A comparison of Scottish and Japanese young people's views of what works to reduce offending

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Introduction

This article explores young people's views about what helps them stop offending, drawing on a comparison of two contrasting countries: Scotland and Japan. Scotland has a population of over 5 million, whereas Japan has a population of over 127 million. However, Scotland has a homicide rate three times that of Japan, and a much higher adult and youth prison rate per head of population. And yet, when comparing the views of young people about what causes or encourages crime *and* desistance, those views are remarkably similar, as this article will demonstrate.

These similarities between two very different countries – culturally, politically, economically and socially – are argued to be related to the transition to adulthood and the liminal nature of youth in adult society. However, the processes and consequences of youth transitions within societies where young people tend to be marginalised from the economic mainstream do not feature significantly in the desistance literature and this article argues for a greater understanding of the need of young people for recognition through participation and integration in their communities and wider society.

Gaps in the Desistance Literature

There are three broad categories of desistance literature in circulation currently, individual, structural and integrative. Individual theories of desistance prioritise the characteristics and motivations of desisters themselves - whether resulting from the inevitability of maturation with age (Gottfredson and Hirschi, 1990), as a result of 'burn out' (Maruna, 2001), cognitive changes in attitude or identity (Giordano et al, 2002), the deterrent effect of the criminal justice system (Farrall, 2002), and/or a reassessment of the costs and benefits of crime (Cornish and Clarke, 1986).

Structural theories of desistance prioritise the role of informal social controls and social bonds, so-called structural turning points, such as relationships with law abiding partners/friends; employment; and marriage. Hirschi's control theory (1969) describes social bonds as emotional commitment to others and a concurrent investment in relationships, legitimate activities and the rule of law. Sampson and Laub (1993) also suggest that structural turning points, described as 'exogenous' events such as marriage, employment and military service – almost by default encourage desistance. But social control theories on their

own are limited by their failure to take subjective factors into account, such as motivation to change in the light of these turning points (Bottoms and Shapland, 2011).

Integrative theories of desistance attempt to overcome the structure-agency divide by emphasising how personal life events and strengthened resolve and motivation on the part of an offending individual must necessarily be combined with available social resources to facilitate the giving up of crime (Giordano et al, 2002; LeBel et al, 2008; Morizot and Le Blanc, 2007; Vaughan, 2007). Such integrated theories prioritise cognitive change, alternative identities and moral values, but place these subjective factors alongside structural turning points or 'hooks for change' which the individual has to identify, select and act upon through 'cognitive transformations' (Bottoms and Shapland, 2011, Giordano et al, 2002). In other words, a 'readiness for change' often precedes turning points such as employment, marriage or child-rearing (Rodermond et al, 2016). These integrative theories usually incorporate strengths-based notions of offender rehabilitation, where offenders develop social skills and create change themselves (McNeill et al, 2012).

However, throughout the desistance literature, the concepts of power and marginality have little traction. In respect of *youth offending*, the significance of power imbalances and the liminal nature of 'youth' in the transition to adulthood are under-theorised in individual, structural and integrative theories of desistance, despite the fact that the political, economic and social impact of an increasingly prolonged transition to adulthood is seen as highly relevant to understanding youth offending and desistance (Barry, 2006, 2016).

Whilst the above theories of 'turning points' imply that these triggers for change precede – and in effect *cause* - desistance, for many young people, notably those disadvantaged in mainstream society, turning points such as employment are elusive and many only desist from crime *in anticipation of* such triggers for change rather than *because of* them. In the absence of structural change or opportunities, young people may call on relational support from social networks in order to desist from crime (Weaver, 2016). Weaver, in her theory of relational desistance, draws on the work of Pierpaolo Donati (2011) and Margaret Archer (2003) to argue that social relations define individual identities and that the process of desistance is under-theorised because of a lack of focus on peer group, social relations and 'the reflexive individual in his or her relationally and emotionally textured world' (Weaver, 2016: 47).

However, I would argue that the constraints on initiating and sustaining desistance are also political (Barry, 2016). I move the relational beyond the immediate social context and into the realms of politics, arguing that young people are a misrecognised minority group, a group which requires greater engagement from the statutory sector to ensure that they receive concrete opportunities to desist from crime. I draw on Critical Theory and social philosophy (Honneth, 1995, Fraser, 2003) to argue that young people in transition require substantive recognition within mainstream society through transformative policies of redistribution and equality of opportunity.

A Comparison of Youth Crime in Scotland and Japan

In addition to a study of youth offending in Scotland, which elicited the views of 40 young people in 2000 and again in 2010 about their experiences of starting and stopping offending, I also replicated that study with Japanese young people between 2009 and 2012, not least because Japan is a country with a very low crime rate overall and whose young people

arguably have a different experience of the transition to adulthood, notably because of a more secure youth employment market and closer familial support networks. The research was made possible by funding in Japan from the Sasakawa, Daiwa and Japan Foundations and in Scotland from the Economic and Social Research Council.

