

Book Reviews

Goldilocks Apologizes

Forces of Order: Police Behavior in Japan and the United States.
By Davis H. Bayley. Berkeley: University of California Press, 1976.
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Reviewed by Gary T. Marx†

Japan presents a fascinating anomaly to the American interested in questions of police and crime. It has undergone rapid social change. It is a heavily industrialized, urbanized, densely populated society with violence in its history and traditions. As such we might expect it to be similar to the United States with respect to questions of crime and police. Yet the crime rate is exceptionally low, police ethics and job satisfaction are high, and there is a remarkable degree of civility in police-citizen encounters. David Bayley seeks to describe this situation and to speculate on what produces it.¹

Students of comparative culture often point out the many difficulties specialists face in studying someone else's society. How much greater the difficulties must be if one does not speak the language, is not an expert on the region, has a mere two summers in which to carry out field work, and is studying a sensitive institution that specializes in secrecy (and one that often has a lot to hide). Given such factors, David Bayley's unpretentious little book is impressive. My skepticism on methodological grounds is more than balanced by an appreciation of the interesting descriptive material offered, the integration and buttressing of Bayley's own firsthand observations with English language secondary sources, and the author's willingness to venture into largely uncharted waters.

Bayley observed a wide variety of police operations and carried out "hundreds" of interviews through an interpreter. He brought to his

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1. D. BAYLEY, *FORCES OF ORDER: POLICE BEHAVIOR IN JAPAN AND THE UNITED STATES* (1976) [hereinafter cited by page number only].

task prior research experience on the police in India and the United States.² The focus is on patrolmen and police-citizen relations, rather than on detectives or police relations with courts, prisons, or other elements of the criminal justice system. Chapters deal with police-citizen interaction and a patrolman's life, discipline and responsibility, community relations, victimless crime, deviance and authority, violence, and the police as an institution. No compelling rationale is offered for the way the book unfolds and the topics it covers and excludes. This, however, is a pedantic drawback. As the only serious study of any breadth on the contemporary Japanese police, Bayley's book is very welcome. It is a useful addition to the limited, and surprisingly not growing, English literature on contemporary police in industrial societies other than the United States and England.

Bayley's major concern is to examine the ways in which social context shapes police institutions. Recognizing that police reflect the society of which they are a part, he holds out little hope for improving American police by importing Japanese administrative practices. Yet his analysis of the Japanese police makes us more aware of what we are and the broad directions toward which we might aim in the future. Bayley offers major contrasts between the United States and Japan with respect to crime patterns, the reaction of citizens to authority, the nature of the police role, means of obtaining accountability, and police-citizen relations. I shall consider each of these briefly in turn.

In Bayley's words, there is a "qualitative difference in civility" between Japan and the United States.³ Japan has less than half the population of the United States; yet in 1973 only 1,876 robberies were known to the police in Japan, while in the United States the comparable figure was 382,680.⁴ In addition, the incidence of reported crime per person in Japan in 1973 was only about one-half that in 1946, while by most measures traditional crimes increased considerably in the United States during that period.⁵

Weapons do not complicate the task of the Japanese police: for practical purposes Japan is a disarmed society. Ownership of weapons has been severely limited for at least 400 years, and even the samurai have been disarmed for 100 years. Firearms, swords, and even knives

2. D. BAYLEY, *THE POLICE AND POLITICAL DEVELOPMENT IN INDIA* (1964); D. BAYLEY & H. MENDELSON, *MINORITIES AND THE POLICE* (1969).

3. P. 9.

4. P. 6. Tokyo had 361, while New York City, with a comparable population, had 74, 381. *Id.* Differences are probably even more pronounced, since rates of underreporting appear to be higher in the United States. P. 7.

