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Reintegrative shaming and juvenile delinquency in Japan

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REINTEGRATIVE SHAMING AND JUVENILE DELINQUENCY IN JAPAN

by

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Bachelor of Arts
University of Nevada, Las Vegas
2008

A thesis submitted in partial fulfillment of
the requirements for the

**Master of Arts in Criminal Justice
Department of Criminal Justice
Greenspun College of Urban Affairs**

**Graduate College
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THE GRADUATE COLLEGE

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Mari Sakiyama

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Reintegrative Shaming and Juvenile Delinquency in Japan

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ABSTRACT

Reintegrative Shaming and Juvenile Delinquency in Japan

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The Japanese juvenile justice system has been widely regarded as operating based on the principles of reintegrative shaming. Reintegrative shaming, as opposed to a stigmatizing form of shaming, communicates disapproval of wrongdoing with respect, and emphasizes rehabilitation, reintegration, and restoration. Central to reintegrative shaming at the initial contact point of the criminal justice system in Japan are apology and diversion by the local police. Citing juvenile delinquency cases reported in a major national newspaper in Japan, this study analyzes to what extent the community reacted to the delinquency upon its commission. This analysis helps clarify the juvenile justice process in Japan, and shed light on the theory and practice of reintegrative shaming.

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TABLE OF CONTENTS

ABSTRACT	iii
ACKNOWLEDGMENTS	iv
LIST OF FIGURES	vi
CHAPTER 1 INTRODUCTION	1
Political, Economical, and Social-Cultural Characteristics in Japan	3
Organization of this Paper	6
CHAPTER 2 THEORY AND RESEARCH ON REINTEGRATIVE SHAMING	7
Shame and Reintegration	7
Interdependency and Communitarianism	8
Significant Others vs. Impersonal State	10
Predicted Correlation with Other Key Variables	12
CHAPTER 3 THE RESEARCH CONTEXT OF JAPAN	14
Patterns and Characteristics of Juvenile Delinquency in Japan	14
Laws and the Criminal Justice System Regarding Juvenile Delinquency	22
Debate and Reform of Juvenile Delinquency Policies	31
CHAPTER 4 THE CURRENT STUDY	33
Data Sources and Sample	33
Variables and Measures	35
Analytical Techniques	38
CHAPTER 5 RESULTS	40
Results of Univariate Analysis	40
Results of Bivariate Analysis	45
Results of Multivariate Analysis	48
Case Narratives	51
CHAPTER 6 DISCUSSION AND CONCLUSION	53
Data Limitations	53
Major Implications of the Current Study	54
BIBLIOGRAPHY	57
VITA	65

LIST OF FIGURES

Figure 1	Violent, Property, and Total Crime Rates for Penal Code Offenses per 100,000 Population, 1946-2009	15
Figure 2	Percent Ratio of Cleared Juveniles in the Total Adult Population, 1946-2009	17
Figure 3	Number of Arrested Delinquents, 1980-2009	18
Figure 4	Number of Juveniles Cleared for Penal Code Offenses and Their Rate over 100,000 Population, 1946-2007	19
Figure 5	Percent Ratio by Type of Offense of Juvenile Cleared for Non-Traffic Penal Code Offenses by Age, 2007	20

CHAPTER 1

INTRODUCTION

Restorative justice and the victims' movement have gained increasing global attention in recent decades. Departing from the traditional justice models that focus on the offender (e.g., retributive and deterrence models), the restorative justice model shifts attention to the victim and aims at repairing harms and restoring harmony among individuals and the community (Clear & Karp, 1999; Immarigeon, 1996; Presser & Voorhis, 2002; Van Ness & Strong, 1997). Through cooperative processes with all stakeholders whose interests or relationships are affected by the offense (i.e., victim, community, and offender), restorative justice seeks to restore the broken relationship through rehabilitation, reconciliation and reintegration (Johnstone, 2002).

While the restorative justice model has a relatively brief history compared to other justice models, programs embodying its ideas and ideals can be found in many countries around the globe. Restorative justice is widely practiced in less developed and nonwestern countries such as Africa and Asia (i.e., community mediation, restitution) (Braithwaite, 1999; 2002). It has also gained growing popularity in western developed countries such as in North America (i.e., mediation), and Oceania (i.e., family group conference in Australia and New Zealand) (Braithwaite, 2002; Hudson, Morris, Maxwell, & Galaway, 1996; Latimer, Dowden, & Muise, 2005).

Four critical steps are typically involved in a restorative justice program: Encounters, Amends, Reintegration, and Inclusion (Restorative Justice Online, 2011). Encounters and Amends require offenders to first admit and understand their wrongdoings, and then apologize for and make efforts to change their behaviors.

Reintegration and Inclusion aim at rehabilitation of offenders as well as directing them further away from the criminal subculture (Van Ness, 2002; Hill, 2008). All relevant stakeholders must be present in order for this restorative justice process to complete its course (Green, 2008).

Stemming from this perspective of peacemaking and restorative justice, Braithwaite (1989) proposed a theory of reintegrative shaming. The theory of reintegrative shaming builds upon some of the long standing criminological traditions (e.g., social control theory, social learning theory, labeling theory, subculture theory), and argues that key ingredients to an effective crime prevention and punishment approach lie in two elements: shaming and reintegration. Shaming becomes most potent when the criminal act is condemned, not the actor, and when it is done in a reintegrative, not stigmatizing, style. In addition, social conditions such as interdependency and communitarianism are essential for a successful reintegrative shaming (Braithwaite, 1989).

This study examines the extent and nature of the involvement of juvenile delinquents' significant others (i.e., parents, school, community) in the initial response to delinquency cases. It further assesses the possible impact of the involvement of significant others on police arrest decisions in delinquency cases in Japan.

Japan has been characterized as a model for restorative justice and reintegrative shaming. The widespread use of apology and forgiveness, and its culture of shaming and community involvement in dispute resolution have been widely cited as evidence of reintegrative shaming in practice (Foote, 1992; Haley, 1998a; Johnson, 2002). This restorative approach to justice has long been attributed to the unique political, social, and

economic conditions in Japan. These basic political, social, and cultural characteristics of Japan are summarized below to provide a research context for the current study.

Political, Economical, and Social-Cultural Characteristics in Japan

Japan is the tenth largest country in the world by population with approximately 127 million people. The size of the island is slightly smaller than the state of California, thus making Japan one of the most densely populated countries in the world (Central Intelligence Agency, 2011). Despite of its relatively large population, Japan is well known for its homogeneity with the vast majority of the population being of Japanese ethnicity (98.5%), followed by Koreans (0.5%) and Chinese (0.4%) (Central Intelligence Agency, 2011). In addition, the vast majority of the population in Japan shares a faith in Shintoism (84%) and/or Buddhism (71%) (Central Intelligence Agency, 2011).

After World War II, Japanese politics have been based on the framework of a parliamentary government with a constitutional monarchy (U.S. Department of State, 2010). The Diet serves as the sole lawmaking organ of the state and the Cabinet operates as the government's executive branch (Reichel, 2008). The emperor is identified as the chief of state in the Japanese Constitution, but represents only the symbol of the unity of the people without substantive power in government.

Japan experienced rapid economic growth in the last half of the twentieth century. It is now the third largest economy and the fifth largest exporter and importer in the world. According to the United Nations, the life expectancy in Japan represents the highest globally, and it has the lowest murder rate among the industrialized nations (United Nations, 2010). As a result, Japan has been consistently ranked among the top

countries on the Human Development Index compiled by the United Nations in past decades (United Nations, 2010).

Despite of its remarkable economic achievements in the last half of the twentieth century, Japan has managed to preserve its traditional cultural values. The socio-cultural values such as order and harmony, hierarchy and respect for authority, and collectivism and cultural relativism have been widely argued to have contributed to low crime rates in Japan (Clifford, 1976; Adler, 1983; Fenwick, 1985; Reichel, 2008).

Order and harmony. Partly due to the high density of the population, Japanese people learned to live together through consensus building (Thornton & Endo, 1992). Order and harmony have been placed as a high priority over individual rights and interests. Influenced by Confucianism, which was introduced to Japan from China in the sixth century, the Japanese believed that harmony among heaven, nature and human society can be achieved through individual's acceptance of his/her social role. Conformity to social order by proper behavior is thus expected for all members of the society. The maintenance of order and harmony is primarily done by informal social control (i.e., family, community), because the Japanese believe that order should be preserved by communities and families, not by force or governmental control. This partly explains the cultural practices of confession and surrender to authorities (often accompanied by family members) once an individual has committed a crime (Thornton & Endo, 1992).

Hierarchy and respect for authority. Contributing to the uniquely close-knit and orderly society in Japan is the deep-rooted hierarchical system. This hierarchical system grants individuals with a unique social status based on ranks and seniority, and expects

them to behave according to a rigid set of rules. Japanese hierarchies are based on a variety of social prescriptions and social obligations (i.e., father-son, employer-employee) (Archambeault & Fenwick, 1988). As a result, Japanese individuals are generally submissive and cooperative with the authorities.

Collectivism and cultural relativism. With no doubt, there is a general consensus that Japan is a communitarian society. Individuals derive their self-worth and identity primarily from social relationships (Hamilton & Sanders, 1991). In Japan, as in other Asian countries, the family name always comes before the individual's given names whenever and wherever a name is used. Maintaining the family reputation and honor (i.e., face-saving) is a top priority for every Japanese family (Parker, 1984). The families will do whatever it takes to avoid actions that may bring pain, shame, and punishment on the group that they belong to (Archambeault & Fenwick, 1988; Becker, 1988). This strong group-identification partly explains why the Japanese find sanctions that distinguish themselves from the community to be morally reprehensible (Clack, 2003). The high confession rates and the prevailing submissive attitude to the authorities in Japan are indicative of the value that individuals place on group identity. In fact, the threat of exclusion from the group, rather than fixed punishment, is argued to be the most effective social control in Japan (Thornton & Endo, 1992).

Because of the collective, not individual, oriented society, rules and laws are relative depending on circumstances and social status of an individual. According to Reischauer (1988), standards of morality and ethics are determined by reference to the group rather than to laws or universal principals. This cultural relativism empowers

parents and teachers to discipline their children and students, and also grants law enforcement officers with great discretionary power when disposing cases.

In sum, these unique political, social and cultural characteristics will help understand how and under what conditions family, community, and criminal justice officials respond to juvenile delinquency in Japan.

Organization of this Paper

Chapter 2 will describe the basic tenet of the theory of reintegrative shaming. It will then be followed by a review of previous studies that either utilized this theory as an interpretive framework (Hay, 2001, Miethe, Lu, & Reese, 2000; Murphy & Harris, 2007) or tested its validity in a variety of social and cultural contexts (Zhang 1995; Vagg, 1998; Miethe et al. 2000; Chen, 2002; Zhang & Zhang, 2004; Ttofi & Farrington, 2008).

Chapter 3 will focus on juvenile delinquency and its legal processes in Japan. Major patterns and characteristics of juvenile delinquency will be described, and the basic criminal laws and criminal procedure laws pertaining to shaming and reintegration will be reviewed. Chapter 4 will first state the research questions, and then describe the data sources, and data collection and coding procedures. Major dependent, independent and control variables along with the coding scheme used in the analyses will also be described. Chapter 5 will analyze the data using univariate, bivariate and multivariate statistical models. Chapter 6 will summarize the research findings and discuss major theoretical and practical implications derived from this study.

CHAPTER 2

THEORY AND RESEARCH ON REINTEGRATIVE SHAMING

The theory of reintegrative shaming has gained increasing attention among scholars and policy makers in the West since its publication in 1989. Part of the reason for its growing popularity is the failure of prior criminological theories in explaining crime and offering solutions to crime (Braithwaite, 1989). Informed by previous crime theories, criminal behaviors are either learned, or precipitated by a negative label, or committed by rationally motivated individuals. This disjunction of punishment or rehabilitation policy has been applied in past decades, but did not seem to significantly generate positive impact on preventing criminal activities and reforming criminal offenders.

The theory of reintegrative shaming, in contrast, offers a comprehensive solution to this problem. The theory claims that a potent solution to the crime problem involves two key ingredients: shaming and reintegration. Critical individual and social conditions along with the nature of shaming and reintegration, as detailed in the theory of reintegrative shaming, are described below.

Shame and Reintegration

Shaming and reintegration are two primary components of the theory of reintegrative shaming. Shaming refers to the disapproval of the deviant act. Braithwaite states that “tolerance of deviance has definite limits” in low crime societies (Braithwaite, 1989, p. 8). Braithwaite suggests that shaming is guilt-induced, typically resulting from disapprovals and admonitions of external referents like parents and neighbors (1989, p. 57). Shaming can be expressed in subtle body language (e.g., frowning, turning of the

head on the opposite direction, or shaking of the head). It can also involve a verbal confrontation, both direct (e.g., offender admonishing) and indirect (e.g., gossip). Also, it can take place in either private or public locations. While most shaming is conducted informally by significant others (e.g., a family member, a teacher, a friend), it is also frequently done by legal officials (i.e., a police officer, a judge, a correctional officer) (Braithwaite, 1989, p. 57-61). In addition, shaming and its effect can be culturally and contextually specific. For example, gossip may be taken very seriously in a communitarian society such as Japan, but may not have any impact in an individualist society such as the United States (Braithwaite, 1989).

