

# Chapter 2

## Changes in Crime and Reactions to Crime in Japan Becoming Stagnant with Aging

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### 1 Demographic Analysis on Change into Japanese Stagnant Society

Social problems including the problem of crime can be analyzed demographically. I analyze the change in crimes in Japan on the basis of the framework presented by David Riesman et al. in *The Lonely Crowd* in 1950.

Riesman et al. pointed out that the total population was stable for a long time before the Industrial Revolution owing to the high rate of both birth and death. After the Revolution the population explosion occurred because the rate of death declined owing to improvement of health conditions. However, in advanced Western countries the total population is gradually declining because people begin to enjoy their private life with no child or a few children. Riesman et al. foresaw the occurrence of this demographic change in other countries as the flowing.

It seems reasonably well established ... that during this period the curve of population growth in the Western countries has shown an S-shape of a particular type (as other countries are drawn more closely into the net of Western civilization, their populations also show a tendency to develop along the lines of this S-shaped curve) (Riesman, Glazer, & Denny, 1973, p. 7).

Japan has followed Western civilization since the Meiji Restoration of 1867. Therefore, we also see population change in the form of an S-shape as described by Riesman.

Before the Meiji Restoration we saw the bottom horizontal line of the S representing a situation where the total population increases very slowly. In this situation the number of birth roughly equaling the number of death, and both are high. The estimated total population increased slightly from 31,000,000 around 1720 to 34,200,000 in 1868 (Sudo, 2005). Riesman et al. pointed out that it was a society of

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high-potential growth with a typical tendency to follow tradition. The social character in such a society is called *traditional-directed*.

With the advance of Western civilization after the Meiji Restoration, Japan became a *society of transitional population growth* in which we find people with the social character of being *inner-directed*. Their conformity is insured by their tendency to acquire an internalized set of goals early in life.

At this stage we witness a “population explosion” caused by the decline in the death rate. The total population reached 59,740,000 in 1925. During the war against China and World War II from 1937 to 1945, Japan was short of manpower. Therefore, our government encouraged people to have as many babies as possible.

At the final stage of the war the total population decreased slightly mainly due to many war deaths in battle and by bombing from US fighters. Soon after the war we witnessed a baby boom.<sup>1</sup> The total population then increased to 83,200,000 in 1950. With an increase in the power of people with the character of *inner-directedness*, Japan succeeded in recovering from damages caused by the war and enjoyed rapid economic growth until 1973 when an oil shock occurred. During 3 years from 1971, we witnessed a second baby boom with 2,091,983 babies born in 1973, the peak of the boom.

However, after 1973 youngsters hesitated to get married. When they did marry, in most cases they did not want to have more than two children. Japan then rushed into a third stage—“incipient population decline”—in which both birth and death are low. At this stage people began to have the social character of being *other-directed*. They lived in a *society dependent on other-direction*.

In spite of the decrease in babies, the total population continued to increase to 127,690,000 in 2004 because of a lengthening of people’s life span. After 2004 the total population began to decline. According to the census carried out in October in 2010, the total population decreased for the first time during the 5-year span since 2005. The estimated total population declined to 127,040,000 on September 1 in 2014. If the low birth rate continues, the total population is estimated to decrease to 62,410,000 in 2100. Therefore, in June in 2014 the Japanese government announced a policy to maintain the total population of over 100,000,000 during 50 years into the future. If we fail to realize this policy, Japanese life standard would decline.

Japan is approaching the third stage with rapid advancement of aging. In 1970 total population reached 103,720,000 among which old people of at least 65 years of age amounted to 7.1%. Around 1985 our government foresaw that old people would increase to 21.8% in 2020. However, this forecast was wrong, as the birth rate decreased even more rapidly. In September in 2014 old people aged 65 and over reached 25.9% of the total population. In such a situation crimes committed by old-aged people became a serious social problem in Japan.

On the other hand, children under 15 years of age decreased from 13.8% of the population in 2005 to 12.8% in 2014. Most children are raised under sufficient protection by their parents and adults around them. In such a situation the quality and quantity of juvenile delinquency have changed drastically.

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<sup>1</sup> During the baby boom from 1947 to 1949, about 8,000,000 babies were born, in which 2,696,638 were born in 1949, the peak of the boom.

## 2 Change in Juvenile Delinquency After World War II

Soon after World War II, we lived in a situation of absolute poverty, in which juveniles, especially orphans, committed crimes, especially thefts (Yokoyama, 2015, p. 188). I estimate that in a chaotic situation at that time, the quantity and quality of juvenile delinquency were the worst in our history, although we did not see the high crime rate among juveniles in the crime statistics. With the gradual establishment of a system for the policing for juveniles, the police could arrest or guide more juvenile delinquents than previously (Yokoyama, 2010a, p. 154). Then, the rate of juvenile Penal Code offenders caught by the police per population of 1000 juveniles between 10 and 19 years old reached 9.5 in 1951, the first peak of juvenile crimes.

