Crime and criminal justice in modern Japan: From re-integrative shaming to popular punitivism

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Abstract

Although Japan continues to be one of the most crime-free economically advanced countries, crime was a crucial issue in the 2003 general election (for the first time since WWII) and a 2004 survey showed that the proportion of the public that thought crime was getting worse had doubled since 1998. Here, we have examined recorded crime and victim surveys in relation to violent offences, to assess the extent to which the public’s view of increasing crime is based on sound evidence. We found that in the late 1990s, a specific series of police scandals in Japan fundamentally changed the way the press reported policing issues. These changes provoked policy reactions that ensured that more ‘trivial’ offences were reported, boosting overall crime figures. The resulting ‘myth of the collapse of secure society’ appears, in turn, to have contributed to increasingly punitive public views about offenders and sentencing in Japan.

1. Introduction

Since the Second World War, recorded crime has increased significantly in most western countries. But for much of that time, Japan appeared to have avoided the link between rising crime and increased affluence. In fact, recorded crime in Japan fell by around a half between 1945 and 1973 (Vogel, 1979, p. 204). As well as enjoying the reputation for being...
one of the most crime-free economically advanced countries, Japan became a ‘capitalist development template’ for East Asian policing arrangements more generally (Leishman, 1999, p. 110). Until the late 1990s, there was very little public or media concern about the level of crime and Japan still has a very low ratio of police officers in relation to the overall population (see Miyazawa, 1992). However, since the late 1990s, it appears that the Japanese press and public have lost confidence in the safety and the effectiveness of the criminal justice system. The Japanese press has generally associated the 1990s economic slump with crime through ‘the collapse of traditional community-based society’ (Japan Times, Editorial, 2002). Also a survey of public attitudes in 2004, as shown in Fig. 1, by the Public Relations Office of the Japanese Cabinet (2004), showed that the proportion of the public who thought crime was getting worse had increased from 19% in 1998 to 40% in 2004. Furthermore, according to the International Crime Victims Survey (ICVS) 2004 (carried out in Japan by the Ministry of Justice), 75.5% of the people think that Japan has recently become more dangerous society in terms of crime.

Over the same period, Japanese newspapers focused heavily on a ‘rising tide of youth violence’ and on mass killing sprees such as the slaughter of an entire family in Tokyo at the end of 2000 and the school stabbings in Osaka in June, 2001. In addition, two murders committed by minors under 13-year old have provoked fear against teenage killers. In 2003, in Nagasaki, a 12-year-old junior high school student admitted to murdering Shun Tanemoto, the 4-year-old boy who was abducted and killed at a parking lot. In 2004, in Sasebo, and 11-year-old girl also stabbed and killed her classmate.

In 2001 the Japanese Prime Minister, Junichiro Koizumi, was moved to state, Addressing the sixth crime Victim Support forum, 19 November 2001.

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1In Setagaya of Tokyo, Miyazawa, a 44-year-old business consultant, his wife Yasuko, 41, and their 8-year-old daughter Niina were stabbed to death on 30 December 2000, while their 6-year-old son Rei was strangled. No suspect has been arrested.

2Mamoru Takuma, a 37-year-old psychiatric outpatient from Ikeda, ran amok inside Osaka Kyoiku University Ikeda Elementary School, stabbing 21 children and two teachers. Eight of the children died.

3Nakamura (2004) reported ‘The 11-year-old girl who has admitted killing her classmate at a primary school here told police that the classmate posted a message on an Internet bulletin board taunting her for being a goody-goody, investigative sources said Friday. The girl, whose name cannot be revealed because she is a minor, had earlier told her lawyers that she killed Satomi Mitarai, 12, because Mitarai had posted bulletin board messages criticizing her appearance and weight.’

...in order to regain the trust of the people that ‘Japan is the safest nation on the planet’, the government is enhancing its measures to prevent violent crimes.

Furthermore, at the General Policy Speech by Prime Minister to the 161st Session of the Diet on October 12, 2004, Koizumi said;

we must revive “Japan, the safest county in the world” through enhancing anti-crime measures. In addition to eliminating “empty Koban,” we will revive urban areas such as Kabukicho in Shinjuku, where many crimes occur, transforming them into attractive areas that are safe to walk around. We will review the Penal Code to strengthen sentences for malicious crimes such as murder and criminal assault.

Thus, the Japanese media now consistently questions whether Japan’s status as a low crime country is a myth or whether Japan has simply taken longer to conform to the almost law-like link between increasing development and increasing crime as observed in most other developed countries. It appears that this question is now also a key part of the Japanese political agenda.