Reintegrative shaming is antithesis to shaming that is stigmatizing in nature (i.e., labeling theory by Becker [1973] and Lemert [1976]). Stigmatization involves an ongoing procedure of shaming during which the individual offender is labeled as an evil person and is socially rejected. On the other hand, reintegrative shaming condemns the deviant act but it does not condemn the actor, thus making it less likely to turn the offender into an outcast and push the individual further into the criminal subculture.

Interdependency and Communitarianism

Braithwaite argues that not all reintegrative shaming is equally effective, and that only when it is done in a communitarian context and administered by significant others, can shaming be reintegrative and potent. Braithwaite (1989, p. 85) states that “Communitarianism and interdependency are highly related concepts.”

Communitarianism is used to describe a characteristic of societies. Interdependency is the term used to describe individual relationships. While a communitarian society must have individuals with highly interdependent relationships, a high interdependency among

individuals may not necessarily lead to a communal/culture or society. For example, a criminal and a judge have a highly interdependent relationship. However, these individuals may not share a community in any genuine sense of mutual help and trust, but rather as an isolated exchange relationship of convenience. Therefore, according to Braithwaite (1989, p. 85-89), there are three elements to communitarianism: 1) “densely enmeshed interdependency,” 2) interdependency characterized as “mutual obligation and trust,” and 3) interdependency interpreted as a “matter of group loyalty rather than individual convenience.” Communitarianism is therefore the “antithesis of individualism” (Braithwaite, 1989, p. 85-89).

The theory of reintegrative shaming, by utilizing core parts of existing criminological theories (social control, labeling, social learning, and subcultural theory), aroused great interest among scholars and practitioners (Gibbons, 1994). However, due to limitations of the theory (e.g., the lack of specification of conditions and operationalization of key variables) and data (e.g., major programs such as Family Group Conference in New Zealand depicted as a model for reintegrative shaming in practice generated little useful data for empirical verifications of the theory), only a limited number of studies have tested the theory (Blagg, 1997; Braithwaite & Braithwaite, 2001; Hay, 2001; Houts, 1996; Makkai & Braithwaite, 1994; Vagg, 1998; Zhang & Zhang, 2004). Of the empirical studies published regarding the theory, terms, conditions, and aspects of the theory are both specified and expanded, suggesting the versatile and multi-faceted nature of the theory (Hay, 2001).

The current study focused on the extent and nature of the involvement of juvenile delinquents’ significant others (i.e., parents, school, community) in the initial response to

delinquency. It is thus useful to review relevant parts of the theory and studies on reintegrative shaming by significant others.

Significant Others vs. Impersonal State

Braithwaite states that “Shaming by significant others should be more potent than shaming by an impersonal state” (Braithwaite, 1989, p. 87). The term “significant others” refers to family, friends, school, community, and any other individuals and groups that offenders may have an on-going relationship with. In the context of social control, the term “significant others” is used in comparison with an “impersonal state.” The impersonal state refers primarily to agents of the criminal justice system such as police officers, judges, and correctional officers, with whom offenders are likely to have little on-going relationship, and if there is any contact, the contact is likely to be a negative one. Evidence supporting the claim of potent shaming by significant others is presented below.

First, most people care more about the respect and esteem held by significant others than by an impersonal state with whom they have little interactions. According to social control theory, individuals who have more attachment, commitment, involvement, and belief in conventional values are more likely to be law-abiding than those who have less attachment with significant others and little involvement with community activities such as going to school and participating in community activities (Hirschi, 1969; Wiatrowski, Griswold, & Roberts, 1981). For example, a study conducted by Houts (1996) showed that alcoholics were more likely to recover from programs that fostered a close-knit community environment. Families that are more conducive to informal social control tend to manage their behavior better than those that are under formal control,

based on the principles of reintegrative shaming (Sampson & Laub, 1993). Using survey data from the Rochester Youth Development Study, Bennett (1996) found a positive correlation between the level of interdependent relationship among family members and their use of reintegrative shaming. A study conducted by Makkai and Braithwaite (1994) on regulatory compliance in an Australian nursing home further suggests the importance of significant others in carrying out reintegrative shaming. This study found that while a reintegrative disapproval of non-compliance to nursing home regulations was more likely to yield higher rates of compliance than a stigmatizing disapproval, the reintegrative disapproval expressed by inspectors who had a closer relationship with nursing home managers generated much higher compliance rates than those inspectors who had no interpersonal ties with managers.

Second, while disapproving the act, family and community are more likely to express willingness to forgive and reintegrate the offender back into the family/community. This is in direct contrast with shaming done by the state, which most likely involves a degradation ceremony with maximum prospects for stigmatization (Braithwaite, 1989, p. 8-14; Sherman, 1993). Studies on diversion programs, though with mixed findings (Lerman, 1975; Fagan, 1990; Altschuler, Armstrong, & MacKenzie, 1999), tend to show that community-based and other alternative treatment programs are more likely to help reduce recidivism rates and increase successful reintegration rates of the offenders than traditional correctional methods such as incarceration (Bazemore, 2000; Latimer, Dowden, & Muise, 2005; Lu, Zhang, & Miethe, 2002; Miethe, Lu, & Reese, 2000).

Third, Braithwaite argues that shaming is more effective when resorting to the “moralizing qualities of social control” rather than to its “repressive qualities” (1989, p. 9). Within this context, significant others are likely to do a better job in performing this function of social control (i.e., to reason with the offender over the harmfulness of his/her conduct) than the impersonal state because the former is likely to induce a sense of responsibility and moral awakening from the offender, whereas the latter is likely to deny human dignity by treating the offender as “amoral calculators” (p.10). Family Group Conference practiced in New Zealand and Australia represents a good example of successfully expressing community disapproval of the act and instilling moral responsibility upon the offender (Hudson, Morris, Maxwell, & Galaway, 1996; Morris & Maxwell, 1998; Strang, Barnes, Braithwaite, & Sherman, 1999). Similar results were also found in mediation programs in England (Umbreit, Robert, Kalanj, & Lipkin, 1996), China (Lu, Zhang, & Miethe, 2002), and a specialized drug court in Las Vegas, U.S.A. (Miethe, Lu & Reese, 2000). Significant others, as suggested by the literature, seem to be better at instilling the new code of ethics among offenders than the impersonal state.

Given the important role that significant others play in transmitting the message of reintegrative shaming, it is reasonable to assume that when significant others are involved in dealing with juvenile cases, the outcome is more likely to be a non-state intervention.

Predicted Correlation with other Key Variables

There are a variety of punishment philosophies, and each addresses different goals of punishment. For example, retribution represents the just deserts model and reflects the principles of blameworthiness and ‘an eye for an eye’. However, not all individual

offenders respond to retribution the same way. Rehabilitation, in contrast, represents the medical model and aims at reforming and reintegrating offenders back into the community. In this section, how some of the variables for this current study would be relevant according to the theory of reintegrative shaming and prior research is described

Braithwaite suggests that individuals with greater interdependency and attachment are more conducive to reintegrative shaming than those without (1989, p. 29). Literature suggests that age, gender and employment are indicative of attachment and involvement, and older, female, and employed individuals tend to be more conducive to reintegrative shaming than those who are younger, male, and unemployed (Silberman, 1978; Jensen & Erickson, 1978; Lu, Zhang, & Miethe, 2002). Similarly, studies suggest that mediation and community-based correction programs typically target first time offenders due to their high susceptibility to rehabilitation (Rytterbro, 2003; Lucas, 2001).

Offense type and offense severity may also be relevant to the kind of interventions the case receives. Literature on both restorative justice and rehabilitation seem to suggest that minor offenses and non-violent offenses are more susceptible to mediation, peace-making, and reintegrative shaming than serious offenses and offenses involving violence (Lu, et al., 2002; McGarrell, 2001).

It is thus reasonable to predict that in this proposed study, a juvenile delinquency case involving a younger offender (i.e. a middle-schooler), a female offender, and with a minor level severity is more likely to result in the mobilization of significant others (i.e., parent, school, community) in its initial response than a case involving an older offender (i.e., a high-schooler), a male offender, and with a greater level of severity.

CHAPTER 3

JUVENILE DELINQUENCY AND THE LEGAL RESPONSE IN JAPAN

To assess the basic assertions of reintegrative shaming theory in the context of Japan, a review of Japanese laws and practices pertinent to juvenile delinquency will be useful. Chapter 3 first describes the general patterns and characteristics of juvenile delinquency in this country, and it then reviews aspects of the law and criminal justice system regarding juvenile delinquency.

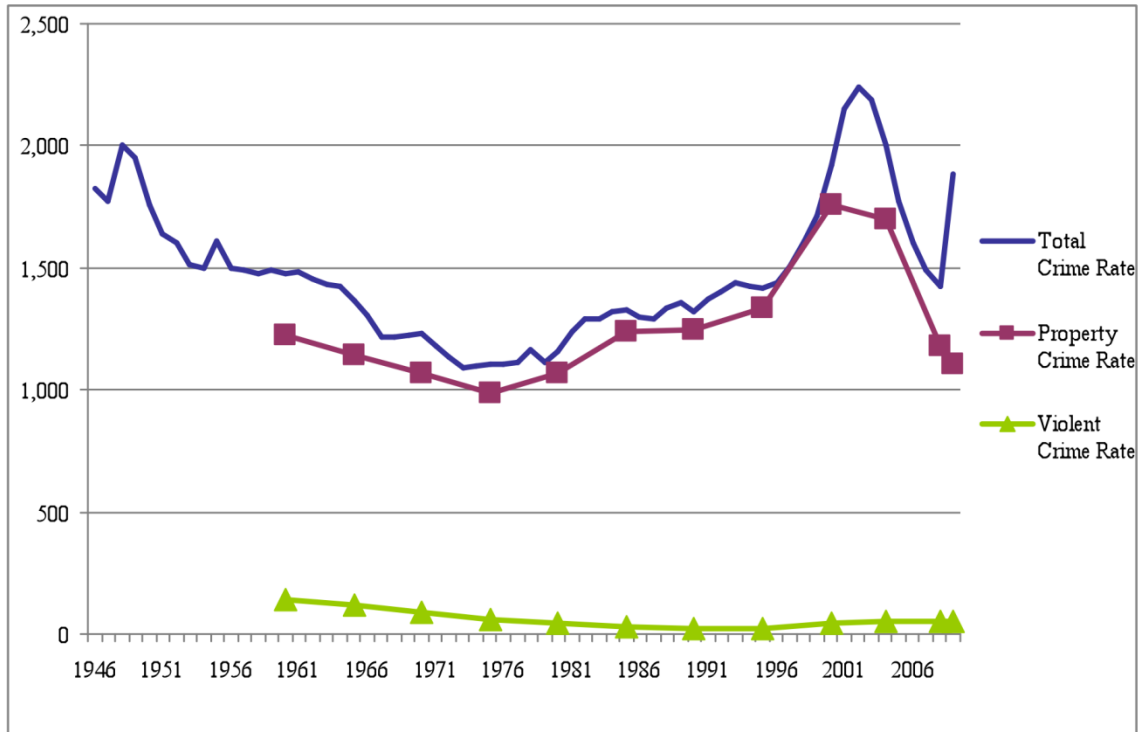
Patterns and Characteristics of Juvenile Delinquency in Japan

Contrary to the overall increasing pattern of crime rates in most Western developed countries, Japan has had remarkably low crime rates after World War II and its major violent and property crime rates have also declined over time. Homicide rate in Japan is one of the lowest in the world, and it is lower than at any time in postwar Japan (Johnson, 2007). Since 1960, the fluctuation of the property crime rates and total crime rates were primarily caused by thefts (i.e., thefts accounted for more than 80% of Japan's Penal Code offenses) (See Figure 1). More importantly, the majority of theft offenses involved minor thefts such as shoplifting and bicycle thefts (Johnson, 2007).

For example, in 2008, the overall crime rate in Japan was 1,424 per 100,000 populations, which was substantially less than the rate in the U.S. (3,667), Germany (7,436) and the U.K. (8,638). The murder rate was substantially low in Japan as well, at only 1.1 per 100,000 populations in 2008, when compared with 5.4 in the U.S., 2.8 in Germany, and 2.3 in the U.K. Despite of its remarkable economic development, property crime rates remained low in Japan. While the theft rate was 1,075 in Japan in 2008, it was 3,212 in the U.S., 2,972 in Germany, and 4,120 in the U.K. (Ministry of Justice, 2010).

Figure 1

Violent, Property, and Total Crime Rates for Penal Code Offenses per 100,000 Population, 1946-2009



Note: 1. "Violent crime" refers to homicide, robbery, injury, assault, and rape.