In the early 1960s the baby boomers became teenagers. They often committed violent behavior at their high schools which drew our attention. After graduation from their junior high schools, many juveniles moved to urban areas where there were many good jobs to be found with rapid industrialization.<sup>2</sup> They often lived at the house of an employer or in a dormitory. Some of them who dropped out from their place of work committed crimes.<sup>3</sup> In such a situation the rate of juvenile Penal Code offenders increased to 11.9 in 1964, the second peak of juvenile crimes. At that time many antisocial behaviors were committed by juvenile offenders with a social character of *inner-directedness*. According to Merton's typology of modes of individual adaptation, they seemed to assume the mode of *innovation*<sup>4</sup> (Merton, 1968).

In the early 1980s the second baby boomers became the teenagers. Police carried out a net widening to arrest or guide more and more juvenile delinquents for minor offenses and deviant behaviors (Yokoyama, 1989, p. 47). Then, in 1983 there was a third peak of juvenile Penal Code offenses, in which the rate reached 17.1. In this year the police caught 317,438 juvenile Penal Code offenders, the highest number in history. As mentioned previously, juveniles with a social character of *other-directedness* became prevalent. In addition, with the advancement of equality between sexes, male youngsters became herbivorous-typed persons.<sup>5</sup> Then, many juveniles committed a social delinquency instead of antisocial one. In the early 1990s the second baby boomers became adults. Then, the number of juvenile delinquents

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<sup>2</sup>During the period of high economic growth, there was an increase in the percentage of entrance to senior high schools after graduation from junior ones. The increase in the percentage was from 51.5% in 1955 to 70.7% in 1965 and to 91.9% in 1975. Although education in a senior high school is not compulsive, most young people have a chance to receive education in a senior high school if they wish.

<sup>3</sup>Boryokudan, a Japanese gangsters' group, succeeded in recruiting many young dropouts as its members (Yokoyama, 2000, p. 3).

<sup>4</sup>Around 1965 there was great cultural emphasis upon success. It invited a prevalence of the mode of *innovation* even among juvenile delinquents through the use of institutionally proscribed but often effective means of attaining the simulacra of success: wealth and power.

<sup>5</sup>Previously, male youngsters behaved violently like a carnivorous animal under the subculture of being proud of masculinity. Owing to the decline of such subculture, they do not attack others by the use of physical violence like an herbivorous animal. They are called "herbivorous-typed persons" in Japan.

decreased gradually until 1995 when the rate of juvenile Penal Code offenders declined to 12.1.

In the late 1990s the mass media reported about the movement of crime victims to demand the imposition of the severer punishment on offenders. As many people sympathized with this movement, the police adopted the tough policy against offenders, especially juvenile delinquents. The Juvenile Law was revised in 2000 toward a partial criminalization (Yokoyama, 2009, p. 670). Under the tough policy backed up by conservative public opinion, the rate of juvenile Penal Code offenders rose to 15.5 in 2003 (Yokoyama, 2007, p. 12).

However, the rate decreased constantly for a decade from 2003. The total number of juveniles caught for a Penal Code offense declined to 101,098 in 2012, when the rate also dropped to 8.5. Since the police maintained a tough policy against juvenile offenders, juvenile offenses seemed to decrease in reality. Why do juvenile offenses, especially violent offenses, decrease?

### 3 Juvenile Delinquency in Japanese Society with Declining Birth Rate

As most juveniles are raised as one child or two children in their family, they tend to be overprotected and supervised by adults around them, especially their parents.<sup>6</sup> I foresaw 30 years ago that *retreatism*, one of Merton's adaption modes, would increase among Japanese youngsters who are raised with overprotection (Yokoyama, 1986, p. 112).<sup>7</sup> As I foresaw, nowadays the *retreatism-typed* young people increase. We see more and more young people shutting themselves without participating in any positive activity.<sup>8</sup>

Juveniles behaving in the mode of *innovation* and *rebellion* decrease because of effective education against violence that started at the time of the second peak of juvenile crimes.<sup>9</sup> Most juveniles behave according to *conformity* or *ritualism*.<sup>10</sup> They observe laws and rules and behave according to manuals. Especially, those

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<sup>6</sup>We still see many juvenile offenders in a juvenile training school who have grown up in the poor protective environment, although their total number decreases.

