The Rediscovery of the Offender: Is there a Revitalization of Individualistic Theory?

Individualistic criminology is looked upon as ‘conservative’, if not traditional and outdated. Equally, those who openly focus on the offender risk being labelled as followers of Lombroso, not to mention being object to further stigmata. This would be the case even more so if it were confirmed – as Sessar assumes in his critical draft ‘Zu einer Kriminologie ohne Täter’ (‘On the subject of criminology without offenders’) – that in Northern America in particular new approaches have been tested for years which share the fact that they relativize the primary role of the offender in the process leading to a crime and assign him a context of situation-oriented patterns of action of which the victim is part. However, where there is a victim of crime, there is also an offender not too far away. Even the ‘exchangeability of the offender’s and victim’s roles’ discussed by Sessar, which the offender cannot escape, is proof of this proximity. Relativization of the offender’s role alone does not render ‘a criminology without offenders’ tenable. Such a concept mainly operates within reach of situation-oriented technical prevention.

Although the concepts of the early positivist theorists lost popularity long ago, ‘a renewed interest in the idea that the origins of crime lie in unchangeable characteristics of individuals’ is currently able to be observed.

The issue deserves attention not least for this reason. For in view of the perpetual recurrence of natural law or, in criminological terms, after the much cited ‘rediscovery of the victim’, why should the offender not be rediscovered too, and why should such an issue not experience a certain renaissance? As is known, scholars of humanities, on the one hand, also take part in the multi-disciplinary criminological discussion and might contribute substantially to the offender-oriented perspective. On the other hand, last year’s spectacular cases involving dangerous sexual offenders and, particularly, the more recent policy of reaction of the US have shown that there exist acute practical needs for more and above all for more detailed information on the offender. This becomes apparent by the ‘ways and wrong ways’ of the more recent sanctioning practice in the USA with its tendency towards an expansion of

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4. According to Lilly et al. (fn.2), p. 36.
long prison sentences, the publicity of stigmatizing compulsory registration of (released) offenders, and the methodical problems of research on punishment and treatment. Moreover, cohort studies which strove for a more differentiated and dynamic perspective have proven the relevance of bonding theories not least by way of life course and life-style analyses. Nevertheless, at present, there is no consensus in criminology about the fundamental processes giving rise to offending behaviour. Criminological research traditions represent, and at the same time also legitimize different levels of explanation, be they of an individual, structural or institutional nature. Merely the question as to their connection remains unsettled.

Additionally, the rarity of a "person-related criminology" does not necessarily diminish its relevance, not to speak of its legitimacy – not only as "a counterweight to the prevailing trends in criminology". Accordingly, the more recent multifarious studies on the socially dangerous criminal offender and the prognosis of his behaviour, on the controversial problem of how to deal with him, and, moreover, on women's crime as well as on the relevance of ethnic origin reveal the dynamic of the issue in the criminological context. The colourful and apparently highly heterogeneous picture, however, still lacks structure. Different problems and complexes of problems, though, furnish points of departure and lead us to how to approach the offender.

For the time being, however, it remains to be seen whether the information to be disclosed will be able to trigger the rediscovery of the offender and possibly also the reawakening of an offender-oriented research perspective or whether it will possibly appear fruitful and promising. Even the possible danger of abuse does not justify any ban whatsoever on thinking.

If one considers not only research into secondary deviance but also into primary deviance as legitimate and fruitful, as I maintain, one cannot altogether ignore the offender-related perspective. One should, therefore, not ponder over or even lecture shamefacedly on personality theory. Rather, the offender should be called by his proper name and the facts known about him disclosed instead. However, those who reject an offender-victim differentiation of roles as being theoretically and politically objectionable from the start do not derive any scientific interest from the offender-oriented perspective either. Little satisfaction is to be gained by merely limiting oneself to the so-called systems management approach (e.g., diversion, deinstitutionalisation etc.) or to analyses of sanctioning practices committed to administrative-criminological concerns – fascinating and important though they may be – nor let alone by scientific interest. They cannot constitute a criminologist’s ‘last word’. Among criminologists there is agreement at least on this point.

Criminality, though generally not a puzzling phenomenon, nevertheless always constitutes a problem. In spite of, or precisely because of, the profusion of available facts the task of clarifying and mastering this phenomenon demands as much scientific effort as ever. This applies to crime both as a social and as an individualistic phenomenon – the issue discussed in the paper at hand.
