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Criminology and Criminal Justice 2008; 8; 5
DOI: 10.1177/1748895807085867

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Criminology & Criminal Justice
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(Los Angeles, London, New Delhi and Singapore)
and the British Society of Criminology.
www.sagepublications.com
ISSN 1748-8958; Vol: 8(1): 5-25
DOI: 10.1177/1748895807085867



The killing of children by children as a symptom of national crisis: *Reactions in Britain and Japan*

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Abstract

In this article, we describe and analyse the public and political responses to two notorious cases of the killing of children by children, one in Merseyside, England and one in Kobe, Japan. We discuss the ways in which the cases were presented as symptomatic of wider social problems, and how in both Britain and Japan they acted as a catalyst for changes in the juvenile criminal justice system. The article describes and attempts to explain both similarities and differences in the reactions to the killings in Britain and Japan, arguing that while the differences may be more obvious the similarities may be more instructive, and setting the description in the context of penological arguments about globalization and the emergence of a postmodern penalty. We conclude that neither country is as unique in its responses to juvenile crime as is sometimes claimed, and that despite 'postmodern' anxieties and scepticism in both countries, a 'modernist' welfare approach to the reintegration of the killers remained feasible in both Britain and Japan.

Key Words

child killing • Japan • media • reintegration • social crisis

Introduction

In this article we explore the reactions in Britain and Japan to two cases of killing by children of children: the 1993 case of James Bulger and the 1997

case of Jun Hase. Both cases quickly became notorious and were widely interpreted as symptomatic of social crisis and of the failures of state systems of education and juvenile justice. In analysing the responses to the killings, we consider how far they can be understood in the light of recent arguments about globalizing trends in penal systems, a loss of faith in modernity and progress and the emergence of a new punitiveness (Pratt et al., 2005). In contrast, more locally focused penological studies have tended to stress the atypicality of both Britain and Japan, the first seen as especially characterized by 'punitive populism' and a rejection of welfare-oriented approaches to juvenile offending (Muncie, 2002, 2005), the second as unique by virtue of low rates of crime and incarceration, and the continued strength of informal networks of social control deeply embedded in traditional values and practices (Braithwaite, 1989; Izumida-Tyson, 2000; Leonardsen, 2004; but compare Fenwick, 2006). We argue that our analysis provides some support for both theses—of globalization and of exceptionalism—but that both may need to be qualified if the full range of responses to the killings is to be understood.

In the first section of the article, we briefly present the basic facts about the two cases as far as these can be known, and discuss some contrasts and similarities between them, in relation to the background and possible motives of the killers. The middle sections consider the immediate and longer-term reactions to the cases, on the part of the public, the media, 'expert' commentators and politicians, again focusing on similarities and differences, and how these might be interpreted in terms of national distinctiveness and global processes of convergence. The final sections discuss what is known and can be inferred about the treatment of the killers in the juvenile justice systems of England and Japan, and the article concludes with an analysis of the similarities and differences in the reactions at all stages to the two cases in the light of the arguments sketched above about globalization and 'postmodern' penal regimes. Inevitably, given the nature of the material and the focus of the article, we have used journalistic sources, directly and indirectly, in much of our account, and when we are dealing with media representations of events and their consequences we have sought to make this clear.¹

The killings of James Bulger and Jun Hase²

On 12 February 1993 a 2-year-old boy, James Bulger, was led by the hand by two older boys from a shopping centre in Bootle, Merseyside, a deprived urban area in the north-west of England. The three walked for about 2.5 hours through busy streets towards the area where the older boys lived. Passers-by noticed that James was in distress, but were assured by the older boys that he was a younger family member, and that they were taking him home (Levine, 1999). 2 days later James's body was found on a railway line, cut in half by a train. Forensic examination showed that he

had died before the train arrived. He had been beaten with bricks, stones and a metal bar, and his trousers and underpants had been removed. There were signs that he had been sexually abused, and a small tin of paint and 4 small electric batteries were found nearby (Thomas, 1993; Smith, 1994; Morrison, 1998). As the Kobe police were to do, the police in Merseyside initially assumed that the most likely killer was an adult male, but closed circuit TV footage from the shopping centre showed James being led away by 2 older boys, and on 18 February 2 ten-year-olds were arrested and charged with abducting and killing James and attempting to abduct another boy.

On 27 May 1997 the severed head of an 11-year-old boy, Jun Hase, was found at the gate of a junior high school in Suma Ward in Kobe, an affluent, modern, suburban community (Takamura and Noda, 2000³). A message had been placed in his mouth, threatening further killing and challenging the police. It was signed 'Sakakibara-seito', literally 'Saké devil, rose, sacred master' (Arai, 2000: 860). The writer then sent a letter to the local newspaper, complaining that the police had mispronounced his name and repeating the wording of the original note, in case rain had made it illegible. The police said they were looking for a man aged between 30 and 40 (Arai, 2000: 846), but on 28 June a 14-year-old boy was arrested for the killing. He confessed both to the strangling and decapitation of Jun Hase and to the killing of a 10-year-old girl, Ayaka Yamashita, by hitting her with a hammer on 16 March. He also admitted having attacked other school-girls.