<sup>7</sup>According to Merton the character of *retreatism* is the retreat from both cultural goals and institutional means.

<sup>8</sup>During the period from 1995 to 2012, the rate of young people between 15 and 34 without going to a school, participating in family affairs, or commuting to a place of work among people between 15 and 34 years old rose double and reached 2.3% (*White Paper on Children and Youngsters in 2013*, p. 37).

<sup>9</sup>The adaption mode of *rebellion* leads persons outside the environing social structure to envisage and seek to bring into being a greatly modified social structure. Young people of this type were participants in a radical students' movement around 1970. Recently, we no longer see this type, because most young people are not interested in social problems and political issues.

<sup>10</sup>The *ritualistic* type of adaption involves the abandoning or scaling down of the cultural goal of pecuniary success and rapid social mobility to the point where aspirations can be satisfied. On the other hand, a person assuming this adaption type continues to abide almost compulsively by institutional norms.

assuming *ritualism* do so without recognizing purposes of laws, rules, and manuals. As those two adoption modes are prevalent, the rate of juveniles satisfying the current life increases.<sup>11</sup> However, they fear about being neglected by others, especially their peers, as a person assuming the character of *other-directedness*.<sup>12</sup> Reflecting the change in the social character of juveniles, juvenile delinquency decreased drastically during the decade after 2003.

The percentage of the total number of juveniles among all non-traffic Penal Code offenders decreased constantly from 41.3% in 2003 to 26.5% in 2012. At present juvenile crime is a small social problem. However, preventive measures for juvenile delinquency are still important because our aged society cannot be maintained in the future without the support of well-raised youngsters.

Under the pressure of a movement by crime victims, Japan's Juvenile Law was revised four times since 2000 to adopt a tough policy against juvenile delinquents. In addition the measures to prevent escape from a facility such as a juvenile prison or a juvenile training school were emphasized (Yokoyama, 2016a, p. 48). However, the educational protective programs, especially programs for education to take the viewpoints of crime victims, have been improved in facilities for juvenile delinquents operated by the Ministry of Justice under the rehabilitation model. In contrast to the crime control model in the United States, we still maintain the welfare model in juvenile justice, although partial criminalization was advanced under the revisions of Juvenile Law.

## 4 Decrease of Crimes in Conforming Society

Since the breakdown of a bubble economy in 1990, we have had low economic growth. However, we also enjoyed comfortable lives in a society with affluence of goods based on past assets. In addition, the social character of *conformity* or *ritualism* is prevalent. Therefore, crimes decreased during the period from 2003 to 2012. The rate of non-traffic Penal Code offenses known by the police per population of 100,000 declined by half, from 2187 in 2003 to 1084 in 2012 (*White Paper on Crime in 2004*: 3 and *that in 2013*, p. 2). Japan seems to be moving to becoming a society with few crimes in which behavior of over-conformity and over-compliance

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<sup>11</sup>According to the results of research of the Ministry of Health, Labor and Welfare to about 3000 young people between 15 and 39 in March in 2013, about 63% of all respondents answered that they were satisfied with their current life (Asahi Shimbun on September 11, 2013). Among all respondents answering it, about 83% of their reasons for their satisfaction were related to private affairs such as their family life and their hobby. This result shows the prevalence of other-directedness, because inner-directed persons find satisfaction in learning and working rather than their private life. On the other hand, only 19% of respondents answered that Japan's future is bright. They cherish anxiousness about the future as persons of the other-directedness type.

<sup>12</sup>The fear spreads in the prevalence of the use of a smartphone, because a person may be neglected by friends if he/she does not write a reply immediately after receiving a mail.

is prevalent.<sup>13</sup> Then, Japanese become more and more intolerant of deviant behavior (Yokoyama, 2017, p. 831). In such a situation the police guide and arrest more and more juveniles for minor offenses and deviant behavior (Yokoyama, 2015, p. 193). As a result Japan may become a stagnant society with low tolerance level against a deviant behavior, in which active creation is suppressed.

Another reason why Japan is becoming a stagnant society is its advancement of aging. Reflecting the phenomenon of aging, crimes committed by old-aged people have increased (Yokoyama, 2014, p. 791). The percentage of offenders aged 60 years old and over increased from 2.5% in 1974 to 12.2% in 2003 (*White Paper on Crime in 2004*, p. 7). During a decade from 2003, the rate of the old-aged offenders of 65 years old and over rose drastically. As crimes committed by old-aged people became a social problem, the Ministry of Justice published *White Paper on Crime in 2008* with a special feature on “The Situation of Highly Old-Aged Criminals and Treatment of Them.” In this white paper they began to use a category of those of 65 years old and over as “the highly old-aged,” although those of 60 and over had been analyzed as old-aged criminals in the previous white papers on crime. In 2012 the total number of non-traffic Penal Code offenders arrested by the police amounted to 287,386. The percentage of those aged 65 and over increased from 7.8% in 2003 to 16.9% in 2012.<sup>14</sup>

