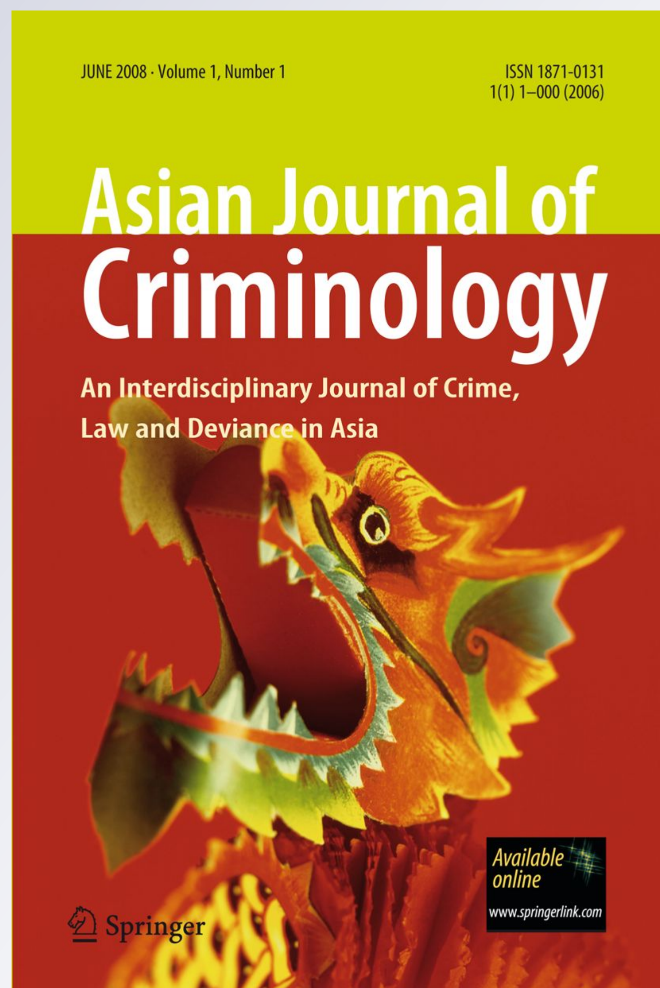
Social Capital, Rehabilitation, Tradition: Support for Restorative Justice in Japan and Australia

Hsiao-fen Huang, Valerie Braithwaite, Hiroshi Tsutomi, Yoko Hosoi & John Braithwaite

Asian Journal of Criminology
An Interdisciplinary Journal on Crime, Law and Deviance in Asia

ISSN 1871-0131

Asian Criminology
DOI 10.1007/s11417-011-9111-1



Springer

Your article is protected by copyright and all rights are held exclusively by Springer Science+Business Media B.V.. This e-offprint is for personal use only and shall not be self-archived in electronic repositories. If you wish to self-archive your work, please use the accepted author's version for posting to your own website or your institution's repository. You may further deposit the accepted author's version on a funder's repository at a funder's request, provided it is not made publicly available until 12 months after publication.

Springer

Author's personal copy

Asian Criminology
DOI 10.1007/s11417-011-9111-1

Social Capital, Rehabilitation, Tradition: Support for Restorative Justice in Japan and Australia

Hsiao-fen Huang · Valerie Braithwaite · Hiroshi Tsutomi · Yoko Hosoi · John Braithwaite

Received: 13 April 2011 / Accepted: 24 June 2011
© Springer Science+Business Media B.V. 2011

Abstract This paper investigates the attitudes and beliefs that the public hold about criminal behaviour in Japanese and Australian society, with a view to uncovering sources of resistance to, and support for, restorative justice. The study draws on a survey of 1,544 respondents from Japan and 1,967 respondents from Australia. In both societies, restorative justice met with greater acceptance among those who were (1) strong in social capital, (2) believed in offender reintegration and rehabilitation, (3) saw benefits for victims in forgiveness, and (4) were advocates for victims' voices being heard and amends made. The alternative 'just deserts' and deterrence models for dealing with crime were grounded in attitudes of punitiveness and fear of moral decay, and reservations about the value of reintegrating and rehabilitating offenders. Like restorative justice supporters, 'just deserts' and deterrence supporters expressed concern that victims' voices be heard and amends made. Winning public support for competing institutional arrangements may depend on who does best in meeting expectations for meeting the needs of victims.

Keywords Restorative justice · Social capital · Confucian values · Rehabilitation · Victimology

Introduction

Restorative justice involves restoring victims, offenders and communities following a crime. It is a process where all the stakeholders in a crime have an opportunity to discuss their needs: who was hurt by the crime, what might be done to repair that harm and address

This particular publication is part of Hsiao-fen Huang's PhD thesis, supervised by Valerie Braithwaite. It was presented by John Braithwaite at a plenary of the Asian Criminological Society meeting in Chennai, India, 8 December 2010.