Immediate reactions: the media, the state and the public

Not surprisingly, the media in Britain and Japan gave the cases extensive coverage, immediately after the killings were revealed, during the legal process that followed, and at the time of the killers' release several years later. In both countries, too, there was evidence of a high level of public interest and concern. This arose initially from the shocking nature of the offences themselves, and especially the fact that they had been committed by children, but the cases quickly came to represent wider anxieties about the nature of childhood, family life, failures of the educational system and the loss of a sense of order and tradition. There were also, however, striking differences between the two countries in the ways in which the killings were represented, and in public and political expressions of the possibilities of rehabilitation and reintegration of the killers.

In Britain, the initial reaction of the public was represented in the media as being less of shock and dismay than of fury and hatred. The two boys charged with the killing were threatened by an angry crowd when they first appeared in court, and their guilt had still to be established (Morrison, 1998). They were remanded in secure accommodation until they came to trial, in November 1993. The boys pleaded not guilty, each in effect blaming the

other, and were tried in an adult court, about 30 miles from Liverpool, because of fears that they would not receive a fair trial in their home city. Psychiatric evidence was confined to the question of whether the boys knew the meaning of death, and knew that killing was wrong. The jury returned a unanimous guilty verdict, and the judge made it clear that he was not persuaded that there had been no premeditation, despite their very conspicuous 'wild displays of impudence and defiance' in the shopping centre on the day of the murder (Jackson, 1995: 29–30). In sentencing the boys, the judge told them:

The killing of James Bulger was an act of unparalleled evil and barbarity ... In my judgement your conduct was both cunning and very wicked ... You will be securely detained for very, very many years, until the Home Secretary⁴ is satisfied that you have matured and are fully rehabilitated and are no longer a danger.

(Smith, 1994: 226–7)⁵

The judge set the tone of much subsequent comment, over several years, in asserting that there was something uniquely evil about the killing of James Bulger, and that only uniquely evil boys could have carried it out. This view was reportedly shared by the police officers involved in the investigation: the *Daily Mail* of 25 November 1993 quoted one as saying, 'You should not compare these boys with other boys—they were evil.' The judge ruled that, exceptionally, the ban on publishing the names of the boys, known only as Boy A and Boy B until their conviction, should be lifted, later suggesting that this might help in determining the causes of the crime. These, he suggested in his summing-up, might include 'exposure to violent video films', although these had not featured in the evidence.

In Japan, after the arrest of the killer of Jun Hase, only ever named in the media by his legal appellation of *Shōnen* A (youth A) (Arai, 2000), parents and teachers began to accompany children to and from school. A website dedicated to the case received 150,000 hits and 600 electronic messages over a 10-week period, a volume of use that led the site's owner to close it down (*Daily Yomiuri*, 16 August 1997). On 2 July the boy's photograph was printed in the magazine *Focus*, and the publisher was warned by the Justice Ministry to remove the issue from the news-stands and not to publish the photograph again (Yoshida, 2002). The local Board of Education brought outside counsellors into Jun Hase's school to 'help heal the children's pain' (Takamura and Noda, 2000: 253), and the Ministry of Education launched an investigation into the links between the killing and the school environment (CNN, 28 June 1997). Takamura and Noda (2000: 254) criticize the response of the school officials, who 'cancelled classes and made no attempt to explain to the children what was wrong', instead of engaging them in a dialogue about what had happened. They describe the reaction of the media as 'altogether too hysterical', and complain that the reaction of most 'so-called criminal analysts' before the boy's arrest amounted only to screaming, 'Hurry up and catch this inhuman predator!' Izumida-Tyson

(2000) cites arguments in the press that the case showed that the assumption of juvenile innocence in the legal framework was outdated and naïve, and over-concerned with offenders at the expense of the interests of victims: the law's stance, it was claimed, made offenders into victims and treated the real victims as mere nuisances.

The media covered the legal investigation of *Shōnen* A in September and October 1997. The *Daily Yomiuri* reported on 19 September that the boy's journal recorded his increasingly morbid preoccupations after the death of his grandmother, and that he had engaged in cruelty to animals. He described how he hid his true nature from his parents, but his behaviour in school had been problematic for some years: when he started at junior high school he was reported to be short-tempered and to have difficulty in distinguishing right from wrong; he bullied other students and sent threatening letters to girls in the school. He was referred by his homeroom teacher⁶ to a psychiatrist who led his mother to feel that her excessive strictness might have caused his problems. In February 1997 he assaulted 2 primary school-girls with a hammer, and the father of one of them asked the school to let him see a yearbook so that his daughter could identify her attacker, but his request was refused. Ayaka Yamashita's mother was reported as regretting the school's failure to take effective action despite the boy's evident disturbance (*Yomiuri Shimbun*, 17 September 1997), and the judge who heard the case later suggested that the killings could have been prevented if *Shōnen* A had been arrested for the assaults in February (Igaki, 2006: 28).

