature Analysis

Posted on October 11, 2022

Criminology has developed through competing attempts to explain why crime occurs, how victims and offenders interact, and how law and social institutions shape behavior. The original essay compares Hans von Hentig's *The Criminal and His Victim* with James Q. Wilson and Richard J. Herrnstein's *Crime and Human Nature*. The comparison is useful because the works operate at different levels. Von Hentig helped establish victimology by examining the relationship between offender and victim, while Wilson and Herrnstein proposed a broad theory combining incentives, individual differences, development, and social environment. Both books are historically influential and controversial. Their claims should not be accepted without criticism, especially when they risk blaming victims, treating mental illness as a cause of mass violence, or reducing crime to poverty or biological disposition. (Wilson & Herrnstein, 1985)

Crime and Deviance

Deviance refers to behavior that violates social norms, while crime refers to conduct prohibited by criminal law. The categories overlap but are not identical. A behavior can be deviant without being illegal, and some illegal acts may be normalized within a group or organization. Laws also change across time and place. Criminology therefore studies not only why people violate law but how societies define, enforce, and respond to offenses. A theory focused only on the offender can miss lawmaking, institutional power, victims, and social reaction.

Hans von Hentig and the Birth of Victimology

Hans von Hentig was a German-born criminologist who later worked in the United States. His 1948 book *The Criminal and His Victim* challenged the assumption that crime could be understood by studying offenders alone. He examined what he called the criminal-victim dyad and argued that the characteristics, actions, and circumstances of victims sometimes influence how an offense develops. This shift helped create victimology as a field concerned with victimization, risk, experience, rights, and institutional response. (Hentig, 1948)

The Criminal-Victim Dyad

Von Hentig treated crime as an interaction rather than a one-directional event. In some cases, offender and victim know one another, exchange threats, participate in a dispute, or move through

roles that change over time. This insight remains important in research on intimate partner violence, repeated victimization, fraud, and interpersonal conflict. It does not mean that all victims contribute to their victimization. Many crimes involve surprise, coercion, structural vulnerability, or deliberate targeting without any meaningful provocation. Interaction must not be confused with shared moral responsibility.

Victim Typologies

Von Hentig classified victims according to age, sex, psychological state, social position, and other features he believed affected vulnerability. Some categories reflected the assumptions and language of his period and would now be considered stigmatizing or overly deterministic. Typologies can help identify risk patterns, but they can also turn demographic characteristics into presumed weakness or blame. Contemporary victimology uses population data, situational analysis, and survivor accounts while recognizing that risk is produced through offenders, environments, inequality, and institutional failures as well as individual circumstances.

Victim Precipitation

The idea of victim precipitation suggests that a victim's action may initiate or intensify a sequence leading to an offense. It has been applied to homicide and assault research, but it is ethically dangerous when used carelessly. A person may argue, drink alcohol, take a risk, or make a poor decision without consenting to violence. The offender remains responsible for the criminal act. In sexual violence and intimate partner abuse, victim-precipitation language has often reinforced harmful myths. Researchers should distinguish causal sequence, risk exposure, and legal or moral responsibility.

Victim-Blaming Concerns

Victim-blaming asks why the victim did not prevent the crime while giving insufficient attention to the offender's choices and the systems that enabled harm. It can affect police response, healthcare, court credibility, and social support. Von Hentig's work opened a valuable field but also contributed concepts that can be misused. A modern reading should retain the study of interaction and vulnerability while rejecting any inference that age, gender, disability, poverty, or behavior makes a person deserving of victimization.

Victimology After Von Hentig

Later victimology expanded to include victim surveys, repeat victimization, routine activities, trauma, procedural justice, compensation, restorative justice, and victims' rights. National surveys identify

crimes that never reach police records. Research examines how institutions can produce secondary victimization through disbelief, delay, invasive questioning, or poor communication. The field also studies differential risk connected with occupation, neighborhood, relationship, and social inequality. This development shows that von Hentig's central question was productive even where his classifications became outdated.

Wilson and Herrnstein's Project

James Q. Wilson and Richard J. Herrnstein published *Crime and Human Nature* in 1985. They sought a general account of individual criminal behavior that considered rewards and costs, constitutional factors, intelligence, temperament, family, school, and social environment. The book challenged theories explaining crime only through poverty, inequality, or social structure. Its ambition was to connect biological, psychological, and sociological evidence. Critics objected that some claims overstated inherited or individual differences and could support punitive or unequal policy.

