

# Sex Offenders

## Is castration an acceptable punishment?

Last March, Steven Allen Butler, who had raped a 13-year-old girl, asked for surgical castration and 10 years of probation as his punishment instead of imprisonment. The Texas district court initially agreed to his request, but later withdrew its approval after protests by civil liberties groups and the refusal of physicians to perform the procedure. Butler himself had second thoughts about the operation.

While surgical castration is abhorrent because it is physically mutilating, chemical "castration" by administering female hormones has been an accepted treatment for many sex offenders. If

these treatments can really reduce sex crimes, should child molesters have the option of choosing them as punishment instead of serving time behind bars?

Douglas J. Besharov, a resident scholar at the American Enterprise Institute in Washington, D.C., argues that chemical treatment is clinically effective in certain disorders, and ought to be used when offenders choose it voluntarily.

Andrew Vachhs, juvenile justice advocate and widely praised crime novelist, responds that any form of castration fails to address aggression as an underlying motive for sex offenses.

## Yes: Consider Chemical Treatment

BY DOUGLAS J. BESHAROV

Surgical castration has never been very popular in this country, although it has been used sporadically in a number of states for more than 100 years, and was a common remedy in Germany and Denmark as late as the 1960s.

Although many castrated men may be capable of intercourse, the limited research that exists suggests that the repeat-offense rate is low. On humanitarian and civil liberties grounds, however, most experts now oppose the procedure and it is unlikely that many courts will turn to it as an alternative to incarceration—especially since there is a better option.

First tried more than 25 years ago, the use of hormone suppressors—also known as "chemical castration"—has proven highly effective for certain sex offenders. The most common drug used is medroxyprogesterone acetate, a synthetic progesterone originally developed as a contraceptive marketed as Depo-Provera.

According to a 1990 article in the *American Journal of Criminal Law*, this treatment, when given to men, "reduces the production and effects of testosterone, thus diminishing the compulsive sexual fantasy. Formerly insistent and commanding urges can be voluntarily controlled." It creates what another

writer called "erotic apathy." Fifty sex offender clinics in this country now use chemical therapy, and it is even more widely used in Europe.

### Low Recidivism

Carefully conducted research indicates that hormone therapy works—when coupled with appropriate counseling—for most paraphiliacs (sex offenders driven by overwhelming sexual fantasies). Recidivism rates are under 5 percent.

Just as in surgical castration, the subject can still have erections, and many successfully impregnate their wives. For this reason, hormone treatment does not work for antisocial personalities or for those whose sex offenses are motivated by feelings of anger, violence or power. The treatment does not reach the causes of their harmful behavior. Thus, proper diagnosis is essential.

Some may argue that hormone treatment as an alternative to incarceration is too lenient for serious sex crimes. First, it is possible to combine treatment with incarceration. But more importantly, we should remember how frequently serious offenders serve very short sentences. Nationally, convicted rapists serve less than 6 years in jail, and that does not include all those who plead guilty to a lesser offense. For too many offenders, the sexual abuse and violence in prisons merely height-

ens their propensity to commit further crime.

Recognizing the sexual side of some rapes in no way seeks to blame the victim, or denies the violent, hateful aspect of rape. Promoting an apparently effective therapy does not condone the behavior, but it does protect future victims.

Others will oppose using these drugs because, even though they work, they are an invasion of bodily integrity and reproductive freedom. (Side effects include weight gain, hot flashes and hypertension.) But it is more accurate to see them as equivalent to the psychotropic drugs, which include antidepressants, antipsychotics and tranquilizers, now routinely used to treat many mental disorders.

Some would even deny defendants the right to accept the treatment in lieu of imprisonment—because the choice is inherently coercive. Perhaps it is. But the question is this: When faced with the certainty of incarceration, wouldn't we all want to be able to make such a choice? To ask the question is to answer it.

After all the sensationalism, the use of hormone-suppressing drugs, in certain cases, holds great promise for reducing the level of sexual violence against women and children. As a voluntary alternative, it is in both the defendant's and society's interest. ■



## No: Pragmatically Impotent

BY ANDREW VACHHS

As a criminal justice response to the chronic, dangerous sexual psychopath, castration of any kind is morally pernicious and pragmatically impotent. Even if we could ignore the implications of mutilation-as-compensation for criminal offenses, castration must be rejected on the most essential of grounds: The "cure" will exacerbate the "disease."

Proponents of castration tell us: 1) It will heal the offender (and thus protect society), and 2) it would be the offender's own choice.

Violent sex offenders are not victims of their heightened sex drives. Rapists may be "expressing their rage." Predatory pedophiles may be "replaying their old scripts." But any sexual sadist, properly interviewed, will tell you the truth: They do what they do because they want to do it. Their behavior is not the product of sickness—it is volitional.

Castration will not remove the source of a violent sex offender's rage—only one single instrument of its expression. Rapes have been committed with broomsticks, coke bottles—any blunt object. Indeed, most criminal statutes now incorporate just such a possibility.

And imagine a violent rapist whose hatred of women occupies most of his waking thoughts. Imagine him agreeing to castration to

avoid a lengthy prison sentence. Imagine his rage festering geometrically as he stewes in the bile of what "they" have done to him. Does anyone actually believe such a creature has been rendered harmless?

An escalating pattern is characteristic of many predatory sex offenders—castration is likely to produce an internal demand for even higher levels of stimulation.

The castration remedy implies some biomedical cause for sexual offenses. Once fixed, the offender ceases to be a danger. This is nonsense—the motivation for sexual assault will not disappear with the severed genitalia or altered hormones.

In Germany, Klaus Grabowski avoided a life sentence by agreeing to castration. Released, he began covert hormone injections. In 1980, he strangled a 7-year-old girl and buried her body. At trial, his defense was that the castration had removed any sexual feelings, that he had lured the child to his apartment because he loved children and killed her in response to blackmail threats.

### High Predatory Drive

Even the most liberal of Americans have become suspicious of a medical model to explain sex offenders. Such offenders may plot and plan, scheme and stalk for months, utilize the most elaborate devices to avoid detection, even network with

others and commercially profit from their foul acts.

But some psycho-apologist can always be found to claim the poor soul was deep in the grip of irresistible impulse when he was compelled to attack. Imagine the field day the expert-witness fraternity will have explaining how the castrated child molester who later killed his new victims was rendered insane as a result of the castration itself.

Sex offender treatment is the growth industry of the 1990s. Chemical castration already looms as a Get-Out-of-Jail-Free Card.

Castration validates the sex offender's self-portrait: He is the victim; he can't help himself. It panders to our ugliest instincts, not the least of which is cowardice—the refusal to call evil by its name.

Nor can castration be defended because the perpetrator chooses it. Leaving aside the obvious issue of coercion, under what theory does a convicted criminal get to select his own (non-incarcerative) sentence?

America loves simple solutions to complex problems, especially solutions with political utility, like boot camp for youthful offenders. The last thing our cities need is muggers in better physical shape.

When it comes to our own self-interest (and self-defense), the greatest sickness is stupidity. Castration qualifies ... on all counts. ■