The case was heard in the Kobe Family Court (not a criminal court), which found that the boy was responsible for all the crimes alleged against him. The judge ordered *Shōnen* A to be sent to a medical reformatory for juveniles on the grounds that he would need long-term treatment; his apparent lack of remorse was a particular concern. Although psychiatrists reported that he tended to live in a 'virtual' world peopled by characters from animated cartoons and video games, his mental state was judged to be normal enough for him to be held responsible for his actions. The best hope for his rehabilitation was thought to lie in the evidence that he often visualized Jun Hase's face, which was taken to be a sign of the possible development of conscience and remorse. The senior judge of the Kobe Family Court, like the judge in the Bulger case, announced that the court would release information that would normally have remained confidential in order to satisfy the public's right to know the details of such an abnormal case (*Daily Yomiuri*, 18 October 1997). According to Izumida-Tyson (2000), this was the first case in which a Family Court gave reasons for its decision, and in her view it violated the spirit of *Shōnenho*, the welfare-oriented juvenile legal code in place since 1949, in doing so.⁷

In considering the immediate reactions to the killings, then, we can identify both similarities and differences. In both Liverpool and Kobe, the initial assumption of the police was that the killer was probably an adult male. When the killers were revealed instead as children, the media reaction in both countries was of horrified amazement and shock, and the cases were

quickly treated as symptomatic of wider social problems. The education system was one of the targets for blame, particularly in Japan but also in Britain, since the histories of the killers revealed that in both cases teachers had been worried about their behaviour for some time, but no effective action had been taken (for evidence of this in the Bulger case see Morrison (1998: 90–3) and Smith (1994: 144–52); also see note 5). In both cases, exposure to violent media images was widely canvassed as a possible contributory cause of the killings. Masaaki Noda suggested that since the 1980s:

There's a new type of murderer that sees human life as something that can be turned on and off at will, just as in an electronic game or a horror video. By turning off the victim's 'switch', the perpetrator is seeking a sense of magical omnipotence...

(Takamura and Noda, 2000: 246)

The idea of a living being as capable of being switched off (and perhaps switched on again) also surfaced in the Liverpool case: a speculative explanation of the presence of batteries by the body of James Bulger is that the boys who killed him had tried to switch him back on by inserting batteries into him (Morrison, 1998). There was some evidence from psychiatrists of exposure to violent media in the Kobe case, and the manner of the Kobe killing—particularly the decapitation and the threat of further violence—perhaps also carries a stronger suggestion of psychosis. But in both cases the view of the judge, following psychiatric advice, was that the killers were sane enough to be held responsible for their actions. Among the features of the Liverpool case that had no parallel in Kobe (and very few parallels in previous British cases) were the trial of the boys in an adult court and the decision to release their real names to the press; another was the violent, vengeful reaction of some local people, exemplified by the angry crowd that gathered when the boys first appeared in court. The judge's language of evil, wickedness and cunning was also different from that used in the Kobe court, which was more influenced by psychiatric concepts, although the judge there remarked that a worrying feature of the case was the killer's apparent lack of a sense of remorse.

Longer-term reactions: the law, the experts and the media

Following the killing of Jun Hase, the public were said to be 'unnerved' by the possibility that the killer might be released after only two or three years (Kristof, 1997).⁸ The lawyer for two of the girls whom the boy confessed to attacking was quoted as saying that the juvenile code 'just does not anticipate murders by kids 15 or younger', and he concluded that reforms were necessary. Jun Hasegawa, a lawyer and specialist in juvenile delinquency, was among those who argued that the juvenile legal code rested on an idealistic and outmoded assumption—that juvenile crime was the product of a

bad environment—which clearly did not fit the facts of the Jun Hase case (Kristof, 1997) According to Arai:

The public dismay ... led to a range of debates over the need to revise, with an emphasis on making more punitive at a younger age, the juvenile justice law ... revisions to this were passed by the Diet in November 2000.

(2000: 858)

These became law in April 2001 (Yoshida, 2002), and included the lowering of the age of criminal responsibility (when a juvenile can be tried in a criminal court) from 16 to 14. There is no doubt that the killing had a powerful influence on subsequent legal developments and became the focus for more general anxieties. Arai (2000: 841–3) describes how worries about ‘children turning strange’ and the ‘collapse of classrooms’ merged with ‘a larger discourse of social crisis and collapse [that] made “the child” its focus’. According to Arai, the killing of Jun Hase ‘has been ranked with the mid-1990s Kobe earthquake and the Aum Shinrikyo gassing of the Tokyo subway in terms of its monumental status and aftereffects’. Indeed, Masuzoe (2000) lists the killing in the concluding chronology of key events in *Years of Trial: Japan in the 1990s*; and Takamura and Noda (2000) treat it as emblematic of the destructive loss of tradition in modern Japan, in which images from video games and animated films have displaced family and friendship ties in the process of childhood socialization.

It is interesting that these writers regard the process of detraditionalization as having advanced further, and more destructively, in Japan than in Europe: they have none of the sense of many ‘western’ writers on Japan that it has preserved important cultural values from its distant history, derived from Shinto, Buddhism and Confucianism, in a way that differentiates it sharply from other developed societies, and which helps to explain its lower crime rate (Leonardsen, 2004). Takamura and Noda return several times in their dialogue to the theme of loss of tradition and with it of ‘ethical moorings’ (2000: 249), contrasting Japan with what they see as the relatively healthy situation in western Europe. Thus, while pornographic magazines and videos are available everywhere, in France ‘the culture guards the children from these things’, whereas in Japan ‘there seem to be no ethical standards accepted by parents, teachers and society at large’ (2000: 248). ‘Adults have become more like children, and children more like adults’ (2000: 249); Japanese young people have lost all sense of agency and capacity (2000: 250), and while the same tendencies are visible in Europe ‘young Europeans do not appear to have lost the motivation to shape their own lives’ to the same extent (2000: 251). Japanese popular culture is even presented as an influence against which European countries need to protect themselves:

In European society, more care is taken to preserve traditional values. Parents tell their children, ‘Playing with your friends is more important,’ or

'You should be reading.' So even if Japanese films find their way in, the traditional culture guards children against their influence.

