

**Crime and Justice in
Japan and China**
A Comparative View

L. Craig Parker

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*For Meg and Daniel Frost,
my grandchildren and future scholars*

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Preface

My first visit to Japan, in 1980, provided the most exciting and perhaps frustrating year of my professional life. Unacquainted with Japanese culture and language, I was like a bull in a china shop. I was the only researcher that year that was not a Japanologist—that is, a person knowledgeable in the culture and language of Japan. The National Police Agency had sent a short note to the Fulbright office in Tokyo stating, “we can give Professor Parker about one week for his research,” as they were very busy at the time. I had arrived for a year on a jointly funded Fulbright Research Fellowship that was supported by both the United States and Japanese governments. I believed that given this support I would be welcomed by the National Police Agency. Obviously I was wrong and my ignorance of Japanese customs played into this misunderstanding. Fortunately, a day later, at a glittering party for Japanese Fulbrighters headed for America, I met a prominent Japanese constitutional law scholar who introduced me to some colleagues and high-ranking justice officials. While it took about six weeks of a variety of intense and frustrating meetings, I eventually was given full access to the police for research purposes.

As I noted in my book on the Japanese police system, “A Japanese businessman will not approach a fellow businessman or a bureaucrat without a proper introduction if he expects to be successful in his endeavors. Often the initiating party will ask a former classmate or an acquaintance to arrange the meeting. This go-between may be able to lay the groundwork or actually arrange an introduction. The Japanese have a word for this: *nemawashi*, meaning ‘to lay the groundwork for obtaining one’s objective’” (Parker, 2001).

Fellow scholars and criminal justice professionals helped immensely in my understanding of Japanese culture and I was blessed with two young wonderful interpreters. Mari Kanai had studied at a variety of international schools (learning English) during overseas trips with her family. Her father had worked as a Japanese ambassador in countries around the world. Susumu Kitaidai was a student at the International Christian University and was fluent in English. He

had lived in New York City and Washington, D.C., for a number of years during the period in which his father worked for the Tokyo Broadcasting System.

Interpreters are important as they do more than translate words between English and Japanese. They represent you and their interpersonal skills are critical to the researcher. Approaching the Japanese National Police Agency for a research project by an American Fulbright Scholar proved to be a daunting task. Police in general are reluctant to have outside researchers come in for purposes of study. Japan is a very insular nation and *gaijin*, or “foreigners,” are often viewed with suspicion.

One element that worked to my advantage, despite having to draw on interpreters for many of my meetings, was that some Japanese police and justice officials spoke English. Many of them learn English starting in junior high school and some are eager to practice their English. Others, however, are uncomfortable in speaking English, and many Japanese lack opportunities to speak English once they have left secondary school. I focused on and became friends with a number of Japanese police and justice officials who spoke English.

My introduction to China had an interesting Japanese twist. In 1985, after returning to the University of New Haven from sabbatical, I received a fascinating letter from a Chinese woman scholar, Zhang Yun Yi. She was an instructor at the Police Officers University outside of Beijing, teaching comparative criminal justice. She asked for my assistance and stated, “I know you from your book on the Japanese police system. Would you be kind enough to send me some books on the history of the American criminal justice system? I’m sorry I don’t have any Western currency, but perhaps there is something you would like from China?” She also commented that she had a masters degree from Nanjing University. I immediately responded to her request and stated that I did not desire to have any money or gifts from her, but would like to engage in correspondence. I was curious about her life and work as a professor at this law enforcement institution of higher learning. She proved to be a very open and expressive person and she shared some of the most personal and searing moments of her life, including her experiences with the Red Guards. Red Guards were young teenagers that Mao unleashed on many establishment figures in the population. They had harassed her father and ultimately he died in a prison during the infamous Cultural Revolution. While he was still alive, family members were required to participate in what the Chinese called “struggle sessions” of verbal attack and abuse directed at her father. He had been a prominent economist in the Communist Party, but like many establishment figures, was subjected to the assaults unleashed by teenage Red Guards support-

ing Mao's directives to maintain the revolution. Hundreds of thousands, if not millions, of Chinese, died during this horrific period between 1966 and 1976. The emotional scars of this traumatic era, when Zhang Yun Yi was merely a teenager, were clearly evident when I finally met her during my one-month lecture tour in Beijing a year later.

Other Chinese friends have subsequently added their own tales of pain and misfortune from this dark period of Chinese history. Zhang Yun Yi arranged, through colleagues of her deceased father—who incidentally was still highly regarded by his colleagues—my visit to China in the Summer of 1986. Officially, I was invited by Vice-President Zhu Sen of the Police Officers University, and the experience was both educational and very exciting. A year later, I sponsored Zhang Yun Yi for a master's degree in criminal justice at Northeastern University in Boston. In the Fall of 1987, I arranged a follow-up visit of two professors and two administrators, including Vice-President Zhu Sen, to the United States for a month-long lecture tour. They met with faculty from the University of New Haven, the University of New Hampshire, Northeastern University, Mercy College, and C.W. Post College of Long Island. A final exchange of scholars took place in 1988, which allowed American scholars from the above named universities to visit China as part of a reverse exchange that I arranged. This was a year prior to the infamous Tiananmen Square Massacre in which an unknown large number of private citizens and students were gunned down by police and the military. Contacts were frozen with the staff of the Police Officers University and never resumed. However, my interest in Chinese criminal justice and Chinese culture continued unabated. I developed friendships with a number of Chinese scholars. One Chinese Fulbright Scholar, Hou Wei Rei, arrived at Yale to pursue his scholarly studies in English literature and we stayed friends until his death in 1999. Since 2006, I have enjoyed sitting in on many lectures at the Yale China Law Center, which were offered by China legal experts and social scientists from both China and the United States.