5. P. 7.

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must be registered. Handguns are not permitted in private hands. Compared to the United States, there are few rifles and shotguns (about 650,000 versus at least 75 million).⁶

Predictably, then, firearms are not a serious factor in Japanese crime. For example, handguns were used in only 16 of the 80,000 serious offenses committed in Tokyo in 1971. In the United States, by contrast, 65% of all murders, 25% of all aggravated assaults, and 41% of all robberies involve firearms. In Japan detectives and police off duty or on traffic duty do not carry weapons. Fewer than five Japanese officers a year are killed nonaccidentally and these deaths are rarely the product of firearms. In the United States more than 100 officers a year are killed, three-quarters of the time by firearms.⁷

Homicide rates partly reflect the high level of disarmament in Japan. The Japanese homicide rate is 1.9 per 100,000 population; for the United States it is 9.3. The New York metropolitan area, with a population of almost 12 million, had 1,739 murders in 1973, while Tokyo, with a comparable population, had 196.⁸

Nor are drugs a problem in Japan. In Tokyo about 30 persons a year are arrested for offenses involving hard drugs. In New York City 23,000 arrests were made in 1972 for sale and possession. According to Bayley, Japanese narcotics addiction and drug abuse are declining. One-quarter as many violations of drug laws were reported in 1973 as in 1959.⁹

Even when a crime is committed and the perpetrator apprehended the dynamics differ widely from those in the United States. In his chapter on "The Individual and Authority," which I found the most interesting, Bayley considers some of the reasons for the lower Japanese crime rate. In Japan an individual's sense of well-being depends to a much greater extent on group acceptance than in the United States. Japanese are less combative and manifest more submissive attitudes toward authority. Offenders are expected to show contrition and accept responsibility for their wrongdoing (the suspect is to act "like a carp on the cutting board"), and citizens feel a strong obligation to assist in preserving moral consensus in the community.¹⁰ In return, authorities are expected to show benevolence, discretion is legitimated, and sanctions (such as writing a letter of apology) are

6. P. 168.

7. P. 169.

8. P. 5.

9. P. 7.

10. P. 145.

often informal. Bayley argues that "a Japanese accepts the authority of law as he would the customs of his family."¹¹

Folk tales nicely capture the role of apology, repentance, and the Japanese belief that bad character can always be changed. In the American version of the child's tale, Goldilocks runs away. In the Japanese version the story ends with Goldilocks apologizing for her misbehavior and the bears then inviting her back. Similarly, in the Japanese version, when the wicked wolf in Little Red Riding Hood is confronted by the hunter, he falls to his knees, begs forgiveness, and promises not to do it again.¹²

If Japanese police in general face a respectful and law-abiding public, Japanese citizens reciprocally face a seemingly well-behaved and content police force. Patrolmen are more self-effacing and do not swagger or exchange hostile stares with youth and street elements.¹³ As Michael Banton has noted with respect to the police in England, because their authority is less often challenged, police are not always on the verge of asserting it.¹⁴ Policemen in public places are inconspicuous. A tradition exists of avoiding eye contact and preserving privacy in public. Police "see but they rarely take notice."¹⁵

In Japan police are moral as well as legal actors and, like police in England, are oriented toward teaching and guiding the community with respect to correct behavior. The roots of this orientation were in the Meiji Restoration and the Allied Occupation, the two major formative periods for the Japanese police. During the former, the police, along with the schools, courts, and military, were used to move Japan from a feudal to a modern nation. During the Occupation police were one of several demonstration projects in democracy.¹⁶

In contrast, the American police institution took on modern form in the 19th century to deal with the quite specific "problems" of riots, drunkenness, gambling, and prostitution, which were associated with urbanization, industrialization, and rapid immigration. Teachers and politicians might offer instruction in civic lessons; police were to avoid politics and enforce the law. They were to be bureaucratic and legal, rather than moral, actors. True to their respective heritages, American police today tend merely to seek compliance with the law,

11. P. 156.

12. P. 140 (citing Lanham & Shimura, *Folktales Commonly Told American and Japanese Children: Ethical Themes of Omission and Commission*, J. AM. FOLKLORE, Jan.-Mar. 1967, at 33-48).