(2000: 252)

Similarly, Mihara (2006) argues that Japanese parents are increasingly anxious and uncertain about the meaning of parenthood, and inclined to seek acceptance as peers and friends by their own adolescent children, rather than act as figures of authority. From this perspective, loss of tradition has taken idiosyncratic and particularly destructive forms in Japan, while western European societies are seen as having succeeded in keeping traditional ethical frameworks relatively intact and accessible.

This view is in sharp contrast with the usual 'western' image of Japanese culture that sees it as relatively immune from detraditionalization and as strongly shaped by a distinctive sense of 'Japaneseness', founded, however tortuously, on appeals to tradition and historical continuity (Buruma, 2005). The views of Takamura and Noda, and of Mihara, are also markedly negative in their interpretation of the effects of detraditionalization: instead of a freedom that allows for informed, reflexive choices, which optimistic commentators (Giddens, 1994; Beck and Beck-Gernsheim, 2002) have detected in detraditionalization, it is seen as bringing only loss, demoralization and, in the classic Durkheimian sense, anomie (normlessness), which pessimistic commentators have also diagnosed in (and sometimes exclusively in) 'western' societies (Fevre, 2000). The killing of Jun Hase, and what could be inferred about the family background, motives and inner life of the killer, were thus interpreted as symptomatic in an extreme way of these destructive consequences of globalization and detraditionalization.

The killing of James Bulger also proved to be the starting-point for changes in the law, although not in the same direction as in Japan. Instead the case came to be the focal point of arguments about how the actual length of an indeterminate 'life' sentence should be decided, and how the treatment of juvenile murderers should differ from the treatment of adults: paradoxically, the legal process as it unfolded led to a reaffirmation of the need for juveniles to be treated differently from adults. The trial judge recommended that the boys should serve at least eight years in custody, a surprisingly low figure considering his remarks at the trial. This was immediately increased to 10 years by the Lord Chief Justice, the country's senior judge, and then in July 1994 to 15 years by the Home Secretary, Michael Howard, who used the apparent strength of popular feeling as one of the justifications for his intervention.⁹ Two years later the Court of Appeal overturned this decision, on the grounds that it was wrong not to allow for the possibility that the boys could change, precisely because they were children and not adults, and that their cases should therefore be kept under review. In December 1999 the European Court of Human Rights ruled that the length of their confinement should be decided by a judge, not a politician, and that their human rights had been violated by their trial in

an adult court. The new Lord Chief Justice ruled that the boys should be released before they would have to be transferred from child care accommodation to the prison system, on their 18th birthdays, and they were in fact released in June 2001, protected by a court ruling guaranteeing them lifelong anonymity. The Lord Chief Justice thought that imprisonment would inevitably have a corrupting effect on them, undoing the positive work undertaken when they were in secure care.

These legal processes, and references to the case by politicians, helped to keep it in the public eye. Immediately after James Bulger's death, the then Prime Minister, John Major, said in relation to offenders that 'society needs to condemn a little more and understand a little less', and the then shadow Home Secretary and future Prime Minister, Tony Blair, said that a future Labour government would be 'tough on crime, tough on the causes of crime'. Both slogans became famous, and encapsulated much of the punitive turn in penal policy from 1993 onwards, first under a Conservative, then under a Labour government (Smith, 2003). The Bulger case acted 'as a point of condensation for wider social anxieties' (Hay, 1995: 199) and as a powerful catalyst for a newly punitive political rhetoric and the punitive legislation that followed it.¹⁰ Politicians and media commentators united in claiming that many children and young people were out of control, and in particular were becoming dangerously violent. Explanations included a breakdown of family relationships and a consequent loss of discipline, an ill-defined 'national malaise', which had produced a moral vacuum, and the corrupting influence of violent videos. Authoritative groups such as the Association of Chief Police Officers claimed that the courts lacked powers to deal effectively with persistent young offenders, and this deficiency was widely blamed on the power of a liberal professional establishment that had over-emphasized welfare at the expense of discipline and punishment (Scruton, 1997). Davis and Bourhill (1997) describe the process as one of 'demonization' of children and young people: no longer emblems of innocence and bearers of hope for the future, they were presented as corrupted and potentially dangerous.

Much of the early commentary on the Bulger case after the boys were sentenced stressed the inadequacy of eight years' detention as a punishment, and presented the killers' youth as an aggravating rather than a mitigating factor. Even when it looked as if they would be detained for 15 years, there were those who argued that this was not enough: for example, Roger Scruton, 'a leading philosopher' (and a famously conservative one), writing in the *Daily Mail* of 6 April 1995 in support of reintroducing the death penalty, argued that only this could have satisfied the public desire for vengeance on the killers:

The whole country was distressed by the murder of James Bulger, and could not rest until the culprits were brought to justice. The discovery that no suitable punishment was available, that these evil monsters would not be brought to justice at all, but merely coddled and nannied for a while by official institutions, served to exacerbate our indignation.

Readers who agreed might feel, as some people did, that the only answer was direct vigilantist action. Though the *Daily Mail*—unlike some newspapers—was careful to warn against such illegality, it and other papers repeatedly quoted James Bulger's mother and other family members as saying that the boys could never be safely released. These threats became more frequent when it became clear in late 2000 that the boys were likely to be released in the near future: for example, the *Daily Mail* of 31 October quoted James's father: 'I will do all I can to try my best to hunt them down.'¹¹ As late as 28 November 2004, over three years after their release, the popular Sunday paper the *News of the World* ran a story that claimed that James's mother had successfully 'tracked down' 'one of the monsters who butchered her son'. The language of hostility and hatred persisted, eleven years after the trial.

