

## A CULTURAL STUDY OF THE LOW CRIME RATE IN JAPAN

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*This article attempts to explain the differences between Japanese and Western legal cultures in order to provide a clue to the significant gap between the crime rates in Japan and the West. In Japan, the locality-based group formation causes both a sense of security and an infinite number of repressive rules; these two elements are bound together to produce high self-control which acts as a strong force restraining people from committing crime. This is in contrast to the Western world's emphasis on the personal attribute-based group formation, the limited and permissive nature of rules, and the relative freedom of action—all of which contribute to weakening the crime prevention mechanism and stressing the role of punishment rather than prevention.*

When the Second World War ended, Japan lay in ruins. The economy was at a standstill and many cities had been demolished. However, by the late 1970s, Japan was one of the most prosperous economies in terms of gross national product per person. Astounded by this Japanese miracle, a number of Western observers began to wrestle with the problem of understanding Japan's remarkable economic growth. Many of them urged that Japan should be taken seriously because it was regarded as a country which could provide lessons for Western development.

While Western observers were eager to learn from the Japanese *economic* miracle, they also found another miracle: a falling *crime rate*. Increases in the crime rate had been taken in the Western countries to be the inevitable consequences of industrialization and urbanization. In fact, crime rates had been increasing since the Second World War in these countries. In contrast, Japan experienced a falling crime rate over the same period.

Why did Japan enjoy both an excellent economic performance and a low crime rate? Efforts to explain Japanese successes in these areas have been unconvincing. Most of the explanations which have been presented seem to be oversimplifications. They usually resort to conventional explanations such as the existence of a homogeneous population and strong group consciousness. However, these kinds of explanations only provide a mystical 'black box' in which homogeneity or group solidarity is translated into a low crime rate. Conventional explanations are not sufficient to comprehend the inner workings of the black box mechanism. Unfortunately, simplistic explanations are likely to mislead those who have little knowledge about Japanese culture.

The prime purpose of this article is to analyse the components of such a black box in order to discover the processes at work. It is not until we disentangle the complicated interactions within this black box that we can have a clear understanding of the causes of the low crime rate in Japan.

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*The Framework of Japanese Legal Culture*

From the data amassed in the field of comparative criminology (Shikita and Tsuchiya 1990; van Dijk 1992; JUSRI 1990), it can safely be inferred that Japan's crime rate is significantly lower than that experienced by major Western countries. Given the statistical evidence, we can go on to search for a cultural explanation of such trends.

*A general explanation of Japan's low crime rate*

Before tackling the main task, I will review several of the factors which have been usually mentioned by students of Japan's low crime rate. These factors are as follows:

- The cultural/philosophical context
- Geographical isolation
- Low rates of unemployment
- High rates of literacy
- Active public participation in crime control/prevention
- The overall structure, organization and management of criminal justice services
- Control of firearms/drugs
- Certainty of arrest, prosecution and punishment
- The professionalism and overall competence of criminal justice agents
- An integrated social control system with high interaction between formal/informal mechanisms
- A criminal justice system which blends traditions of Japan and Western models (Fenwick 1985).

Similarly, Japan's Ministry of Justice refers to the following factors:

- Highly law-abiding citizens
- Excellent economic performance
- Low unemployment rate
- High educational standards
- The web of informal social control in local communities
- The geographical condition of the country as 'an island nation'
- The highly cooperative spirit of the citizens toward the criminal justice administration
- Strict control by the law enforcement authorities on firearms, swords, and drugs
- Efficient investigations by police as demonstrated by a high crime clearance rate
- Just and effective functions of the criminal justice agencies (Shikita and Tsuchiya 1990: 353).

These factors can be divided into four categories:

- (1) Environmental (demographic and geographical) factors;
- (2) Progress (economic and educational) factors;
- (3) Justice (legal and administrative) factors;
- (4) Cultural factors.

It is obvious that these categories are not mutually exclusive and often interact with one another. However, I shall confine my attention to the last of the four categories. This is

because cultural factors can be regarded as the aspects of Japanese society which have often confused Western observers.

Since our concern is not art and literature, but something that has a normative effect on personal behaviour, I would like to focus attention on 'legal culture'. In this context, I will use the term 'culture' to refer to the structural and normative properties of Japanese society.

*Duality of Japanese legal culture*

The roots of Japan's present legal culture can be found in the Meiji period.

In 1853, American warships visited Japan to demand that Japan should open its doors to the rest of the world. This came like a bolt from the blue to the Tokugawa Shogunate. There was a possibility that Japan would fall into the same trap as China in the Opium War, where militarily strong China was easily defeated by Britain. The Tokugawa Shogunate thus made up its mind to open Japan to the rest of the world, putting an end to national seclusion which had lasted for more than two centuries. This radical change in Japan's foreign policy resulted in the fall of the Tokugawa Shogunate. This meant the end of the warrior governments which had existed for about seven centuries.

The leaders of the Meiji Restoration gave top priority to catching up with the West in order to prevent invasion by Western powers. In particular, the importation of Western legal systems was a matter of great urgency. This was because the respectability expected of a modern nation as regards legal systems was seen as being essential to the conclusion of new treaties abolishing extraterritoriality which had been an obstacle to economic growth. As a result, Japanese laws were quickly copied from French or German codes.

However, traditional morality and customs were left intact. In short, the Meiji government imported the *form* of the Western legal system and not its *spirit*. This bifurcation can be compared to the construction of overhead motorways to some extent. As a means of establishing a high-speed transportation system, constructing overhead motorways is often easier and quicker than improving traffic conditions by decreasing traffic congestion, installing footbridges, building railway crossings etc. Similarly, as a means of rapid modernization, the Meiji government imported Western institutions in a superficial sense, but never touched the Japanese conventional way of life.<sup>1</sup>

Moreover, the Meiji government could no longer rely on *bushido* (warriors' ethics whose essence is loyalty to the lord) as a tool of administration, because the *samurai* caste had just been abolished. Therefore, the government, on the one hand, restricted the introduction and development of Western ideas such as liberalism, egalitarianism, democracy and individualism, viewing them as a threat to its political legitimacy, and on the other hand, elaborated *kokutai* (ancient ethics whose essence is loyalty to the emperor) as a new method of administration.

All these things make it clear that the Japanese modern legal systems are the results of tactical imitation of Western legal models, and not the fruits of the Japanese people's

<sup>1</sup> If Western institutions had been imported to a greater extent, and new laws more strictly enforced, these laws would have gone counter to traditional Japanese morality. See Hirano (1963: 292).

struggle for their rights.<sup>2</sup> In short, Japanese legal systems are Western in guise but Japanese in spirit.

This historical fact had a great impact on Japanese legal culture. Generally speaking, the Japanese regard law as an instrument of constraint used by the government to control the people. This legal consciousness is probably derived from the foreign origin of much of Japanese law. Therefore, the Japanese have an antipathy to law and do not take law seriously.

As a result, Japan has a 'dual' legal culture: two different types of norm. One applies in the case of dealing with acquaintances or members of the group to which the individual belongs. The other applies in the case of dealing with strangers or non-members of the group to which the individual belongs. The former consists mainly of *giri* (Japanese traditional duty), while the latter appears more like the Western concept of 'rights'. This 'duality' of legal culture corresponds to the Japanese perception of the social environment, which can be depicted as two concentric circles. The inner circle can be termed *uchi* (home) and the outer circle can be termed *yoso* (elsewhere), if we follow lay usage in daily speech.<sup>3</sup> We shall discuss the differences in detail.

### *The world of uchi*

In one's *uchi* world (inner circle), human relations are so intimate that one can presume that there is no opposition between people and that they can therefore count on one another. This interdependent relationship can be described as 'wet' more than 'warm'. For example, the personal relationships between superiors and subordinates in a Japanese company are supposed to be a quasi-parental type of relationship (wet) rather than mere friendship (warm).