The sample of 40 young people in Scotland included two sweeps of interviews, ten years apart. The first sweep in 2000 comprised 20 men and 20 women in the age range 18-33. The second sweep in 2010 comprised half of that original sample (eleven men and nine women now aged 29-43) and a new sample of 12 men and 8 women in the age range 21-33. The sample of 45 individuals in Japan (interviewed between 2009 and 2012) comprised 32 men and 13 women in the age range 16-37. Only a minority of both samples said they were still offending at the time of interview, with the men tending to stop offending earlier than the women, possibly because of the latter sample's more likely propensity to become addicted to drugs. The most common first offences for young women in both countries were substance misuse, shoplifting and theft; for the young men, the most common first offences were theft, driving offences and assault. These types of crime are ubiquitous amongst young people from all cultures (McGee and Farrington, 2010), although in Japan, driving offences were more apparent because young men in Japan are more likely to join *bosozoku*, Japanese youth gangs with custom-made motorbikes whose members revel in risk taking and violence. Before looking at what these young people thought would help *other* young people in the process of desistance, it is perhaps appropriate to say roughly why they started and stopped offending themselves.

Influences on Starting and Stopping Offending

Most of the samples in both countries said that drink and drugs, peer pressure, wanting attention from family and friends, and needing money were all influences in them starting offending. Breaking the law was also exciting and relieved the boredom of youth for many Scottish respondents and the pressure of school life led many of the Japanese respondents to rebel. These reasons for starting are very much to do with wanting to belong, to be needed, to be liked. For example, getting drunk, experimenting with drugs and wanting designer clothes are ways of gaining an identity, belonging, fitting in. Getting attention from family or friends, having street credibility or kudos, and going along with the crowd are also ways of belonging. But there were other factors mentioned in starting offending which were more to do with escaping reality rather than fitting into reality. Drugs and drink could also be put into this category, as could rebelling against abuse or neglect as a child, and going off the rails following a traumatic event, such as a death in the family.

As for why they *stopped* offending, the Scottish sample wanted 'normality', to lead an adult life with adult opportunities and adult responsibilities. Their reasons for stopping were more 'pull' than 'push' factors – looking to the future - and more to do with *anticipated* integration into the mainstream rather than *actual* turning points. The majority wanted to have – rather than already had - responsibilities for children, partners or parents, and many had received help with substance misuse (which precluded the need for further offending) and feared the consequences of continuing (for example, ill health or imprisonment).

For most of the Japanese sample, stopping offending resulted from 'push factors' - they stopped offending because they got caught by the police, they felt guilty about their offending and did not want to hurt their families as a result. They also said, however, as with the

Scottish sample, that they wanted to lead normal lives and be accepted back into their family and friendship networks.

Reasons for Desistance Amongst Other Young People

There are remarkable similarities between the views of the Scottish and Japanese samples in respect of 'what works' to encourage *other* young offenders to desist from crime. By far the most prominent factor suggested by both samples was relational, namely communicating with young people on their level, respecting their views and encouraging their integration into mainstream society.

In Japan, probation and fines are the only options for young people and the higher tariff offenders tend to get probation, often from the age of 15 or 16 and up until the age of 20. So their involvement in probation was often more long-term than their Scottish counterparts, but nevertheless both sets of young people thought probation was the most effective means of encouraging desistance, but only through *a meaningful dialogue* between the young person and their supervisor, a dialogue that demonstrated and encouraged mutual respect.

> Of course, young people themselves have to change, but adults should not treat them as a nuisance or with prejudice. Each person has her own reason for offending. If adults try to understand the reason and advise them with care and open-mindedness, they may change (16 year old female, Japan).

> [T]hey lectured me properly and they listened to me properly. They also praised my good points but they told me my bad points too (20 year old female, Japan).

In Scotland, similar key traits in a supervisor[1] were being non-judgemental, showing respect for clients and being committed to supporting them with problems.

> They didn't judge you at all…. They were there, they would listen to you… they give you every bit of advice they possibly can to show you what you're doing to people… and I think that's what kinda really hit me (20 year old male, Scotland).

> They put time and effort into sitting talking to you and working or attempt to work out with you what was going on, why you were doing these things…. they wanted to find the root of the problem rather than gloss over the top (29 year old male, Scotland).

Weaver and Armstrong (2011: 11) found that probationers value a personalised supervisory process: 'giving the individual attention on a one-to-one basis… and tailoring the intervention to those individual needs'. In Scotland in particular, several suggested that if their probation officer had been better (in other words, more personable, trusting and engaging), they might have cooperated more with supervision.