13. P. 44.

14. M. BANTON, *THE POLICE AND THE COMMUNITY* (1964).

15. P. 44.

16. Pp. 185-86.

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while the Japanese go beyond this to seek acceptance of the community's moral values.

This is not to deny that Japanese police have a distinct occupational culture and a cultivated sense of apartness. But they are not angry, defensive, or frustrated, and they do not feel victimized and unappreciated.¹⁷ In the United States efforts to curb prostitution, homosexuality, gambling, and drunkenness breed police demoralization and corruption, ineffective enforcement, entrapment, and community conflict. In Japan these activities are not seen as problems of morality or law enforcement as long as they are carried on discreetly.

Japanese police see their political environment as benign and their public as supportive. They are critical of neither the courts nor their supervisors. Police strikes or slowdowns are unknown.¹⁸ Indeed, as part of maintaining their image as dedicated public servants, few officers even take the full 20 days of paid holidays to which they are entitled.¹⁹

The major police discipline problems involve off-duty, rather than on-duty, behavior. Involvement in a traffic accident, loss of the police handbook, and improper drinking behavior are the most frequent offenses.²⁰ In 1972, 45 of Japan's 182,000 officers were discharged, and 542 faced departmental punishments.²¹ By contrast, New York City, with 35,000 officers, gave such punishments to 216.²² The number of complaints brought to the Japanese equivalent of a civilian review board (the Human Rights Bureau of the Ministry of Justice) has been steadily declining.²³

Bayley explains the different rates of police misconduct partly by reference to such Japanese administrative practices as lateral entry, longer and probably better training, closer internal supervision, periodic rotation of supervising personnel, and more favorable prospects for career advancement.²⁴ Other factors relate to the police officer's intense identification with the work group. This results in a strong motivation not to offend it, or bring dishonor upon it. Discipline is self-imposed, emerging much more from the dynamics of

17. P. 4.

18. *Id.*

19. P. 23 n.14.

20. P. 2.

21. P. 1.

22. P. 2.

23. P. 3.

24. Pp. 54-71. A larger proportion of Japanese police are promoted, and the command structure is more differentiated.

group membership than from external formal organizational factors as in the United States. Bayley notes:

American policemen too are conscious of belonging to a distinct group. But there is a crucial difference. The Japanese police community has been deliberately created; identity, entailing distance from others, has been fashioned in order to augment pride. Community spirit is fostered to facilitate the carrying out of organization tasks. In the United States, identity is a consequence of perceived resentment and antagonism. It is founded on rejection. American policemen have been driven inward against their will; their communitarian spirit is defensive, like that of a persecuted minority group.²⁵

In the United States, police accountability to nonpolice institutions is given higher priority than developing police initiative. This American reliance on external checks may impede the development of the group pride that could provide the basis for self-discipline. It communicates to the officer the idea that he is not trusted and thus may lower his sense of self-worth. External discipline too easily can be seen as an attack upon the entire occupational group. Bayley even asks "whether so great a reliance on external checks in the United States is not in some measure responsible for the disciplinary problems so often deplored."²⁶

This suggestion raises the ghost of the American police professionalism model advocated by such police officials as O.W. Wilson and William Parker. They saw the need for massive changes within policing, but unlike their liberal critics, they felt that such changes could only come about internally. Self-control was seen as the best form of control. Careful selection and inculcation of a strong sense of duty and pride in occupation were considered the best means for obtaining responsible police behavior. Yet there are dangers of police becoming too isolated and self-protective when exclusive reliance is placed on internal controls. A balance is obviously needed.