The rule of conduct which indicates appropriate behaviour in a range of *uchi* contexts, is *giri* (Japanese traditional duty). *Giri* is a kind of psychological burden, whether it is out of gratitude or not. The quantity and quality of *giri* is not fixed. The content and scale of *giri* vary according to the degree to which people are dependent on, or intimate with, one another. It can also be altered whenever circumstances dictate. In other words, whether, and to what extent, one's *giri* must be done is quite subjective.<sup>4</sup> In short, *giri* is a particularistic, personalistic and relativistic type of norm. Therefore, *uchi* relationships are not regulated by universalistic standards, legally binding rights and duties, which are considered a prerequisite for modern nations in the West.

In this sense, the contractual relationship in Japan has not been fully westernized by the Civil Code of Western origin. Parties to a contractual agreement are supposed to enter an *uchi* relationship. Therefore, they feel it unnecessary to consider future disputes. They also hesitate to ask for detailed written evidence, fearing that such a request might impair the intimacy of an *uchi* relationship (Kawashima 1963: 46). In

<sup>2</sup> And the present constitution of Japan was not wrested from the despot by the people. Some Japanese claim that it was imposed by the United States in the postwar period.

<sup>3</sup> In everyday conversation, the term *uchi* is commonly used not only for the house where one lives, but also for the company where one works or the university one attends. The term *yoso* is often used as 'otherness'. For example, *yoso mono* (person) means an outsider.

<sup>4</sup> The subjectivity of *giri* sometimes drives the Japanese to frenzied activities. For example, the Japanese present expensive gifts twice a year in summer and winter to superiors, teachers, go-betweens, lawyers, doctors and other benefactors. Department stores are very crowded with people concerned with gift-giving at these seasons, and they are asked to deliver the purchased gifts. This custom is at times misused to bribe politicians and officials.

short, a contract in Japan is viewed not as a consequence of negotiations, but as a beginning of a long-lived *uchi* relationship.

*Giri* is not backed by formally recognized sanctions, but by informal ones. They are usually indirect, ambiguous, covert, and thus sometimes even unrecognizable to the person against whom a sanction is imposed. Typically, one who neglects one's *giri* is likely to be labelled as a social misfit and gradually excluded from one's group.<sup>5</sup>

The enforcement of *giri* is also invisible to a great extent. The way in which *giri* is enforced is very subtle and elaborate. Although doing *giri* is voluntary, the Japanese are strongly led to do so by implicitly imperative information.<sup>6</sup>

As suggested above, *giri* is a never-ending burden. However, those who do their *giri* can expect something in return, which is often referred to as *on*. In particular, the superiors in Japan are supposed to be patriarchal and are expected to meet the needs of their inferiors. For example, on the one hand, subordinates in a Japanese company are usually 'yes-men' and work hard, and on the other hand, superiors frequently treat their subordinates to drinks, act as marriage brokers, and even take responsibility for the errors of their subordinates.

This kind of expectation of return favours seems to be out of a sense of dependence.<sup>7</sup> It is considered natural in a range of *uchi* contexts that people depend on one another. What is important here is that if one wants to depend on other members of the *uchi* world, one must do one's *giri*. In short, doing *giri* is supposed to be counterbalanced by reaping rewards. This interaction between *giri* and rewards is essential to order in the *uchi* world. This is in sharp contrast to the Western notion that order is regarded as the actualization of rights and the enactment of duties (Giddens 1993: 114).

Among various kinds of expected rewards, a sense of security is of critical importance. The Japanese can feel most secure within the enclosure of *uchi*. For example, Japanese workers view a job not as a replaceable cog in a coldhearted machine, but as identification with a larger and warmhearted entity.<sup>8</sup> In short, the Japanese can feel psychologically snug in the *uchi* world in spite of the severeness of *giri*. To use Giddens's term, *uchi* is the focus of 'ontological security' (Giddens 1990: 92–111). It should be noted, however, that, contrary to Giddens's view on modernity, ontological security in the *uchi* world can be understood as the fruit of a full commitment to 'localised relations organised in terms of place'. In Japan, trust relation is still based on the 'locality', in spite of the Giddens viewpoint that the primacy of place in the pre-modern world has been lost. For example, it is very common in Japan that a worker who joined his colleagues for a drink at the pub after work every night, might not get one single letter or telephone call from them after his retirement. We shall return to the question of the locality later.

As we have seen, the *uchi* world can be understood as a quasi-community. However, it is not a paradise. The complicated interaction between the *giri* giver and the *giri* receiver

<sup>5</sup> *Mura hachibu*, literally 'eight-tenths of the village', is the traditional method of exclusion in groups such as villages. It means a concerted breaking off of relationships except for two cases (funeral and fire) out of ten important events in the village. This kind of ostracism is still not extinct in contemporary Japan and at times brought before the Civil Liberties Bureau of the Ministry of Justice.

<sup>6</sup> The major sources for this kind of information are parents, teachers, schoolmates, superiors and colleagues. Fuller discussion on this question will be presented later in the article.

<sup>7</sup> Takeo Doi (1973) was the first psychiatrist to point out unambiguously that 'dependence' is a key concept for the understanding of the psychological makeup of the individual Japanese.

<sup>8</sup> In this respect, it is an interesting contrast that Japanese workers sadly count the residual years till retirement, whereas Western workers look forward with pleasure to retirement (Bayley 1991: 67–8).

sometimes causes tension and resentment because the reward given to the *giri* giver is totally dependent on the discretion of the *giri* receiver. In short, the problem is that individual benefit is subject to the decisions of another person. For example, although superiors are expected to be fair in the distribution of benefit and to exercise their power for the best interests of *giri* givers, there are always some people who are not satisfied with their share of benefit. However, even these people hesitate to resort to leaking information about the biases of their superiors, or making actual accusations against their superiors, or even to litigation, fearing that such actions might terminate harmonious *uchi* relationships. In the *uchi* world, to keep levels of ontological security high, 'there is a strong expectation that a dispute should not and will not arise; even when one does occur, it is to be solved by mutual understanding' (Kawashima 1963: 44). Therefore, asserting one's rights is regarded as selfishly insisting on one's interests, and calling for judicial remedies based on universal norms are likely to endanger the 'wet' *uchi* relationships.<sup>9</sup>

The inclination to avoid open confrontations is strong not only in the relationship between superiors and inferiors, but also between those who are equal in social status. As a result, the Japanese make wide use of go-betweens. Disputes are usually resolved by the informal intervention of a third party who has the status of a patriarch. What is important here is that this third party must be a person within the *uchi* world. In short, dispute resolution comes from within; it is based on the internal mechanism of the *uchi* world.<sup>10</sup> This is because the purpose of settling disputes is to restore the 'wet' *uchi* relationships. Therefore, judicial settlements based on universal norms are not preferable. In other words, 'the go-between should not make any clear-cut decision on who is right or wrong or inquire into the existence and scope of the rights of the parties' (Kawashima 1963: 51).

In conclusion, the *uchi* world is characterized by reciprocity in personal relationships and oriented by the legal culture of particularistic *giri* and the precarious return from such *giri*. Therefore, the role of rights and duties is minimized in the *uchi* context.

#### *The world of yoso*

In contrast to *uchi*, one's *yoso* world (outer circle) is composed of strangers or non-members of the group to which one belongs. Therefore, one might fear that there may be opposition between people such that they cannot count on one another. The relationship with outsiders, *yoso mono* (people), can be described as 'dry'. A Japanese will usually behave with indifference and coldness towards outsiders because of the absence of *giri* consciousness. For example, Japanese taxi drivers seldom smile when they drop off passengers.