H.-f. Huang (✉) · V. Braithwaite · J. Braithwaite
School of Regulation, Justice and Diplomacy, College of Asia and the Pacific, Australian National University, Canberra 0200, Australia
e-mail: Hsiao-Fen.Huang@anu.edu.au

H. Tsutomi
Faculty of International Relations, University of Shizuoka, Shizuoka, Japan

Y. Hosoi
Faculty of Sociology, Toyo University, Tokyo, Japan

Published online: 15 July 2011

Author's personal copy

those needs. Aspirations of restorative justice include improved effectiveness in future crime prevention and in healing the suffering and loss already caused by crime.

Attitudes to Restorative Justice

Traditional or conservative attitudes are seen widely as an obstacle to the spread of restorative justice, regardless of what evidence-based criminology reveals about its effectiveness. In particular, traditional attitudes are seen as demanding purely punitive approaches to crime. Conservative politicians often seek to build political support by appealing to fear of crime, fear of the poor and fear of the new (Braithwaite 1998; Lee 1999). This extends to demanding redress for victims. Restorative justice scholars have seized upon the opportunities created by the fact that support for victims of crime is often a conservative political cause. The evidence is that most victims, though of course there are many exceptions, have positive experiences when they encounter restorative justice (Braithwaite 2002, pp 45–53; Strang 2002). So, restorative justice advocates in many places around the world have recruited victim advocacy organisations to be supporters of restorative justice, thus short-circuiting conservative opposition to the reform. One of the purposes of this article is to explore the counterbalancing effects on openness to restorative justice of a desire to support victims in comparison to traditionalist attitudes. The research examines this counterbalance in two very different societies—Japan and Australia—one with a western heritage, the other a very eastern one. A particular interest is the effect of Confucian attitudes on support for restorative justice. In the present research, initial, albeit limited, measures of Confucian attitudes did not have significant effects on attitudes to restorative justice in either Japan or Australia.

Another theme explored in this paper is the relationship between social capital and attitudes to restorative justice. Much has been written about restorative justice as a way of building and nurturing social capital (Bazemore 2005; Braithwaite 1989). Less has been written about the degree to which the presence of social capital is necessary for public acceptance of the ideas of restorative justice (for exceptions see Braithwaite 2000; Wenzel et al. 2007). This is the issue of central concern in this paper.

Social capital refers to the connections among individuals within networks and across networks (Castiglione et al. 2008). Among the various classifications of social capital is a distinction between bonding and bridging social capital (Putnam 2000). Bonding occurs within associations and groups where norms and values are shared and loyalty to the group is paramount. Here trust is thick and cohesion high—at times to the exclusion of others. Bridging social capital refers to connections across groups or networks, particularly dissimilar groups and networks. Here trust is thin, and because of heterogeneity in values and norms, social exclusion is less of a problem. Both types of capital are relevant to restorative justice. A restorative justice conference involves victim and offender with the resources they bring through their bonding social capital. A restorative justice conference is also orchestrated institutionally to include individuals with responsibility for using their bridging social capital to work effectively through divisions between offender and victim. The hypothesis tested in this paper is that when people have both bonding and bridging social capital and they live in communities where they see bonding and bridging social capital as being high, they will be more likely to trust one another and believe that it is rewarding to cooperate to tackle shared problems. Under these circumstances, restorative justice will be accepted as an appealing innovation.

Author's personal copy

How these factors are related in different cultural contexts is unclear at this stage. Francis Fukuyama (1996) argues that social capital is high in the US and other advanced western societies and also in Japan, though lower in China and Taiwan. Using the World Values Survey, Rossteutscher (2008) has shown that this is not necessarily the case when trust is the main indicator of social capital as opposed to belonging to associations and volunteering: trust in the US and most other advanced western societies (the exceptions are Sweden, the Netherlands, Denmark, Finland) is lower than in China and Japan. A limitation of static quantitative survey methods is failure to distinguish generalised trust as a disposition of individuals from an individual capacity to network from one trusted person to effect introductions to others unknown to us, thereby building up a web of trust. Dynamic and interpersonally obligated relationships of trust may build an intricate trust network that is as effective as that which emerges when one individual trusts others generally. A networked conception of trust may be more important in Asian cultures. Guanxi in China works in this way (Hwang 1987), through dynamic networking from thick trust relationships to thinner trust with strangers [as with cheong in Korea (Shin 2005)]. Building working trust dynamically through chains of trust relationships may generate acceptance or wariness of restorative justice conferences depending on the procedures involved in inviting participants to a conference. In this research, social capital is not measured as trust of a dispositional or networked kind. Social capital is measured in the way promoted by Putnam (2000), as engagement in clubs, neighbourhoods and citizen groups, and in terms of knowing and talking to people. Social capital was measured for the individual and, through the perceptions of the individual, for their community more generally. This paper will show that Australians score higher on this social capital measure than Japanese (see Table 1).