## 5 Change in Population of Persons Confined in Criminal Facilities

With the adoption of tough policies during a decade from 1992, more and more offenders were confined in criminal facilities such as detention houses and prisons operated by the Ministry of Justice.<sup>15</sup> In 1992 we saw the smallest average daily number of persons confined in all criminal facilities, that is, 44,876, of which 7198 and 37,522 were confined in detention houses and prisons, respectively. As criminalization was carried out in the upsurge of a movement by crime victims since the

<sup>13</sup> The prevalence of such behavior is sociologically analyzed as deviant, as Merton pointed out (1968, p. 236).

<sup>14</sup> The percentages of each age group among all non-traffic Penal Code offenders were 10.0% in the age group of 14 and 15 years old, 8.2% of 16 and 17, 4.7% of 18 and 19, 9.0% of the age group of between 20 and 24, 7.0% of between 25 and 29, 13.7% of between 30 and 39, 13.0% of between 40 and 49, 10.5% of between 50 and 59, 6.9% of between 60 and 64, 5.5% of between 65 and 69, and 11.4% of 70 and over 70.

<sup>15</sup> Before the upsurge of the movement by victim crimes, neighbors sympathized with even an offender having committed some heinous offense under an extenuating condition. For example, they sympathized with a single mother killing a baby in an extremely miserable situation. When such a case occurred, many neighbors petitioned a criminal court to mitigate the punishment imposed on the offender. However, the human tie in the community has become weak. In addition, the tolerance level against offenders is lowered under the influence of the movement by crime victims who emphasize rights of crime victims, especially value of life of a killed person. Therefore, more and more offenders with an extenuating condition are sentenced to the imprisonment without its suspension.

late 1990s, the average daily number of confined persons increased drastically to 77,932 in 2005, of which 11,131 and 65,780 were confined in detention houses and prisons respectively. Then, the percentage of the confined persons per the capacity of all criminal facilities increased from 70.7% in 1992 to 104.0% in 2005.<sup>16</sup> In response to the demand by crime victims, the maximum punishment was increased by the revised Penal Code of 2005. For example, the maximum prison term was raised from 15 years to 20, while the maximum aggravated term was lifted from 20 years to 30. However, with advancement of aging and the prevalence of conformity, people commit heinous or violent crimes more infrequently. Therefore, in spite of the maintenance of a tough policy in criminal justice system, the average daily number of confined persons declined to 62,971 in 2013, of which 6731 and 55,316 stayed in detention houses and prisons, respectively. The percentage of confined persons per the capacity also decreased to 69.6%.

Next, I would like to analyze the change in the prison terms of newly confined persons in a prison. In 1992 the total number of newly confined prisoners amounted to 20,864, of which 29.8% were imprisoned for terms of 1 year and under while 41.0% for 2 years and under, 16.8% for 3 years and under, 8.2% for 5 years and under, and 3.1% for over 5 years. With the advancement of the touch policy, short terms decreased for a decade. In 2005 the total number of newly confined prisoners increased to 32,528, of which 21.6% were for a term of 1 year and under while 35.4% for 2 years and under, 21.8% for 3 years and under, 13.7% for 5 years and under, and 7.6% for over 5 years. Since the enforcement of the revised Penal Code of 2004, the tough policy against offenders has been strengthened. However, the total number of newly confined prisoners decreased to 22,755 in 2012. Then, the percentage of confined people per the capacity of all criminal facilities decreased from 106.5% in 2002 to 82.2% in 2012. The percentage of those imprisoned for 1 year and under decreased to 20.9%, while 37.2% were imprisoned for 2 years and under, 23.4% for 3 years and under, 12.7% for 5 years and under, and 5.7% for over 5 years. The slight decrease in the percentage of prisoners newly imprisoned for over 3 years from 21.3% in 2005 to 18.4% might be due to the recent decrease in heinous and violent offenses with the spread of conformity.

Prisoners are classified into several indexes and sent to a prison according to their index. Main indexes are A-index for prisoners with less criminality and B-index for ones with advanced criminality. Persons imprisoned for long prison terms are categorized as L-index. Previously, prisons for L-index prisoners accommodated those who were imprisoned for 8 years and over. However, these prisons became overcrowded by the accumulation of prisoners as an adverse effect of the extension of the maximum punishment by the revised Penal Code of 2004. For example, previously prisoners with life sentences could be released on parole after serving approximate 18 years. However, they cannot receive release on parole before

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<sup>16</sup> Owing to over-crowdedness the percent exceeded 100% in 2005.