Below, we first examine whether the Japanese media are providing an accurate picture of current crime trends. We outline why the increase in crime is more apparent than real, while not denying there is a current ‘moral panic’ about rising crime. We then look at other factors that appear to affect the Japanese public’s fear of crime. To reduce fear of crime, it appears that both academics and policy makers need to look in different places to those traditionally concentrated upon.

2. Moral panics, official statistics and police scandals

Following Cohen (1972), we define a moral panic as a situation where conditions, events, groups or individuals become a threat to societal values and interests. Often, media influence is vital, especially when they concentrate on criminal behavior not previously considered a problem and which a subsequent trawl of similar events ‘discovers’ (Morgan, 1988). Moral panics tend to be present when societal change is rapid and existing social and economic structures appear threatened, as in Japan throughout the 1990s. Moral panics usually demonize those who are perceived to be the cause of the problem in what Young (2000, p. 111) calls an

inversion of causal reality...instead of acknowledging that we have a problem in society because of basic contradictions in the social order, it is claimed that all the problems in society are because of the problems themselves.

It now appears, from a number of quarters, evidenced below, that Japan is under pressure to adjust to late modernity in relation to crime. While direct causality is difficult to ‘prove’ on such a broad scale, we present evidence and analysis to suggest the following train of events in Fig. 2.

By comparison, there are several examples of criminal justice scandals covered by the British press that had an impact on the criminal justice process and agencies involved. These are scandals

which explode in such a way that unusual responses are called for by ‘public opinion’—a phenomenon for which media attention is often taken to be the proxy (Downes and Morgan, 2002, p. 310). Downes and Morgan (2002, p. 313) present a
number of convincing case studies on the impact of scandals that uncover ‘taken-for
granted practices that are exposed as a result of unusual degrees of pressure or modes
of scrutiny, rather than being exceptional instances of individual pathology’.

In Japan, the impact of the policing scandals that we consider here can be most
appropriately compared to the series of corruption scandals in British policing that finally
led to the Royal Commission (1962) on the Police (see Critchley, 1978) and subsequent
changes in police organization. However, it is important to bear in mind here that, rather
than scandals involving corruption (some of which predate the period in question—see
Miyazawa, 1992), the policing scandals we focus on here were ultimately about police
effectiveness, and are therefore also comparable to the impact of the Scarman Report
(1981) and the Macpherson Report (1999) in the UK. In all these cases, the impact of the
media on public opinion and in effecting change in criminal justice policy is in little doubt.

The development of the new ‘crime agenda’ in Japan is roughly analogous to Cohen’s
(1972) model of deviancy amplification and/or Hall et al.’s (1978) signification spiral, both
leading to a media-led moral panic. The evidence presented below strongly suggests that
media representation and social reality have blended, through fear of crime, into what
Osborne (1996) terms the hyper-real. The results of the most recent victimization survey
and the rising prison population certainly suggest a new popular authoritarianism among
the Japanese public’s and sentencers’ attitudes, which has produced a rapid shift from a
posited existing re-integrative and informal notion of criminal justice, to one which is more
formal, retributive and indeed, looks more like Garland’s (2001) ‘penal welfare state’.
When discussing the increasing crime rate, the Japanese media tend to focus on the number of crimes reported to and recorded by the police, or on the number of arrests. This is usually done through citing the authoritative ‘White Papers on Crime’ (Research and Training Institute, Ministry of Justice, 2001). Typically, the Japan Times (17 November, 2001) reported that crime rates, especially violent robbery, assault and property damage, hit a new high, while arrests reached a record low. But, are these figures representing the real crime situation in Japan?

Japan has a population well over twice that of England and Wales, but with 2.56 million recorded crimes (Penal Code offenses), has under half under half the 5.6 million reported crimes (Nicholas et al., 2005, p. 12) for England and Wales (in the accounting year 2004/2005). However, the low crime figure has increased to its current level from 1.78 million in 1995, reaching a peak of 2.85 million in 2002. There was in effect a 44% increase in reported crime between 1995 and 2004. More strikingly, the proportion of offences that were violent is only 3.5% (White Paper on Police, 2005) compared to 21% (Nicholas et al., 2005, p. 13) in the UK. There are many obstacles to comparing these differences effectively, some of which are discussed below, but both recorded crime and surveys of victimization (see below) continue to suggest that Japan is a low crime country.

The simplistic interpretation by the media therefore needs to be deconstructed and examined for its accuracy. As in any other country, we need to examine the complex set of filters applied by both the public and the police in order to produce Japan’s official crime statistics. These processes of under-reporting, cuffing, etc. often result in filtering out what are perceived to be relatively trivial crimes (see Maguire, 2002 for a summary of these points).