> We just didn't get on so I didn't even want to go cos I was thinking 'oh, I have to go in here' and it was just a horrible atmosphere and I couldn't tell her anything and

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[1] Whilst in Japan, young offenders are supervised by Probation Officers and Volunteer Probation Officers, in Scotland they are supervised by Criminal Justice Social Workers, although young people themselves may refer to them as 'probation officers'.

stuff like that. So I just sat there and let [the probation officer] speak and she's like that 'you'll need to speak to us'. And I was like that 'but I don't feel comfortable speaking to you, so can I not change my worker?' And she went 'no, you'll just stick with me'. So then I ended up just saying 'fuck it, I'm not going' and breached it, got the jail. (26 year old female, Scotland).

Not only did these respondents strongly emphasise the need for one to one support as being the best means of encouraging desistance, but they also strongly recommended having workers who have previous experience of offending or drug use because they might be more street wise and understanding than workers who know little about life other than through textbooks.

The term 'generativity' has particular relevance to these young people's perceptions of what works, namely giving of oneself in order to educate, reassure or support other young people or a future generation going through similar circumstances that they themselves had experienced, as the following quotations illustrate.

> Because I have that experience too, I'm sure there is something I can do, by talking to them from their point of view… I have that experience so I can understand them (29 year old female, Japan).

> I might be able to act like a bridge, helping offenders to meet people who can inspire them… I might be able to show that there is another way of living one's life (25 year old male, Japan).

> I'd love to be a drugs counsellor, I really would. I'd love to be able to sit with a group of people and talk to them… I've been through it all myself (21 year old female, Scotland).

> [Get] folk who understand what they're going through to talk to them… Having somebody there that's done it… folk who understand it, can sit there and say to the kids: 'now look, I've been there, I've done exactly what you're doing and this is the way it will end up' (19 year old male, Scotland).

For Japanese young people in particular, this awareness that probation workers ideally need to have direct experience of the problems facing young people, and also be able to relate to them at their level, was more acute than for the Scottish young people. This is perhaps because volunteer probation workers in Japan (of which there are over 50,000 supplementing the work of approximately 1,000 probation officers) tend to be in their mid-sixties and the majority are middle class business men, although also farmers, retired people and housewives. Such volunteers tend to have little if any experience of offending behaviour (and indeed the Probation Service in Japan will not accept workers with previous convictions), whereas in Scotland, there is a more diverse population of workers, in terms of previous convictions, age, gender and social class.

> Probation officers [in Japan] often cannot act as a role model for young offenders. I think this is a very serious problem. I am very grateful for what they do, they are volunteers, aren't they. I respect them very much, but in my case my probation officer did not inspire me at all as a role model. Former offenders would make good

probation officers. There are many who want to become a probation officer, but the law does not allow it (25 year old male, Japan).

> It was great to talk to people like yourself who didn't talk down to you, they didn't judge you. They spoke to you like a normal person and they could relate to you (34 year old female, Scotland).

As well as probation officers often being considered to have little first-hand experience of disadvantage, not only in Japan but also in Scotland, some respondents thought that such workers needed to be more committed to helping young people, and have a consistent presence. Farrall (2002), McNeill (2006) and Barry (2000), amongst others, have pointed to the need for meaningful, non-judgemental and proactive relationships between worker and client which are founded on continuity and consistency. Continuity and consistency of supervisor is a real concern to young offenders under community-based orders in Scotland, not least those on supervision for prolonged periods, and yet workforce turnover and management can seldom allow for such consistency of contact. The following quotation is, regrettably, not unusual amongst respondents in Scotland talking about probation:

> Some people say to me, you have to open up. No, I don't have to open up. If I want to, I will. I've opened up to that many workers in my life, I can't be bothered meeting a new one to tell them my life story again… They should have like one worker that gets to know you and you can work with them and you can tell them things. But if you're getting passed from pillar to post. I'm not *wanting* to tell the [entire] social work department my life story (26 year old female, Scotland).

Having someone (partner, parent, child or friend) to care for or protect was also a key aspect of this generative and relational aspect of desistance, both for Scottish and Japanese young people wishing to desist from crime.

> You find something to protect… young people, including myself, are looking for a place to stay… I want to be accepted, and I think it's the same for everybody (20 year old male, Japan).

> I wonder if [young people] are likely to stop offending when they have found something that they want to protect, such as a child… Those with a family or friends who are dear to them… I realised how important these things were to me only when I had lost them (29 year old male, Japan).

> Once [my son] was born, then I really put the foot down… Because I had someone else I had to look out for other than myself (24 year old male, Scotland).

