

# Example of a contemporary criminal case criminology essay



**ASSIGN  
BUSTER**

With the swelling rate of globalization, there is a pro rata emergence of more complex issues in the area of crime than it was in the last two decades. This has been facilitated by the net effect of the globe trotting, inventions in the information technology, use of internet among other factors enhancing the globalization process. There is therefore a simultaneous need to contextualize the application of the theories of crime in the handling of the emerging trends of crime.

There are two types of cases: Civil and Criminal cases. A criminal cases is a case in which, for instance, the government punishes an offender for doing an act that has been classified as a crime. In normal circumstance, it is the prosecutor who initiates and controls the case. The prosecutor has to prove the defendant's guilt beyond reasonable doubt. On the other hand, a civil case revolves around the legally stipulated duties and rights of individuals towards each other.

What is crime? Regoli and Hewitt (2009) defined crime as an intentional act of criminal law and which is punishable by the state. It also entails an omission to act for instance evasion of tax. Some of the acts, which are elsewhere referred to as felonies, constitute the criminal cases: Murder, manslaughter, rape, sodomy, robbery, larceny, arson, burglary and mayhem.

### Theories of Crime

There are several theories of crime that have over time and across space been used in the explanation of the nature of crime, its causes and all other nuances surrounding the subject. Some of these theories include the classical theory, sociological theories, social conflict theory, labeling theory,

<https://assignbuster.com/example-of-a-contemporary-criminal-case-criminology-essay/>

biological and psychological theories. The social conflict theory states that people commit crime because the law defines their actions as illegal while the labeling theory purport that people commit crime because they have been labeled as having criminal tendencies. To justify this position, they go ahead to defy the law. The biological theories on the other hand take a different perspective. In this perspective, it is believed that the predisposition to commit crime is innate, biological, neurological and biochemical. The other group of theories, the psychological theories, postulates that people commit crime due to personality problems developed and entrenched during childhood (Rawlins, 2005). Apart from the perspectives concerned with the cause of crime, others deal with the control and the rehabilitative possibility of the offender with regard to their environment and relationships with others. The classical theory stresses punishment and deterrence is the basis for crime control. It therefore seems that the last two group of theories are more applicable the explanation of cause and handling of the emerging and contemporary criminal cases.

In another perspective, yet addressing the same issue, theories of crime could yet be classified according to different consideration. In his Criminology, Larry J. Siegel grouped considered crime theories either as based on individual traits, social structure and political economy. As a result, he came up with trait theories, developmental theories, rational choice theories, strain theories, social learning theory and behavioral theory. In this discussion, it has one of the groups of crime theories have been used to explain the problem of rape.

Rape as a Contemporary Criminal Case

<https://assignbuster.com/example-of-a-contemporary-criminal-case-criminology-essay/>

This is probably one of the most palatable subjects in the lens of crime. The question to be answered here are, among others, the definition of rape, facts on rape and the underlying theoretical explanations of the crime. From the beginning, it should be understood that the question of rape is of multidisciplinary concern: Law, psychology, sociology, biology, anthropology and other social sciences. Every field has a unique definition of rape. From the legal perspective, rape is defined as the “ vaginal, anal or oral penetration involving force, lack of consent or threat of force” (Marvasti, 2004, p. 26). Elsewhere, rape has been defines as a form of sexual intercourse against the wish of the victim or by threat of harm. From the clinical perspective, most practitioners contend to the definition that rape is any form of forced sexual contact. In psychology, penetration is not considered as a necessary aspect in the definition of rape. This latter perspective includes the ‘ robbery of one’s psychological safety’.

Rape is classified according to different perspectives. One of such perspectives is the primary motivation of the rapist (Groth, 1979). As a result we have anger rape, power rape and sadistic rape. As the name implies, ‘ anger rape’ characterizes an angry rapist as the reason for forcing sexual penetration. The second category has to do with ends of control and power as the primary motivators of the perpetrator. In psychological terms, it has also been discovered that there are people who get sexual stimulation by looking at a helpless nude person after which they could go ahead and exploit the (for example) tied up person. The last category is almost like the second one but the application of the physical force is the stimulation factor as opposed to the look of a helpless person. In summarizing the reasons for

and explanation for rape, Hazelwood (1995) proposed a six-model typology comprising of power-reassurance, power-assertive, anger-retaliatory, anger-excitement, opportunistic and gang rape. All these models are psychologically grounded.

According to Marsh and Melville (2006), rape is a manifestation of the differential inequalities between men and women. Most of the rape cases are performed by men who, as it shall be demonstrated, have psychological predispositions to do so. It should be understood from the onset that in almost all jurisdictions, rape is a crime. There are however many perspectives in the definition of rape; which I think are end-specific. It would greatly depend on whether one supported the crime or not. Some scholars insist that definition of rape has to involve vaginal sex since it is only through it that conception could happen. This therefore disqualifies the concept of 'anal rape'. According to Marsh and Melville (2006), rape is found in all cultures.

In Gottfredson and Hirschi (1990), for rape to occur, there has to be some necessary conditions. They wrote that there have to be the rapist. Secondly, there have to be a victim who proves attractive to the rapist. Most authorities agree that rape could be prevented through cautiousness in entering vulnerable settings with strangers or even casual acquaintances. According to Golden, Peterson, Peterson, Hilgencamp, Harper and Boskey (2010), those people who exhibit alcohol use, coercive sexual fantasies, antisocial tendencies, and hostility towards women, are likely to commit rape. It also includes those people that witnessed family violence during

their childhood, those who associate with highly delinquent peers and those who emanate from emotionally unsupportive families.