The rule of conduct which indicates appropriate behaviour in a range of *yoso* contexts approximates to the Western concept of 'rights'. It should be noted, however, that the Japanese consciousness of 'rights' is distorted to a certain extent. This is mainly because

<sup>9</sup> As a result, it is very difficult for one neighbour to resort to litigation against another. There was a case where neighbour litigation caused a large number of threatening letters and telephone calls from outsiders, and thus the Civil Liberties Bureau of the Ministry of Justice intervened.

<sup>10</sup> The fact that an individual's problem must be solved within the *uchi* world is one of the reasons why demand for legal professionals is relatively poor in Japan. For example executives prefer to leave legal affairs to their subordinates who have undergone in-house training, rather than lawyers as outsiders.

of the superficial Westernization of the country in the Meiji era, which did not produce the pure Western concept of citizenship in Japan (Fukutake 1981: 4). Because individual rights were not wrested from those in power by the people, the average Japanese views rights not as a protection against arbitrary power, but as a camouflage for egoism. In other words, the Japanese tend to think that individual rights cannot exist within the *uchi* world, but lie at one's disposal in a range of *yoso* contexts.

As a result, in the *yoso* world, one uses the law, appealing to one's right, when the law is of benefit to one. However, one has no interest in the law when the law does not benefit one, and one even ignores the law when the law burdens one. In short, one is free to use the law as one likes. Yet, at the same time, one knows that another is also free to use it. In this sense, individual rights in Japan are not to be respected and upheld, but to be used up. I will take several examples to illustrate this.

As I have mentioned before, the Japanese tend to avoid open confrontations such as litigation in the *uchi* world, namely between two neighbours, superior and subordinate, landlord and tenant, creditor and debtor, or husband and wife. However, in contrast, the Japanese are willing to protest openly and even resort to litigation in the *yoso* world. Examples occur in the disputes of pollution victims and polluting firms, minorities and majority, or local residents and American military bases (Upham 1987). This makes it clear that the Japanese feel no hesitation is using the law in a range of *yoso* contexts. Here is another familiar example: many Japanese will, no matter how tired they are, give up the train seat to their superior, yet will shove a stranger out of the way to take an empty seat.

As for the cases where the Japanese have no interest in the law, regarding it as useless, the following examples spring to mind: many Japanese are little interested in laws concerning the human rights of foreigners, offenders or minorities; only a small number of Japanese are concerned with philanthropy and voluntary activity, whereas a large number of Japanese present expensive gifts twice a year to their benefactors.

As for the cases where the Japanese ignore the law, regarding it as burdensome, the following comes to mind: many Japanese are fussy about dirt in the home and office, yet will cast away cigarette butts on platforms in train stations and leave litter on mountain trails; many Japanese will get out of a lift after their superior, yet will jump a queue.

All these things make it clear that human relations in the *yoso* world tend to be anything but harmonious in contrast to the harmonious *uchi* relationships.

In conclusion, the *yoso* world is characterized by discontinuous involvement in estranged relationships and oriented by the legal culture of selfish rights. Therefore, the role of *giri* is of no significance in the *yoso* context.

#### *A comparison with Western legal culture*

As we have seen, the Japanese on the whole consider it quite natural that one's legal consciousness should vary depending on whether one deals with one's *uchi* world (inner circle) or with one's *yoso* world (outer circle). Few Japanese consider it hypocritical or contradictory that one should be submissive within one's *uchi* world but arrogant outside it, this is, in one's *yoso* world. In short, the double standard of behaviour is taken for granted in Japan.

As a result, the boundary between the *uchi* and *yoso* worlds is clear. This can be schematized as presented in Figure 1. The thick curve of the large circle indicates the

strong distinction between *uchi* and *yoso*. The small thin circle within the large circle represents the individual's freedom within the *uchi* world. In this case, the thin curve indicates that the individual's freedom is weak as the group can easily influence the individual member's behaviour (as indicated by the arrow). In other words, individual consciousness is not firmly established in Japan. The reason for this is summarized below.

As I pointed out earlier, the Meiji government did not import the spirit of Western legal systems such as liberalism and individualism, viewing them as a threat to its political legitimacy. Therefore, traditional *giri* as a psychological burden was left intact. One of the most important characters of *giri* is that it is supposed to be offset by some return. What is important here is that this assumption is not out of logical consideration, but out of a sense of dependence. In short, what underlies *giri* is a sense of dependence. Because a sense of dependence requires the presence of others, it will never allow one to be independent of others in the Western sense (Doi 1973: 86). That is why the Japanese have not established the freedom of the individual as distinct from *uchi* (typically the group to which the individual belongs). In short, in Japan, the individual does not transcend *uchi*, but identifies and assimilates with *uchi*. In other words, the Japanese seek security within *uchi* rather than searching for individual autonomy. The thin curve of the small circle of Figure 1 indicates this weak awareness of individual freedom.

In contrast with the Japanese, Westerners have idealized the concept of the independent individual. They regard individuality as important for the growth of human beings, and self-reliance as essential to self-realization (Smith 1983: 73). For example, the well-known proverb 'God helps those who help themselves' can be understood as a warning against reliance on God or others (Doi 1973: 87). In contrast, the top three of the proverbs to which the Japanese white-collar workers pay attention in social life are 'Wake not a sleeping lion', 'The nail that sticks out gets banged down', and 'If you can't beat 'em, join 'em' (Fukoku Life Insurance 1991: 35). These proverbs admonish the Japanese against individual self-assertion. In short, in the West, individual freedom is firmly established as the guarantee of the superiority of the individual over the group to which the individual belongs. The thick curve of the small circle of Figure 2 indicates a free and isolated individual. In this case, the strong distinction is between the individual and the group (thick circle), while the distinction between *uchi* and *yoso* is vague (thin circle). This is because of the fact that the feeling of individual freedom and public spirit is strong and transcends the group. The arrow indicates the ease by which the group can be influenced by the outside world.

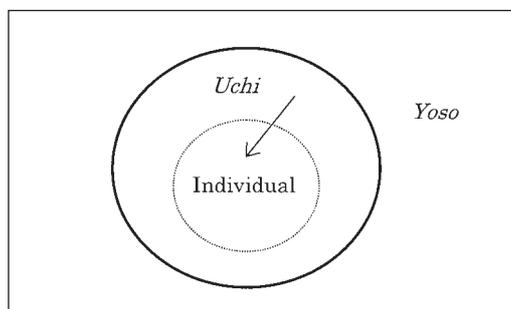


FIG. 1 Individual consciousness in Japan

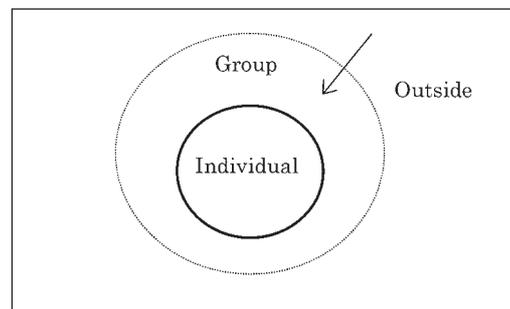


FIG. 2 Individual consciousness in the West

We now return to the question of the 'locality' to compare the formation of groups in Japan and the West.<sup>11</sup> Generally speaking, group formation is based on either the locality (e.g. company, school, neighbourhood) or the personal attribute (e.g. executive, student, sibling). The group consciousness of the Japanese lies primarily in the locality, whereas in the West it consists considerably in the personal attribute. For example, trade unions in Japan are formed within a single company and encompass members with different personal attributes, such as factory workers, office clerks and engineers. Occupational groups which cut across various local groups have been much less developed when compared with those of the West. Here is another example: few Japanese give a birthday or Christmas present to their kin, whereas many Japanese present expensive gifts twice a year to their superiors.