Many commentators (Braithwaite, 1989; Won-Kyu Park, 1997; Komiya, 1999; Finch, 1999, 2001) attach most importance to specific Japanese cultural aspects, especially informal procedures to deal with crime. This is usually seen as a form of proto-restorative justice and presented as a positive phenomenon. However, Miyazawa (1992) in Japan and Aldous and Leishman (2000) have challenged the ‘myth’ that Japanese crime statistics are uniquely more reliable than those from other countries (see particularly Bayley, 1976; Gurr, 1977), and that cultural explanations for low crime rates in Japan are therefore flawed. For instance, evidence has emerged of a hitherto strong tendency in Japan, in the past, to keep domestic violence from being recorded as crimes (Keisatsu no ‘higaisha taisaku’ ni kansuru kenkyukai, 1996). There is also evidence that crime has been systematically under-recorded to manipulate clear up rates (Aldous and Leishman, 2000). It is therefore probable that Japan also has a substantial ‘dark figure’ of crime, in common with most other countries (Kitamura et al., 1999).

It is our contention that a series of police scandals regarding police inaction or inefficiency in Japan started a train of events that have led to enormous changes in the amount of crime, especially violent crime, recorded since 1999.

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5Excluding traffic accidents resulting in death.


2.1. Police scandals, policy changes and the reporting of crime trends

In 1999 and 2000, a series of police scandals received unprecedented press coverage. The most infamous 2 incidents were the Okegawa stalker murder\(^8\) and the Tochigi lynch murder.\(^9\) In both cases, family members repeatedly asked for police protection. In effect, both victims were killed mainly because of police inaction, evidencing the downside of *kaiketsu* or ‘informal resolution’. The coverage of both cases generated increasing dissatisfaction with, and criticism of, *kaiketsu*. There are many parallels here with the aftermath of the *Macpherson Report* (1999) in the UK and the subsequent questioning of the use of police discretion and its relationship to professional competence (see *Her Majesty’s Inspectorate of Constabulary, 2000*). These murders and the subsequent media criticism marked a watershed in both: the way the media reported policing issues; and the way Japanese police dealt with reported incidents.

In the early 1990s the Japanese media were unwilling to lead public opinion in questioning the pace and progress of criminal investigations (*Miyazawa, 1992*). Reporters also relied on the police for most of their information. By the end of the 1990s, the approach could not be more different.

Fig. 3 shows the results of our searches for all articles that included ‘police scandals’ (*fushoji*) between 1993 and 2003 in *Asahi Shinbun* (one of the most subscribed and liberal newspapers) and *Nikkei Shinbun* (roughly equivalent to the UK Financial Times). Quality broadsheets tend to devote the smallest proportion of their column space to crime (*Williams and Dickson, 1993; Smith, 1984; Ditton and Duffy, 1983*). We therefore included *Nikkei Shinbun* as the most likely robust measure of the impact of the policing scandals and most likely to have the highest resistance to sensationalism. The results (Fig. 3) show there were only a handful of articles on police scandals before 1999, followed by an enormous increase over the 2-year period 1999–2000.

Press coverage of the scandals regarding police inaction, resulted in changes in police policy and practice, indicating a new willingness by the National Police Agency (NPA) to accept their responsibility and lack of competence in the stalking cases. The NPA developed a new policy and issued instructions to prevent similar future events by requiring officers to accept and investigate all public complaints of violence.

In March 2000, the NPA issued the instruction entitled “[The police should make] more effort to prevent crimes or accidents before they are committed”. The introduction states:

[The NPA] very much regret the incidents in which a minor and a woman were killed mainly due to a lack of necessary intervention by the police, and also regret that the incidents damaged public trust in the police. i.e., the police have not carried out their duty to protect people from crimes… (*National Police Agency, 2000, p. 1*).

\(^8\)In July 1999, a woman and her family complained to the police that her former boyfriend was stalking her and was also posting defamatory flyers in her neighborhood. Saitama police, however, allegedly requested that the woman (Ino) and her family drop their criminal complaint. Ino, a second-year student at Atomi College, was stabbed to death on 26 October in front of a train station in Okegawa. Three Saitama police officers were later fired, indicted and found guilty of falsifying written evidence relating to Ino’s original complaint.