### Effects of Rape

The rape trauma syndrome is probably the most expressed effect after rape. There may be withdrawal symptoms which could sometimes lead to attempts of suicide. On the part of the other partner where there was an existent relationship; there are immense feelings of fury and need to retaliate for the victim. Just like any other form of crime, rape has long-term societal impact especially in the manifestation of degradation in social fabric.

### Statistics on Rape

In the United States of America, rape statistics is collected by the Department of Justice (DOJ) and Centers for Disease Control (CDC). In addition, studies and researches in universities also provide valuable information regarding rape. There is an additional wealth of information obtainable from the statistics on crime. It should be realized however that rape statistics are very hard to compile and that they change depending on the type of definition attached to rape.

A National Violence Against Women Survey (NVAWS) revealed that one out of 6 women and one out of 33 men in the U. S. have experienced either an attempted or complete rape. It was noted that young women were at a higher risk of being raped. To demonstrate this, the DOJ conducted a survey in 1998 in which it was found out that out of the whole sample, those under the age of 12 represented 22% prevalence while those under 18 and 25

years respectively represented a 54% and 83% prevalence. Yet another Youth Risks Behavior Surveillance System (YRBSS) survey of 2005 found out that a nationwide 7. 5% of high school students had been sexually exploited by force. The rates for girls were higher than those of boys. According to Golden et al. (2010), most women are raped by people they know.

### Contemporariness of Rape

As pointed out in the introduction, there are several forces of globalization one of them being the information technology. This has necessitated the flow of information and the sharing and viewing of erotic images which has seen an increase in the rates of rape. The U. S. was reported to be the leading country with rape cases in the industrialized world. According to Allison and Wrightsman () the U. S rates were 13 times more than those of England, 4 times those of West Germany and 20 times those of Japan. There are also other factors leading to the centrality of rape as a social policy issue; the fact that concepts of ‘ hyper-masculinity’ in which men still feel they could punish women despite the empowerment campaigns.

### Theories of Rape as a Crime

Rape is quite an emotive subject because of the effects it has on the victim. Many people therefore fail to understand why people rape others. To bridge this gap, theorists have thus made propositions on what are the causes of rape or rather underlying explanations. As earlier indicated, there are many theories on crime. Regarding rape, there are equally many theories which have been put forward to explain the evil. In this piece of writing, this

explanation ha been attained through a navigation upon the psychological  
<https://assignbuster.com/example-of-a-contemporary-criminal-case-criminology-essay/>

theories of rape. These are founded on the fact that every rapist has a collection of personality, attitude and cognitive qualities which characterize their nature of deeds (Allison & Wrightsman, 1993). In other words, all rapists have the propensity to rape; it is not by chance that they commit rape. For example, some men have intense feelings of hostility and anger towards women. It has also been demonstrated beyond reasonable doubt that increase in pornography has led to increased rape cases in the United States of America.

In explaining the reason as to why men commit rape, Thornhill and Plamer (2001) wrote that male members of most species are always more eager to mate than the female members of the same species. As a result, the females choose from among the competing males the specific male to mate with. It therefore means that the only way to actually mate with a female is after being chosen from many. According to the duo, rape is the male circumvention of the female's choice. This view however does not only represent a psychological predisposition but also a biological sex selection.

Rape is not only a product of great psychological disturbances on the part of the rapist but also a strange and abnormal act (Allison & Wrightsman, 1993). To put it in other words, rape is a psychopathological issue that results from the developmental history of the rapist and his current efforts. Interestingly, other studies have shown that some women have innate feelings of wanting to be raped. Research also points out towards the Freudian psychosexual development of the kid with specific focus on his relationship with the mother. The general tenet is that if there existed elements of sexual

seductiveness and arousal during childhood, this could be later expressed as  
<https://assignbuster.com/example-of-a-contemporary-criminal-case-criminology-essay/>



unquenchable desire for sexual fulfillment. In the same case, the father is described as having been aloof and distant while the mother being very protective, dominant and seductive.

Psychology is made up of several types of domains such as perception, remembering, understanding among others. To demonstrate that rape is a psychological issue, the effect pornography illustrates so. By perpetually viewing pornographic images, the mind is set to always remember what it was seen thus creating more yearning to fulfill the sexual fantasy. As a result, societies that have pornographic permissiveness experience a proportional number of rape cases. In legal perspectives, rape represents an extrapolation of legitimate violence in society. By combining the above two propositions, then it is true that criminal rape is partly as a result of depiction of women as sex objects

## Conclusion

The rising trends of globalization have led to yet other trends in the manifestation of compliance or deviance of law. For instance, the growth in the information technology and internet use has necessitated the flow of information which has led to a vast spread and shared beliefs about sex. An example of such wrong beliefs is the notion that women are objects of sex. As result, there have been rising cases of rape especially in nations that are technologically industrialized.

This premise seems to tally with the provisions of the theories of crime with a special emphasis on the psychological theories. In them, it is stipulated that rape feelings are a consequence of innate feelings which were gained  
<https://assignbuster.com/example-of-a-contemporary-criminal-case-criminology-essay/>

during childhood and sustained at adulthood. Interestingly, although on a remote scale, there are women who posse innate feelings and the urge to be raped. Therefore, a close investigation of these theories leads to a conclusion that to effectively understand the case of rape as a crime, the psychological perspective has to be taken into account.