A group formed on the basis of the common personal attribute can automatically possess strong cohesion among members because of its members' homogeneity. However, a Japanese-type group which is formed on the basis of the locality cannot possess inherent strength because its members' personal attributes are heterogeneous. Therefore, groups in Japan need to minimize and overcome the actual and rational disparity between members with different personal attributes. For this reason, on the one hand the Japanese-type group has a great number of detailed rules of conduct, and on the other hand it enthusiastically encourages its members' emotional commitment to it.<sup>12</sup>

These attempts at strong group solidarity tend to result in strong group independence and isolation, building a barrier between the members and non-members of the same personal attribute. The thick curve of the large circle of Figure 1 indicates this very barrier.

This barrier is so firm that members have difficulty in belonging to several groups at once, as seen in Figure 3. Participation in another group is likely to be regarded as a betrayal of the original group because it might impair group solidarity. In short, 'No man can serve two masters' in Japan. This can be understood as a logical consequence of the emphasis on the locality in terms of group formation because one cannot exist in two localities at once.

In Japan, as a result of single group affiliation, groups exist side by side without interpenetration as seen in Figure 3. In other words, one's *uchi* world consists primarily of one single group. As noted above, Figure 3 illustrates Japanese intergroup (inter-*uchi*) relations. In contrast, a Westerner can become a member of whatever number of groups he/she chooses because the individual's concept of what group he/she can belong to is more flexible. Figure 4 illustrates such Western intergroup relations.

Having understood the framework of Japanese legal culture, we may now turn to its application in the question of Japan's low crime rate.

<sup>11</sup> Chie Nakane was the first social anthropologist to point out clearly that 'vertical' human relations based on the 'locality' are a characteristic of Japanese social structure, giving much attention to the difference in group formation between Japanese and other societies (Nakane 1970).

<sup>12</sup> Examples of an emotional commitment are: intramural athletic tournaments; nightly after-work drinking with superiors and colleagues; company overnight pleasure trips; company songs, flags and lapel pins; morning assembly; help when moving accommodation; company housing; exchanges of hundreds of New Year cards; everyday communal cleaning of offices; periodic expensive gifts to superiors, etc.

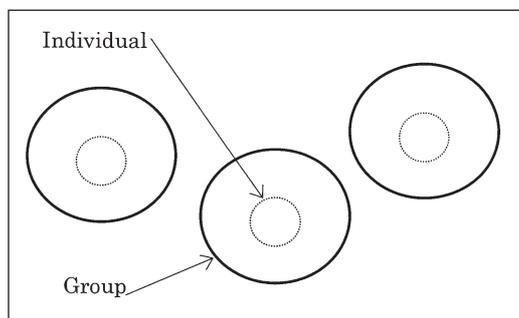


FIG. 3 Intergroup relations in Japan

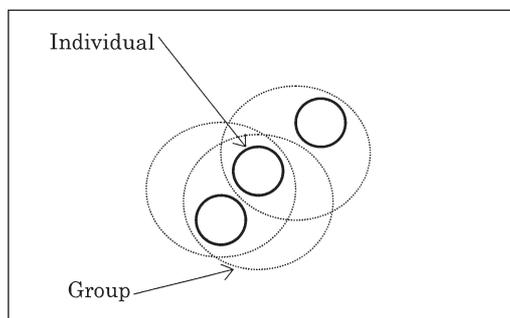


FIG. 4 Intergroup relations in the West

### *A Cultural Explanation of Japan's Low Crime Rate*

As we have seen in the above analysis, Japanese legal culture is characterized by particularistic *giri* in the *uchi* world (inner circle) and selfish rights in the *yoso* world (outer circle). In our search for a cultural explanation of Japan's low crime rate, we must set aside the *yoso* world. This is because the legal culture of the *yoso* world can be viewed as relatively pro-criminal in nature. To make this clear, we shall review the *yoso* world briefly.

#### *Pro-criminal propensity of the yoso world*

In the *yoso* world, a Japanese is interested only in using up his/her own rights, and seldom shows respect for others' rights. In short, *yoso* is the world where 'First come, first served'. As a result, a Japanese will show relative coldness, hostility, contempt and neglect for the people in the *yoso* world. From this viewpoint, it appears that the mechanism which inhibits the Japanese from committing crime is very weak and attenuated as far as the *yoso* world is concerned. In short, the driving forces which determine criminal behaviour are more apparent in the range of *yoso* contexts. For example, many Japanese are polite and modest in the *uchi* world, yet will be wild scramblers and shovers when stampeding on and off commuting trains. Most Japanese commuters neither give a smile nor say sorry when they tread on one another's feet. It is nothing out of the ordinary for commuters to fight over trifles on station platforms.

This propensity of the Japanese to be offensive is manifest in the well-known proverb 'throw away all sense of shame when you are travelling'. This proverb mirrors the fact that many Japanese are diffident and circumspect in the *uchi* world, yet will behave as they please in the *yoso* world. For example, Japanese tour groups travelling abroad tend to behave in a way that underlies the accuracy of this proverb and invite the scorn of foreigners.

In conclusion, the legal culture of the *yoso* world has nothing to do with Japan's low crime rate. On the contrary, it tends to be more associated with crime. This may be because the acceptability of deviance is very high in a range of *yoso* contexts.

However, this has little impact on Japan's crime situation as a whole. This is because the *yoso* world is hardly important for the daily life of an average Japanese. In other words, there is almost no social life in the *yoso* world due to the strong distinction between *uchi*

and *yoso*. Therefore, the criminal propensity of the *yoso* world cannot easily contaminate the *uchi* world. For example, although the violence shown in ubiquitous comics (which are as thick as telephone books) is prevalent in Japan, violent crime is extremely rare. This is partly because violence in comics is regarded as incidents in the *yoso* world and thus unthinkable in the *uchi* world.<sup>13</sup>

Now that we are sure that the answer to Japan's low crime rate is not to be found in the *yoso* world, we must step into the *uchi* world in search of an answer.

#### *Informal control by the uchi world*

As we have seen before, the *uchi* world consists primarily of a single group which is formed on the basis of the 'locality' and not on personal attributes. In theory, this type of group cannot rely on common values and ethics in order to give it strength because its members' personal attributes are heterogeneous. It is therefore essential for the group to develop instruments by which the inherent instability of heterogeneous membership is overcome in order that members with different personal attributes are firmly bound to one another. For this reason, an *uchi*-type group tends to have a great number of detailed rules of conduct. For the same reason, members' emotional commitment to their group is strongly encouraged. These commitments result in strong group isolation and exclusiveness, which, in turn, create intra-group rules which are distant from universalistic standards. As a logical consequence of the emphasis on *giri*-type relationships (which are characterized as particularistic, personalistic and relativistic), rules in the *uchi* world take an infinite number of concrete forms, rather than a few definite but abstract ones.

In a broad sense, these include not only *giri*-type rules but also aspects of morality, decorum and civility. For example, everyday life in Japan is bound by rules concerning modes of speech, dress codes, bowing manners, and even styles of walking. The Japanese language has numerous gradations of honorific expressions. Government officials are expected to wear dark suits, dark ties, white shirts and black shoes. When they pass superiors in office corridors, they are required to give a bow without exchanging a word.

In a range of *uchi* contexts, the Japanese are therefore surrounded by many rules about what is proper behaviour. Such rules range from the serious to the trivial. What is important here is that these rules can be viewed as contributing to the maintenance of the 'vertical' or hierarchical order in the *uchi*-type group. There are three main reasons why the *uchi*-type group is dominated by a vertical order.

First, as noted above, the *uchi*-type group encourages members' emotional commitment in order to overcome the inbuilt instability of a locality-based group composed of heterogeneous members. This kind of commitment can be made only by constant and tangible contact between members. As a result, the individual's place in his/her group tends to be determined by the length of his/her actual contact with the group. In other words, the individual's private social capital is based on contact with the group, not on skill or knowledge (Nakane 1970: 141). That is why differences of rank within the group is based on the year of entry into that group, even among members who have the same qualifications. In addition, the low inter-group mobility of the Japanese reinforces the

<sup>13</sup> This is the same with violence on Japanese television. There is no video classification system (such as the British Board of Film Classification video certificate) to warn audiences if a film contains strong scenes of violence.

consciousness of ranking. For example, employees must remain in the same company partly because they get neither information nor assistance from people outside the group even if they share similar personal attributes, and partly because a move to another company entails the loss of private social capital. This makes human relations fixed and thus helps to stabilize ranking order.