Reactions to the release of the killers

The formal announcement that the killers of James Bulger were being released was made to the House of Commons by the Home Secretary, David Blunkett, on 22 June 2001. As reported in the *Guardian*, he made clear that the decision was not his but that of the parole board, and stressed that they would be under supervision and liable to be recalled to prison if they were judged to be at risk of reoffending. He offered his 'deepest sympathy' to the family of James Bulger, explained that he could not comment on arrangements for their release 'as there is a high court injunction in force to protect their identities and whereabouts from being revealed' and assured his audience that the 'call on public funds will be the minimum necessary to ensure their self-reliance, further education and training and the safety of themselves and the public'. They would be 'kept under very close supervision and scrutiny by the probation service, whose principal aim is to ensure the protection of the public'. In the face of media outcry and renewed threats of vigilantism, Blunkett advised everyone three days later to 'take a deep breath' and remember that they lived in a society governed by the rule of law; while he had recently seen unpublished material that confirmed that 'it was the most horrendous case', the public interest would best be served by the successful rehabilitation of the killers, backed by the threat of immediate recall to prison for any breach of the conditions of their parole (*Guardian*, 25 June 2001).

In an article in the *Guardian* of 27 June, Blake Morrison, whose *As If* (1998) is the most reflective and subtle account of the case, commented on the lack of any praise by politicians and the press for the work of those involved in the care and rehabilitation of the two boys—psychiatrists, psychologists, teachers, social workers, probation officers, all praised by the Lord Chief Justice when he explained why he was authorizing their release. Morrison noted that no-one would dare publicly to congratulate the child welfare staff on their work, because the popular press would have presented

this as an insult to the Bulger family. 'Is it possible', Morrison asked, 'to imagine a place where the rehabilitation of lost and damaged children would be a matter for celebration, not outrage?' He concluded that probably no such place exists: one of the 'dismaying aspects of the past week' was the general denial that rehabilitation was possible, even (or especially?) with children: 'The very word has been discredited', according to Morrison, and for Blunkett the best (in fact the only) guarantee of public safety lay in rigorous supervision and the accompanying threat of imprisonment for stepping out of line, not in successful rehabilitation and reintegration. Morrison's observations, suggesting a universal loss of faith in rehabilitation, thus provide strong support for the thesis of a 'new punitiveness', arising out of loss of faith in the expertise of élites and a direct response on the part of politicians to perceived popular anxieties about crime (Pratt et al., 2005).

Shōnen A was released in March 2004, after 6 years and 5 months in correctional institutions, which included both a medical and an 'ordinary' reformatory. According to the *Japan Times* of 11 March, the Prime Minister Junichiro Koizumi—described by Fenwick (2006) as 'populist'—was scarcely more positive than Blunkett, saying that 'there was probably no other choice but to release the man in order to give him a chance to rehabilitate himself', as recommended by the Kanto Regional Parole Board. But Koizumi was reported to have 'mixed feelings' about his release, 'when considering the sentiment of the victims' families'. The *Asahi Shimbun* editorial of the same date commented:

Naturally, quite a few people harbor doubts about whether he is truly repentant. They also wonder if he is capable of committing a similar crime again. His crimes were so dreadful that he will not be easily accepted back into society, despite the years he spent at correctional education and in a reformatory. Probably, he will have to change his name and live out his days trying to conceal his past.

We wish to emphasize that people, and this goes for the media, too, should not try to track him down and reveal his whereabouts and way of life to the public. This sort of intrusive behavior will only hinder his efforts at rejoining society. It may also thwart his efforts to make amends for his victims' bereaved families.

The *Japan Times* reported the chairman of the Parole Board, Tetsuo Obata, as saying, 'Considering the peculiar and grave nature of his crimes, we thought public cooperation for his rehabilitation is essential', which was why the Government publicized his release. In the view of the Parole Board, 'psychiatric care and correctional education [had] obtained good results'. The Board had selected a place for him to live and mapped out plans for his daily life, so that he could 'quietly obtain work and become able to support himself'. His mother and his lawyer were also quoted as pleading that he be left in peace and allowed to reintegrate into society.

Compared with the vengeful fury which was the only emotion attributed by the press to the relatives of James Bulger when they learned of his killers'

release, the reported reactions of the parents of Jun Hase and Ayaka Yamashita to the release of *Shōnen A* were thoughtful and ambivalent. Ayaka's mother was quoted by the *Japan Times* of 11 March 2004 as saying that she would like to believe in the man's rehabilitation, but wondered if true reform was possible in such a short time. She went on:

Of course I have not forgiven his crimes, but I think Ayaka would hope that the man redeems his heart as a human being and lives a good life. Every time incidents involving children occur, I feel that we must question ourselves about what we as adults are here for.

Jun's father was quoted as welcoming the advance information he had been given about the man's release. He said that the most important question was 'whether he is really rehabilitated', and that:

I believe the man will face various difficulties after returning to society and I think it is an ordeal he deserves. The crimes he committed cannot be redeemed even with his whole life. I hope that he will not forget that and live his life bearing a heavy cross on his back.