In the recent history of criminology, rehabilitation was a dominant paradigm in the 1950s and 1960s in the west. In the mid-1970s, however, the dominance of the rehabilitation paradigm came under attack from a 'nothing works' school based on a misinterpretation of a literature review under that title by Robert Martinson (1974) and his colleagues (Lipton et al. 1975). In turn, many scholars in the late 1970s moved from a misconceived (Cullen and Gilbert 1982), evidence-based rejection of rehabilitation to a 'just deserts' philosophy (e.g. von Hirsch 1976). The new just deserts school was concerned about the injustice of locking people up to rehabilitate them. It valued a certain criminal justice system that punished people simply in proportion to their desert. In the present research commitment to that philosophy is measured with the scale 'Wrongdoing deserves punishment'. Restorative justice emerged as a reaction to the punitiveness of some just deserts thinking and some more utilitarian scholarship on the power of punishment to deter and incapacitate offenders (represented here by the scale 'Punishment can prevent future crimes'). In this paper, attitudes associated with preference for a just deserts and deterrence approach to criminal justice are examined as well as the attitudes that pave the way to acceptance of restorative justice.

Many of the early restorative justice thinkers were keen to distinguish their philosophy not only from just deserts and deterrence, but also from the rehabilitation-ism of the 1950s and 1960s. They wanted to argue that they were advancing a much more profound paradigm shift than simply returning to 1950s rehabilitation (see Levrant et al. 1999). Braithwaite (2002) has argued that brand discrimination of this kind is counterproductive: one of the major sources of appeal of restorative justice is that it provides a superior delivery vehicle for rehabilitation programs that do work. Hence,

Author's personal copy

campaigns for rehabilitation should strengthen the hand of restorative justice and vice versa. The results of this research will show that indeed it is the case that individuals in both Japan and Australia who are supportive of rehabilitation are more likely to support restorative justice.

In sum, the attitudinal themes explored in this research as obstacles or promoters of restorative justice are of four different kinds. An obstacle to restorative justice is traditionalism, expressed through attitudes of concern over moral decay and fear of victimisation, as well as punitive attitudes to offenders, the poor and those who deviate from social norms. Among the more conservative attitudes that are expected to be promoters of restorative justice are support for victims, although some aspects of victim support cross over into more liberal attitudes expressing the value of forgiveness. Also promoting a more positive attitude toward restorative justice are social capital, expressed as high individual and community engagement, and support for rehabilitation, expressed as support for turning the offender around to follow a law-abiding path in the future. These attitude clusters are used to predict support for restorative justice as a reform program. For comparative purposes, the same attitude clusters are used to predict the dominant alternative models to restorative justice, punishment as just deserts or deterrence.

A question explored in this paper in a preliminary way is whether or not Confucian attitudes positively dispose people to restorative justice. Restorative justice is a process that arguably is more sensitive to, and respectful of, interpersonal relationships than courts, and in this sense may be attractive to those professing Confucian attitudes (Lu 2008; Xu 2010). On the other hand, the restorative process may be more congenial for relationships where equality is possible and bridging social capital is dominant, rather than relationships where hierarchy and bonding social capital prevail. Loyalty and duty to family is a particular facet of Confucianism that may make it difficult to engage in settings where open and equal relationships are encouraged (Hwang 1998). This may lead to a negative attitude to restorative justice (Jiang and He 2006).

Method

The Japanese and Australian Samples

The attitude items discussed in the next section were initially written in Japanese, translated to English, then reverse translated back to Japanese to pick up nuance that was being lost in the original translation. In both Australia and Japan, questionnaires were delivered to a random sample of each population through, respectively, mailing based on the Australian electoral roll and drop-in interviews based on the Japanese household system. Proportional sampling was applied in Australia according to the population of each state and territory, while in Japan two-phase random sampling was administered through selecting 450 cases from two chosen cities/districts in six prefectures (12 sites). The response rate was 36.1% in Australia with 1,967 completed questionnaires, and 29.2% in Japan with 1,544 completed questionnaires.

Variables

Among the demographic variables used as controls in the testing of hypotheses, sex, marital status, and education, were binary variables to represent male (1) or female (0), currently

Author's personal copy

married (1) or unmarried (0), tertiary educated (1) or non-tertiary educated (0). Age was regarded as a continuous variable with 11 tiers: 9 tiers divided into intervals of 5 years between 25 and 69 years of age, and with the lowest tier being 24 years or below and the highest being 70 years or above. The final demographic variable, household income, was also used as a continuous variable, being divided into three tiers using percentile ranks: high, middle, and low. The percentage of the sample belonging to each tier in Japan and Australia was similar: in Japan, the low-income category represented 40.3% of the sample, the middle category represented 42.0%, and the upper category represented 17.8%; in Australia, the low income category represented 39.6% of the sample, the middle category represented 39.8%, and the upper category represented 20.6%. The division was to ensure that the percentage in each tier was similar for Japan and Australia for the sake of cross-national comparison. The three-tier measure represented each person's relative household income position within his/her society.