2. "Property crime" refers to theft, fraud, embezzlement, and arson.

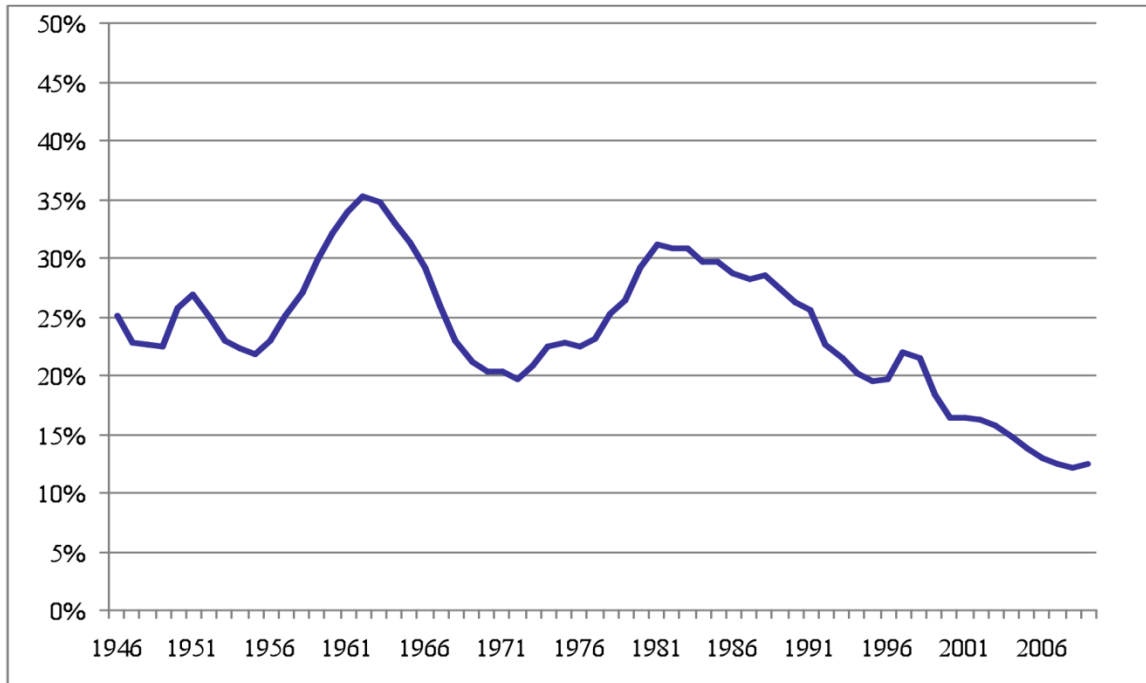
Source: Ministry of Justice, Japan, 2010 (Japanese)

Juvenile delinquency has consistently accounted for approximately between 12% and 35% of the total crime rates in Japan for the past 60 years (see Figure 2). The number of juvenile delinquency incidents remained very low when compared with other developed countries such as the United States. However, serious crimes committed by juveniles are more common today than in the past. The largest increases in juvenile delinquency are for petty offenses such as bicycle theft, even though the percent of Japan's Penal Code violations committed by juveniles aged between 14 and 19 actually reached a twenty-year low (Johnson, 2007; Nawa, 2006).

According to the Japanese Ministry of Justice, there have been four waves of juvenile delinquency in Japanese history after World War II (WWII) (see Figure 3). The first wave peaked in 1951 when records indicated that 166,433 juveniles were charged with crimes. A second wave involved 238,830 juveniles who violated the criminal code around 1964 during a time of rapid economic development and an increased number of teenagers in Japanese society. The third wave peaked in 1983 with 317,438 recorded juvenile offenses. The most recent wave occurred around 1998 (Sano, 2006). These increases took place during a period of economic prosperity and the consequential social changes (i.e., increases in divorce rate and women's participation in the workplace) and resulted in a series of debates about the need to preserve traditional Japanese values (Parker, 2001).

Figure 2

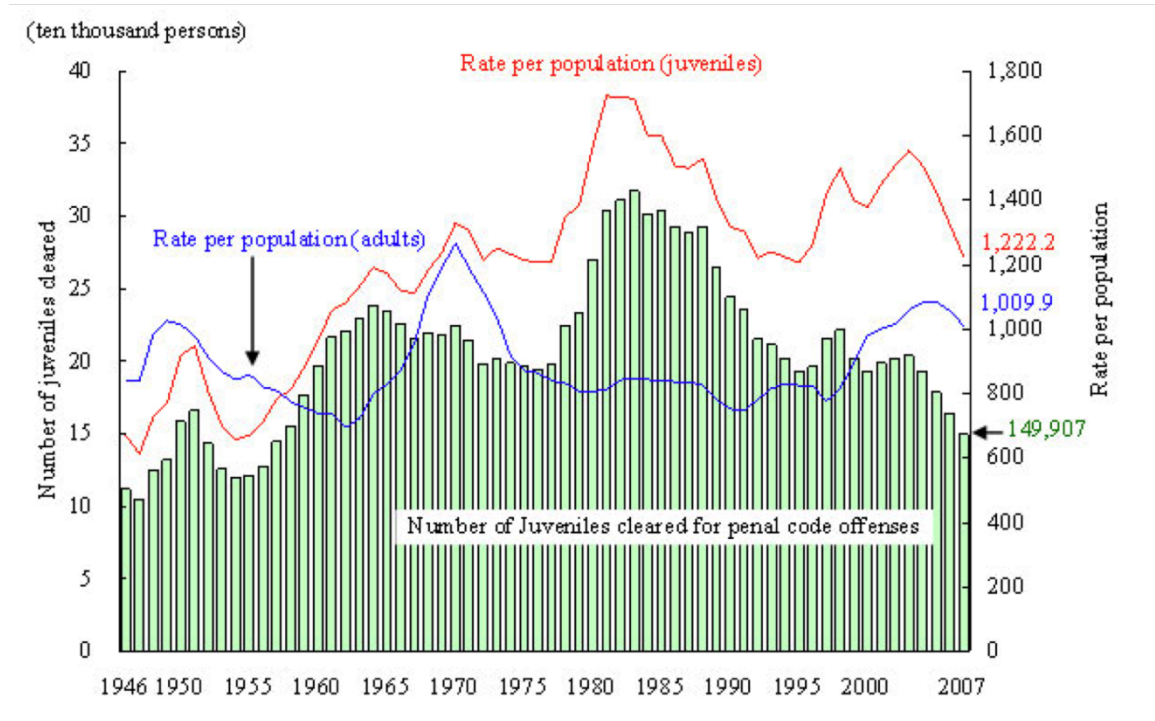
Percent Ratio of Cleared Juveniles in the Total Adult Population, 1946-2009



Note: 1. Including juveniles of illegal behavior who are guided by police.
2. The rate since 1970 exclude those for negligence in the pursuit of social activities in traffic accidents by juveniles of illegal behavior.
Source: Ministry of Justice, Japan 2010 (Japanese)

Figure 3

Number of Juveniles Cleared for Penal Code Offenses and Their Rate per 100,000 Population, 1946-2007

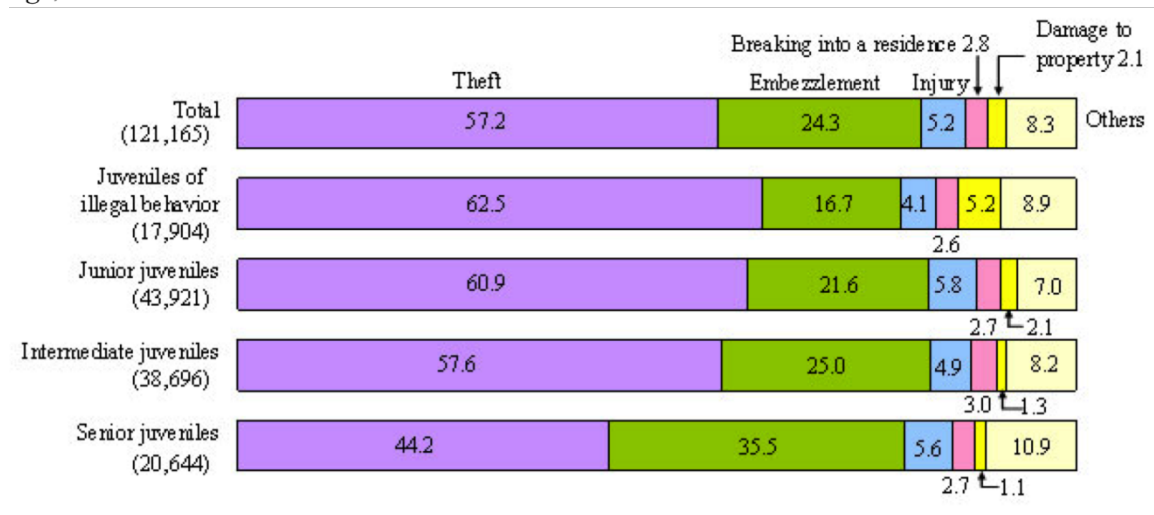


Note: 1. Including juveniles of illegal behavior who are guided by police.
 2. The number and the rate since 1970 exclude those for negligence in the pursuit of social activities in traffic accidents by juveniles of illegal behavior.
 3. “Rate per population (juveniles)” refers to the ratio of juveniles cleared for penal code offenses per 100,000 juveniles aged 10-19, and “Rate per population (adults)” refers to the ratio of adults cleared for penal code offenses per 100,000 adults aged 20 or older.

Source: Ministry of Justice, Japan, 2008 (English)

Figure 4

Percent Ratio by Type of Offense of Juveniles Cleared for Non-Traffic Penal Code Offenses by Age, 2007

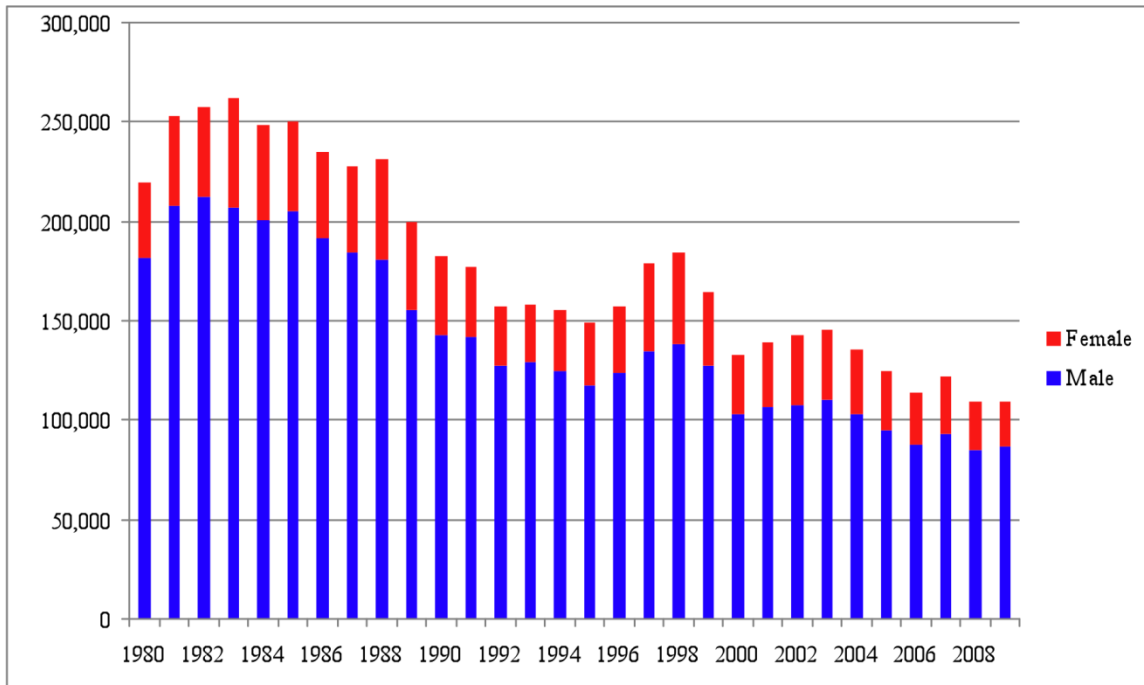


Note: 1. "Juveniles of illegal behavior" refers to those guided by police.
 2. "Embezzlement" includes embezzlement of lost property.
 3. Figures in parentheses show actual numbers.

Source: Ministry of Justice, Japan, 2008 (English)

Figure 5

Number of Arrested Delinquents, 1980-2009



Note: 1. Including juveniles of illegal behavior who are guided by police.
2. The number and the rate since 1970 exclude those for vehicle driving causing death through negligence, etc. by juveniles of illegal behavior.
Source: Ministry of Justice, Japan, 2010 (Japanese)

Overall, nearly 90% of juvenile delinquencies known to the police involved property crimes (i.e., theft, fraud, embezzlement, arson) and less than 10% involved violent crimes (i.e., murder, robbery, injury, assault, rape) (see Figure 4). The most recent data in 2009 shows boys (79%) were far more likely than girls (21%) to be involved in a delinquent act (see Figure 5). This gender difference becomes greater when crime type is controlled. More specifically, boys (88%) were far more likely to be involved in violent crimes than girls (12%) (Ministry of Justice, 2010).

