

**LL.M. III SEMESTER**  
**Criminal Law Group**  
**Criminology and Privilege Class Deviance**

**Paper Code L-3011**

**DEFINATION AND NATURE OF CRIMINOLOGY**

**Definitions**

Criminology is a combination of two Latin words:  
Crimen – crime  
Logus or logy – science

It is the science or study of crime. It is concerned with the conduct of individuals which is prohibited by society and law. It is a socio-legal study which seeks to discover the causes of criminality and suggests appropriate remedies.

**Definitions by Various Scholars**

**Edwin Sutherland**

Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, breaking laws and reacting towards the breaking of law. (From the above definition it is apparent that criminology is a combination of how the society defines and deals with crime within a social and legal context).<sup>1</sup>

**Donald Taft**

Criminology may be divided into two branches:

1. general
2. specific

Criminology in a general sense is the study of crime and criminals. In a specific sense it seeks to study criminal behavior its goal being to reform the criminal behavior or conduct of the individual which society condemns.<sup>2</sup>

**Webster**

Criminology is the scientific study of crime as a social phenomenon or of criminals and their behaviors and family conditions.

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<sup>1</sup>Sutherland Edwin H., Principles of Criminology, AltaMira Press, 1992.

<sup>2</sup>Taft Donald R. and Ralph W. England, Criminology, Macmillan, 1964, P 17.

Criminology can thus be said to be an academic discipline that employs scientific methodology to study crime, its major forms, its reasons for existence or causation and how the criminal justice system can respond to crime.<sup>3</sup> In its narrower sense, criminology looks at criminal behavior of individuals in society and how they come to be perceived as such i.e. Their social, cultural and economic background. In a wider sense, it looks at how the criminal is dealt with e.g. how he is punished and therefore includes penology.<sup>4</sup>

Criminology as a subject therefore deals with:

- criminal acts;
- the criminal;
- it indirectly deals with the victim of the crime;
- crime causation and theory;
- crime prevention and detection of potential offenders;
- The efficacy of the criminal justice system.

Criminology borrows heavily from other sciences including biology (genetical make up of a criminal) psychology (thinking process of a criminal mind), psychiatry (mental stability and inclination of a criminal), philosophy, general medicine etc.<sup>5</sup>

### **Importance of Criminology**

- I. The most significant purpose of criminology is its concern for crime and criminals. There is a basic assumption that no one is born a criminal. (Check out the Lombroso theory). Reformation is therefore treated as the ultimate object of punishment while “individualization” i.e. according individualized understanding and treatment is the preferred method for such reformation.
- II. It is important for lawyers (when dealing with criminal clients it helps to understand their mind set and particular circumstances for purposes of giving proper legal advice as well as for pursuing a logical line of defense), judicial officers (for purposes of awarding appropriate sentencing, it is important for a judicial officer to not only understand the offender, but the society/community’s perceptions and emotions on given offences), law enforcement officers (for purposes of investigations, prosecutions, surveillance and crime prevention, for those holding criminals such as prison officers), social workers, psychologists, etc to understand the criminal more.
- III. It enhances official understanding of criminals, offenders, the types and prevalence of offences committed, generally or specifically by a class of people or in certain localities. This kind of understanding supported by data is important for crime detection and control. The government is enabled to plan better in terms of allocation of resources towards fighting different types of crimes.

The ultimate object of criminology is to render a crimeless society. (This is of course a very remote possibility especially considering how crimes are created and the fact that sometimes very legitimate behavior i.e. chang’aa drinking is criminalized).<sup>6</sup>

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<sup>3</sup>Webster's New International Dictionary of the English Language, 2d ed., unabridged, G. and C. Merriam Co., 1959.

<sup>4</sup>Garland David, The Oxford Handbook of Criminology, 2nd ed., 1997.

<sup>5</sup>Barner Harry Elmer and Teeters Negley K., New Horizons in Criminology, Prentice-Hall, Inc, 3rd ed., 1959, p 116.

<sup>6</sup>Gaur K.D., Crime Aims and Objects in Criminal Law and Criminology, Deep & Deep Publications, New Delhi

## **Is Criminology a Science?**

Proponents of the view that criminology is not a science base their argument on the standards of quality and validity of what can be classified as science. To this end they argue that the validity of a science is based on two concepts:

- I. Stability i.e. it must be firmly established with unlikelihood of ad hoc and unpredictable changes
- II. Homogeneity, i.e. the quality of being alike all of the same type.