Factor analysis was used to ensure that the items in each scale were sufficiently homogeneous to define one factor. Alpha reliability coefficients were calculated for each scale as a final check that the internal consistency of the scale could not be improved by the deletion of any item. With the exception of the social capital scale described in detail below, attitudinal measures took the form of statements that respondents were asked to agree or disagree with on a five-point scale using the categories 'strongly agree', 'agree', 'neither', 'disagree', or 'strongly disagree',; or questions where respondents indicated importance using a five-point scale with the categories 'very important', 'important', 'neither important nor unimportant', 'not important', and 'not at all important'; or questions where respondents indicated likelihood of engagement using a five-point scale with the categories 'definitely', 'probably', 'undecided', 'probably not', and 'definitely not'. All scales were scored such that a high number indicated more of, or a more favourable attitude to, the characteristic being measured. The correlation matrix of all variables can be seen in Appendix I.

Independent Variables

Social Capital

The 'Community participation' items measuring respondents' perceptions of how much others engaged with the community and the 'individual engagement' items measuring the extent to which they themselves did so were combined to form this variable. In both cases, individual item scores were standardised before aggregation because of different response categories and standard deviations. The items measuring community participation have an internal consistency coefficient of 0.78, and individual engagement an internal consistency coefficient of 0.78. The aggregated measure of community participation was correlated highly with the aggregated measure of individual engagement, thus justifying the amalgamation of the two into one variable called social capital (r=0.51).

Community Participation

Using a five-point agree-disagree scale, respondents described their community in terms of the following statements: (1) people in this neighbourhood participate in community events such as festivals/celebrations and flea markets; (2) community groups such as clubs and

Author's personal copy

sports associations are quite active in this neighbourhood; (3) people in this community are willing to solve local problems (e.g. traffic safety and environmental problems) by themselves; and (4) residents' organisations (e.g. neighbourhood associations, residents' associations, citizens' movements) concerned about local issues are active in this community.

Individual Engagement

Respondents described their own engagement in their community in terms of the following statements: (1) I participate in community events (e.g. festivals/celebrations and flea markets); (2) I belong to community groups such as sports association or clubs; and (3) I participate in community groups such as neighbourhood associations, residents' associations or citizens' movements dealing with problems in the community. In addition, the following two questions were asked to reflect individual engagement: (4) "How many people in your neighbourhood do you know by name?" with five response options ranging from more than 100 people to no-one; and (5) "How often do you speak with people in your neighbourhood?" with four response options ranging from every day to less than once a week.

Traditional Values are Decaying

This scale reflects loss of tradition, of family and community bonds and of a sense of morality. The items with which respondents agreed or disagreed are: (1) traditional values are increasingly being eroded; (2) people just do not help each other much these days; (3) the social bonds between family members are not as strong as they used to be; and (4) there is a need to instil a sense of morality in the mind of today's teenagers (alpha coefficient= 0.71).

Poverty is the Poor's Fault

Beliefs that poverty results from a lack of effort, devotion or competition characterise this scale. The items with which respondents agreed or disagreed are: (1) poverty is caused by lack of effort on the part of individuals; (2) if a person is devoted, he or she will succeed in society; and (3) current society puts too much emphasis on equality and it lacks competition (alpha coefficient=0.56).

Fear of Victimisation

These are all items about fear of being a victim of crime. The items are: (1) I often worry that a member of my family, a friend, or an acquaintance will be the victim of a crime against their person (such as an assault) or their property (such as theft) in the near future; (2) I often worry about being the victim of a crime against my person (such as an assault) or my property (such as theft) in the near future; (3) I think that a member of my family, a friend, or an acquaintance is likely to be the victim of a crime against their person (such as an assault) or their property (such as theft) in the near future; and (4) I think that I am likely to be a victim of a crime against my person (such as an assault) or my property (such as theft) in the near future (alpha coefficient= 0.88).

Author's personal copy

Confucian Face/Duty

This scale captures in an incomplete way ideas of Confucian face/duty. Practicing love and duty within family and hierarchical relationships, rather than thinking of law, is valued in Confucianism. The items with which respondents agreed or disagreed are: (1) I am more afraid of what people think of me than the law; (2) I think more of duty and love to others than law; (3) I would rather not express a personal opinion that would shame my family; and (4) I have to respect people who are older just because they are older (alpha coefficient=0.55).

Victim Voice and Amends

This scale brings together items that acknowledge the importance of victims receiving understanding of why the offence targeted them, a chance to speak their mind, an apology, compensation, and seeing the offender accept responsibility. Respondents rated the importance of the following items: (1) for the victim to find out from the offender why the offence was committed against them; (2) for the victim to be able to speak their mind in front of the offender; (3) for the victim to receive an apology from the offender; (4) for the victim to be compensated for the offence; and (5) for the victim to see that the offender recognises that they are responsible for the crime (alpha coefficient=.077).

Victim Benefits from Forgiveness

This small two-item scale taps a very different and more controversial conception of victim benefit from the last one—the benefit of being able to forgive the offender and being able to see the offender as rehabilitated. The items are: (1) for the victim to be able to forgive the offender; and (2) for the victim to see the offender rehabilitated (r= 0.49).

