

## Book Review

### Crime and Criminal Justice in Japan

Jianhong Liu & Setsuo Miyazawa, eds., *Crime and Justice in Contemporary Japan* (Cham: Springer, 2018) pp 352. Hardcover: \$169.

Studies of crime and criminal justice in Japan have only begun to receive the global attention that they deserve. The Japanese language has proven to be a formidable barrier for many non-Japanese (including this reviewer). But work in English by Japanese and foreign scholars has begun to proliferate. Writing such as Bayley's *Forces of Order*, Johnson's *The Japanese Way of Justice*, Hill's *The Japanese Mafia*, and Miyazawa's *Policing in Japan* have reached a worldwide readership, as has Yokoyama's work on a variety of topics from sex-offending to juvenile justice to elderly offenders.

A variety of characteristics make Japan an interesting setting for criminological research. These distinctive properties are not unrelated. First, Japan has an exceptionally low crime rate, even by the standards of modern industrial societies. To be sure, crime rates have declined in most industrial democracies during the current century. The Japanese crime drop, however, began nearly seven decades ago and has persisted without significant interruption ever since. Paradoxically, public anxiety about crime remains strong and penal populism endures as a fact of political life. Japan and the US are alone among industrial democracies in their retention of capital punishment. As this review was being written, seven executions were conducted on one day, marking the first time in a century that multiple executions occurred in Japan on this scale. (On 6 July 2018, Shoko Asahara and six of his followers were hanged for the Sarin gas attacks on the Tokyo Subway System in 1995.) More generally, an influential citizens' movement—the National Association of Crime Victims and Surviving Families, *Zenkoku hanzai higai-sha no kai*—opposes leniency in sentencing, and restorative justice more generally.

Japan has also engaged in significant policy change with the advent of lay judges, who sit with traditional judicial officers presiding over the most serious criminal trials. The age at which young people may be dealt with under the adult criminal justice system remains a matter of intense debate.

Japanese demographics are also noteworthy, with a significant proportion of the population over the age of 65. A conspicuous decline in the birth rate, combined with a lack of enthusiasm for immigrants, suggests that Japan will remain “greyer.” In recent years, Japan has also experienced more than its share of natural disasters, including the catastrophic 1995 Kobe Earthquake and 2011 Fukushima tsunami. At the time of writing (July 2018), massive floods have claimed well over 100 lives and necessitated mass evacuations—an all too frequent occurrence in densely populated areas.

This welcome collection edited by Liu and Miyazawa addresses these issues and more in five parts, containing a total of 19 chapters. A majority of the contributors are Japanese

scholars working at home or abroad. Others are Western scholars based in the US or UK. The book thus benefits from “insiders’ perspectives” and from analysis by “outside” experts. Chapters vary in terms of genre, from time-series analysis, to descriptive comparison of cases, to a dialogue between British and Japanese sentencing experts, to an in-depth study of coerced confessions and the fabrication of evidence.

Part I looks at changing crimes in Japan, with chapters devoted to long-term trends in homicide, the increase in elderly defendants and prisoners, crime in the aftermath of disasters, and homicide by family caregivers. An interesting chapter on the family members of offenders and suspects reminds us that the individual accused will more often than not have dependants who bear no responsibility for the offence, and who may bear heavy burdens through no fault of their own. The issue of collateral damage from the operation of the criminal process deserves more attention in Japan, as elsewhere.

Among the more intriguing issues in contemporary Asian criminology is that of theory. Is Asia a mere testing ground for criminological theory developed in the West or can there be a distinctive Asian criminology? Part II addresses criminological theory and the question of whether theories developed in the West are applicable to Japan. The chapter by Bui, Farrington, and Ueda shows that risk factors for delinquency in Japan (low parental monitoring, high risk-taking, having one or more close friends picked up by police, and low academic ability) indeed mirror those found in the West. Similarly, Roberts’s chapter in Part I reports that variations over time in Japanese homicide rates may be explained by changes in poverty, income inequality, and the relative size of the young male population, all familiar to Western homicide scholars. The chapter by Fujino notes the importance of social isolation and lack of self-control as risk factors for offending, and suggests that restorative practices may play an important role in helping an offender re-engage with society. Harada’s chapter illustrates how developments in satellite-positioning technology will facilitate the testing of routine activity theory.

Part III comprises essays on criminal justice and its reform. We learn that the criminal process in Japan is not without its shortcomings. Coerced confessions and wrongful convictions are more common than one might think. The Japanese government justifies its continuing retention and use of the death penalty by citing surveys that show majority support for the practice. Sato’s chapter suggests that surveys, as they are presently designed, tend to elicit a response bias and that more nuanced analysis of public opinion would support abolition.

Part IV is devoted to the new lay-judges system, introduced in 2009. Two chapters based on simulations involving students relate to decision-making by lay judges. Hirayama’s chapter, based on official statistics, looks at whether the sentencing of the most serious sex-offenders has changed following the introduction of the new system. She found that the involvement of lay judges has indeed resulted in longer sentences.

Part V contains the book’s final two chapters, which deal with the juvenile justice system. The first provides a brief descriptive overview of the juvenile process, while the second analyses the resident populations of a “self-reliance support facility.” These institutions, overseen by the Health Labor and Welfare Ministry, serve as alternatives to the juvenile training schools under the jurisdiction of the Ministry of Justice. In contrast to earlier years, recent admissions to the support facilities appear less attributable to aggression and more

likely to result from irrepressible adventure-seeking. Problem parenting was observed as a recurring issue.

The book is unusual in that it contains a number of images in colour. The aesthetics are pleasing, but come at a price. The list price on the publisher's website (€145.59) will discourage impulse buying. One might also fault the publisher for what appears to be a lack of technical attention to matters such as typesetting, graphics, and tabular presentation.

For those who seek a quick overview of current trends and issues in Japanese criminology and criminal justice, this book is *the* place to look. One hopes that it will stimulate further contributions to Japanese scholarship and to scholarship on Japan.

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