Of the various age groups of offenders, juveniles between 14 and 15 years of age (classified as Junior Juveniles based on the Japanese Juvenile Law, Article 3) were most likely to be involved in delinquency than any other age groups followed by Intermediate Juveniles (16-17), Senior Juveniles (18-19), and Juveniles of Illegal Behavior (13 or younger), respectively (see Figures 4). This pattern has not changed for over 25 years. In terms of the educational and employment situation, those juveniles cleared for non-traffic penal code offenses were the highest among senior high school students (39%), followed by junior high school students (33%), unemployed juveniles (12%), employed juveniles (9%), and university students (5%). This pattern has been relatively consistent over time. Moreover, juvenile offenders with a prior criminal record accounted for an average of 30% of the total juvenile delinquency over time (Ministry of Justice, 2010).

Besides low crime and delinquency rates compared with other developed countries such as the U.S. and the U.K., the Japanese criminal justice system has been regarded as one of the most efficient and lenient systems in the world. For example, the clearance rates in Japan averaged at 52% (Ministry of Justice, 2010). The majority (80%) of identified suspects are not arrested (Foote, 1992). A considerable portion (nearly 44%)

of cases transferred to the prosecution resulted in a suspended prosecution. Despite extremely high conviction rates, of all the identified criminal suspects, less than 6% actually go to prison (Ministry of Justice, 2009). As a result, the Japanese incarceration rate is very low averaging at about 45 per 100,000 (Foote, 1992). This rate is less than one tenth of the incarceration rate in the United States.

Laws and the Criminal Justice System regarding Juvenile Delinquency

The legal system in Japan follows the civil law tradition. The primary sources of law are written, codified laws. Under this legal tradition, an inquisitorial system is the preferred method for conducting criminal investigations and trials. Relevant laws regarding juvenile delinquency, as well as major agencies of the criminal justice system and their roles in handling juvenile delinquency cases are summarized below.

Related Laws regarding Juvenile Delinquency

The Juvenile Act, known as *Shonengo*, describes Japanese Juvenile law as based on ideas of protection, love, and tolerance towards the juvenile offender. Its primary purpose is to promote the “healthy growth and development of juveniles,” and to reform the “character” and improve the “circumstances” of juvenile offenders (Juvenile Act, Article 1). Thus, protective dispositions such as rehabilitation and environmental adjustment of the juvenile delinquent are given a priority in criminal penalties.

Shonengo governs juveniles under the age of twenty years. It defines juvenile delinquency in two aspects: 1) juvenile crime, and 2) other forms of misconduct committed by juveniles. The Japanese Penal Code (Act No. 45 of 1907) provides that individuals under the age of fourteen shall not be held under criminal liability (Article 41).

Based on these laws, juveniles can be classified into three groups: 1) Juvenile offenders, 2) Law-breaking children, and 3) Pre-delinquent juveniles (Hardung, 2000). Juvenile offenders are defined as any juvenile above the age of fourteen (and under twenty) who commits a crime. Law-breaking children refers to any juvenile under the age of fourteen who performs an act in violation of any criminal law or ordinance. Pre-delinquent juveniles refers to any juvenile under the age of twenty, that fall under one of the following conditions (Juvenile Act, Article 3):

- a) Having a propensity to disobey the reasonable control of his/her guardian;
- b) Repeatedly desert their home without proper reason;
- c) Associating with individual(s) of criminal tendency or immoral individual(s), or frequents any place of dubious reputation; and
- d) Having the propensity to perform any act injurious to his/her own or others' morals.

Shonenho offers several protections for juvenile delinquents. First, *Shonenho* is related to the disclosure of juvenile offender's identity. To minimize the stigmatization juvenile offenders may receive if disclosed to the public, *Shonenho* explicitly forbids the publishing of any information (i.e., name, age, occupation, address, physical features) about the juvenile offender (Juvenile Act, Article 61). In general, the law prohibits the victim's family any access to information about the juvenile offender (Juvenile Act, Article 22). It also guarantees that juvenile trial is not to be open to the public (Juvenile Act, Article 22).

Second, given that the goal of *Shonenho* is to rehabilitate, and not punish, juveniles shall not be tried as adults as possible. Instead, several options are prescribed for the disposition of juvenile delinquents. They include 1) dismissal without/after initial police interview; 2) protective measures by Family Court (i.e., probationary supervision,

commitment to support facilities for the development of self sustaining capacity, commitment to juvenile training school); 3) referral to the chief of Child Guidance Centre, and the worst possible disposition for juvenile delinquents upon crime commission is 4) having their case transferred to the Public Prosecutors (Juvenile Act, Chapter 3).

While a review of the initial point of police contact with juvenile delinquents is beyond the scope of this research, a brief description of the procedure of the Family Court helps show the underlying philosophy of the Japanese juvenile justice system. This description may also help explain police discretion in making dispositional decisions. The only parties that are involved in a trial conducted by the Family Court are the juvenile, a judge, court clerk, the guardians, family court probation officer, and the court-appointed investigator who presents the information (i.e., juvenile's personality, personal history, family background) to the judge (Supreme Court of Japan, 2006; Izumida-Tyson, 2000). The court allows the juvenile offender ample opportunity to express his/her opinions, yet excludes his/her accusers (i.e., the victim, victims' family, prosecutor, the police) from the court hearings (Izumida-Tyson, 2000). This courtroom is set up to create a family like atmosphere where the judge acts like the parent to investigate the motive and the reason behind the crime. This proceeding places great trust on juvenile offenders and their desire to be rehabilitated. The prevailing belief is that, if the trial is conducted in a "kind, cordial, and peaceful way" (Juvenile Act, Article 22), it is more beneficial to juvenile offenders' rehabilitation (Izumida-Tyson, 2000). In addition, the hearing is informal and closed to the public (Ryan, 2005). The Family Court can reach one of five decisions: 1) No trial; 2) No decision; 3) Referral to Children's Counseling Services; 4) Further

investigation by the public prosecutor; and 5) Decision to protect (guilty of the crime). Once found guilty with the need for protection, juvenile offender may be 1) placed under protective observation; 2) sent to a reform school; or 3) sent to a correctional institution (Izumida-Tyson, 2000).

Procedurally, the police must follow the basic rules and guidelines prescribed in the Law of Criminal Procedure when conducting a criminal investigation (i.e., searches and seizures). Nevertheless, because of the family model preference, also known as the “benevolent paternalism model” (Foote, 1992), formal laws have never truly played an essential role in police decision making, particularly regarding juvenile delinquency.

Reintegration as Goals of the Criminal Justice System

In his seminal work, Haley (1991, p. 128) describes the Japanese legal system as one of “authority without power” and “law without sanctions.” Haley notes that there are two tracks within the criminal justice system in Japan – one is formal and the other is informal. Legal officers (i.e., the police, prosecutor, judge) in Japan exercise considerable discretion and often render extremely lenient dispositions at every stage of the criminal justice process. Under this condition, “law without sanctions” (i.e., leniency in criminal dispositions) tended to translate into “authority without power” (i.e., in this case, legal power tends to shift away from formal institution and towards the informal social mechanisms such as family, community) (Haley, 1991).

Contrary to Western theories of punishment and the dichotomous depiction of the criminal justice system as following either the due process model or the crime control model, the Japanese legal system emphasizes the importance of “individualized determinations” for the goal of successful “rehabilitation and reintegration” into the

community (Foote, 1992, p. 341). Under this “fundamentally paternalistic” juvenile justice system of Japan, the prevailing belief is that the lower the level of disruption and stigma, the better the chance for effective reintegration (Foote, 1992, p. 360).

At each phase of the criminal justice system, decisions of whether to resort to formal legal means in disposing the case are made based on maximizing reintegration and minimizing stigma. Foote (1992) provided a detailed account on how these decisions are made by the police, prosecutors, judges, and correctional officers. Below, initial responses to a criminal case are summarized based on the literature.

While the majority of the criminal suspects known to the police are not cleared by the police as innocent, only 20% of these suspects are arrested. The rest of suspects are dealt with using an “at home basis” (Foote, 1992). For cases deemed as petty offenses, including assault, theft, fraud, embezzlement, and gambling, approximately 40% of them are closed by the police and they have wide discretion in disposing these minor cases (1992). According to the Japanese Code of Criminal Procedure (Act No. 131 of 1948), to release a criminal suspect on the basis of a procedure called *bizai shobun*, police must take the following steps: 1) counsel the suspect sternly and admonish him/her not to commit crimes in the future; 2) may require suspect to sign an apology and pledge not to engage in an inappropriate behavior again; 3) call in a member of the suspect’s family, the suspect’s employer, or some other such responsible individual and counsel that person to keep close watch over the suspect in the future; 4) may require that guardian or responsible person to undertake a written pledge to provide such ongoing supervision; 5) persuade suspect to provide restitution, to make apology, or to take other appropriate measures for the victim; and 6) a record of *bizai shobun* will be kept for deterrence

purpose (Code of Criminal Procedure, Article 246). This strategy of combining education, support, supervision, disapproval, and threat of future punishment in disposing criminals in minor offenses embodies the spirit of “shaming” (disapproval) through “reintegration” (with the minimal prospect of stigma attached to the individual and his/her close ones).

The Role of the Police

The police play an integral role in the prevention of juvenile delinquency in Japan. The police’s involvement with juveniles and pre-delinquents far exceeds that of any other formal justice agencies in Japan and their counterparts in the U.S. This can be illustrated from the following three aspects.

First, Japanese police function as public servants and moral enforcers. They have extremely high professional pride. This is partly due to the lack of career mobility – once a police officer, always a police officer. Both departments and officers are thus willing to invest in officer training and culture building. Another explanation lies in the police mission. The principal missions of the police are to guide and assist citizens, they are expected to be community leaders with great moral strength. Personal qualities such as honesty, diligence, courtesy, kindness, emphasis, and integrity are some of the key requirements for police recruits (Das, 1994).

Second, because of the service orientation and the larger culture of respect for authorities in Japan, police in Japan have a high level of respect by citizens. Citizens’ confidence in the police has facilitated a cooperative relationship between the police and the public. Police presence is not viewed as an intrusion or inconvenience by the Japanese citizens, but rather, police are viewed as highly regarded public servants. It has

also helped the development of problem-solving policing, not punitive policing. Moreover, citizens' confidence in the police has enabled and sustained the police's expansive discretionary power (Ames, 1981; Bayley, 1991; Miyazawa, 1992). The use of discretion is regarded as a product of wisdom and skill, rather than a potential abuse of power (Das, 1994).

Third, three key programs/activities of local Japanese police engage in help illustrate their preventive/service oriented policing. The first involves foot patrol and routine residential surveys (Bayley, 1991). The second involves family counseling. Local officers regard family counseling as part of their police function. They offer advice on a variety of family issues involving family problems (e.g., divorce), civil affairs (e.g., money lending or borrowing) and crime prevention types of issues (Parker, 2001). The third involves participation in *Shonen Hodo* – the juvenile guidance program. The purpose of juvenile guidance is to identify problematic youth and encourage a course of good behavior (Hardung, 2000).

The Role of Family and Community

The involvement of family and community in crime prevention has been done both on an individual and institutional basis. Because of the pervasive group consciousness and close-knit family and community in Japan, parents keep close tabs on their children and the community monitors their residents. It is widely known and documented that family is intensely involved in every aspect of a child's life in Japan, particularly in their school performance (e.g., Japanese women are expected to stay home to raise their children) (Hardung, 2000). Japanese schools are fiercely competitive and are equally strict on students' conduct (e.g., in one high school's code of conduct, students

are not allowed to ride a bike to school, and the length and color of hair are strictly regulated) (Hill, 1996; Tamura, 2007). Japanese parents and schools are more willing to take the initiative to apologize for the crimes of their children/students because the misbehavior of the juveniles reflects negatively on them (Clack, 2003).

Community involvement in crime prevention is evident in several aspects such as community contact point, community crime prevention association, and volunteers who form a one-on-one help with at-risk youth. For example, Thornton and Endo (1992) noted in their fieldwork research that the youth section of the City Welfare Department in the city of Kawagoe was responsible for identifying at-risk youth and offering them guidance. The agency operated a youth guidance center and sponsored a variety of activities for children. The center involved 1,600 volunteers and had successfully assisted numerous at-risk juveniles (for a more detailed description on this extensive informal social network in Japan, see Adler 1983; Braithwaite 1989; Clifford 1976).