According to the *Mainichi Shimbun* of the same date, Jun's father thought that officials should also have given him some idea of where *Shōnen A* was going to live, that he wanted to be kept informed of the man's mental state during his parole period (until the end of 2004) and if possible afterwards, and that the man should never 'publish a memoir for profit'. He said that he was not yet prepared to meet the man: 'I am not ready to meet him even if he tries to contact me [to apologize]', but that he might consider meeting him some time in the future.

A meeting between James Bulger's killers and his surviving relatives was obviously (at least as far as the media were concerned) inconceivable; his mother and father were represented as exclusively preoccupied with hunting them down after their release. In another contrast, while the parents of James's killers appeared in the press only as potential victims of vigilante attacks, *Shōnen A*'s parents were presented as active agents in his rehabilitation. His father was quoted in the *Asahi Shimbun* article: 'My son and I are resolved to spend our lives trying to make amends for his crimes', and the *Japan Times* quoted a statement from his mother released through her lawyer:

Our son is now doing his best to have the courage to plunge into the world of anxieties and uncertainties ... I believe there will be a long and tough road ahead for us and our son, but if possible, I hope the public will watch over us quietly.

Later, the *Asahi Shimbun* of 24 December 2004 reported that since July the man had been giving his parents 5000 yen (about £24 or US\$43) out of his monthly salary of 40,000 yen, asking them to pay this to the families of the victims by way of reparation. The *Japan Times* of 13 August 2004 reported that in August he had sent letters of apology to the parents of Jun and

Ayaka. They had accepted the letters, though they did not know when they would feel ready to read them. Fenwick (2006) treats the publicity around *Shōnen A*'s release as evidence of the growth of 'penal populism' in Japan. Compared with the publicity about the release of James Bulger's killers, however, the media and even political responses in Japan were much more positive about the possibility of successful rehabilitation and the role of treatment experts in achieving it, more sympathetic to the situation of the killer and his family, and significantly more inclined to take seriously the value of an apology and the possibility of reparation, in line with what Leonardsen (2004) regards as an important survival of traditional practice and a key element in the success of informal systems of social control in Japan.

The process of rehabilitation

The details of the process of rehabilitation of the killers have, rightly, never been made public. We can, though, tentatively say that the process in both Britain and Japan was successful, and from what we can infer from general accounts it seems likely that the work done with the children as they matured into young adulthood in detention was similar in the two countries. Susan Bailey, a psychiatrist specializing in adolescent forensic psychiatry (and one of the expert witnesses in the Bulger trial), writes of the often 'slow, painful and angry process' (1996: 32) through which children and young people who have committed sadistic and violent acts acquire a true sense of guilt and shame. Bailey, like Scheff (1994, 1997), treats guilt as the emotion of feeling bad about something one has done, shame as that of feeling bad about who one is, or takes oneself to be; in practice the two emotions are likely to interact and become hard to distinguish. Bailey argues that after an initial period of denial and dissociation most adolescents who have committed serious acts of violence display reactions characteristic of grief—a sense of loss, anger and blame, and symptoms of post-traumatic stress. This may involve disruptive behaviour that needs to be handled understandingly by the institution's care staff, as a stage in the process of emotional and cognitive growth. A warm, accepting, harmonious institutional environment that provides consistent role models and opportunities for education can allow for specific therapeutic work while the young person matures and gains better control over his or her destructive impulses in a secure setting. Therapeutic interventions should combine cognitive-behavioural psychotherapy with non-verbal approaches using drawing, painting and sculpture (compare the use of ceramic work in a Japanese reformatory, described later). These should aim to promote victim empathy, acceptance of responsibility for violent acts, and authentic remorse and repentance.

This approach to work with children and young people who have committed murder and other acts of extreme violence has several parallels with what can be inferred about the approach of comparable Japanese institutions.¹²

There remorse and victim empathy are encouraged by the use of role-playing and role-switching (Takauchi, 2003), methods which according to Kusanagi (2004) were used with *Shōnen A*; a specific form of this approach is role-lettering, in which the offender first writes a letter of apology to the victim or the victim's family, and then replies in the role of the victim or family member. It is important, though, that after this painful process of reflection and empathic identification the offender should feel accepted and valued for his or her positive qualities and abilities, rather than being solely and permanently stigmatized as an offender (the process of reintegration described by Braithwaite (1989, 2002)). The NHK documentary showed this process in the work of a staff member who gently praised the offender's skill and sensitivity as an artist in ceramics while using informal body language to convey acceptance, warmth and empathy, the key requirements for successful therapeutic work according to the classic statement of Truax and Carkhuff (1967). While, to judge by the documentary, Japanese reformatories for serious offenders are as prison-like as their British equivalents, it is clear that in both countries positive interpersonal work can overcome the potentially stigmatizing effects of a punitive environment.¹³

Discussion and conclusions

The reaction to the killing of James Bulger and to the subsequent trial and conviction was seen by many commentators in Britain as an unprecedented example of a case that allowed a characteristically British punitiveness and vindictiveness towards children to be expressed without restraint (Davis and Bourhill, 1997; Scraton, 1997). As Blake Morrison wrote in the *Guardian* of 6 February 2003, 10 years after the murder, it 'came to symbolise a moral panic about children—the threat of other people's, the defencelessness of our own'; and this potent symbolism arguably had real effects, notably on the turn to more punitive positions on youth justice announced by the slogans of Major and Blair quoted earlier. But comparison with the reactions to the killing of Jun Hase suggests that the reaction in Britain was not as unique and specifically national a phenomenon as has been argued; indeed, the British experience could be interpreted as evidence not of uniqueness but of the influence of much wider, perhaps global, trends in penal policy and ideology (Pratt et al., 2005). Japan too is often presented as having characteristics that make it 'unique among industrialized countries' (Leonardsen, 2004: 153), not least in its institutionalized responses to crime and deviance, in which a strong stress on the importance of apology and repentance is a central element. This, it is argued, is crucial to the re-establishment of relationships of respect and reciprocity after a deviant or negligent act, and ultimately to the maintenance of a low crime rate (Braithwaite, 1989; Haley, 1998; Leonardsen, 2004). In the essays collected in Pratt et al. (2005), several of which discuss the 'new punitiveness' as a supposedly global phenomenon, Japan is never mentioned. Japan's