Reintegration and Rehabilitation of Offenders

This scale captures a variety of offender needs for reintegration and rehabilitation. The items, rated by respondents in terms of perceived importance, are: (1) for the offender to be re-accepted by society; (2) for the offender to be supported by the community; (3) for the offender to have hope for the future; (4) for the offender to be supported by their family; (5) for the offender to receive rehabilitative assistance; (6) for the offender to be understood by others that they are sorry for committing the crime; and (7) for the offender to be forgiven by the victim (alpha coefficient=0.87).

Dependent Variables

Benefits of Restorative Justice

After the idea of a restorative justice conference is described to respondents, they were asked if it would be beneficial to community, victims and offenders. These three kinds of benefits formed a single scale of high reliability. The items with which respondents agreed or disagreed are: (1) this meeting will be beneficial to community residents; (2) this meeting

Author's personal copy

will be beneficial to victims; and (3) this meeting will be beneficial to offenders (alpha coefficient= 0.81).

Support for Participation in Restorative Justice

Respondents were asked to put themselves in the shoes of victims, offenders and communities to consider if they would take part in a restorative justice conference. They were asked three questions with five response options ranging from definitely to definitely not: (1) if you were a community resident do you think that you would take part in such a meeting?; (2) if you were the victim of an offence do you think that you would take part in such a meeting?; and (3) if you were the offender in an offence do you think that you would take part in such a meeting? In addition, respondents indicated level of agreement or disagreement on a five point rating scale with the following statements: (4) community residents should definitely participate in the meeting; and (5) the use of these kinds of meeting should be formalised (for the five items, alpha coefficient=0.77).

Wrongdoing Deserves Punishment

These are all items that construe punishment as the way to respond to criminal or non-criminal wrongdoing. The items with which respondents agreed or disagreed are: (1) any person who breaks the social rules should be punished; (2) if a person does something wrong then they should be punished for it; and (3) criminals should receive criminal punishment as just deserts (alpha coefficient=0.74).

Punishment can Prevent Future Crimes

While the previous scale entails support for punishment as just deserts, this scale involves support for punishment on utilitarian grounds—because punishment works in preventing crime. The items are: (1) severe criminal punishment reduces crime; (2) criminals will only stop committing crimes if they are punished; (3) severe criminal punishment is necessary to prevent ordinary people (other than offenders) from committing crime in the future; and (4) criminals should be imprisoned to protect society from crime (alpha coefficient=0.77).

Results and Discussion

Table 1 shows scores on these scales for Australian and Japanese respondents. Social capital was higher in Australia, while scores are significantly higher in Japan on all the other independent variables. It is no surprise that Japanese score higher on Confucian face/duty. But Japanese score higher on all other socially conservative scales and on all ways of prioritising the needs of victims and offenders in criminal justice systems.

Japanese respondents could see more benefits in restorative justice and were more open to participation in restorative justice by all stakeholders. At the same time, Japanese respondents were more supportive than Australians of punishment as just deserts and punishment as something that works in preventing crime. Construed more broadly, one might say that Australians were more cynical about all kinds of justice than Japanese.

Author's personal copy

Perhaps in the lower crime society that Japan has been since World War II (Bayley 1991; Clifford 1976), Japanese people are more inclined to believe that justice works, that different kinds of justice systems are good and effective.

Table 2 presents the results of four ordinary least squares regression models based on the Australian sample and four ordinary least squares regression models based on the Japanese sample. The four models predicted (1) benefits of restorative justice; (2) support for participation in restorative justice; (3) wrongdoing deserves punishment; and (4) punishment can prevent future crimes. As can be seen from Table 2, five demographic variables were entered as control variables. Social capital and various measures of traditionalism were also entered into the models as they were thought to influence, albeit in different ways, support for restorative justice as well as support for more punitive measures. The final set of measures were related more directly to restorative justice—victim amends, forgiveness, and offender rehabilitation. The standardised beta coefficients that appear in Table 2 are interpreted below.

The pattern of the demographic effects is not particularly strong. In Japan, older respondents were more likely to believe that punishment can prevent future crime and wrongdoing deserves punishment. In contrast, younger individuals, in Australia, were more likely to see benefits in restorative justice and supported participation in restorative justice. In Japan, belonging to the highest income group was associated with less interest in participation in restorative justice and being less convinced that punishment is a means of preventing future crime.

As predicted, respondents scoring high on the social capital measure were more supportive of participation in restorative justice in both Japan and Australia. Only in Japan were those high in social capital significantly more likely to see benefits in restorative justice.