Role of Apology

An apology has a special cultural meaning in Japan. The apology not only implies accountability, but also allows the offender to remedy the situation through some form of reparation. Apology is regarded as an effective informal control mechanism in Japan. For example, an apology by a juvenile delinquent is believed to have several meanings in the Japanese culture: 1) acknowledging the fault; 2) pledging not to reoffend; 3) willingness to amend and restore the broken relationship; and 4) asking for forgiveness and reintegration (Haley, 1998a; 1998b; Wagatsuma & Rosett, 1986).

It should be noted that in a close-knit community, making an apology and seeking forgiveness often extends beyond the offender to his/her social groups (i.e., family,

relatives, coworkers and neighbors). In an effort to prevent further shaming brought by a disruptive event, these significant others may make the apology in public, take actions to collect signatures for a petition at school, neighborhood or workplace to plea for forgiveness and leniency (Nishimura & Hosoi, 1999; Yoshida, 2003). For example, Haley (1998a) described a case where a father apologized for his son's misbehavior with a deep bow. The apology was made in his son's presence and moved the child to tears. The event was considered a turning point for the juvenile and changed his life.

Apology is not only used frequently in the informal social control sphere, but also within the formal criminal justice system. For example, Japanese police frequently set free guilty offenders without charging a fine as long as they show genuine regret and contrition for their criminal violation. Written apology was also frequently used and kept in the police station for future deterrence purposes (Bayley, 1991). To the Japanese, a simple apology can often mean worse punishment than imprisonment (Wagatsuma & Rosett, 1986).

While apology is regarded as the starting point of shaming, and an effective one, for reintegration to occur, a sympathetic public that takes seriously the value of apology and repentance is critical (Leonardsen, 2004). This can be highlighted by completely different responses in Japan and Great Britain to the offenders' future rehabilitation after serving their prison sentence and being released into the community. In Japan, parents of victims in the widely publicized Kobe double-murder case accepted offenders' letters of apology and wished that he would be rehabilitated (Smith & Sueda, 2008). In Great Britain, the victims' parents in a case involved a juvenile offender exhibited vengeful

responses when they publicly stated that they would do whatever they can to “hunt him down” (2008, p. 14).

Despite these widely appraised, non-conventional practices in Japan’s criminal justice system, the recent surge of violent crimes committed by juvenile delinquents triggered public discussions on key policies regarding responses to juvenile delinquency.

Debate and Reform of Juvenile Delinquency Policies

There is a growing concern over juvenile delinquency in Japan. The media has frequently featured stories involving youth violence related to motorcycle gangs (i.e., the *bosozoku*) in the 1960s and the 1970s, bullying (*ijime*) in the 1980s, and “dad hunting” (*oyaji-gari*) (referred to a trend in which groups of young thugs beat up on adult males), violence against teachers and authority figures, and dropping out and truancy in the 1990s (Parker, 2001). More recently, the term *gakkyu hokai*, or the “disruption of classes,” has been created, indicating that juvenile deviancy has developed a new feature – breakdown of class discipline, a loss of values, and a lack of social competence (Kaihara, 2009). Some have suggested that a larger problem lies in the weakening of family ties and the self-indulgence of young people (Parker, 2001).

Recent high profile cases (e.g., the 2001 Osaka school stabbing case) altered public perceptions about crime and security in Japan (Hamai & Ellis, 2006; 2008; Goto, 2004; Kawai 2004; Johnson, 2007). Perhaps the most horrific incident of juvenile crime involved a fourteen-year-old boy killing eleven-year-old Jun Hase in Kobe, Japan in 1997. The younger boy was beheaded and his head left at a school gate with a sinister note in his mouth. The youngster had also bludgeoned to death a ten-year-old girl. The parents of the teenage murderer were forced to pay \$952,000 in an out-of-court

settlement with the boy and the girl victim separately. The teenage murderer was then sent to a juvenile center for psychiatric treatment (Parker, 2001).

The Kobe case and other serious violent crimes by teenagers precipitated calls for reforms of more punitive juvenile delinquency laws and policies (Hamai & Ellis, 2008; Miyazawa, 1990; 1997; 2008). For example, after 2000, juvenile offenders of at least fourteen years of age may be tried as an adult after committing a serious crime. Police are given wider powers to search and seize evidence in juvenile cases (Johnson, 2007). In addition, victims now play a greater role in criminal justice proceeding, including agenda-setting in criminal justice policy making, participation in a criminal trial (much like a prosecutor) and recommendation of a criminal sentence, and the ability to demand the government to amend relevant laws in the future (Miyazawa, 2008).

Even though evidence suggests that the increasing crime rates may be due to the increasing media coverage and recording of more minor cases, the “moral panic” caused by the sudden increase in crime is likely to affect public opinion and attitude about crime, and lead to the abandonment of “benevolent paternalism” and reintegration (Foote, 1992), and the institutionalization of retributive and punitive sanctions, much like in Western countries (Hamai & Ellis, 2006; 2008). It is within this context, this study sets forth to gain a further understanding about the role of reintegrative shaming, if any, in the initial response to juvenile delinquency in Japan.

CHAPTER 4

THE CURRENT STUDY

Citing juvenile delinquency cases covered by a leading national newspaper, this study will examine whether reintegrative shaming remains an integral part of the Japanese criminal justice process, particularly the juvenile justice system. In light of the limited empirical testing of the theory and the uncertainty about its effectiveness (Hay, 2001; Houts, 1996; Makkai & Braithwaite, 1994; Miethe, Lu, & Reese, 2000; Vagg, 1998; Zhang, 1995; Zhang & Zhang, 2004), this exploratory analysis of newspaper reports of delinquency cases may enhance our understanding about the specific context and condition of reintegrative shaming in a non-Western society.

More specifically, this study examines the following inter-related questions: 1) What is the extent of the involvement of significant others (i.e., parent, school, community) in responding to juvenile delinquency cases? 2) What are the offender and offense characteristics that help predict the involvement of significant others in the initial response to delinquencies? And 3) Is the involvement of significant others more likely to result in a non-state intervention (i.e., parent/community supervision) than a state-intervention (i.e., arrest)?

Data Sources and Sample

To address these research questions, this study drew upon newspaper coverage of delinquency cases. *Sankei Newspaper*, one of the leading national newspapers in Japan, was selected as the main data source for this study. The decision to use data from Sankei was based on its national reputation and popularity, and its specialty in juvenile delinquency cases (e.g., the newspaper has a special column devoted to juvenile

delinquency cases) and its level of accessibility (e.g., both the online and hardcopy versions of the newspaper are accessible). In addition, to ensure that data drawn from Sankei are free from biased reporting due to the newspaper's particular agenda, a comparison of delinquency cases reported in four other national newspapers (*Asahi*, *Yomiuri*, *Mainichi*, and *Nikkei*) was conducted for certain periods of time. More specifically, three months of juvenile delinquency related news reports (May, June, and July of 2009) covered by the *Asahi* newspaper were examined. One month of news coverage of juvenile delinquency cases (May of 2009) from the other three newspapers (*Yomiuri*, *Mainichi*, and *Nikkei*) were also examined. A comparison was conducted among the delinquency cases covered by these leading national newspapers and the *Sankei* newspaper. The result showed that the number and characteristics of the cases reported in *Asahi* as well as *Yomiuri* and *Mainichi* were comparable with those of *Sankei* (approximately 80% of the cases were identical cases). For *Nikkei*, because of its primary emphasis on finance and economy, the number of delinquency cases covered in *Nikkei* was substantially less than the other newspapers. However, the cases reported by *Nikkei* were all covered by *Sankei*. We therefore concluded that *Sankei* newspaper did not seem to intentionally exclude major delinquency cases, and its case coverage appeared comprehensive.

All juvenile cases reported in Sankei Newspaper between 2008 and 2009 were coded and included in the analysis. The selection of these delinquency cases was done online with the Japanese keyword *shounen-hanzai* (equivalent to "juvenile delinquency") and by skimming through hardcopies. This method generated a total of 158 different cases during the two-year period. Of the 158 cases, a total of 448 offenders (147 in 2008

and 301 in 2009) were identified and these individual offenders are treated as the unit of analysis in this study.

The primarily reason for the substantial difference in the number of cases identified in 2008 and 2009 was that the cases in 2009 were searched online and the cases in 2008 were collected from the hardcopy newspaper. Although an identical brand news source (*Sankei*) was selected in the current study, while the hardcopy news format has a limited ‘news hole,’ the computer database (online news source) has a potentially infinite information space. Thus, the number of cases identified in 2009 was two times more than that of 2008.

Variables and Measures

To identify key variables relevant for the current study, ten newspaper reports covering juvenile delinquency incidents were translated from Japanese to English. Two coders went through all of these reports independently, highlighting key terms/concepts related to the current study. The coders then compared notes, and further classified similar terms/concepts into variables. Using this process, a total of 41 variables were identified. A codebook was subsequently developed with the identified variables and their codes.

Most variables were identified using a manifest content analysis method where the terms were readily available in the news reports. These terms included the demographic information (i.e., age, gender, and education), some offender/victim characteristics (i.e., the number of offenders/victims, the offender-victim relationship, offender’s prior infraction), and some offense characteristics (i.e., use of weapon, offense severity). Even for variables such as involvement of parents and involvement of

community, keywords such as “parent”, “principal” of the school, “teacher”, and “neighbor” were available in the reports.

For example, in a teacher bullying case involving eleven male junior high school students, it was reported that “After the school had a clear grasp of the incident, the principle and faculty gathered and advised students and their parents, then made them apologize to the teacher who was bullied” (Sankei, April, 2009). In another case with a drunk 19-year-old girl who kicked a train conductor’s crotch at a train station after an argument, it was reported that she was “...taken to North Ogura Police Station, Fukushima, but then handed over to her parents” (Sankei, January, 2009).

Other variables were identified with the latent content analysis method. In some cases, variables such as offender’s attitude, level of planning, offense type and severity, could not be identified using the keywords. It thus required the coder to use proper judgment to identify these variables in the context of the news reports.

For example, the level of planning was coded as no planning, some planning and premeditated planning. There was an incident with a 16-year-old who posted a murder notice of his homeroom teacher on the Internet bulletin board. The boy reportedly stated to the authorities: “I was only joking. I wanted to surprise the teachers and students at my school” (Sankei, November, 2008). In another case, a 16-year-old girl who stabbed her father with a knife confessed to the authorities that she and her father were arguing about lights in the living room, which triggered the stabbing incident (Sankei, July, 2009). These cases were coded as no planning (the stabbing case) and some planning (the teacher bullying case). In contrast, in an extortion case, a 16-year-old boy persuaded his girlfriend to work for an escort service and extorted money from adult males using the

same *modus operandi* he had previously committed four other crimes. The boy stated that “Those adult males who buy girls are worthless anyway, so they deserve to get robbed,” and the report further stated that he had no conscience when he made the statement (Sankei, May, 2008). This incident is a clear example of premeditation, thus was coded as “planned.”

Dependent Variables

The involvement of significant others (0-3) is coded as an ordinal variable and is the sum of three dummy variables (including involvement of parent, involvement of school, and involvement of community). The code ‘0’ represents no involvement of significant others, the codes ‘1’ and ‘2’ represent the involvement of one or two of the significant others, and ‘3’ represents the involvement of all parent, school and community in the initial dealing with juvenile delinquency cases. This variable serves both as a dependent and an independent variable in our analyses.

The other dependent variable is case disposition. Due to the lack of a complete case record, the most available data on case dispositions in the newspaper reports is police arrest decisions. Case disposition is thus measured as a dummy variable where an arrest disposition is coded ‘1’ and a non-arrest decision (offender sent back to home/school for supervision and awaiting for further notice) is coded ‘0’.

Independent and Control Variables

Variables serving as independent and control variables include age (offender’s actual age at the time of crime commission), gender (‘0’=female; ‘1’=male), education (‘0’=elementary. ‘1’=junior high school; ‘2’=high school; ‘3’=college), number of co-offenders (‘0’=single offender; ‘1’=multiple offenders), offender’s prior infraction

(‘0’=no; ‘1’=yes), number of victims (‘0’=single victim; ‘1’=multiple victims), offender-victim relationship (‘0’=stranger; ‘1’=acquaintance), use of weapon (‘0’=no; ‘1’=yes), crime planning (‘0’=no planning; ‘1’=some planning; ‘2’=premeditated planning), crime type (‘0’=non-violent; ‘1’=violent), severity of violent crime (‘0’=minor or no injury; ‘1’=major injury; ‘2’=death), and offender’s attitude (‘0’=refused to admit guilt; ‘1’=confession made; ‘2’=remorse showed).

Offender’s prior infraction includes any administrative (i.e., school disciplinary records) and criminal (i.e., written apology kept by the local police, arrest, conviction records) records in Japan. However, because of Japan’s Juvenile Act, it is almost impossible to access juveniles’ criminal records due to privacy concerns. Thus the report of prior criminal record by the newspaper is expected to be much lower than the actual number of offenders with a prior criminal record. In terms of the use of weapon, any instruments or tools that aided the crime commission is coded “yes.” These tools include both deadly and non-deadly weapons that were used to attack victims and are knife, baseball bat, lighter, firecracker, scissors, wood stick, iron pipe, motorcycle, hot water, eggs, a shoe, and so on.