Choice, Rewards, and Costs

Wilson and Herrnstein described crime as behavior influenced by expected rewards, immediate gratification, probability of punishment, and the individual's ability to delay satisfaction. This is sometimes described as an operant-utilitarian approach because behavior is shaped by consequences and perceived utility. The theory does not assume that offenders perform perfect calculations. People may respond to immediate rewards while discounting future punishment. Opportunity, emotion, intoxication, peers, and habit can alter the decision.

Present Orientation

A central theme is that people differ in how strongly they value immediate versus delayed outcomes. Someone highly focused on immediate reward may be more likely to take property, retaliate, or violate rules when the benefit is visible and the future cost uncertain. This idea overlaps with later self-control theories. It can explain some impulsive offenses, but it is less complete for carefully planned corporate crime, organized violence, state crime, or offending carried out over long periods. Present orientation is one factor, not a definition of criminality.

Biological and Constitutional Factors

Wilson and Herrnstein considered biological and constitutional influences, which made the book controversial. Contemporary criminology accepts that behavior emerges through interactions among biology, development, environment, and experience. No gene or physical trait determines crime. Genetic associations are probabilistic, mediated by context, and easily misrepresented. Biological

research must account for population stratification, measurement, ethics, and the historical misuse of science to justify racial and class hierarchy. Individual differences should never be used to presume guilt or dangerousness.

Intelligence and Crime

The book discusses intelligence and school performance as factors associated with offending. Such associations require caution. Test scores are influenced by education, poverty, language, disability, discrimination, health, and opportunity. Lower measured performance does not produce crime directly. People across the intellectual range commit offenses, and complex white-collar crime may require planning and skill. Educational difficulty may increase exclusion or reduce legitimate opportunity, but institutional response matters. Labeling a student as naturally criminal can become a self-fulfilling process.

Family and Development

Wilson and Herrnstein emphasize early family experience, supervision, consistency, attachment, and discipline. Developmental research supports the importance of caregiving and childhood environment, but parents do not control every outcome. Poverty, neighborhood violence, school quality, disability, trauma, and peer networks affect families. Harsh punishment can increase aggression rather than teach self-regulation. Effective support includes stable relationships, nonviolent discipline, economic security, education, and early services without treating families as the sole cause of crime.

Social Organization

Although the title emphasizes human nature, the theory includes social context. The availability of criminal opportunity, strength of institutions, peer norms, employment, and certainty of consequences influence behavior. Communities with weak services or concentrated disadvantage may experience higher violence without residents possessing a different human nature. Structural conditions shape exposure, stress, informal control, and legitimate opportunity. Individual and social explanations are not mutually exclusive.

Mental Illness and Violence

The original essay claims that depressed or mentally “unfit” people commit mass killings. This is unsupported and stigmatizing. Most people with mental illness are not violent, and they are more likely to be victimized than to harm others. Serious violence is associated with multiple factors that may include prior violence, access to weapons, substance use, grievance, domestic abuse, social

context, and acute crisis. Mental-health care is important, but explaining mass violence primarily through diagnosis misdirects prevention and discourages help-seeking.

Guns and Opportunity

Access to a firearm can affect the lethality and speed of violence, but gun availability alone does not explain motive. A situational analysis asks how weapons, targets, guardianship, conflict, and legal regulation interact. Theories of opportunity are useful because prevention can change environments even when underlying motivation remains. Secure storage, threat assessment, domestic-violence enforcement, and interruption of access during acute risk can reduce harm. Policy should be based on evidence rather than stereotypes about mental health.

Poverty and Crime

The original essay says many crimes occur because offenders lack resources. Economic deprivation can increase stress, reduce legitimate opportunities, and expose people to high-risk environments. It does not make poor people naturally criminal, and most people experiencing poverty do not offend. Wealthy individuals and organizations commit fraud, corruption, environmental crime, and exploitation. Recorded crime is also shaped by policing and enforcement priorities. A complete theory examines inequality and opportunity without reducing crime to material shortage.

Labeling Theory

Howard Becker's labeling perspective focuses on how social reaction and institutional labels can create deviant identity and continued exclusion. Arrest, conviction, school discipline, or public stigma may restrict employment and social bonds, making lawful reintegration more difficult. Labeling theory does not claim that the justice system creates every initial offense. It explains how response can amplify deviance and why similar conduct is labeled differently across groups. This perspective complements the two books by adding institutional power and social meaning. (Becker, 1963)

Control Theory

Travis Hirschi's social-bond theory argues that attachment, commitment, involvement, and belief connect people to conventional society and reduce offending. The original essay calls communal control a practical solution. Strong social bonds can be protective, but community control can also become exclusionary or oppressive. Prevention should build supportive institutions, meaningful education, work, family relationships, and fair law rather than rely on surveillance or shame alone.