In both Japan and Australia, respondents who believed traditional values are decaying, poverty is the poor's fault and who feared criminal victimisation were more

Table 1 Mean scale scores and independent *t*-tests: Australia versus Japan

	Australia	Japan	*t*
Social capital (*z* score)	0.18	−0.23	−18.66***
Traditional values are decaying	3.89	4.04	6.67***
Poverty is the poor's fault	3.03	3.10	2.74**
Fear of victimisation	3.04	3.36	10.50***
Confucian face/duty	2.75	3.06	12.96***
Victim voice and amends	4.11	4.29	8.84***
Victim benefits from forgiveness	3.43	3.76	11.43***
Reintegration and rehabilitation of offenders	3.61	4.01	18.33***
Benefits of restorative justice	3.62	3.73	4.26***
Support for participation in restorative justice	3.31	3.45	5.83***
Wrongdoing deserves punishment	3.71	4.30	25.67***
Punishment can prevent future crimes	3.31	3.57	9.45***

** $P<0.01$, *** $P<0.001$

Author's personal copy

Table 2 Beta coefficients and R^2 values for the ordinary least squares regression analyses predicting each of the four dependent variables

	Benefits of restorative justice		Support for participation in restorative justice		Wrongdoing deserves punishment		Punishment can prevent future crimes	
	Australia	Japan	Australia	Japan	Australia	Japan	Australia	Japan
Sex	-0.035	-0.033	0.003	0.028	0.027	-0.010	0.039	0.026
Age	-0.105***	-0.011	-0.057*	0.047	0.012	0.092***	0.000	0.146***
Marital status	0.034	-0.009	0.009	0.016	0.034	-0.008	0.048	0.050
Education	0.008	0.037	0.041	0.024	-0.032	0.039	-0.044	0.036
Household income	0.040	-0.012	-0.013	-0.077**	-0.004	-0.019	-0.016	-0.060*
Social capital	-0.010	0.073**	0.082***	0.122***	-0.015	-0.021	-0.032	-0.008
Traditional values are decaying	-0.029	-0.004	-0.045	0.016	0.183***	0.184***	0.088***	0.083**
Poverty is the poor's fault	-0.020	0.015	-0.001	0.048	0.176***	0.111***	0.233***	0.139***
Fear of victimisation	-0.032	0.011	0.033	0.018	0.080**	0.079**	0.108***	0.091***
Confucian face/duty	0.012	-0.024	0.006	-0.028	0.034	0.048	0.101***	0.074**
Victim voice and amends	0.240***	0.174***	0.240***	0.171***	0.198***	0.311***	0.152***	0.324***
Victim benefits from forgiveness	0.116***	0.076*	0.135***	0.107***	0.001	-0.059*	-0.030	-0.077**
Reintegration and rehabilitation of offenders	0.312***	0.197***	0.260***	0.183***	-0.227***	0.031	-0.193***	-0.092**
R2	0.257	0.113	0.236	0.144	0.243	0.205	0.239	0.203

* $P<0.05$, ** $P<0.01$, *** $P<0.001$

likely to be punitive. That is, they were both more likely to believe that wrongdoing deserves punishment and that punishment can prevent future crimes. Those scoring high on Confucian face/duty were more likely to believe that punishment can prevent future crimes, but were not more likely to believe that wrongdoing deserves punishment.

When respondents gave priority to the need for victim voice and amends, they were both more supportive of restorative justice and of punitive justice. This is an interesting result. It fits the observation that victim sentiment and victim movements are often harnessed in support of restorative justice (Braithwaite 2002) and are also even more often harnessed in support of punitive justice. It is justice that appeals to victims and both restorative and punitive practices can have appeal as modalities of justice. These data fit the point often made by restorative justice advocates that simply because victims long for justice, it is not inevitable that punitive justice will be more appealing than restorative justice (Doak and O'Mahony 2006; Harris 2006). Indeed, if as Strang (2002) found, victims can actually gain a greater sense of justice and satisfaction from restorative justice, then it is quite possible to win victims' movements over to being supporters of restorative justice. Victims tend to abhor impunity—

Author's personal copy

offenders being untouched by the criminal law—yet can vary greatly in what kind of justice they want.

Respondents were overwhelmingly supportive of restorative justice in this study when they saw victim benefits from forgiveness. This was true in both Japan and Australia both for seeing benefits in restorative justice and in supporting participation in restorative justice.

When respondents viewed reintegration and rehabilitation of offenders as important, they were both more supportive of restorative justice and more opposed to punitive justice. This was true in both Japan and Australia. Reintegration and rehabilitation of offenders was the only scale to predict high support for restorative justice and low support for punitive justice. Ideologically restorativists and rehabilitationists have aligned positions in Australia and Japan, even if criminologists of these two persuasions sometimes contend that restorative justice and rehabilitation are philosophically quite different (e.g. Zehr 1990).

In sum, then, respondents with high social capital in the two countries support participation in restorative justice, while respondents with socially conservative attitudes are supportive of punitive justice. When Australians and Japanese believe in offender reintegration and rehabilitation they are more supportive of restorative justice and less supportive of punitive justice. When they prioritise victim voice and amends they are supportive of both restorative justice and punitive justice. When they see victim benefits from forgiveness, they lend more support to restorative justice in both countries.