Analytical Techniques

The current study involves three types of analysis: Univariate, bivariate, and multivariate analysis. Univariate (i.e., frequency distribution and means) and bivariate (i.e., Pearson’s r) analyses are used to assess the distribution of the variables and the association between the independent, dependent, and control variables. Multivariate analysis involves ordinary least squares (OLS) and logistic regression models. OLS regression analysis is used to assess key factors that are likely to affect the involvement

of significant others in the delinquency cases. Logistic regression is also conducted to discern if the involvement of significant others in the initial response to juvenile delinquency is likely to result in the use of a state or a non-state intervention.

In addition, several cases covered in the newspaper were described and analyzed to show the extent and nature of the involvement of significant others in the initial response to juvenile delinquency.

CHAPTER 5

RESULTS

A variety of statistical models have been used to assess the nature and the extent of the involvement of significant others in juvenile delinquency, and their possible effect on police arrest decisions in Japan. The results are summarized below.

Results of Univariate Analysis

Table 1 presents the results of frequency distributions of all the variables in this analysis. According to Table 1, the mean age of juvenile offenders was 15.8 years old while the youngest delinquent in our sample was 9 years old and the oldest was 19. Consistent with the literature and the national data of Japan, an overwhelming majority of offenders were male (87.3%). The majority of juvenile delinquency offenses were committed by junior high school and high school students (48% each respectively) and only a small portion of offenses were committed by college students (near 3%) and elementary students (less than 1%). The majority of offenders committed the crime with at least one co-offender (83%). Only a small number of offenders (5.9%) reportedly had a prior infraction (either a prior administrative or criminal record). This number is much lower than the national average (approximately 30%). The discrepancy in juvenile delinquents' prior criminal record reported in the news media and in the national crime database may be due to the privacy requirement stipulated in the Japanese Juvenile Act.

Table 1

Variables, Coding, and Descriptive Statistics (N=448)

Variables & Coding	Descriptive Statistics
<i>Offender age</i>	n=443, mean=15.76
≤ 15 (1)	182 (41.1%)
16 (2)	145 (32.7%)
≥ 17 (3)	116 (26.2%)
<i>Offender gender</i>	n=442
Female (0)	56 (12.7%)
Male (1)	386 (87.3%)
<i>Offender education</i>	n=360
Elementary (1)	3 (0.8%)
Junior high school (2)	174 (48.3%)
High school (3)	173 (48.1%)
College (4)	10 (2.8%)
<i>Number of co-offenders</i>	n=447
Single (0)	76 (17.0%)
Multiple (1)	371 (83.0%)
<i>Offender prior infraction</i>	n=444
No (0)	418 (94.1%)
Yes (1)	26 (5.9%)
<i>Number of victims</i>	n=343
Single (0)	241 (70.3%)
Multiple (1)	102 (29.7%)
<i>Offender-victim relations</i>	n=320
Stranger (0)	109 (34.1%)
Acquaintance (1)	211 (65.9%)
<i>Use of weapon</i>	n=425
No (0)	314 (73.9%)
Yes (1)	111 (26.1%)
<i>Crime planning</i>	n=416
No (0)	29 (7.0%)
Some planning (1)	300 (72.1%)
Premeditated planning (2)	87 (20.9%)

<i>Crime type</i>	n=446
Non-violent (0)	180 (40.4%)
Violent (1)	266 (59.6%)
<i>Severity of violent crime</i>	n=290
Minor or no injury (0)	101 (34.8%)
Major injury (1)	143 (49.3%)
Death (2)	46 (15.9%)
<i>Offender attitude</i>	n=295
Refuse to admit guilt (0)	11 (3.7%)
Confession made (1)	223 (75.6%)
Remorse showed (2)	61 (20.7%)
<i>Involvement of significant others</i>	n=448
No involvement (0)	242 (54.0%)
Little involvement (1)	101 (22.5%)
Some involvement (2)	28 (6.3%)
Great involvement (3)	77 (17.2%)
<i>Case disposition</i>	n=426
No state intervention (0)	88 (20.7%)
State intervention (1)	338 (79.3%)

Note: Only valid total numbers of cases for each variable (n) are reported, which vary among variables due to missing data.

Regarding the characteristics of juvenile delinquency incidents covered in the newspaper, most of these offenses targeted a single victim (70%) and the majority of the offenders knew the victims (66%). Interestingly, only a small number of crimes (26%) involved any “tools” or “weapon” when committing the crime. The most frequently used tools were a knife and motorcycle. No handguns were reportedly used in any of these delinquency acts. This was due to the strict gun control laws in Japan. As for the level of planning, the majority of the offenders engaged in some levels of planning for the offense (93%), some of which were even premeditated (21%). Consistent with the literature that the Japanese people were submissive to the authorities, an overwhelming majority of the Japanese juvenile delinquents admitted their wrongdoing (96%) with some showing remorse (21%) for their crimes. Only a small number of delinquents refused to admit guilt (4%).

In addition, the reported cases in the sample were far more serious compared to the actual statistics in the national data. As indicated in Table 1, the clear majority (60%) of the delinquency cases involved violent crimes (e.g., assault, injury, robbery). Only 40% of these offenses involved non-violent crimes such as property (e.g., theft, fraud, arson) and public order (e.g., motorcycle gangs, copyright violation, counter fitting) crimes. This is contrary to the national delinquency profile where the majority of the cases (90%) are property crimes. The more serious crimes covered in the newspaper were not surprising given that the news media tended to cover more sensational and newsworthy stories such as murder rather than typical crimes such as thefts.

Similarly, the majority (79%) of the juveniles in the sample were arrested by the police whereas only a small number of juvenile delinquents (21%) were released at the

scene. The high arrest rate revealed by our sample, though expected given the more serious nature of the cases involved in our analysis, again was contradictory with the national data.

For the level of involvement of significant others, a slight majority of the cases (54%) involved no parents, school, or the community in the initial response to juvenile delinquency cases. Nearly 46% of juvenile delinquency cases involved at least one significant other (i.e., a parent, a school teacher, or a neighbor) (23%), or more (23%).

In the absence of similar data from the national pool of Japan and from other nations, the actual involvement of significant others in juvenile delinquency in Japan should be higher than 50%. This is based on several reasons. For instance, the media may omit this aspect of the story in light of the victims' movement and the general climate of 'getting tough' on crime in Japan in the recent decades. It could also be due to the disproportionately more serious crimes in our sample. As literature suggests, rehabilitation and reintegration are expected to achieve a better result in less serious crimes. It is thus reasonable to expect that in the national pool, the involvement of significant others in delinquency should be much higher.

Given that not all juvenile delinquency cases involved significant others, at least as reported in the media, the question then becomes what factors are likely to affect the involvement of significant others in the delinquency cases. To answer these questions, both bivariate and multivariate analyses were conducted. The results of these analyses are described below.

Results of Bivariate Analysis

Table 2 presents the correlation coefficient results of Pearson's r . This bivariate analysis has generated several significant bivariate correlations. More specifically, older offenders were significantly more likely to have a higher educational level, commit crime alone, have no prior infraction, and target multiple victims and strangers. Older offenders were also more likely to use a weapon, engage in violent crimes, and be arrested than their younger counterparts.

Table 2

Pearson's r Correlation Coefficient Matrix

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Offender age	1 (443)													
2. Offender gender	.04 (439)	1 (442)												
3. Offender education	.55*** (360)	.18*** (360)	1 (360)											
4. Number of co-offenders	-.23*** (442)	.04 (441)	.00 (360)	1 (447)										
5. Offender prior record	-.10* (439)	.09 (438)	-.14** (356)	.04 (443)	1 (444)									
6. Number of victims	.22 (338)	.10 (337)	.47*** (288)	.15 (342)	.12* (339)	1 (343)								
7. Offender-victim relations	-.26*** (316)	-.23*** (318)	-.11 (276)	-.01 (319)	-.15*** (316)	.07 (319)	1 (320)							
8. Use of weapon	.19*** (420)	.05 (419)	.02 (346)	-.25*** (424)	.10* (421)	.06 (326)	-.12* (304)	1 (425)						
9. Crime planning	.09 (411)	-.03 (410)	-.07 (335)	.10 (416)	-.05 (412)	-.03 (318)	-.07 (296)	.11* (395)	1 (416)					
10. Crime type	.23*** (441)	.00 (440)	.11* (358)	.09 (445)	.01 (442)	.18*** (341)	.07 (318)	-.04 (423)	.03 (416)	1 (446)				
11. Severity of violent crime	.07 (285)	-.07 (284)	.10 (242)	-.17** (289)	-.02 (288)	.02 (288)	.21*** (276)	.10 (281)	-.19*** (271)	-.05 (288)	1 (290)			
12. Offender attitude	-.04 (295)	-.17** (295)	.21*** (233)	-.09 (294)	-.06 (291)	-.05 (207)	.25*** (197)	.01 (279)	-.11 (278)	-.30*** (293)	.28*** (164)	1 (295)		
13. Involvement of significant others	-.07 (443)	.14** (442)	-.04 (360)	-.13** (447)	-.01 (444)	.15** (343)	.34*** (320)	.07 (425)	.05 (416)	.08 (446)	.26*** (290)	.13** (295)	1 (448)	
14. Case disposition	.26*** (421)	.02 (420)	.03 (338)	-.03 (425)	-.04 (422)	-.01 (321)	-.20*** (298)	-.04 (403)	.10* (394)	.31*** (424)	.03 (268)	.29*** (295)	-.32*** (426)	1 (426)

NOTE: The number of cases included in the analyses is presented in the parentheses.

* $p < .05$; ** $p < .01$; *** $p < .001$ (2-tailed).

Male offenders were significantly more likely to have a higher educational level, target a stranger, refuse to admit guilt, and have significant others involved in their offenses than females. Offenders with higher education were significantly less likely to have a prior infraction and more likely to target multiple victims, more serious crimes, and show remorse.

Those who commit delinquencies with a co-offender were more likely to target multiple victims, and less likely to use a weapon. They were also less likely to engage in violent crimes and have their significant others involved in their cases. Offenders with a prior infraction tended to attack multiple victims who were strangers, and used a weapon in their crime commission when compared with their counterparts.

Offenses involving multiple victims were more violent in nature and more likely to involve significant others. In cases where offenders and victims knew each other, there was significantly less use of a weapon, but crimes were significantly more violent. In addition, offenses between acquaintances were significantly more likely to result in offenders' remorseful attitude, a greater involvement of significant others, and the offenders were less likely to be arrested.

In cases where a weapon was used, offenses were significantly more likely to be planned than unplanned. Interestingly, our data showed that violent crimes with greater planning were significantly associated with less harm than crimes with less planning. In addition, offenders who planned their offenses were significantly more likely to be arrested than their counterparts.

Offenders who engaged in violent crimes were significantly less likely to confess to their crimes and show remorse, and more likely to be arrested by the police. Regarding

violent offenses, offenders who caused greater harm to their victims were significantly more likely to show remorse and have their significant others involved.

Offenders who showed more submissive attitudes tended to be significantly more likely to have their significant others involved in the case. But they were also more likely to be arrested. Finally, when the cases had a greater level of involvement of the significant others, arrests were significantly less likely to occur.

Results of Multivariate Analysis

Ordinary Least Squares Regression Results

To examine the net impact of offender attitudes and other variables on the involvement of significant others, an Ordinary Least Squares model was analyzed. As revealed in Table 3, offenders' attitudes had a significant and direct impact on the likelihood of the involvement of significant others. That is, those juvenile delinquents who had confessed and showed remorse were significantly more likely to have their parents/community involved in their cases than those who refused to admit guilt.

In addition, younger offenders, male offenders, and offenders who committed the crime alone were significantly more likely to have their significant others involved in their cases upon the discovery of their crime commission. Offenders who engaged in less serious crimes such as property crimes and/or public order crimes, and showed remorse, were significantly more likely to have their significant others involved in their cases too.

Table 3

OLS Regression Results for Involvement of Significant Others

	Involvement of Significant Others	
	B	S.E.
Offender age	- .375***	.096
Offender gender	.775**	.242
Number of co-offenders	- .722***	.183
Offender prior infraction	.258	.237
Number of victims	- .199	.194
Offender-victim relations	.584***	.165
Crime planning	.207	.115
Crime type	- .422*	.195
Offender attitude	.521**	.174
Constant	.862	.469
R ²	.376	
N	176	

* $p < .05$; ** $p < .01$; *** $p < .001$ (2-tailed).

Logistic Regression Results

A logistic regression model was also used to assess the possible net impact of the involvement of significant others on the kinds of state intervention. The results showed (see Table 4) that the involvement of significant others indeed had a significant, adverse effect on police arrest decisions. More specifically, those juvenile offenders whose significant others (i.e., parent, school, and community) were involved in the case were significantly less likely to be arrested by the police than those whose significant others were not involved in the case.