Secondly, in order to decrease the actual difference between members who possess different personal attributes, the *uchi*-type group assumes that there is little difference in ability among them. This kind of egalitarianism causes the *uchi*-type group to adopt an alternative to merit-based order in group organization: hence the seniority system. Because the system of ranking by seniority is more objective than the merit system, it is useful in reinforcing group solidarity.

Thirdly, as mentioned before, *giri* is a particularistic, personalistic, subjective and relativistic type of norm. Therefore, the *uchi*-type group tends to need an objective and stable mechanism to overcome the instability and subjective nature of *giri*. The seniority system is this very mechanism. In short, the *uchi*-type group is not under the 'rule of law', but under the 'rule of seniors'.

All these things are bound together and create a distinctive internal organization in which each member of the group is positioned in a minutely graded vertical order.

Consequently, the *uchi*-type group expects its rules to play an essential role in maintaining the vertical order. In other words, within the *uchi* contexts, rules function to enforce ranking-consciousness, and thus are oriented towards repressing any deviation from the vertical order. *Giri* is the strongest form of these rules.

As a result, rules have 'chilling effects' on routine activities within the *uchi* world. In this sense, the Japanese mentality suffers under a double constraint. First, the Japanese feel obliged to confine much of their time to group-based activities within the *uchi* world. Secondly, they also feel an obligation to avoid any open confrontation with their seniors within the group.<sup>14</sup>

In contrast with the rules of *uchi* which are characterized by 'containment' or 'constraint', Western rules are primarily expected to play an essential role in maintaining the 'horizontal' order. In other words, rules in the West function to coordinate interactions among independent individuals, and are thus oriented towards guaranteeing their freedom and equality. In this context, Western rules are relatively 'permissive' when compared with the 'repressive' rules of *uchi*.<sup>15</sup> As a result, Westerners tend to conclude that rules still leave them with freedom of action, whereas Japanese tend to feel inhibited. In short, Westerners feel freer than Japanese.

Differences in the quantity and quality of such rules provide a significant basis for an understanding of the lower crime rate in Japan vis-à-vis the West. To put it simply, the difference in the strength of informal social control over individuals in Japan as compared with the West offers the key to an understanding of Japan's relatively low crime rate.

In Japan, a great number of rules must be meticulously observed. Even when one cannot find a concrete rule, one sticks to the personalistic rule that one must submit

<sup>14</sup> In this context, it is very interesting that a Korean observer (O-Young Lee 1984) characterizes Japanese culture as 'reductionism' in contrast with Western culture as 'expansionism'.

<sup>15</sup> It is true, as Giddens (1993: 114) contends, that all rules are both constraining and enabling. Nevertheless, it may be safe to say that the weight given to each differs according to legal cultures.

oneself to one's seniors, and not deduce behaviour from universalistic principles. The Japanese tend to be nervous about whether or not their behaviour is in conformity with the rules. Japanese learn rules by incessantly copying others' behaviour while, at the same time, an individual's behaviour can guide others' behaviour. In other words, rules are both the medium and the outcome of Japanese practice (see Giddens 1979: 65).

This Japanese tendency to conform is backed by collective interference and surveillance. The *uchi*-type group is always 'equipped' with a lot of meddlers. They collect information from various members and, voluntarily or by order of their superiors, tell non-conformists how to behave.<sup>16</sup> In addition, the Japanese regularly and frequently engage in ritual group practices which contribute greatly to the assurance of group conformity as a whole. Typical examples of such rituals are morning assemblies in schools and companies, where seniors normally remind members of the rules of that particular group.

All these things lead the Japanese to have a strong awareness of how people ought to behave. The demands of the *uchi* world for conformity are so rigid that a Japanese tends to follow the rule even if he/she suspects it is wrong.<sup>17</sup> Most Japanese make great efforts to check the propriety of their behaviour corresponding to their 'relative' standing in the *uchi* world, through the continuous monitoring of the reactions of others around them. Consequently, the Japanese on the whole come to understand how to behave, although they cannot formulate it in a logical fashion (Giddens 1979: 67–8). That is why the Japanese are said to be the most punctilious and tidiest people in the world (Reischauer 1978: 143; O-Young Lee 1984: 87).

#### *Self-control and socialization in the uchi world*

The informal social control by the *uchi* world is so strong that Japanese often feel frustrated. To 'paralyse' this keen sense of constraint, many Japanese tend to get excessively drunk after work. To escape from stern realities, many Japanese read comic books in commuter trains. However, most Japanese do not dare to obliterate *giri*-type relationships because the *uchi* world is the source of 'ontological security'. In other words, the Japanese tolerate strong informal social control because in return they are supported and cared for by the *uchi*-type group.

As a result, the Japanese are concerned with self-discipline. Because the Japanese are sharply aware of the need for great effort to tolerate strong informal social control by the *uchi*-type group, the possession of high 'self-control' is regarded as the strongest weapon for survival in the *uchi* world. In other words, the cultivation of will-power is essential if a Japanese is to become an organic part of an *uchi*-type group without experiencing the pains involved when conforming to group rules. Therefore, patience is the virtue most admired in Japan.<sup>18</sup> In contrast with Western perceptions, accepting strong informal

<sup>16</sup> For example, when I was working in Italy, my Japanese superior said to me, 'Never go to the common room used by Italians during your lunch break again. Be sure to go to the common room used by Japanese workers from tomorrow.'

<sup>17</sup> According to an opinion poll taken in 1983, 29 per cent of respondents thought that they should do what they thought right even if it was against the conventional practice, while 39 per cent thought that they should follow the conventional practice in this case (Asahi Shimbun 1988: 284–5).

<sup>18</sup> There was a very popular TV commercial in which a renowned sumo wrestler said, 'Patience is most important to a human being.'

social control is not a sign of weakness in Japan; rather it is the proud product of self-control (Reischauer 1978: 152).

In addition, as I said earlier, the *uchi*-type group assumes that there is little difference in ability among its members, aiming to overcome the instability of heterogeneous group membership. Therefore, they tend to be assessed by the standards of effort or will-power. As a result, great effort backed by high self-control is shown everywhere in the *uchi* world. For example, almost all government officials refrain from taking a substantial part of the holidays legally due to them.

The Japanese learn the value of such self-control early on in life. The social process through which the Japanese develop *self-control* is the most important phase of 'socialization' in Japan. This contrasts with the West where cultivating *a sense of self* is most important. The main agencies of socialization in Japan are families, schools and companies.

*The family* Japanese children are under strict home discipline. They learn a lot of decorum largely from patient practice.<sup>19</sup> More importantly, they learn to accept parental authority and thus are compulsively driven by parental expectations. However, in return, they are allowed to depend on their parents. To borrow Giddens's metaphor, 'they receive an emotional inoculation which protects against the ontological anxieties to which all human beings are potentially subject' (Giddens 1990: 94). In short, Japanese children learn that the acceptance of parental control brings 'ontological security'.

Japanese children experience much body contact: they are carried around on their mother's back when she goes out; they sleep and take a bath with their parents until the age of four or five. This contrasts with the Western tendency to have children sleep alone, to separate them in their own rooms, and to leave them with baby-sitters (baby-sitting is uncommon in Japan) (Reichsauer 1978: 140). In short, Japanese children are treated as large babies, not as small adults.<sup>20</sup> As a result, Japanese children come to depend on their parents in the extreme. The relation between such dependence on parents and the acceptance of parental control, can be seen as the 'prototype' of the relation between an individual's dependence on the *uchi*-type group and the acceptance of social control by it. In this context, Bayley (1991: 179) presents an interesting contrast between the American and Japanese ways of scolding. He points out that in the United States parents control badly behaving children with the threat of being kept *in* the home, whereas in Japan parents threaten children with exactly the reverse, namely, that they will be locked *out* of the home. In this way, Japanese children learn that punishment means being excluded from the *uchi* world.