30 years under the revised Penal Code of 2004.<sup>17</sup> The accumulation of prisoners in L-index prisons is one reason why the number of old-aged prisoners increases.

The percentage of old-aged prisoners has become higher during the decade from 2003. The percentage of newly confined men of the age group of between 60 and 64 years old increased from 5.1% in 2003 to 7.9% in 2012, and the age group of 65 and over increased from 4.2% to 8.5% for the same period. In case of women the percentage of the former rose from 4.3% to 7.2%, and the latter rose from 5.5% to 12.8%. The treatment of old-aged prisoners becomes a serious problem in prisons, especially in prisons for female offenders.<sup>18</sup>

In Japan almost all prisoners are obliged to work at a prison factory. As the old-aged prisoners increase, the main laborers in the prison factories are members of Boryokudan, a Japanese gangsters' group, and foreigners. It is difficult for the prison to offer suitable jobs to old-aged prisoners.

Prisons are increasingly requested to offer care and medical treatment to the old-aged prisoners. Old-aged prisoners imprisoned for life or for a long time need special care and medical treatment. I saw two old prisoners in wheelchairs at the Kitakyushu Medical Prison. Several other prisoners took care of them as prison jobs, like nurses at a nursing home for the elderly. Such cases will increase in the near future.

Japanese prisons begin to function in ways similar to hospitals and nursing homes for senior persons. Many old-aged prisoners suffer from some disease such as the high blood pressure and diabetes. They are given special treatment such as special meals and lighter jobs. If they are mentally or physically disordered with aging, they are classified as M-index or P-index, respectively. They get special medical cure and care in a medical prison and at a hospital ward in several main prisons.

The costs to take care of the elderly in a prison are higher than those in a non-prison facility for care and medical treatment. Judging from the cost benefits, the old-aged persons who committed minor offenses, and even those who committed serious offenses for the first time under an extenuating condition, should be diverted from criminal procedure at the earlier stage of the criminal justice.<sup>19</sup>

On January 21 in 2013, the Tokyo Public Prosecutor's Office employed a social worker for the first time in Japan to screen cases under a diversion program to refer some cases to agencies for social welfare and facilities for medical treatment without prosecuting to a criminal court. We expect that more public prosecutors' offices will employ a social worker for the purpose of this program. It would be desirable for the police and public prosecutors' office to refer more cases of old-aged offender to agencies for social welfare and facilities for medical treatment in order to offer

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<sup>17</sup>Prisoners confined for a long period usually cannot find a person to support them after their release on parole. In addition, they become too old to find a job after returning to a society. Therefore, it becomes difficult for them to be released on parole before the expiration of their prison term. Especially, those with life sentences are destined to be confined until their death. This phenomenon marks a breakdown of treatment in a prison under the rehabilitation model.

<sup>18</sup>Over-crowdedness in prisons for female offenders still continues. The percentage of the offenders per the capacity of the prisons remained 103.4% at the end of 2012. In such a situation female security officers, most of whom are younger than prisoners, have heavy work load.

<sup>19</sup>In the late 1960s the labeling theorists in the United States advocated to divert cases of a minor offense from criminal justice at the earlier stage in order to avoid being strongly stigmatized as a criminal.



aid and services to meet his/her needs. Judging from the labeling perspectives, the old-aged persons who committed an offense for the first time, even a murder caused by difficulty in their family situation, should be confined as little as possible to avoid being stigmatized.<sup>20</sup> If they were confined in a prison, they would identify themselves as prisoners. Even if they were released, they would be stigmatized as ex-prisoners by others in the community.

If persons released from a prison continue to be identified as ex-prisoners, they might give up rehabilitating themselves in the community. Recently, people's tolerance level against offenders has become lower. Therefore, it is very difficult for old-aged ex-prisoners to rehabilitate themselves in the community.

Recently people, especially those working for social welfare services, began to realize that there are many prisoners with physical and mental handicaps and elderly people who cannot rehabilitate themselves without help after release from a prison. Therefore, the Center to Support Settlement of Community Life was formally established in July in 2009 in order to help them. The Ministry of Justice employs a social worker in main prisons. The social worker stationing in main prisons gives counseling to prisoners who need assistance after release. The caseworker in a prison sends information about old-aged prisoners after acquiring their consent to the center to request some aid. The center works as a coordinator. If an ex-prisoner needs accommodation, the center would ask a home for senior persons about whether the home could offer accommodation. We expect further development of the system for old-aged ex-prisoners regarding rehabilitation in the community.