In addition, single offenders, offenders without a prior infraction, offenders who engaged in premeditated planning for the crime, and offender who engaged in a violent crime, all were significantly more likely to result in an arrest than their counterparts.

Table 4

OLS Regression Results for Involvement of Significant Others

	Case Disposition		
	B	S.E.	Exp.(B)
Offender age	.079	.502	1.082
Offender gender	.560	1.298	1.751
Number of co-offenders	-1.799 *	.846	.165
Offender prior infraction	-2.155 **	.824	.116
Number of victims	.412	.991	1.510
Offender-victim relations	1.291	1.021	3.637
Crime planning	2.158 ***	.620	8.657
Crime type	1.639 *	.829	5.148
Offender attitude	1.643	1.042	5.172
Involvement of significant others	-1.491 ***	.439	.225
Constant	-.336	2.448	.715
R ²	.260		
N	177		

* $p < .05$; ** $p < .01$; *** $p < .001$ (2-tailed).

Case Narratives

As described in previous chapters, reintegrative shaming has two components: shame and reintegration. To demonstrate how shame and reintegration are conducted in the Japanese context, several case narratives are presented below.

A report described bullying of a pregnant teacher involving 11 students trying to miscarry her baby was detailed with all the information after the incident.

According to the multiple phone calls and e-mails that were sent to the city's board of education, most of them were tense complains including, "I can't even believe that the kids used the word 'miscarriage'; "This is a matter that cannot be called just bullying"; and "What's wrong with the city's education system?" ... The bullied teacher states as following after she found out the fact that her students were trying to make her miscarry the baby: "I hope all of the students would learn something after this incident and grow up in the right way." She also stated that she was not going to report it to the police.

Another incident involving a 17-year-old male high school student who killed his classmate was reported vividly.

According to the train company Kinki Rail, they received a call from a customer at around 8 o'clock in the morning saying that there were two males fighting at a second floor platform. When an assistant stationmaster (age 59) arrived at the scene, there was an uniformed male high school student laying down on the floor in front of a student standing who seemed stupefied. The assistant stationmaster took his jacket off and tried to stop the bleeding of the student, and another assistant called Sakurai Police Station. When the police arrived and asked the student, "Did you do this?" and he nodded and frightened... According to a taxi driver, Hiroyasu Morioka (age 56) who happened to be at the station, the male student was wearing gray pants and a white shirt but his back was covered with blood. His right hand was also red with blood but looked calm. On the other hand, Hamada's (victim) shirt was taken off and he was wearing a respiratory mask. He

was pale... At their high school, the rest of student body and faculty had a gathering at 10:50AM. The school principal informed them that, "A terrible thing just happened. Please re-think about how precious our lives are." According to the interview with a 16-year-old male freshman, he said that "I didn't know who Mr. Hamada was but it was very shocking. I can't remember well what the principal said at the meeting." The vice principal said, "I heard that Mr. Hamada was a good student. We ordinarily teach our students the importance of life, so I'm very sorry that this incident happened in our school."

Moreover, the involvement of significant other (i.e., parents, school, neighbors, school counselors, social worker) in a case in which a 13-year-old juvenile stabbed and killed his father was heavily mentioned in the news report. The involvement of impersonal state and involvement of school after the incident were reported as follows:

According to a report from Izumo Child Guidance Centre who currently held custody of the juvenile, he had been building a good relationship with staff members (playing board games, badminton, and ping pong) when formal process such as interrogation were not in session... Although the school is now in summer break, the school promoted a provisional school attendance to check the conditions of all the students. The school conducted a survey with 20 questions to seek whether the students have had moderate appetite or regular sleep after the incidents. As a result, 3 students took counseling but the school has been calming down (Sankei, July, 2009).

CHAPTER 6

DISCUSSION AND CONCLUSION

Using data from a leading national newspaper in Japan, this study examined the extent and the effect of the involvement of significant others in the initial response to juvenile delinquency in Japan. Before discussing the research findings and their implications, several data and methodological limitations are discussed below.

Data Limitations

Compared with other Asian countries, quality of crime data in Japan is regarded as high. For example, the Ministry of Justice in Japan publishes crime data (i.e., crime rate, clearance rate, incarceration rate, recidivism rate) annually since 1960. While these data are useful in describing the general crime pattern and trend in Japan over time, they do not provide sufficient information for theory-testing purposes. This problem is compounded with the lack of empirical studies in crime and punishment in Japan.

Newspaper reports may not be the best source for a comprehensive study of juvenile delinquency in Japan due to media biases. Reiner (2002) notes that stories deemed more immediate, dramatized, personalized, and novel-like are more likely to be regarded as newsworthy, thus covered by the media. Similar patterns of reporting can be observed in crime story coverage both in Western countries and in Japan. For example, many researchers found the disconnection between patterns and trends in crime news and the actual crime statistics in the U.S. (Davis, 1952; Harris, 1932; Hauge, 1965; Roshier, 1973; Croll, 1974; Beckett, 1997). In particular, Marsh (1991) found that violent and interpersonal crimes were overrepresented in media coverage in 14 countries. The Japanese media also tended to cover more serious crimes such as murder and other

violent crimes. Its reporting on juvenile delinquency portrayed the “rising tide of youth violence,” causing a nationwide “moral panic” (Hamai & Ellis, 2006).

Besides media biases in news coverage, content analysis may also pose a challenge for the validity and reliability of the data coding (Reiner, 2002). This might be especially applicable to the latent content analysis where the researcher makes the inferences about the content (Dominick, 1978; Reiner, 2002).

In the absence of the lack of national databases on offender and offense characteristics involving juvenile delinquency, cases drawn from a newspaper are necessarily selective and non-random. The non-random sample combined with missing data make it less likely for findings of this study to be generalized to the population.

In addition, due to the special protection afforded to juvenile delinquents by the Japanese Juvenile Act, information related to juvenile offenders is prohibited from being disclosed to the public. This requirement may result in a large number of missing data for offender characteristics such as offenders’ prior infraction.

Major Implications of the Current Study

Despite these data limitations, this study has generated several important findings. First, if involvement of significant others as a proxy of reintegrative shaming is valid, the findings of the current study suggest that reintegrative shaming seems to be rather important in the initial response to juvenile delinquency in Japan. Second, younger offenders, single offenders, offenses involving acquaintances, non-violent offenses, and offenders with good attitude represent the profile of the juvenile offender that is most likely to experience the involvement of significant others in the initial response to delinquency cases. Finally, the findings further suggest that the use of reintegrative

shaming at an early stage of the criminal justice system significantly reduces the need for state intervention in a later stage of the system. This is in line with the theory of reintegrative shaming.

While reintegrative shaming is more likely to be applied to juveniles than adults, its application to juvenile delinquents appeared not uniform, but dependent upon the internal and external factors surrounding the juvenile delinquents. The results in the current study, therefore, suggest that individuals who had greater interdependencies (as indicated by age) and less propensity of being a ‘cold-blooded’ criminal (as indicated by offender-victim relations, offender attitude, and number of co-offenders) were more likely to receive reintegrative, not stigmatizing type of shaming. These findings are largely consistent with the conditions specified by Braithwaite.

It should be pointed out that the current study utilized the involvement of significant others as a proxy for reintegrative shaming in this study. While this analytical strategy helps clarify the complex issues involving the theory and is consistent with measures used in previous studies (Zhang & Zhang, 2004), it may oversimplify, or even misinterpret the relationship between community involvement and reintegrative shaming. As suggested by the literature, delinquents’ contact with significant others may yield different results depending on the nature of the contact (e.g., positive or negative reinforcement). While the case narratives presented in the previous chapter suggested that to a large extent, the involvement of parents, school and community was to convey the message of shame and reintegration, future studies are encouraged to explore this dimension of the Japanese practice to further contribute to the theory of reintegrative shaming.

This study also has policy implications on the current victims' movement in Japan. As mentioned previously, the Japanese Juvenile Act (*Shonengo*) was revised to reduce the offenders' minimum age of criminal liability from 16 to 14 years of age in 2001, in light of Kobe double homicides case. This punitive policy may be counter-productive, because in the absence of less involvement of significant others, more police arrests may be expected based on our research findings. This, in turn, may result in shaming that is stigmatizing, rather than reintegrative, thus may lead to more future offenses.

BIBLIOGRAPHY

- Adler, N. J. (1983). Cross-cultural management: The ostrich and the trend. *Academy of Management Review*, 8, 226-232.
- Altschuler, D. M., Armstrong, T. L., & MacKenzie, D. L. (1999). *Reintegration, supervised, release, and intensive aftercare*. Retrieved from the U.S. Department of justice, Juvenile Justice Bulletin website <http://citeseerx.ist.psu.edu>
- Ames, W. (1981). *Police and community in Japan*. Berkeley, CA: University of California Press.
- Archambeault, W. G., & Fenwick, C. R. (1988). A comparative analysis of culture, safety, and organizational management factors in Japanese and U.S. prisons. *The Prison Journal*, 68, 3-23.
- Bayley, D. H. (1991). *Forces of order: Police modern Japan*. Berkeley, CA: University of California Press.
- Bazemore, G. (2000). Community justice and a vision of collective efficacy: The case of restorative conferencing. *Criminal Justice 2000*, 257-301. Washington, DC: Department of Justice, National Institute of Justice.
- Becker, C. B. (1988). Report from Japan: Causes and controls of crime in Japan. *Journal of Criminal Justice* 16, 425-435.
- Becker, H. S. (1973). *Outsides: Studies in the sociology of deviance, enlarged edition*. New York, NY: Free Press.
- Beckett, K. (1997). *Making crime pay*. New York, NY: Oxford University Press.
- Bennett, K. J. (1996). A family model of shaming and delinquency: A partial test of Braithwaite's Reintegrative Shaming Theory. Unpublished Ph.D. dissertation. Sam Houston University, Huntsville, TX.
- Blagg, H. (1997). A just measure of shame? – Aboriginal youth and conferencing in Australia. *British Journal of Criminology*, 37, 481-501.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Australia: Cambridge University Press.
- Braithwaite, J. (1999). Restorative justice: Assessing optimistic and pessimistic accounts. *Crime and Justice*, 25, 1-127.
- Braithwaite, J. (2002). *Restorative justice and responsive regulation*. New York, NY: Oxford University Press, Inc.

- Braithwaite, J., & Braithwaite, V. (2001). Revising the theory of reintegrative shaming. In E. Ahmed, N. Harris, J. Braithwaite, & V. Braithwaite (Eds.), *Shame management through reintegration* (pp. 39-58). New York, NY: Cambridge University Press.
- Central Intelligence Agency (2011). *The world factbook*. Retrieved (March 6, 2011) from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.
- Chen, X. (2002). Social control in China: Applications of the labeling theory and the reintegrative shaming theory. *International Journal of Offender Therapy and Comparative Criminology*, 46, 445-63. doi: 10.1177/0306624X02461004
- Clack, M. (2003). Caught between hope and despair: An analysis of the Japanese criminal justice system. *Denver Journal of International Law and Policy*, 31, 525-528.
- Clear, T.R., & Karp, D.R. (1999). *The community justice ideal: Preventing crime and achieving justice*. Boulder, CO: Westview.
- Clifford, Q. (1976). *Crime and control in Japan*. Lexington, MA: Lexington Books.
- Croll, P. (1974). The deviant image. Paper presented at the British Sociological Association Mass Communications Study Group.
- Das, D. (1994). *Police practice: An international review*. Metuchen, NJ: Scarecrow Press.
- Davis, J. (1952). Crime news in Colorado Newspapers. *American Journal of Sociology*, 57, 325-330.
- Dominick, J (1978). Crime and law enforcement in the mass media. In C. Winick (Ed.), *Deviance and mass media* (pp. 105-128). Beverly Hills, CA: Sage.
- Fagan, J. A. (1990). Treatment and reintegration of violent juvenile offenders: Experimental results. *Justice Quarterly*, 7, 233-263.
- Fenwick, C. R. (1985). Culture philosophy and crime: The Japanese experience. *International Journal of Comparative and Applied Criminal Justice*, 9, 67-81.
- Foote, D. (1992). The benevolent paternalism of Japanese criminal justice. *California Law Review*, 80, 317-90.
- Gibbons, D. C. (1994). *Taking about crime and criminals: problems and osiers on theory development in criminology*. Englewood Cliffs, NJ: Prentice Hall.
- Goto, H. (2004). Crime anxieties bred by neglect. *Japan Eco*, 31, 24-26.