*The school* Japanese pupils are surrounded by a great number of school regulations which range from school uniform to hairstyles or the route to be travelled from school to home. Pupils who infringe school regulations are censured not only by their teacher but also by their peers in regular sessions in which all pupils reflect on their behaviour.

What is more important is that Japanese pupils develop self-control through the 'hidden curriculum'. In other words, schools implicitly inculcate the acceptance of

<sup>19</sup> For example, Japanese mothers take off their children's shoes before allowing them to sit cross-legged in trains and restaurants, so that children learn that people should not put their feet on chairs and desks.

<sup>20</sup> This is manifest, for example, in the fact that Japanese children on the whole are allowed neither to drink Coca-Cola nor to wear earrings.

informal social control. For example, because pupils are taught to obey their teachers, they tend to feel strong hesitation in asking any questions, fearing that such actions might be regarded as a revolt against the teacher. In addition, schools are inhospitable to original or critical thinkers because only rote memorization is useful in the 'examination hell'. As a result, pupils become submissive to school authority.

Moreover, Japanese pupils learn to be sensitive to their peers and to restrain selfish behaviour through various small group activities. For example, all pupils share the cleaning work in the schools, such as sweeping floors, wiping desks, picking up trash, and clearing away eating utensils after lunch. There is overt and covert competition among these small groups in both fields of schoolwork and conduct at school. In addition, pupils are taught to have a strong sense of shared responsibility for the poor performance of their own group even if they have no personal responsibility. As a result, pupils come to have a strong sense of solidarity with the group while, at the same time, continuously monitoring one another's behaviour within the group. In this way, Japanese pupils learn that in the *uchi* world a *group cooperator* is more highly appreciated than a *lone wolf*.

*The company* Japanese companies can be described as the main constituent of 'Gemeinschaft capitalism' (Mawby 1990: 118). Because local communities no longer have a great influence on individuals' behaviour in contemporary Japan, companies have taken over this role instead. Companies provide not only lifetime employment; automatically increased salary and rank with seniority; retirement benefits; cheap company housing; recreation facilities; medical support; and sports teams; but also informal personal counselling; a sense of belonging to a large family; and a sense of pride. In short, companies provide the basis of 'ontological security'.

In exchange for ontological security, Japanese workers must accept strong informal social control by their company. They must meticulously observe a great number of the company's informal rules, especially *giri*, which function to enforce ranking-consciousness. If a worker fails to follow the rules, he/she is likely to be psychologically excluded from the company, which means losing ontological security.

Japanese workers learn the rules and develop self-control through both formal and informal occasions. For example, recruits are isolated from their family and live in a company dormitory for a few weeks while undergoing intensive training, during which time, group spirit and loyalty to the company are cultivated. As a result, Japanese workers become good group cooperators. They are so submissive that they often go without their family for two or three years when sent abroad on business or assigned to a post elsewhere in Japan. In this way, relatively individualistic young workers are 're-socialized' and become highly 'self-controlled' workers.<sup>21</sup>

It should be concluded, from what has been said above, that the Japanese give up much of their individualism to the *uchi*-type group by exercising a high level of self-control. However, the Japanese are not robots. They retain a strong self-identity in ways which are socially acceptable. The Japanese exhibit their own individuality in finely detailed things and trivial acts. This 'reductionism', in other words, the spirit of 'smaller is better and stronger', is manifested in various aspects of Japanese life: rock gardening (as the creation of a small-scale copy of nature with sand and rocks); flower arranging (as

<sup>21</sup> For example, an opinion poll showed that although 37.6 per cent of respondents in their twenties were not satisfied with a year-end party under company auspices, 96.2 per cent attended it (Tokai Bank 1993: 15-18).

the reproduction of nature with flowers); *bonsai* (as the miniature of huge trees); the Sony Walkman (as the smallest stereo and the lightest headphones); the wafer-thin calculator (as the portable computer); and a lunch box (as a shrunk dining table).<sup>22</sup>

*Anti-criminal propensity of the uchi world*

The structural and normative properties of the *uchi* world, which have been fully discussed above, are paramountly significant for Japan's low crime rate.

To the Japanese, the *uchi* world is the source of 'ontological security', which can be viewed as a strong force restraining people from committing crime. Within the *uchi* world, the Japanese can gratify their infantile desire for passive love (i.e. the desire to be loved) and obliterate a sense of helplessness, by becoming an organic part of a large and significant entity. To borrow Doi's (1973: 167) definition of 'dependence', 'the desire to deny the fact of separation that is an inevitable part of human existence, and to obliterate the pain that this separation involves' is fulfilled in the *uchi* world. Although this 'sense of dependence' appears to be similar to Hirschi's (1969: 16–19) conception of 'attachment', there is a great difference between the two elements because the former primarily consists of *passive* love, whereas the latter is mainly composed of *active* love.

By contrast with the Japanese, as suggested by Hirschi's conception of 'attachment', Western people look down on this kind of emotional dependence because of their emphasis on the spirit of self-reliance. However, this tends in effect to abandon those who are in isolation and in need of group support to their own helplessness, and thus makes it difficult to prevent them from giving way to the temptation of breaking the law. In contrast, the *uchi* world makes it possible for weak, unsociable or ineffectively socialized people to feel a sense of ontological security. In short, what is important for crime prevention is not to care about others, but to be cared about by others.

In addition to the emotional or spiritual aspect of the *uchi* world, we must also draw attention to its rational or material aspect. Because 'No man can serve two masters' in Japan, the Japanese tend to concentrate their private social investment on the group to which they belong. Moreover, because of the seniority system, those who leave the group must resume their careers from the bottom of the ranking order of the new group. Accordingly, to the Japanese, leaving the group means a great loss of private social capital. Conversely, the Japanese can reap the rewards corresponding to their investment so long as they remain in the original group. Therefore, those who commit crime, risk not only being exiled from the *uchi*-type group for breaking the law, but also risk ruining their whole life. This element is similar to what Toby (1957) described as a 'stake in conformity' and what Hirschi (1969: 20–21) described as 'commitment'. What has to be noticed is that this element consists of not only the social capital which people have accumulated, but also their future prospects. In this sense, this element is related to Glaser's (1978: 126–9) *differential-anticipation theory*. In Japan, those who remain in the original group and observe its formal and informal rules, eventually achieve at least a moderate degree of wealth and social status because of the lifetime employment and

<sup>22</sup> It is said, in this context, that there are more than 1,800 types of lunch box sold at railway stations alone. The contents of the most popular lunch box are typically as follows: a small piece of grilled fish; a fried shrimp; a few sliced pieces of roast beef; a scrambled egg roll; well-cooked seaweed; lettuce; boiled vegetables; a sausage; fish paste; pickles; a sliced piece of an apple; and cooked white rice. For details of Japan's reductionism, see O-Young Lee (1984).

seniority systems. In short, the Japanese can almost anticipate their position 20 or 30 years hence. This high predictability narrows the gap between aspirations and expectations as the source of strain. This strain was thought to drive people to commit crime according to Merton's 'strain theory'.<sup>23</sup>

'Ontological security' and 'commitment' are bound together and produce a high level of self-control which makes it possible to tolerate strong informal social control. The crucial part of self-control for crime prevention is that one believes one should conform to rules, which is described as 'belief' by Hirschi (1969: 23–6). In order to avoid being excluded from the *uchi*-type group, the Japanese meticulously observe a great number of its rules.

