

Should serious sex offenders be castrated? essay sample



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Abstract

Sexual aggression, though not new to the human society, has become a clear form of contemporary society's illness and a major threat to human health in this era of numerous sexually transmitted diseases (STDS), including Aids. Legislators, psychiatrists and law enforcement authorities have long debated the most efficient and effective method of stopping sex criminals from becoming repeat offenders (Laws 2000).

Many states have proposed some type of legislation regarding castration for sexual offenders. For example, in Texas, a voluntary castration bill for repeat sexual offenders was introduced recently. Other states have introduced similar statutes which have failed to pass the state legislature and become law. In 1995, approximately sixteen states were considering chemical castration for sex offenders. Making the debate even more uncertain is the fact that involuntary castration has been rendered unconstitutional by the United States Supreme Court (Laws 2000).

Castration - An effective strategy

There is public outrage over the repeated crimes of convicted sex offenders. In case after case, offenders known to be dangerous are released, only to be arrested again for yet another crime. States are passing tougher laws, and some authorities are even recommending castration.

The criminal justice system in America focuses on the incarceration and incapacitation of sex offenders'. Obviously; sex offenders who are handicapped cannot commit crimes against innocent citizens. However, almost all sex offenders are inevitably returned to society. In Britain each

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year, approximately 800 of its 3, 000 convicted sex offenders are released back into society (Allen 1996).

A study in the state of Vermont considered three issues in determining whether traditional sex offender treatment was working in that state. The study asked:

1. Is treatment effective in reducing re-offenses?
2. Is treatment cost effective?
3. Is treatment effective in addressing the needs of victims? (Allen 1996)

The study concluded that treatment does in fact work to some degree.

Although treatment does not work equally with all offenders, under the right conditions treatment was found to be helpful.

Studies of traditional treatments in Britain showed a low success rate (Allen 1996). For highly deviant child molesters, the success rate is stated to be only twenty-five percent. In fact, the same study found that twenty-five percent of the convicted criminals re-enter society with increased contempt for their victims. Even more disturbing, the study found that many of the traditionally treated criminal is likely to re-offend. (1)

Programs which rely upon the use of chemical treatments for sexual offending, including chemical castration, still have powerful proponents (2).

(1) See Robert J. McGrath, *Sex Offender Treatment: Does it Work?*, Perspective Winter 1995, at 24, 24.

(2) See Robbie Morganfield, *Critics Rip Voluntary Castration Legislation*, Hous. Chron., Mar. 31, 1995, at A25.

Such programs have as their basic assumption that many offenders have poor impulse control because of chemical imbalances in their system, and that the use of hormone-depressing chemicals can lower offenders' libido sufficiently to achieve a significant reduction in the likelihood of their committing sexual offences (Allen 1996).

Castration- Is it an illogical Solution?

Arthur Caplan, a bio-ethicist, argues that no one in prison should be allowed to make a decision to remove his reproductive organs (Wilson 2000). One doctor has stated that the involvement of physicians in the castration of child molesters raises a grave ethical dilemma. Public policy generally opposes castration because many people perceive castration as punishment. It should be recognized, however, that voluntary castration is more closely aligned with treatment.

There is no doubt that castration of sexual offenders presses the "hot buttons" of many people in the United States. It is interesting to note that both proponents and opponents use the word "civilized" in advancing and opposing the procedure (Wilson 2000).

Many people have compared surgical castration to Eastern methods of punishment, such as cutting off a thief's hand for stealing. This analogy, <https://assignbuster.com/should-serious-sex-offenders-be-castrated-essay-sample/>

however, is not applicable because surgical castration does not involve cutting off the penis rather it involves removal of the testes. The procedure is performed in this manner because removal of the penis does not result in the lowering of sexual drive. On the other hand, removal of the testes does diminish the sex drive and therefore reduces the pedophile's desire to participate in sexual activity. Similarly, chemical castration reduces a pedophile's impulses to sexually assault others without the negative connotations associated with surgical castration. It is barbaric that a man goes to prison, gets out, and commits the same crime all over again (Wilson 2000).

One possible reservation for doctors surrounds the blurring of the line between punishment and treatment associated with castration. One advocate of the procedure, Dr. Berlin, has stated that he would be opposed to the procedure if it was done for the purpose of punishment rather than treatment. American Medical Association Trustee Nancy Dickey, M. D., also indicates that she would have "immense ethical concerns with court-mandated medical treatment." (Wilson 2000). Obviously, many ethical problems arise when the issue of castration is considered in conjunction with the punishment of sex offenders. However, when it is characterized and used as a form of treatment, it appears to be less controversial.

Finally, there are some physicians who oppose the procedure, even when used as treatment, because they feel it is ineffective. They argue that because rape is a crime of anger and hostility, and therefore decreasing a man's sexual drive by castration will not prevent future crimes (Wilson 2000).

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Castration, for example, might satisfy the public's appetite for revenge, but it has a limited value as a cure because compulsive sex offenders are motivated not only by sex, but also by aggression and impulsivity. Castration would have a significant effect on the sex drive, some effect on aggression, but little effect on impulsivity. In other words, many castrated sex offenders would still pose a danger to society (Wilson 2000).

Conclusion

The criminal justice system in the United States is desperate for an answer to over-crowded prisons and recidivism in its sexual offenders. While the debate continues to rage over the use of surgical or chemical castration on sex offenders, no new studies have appeared to cast doubt on the fact that castration has lowered the rates of recidivism in sex offenders in the European countries. The United States has concerned itself primarily with the constitutionality of castration. Voluntary castration, with certain specific requirements outlined in statutes, appears to jump this hurdle (Tonry 2000).

By studying the European approach to castration, including the wording of statutes, the actual use of the procedure, and its recidivism rates, it appears that castration is not necessarily a "quick-fix" to a difficult problem, but may in fact be a viable treatment alternative in a justice system that has yet to come up with a better answer. Alternative sentencing measures often create uproars, yet some states have already allowed passage of measures that were once considered "questionable." These include notification statutes, registration of sex offenders and mandatory chemical castration. This Comment is not advocating such a "quick fix" approach (Tonry 2000).

In fact, its purpose is to frame the debate surrounding the feasibility of voluntary castration in the United States. Once the public gets past its initial revulsion to the castration concept, voluntary castration appears to be a feasible alternative to a difficult problem.

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