‘uniqueness’ is, on this account, in the opposite direction to Britain’s: it is said to have retained an approach to crime control that is rooted in traditional practices and values, and by this means to have resisted the pressures of ‘postmodern’ penalty.

The differences between the reactions to the Bulger case and the cases of Jun Hase and Ayaka Yamashita are perhaps more obvious than the similarities. Certainly nothing happened in Japan that resembled the mobilization of self-righteous vigilantes sworn to kill James’s killers—or failing that to harass and intimidate their parents. Nor did any part of the Japanese media encourage such sentiments in the way that the *News of the World* did in Britain. Undoubtedly, too, some reactions that can be observed in both countries took a more extreme form in Britain, such as the public expression by politicians and ‘experts’ of scepticism about the possibility of the killers’ rehabilitation. Nevertheless, similarities in the reactions are also striking and may be a more fruitful focus for analysis.

In both countries legal reforms were set in train by the killings, though more directly in Japan than in Britain. The lowering of the age of criminal responsibility to 14 in Japan was a direct result of the killing of Jun Hase (Arai, 2000). In Britain the Bulger case was one of the sources of justification for more punitive legislation on juvenile offenders, most immediately in the 1994 Criminal Justice and Public Order Act (Newburn, 2002). The longer-term effects in Britain were less predictable, and came not from legislation but from rulings by judges in British courts and in the European Court of Human Rights. As a result of these the question of how long a juvenile sentenced to life imprisonment should spend in custody became exclusively a judicial, not a political decision, and the trial of children in adult courts became illegal; the importance of a rehabilitative rather than a punitive response was also ultimately reaffirmed, in the Lord Chief Justice’s ruling on the boys’ release. Thus, while legislation on young offenders continued in a punitive direction, the effect of the court judgments was to increase in other respects the protection afforded by the law to children who offend.

Both cases, therefore, had a symbolic and symptomatic status that had the power to motivate substantial changes at the level of national law. Both were held to signify problems in society at large—of failures in the education system, in family life and in the socialization of children. Both revealed a loss of faith in experts, particularly experts in ‘treatment’, but also in the police and the judiciary. Both became emblematic of hidden problems that were predicted to become more acute with the progressive loss of the stabilizing forces of tradition and the growth of economic insecurity: in Japan the soulless, artificial modernity of Suma Ward, cut off from formerly valued cultural resources, in Britain the postmodern, post-industrial wasteland of which Merseyside had become a prime symbol by the early 1990s.

There are, then, a number of features of the reaction in both countries that are arguably in line with what one would expect were loss of faith in welfare, treatment and rationality a postmodern by-product of globalization

(Baker and Roberts, 2005; Hallsworth, 2005). This would mean that it was more than a local or even an Anglo-Saxon phenomenon, but one to which Japan was also susceptible (Fenwick, 2006). But recognition of these parallel reactions should not be allowed to obscure important differences in degree. On a number of dimensions—vengefulness, punitiveness, scepticism about the feasibility of treatment and of successful rehabilitation—the reaction in Britain was more extreme. And while the same kind of criticisms of the law, including its privileging of offenders' interests over those of victims, were voiced in both countries, *Shōnen A's* gestures of apology and reparation, and their reception by the parents of the dead children, suggest that the value traditionally accorded to apology and reconciliation still had moral force (Leonardsen, 2004). This has not prevented a movement for victims from emerging in Japan (Kawai, 2000), among whose aims are increased rights of participation by victims in the legal process, and this is what one would expect of a global trend towards 'new punitiveness'. But perhaps the most striking evidence of differences in underlying cultural assumptions between the Liverpool and Kobe cases is that in the former any attempt by the killers to communicate with members of James Bulger's family was almost inconceivable, while in the latter some expression of apology was a strong—and eventually fulfilled—expectation. While Japanese commentators such as Takamura and Noda (2000) identified and complained of evidence of detraditionalization and the conditions of postmodern crisis—a heightened sense of risk (including a widespread belief that crime was increasing when the figures suggested otherwise), existential insecurity, loss of faith in experts and the State—a central element of traditional practice remained powerfully symbolic of the authenticity of *Shōnen A's* repentance and the possibility of his rehabilitation, and may well have denied room for the public emergence of vengeful vigilante sentiments.¹⁴