There are many exciting and revealing changes taking place in the justice systems of Japan and China—the nations covered in this book. Many of these changes reflect the fascinating cultural and historical foundations of the countries. While sharing some interesting similarities, there are vast differences in how the criminal justice systems operate in each country. One of the major themes of this work is how each society's culture influences crime. In fact, it is evident that the social and cultural make-up of each of the two countries has a far more profound effect on the crime rates than any efficiencies that can be produced by the criminal justice agencies.

The Japanese and Chinese justice systems are vastly different in how they have evolved. Significant developments continue to emerge in both Japan and China. For example, in Japan the jury system has returned after an absence of more than 50 years. Not since the American occupation of Japan in the late 1940s, and the end of World War II, have Japanese citizens been required to participate in a process that many of them approached with anxiety. General MacArthur and his staff attempted to transplant some of the key features of the American democratic experience on to the authoritarian landscape of Japan. While some concepts took root, others were tossed aside after a brief experiment. For example, the police were decentralized under MacArthur, but were organized into the current national structure a few years later.

China's government is still communist in its political structure, but its wide-open economic system mirrors in many respects capitalistic countries around the world. Chinese officials call it "market forces." Students of international or comparative criminal justice will enjoy the many comparisons offered with the United States system. Some of the approaches and concepts illustrated in this text may intrigue American students of criminal justice, and indeed some approaches may be implemented in the United States. Many, however, cannot be transplanted because of their unique cultural character.

My wide and extensive experience as a criminal justice scholar—with two acclaimed books on Japan—provides the reader with a penetrating and in-depth look at the justice systems of both Japan and China. Unlike many comparative analyses offered to students and scholars, I offer a strong critique of each nation's justice systems based in part on personal experiences. In addition, this work offers insight into how these rival nations approach the problem of crime and how this may play out in the future. Finally, I shed light on how both countries interact with each other in what is often a complex and intriguing dance—at times cooperative and at times competitive. The legacy of Japan's invasion and brutal assaults on Chinese private citizens during World War II is echoed in today's relationships between the nations. By 2011, China had overtaken Japan as the second largest economy in the world and this powerful economic machine has recast the relationship. China's gross domestic product during the first decade of the twenty-first century has far outstripped Japan's. On average, it has been 8–10 percent in China compared to 2–4 percent in Japan. The later has been in and out of recession for more than 20 years.

It is difficult to draw comparisons between crime reports from Japan and the United States because the different levels of public confidence in police effectiveness in these countries result in different rates of reporting crime. Many

crimes go unreported in all three nations. Descriptive terms for crimes—even after making allowances for the possible inaccuracy of translation—may have different meanings in each country, further confusing the issue. Japanese people report a larger percentage of crime than Americans do. In China, citizens are often reluctant to report crime, as the police—called “public security”—are not respected by many citizens, and are often viewed skeptically as corrupt tools of the state. Because of the unreliability of data issued in the *Uniform Crime Reports* of the Federal Bureau of Investigation (F.B.I.), the U.S. Department of Justice began direct household surveys of crime a number of years ago. This approach revealed, not surprisingly, a significantly higher incidence of actual crime than that reported by citizens to police. Reports to police, similar to the *Uniform Crime Reports* of the F.B.I., are also relied upon in Japan and China.

Police departments in many countries are tempted to manipulate crime statistics to make their department or agency look good. In the United States, there are various grants available from the federal government to police departments, and presenting a particular department in a favorable light may assist in the successful application for these funds. In Japan and China, unlike the United States, the systems are fundamentally national in character. Although Japan has 47 prefectural police agencies, which have limited autonomy, they fundamentally operate in a top-down national fashion. By employing national systems, the Japanese and Chinese have the luxury of creating standardized systems of policies and practices. However, Chinese law enforcement practices and personnel policies are still modernizing and are of lower quality than those in the United States and Japan. Professional training programs and education of police in China are making strides but remain far behind those found in Japan and the United States. In talking with police officers in the United States about their experiences in interacting with other law enforcement agencies, one becomes aware of a great variety of responses that spring from ignorance to jealousy to outright hostility. The one U.S. national agency—the Federal Bureau of Investigation—operates very independently and its relationships with American police forces vary a great deal. Occasionally there are joint task forces that are organized to fight gangs or illegal drugs. The F.B.I. becomes involved with local police when bank robberies occur as they are required by law to respond to such crimes. On many occasions, the agencies don't interact. Relationships are often tied to the personal skills of the actors.

The structure of police activities in the United States is so decentralized and fragmented that potential terror attacks in the wake of the September 11 devastation of the World Trade Center and other targets have continued to create

serious gaps in the Homeland Security system of detection and prevention. Local police departments in the United States are often left to their own devices to create systems of crime detection and apprehension of criminals. In the United States, there is still no fully integrated system to defend against terrorism, but this is linked to the nature of the separate local, county, and statewide police agencies.

On the bright side, some middle-ranking police officers are offered opportunities to attend the F.B.I. training academy and often praise these educational opportunities, but overall, the number who attend is a small portion of local police nationwide.

About the Author

L. Craig Parker is a psychologist and professor emeritus at the Henry C. Lee College of Criminal Justice at the University of New Haven. He has studied criminal justice systems in a variety of foreign countries including Great Britain, Canada, Denmark, The Netherlands, Sweden, Iceland, Finland, and Japan. The author received Fulbright Research Fellowships in both Japan and Finland. Previously he was a professor at the University of Wisconsin-Milwaukee and the University of Alberta. The author was also a Visiting Scholar at Columbia Law School and a Visiting Faculty Fellow at Yale University. He continues to teach forensic psychology and global criminal justice at the University of New Haven.

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