\(^9\)A young man (Sudo) was forced into a car by a group of teenagers, in December 1999, and later strangled in a wooded area near the town of Ichikai, Tochigi Prefecture, according to police. The boys had been targeting the victim since October, assaulting him and forcing him to take out loans of over 7 million yen which they appropriated. When his parents filed the abduction report, an officer at the police station was quoted as telling them that the “police will not act unless it becomes a criminal case.”
The NPA also issued the ‘Summary of the restructuring of the police.’ The introduction states:

The maintenance of public safety is the base of the nation and its development. Therefore, it is very important and urgent to restructure the police in charge of public safety, and regain the trust and confidence in the police by the people (National Public Safety Commission and NPA, 2000, p. 1) … In order to establish the police for the people, we should strengthen the reception process for complaints and accusations, strengthen measures against new waves of crimes such as stalking, child abuse and youth violence, and be more sensitive to and improve support for victims (National Public Safety Commission and National Police Agency, 2000, p. 2).

One key outcome was to ensure that all reported incidents were now recorded without police discretion, either at the ‘crime desk’ or at the ‘consultation desk’. Indeed, the
consultation desks were opened up more widely and this is where more ‘trivial’ incidents would most likely to be reported. This change marked severe restrictions on kaiketsu for a whole raft of previously under-recorded offences, and in effect, an end to ‘cuffing’ at the police station. The impact of such changes on recorded crime was profound. Firstly, the number of ‘incidents’ recorded at the consultation desks increased dramatically. Fig. 4 indicates the number of incidents reported to the police in Japan between 1992 and 2004. As the figure shows, the number of such incidents was very stable between 1992 and 1999, but then rocketed. Shigehisa (2002, pp. 133–134), from the NPA, suggested:

Recent efforts made by the police in improving the reception process of the troubles, problems and disputes brought to the police and in publicity work encouraging the people to bring such incidents to the police, are the main reasons for the sharp increase. It may be that the police have become closer to the people and that people have begun to feel more comfortable in presenting problems to the police.

According to the NPA survey (Ishii, 2002), only 10% of these reported incidents could be classified as problems for other public services. This therefore implies that around 90% of the reported incidents were eventually recorded as a crime. As the White Paper on Police (2002, p. 5) acknowledges, the

police cannot now carefully investigate all the crimes possibly committed by each arrested suspect. This probably affects the clear-up rates of violent and property offenses the most.

As the crime rate for violent offences rocketed, the Japanese press turned its attention from police inaction scandals, to the inability of the police to control the rapidly rising crime rate which the NPA policy changes had, in effect, created. As Reiner et al. (2000) and Surette (1998) have noted, homicide and violent crimes are most over-represented in media crime stories, in direct contrast to the volume and types of crime reported in official statistics. It appears then, that the Japanese media are not culturally unique in this respect. As in Britain, there is an unwillingness to contextualize crime figures, so that there is a conflation of the real overall increase in recorded crime, with a perceived unprecedented (postwar) surge in more serious violent crime. To fuel this moral panic, the Japanese media additionally focused on the dramatic fall in clear up rates and arrest rates for ‘serious’ crimes. An example of this is the Japan Times (10 October 2002) article reporting that the arrest rate had fallen to under 20% and went on to say that the 2002 Police White Paper

describes the grim reality of a vicious circle in which the nation’s police officers struggle to keep up with the rising number of crimes, and new crimes occur before investigations into ongoing cases can be completed…. There is no end to vicious crime. Two years ago, a family of four was brutally murdered in Tokyo’s Setagaya Ward, but despite the fact that plenty of evidence was left at the scene, the investigation has yet to lead anywhere.

Thus, the press link the falling general clear up rate with murder, rather than with minor crime.

The White Paper (2002, p. 8) does indeed show the number of all reported violent crimes rose by just under 80% between 1991 and 2001, although 90% of these resulted in only minor injuries. Fig. 5 shows the dramatic increase in violent crime started during the
period of police scandals and continued through the following period of NPA implementation of reforms in recording crime.

What is more striking, and not reported in the press, is that most of this increase in reported violent crime was due to the enormous increase in less serious violent crimes, as Fig. 6 demonstrates. There are examples, from other countries, of changes in policy and practice which have impacted on recorded crime figures. For instance, in England and Wales changes to police procedures after 1985 resulted in greater reporting of offences by rape victims (Home Office, 1988). Even in Japan, Kumigai (1983) noted that the apparent increasing trend in reported filial violence may be due to an increased willingness to report such offences in Japan (see Watts, 2002). However, the sheer scale of impact in Japan is perhaps unprecedented.
The clear up rate for serious crimes\(^{10}\) correspondingly fell from just over 90% in 1995, to only 60% in 2000, but closer analysis shows that much of the drop is due to greater reporting and recording of less serious violent crimes, including indecent assaults on young women on public transport as well as on the street (see also Table 1). Reporting of the latter was specifically encouraged by NPA initiatives. While in reality, the Japanese clear up rate started slowly declining from 1986 (Finch, 1999), the recent policy shift toward encouraging greater reporting of more minor offences, coupled with the existing legal framework (which requires witnesses for indecent assaults), has produced a large increase in recorded violent crimes that are virtually unsolvable. This has devastated the clear up rate, making it much more newsworthy, while in reality, the risk of becoming a victim between 2000 and 2004 has generally reduced—see Table 1.