Finally, it may be salutary to recall an important similarity: in both cases, as far as we can tell, the killers were successfully rehabilitated in ways that exemplified the techniques and attitudes associated with 'penal modernism' (Garland, 2001) as it developed through the 20th century.¹⁵ In these cases, the welfare and protective orientation of the child care legislation in England and Wales and of *Shōnenho* was maintained, along with faith in the possibility of rehabilitation, despite the scepticism expressed by politicians in both countries, and the legislative changes in the direction of greater punitiveness that were enacted during the time the killers were in secure care. Psychiatric, psychological and educational methods to help bring about change were applied by staff working in environments that made possible the expression of care and hope: it was because the Lord Chief Justice believed that the prison environment would make this impossible that he ordered the release of the boys when he did. From what we know of the therapeutic techniques applied in both Britain and Japan, we can infer that the young killers were helped to acknowledge their guilt and shame, and, through a process of acceptance and encouragement, to see themselves not as irredeemably or wholly evil but as capable of goodness

and of secure, respectful relations with others—in Scheff's (1994) terms, to move from a state of shame to a state of pride, or justified self-esteem. Their new identities—at least in the case of the Liverpool killers involving new names and new accents, as well as new biographies—do not entail a denial of guilt, but they make room for other emotions, and for self-concepts other than that of killer. As we have seen, in his *Guardian* article of 27 June 2001 Blake Morrison doubted that the kind of caring social work he observed when attending the trial of the two boys in 1993 (Morrison, 1998) was still possible only eight years later, in view of what he saw as the erosion in Britain of resources for child care and of the morale of social workers, and the Government's disparagement of caring as part of the welfare state. While these specific concerns applied to Britain, Morrison saw the loss of faith in rehabilitation as a more general and probably global phenomenon. We should all hope that he was wrong.

Notes

This article is a much-revised version of a paper given at the SIETAR Japan Conference at Rikkyo University, Tokyo, in June 2005.

- 1 British press accounts were obtained through LexisNexis, as were accounts of legal judgments; Japanese press accounts were obtained through electronic searches.
- 2 This is how the case came to be known, although there were other victims.
- 3 This is a dialogue between Takamura, an author of mystery stories, and Noda, a psychiatrist, which was originally published in August 1997.
- 4 The government minister with ultimate responsibility, at the time, for authorizing the release of convicted murderers.
- 5 In the 1995 paperback edition of his book, Smith, 'increasingly infuriated by the public and governmental responses to the case', added a final chapter that explicitly described the boys' childhood experiences of unhappiness and mistreatment, and suggested that one of them in particular had given clear signals before the murder that without help he was liable 'to do something really terrible' (see Jefferson, 1996: 321). Smith (1994: 5–7) lists 16 children known to have been killed by children in Britain in the period 1947–92, showing that, while such cases are uncommon, the James Bulger case was not unparalleled.
- 6 The teacher with special pastoral responsibilities for the boy.
- 7 Izumida-Tyson (2000) makes clear that *Shōnenho* is more exclusively oriented to the welfare, protection and reform of juvenile offenders than the juvenile justice system of England and Wales, which has always retained punitive elements alongside those concerned with the care and interests of children and young people (see, for example, Cavadino and Dignan, 2002).
- 8 In fact the juvenile law was rapidly reformed to allow for juveniles who had committed serious crimes to be detained for longer periods, a reform that enabled *Shōnen A* to be kept in custody for as long as he was. According to Igaki (2006: 62–3), the staff in the reformatory complained that whenever the case reappeared in the media they received telephone

calls from 'drunk people' complaining that *Shōnen* A should not have been allowed to live.

- 9 The *Sun*, a popular daily newspaper, collected 278,300 signatures for a petition demanding that the boys should never be released.
- 10 It was not the only such catalyst, though Newburn (2002: 555–6) suggests it was the most important one: others included youthful 'joyriders', 'bail bandits' and 'persistent young offenders' against whom the law supposedly provided no protection (Hagell and Newburn, 1994). All provided material for the rhetoric of punitive populism (Pitts, 2001) that came to dominate the politics of criminal justice—and particularly of youth justice—in England and Wales from 1993, and in the short term were used to justify the provisions on young offenders of the Criminal Justice and Public Order Act of 1994. These included the doubling of the maximum custodial sentence for 15–17-year-olds, and the establishment of secure training centres for 12–14-year-olds.
- 11 Earlier threats along these lines were cited by the judge who ordered that the boys' anonymity should be preserved throughout their lives. She noted that media attention remained intensely hostile seven years after their conviction, and that there had been several attacks directed at the boys' parents, some of them based on mistaken identity (e.g. the *Daily Mail* report on 'Bulger vigilantes' of 2 November 2000).
- 12 The sense of this that can be drawn from written sources was supplemented for the authors by a moving documentary broadcast on 8 May 2005 on Japan's public service channel NHK. The programme—'Reformatory, an Unknown Field of Education: How Should We Nurture a Sense of Reparation?'—showed the use of ceramic art work and empathetic acceptance by care staff to help a 17-year-old come to terms with having killed his new-born child 15 months previously.
- 13 Kusanagi (2004) suggests that a female psychiatrist played a particularly important role in the rehabilitation of *Shōnen* A, and Igaki (2006) writes of the care and nurture he received in the reformatory.
- 14 This is not to deny that Jun Hase's relatives continued to feel anger as well as grief (Kusanagi, 2004).
- 15 The evidence that their rehabilitation was successful is of course mainly negative, but we can be sure that if they had been reconvicted the press would have discovered and publicized the fact (for the publicity given in Britain to serious crimes committed by less well-known offenders under probation supervision see, for example, <http://news.bbc.co.uk/1/hi/uk/4757057.stm> (accessed 20 February 2007)). The Kanto Regional Parole Board and the Lord Chief Justice evidently felt that the expert advice they received was convincing enough for them to take the risk of ordering the killers' release.

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