- Green, S. (2008). In the name of the victim: Manipulation and meaning within the restorative paradigm. In R. J. Estevã (Eds.), *Victims & medication project*. (pp. 37-58). Lisboa: Associação Portuguesa de Apoio à Vítim.
- Haley, J. O. (1991). *Authority without power: Law and the Japanese paradox*. New York, NY: Oxford University Press.
- Haley, J. O. (1998a). Apology and pardon: Learning from Japan. *American Behavioral Science*, *41*, 842-867.
- Haley, J. O. (1998b). *The spirit of Japanese law*. Athens, GA: University of Georgia Press.
- Hamai, K. & Ellis, T. (2006). Crime and criminal justice in modern Japan: From re-integrative shaming to popular positivism. *International Journal of the Sociology of Law*, *34*, 157-178. doi: 10.1016/j.ijsl.2006.08.002
- Hamai, K., & Ellis, T. (2008). Japanese criminal justice – Was reintegrative shaming a Chimera? *Punishment & Society*, *10*, 25-46. doi: 10.1177/1462474507084196
- Hamilton, V. L., & Sanders, J. (1992). *Everyday justice: Responsibility and the individual in Japan and the United States*. New Haven, CT: Yale University Press.
- Hardung, J. (2000). The proposed revisions to Japan's juvenile law: If punishment is their answer, they are asking the wrong question. *Pacific Rim Law & Policy Journal*, *139*, 143-145.
- Harris, F. (1932). *Presentation of crime in newspapers*. Minneapolis, MN: Minneapolis Sociological Press.
- Hay, C. (2001). An exploratory test of Braithwaite's reintegrative shaming theory. *Journal of Research in Crime and Delinquency*, *38*, 132-35. doi: 10.1177/0022427801038002002
- Hauge, R. (1965). Crime and the press. *Scandinavian Studies in Criminology*, *1*, 147-164. London, England: Tavistock.
- Hill, B. (1996). Breaking the rules in Japanese schools: Kosoku Ihan, academic competition, and moral education. *Anthropology and Education Quarterly*, *27*(1), 90-110.
- Hill, F. D. (2008). Restorative justice: Sketching a new legal discourse. *International Journal of Punishment and Sentencing*, *4*(2), 51-81.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley, CA: University of California Press.

- Hosoi, Y., & Nishimura, H. (1999, September). *The role of apology in the Japanese criminal justice system*. Paper presented at the Restoration for Victims of Crime Conference convened by the Australian Institute of Criminology in conjunction with Victims Referral and Assistance Service, Melbourne, Australia. Retrieved from <http://www.aic.gov.au/events/aic%20upcoming%20events/1999/~//media/conferences/rvc/hosoi.ashx>
- Houts, S. S. (1996). Explaining alcoholism treatment efficacy with the theory of reintegrative shaming. *Alcoholism Treatment Quarterly*, 13, 25-38. doi: 10.1300/J020v13n04_03
- Hudson, J., Morris, A., Maxwell, G., & Galaway, B. (1996). *Family group conferences: Perspectives on policy and practice*. New York, NY: Criminal Justice Press.
- Immarigeon, R. (1996). Prison-based victim-offender reconciliation programs. In B. Galaway, & J. Hudson (Eds.), *Restorative justice: International perspectives* (pp. 463-476). Monsey, NY: Criminal Justice Press.
- Izumida-Tyson, M. (2000). Revising shonenho: A call to reform that makes the already effective Japanese juvenile system even more effective. *Vanderbilt Journal of Transnational Law*, 33, 739-775.
- Japanese Code of Criminal Procedure (*Keiji Soshouho*), Act No. 131 of 1948.
- Japanese Penal Code (*Keiho*), Act No. 45 of 1907.
- Jensen, G. F., & Erickson, M. L. (1978). The social meaning of sanctions. In M. D. Krohn & R. L. Akers (Eds.), *Crime, law and sanctions: Theoretical perspectives* (pp. 119-136). Beverly Hills, CA: Sage.
- Johnson, D. T. (2002). *The Japanese way of justice: Prosecuting crime in Japan*. New York, NY: Oxford University Press.
- Johnson, D. T. (2007). Crime and punishment in contemporary Japan. In M. Tonry (Ed.), *Crime, punishment, and politics in comparative perspective – crime and justice: A review of research* (pp. 371-423). Chicago, IL: University of Chicago Press.
- Johnstone, G. (2002). *Restorative justice: Ideas, values, debates*. Portland, OR: Willan Publishing.
- Juvenile Act (*Shonenho*), Article 1-61.
- Kaihara, H. (2009). Contemporary conservative thoughts in Japan: Conservative views on morality, history, and social issues. *International Relations of the Asia-Pacific*, 9, 339-364. doi: 10.1093/irap/icn030

- Kawai, M. (2004). *Paradox of the myth of the collapse of secure society*. Tokyo: Iwanami Publications.
- Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*, 85, 127-144. doi: 10.1177/0032885505276969
- Lemert, E. (1976). Response to critics: Feedback and choice. In L. Coser, & O. Larson (Eds.), *The use of controversy in sociology* (pp. 244-249). New York: Free Press.
- Lerman, P. (1975). *Community treatment and social control – A criteria of juvenile correctional policy*. Chicago, IL: University of Chicago Press.
- Leonardsen, D. (2004). *Japan as a low-crime nation*. Houndmills, Basingstoke: Palgrave MacMillan.
- Lu, H., Zhang, L., & Miethe, T. D. (2002). Interdependency, communitarianism and reintegrative shaming in China. *The Social Science Journal*, 39, 189-201. doi: 0362_3319/02/\$
- Lucas, N. (2001). Restitution, rehabilitation, prevention, and transformation: Victim-offender mediation for first-time non-violent youthful offenders. *Hofstra Law Review*, 29, 1365-1400.
- Makkai, T., & Braithwaite, J. (1994). Reintegrative shaming and compliance with regulatory standards. *Criminology*, 32, 361-86.
- Marsh, H. L. (1991). A comparative analysis of crime coverage n newspaper in the United States and other countries from 1960-1989: A review of the literature. *Journal of Criminal Justice*, 19, 67-79. doi: 10.1016/0047-2352(91)90083-8
- McGarrell, E. F. (2001). *Restorative justice conferences as an early response to young offenders*. Retrieved from the U.S. Department of justice, Juvenile Justice Bulletin website <http://citeseerx.ist.psu.edu>
- Miethe, T.D., Lu, H., & Reese, E. (2000). Reintegrative shaming and recidivism risks in drug court: explanations for some unexpected findings. *Crime & Delinquency*, 46, 522-541. doi: 10.1177/001128722246004006
- Ministry of Justice, Japan. White Paper on Crime, 1998-2009. Retrieved (September 15, 2010) from http://hakusyo1.moj.go.jp/jp/nendo_nfm.html
- Miyazawa, S. (1990). Learning lessons from Japanese experience in policing and crime: Challenge for Japanese criminologists. *Kobe University Law Review* 24, 29-61.

- Miyazawa, S. (1992). *Policing in Japan: A study on making crime*. Albany, NY: State University of New York Press.
- Miyazawa, S. (1997). The enigma of Japan as a testing ground for cross-cultural criminological studies. In D. Nelken (Ed.), *Comparing Legal Cultures* (pp.199-202). Aldershot: Dartmouth.
- Miyazawa, S. (2008). Politics and Punishment in the PRC and Japan. *Punishment & Society, 10*, 5-8.
- Morris, A., Maxwell, G. (1998). Restorative justice in New Zealand: Family group conferences as a case study. *Western Criminology Review, 1*, 1-19.
- Murphy, K., & Harris, N. (2007). Shaming, shame and recidivism: A test of reintegrative shaming theory in the white-collar crime context. *The British Journal of Criminology, 47*, 900-917. doi: 10.1093/bjc/azm037
- Nawa, S. (2006). Postwar fourth wave of juvenile delinquency and tasks of juvenile police. *Journal of Police Science, 58(1)*, 1-19. Retrieved from National Police Academy of Japan, Police Policy Research Center: <http://www.npa.go.jp/english/seisaku3/20060424.pdf>
- Parker, L. C. Jr. (1984). *A Japanese police system today: An American perspective*. Tokyo: Kodansha.
- Parker, L. C. Jr. (2001). *The Japanese police system today: A comparative study*. Armonk, NY: ME Sharpe Inc.
- Presser, L., & Voorhis, P. V. (2002). Values and evaluation: Assessing processes and outcomes of restorative justice programs. *Crime and Delinquency, 48*, 162-88.
- Reichel, P. L. (2008) *Comparative criminal justice system* (5th Ed.) Upper Saddle River, NJ: Prentice Hall.
- Reiner, R. (2002). Media made criminality: The representation of crime in the mass media. In M. Maguire, R. Morgan, & R Reiner (Eds.), *The Oxford Handbook of Criminology*. Oxford, England: Oxford University Press.
- Reischaier, E. O. (1988). *The Japanese today: Change and continuity*. Cambridge, MA: Belknap.
- Restorative Justice Online. (2011). *Introduction to Restorative Justice*. Retrieved (February 25, 2011) from <http://www.restorativejustice.org/>
- Roshier, B. (1973). The selection of crime news by the press. In S. Cohen & J. Young (Eds.), *The manufacture of news* (pp. 40-51). London, England: Constable.

- Ryan, T. (2005). Creating 'problem kids': Juvenile crime in Japan and revisions to the Juvenile Act. Retrieved from <http://www.asaiweek.com/asiaweek/97/0711/feat5.html>
- Rytterbro, L. (2003). Victim and offender viewed from the perspective of mediation. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 4, 101-122. doi: 10.1080/14043850310011207
- Sampson, R. J., & Laub, J. H. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge, MA: Harvard University Press.
- Sankei Newspaper*
- Sano, Y., & Kittaka, K. 2006. Activities by juvenile support centers for protecting juveniles. *Journal of Police Science*, 52(12), 1-19. Retrieved from National Police Academy of Japan, Police Policy Research Center: <http://www.npa.go.jp/english/seisaku3/20060424.pdf>
- Sherman, L. W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal Sanction. *Journal of Research in Crime Delinquency*, 30, 445-473. doi: 10.1177/0022427893030004006
- Silberman, C. E. (1978). *Criminal violence, crime justice*. New York, NY: Random House.
- Smith, S., & Sueda, K. (2008). The killing of children by children as a symptom of national crisis: Reactions in Britain and Japan. *British Society of Criminology*, 8, 5-25. doi: 10.1177/1748895807085867
- Strang, H., Barnes, G. C., Braithwaite, J., & Sherman, L. W. (1999). *Experiments in restorative policing: A progress report on the Canberra reintegrative shaming experiments (RISE)*. Canberra, Australia: Australian National University.
- Supreme Court of Japan. (2006). *Juvenile delinquency cases*. Retrieved from <http://www.courts.go.jp/english/proceedings/juvenile.html>
- Tamura, Y. (2007). School dress codes in post-scarcity Japan: Contradictions and changes. *Youth Society*, 38, 463-489. doi: 10.1177/0044118X06290708
- Thornton, R. T., & Endo, K. (1992). *Preventing crime in American and Japan: A comparative study*. Armonk, NK: ME Sharpe Inc.
- Ttofi, M., & Farrington, D. P. (2008). Reintegrative shaming theory, moral emotions and bullying. *Aggressive Behavior*, 34, 352-368. doi: 10.1002/ab.20257

- U.S. Department of State. Background note: Japan. Retrieved (February 26, 2011) from <http://www.state.gov/r/pa/ei/bgn/4142.htm>
- Umbreit, M., Roberts, A., Kalanj, B., & Lipkin, R. (1996). *Mediation of criminal conflict in England: An assessment of serves in Coventry and Leeds* – Executive Summary. Center for Restorative Justice & Mediation, School of Social Work, University of Minnesota.
- United Nations. (2010). World Statistics Pocketbook, United nations Statistics Division. Retrieved (March 1, 2011) from <http://data.un.org/CountryProfile.aspx?crName=JAPAN>
- Vagg, J. (1998). Delinquency and Shame: Data from Hong Kong. *British Journal of Criminology*, 38, 247-64.
- Van Ness, D. & Strong, K. H. (1997). *Restoring justice*. Cincinnati, OH: Anderson.
- Van Ness, D. (2002). The shape of things to come: A framework for thinking about a restorative justice process. In E. Weitekamp and H. J. Kerner (Eds.), *Restorative justice: Theoretical foundations*, (pp.1-20). Cullompton: Willan.
- Wagatsuma, H., & Rosett, A. (1986). The implications of apology: Law and culture in Japan and the United States. *Law & Society Review*, 20, 461-498.
- Wiatrowski, M. D., Griswold, D. B., & Roberts, M. K. (1981). Social control theory and delinquency. *American Sociological Review*, 46, 525-541.
- Yoshida, T. (2003). Confession, apology, repentance and settlement out of court in the Japanese criminal justice system – is Japan a model of ‘Restorative Justice’? In E. Weotekamp, Hans-Jurgen, K (Eds.), *Restorative justice in context: International practice and directions* (pp. 173-196). Portland, OR: Willian Publishing.
- Zhang, L. (1995). Measuring shaming in an ethnic context. *British Journal of Criminology*, 35, 248-262.
- Zhang, L. & Zhang, S. (2004). Reintegrative Shaming and Predatory Delinquency. *Journal of Research in Crime and Delinquency*, 41, 433-453. doi: 10.1177/0022427803262077

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