Further doubt about the validity of press representations of increasing levels of violent crime come from an analysis of the trends in homicide rates. The murder rate is one of the most reliable crime statistics, given that murders are less affected by under-reporting (White, 1995). If public safety and public order deteriorate, we would expect the level of violent crime, of which murder is the most extreme expression, to rise. However, the actual murder trends in Japan have been downward since the 1980s, and relatively static since.\(^{11}\) During this time period, the clear up rate has remained consistently high (see Fig. 7). In addition, the number of the people who were killed by any kind of violence has also decreased (see Fig. 8). It is also worth noting that the Japanese homicide rate is well below that for England and Wales.

However, other measures of serious violent crime reported to the police have shown an increase. For instance, reported aggravated burglaries have increased from 1032 in 1995 to 2776 in 2004, an increase of 169%, though admittedly on very small numbers of offences.

\(^{10}\)Serious crimes in police statistics include: murder; robbery; arson; rape; kidnap; and indecent assault.

\(^{11}\)The definition of homicide and murder has changed in Japanese statistical returns throughout the 1980s and 1990s (Finch, 2001). These figures include: eijisatsu (infanticide); jisatsu kanyo (assisting suicide); satsujinzai (‘murder’ or ‘crime of homicide’); satsujin yobi (preparation for or conspiracy to murder); sonzokusatsu (patricide). They exclude gokanchisi (rape resulting in death) and gotosatsujin (murder as a result of robbery) (Hisei 00nen no Hanzai: Hanzai Tokeisho).

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Table 1

<table>
<thead>
<tr>
<th>Victim</th>
<th>Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1989</td>
</tr>
<tr>
<td>Car theft</td>
<td>0.8</td>
</tr>
<tr>
<td>Theft from car</td>
<td>2.6</td>
</tr>
<tr>
<td>Car vandalism</td>
<td>5.0</td>
</tr>
<tr>
<td>Motorcycle theft</td>
<td>1.7</td>
</tr>
<tr>
<td>Bicycle theft</td>
<td>9.0</td>
</tr>
<tr>
<td>Burglary</td>
<td>2.2</td>
</tr>
<tr>
<td>Attempted burglary</td>
<td>0.6</td>
</tr>
<tr>
<td>Robbery</td>
<td>—</td>
</tr>
<tr>
<td>Personal theft</td>
<td>0.8</td>
</tr>
<tr>
<td>Sexual incidents</td>
<td>1.8</td>
</tr>
<tr>
<td>Assault and threat</td>
<td>0.6</td>
</tr>
</tbody>
</table>

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The issue is therefore, to what extent these increases (and their impact on fear of crime in Japan) are real, the result of reporting and/or recording practices, or both.12

3. ICVS, crime victimization rate and fear of crime

There is no way of forcing the press to contextualize their crime trend analysis, and it appears from the above analysis that recorded crime in Japan is no more or less useful than recorded crime in other countries for estimating the underlying level of crime. In 2000, Aldous and Leishman noted:

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Regrettably, Japan does not conduct systematic victimization surveys on the scale or with the regularity of other jurisdictions and there is thus little objective evidence with which to compare and contrast the official crime count with patterns of public reporting and police recording behavior (Aldous and Leishman, 2000, p. 10).

Fortunately, through the International Crime Victims Surveys (ICVS), Japan now has an alternative measure of crime, roughly akin to the British Crime Survey (BCS). ICVS was developed in 1989 as a measure of crime to compare crime victimization rates in different countries. They have now been carried out in 24 countries and Japan took part in all but the 1996 survey. One of the authors was in charge of conducting the 2000 ICVS in Japan.13

The mean sample size was 2000 for each of the 1214 countries included in the 2000 ICVS, with an overall response rate of 66%. The Japanese sample was 3000, with a 73% response rate. The analysis for this paper has used published survey results data (van Kesteren et al., 2000).15

In general, the survey shows that Japanese crime victimization rates are still lower than most other comparable countries. For burglary, including attempts, the Japanese victimization rate (1.8%) is the second lowest after Finland, while Australia had the highest incidence (6.6%). More importantly, for violent crimes (robbery, sexual assault and assault with force), Japan has the lowest reported victimization rates of all the ICVS 2000 countries at just 0.4% per 100, compared to Australia which again produced the highest incidence at 4.1%. These results suggest that, in a comparative sense at least, there is little justification for increased fear of crime given the low level of risk.