Many old-aged people born before 1949 assume a social character of *inner-directedness*. They identify themselves as previously diligent workers who contributed to the achievement of prosperity in Japan. As such they hesitate to commit crimes even if they become impoverished. However, such psychological resistance against committing a crime will decline owing to the decrease in persons with a character of *inner-directedness*. In the near future the safety nets for seniors such as pensions and medical aid are in decline. Therefore, more and more seniors will commit crimes, especially theft repeatedly in order to have daily necessities. If they are confined in a prison as recidivists, after their release they will commit crimes more easily by assuming their identification as recidivists.<sup>21</sup> In reality the living standard

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<sup>20</sup>With advancement of aging we witness increasingly such a case that old-aged persons have to take care of their diseased spouse in a nuclear family. When they become desperate owing to nursing fatigue, they may kill their spouse by the intension of relieving their spouse of pain and anguish or according to the spouse's death wish. In such a case most old-aged murderers have few possibility of committing crime again because of the lack of criminal tendency. However, as I mentioned before, even in such cases more and more offenders are sentenced to the imprisonment without its suspension.

<sup>21</sup>When I visited Yokosuka Prison, I heard about an old-aged prisoner serving for his term of 2 years and a half who was convicted of stealing a packed box lunch twice owing to his impoverishment. For the first stealing he was sentenced to 1-year imprisonment with its suspension for 2 years, as he did not have any criminal career. Soon after being released he was caught for stealing a packed box lunch again. Then, he was sentenced to the aggravated imprisonment of a year and a half as a recidivist. As the suspension of the previous sentence was revoked, he was compelled to serve for 2 years and a half in Yokosuka Prison.

in a prison is higher than in many illegal nursing houses with poor facilities. Therefore, more and more old-aged ex-prisoners will return to a prison by committing a theft of such trifle goods as a packed box lunch and a minor fraud such as eating at a restaurant without money. If we fail to avoid such a vicious cycle, Japan will confront an increase in crimes committed by senior persons.

## 6 Measures for Maintenance of Manpower

To maintain the current life standard in Japan, we need to maintain manpower. Without new babies, the shortage of manpower would have to be made up by immigrants. However, our government has adopted a policy of extremely limited acceptance of immigrants (Yokoyama, 1999, p. 182). Although many foreigners began to rush into Japan to make money after 1980, the government did not admit them as immigrants. They have been called “visiting foreigners” instead of “immigrants.”

The conservative politicians, the Ministry of Justice, and the police tend to regard “visiting foreigners” as potential criminals. They fear that our social order would be greatly damaged if we accepted immigrants, especially those as plain laborers. To examine whether their fear is justified or not, I would like to analyze roughly the change in crimes by visiting foreigners since 1980.

## 7 Visiting Foreigners and Their Crimes in 1980s

The total number of visiting foreigners gradually increased from 598,061 in 1970 to 1,089,341 in 1979. Visiting foreigners caught for crimes increased from 195 in 1970 to 403 in 1979. Our police worried that more and more international criminals might come to Japan. To cope with international criminal cases, the law to aid international investigation was enacted in 1980.

In 1981 the Immigration Control Law was replaced by the Immigration-Control and Refugee-Recognition Law to accept Vietnamese refugees, although our government did not admit the entry of alien plain laborers (Yokoyama, 1999, p. 182). In the early 1980s Japan became a consumer society in which sexual service was a prosperous business. Around 1983 many alien females began to come to Japan from neighboring Asian countries. First, we saw many females entering Japan from Taiwan and the Philippines with the tourist visas and the visa for show business. Some of them were victims of human trafficking.<sup>22</sup> But, Japanese police did not protect them as victims. If they entered Japan illegally, the police caught them as offenders of a law such as the Immigration-Control and Refugee-Recognition Law and Prostitution Prevention Law (Yokoyama, 2010b, p. 29).

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<sup>22</sup>At that time Japan was a target country for human trafficking from neighboring developing countries.

In 1983 our government adopted a policy of accepting more alien students. In 1984 it began to allow foreigners to get the visas for pre-college students by summary procedure. With this visa many Chinese and Koreans rushed to Japan. Many of them engaged in illegal work to make money without going to any school.

In the late 1980s Japan enjoyed prosperity in a bubble economy, in which Japanese youngsters did not want to work in any dangerous, dirty, or hard job. At that time there was a shortage in the labor supply. This shortage was filled by illegal alien laborers coming to Japan with the visa for pre-college students.

In the late 1980s many visiting foreigners succeeded in making money. In such a situation they refrained from committing crimes against Japanese persons. In case they committed a crime, they victimized other foreigners, especially illegal laborers who came from their same mother country, because they knew that these victims would rarely report to the police.