Since crime is not stable, nor is it homogenous, i.e. not all actions amounting to a crime in one jurisdiction will amount to crime in all jurisdictions, it is therefore concluded by the said proponents that criminology cannot be a science.<sup>7</sup>

## **Those Against**

### **George Wilber**

He argued that anti-social behavior in society cannot be scientifically interpreted. According to him, general propositions of universal validity are the essence of a science. Such propositions can only be made regarding stable and homogenous units. Crime is not a stable homogenous unit but varies from place to place and from time to time. What may be regarded as a crime in one jurisdiction may not be a crime in another e.g. abortion, euthanasia, etc.

### **Max Weber**

A German criminologist.

He argued that criminology as a branch of sociology merely researches into components of human behavior without providing for solutions unlike normal sciences. Thus by offering an analysis of criminal acts without puritive answers it merely exposes a situation without a solution and thus cannot be called a science. (What about penology which offers solutions, and arguments for rehabilitation and reintegration into society, decriminalization, which are advanced by criminologists, it is therefore not entirely true that criminology does not offer solutions in any case do all sciences offer puritive solutions).

### **Herman Manheim**

He belongs to the school that argues that criminology is not a science as it has no techniques and methods of its own, and that it borrows heavily from others e.g. medicine, psychology etc. He argues that so far criminology has developed no scientific methodology of its own; its techniques of research are on the whole identical with those used in other social sciences.

### **Ellenburger**

In response to Manheim's arguments; His response is that: - Even amongst the natural sciences there are some like botany and zoology which deal with the study of facts which are not strictly unique and individual and which do not deal with general phenomena. Criminology is based on other social sciences just like medicine is based on anatomy, physiology, physics, chemistry etc. Neither medicine nor criminology is purely theoretical. They have a meaning which derives

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<sup>7</sup>Kenny, Outline of Criminal law, Universal Law publishing Co, 2<sup>nd</sup> Ed, 2004, p. 19.

from their practical application. The justification for medicine lies in the therapeutics and public health and that of criminology in penal reform, penology and prevention of crime.<sup>8</sup>

### **The Concept of Crime**

The concept of crime is essentially concerned with social order. Generally, a crime can be defined as an act fit for serious condemnation or an act that is frowned upon by society it may start off as a moral wrong that is then elevated to a prohibited act for which the society ascribes specific sanctions.

#### **Kenny**

He defined a crime as a wrong whose sanction is punitive and which is in no way remissible by any private person but is remissible by the Crown.

#### **Keeton**

Defined a crime as an undesirable act which the state finds most convenient to correct by the institution of proceedings for the infliction of a penalty rather than leaving the remedy to the discretion of the injured person.

#### **Sutherland**

He defines criminal behavior as behavior which is in violation of criminal law. No matter what the degree of immorality, reprehensibility, or indecency of an act, it is not a crime unless it is prohibited by criminal law. Professor Sutherland further mentions seven attributes of a crime.

- a. Before a behavior can be called a crime there must be certain external consequences or harm. A crime has a harmful impact on social interest.
- b. The external consequences or harm shall be strictly forbidden. Anti-social behavior is not a crime unless forbidden by law.
- c. There must be intention.
- d. Mensrea (a guilty mind) must be present
- e. There must be fusion or concurrence of mensrea and intention
- f. There must be a causal relationship between the legally forbidden harm and the misconduct
- g. There must a legally prescribed punishment.

Difficulties exist in the legal definition of crime such as:

- There is no universal concept of crime
- From time immemorial certain conduct or norms were permissible but these vary with time and place

From a legal point of view crime can be described as:

1. From the nature of the act itself.
  - a. It is a wrong which causes harm
  - b. It is a wrong against the whole community
  - c. It is a wrong that directly threatens the well-being and security of society.
2. From the proceedings (i.e., the process)
  - a. Crime is dealt with through criminal proceedings

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<sup>8</sup>Agnew, R, Toward a unified theory of criminology: Integrating assumptions about crime, people, and society. New York: New York University Press, 2011.

- b. It is an illegal act whose proceedings are initiated, stopped or pardoned by the state.  
(role of AG, etc)
3. From the consequences
- a. It is a wrong whose sanction is punishment
  - b. It is a wrong whose sanction is punitive and for which the state decides on the proceedings and the nature of that punishment.

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