In addition, more importantly, ICVS 2004 has now been carried out and the main result was featured in the White Paper on Crime (2004) published in November 2004. Table 1 shows the comparison of the victimization rates and reporting rates to the police by crime types between the 3 ICVS surveys of 1989, 2000 and 2004. As shown in Table 1, and in contrast to the emphasis in the press, for most crimes, the victimization rates have actually dropped between 2000 and 2004 (except for theft from cars and attempted burglary). Most germane to our argument, however, is the fact that for violent crimes, (e.g., robbery and assault and threats) victimization rates went down, while the reporting rates to the police went up. This explains why the number of the recorded crime in violent offense (Fig. 5) has risen so dramatically. It can also be seen however, by looking at the differences between 1989 results and those of 2004, that victimization has generally increased in line with police figures, and cannot be explained by differential reporting factors.

It may be that there is an underlying trend of gradually increasing crime in Japan, or it may be a result of the small sample size for the 1989 survey affecting the results. It seems fair to say then that the sudden and dramatic increase in police reported violent crime is

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13ICVS 2004 has been conducted and is now under analysis in detail. Limited results are in the White Paper on Crime 2004.
14Australia, Canada, England and Wales, Finland, France, Japan, Netherlands, Poland, Portugal, Sweden, Switzerland, and USA.
15ICVS 2000 was carried out in Japan using the same methodologies as for other countries, with the exception of computer-assisted telephone interviewing (CATI), that has not yet been established as a reliable method in Japan.
not matched by victim survey results, but they cannot discount a more general, but more
gradual increasing trend for crime in Japan.\(^{16}\)

### 3.1. Fear of crime

ICVS 2000 respondents were asked 3 questions about fear of crime: the results show that fear of burglary, fear of being at home alone after dark and fear while out alone in Japan were among the highest rates within the ICVS countries, despite the low level of actual victimization noted above.

- Only Poland (15%), Australia and Portugal (both 10%) had higher levels of fear than Japan (9%) about ‘being at home alone after dark’ (range 4–15%).
- Only Australia, Poland (both 34%), Portugal and England and Wales (both 27%) had higher levels of fear than Japan and Switzerland (22%) when ‘walking alone after dark’ (range 15–34).
- Compared to Japan (34%), only Portugal (58%), France (44%) and Australia (36%) had higher levels of fear for home for ‘home being broken into’ (range 13–58).

This illustrates a large gap between risk and reality and appears to repeat, on a comparative level, the consistent findings from the various British Crime Surveys: that those least likely to be victims of crime are the most fearful of it, although as Sparks (1992) notes, this is not necessarily irrational.

In addition, in comparison between ICVS 2000 and ICVS 2004, fear of burglary, fear of being at home alone after dark and fear while out alone in Japan increased. For example, as Fig. 9 shows, people who have fear of the risk of burglary increased from 39% to 54%, even though actual victimization of burglary decreased a little. People who have fear of walking out alone after dark also increased from 22% to 34%.

### 4. The ‘myth of the collapse of secure society’, the media and the victim support movement

Unsurprisingly, the Japanese public, like the public in the UK, rely more on media sources for opinions on crime than they do on official statistics. According to the most

\(^{16}\)平成 17 年版犯罪白書第 3 編第 1 章第 2 節 2 (White Paper on Crime, 2005, Part 3, Chapter 1, Section 2 (2)).
recent opinion poll on crime and safety in community by the Cabinet Office, 84% of respondents replied ‘they became concerned about community safety because newspapers and television programs have often featured the issue’. The mismatch between the sources of public perception and recorded crime is stark indeed in relation to murder. Fig. 10 shows the relationship between the number of recorded murders and the number of articles that included key words “heinous (kyoaku)“17 as well as “murder” and that included key words “crime victim” between 1985 and 2001 in Asahi Shinbun (a major newspaper in Japan). Even though the number of recorded murders has remained stable and relatively low, the number of articles containing such key words has dramatically risen, again supporting a notion of moral panic.