However, crimes committed by visiting foreigners increased gradually with the drastic growth in their total population in the late 1980s. The total number of visiting foreigners arrested for a non-traffic Penal Code offense increased from 390 in 1978 to 3020 in 1988.

In December in 1988 our government decided to check the application documents for the visa for a pre-college student, because most of those applying for this visa did not have any intention to study at a language or professional school. In 1988 the Tokyo Metropolitan Police established the section for international investigation for the first time in Japan.

In December in 1989 the Immigration-Control and Refugee-Recognition Law was revised. Under the revised law people with a Japanese ancestor became qualified to stay in Japan as settlers who can work legally. Another purpose of this law was to strengthen the control of illegal alien entrants and stayers. The law prescribes punishment imposed on persons who employ foreigners illegally and on brokers who introduce a foreigner illegally to an employer.

After the revision of the Immigration-Control and Refugee-Recognition Law, large-sized companies recruited many foreigners with a Japanese ancestor mainly from Brazil and Peru. In 1989 the total number of alien entrants into Japan increased to about 2,986,000, the highest number in our history. Our police published *White Paper on Police in 1990* with a feature article on “Measures for the Police to Cope with the Increase in Alien Laborers.”

## 8 Preventive Measures of Crimes by Visiting Foreigners in 1990s

In *White Paper on Police in 1990*, Japanese police pointed out that Boryokudan was engaged with human trafficking to exploit alien females, especially Thai females. In the summer in 1990, our bubble economy broke down, after which many visiting

foreigners especially alien illegal workers lost jobs. Boryokudan helped them illegally to find jobs as plain laborers in factories and at construction sites.

In *White Paper on Police in 1991*, there was a feature article entitled “Change in Crimes at the Borderless Time,” in which the crimes by visiting foreigners were analyzed as a kind of crimes committed across the border of a country.

The total number of visiting foreigners arrested for a crime increased drastically from 2978 in 1990 to 4813 in 1991, which might be due to the influence of the serious economic depression that started in the summer of 1990.

In 1990 the police and the Maritime Safety Agency found two cases in which a total of 18 foreigners smuggled themselves in a group into Japan by ship. Such cases of human trafficking from a neighboring country, especially from China increased in the 1990s. During the 3 years after the breakdown of bubble economy, we witnessed a continuous increase in the number of alien illegal entrants into Japan. Many Chinese entered Japan illegally by the arrangement of Snake Head, the Chinese group for human trafficking.

Around 1994 our attention was given to serious crimes committed by an alien-organized criminal group. Members of a Korean group for pickpocketing used sprays and knives to escape from being arrested. Those affiliated with a group coming from Hong Kong such as Triad Society broke into a store by using explosives in order to steal money and precious stones. After the breakdown of the socialist system of the USSR, Russian mafias participated in smuggling drugs and weapons into Japan and transporting used or stolen cars to Russia.

In 1997 the police and the Maritime Safety Agency caught 1369 Chinese for smuggling themselves in a group by ship into Japan. To criminalize illegal entrance of foreigners in a group and the business to assist their illegal entrance, the Immigration-Control and Refugee-Recognition Law was revised, which was enforced in May in 1997. In 1997 the National Police Agency established the office to cope with crimes committed by visiting foreigners. In January in 1998 the police in conjunction with the Immigration Bureau of the Ministry of Justice strengthened the roundup of illegally staying foreigners.

In May in 1998 the G-8 Summit was held in Birmingham, at which cooperation for combating against international crimes was discussed. At that time *White Paper on Police in 1999* had a feature article on “Combat against Crimes across National Border.”

Our attention was given to Iranian sellers of illegal drugs in the late 1990s. Iranians arrested for an offense of a drug control law numbered 289 in 1998, 30% of which were caught for trade in an illegal drug. They sold drugs by the use of cellular telephones, by which they succeeded in evading arrest by the police.

Around 1999 stealing was committed in a group by Vietnamese settlers. Some Brazilians with a Japanese ancestor also committed stealing in a group. We began to see the increase in offenses committed by Brazilian youngsters who did not adjust to a Japanese lifestyle.

In 1998 the law to regulate and rationalize business relating to public morals was revised, under which a person with a career of employing alien females illegally was prohibited from participating in such business related to public moral as a nightclub with hostesses or a bar with dark lightning. In addition, those who partici-

pated in such business were prohibited from taking a passport from their alien employers. We saw the words “human trafficking” for the first time in *White Paper on Police in 2000*.