Comparison of the Unit of Analysis

Von Hentig focuses on the relationship and circumstances surrounding an event. Wilson and Herrnstein focus more on the individual's propensity and response to rewards and costs. The former asks how victim and offender roles interact; the latter asks why one person may be more likely than another to choose crime under similar opportunity. Both approaches can overlook broader political and economic structures if used alone. An integrated explanation includes person, relationship, situation, community, and law.

Comparison of Method and Evidence

Von Hentig drew heavily from cases, legal experience, and typological reasoning. Wilson and Herrnstein synthesized research across disciplines but made broad inferences that remain contested. Neither work meets every expectation of contemporary causal research. Historical texts should be evaluated for conceptual contribution, evidence quality, assumptions, and the later research they inspired. Influence is not the same as accuracy.

Agency and Determinism

Both books risk deterministic interpretation. Victim typologies can suggest that vulnerability produces victimization, while individual-difference theories can suggest that some people are naturally criminal. Probabilistic language is essential. Risk factors change likelihood, not destiny. Human behavior includes choice, but choice occurs under unequal constraints and incomplete information. Ethical criminology avoids both total determinism and the claim that context never matters.

Policy Implications of Von Hentig

A constructive victimological policy identifies repeat-risk situations, improves safety, provides trauma-informed services, and changes environments without blaming victims. Examples include safer transport, fraud education, protective orders, confidential shelters, workplace safeguards, and responsive policing. Prevention messages should focus on offender accountability and institutional duty. Victims deserve assistance regardless of whether they followed recommended precautions.

Policy Implications of Wilson and Herrnstein

Their framework suggests reducing immediate rewards, increasing the certainty rather than cruelty of consequences, supporting childhood development, and changing opportunity. Excessive punishment may have limited effect when it is delayed or considered unlikely. Early intervention should provide

education, family resources, behavioral support, and health services rather than label children as future offenders. Policies based on presumed biological risk would be scientifically weak and ethically dangerous.

Evidence-Based Crime Prevention

Modern prevention uses several levels: developmental programs, focused deterrence, environmental design, violence interruption, treatment, economic support, fair policing, and reentry assistance. A theory can guide one intervention while remaining incomplete. For example, opportunity theory supports target hardening, social-bond theory supports mentorship, and victimology supports survivor services. Programs should be evaluated for outcomes and unintended effects instead of being adopted because they match one intellectual tradition.

Restorative Justice

Restorative processes bring attention to harm, accountability, and repair, sometimes through facilitated participation of victims, offenders, and communities. They are not appropriate or desired in every case, and safety and voluntariness are essential. Restorative justice responds to limitations in theories focused only on punishment or offender traits. It recognizes victims as participants with needs while avoiding a return to victim responsibility for controlling crime.

Strengths of the Two Works

Von Hentig broadened criminology by making the victim visible and examining interaction. Wilson and Herrnstein challenged one-factor social explanations and emphasized development, incentives, and individual variation. Both encouraged researchers to connect theory with actual behavior. Their broad scope created questions that later scholarship could test. The works remain useful when read critically rather than treated as current consensus.

Limitations

Von Hentig's classifications can reproduce stereotypes and victim-blaming. Wilson and Herrnstein's treatment of biology, intelligence, and human nature can understate structural inequality and invite deterministic policy. Both works reflect the periods in which they were written and give limited attention to gendered violence, state crime, corporate crime, racialized enforcement, and colonial power. Contemporary criminology must include these dimensions.

Conclusion

The Criminal and His Victim and *Crime and Human Nature* offer distinct but partially complementary perspectives. Von Hentig examines victim-offender relationships and helped establish victimology. Wilson and Herrnstein explain criminal behavior through rewards, costs, individual differences, development, and environment. Neither theory justifies blaming victims, stigmatizing mental illness, or treating poverty and biology as destiny. Crime emerges through interactions among people, opportunities, relationships, institutions, inequality, and law. The most useful modern approach takes insights from both works while testing them against evidence and grounding policy in prevention, fairness, accountability, and respect for victims. (Walklate, 2018)

References

Becker, H. S. (1963). *Outsiders: Studies in the sociology of deviance*. Free Press.

Hentig, H. von. (1948). *The criminal and his victim*. Yale University Press.

Walklate, S. (2018). *Handbook of victims and victimology* (2nd ed.). Routledge.

Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature*. Simon & Schuster.