This moral panic has been extremely durable, and has already lasted for more than 5 years. As shown in Fig. 1, the fear of and concern about crime among the Japanese public has been growing. It might be said that the moral panic has been almost institutionalized in Japan. Japanese scholars, such as Kawai (2004) have responded by arguing that there has been an increasing collapse of the pre-existing psychological boundary dividing the ordinary world where crime is rare, and another world where crime is common. Kawai (2004) argues that this general ‘collapse of secure society’ has, among the Japanese public, resulted in a more specific and personalized fear that crime is occurring in the area where they live and that they now more likely to become a victim. However, in order to understand fully the Japanese public’s worsening perception of crime, it is perhaps most important to understand the role of the victim support movement in Japan, especially in relation to media representations of crime.

As was the case in many other developed countries, and perhaps in contrast to the vision provided by Braithwaite (1989) victims of crime were relatively neglected in the Japanese

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17 Essentially crimes considered atrocious and cruel, such as serial murders.
criminal justice system. However, in 1996, the National Police Agency issued guidelines for supporting crime victims that instructed police officers how to deal with victims properly and to avoid secondary victimization by the police. Since then, the victim support movement, in both private and public sectors has grown very rapidly. Survivors and family members of the victims of violent crimes have increasingly begun to claim their rights and demand that the government takes necessary measures to help and support victims. Importantly, the media is now far more interested in the victim perspective and is far more likely to show people telling their heart-rending stories of victimization and grief. Consequently, more attention is paid to the victims, rather than the offenders, in reporting murder stories, with the theme from the victims of ‘if you don’t do anything now, you or your family will be next.’ As a result, victims and/or bereaved family members are far more visible to the public.

Best (1998, pp. 93) has argued that ‘The rise of victims to public prominence parallels the way learn about new crime problems. The media not only bring new crimes to public attention; they also discover and describe new categories of people.’ Following Kawai’s (2004) argument, it is possible to argue that this ‘sudden appearance’ of victims in the media has accelerated or even caused the collapse of the psychological boundary dividing the largely crime-free ‘ordinary world’ and the crime-ridden ‘other world’, so that in comparison to the past, crime is perceived as part of everyday life.

The link between victims and public perceptions of crime was certainly reflected in the implementation of new legislation. The Upper House enacted two bills on the same day (December 1, 2004), one to enhance treatment of victims of crime and the other to toughen punishment for offenders. The former of these Acts18 clearly states that the government has a responsibility for helping crime victims, and notes in its preface that the risk of becoming a victim of crime is now increasing for ordinary Japanese citizens. The second Act,19 was a revision of the existing Penal Code in order to increase the minimum and maximum prison sentences for violent crimes. The Act is explicit in responding to the demands from victims of crime and in its belief in deterrent effects.

From a structural perspective, Best (1998) has argued that enduring concern about crime is institutionalized by collaboration between the media, activists (advocates and victims), government and experts. He said these four participants constitute an “Iron Quadrangle” for promoting and establishing new crime problems. In Japan, this “Iron Quadrangle” consists of: the media; victims and advocates; National Police Agency and politicians; and experts (lawyers and psychiatrists). In order to draw attention to issues of victimization and victim support, the iron quadrangle has continued to send messages that Japanese society is now in danger, as outlined above.

Best’s model and the enactment of new legislation meshes with Kawai’s ‘agency’ perspective. Many survivors and family members of serious violent crimes, now have the organizational facility to convert their struggle for the answer as to why they had to suffer into concrete ‘reforms’ of the criminal justice system, with a specific focus on demands for more severe punishments for offenders, and with arguments about

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deterrence and prevention. Since the notorious Kobe murder\textsuperscript{20} in 1997, survivors, victim support advocates and experts, have often appeared in sessions in the Diet, and spoken along the above themes. It is also important to note that, by 2000, this change of focus had also resulted in the first amendment of juvenile law since WWII in 2000. The amended legislation has resulted in more trials of juvenile offenders in adult courts and disposals in adult prisons. Since then, in response to the demands from crime victims and their advocates, the Diet has passed a series of criminal justice legislation, including an anti-stalker Act. The general move in new legislation was toward harsher punishments and this was eventually consolidated in the 2004 (1 December) revision of the Penal Code that allowed tougher sentences. As a result, the maximum prison term for a single crime rose from 15 to 20 years, and the minimum sentence for murder was raised from 3 to 5 years. Most striking, however, was the direct impact on drafting the new Penal Code, of media coverage of rape cases at Waseda University, where female participants in an event planning club were gang raped after becoming intoxicated at the club’s parties. The previous penal code had no specific provisions for gang rape as distinct from other rape incidents, where the minimum penalty is still two years. Gang rape now carries a minimum sentence of 4 years, or 6 years (with a maximum of life) if resulting in death or injury.\textsuperscript{21} The impact of this series of changes in legislation, largely through

\textsuperscript{20}A 14-year-old boy was arrested and confessed to the beheading last month of an 11-year-old boy, Jun Hase. Jun Hase’s his head was left resting on the front gate of the junior high school, with a defiant message stuffed in the mouth. The killer also went out of his way to taunt the police and threaten more slayings.