Conclusions

The hypothesis that the struggle for social capital is a struggle for a society open to restorative justice is supported in this study, as is the hypothesis that victim and offender reintegration and rehabilitation help rather than hinder acceptance of restorative justice. On the other hand, we find that punitiveness is fuelled by fear of crime, fear of the poor and belief that traditional values are decaying. Insecurity, distrust and fear of the new may be particularly likely at times of economic crisis. So while these attitudinal data suggest that in two very different societies it is possible to build broad coalitions of social democratic and liberal support for restorative justice, the conservative appeal of punitive justice remains resilient. It may be that the strategic ideological contest is over whether victims of crime come to be seen to get a better deal—more say and more amends—from restorative than from punitive justice. That contest, the data suggest, could go either way. A neglected matter also highlighted by these data is that when people believe that forgiveness has psychological benefits for victims, it follows that restorative justice has great appeal to them.

Acknowledgements The authors wish to thank other colleagues from a Japanese–Australian consortium that collected these data: Peter Grabosky, Shiro Kashimura, Malcolm Mearns, Haruo Nishimura, Monika Reinhart, Heather Strang, and Bunri Tatsuno. Our thanks to the Japanese Department of Education for funding. Our special thanks to Yoko Hosoi for her leadership in putting the consortium together in the funding application and to Hiroshi Tsutomi for his leadership in preparing the data for analysis.

Author's personal copy

Appendix I

Table 3 Correlation matrix: Australian data with Japanese data in brackets

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1 Benefit of restorative justice																
2 Support for participation in restorative justice	0.572 (0.572)															
3 Wrongdoing deserves punishment	−0.103 (0.078)	−0.048 (0.090)														
4 Punishment can prevent future crimes	−0.109 (−0.007)	−0.023 (0.047)	0.570 (0.461)													
5 Sex	−0.089 (−0.072)	−0.050 (−0.008)	0.042 (0.022)	0.072 (0.086)												
6 Age	−0.087 (−0.005)	−0.031 (0.086)	0.023 (0.044)	0.028 (0.105)	0.092 (0.068)											
7 Marital	0.000 (0.012)	−0.002 (0.060)	0.045 (0.023)	0.056 (0.090)	0.088 (0.065)	0.293 (0.332)										
8 Education	0.070 (−0.004)	0.061 (−0.030)	−0.152 (0.030)	−0.164 (0.032)	−0.012 (−0.234)	−0.115 (−0.088)	−0.026 (0.003)									
9 Household income	0.058 (−0.001)	−0.002 (−0.061)	−0.085 (−0.013)	−0.095 (−0.041)	0.017 (−0.002)	−0.220 (−0.006)	0.043 (0.198)	0.319 (0.215)								
10 Social capital	0.076 (0.095)	0.161 (0.158)	−0.038 (−0.011)	−0.059 (0.019)	−0.033 (−0.026)	0.120 (0.215)	0.080 (0.225)	−0.018 (−0.092)	−0.004 (0.086)							

Author's personal copy

Table 3 (continued)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
11 Traditional values decaying	−0.007 (0.025)	0.002 (0.054)	0.324 (0.289)	0.248 (0.204)	−0.025 (0.029)	−0.001 (0.066)	−0.004 (0.004)	−0.153 (−0.006)	−0.110 (−0.024)	−0.069 (−0.076)						
12 Poverty is the poor's fault	−0.064 (0.032)	−0.026 (0.082)	0.302 (0.187)	0.355 (0.214)	0.099 (0.102)	0.072 (0.107)	0.030 (0.027)	−0.200 (−0.002)	−0.077 (0.060)	−0.009 (0.083)	0.221 (0.148)					
13 Fear of victimisation	−0.058 (0.049)	0.001 (0.059)	0.258 (0.188)	0.268 (0.177)	0.014 (0.088)	−0.100 (−0.102)	0.004 (−0.021)	−0.152 (0.075)	−0.063 (−0.007)	−0.067 (−0.027)	0.338 (0.223)	0.225 (0.088)				
14 Confucian face/duty	0.009 (0.021)	0.023 (0.047)	0.111 (0.103)	0.179 (0.115)	0.043 (0.005)	0.095 (0.039)	−0.023 (−0.017)	−0.046 (−0.127)	−0.135 (−0.100)	−0.024 (0.109)	0.121 (0.123)	0.221 (0.238)	0.113 (0.067)			
15 Victim voice and amends	0.306 (0.229)	0.323 (0.224)	0.238 (0.356)	0.176 (0.320)	−0.079 (−0.036)	0.000 (−0.155)	0.008 (0.021)	−0.059 (−0.004)	−0.089 (0.000)	0.128 (0.004)	0.242 (0.182)	0.101 (0.084)	0.151 (0.195)	0.040 (0.026)		
16 Victim benefits from forgiveness	0.357 (0.211)	0.355 (0.246)	−0.066 (0.012)	−0.098 (−0.063)	−0.119 (−0.150)	0.033 (0.141)	−0.013 (0.005)	0.003 (−0.153)	−0.040 (−0.059)	0.132 (0.099)	0.057 (−0.005)	−0.028 (0.044)	−0.044 (0.001)	0.083 (0.155)	0.296 (0.112)	
17 Reintegration and rehabilitation of offenders	0.420 (0.284)	0.382 (0.293)	−0.251 (0.079)	−0.250 (−0.047)	−0.047 (−0.147)	0.051 (0.083)	0.000 (0.043)	0.122 (−0.086)	0.039 (−0.002)	0.142 (0.115)	−0.077 (0.016)	−0.125 (0.021)	−0.164 (0.031)	0.024 (0.109)	0.153 (0.211)	0.553 (0.579)

Author's personal copy

References

Bayley, D. H. (1991). *Forces of Order: Policing Modern Japan* (2nd ed.). University of California Press.