In this way, the Japanese have succeeded in internalizing the forces restraining people from committing crime; they are cautious, patient and punctual. They are not adventure-some, risk-taking, shortsighted, self-centred, and responsive to tangible stimuli in the immediate environment.<sup>24</sup>

Because the Japanese, with high self-control, tend to conform even to trivial rules, behaviour that is viewed as normal in the West tends to be considered deviant in Japan. Therefore, in Japan, the behaviour that is considered deviant by both Western and Japanese people, is strongly deterred at the threshold level. In short, the *uchi* world deters trivial offences before they become too large to handle. What is important is, to borrow Durkheim's (1933: 301) phrase, that 'When one is no longer at all sensible to small faults, one is less sensible to great ones.'

It may be worth mentioning, in passing, that the Japanese are often too busy with group activities to find time to commit crime or even think about it. This element is what Hirschi (1969: 21–3) described as 'involvement'. This is manifest in the Japanese workers' tendency to demonstrate loyalty to their company by working late hours, by drinking after work with their superiors and colleagues, or by refraining from taking holidays.

It should be concluded, from what has been said above, that the *uchi* world produces self-control which sets both a goal and a limit to unlimited human needs. As a result, the Japanese with such high levels of self-control tend to conform to criminal laws. Although a Japanese can enjoy freedom only within certain limits, 'The equilibrium of his happiness is secure because it is defined' (Durkheim 1952: 250).

In contrast with the Japanese, Western people tend to seek 'ontological security' in wider social environment, that is, in the context of a longer spatial span of social relations. This setting is ideal for *effectively* socialized people. However, to *ineffectively* socialized people, it is fraught with anxieties and uncertainties. They are potentially what Matza (1964: 27–30) called 'drifters' because of the loosening of informal social control in the Western world. Owing to the weakness of informal social control, Western societies are inclined to resort to punishment and often appeal to an individual's sense of responsibility. This approach to the crime problem can be viewed as a *ex post facto* policy. In contrast, the *uchi* world can contribute to the prevention of crime because it is small enough to tighten up informal social control and collective surveillance. Based on the particularistic, relativistic and emotional *uchi*-type human relations, the *uchi*-type group

<sup>23</sup> To follow Merton's (1968: 193–211) typology of modes of individual adaptation, the Japanese adaptation type belongs to the category of conformity.

<sup>24</sup> For the elements of self-control, see Gottfredson and Hirschi (1990: 89–91).

is often sub-divided into smaller groups, whose members can offer mutual control and surveillance. In short, as Durkheim (1933: 300–1) pointed out, ‘for social control to be rigorous and for the common conscience to be maintained, society must be divided into rather small compartments completely enclosing the individual.’

Finally, it should not be overlooked that informal social control by the *uchi* world is not always omnipotent. The situations where the *uchi* world cannot prevent individuals from committing crime can be divided into four categories: (1) those individuals who are not aware that they are under informal social control, or those who do not care about the *uchi* world, are not deterred from committing crime. More importantly, those who failed to develop self-control, or were unable to relax tensions caused by informal social control, are also not deterred; (2) if the leader of the *uchi*-type group commits a crime, it can drive some or all of its members towards criminal behaviour. In this case, the members do their *giri* as good group cooperators, even if what has to be done is contrary to the law. Criminal organizations such as *boryokudan* are typical examples. It can also be explained in this context that Shoko Asahara and his key followers in the doomsday cult Aum Shinrikyo released the deadly nerve gas sarin on the Tokyo subway system in 1995. More importantly, this kind of criminality is also manifest in structural or systematic corruption where a company bribes politicians and officials; (3) the *uchi* world cannot effectively control ‘victimless crimes’. This is because the rules of conduct in a range of *uchi* contexts are personalistic and particularistic norms, not universalistic standards. The *uchi* world can, potentially, create clandestine worlds; and (4) those who were exiled from, or voluntarily left the *uchi*-type group, are no longer under informal social control by the same group. Therefore, those who do not qualify for any of the *uchi*-type groups, are likely to give way to the temptation to break the law. Frequently imprisoned offenders are typical examples.

#### *The Japanese ‘shame’ culture: a re-examination*

Based on what has been said, I would like to re-examine briefly the conventional interpretation of Japanese culture. The most common interpretation is that Japan has a *shame* culture, while the West has a *guilt* culture. This seems to be based on the assumption that Japanese lay emphasis on the judgement of others, whereas Westerners place emphasis on inner standards of conduct. However, the Japanese sense of shame is not a superficial concern for others, but a function of the inner mind. In other words, the Japanese sense of shame arises as a result of going against the ‘belief’ that one should conform to rules. Therefore, what is important is the difference in the characteristics of Japanese and Western rules. Japanese rules are personalistic and particularistic, whereas Western rules are universalistic. As a consequence of conformity to those rules, the differences between what is described as a shame culture and what is described as a guilt culture occur.

Therefore, it can be said that the nature of the Japanese sense of shame is grief for temporary estrangement from the *uchi* world as the source of ‘ontological security’. This is manifest in the well-known proverb ‘throw away all sense of shame when you are travelling’, which means little shame in the *yoso* world. Because of an infinite number of detailed rules, the Japanese are always worrying that they may not be following the rules, and thus are opening themselves to criticism or ridicule by others. In other words, the

Japanese are always keenly sensitive to what others think of them. This self-consciousness or obsession with rules produces a lot of shame. In short, the feeling of finding oneself different in conduct and thus exposed to the eyes of others is the Japanese sense of shame.

In order to obliterate a sense of shame, that is, to be reintegrated into the *uchi* world, the Japanese are willing to apologize. Apology is more appreciated than justification because the former is fitter for the 'vertical' order in the *uchi*-type group. As a result, the Japanese become apologetic on the basis of calculation, a cost-benefit analysis. Since the Japanese frequently feel even trivial shame (e.g. wearing a white suit), they offer an apology with much facility. Therefore, an apology itself is usually of little significance. In fact, the word *sumimasen* (which is originally an expression of an apology) is used not only as 'I'm sorry' but also as 'Thank you' or 'Please'.

In contrast, in the case of feeling serious shame (e.g. committing crime), which is similar to a sense of guilt in the West, the Japanese must offer an incessant and intensive apology to avoid group exclusion. If they can indicate their genuine repentance, they will be reintegrated into the *uchi* world. This is the only case of what Braithwaite (1989: 100–1) called 'reintegrative shaming'. However, if one's shameful conduct such as a crime is so serious as to shame the good name of the group to which one belongs, one will be exiled from the group. This is the self-cleansing action of the *uchi*-type group. What is interesting here is that, as a means of differentiation of offenders, Japan adopts the deprivation of membership because of its emphasis on groups, whereas the West uses official stigmatization because of its emphasis on individuals.

As a result, the outcast must look for another *uchi*-type group; otherwise he/she must become a lone wolf. What is worse, the lone offender must encounter people's coldness, hostility or contempt because he/she is a permanent resident in the *yoso* world.

In conclusion, Japan is not a heaven for offenders in terms of rehabilitation because the reintegrative function of Japanese society is limited. Therefore, the most persuasive reason for Japan's low crime rate can be found in the nature of the society before, rather than after, a crime has been committed.

### *Conclusion*

The task of explaining the underlying reasons for a country's relatively low crime rate is never an easy one. Nevertheless, it seemed to be worth while tackling this task because the statistical evidence has pointed clearly to the fact that Japan's crime rate has been much lower than that experienced by major Western countries. Therefore, it has been the aim of this article to clarify and explain the reasons behind such a phenomenon.