\textsuperscript{21}Article 178(2), The Penal Code (http://law.e-gov.go.jp/cgi-bin/idxsearch.cgi).
victim support lobbyists, has been a sudden rise in the prison population, as can be seen in Figs. 11 and 12.

5. Attitudes to punishment

Given that the Japanese public believe that crime is increasing rapidly, it is important to look at the impact this might have on public attitudes to sentencing. Such attitudes were measured in ICVS 2000 in 2 ways:

- respondents were given a range of sentencing options and were asked to choose what they thought the most appropriate sentence for a 21-year-old man found guilty of burglary for the second time and
- they were asked what they thought was the most effective way of reducing youth crime.

Even though the Japanese self-reported victimization rate for burglary is among the lowest in ICVS, Japan, along with England and Wales, returned the second highest proportion (51%) of respondents asking for a custodial sentence for the burglar. Only USA scored higher (56%), while France recorded the smallest proportion (12%).

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Data from Switzerland are not available.
proportion of Japanese respondents choosing custody as the way of reducing youth crime was the ICVS 2000 highest at 48%.

Further, while the reasons for not reporting a crime differed little between the 12 ICVS countries, the reasons for reporting a crime were distinctly different. In most countries, reporting offences for insurance purposes is common, while in Japan, only 2% of Japanese respondents reported crimes for insurance purposes. Instead, in Japan, 66% of respondents reported offences in order to obtain ‘retribution’, compared to a range of 11% to 35% for the other ICVS counties (excluding Poland which also recorded 66%). These results are remarkable in the context of Japanese courts’ sentencing patterns, which produced one of the lowest incarceration rates in the world despite a recent upward trend from 40 per 100,000 in 1999, to 53 per 100,000 in 2002 (see Walmsley, 2000, 2003).

6. Conclusion

The evidence shows that Japan still has a low crime rate, especially for violent crime. However, the Japanese public has low confidence in its safety; a high level of fear of crime; and a very punitive attitude toward offenders. The high level of media focus on rising recorded crime and a campaign for victims’ rights have contributed toward these findings.

Much more research is required to untangle the specifically Japanese relationship between: crime rates; fear of crime; social variables; and attitudes to punishment. However, we have demonstrated that the links between media representations, the role of victims and victim support movements, public pressure and the changes in sentencers’ behavior have combined to bring about the sudden rise in the Japanese prison population, and the consequences of this need to be addressed. For instance, Figs. 13–15 shows the age profile of the Japanese prison population, and the number of inmates who died in prison between 1993 and 2002 by age and by seasons (winter, spring, summer and autumn). More and more older prisoners have died in prisons in recent years, especially in winter (Japanese prisons do not have heating). Most inmates died from natural causes, but the implication is that people who formerly would have been most likely to die in hospital or other places in community, now die in prisons due to the changes in sentencing practice. New legislation has not only imposed more severe punishment on offenders, but also widened the criminal justice net. A proportion of people who used to be diverted from the formal criminal justice process, are now included in the formal process, and a proportion of offenders who used to be tried in summary courts and sentenced to fines, are now dealt with by formal trial and sentenced to prison. Criminal justice agencies, especially the police and the public prosecutors office have gradually lost their discretion in using informal procedures due to the demands from the victims. This has resulted in putting more socially disadvantaged, elderly and handicapped people in prison.

Braithwaite (1989) once claimed that Japan’s success in maintaining a low crime rate could be explained by the commitment of the Japanese criminal justice system—and Japanese society in general—to notions of reintegration and reparation. In support of this argument, Braithwaite points to the roles played by apology and forgiveness in everyday life in Japan, and the emphasis on achieving reconciliation. There is a Japanese proverb: ‘condemn the crime rather than the criminal’. However, the developments outlined above

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23Data from Switzerland are not available.
Fig. 13. Age of newly convicted prisoner’s. Source: Annual Report of Statistics on Conversion.

Fig. 14. The number of inmates who died in prison by age. Source: Corrections Bureau, Ministry of Justice.
suggest that Japan has started to resemble other developed countries, such as The US and UK, and is moving towards popular punitivism.

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