This relational aspect was also reciprocal and desistance was aided by the support given by family, friends and professional workers. And such support was primarily emotional rather than practical – not least for the Japanese sample. These respondents seldom focused on support towards practical opportunities such as employment or accommodation, but mainly focused on being listened to with respect and genuine concern.

> Listen to them. Many of them feel lonely and isolated. They feel no one can understand them. Although they may look tough and rough, deep inside they feel they need someone to talk to (32 year old male, Japan).

[Agencies] need to listen to them properly to start with. They need to listen to them without becoming bossy… and speak to them from their point of view… and not to abandon them (18 year old female, Japan).

These relational concerns about probation were also prevalent in respondents' views about policy and practice measures to reduce offending amongst young people in the future. Communication which is respectful, non-judgemental and constructive (i.e. forward thinking rather than backward thinking) was a key concern of these respondents for *effective* social work interventions to encourage and sustain desistance. Education about harmful substance misuse was also important as were leisure and employment opportunities to reduce boredom, ensure a legitimate income and give young people a purpose in life. Employment was key to this ambition for normality and integration within mainstream society and yet became increasingly difficult to find and sustain for young people in transition.

However, the crucial elements of listening to and respecting young people often meant taking a more holistic and pragmatic view of the person's needs and circumstances. As one young woman in Scotland noted:

Sit and listen to what they're doing, what their day-to-day routine [is], what their background is, why they're doing [drugs], do they want to come off [drugs]… If you're offending, you're offending for a reason (21 year old female, Scotland).

That 'reason' is often totally overlooked not only by academics but also by probation officers, and I would argue that that 'reason' is found in the transition to adulthood.

The Need for Recognition in the Transition to Adulthood

Young people in transition are in a vulnerable position vis a vis so-called mainstream society. Turner (1969) describes them as 'liminal beings', a period in growing up when people fall between the gaps in social structure, are on its margins, or occupy its lowest rungs. Young people are often disadvantaged by being in this liminal phase between childhood and adulthood and can be marginalised and exploited in the labour market, and be the focus of criminalisation and stigmatisation by criminal justice and wider social policy. They feel unwanted, unsupported and unrecognised.

Taylor (1992) described recognition as a vital human need, but he was referring in particular to the need for group identity amongst different cultures living within the same society. However, I would argue that young people are also a minority group which also has a need for a group identity, given their liminal status as youth, and the discrimination and misrecognition that results from that status. Elsewhere, I have described 'recognition' as 'the giving and receiving of acknowledgement, encouragement and affirmation to promote social identity and respect' (Barry, 2016: 92). I would argue that the semblance of short-term recognition can be gained in the liminal phase of youth through offending, an activity which can be seen as a manifestation of the struggle for power, status and esteem, and a manifestation of a lack - or denial - of recognition from adult society, a society into which young people nevertheless invariably say they wish to become incorporated. But they will only gain longer-term recognition from mainstream society when those in power over them acknowledge, encourage and affirm their presence as young adults and respect and accommodate their need for integration.

Conclusions

Why young people from both Scotland and Japan stopped offending was because they sought recognition, integration and 'normality' (freedom from criminal justice system harassment and freedom from the confines of the minority status of youth). *How* these Scottish and Japanese young people stopped offending was primarily relational and through self-determination, although the Scottish respondents also cited the importance of structural change, namely the need to reconsider youth policy on leisure opportunities and on the youth labour market. Probation was a disposal that *all* the respondents had experienced and the one that generated the most positive views of its past record and the most suggestions for its future sustainability in the eyes of offenders. The most significant message coming from these individuals about probation was that the personality of the worker, the subsequent relationship with the client and the need for continuity and consistency of approach were of far greater importance than the content of any programme of intervention *per se*.

Many of the respondents in this study gave up crime *in anticipation of* recognition, integration or normality, in anticipation of something *good* happening in their lives rather than *in response to* something already having happened. This is a crucial distinction for policy makers in particular to make, not least when the desistance literature misleadingly implies that opportunities or turning points somehow magically materialise in the run up to, or during the process of, desistance. This sample seemed only to live *in hope* of a better life, and managed to stop offending with no real incentive to do so, other than that hope of a better life.

Inequality of *income* has, in the past, been argued to encourage crime amongst the relatively *poor* in our society. This article argues that inequality of *opportunity* could also encourage crime amongst the relatively *marginalised* in our society. Leonardsen (2003) argues that crime denotes a lack of belonging or obligation *to* the established community, and the findings from these studies of desistance in Scotland and Japan suggest that crime also epitomises a lack of recognition *by* the established community. Desistance should not just mean that offenders make a conscious effort to change but that the society into which they wish to integrate also makes a conscious effort to welcome them. Desistance is a two-way process and must be recognised as such.

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