Bazemore, G. (2005). Whom and How Do We Reintegrate? Finding Community in Restorative Justice. *Criminology & Public Policy, 4*, 131–148.

Braithwaite, J. (1989). *Crime, Shame, and Reintegration*. New York: Cambridge University Press.

Braithwaite, V. (1998). The Value Orientations Underlying Liberalism-Conservatism. *Personality and Individual Differences, 25*(3), 575–589.

Braithwaite, V. (2000). Values and Restorative Justice in Schools. In H. Strang & J. Braithwaite (Eds.), *Restorative justice: Philosophy to practice* (pp. 121–144). Burlington, U.S.: Ashgate.

Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. New York: Oxford University Press.

Castiglione, D., van Deth, J. W., & Wolleb, G. (2008). Social Capital's Fortune: An Introduction. In D. Castiglione, J. W. van Deth, & G. Wolleb (Eds.), *The Handbook of Social Capital* (pp. 1–10). Oxford: Oxford University Press.

Clifford, W. (1976). *Crime Control in Japan*. Lexingotn, MA.: Lexington.

Cullen, F. T., & Gilbert, K. E. (1982). *Reaffirming Rehabilitation*. Cincinnati, OH: Anderson.

Doak, J., & O'Mahony, D. (2006). The Vengeful Victim? Assessing the Attitudes of Victims Participating in Restorative Youth Conferencing. *International Review of Victimology, 13*(2), 157–177.

Fukuyama, F. (1996). *Trust: The Social Virtues and the Creation of Prosperity.* New York: Free.

Harris, N. (2006). *First Phase Review of Restorative Justice*. Canberra: ACT Department of Justice and Community Safety.

Hwang, K.-K. (1987). Face and Favor: The Chinese Power Game. *American Journal of Sociology, 92*(4), 944–974.

Hwang, K.-K. (1998). Two Moralities: Reinterpreting the Finding of Empirical Research on Moral Reasoning in Taiwan. *Asian Journal of Social Psychology, 1*, 211–238.

Jiang, X.-M., & He, J. (2006). The Internal Relationship between Chinese Traditional Law and Restorative Justice. *Research on Legal Culture, 1*, 448–462.

Lee, M. (1999). The Fear of Crime and Self-governance: Towards A Genealogy. *Australian & New Zealand Journal of Criminology, 32*(3), 227–246.

Levrant, S., Cullen, F. T., Fulton, B., & Wozniak, J. F. (1999). Reconsidering Restorative Justice: The Corruption of Benevolence Revisited? *Crime & Delinquency, 45*(1), 3–27.

Lipton, D. S., Martinson, R., & Wilks, J. (1975). *Effectiveness of Correctional Treatment: A Survey of Treatment and Evaluation Studies*. New York: Praeger.

Lu, Z.-F. (2008). Exploration of the Feasibility of Restorative Justice in Confucian Philosophy. *Police Science Quarterly, 38*(4), 127–145.

Martinson, R. (1974). What Works? Questions and Answers about Prison Reform. *Public Interest, 35* (Spring), 22–45.

Putnam, R. D. (2000). *Bowling Alone: The Collapse and Revival of American Community* (1st edn.). New York: Simon & Schuster.

Rossteutscher, S. (2008). Social Capital and Civic Engagement: A Comparative Perspective. In D. Castiglione, J. W. van Deth, & G. Wolleb (Eds.), *The Handbook of Social Capital* (pp. 208–240). Oxford: Oxford University Press.

Shin, H. H. (2005). *Institutional Safe Space and Shame Management in Workplace Bullying*. Canberra, Australia: The Australian National University.

Strang, H. (2002). *Repair or Revenge: Victims and Restorative Justice*. Oxford University Press.

von Hirsch, A. (1976). *Doing Justice: The Choice of Punishments*. New York: Hill and Wang.

Wenzel, M., Okimoto, T. G., Feather, N. T., & Platow, M. J. (2007). Retributive and Restorative Justice. *Law and Human Behavior, 32*(5), 375–389.

Xu, G.-Q. (2010). Restorative Justice: From Punishment to Reconciliation- A New Perspective of Dealing with Crime. *Dong Yue Tribune, 31*(1), 184–190.

Zehr, H. J. (1990). *Changing Lenses: A New Focus for Crime and Justice* (1st ed.). Scottdale, PA: Herald.