Chinese were the main foreigners who smuggled themselves into Japan. In July in 1999 Keizo Obuchi, our prime minister, and Zhu Rongji, the premier of the People’s Republic of China, had a meeting, at which they talked about the cooperative regulation of illegal entrance in a group from China into Japan. By the exchange of information with Chinese security police, Japanese police activated the roundup of Chinese criminals, above all, the Snake Head group. By such means the total number of Chinese arrested for illegal entrance in a group decreased drastically from 701 in 1999 to 80 in 2000.

## 9 Promotion of Coexistence with Foreigners Since 2000

Previously, Japanese people expected foreigners staying in Japan to assimilate into Japanese culture. However, such expectation gradually declined in 1990s, as many Japanese began to live together with foreigners while respecting their own cultural backgrounds and lifestyle. In response to this change, Japanese police advocated the promotion of living together with foreigners for the first time in *White Paper on Police in 2002*. In December in 2002 the police began to promote measures in six prefectures to cope with visiting foreigners, especially the settled foreigners with a Japanese ancestor. The police began to carry out the special activities for crime prevention in the area where many foreigners dwelled. However, it was not until March in 2009 that the National Police Agency issued the notification on promotion of the comprehensive measures for settled foreigners in the community.<sup>23</sup>

In November in 2016 police officers affiliated with 61 police stations in 14 prefectures worked for such settled foreigners as Brazilians, Peruvians, Chinese, Vietnamese, and Filipino. The police carry out such activities as visiting their house together with an interpreter to grasp their family situation and holding a meeting to inform them of traffic rules. Through these activities the police grasp the situation in their residence area, promote the mutual understandings with them, acquire their confidence in police officers, eradicate their fear and their sense of alienation, and make them feel coexistence with Japanese people.

People in neighboring Asian countries, especially in China have enjoyed prosperity since 2000, while the Japanese economy has been stagnant. Therefore, foreigners coming to Japan from these countries to make money illegally have decreased.

The Total Research Institute on Legal Affairs, the Ministry of Justice, published a *White Paper on Crime in 2013* with the feature entitled “Criminal Policy with Globalization.” According to this white paper, the total number of alien illegal

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<sup>23</sup>The purpose of the total measures is to prevent the dwelling area of many foreigners from becoming a hotbed of crimes.

stayers decreased from 298,646 in 1993 to 62,009 in 2013. The number of alien illegal stayers, the so-called potential criminals, has decreased drastically. The total number of visiting foreigners caught for a non-traffic Penal Code offense decreased from 8505 in 2005 to 5260 in 2013. The crimes committed by visiting foreigners become a less serious social problem than in the 1990s.

## 10 Conclusion

Recently, the numbers of alien illegal entrants and stayers have decreased. Almost all visiting foreigners staying legally for a long time adjust to a Japanese lifestyle. They do not dare to commit crimes as they enjoy a peaceful and comfortable life in Japan. Therefore, conservative Japanese should abandon their idea that visiting foreigners are potential criminals.

As we do not have sufficient manpower, we need to accept immigrants step by step. If many foreigners come to Japan in a rush for a short period, for example, many Korean boat people coming in a rush from North Korea in case its dictatorial regime breaks down, we might have a serious problem of crimes committed by such people. This problem may occur in the near future.

Large-sized companies expand their markets to foreign countries because domestic markets shrink with advancement of aging. Therefore, they become eager to employ alien workers, especially those with professional skills and knowledge. In the response to their demand, our government should change the policy of limited acceptance of alien workers.<sup>24</sup> However, difficulties remain in attracting foreign workers because of cultural differences and language barriers.<sup>25</sup>

Given such a situation, the police and the Ministry of Justice have begun to think about the acceptance of foreigners. In *White Paper on Crimes in 2013*, the Ministry of Justice emphasized the necessity that alien prisoners with qualifications to stay legally in Japan are given special programs to rehabilitate themselves into Japanese society.

Criminologists in other countries, especially neighboring Asian countries, can find many lessons to learn from Japan's experiences.

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<sup>24</sup>To make up for shortage of manpower of plain laborers, Japan has used the trainee system since 1981 (Yokoyama, 2016b, p. 3). However, as this system has many problems, we should establish the fundamental policy on immigration without using the term of "visiting foreigners."

<sup>25</sup>By the agreement with the Philippines in 2006 and that with Indonesia in 2007, Japan accepted young people coming from both countries as trainees to master the way to treat patients as a nurse. However, most of them failed to pass the national examination to become a nurse before the expiration of the period for their permitted stay because the examination is carried out in the Japanese language. As a result fewer young people now come from neighboring countries to work as a nurse in Japan which has a shortage of nurses and an increased need for them due to the enormous aged population.

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