The factors which appear to have had an important influence on Japan's crime situation were divided into four main categories, that is, *environmental*, *progress*, *justice* and *cultural*. However, the main concern of the article has been the last of the four categories, that is, cultural factors. I have tried to identify the roots of Japanese legal culture in the Meiji era and, building on this, I have explained in depth the basis of Japanese legal culture as found in the worlds of *uchi* and *yoso*. The analysis also attempted to explain the differences between Japanese and Western legal cultures in order to provide a clue to the significant gap between the crime rates in Japan and the West. To be brief, I tried to show

that the world of *uchi* is characterized by qualities such as ‘*giri-type*’ rules, *ontological security*, ‘*wet*’ relationships, a sense of dependence, informal control, ranking consciousness and self-control. These characteristics are found to some extent in all societies, but they are much more pronounced in Japan. These characteristics of the *uchi* world comprise a strong deterrent to crime and since the strength of *uchi* outweighs the world of *yoso*, it has contributed to Japan’s low crime rate to date.

Humans are fundamentally group-oriented beings. No one can live a pleasant life without any kind of group affiliation. As noted above, living and interacting with others in groups are essential and pervasive aspects of human lives across the world. Therefore, individuals’ behaviour is best understood in a group context. It is from this viewpoint that I discussed the impact of the *uchi*-type group on Japan’s crime rate. Figure 5 provides a final schematic summary of the analysis which I undertook in this article. It attempts to compare the socio-legal backgrounds of Japan and the West and their respective implications for crime.

Figure 5 shows that in Japan, the locality-based group formation causes both a sense of security and an infinite number of repressive rules (i.e. strong informal social control); these two elements are bound together to produce high self-control which acts as a strong force restraining people from committing crime. In other words, Japanese legal culture contributes to the prevention of crime by enhancing the *uchi* world’s capacity to control an individual’s behaviour. This analysis is in contrast to the Western world’s emphasis on the personal attribute-based group formation, the limited and permissive

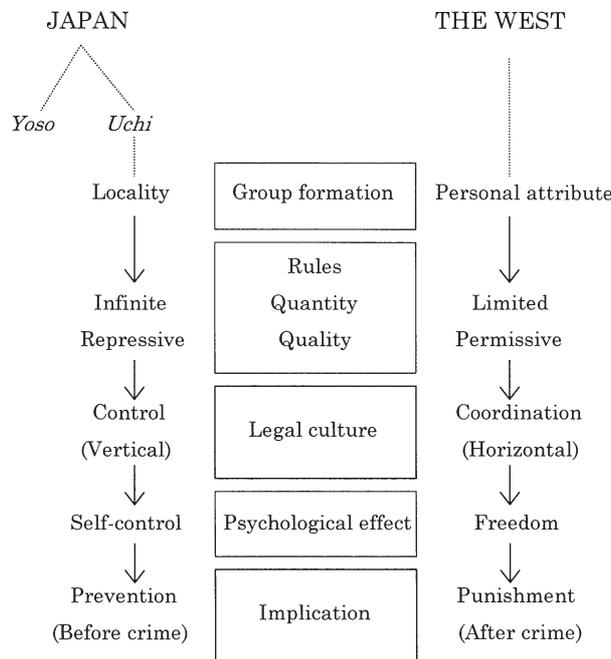


FIG. 5 Socio-legal backgrounds of Japan and the West and their respective implications for crime

nature of rules (i.e. weak informal social control), and the relative freedom of action—all of which seem to contribute to weakening the crime prevention mechanism and stressing the role of punishment rather than prevention.

It follows from the above analysis that there is a trade-off between a low crime rate and a strong awareness of freedom. I had a chance to raise this issue with Britain's ex-prime minister Margaret Thatcher when she was attending the Third Annual Tokyo Campus Forum in September 1991. Her answer was that if individuals have a strong sense of responsibility, a society can lower its crime rate without undermining freedom. She was probably right. However, can we expect a strong sense of responsibility from everyone? If not, a society must decide to position itself somewhere between an overcontrolled society and an excessively free one. In this article I have tried to explain Japan's position within this spectrum and its implications for her crime rate.

## REFERENCES

- BAYLEY, D. H. (1991), *Forces of Order: Policing Modern Japan*. Berkeley: University of California Press.
- BRAITHWAITE, J. (1989), *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press.
- DOI, T. (1973), *The Anatomy of Dependence*. Tokyo: Kodansha International.
- DURKHEIM, E. (1933), *The Division of Labor in Society*, trans. G. Simpson. New York: Macmillan.
- (1952), *Suicide: A Study in Sociology*, trans. J. A. Spaulding and G. Simpson, ed. George Simpson. London: Routledge and Kegan Paul.
- FENWICK, C. R. (1985), 'Culture, Philosophy and Crime: The Japanese Experience', *International Journal of Comparative and Applied Criminal Justice*, 9/1: 67–81.
- FUKOKU LIFE INSURANCE (1991), *Salaryman no Identity* [A Survey of Japanese White-Collar Workers' Identity].
- FUKUTAKE, T. (1981), *Japanese Society Today*. Tokyo: University of Tokyo Press.
- GIDDENS, A. (1979), *Central Problems in Social Theory*. London: Macmillan.
- (1990), *The Consequences of Modernity*. Cambridge: Polity Press.
- (1993), *New Rules of Sociological Method: A Positive Critique of Interpretative Sociologies*. Cambridge: Polity Press.
- GLASER, D. (1978), *Crime in our Changing Society*. New York: Holt, Rinehart and Winston.
- GOTTFREDSON, M. R. and HIRSCHI, T. (1990), *A General Theory of Crime*. Stanford: Stanford University Press.
- HIRANO, R. (1963), 'The Accused and Society: Some Aspects of Japanese Criminal Law', in A. T. von Mehren, ed., *Law in Japan: The Legal Order in a Changing Society*, 274–96. Cambridge, MA: Harvard University Press.
- HIRSCHI, T. (1969), *Causes of Delinquency*. Berkeley: University of California Press.
- JAPAN URBAN SECURITY RESEARCH INSTITUTE (JUSRI) (1990), *JUSRI Report*, 1/1.
- KAWASHIMA, T. (1963), 'Dispute Resolution in Contemporary Japan', in A. T. von Mehren, ed., *Law in Japan: The Legal Order in a Changing Society*, 41–72. Cambridge, MA: Harvard University Press.
- MATZA, D. (1964), *Delinquency and Drift*. New York: John Wiley and Sons.
- MAWBY, R. I. (1990), *Comparative Policing Issues: The British and American System in International Perspective*. London: Unwin Hyman.
- MERTON, R. K. (1968), *Social Theory and Social Structure*. New York: The Free Press.
- NAKANE, C. (1970), *Japanese Society*. Tokyo: Tuttle.

- O-YOUNG LEE (1984), *The Compact Culture: The Japanese Tradition of 'Smaller is Better'*. Tokyo: Kodansha International.
- REISCHAUER, E. O. (1978), *The Japanese*. Tokyo: Tuttle.
- SHIKITA, M. and TSUCHIYA, S., eds. (1990), *Crime and Criminal Policy in Japan from 1926 to 1988*. Tokyo: Japan Criminal Policy Society.
- ASAHI SHIMBUN. (1988), *Za Nippon Jin* [The Japanese]. Tokyo: AsahiShimbun.
- SMITH, R. J. (1983), *Japanese Society: Tradition, Self, and the Social Order*. Cambridge: Cambridge University Press.
- TOBY, J. (1957), 'Social Disorganization and Stake in Conformity: Complementary Factors in the Predatory Behavior of Hoodlums', *Journal of Criminal Law, Criminology and Police Science*, 48: 12–17.
- TOKAI BANK (1993), *Shanai Gyoji ni Taisuru Ishiki Chosa* [A Survey of Japanese White-Collar Workers' Perceptions of In-house Annual Events].
- UPHAM, F. K. (1987), *Law and Social Change in Postwar Japan*. Cambridge, MA: Harvard University Press.
- VAN DIJK, J. J. (1992), 'On the Uses of Local, National and International Crime Surveys', in H. Strang and J. Vernon, eds., *International Trends in Crime: East Meets West*, 137–53. Canberra: Australian Institute of Criminology.