Bayley suggests that the Japanese have been rather more successful in providing external accountability than the Americans have been in creating internal responsibility. Following the war the Japanese added external checks to a "pridefully cohesive police force," apparently with positive results. Yet equivalent efforts in the United States may have had unintended consequences. Public criticism of police and

25. P. 77.

26. P. 79.

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efforts at external control may have made police more defensive and lowered their self-esteem. Public criticism acts further to decrease responsible police behavior, which then triggers another round of public criticism.²⁷

The product of all these contrasts, especially that of the organization, style, and ethics of police work, is a rather remarkable difference in the character of police-community relations. Unlike the United States, Japan has one national police force, standardized in its operations. But command operations are decentralized among 46 prefectures, and most police work out of neighborhood offices called "kobans," which are continuously manned with four to twelve people per shift.²⁸ Tokyo has approximately 1000 kobans. The average area covered is .22 square miles with a population of 11,500.²⁹ Police are literally around the corner.

The koban is a place where people may come to unload their burdens and seek help, regardless of whether or not a law violation has occurred. Kobans are accessible and seemingly not very bureaucratic. Japanese patrolmen are said to cultivate one ability above all others: "the art of patient listening." They do not downgrade or resist non-law enforcement activities the way American police often do. Typical activities include giving directions and medication, explaining the law, loaning money to help people get home, finding late night accommodations for those unfamiliar with an area, and dealing with minor crimes.³⁰ Two examples Bayley cites of koban aid are providing distilled water (more healthy than tap water) to two small boys for a just-purchased goldfish in a plastic bag, and lending a pair of needle-nosed pliers to a middle-aged man whose fly zipper would not close.³¹

A major function of the koban is to provide information about house locations. Most smaller streets are unnamed, and since houses are numbered according to the order in which they were built, those built at the same time may well have the same number. Kobans obtain information in a semiannual police "residential survey." This makes it possible for police to "provide directions in an instant to almost every person or business in the area."³² It also potentially provides the

27. P. 82.

28. Detectives and specialists work out of a central police station.

29. P. 13.

30. Pp. 13-22.

31. Pp. 27-28.

32. P. 27.

government with intelligence on its citizens, though this is an example of the kind of issue that Bayley consistently ignores.

Because of the kobans and footpatrols, police presence in Japan is more pervasive than in the United States. Yet it also seems less authoritative, lower key, and less formal. Patrolmen are much more likely to be personally known in the neighborhood in which they walk and work than are their American counterparts, enshrouded in their patrol cars. (Only one-sixth of Japanese patrolmen are assigned to patrol cars.) Bayley notes:

An American policeman is like a fireman, he responds when he must. A Japanese policeman is more like a postman, he has a daily round of low-key activities that relate him to the lives of the people among whom he works.³³

In Japan there is more sharing of policing tasks by citizens, and the boundary between police and citizen is more permeable and vague. Every neighborhood has a crime prevention association made up of volunteers who work in close coordination with police. There are also 8,000 crime prevention associations organized around occupations and work places.³⁴ As a result of this cooperation "both policeman and citizen are responsible for law enforcement and both policeman and citizen are moral actors."³⁵

Americans generally tend to take a more individualized approach to questions of public safety, arming themselves or buying security devices rather than forming police auxiliaries. This grows out of the early American concern with specifying and limiting the role of government.³⁶ The creation of American police with powers and duties in principle carefully circumscribed by law serves to curtail citizen involvement, as well as to limit the range of police activities.

Even when the police and citizenry of Japan conflict, their unique relationship is evident. Mass confrontations such as those seen in the United States during the 1960s have been a common feature of Japanese life for some time.³⁷ Through a process of mutual accommodation, police and demonstrators have evolved tactics that make the loss of human life very unlikely. The fascinating, ritualized character of Japanese police-demonstrator confrontations indicates that group conflicts need not continually escalate in tactics as more destructive

33. P. 91.

34. P. 94.

35. P. 102.

36. P. 101.

37. P. 172.

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technologies become available, and that crowd behavior, rather than being normless and formless, may be very much bounded by shared understanding among participants. Both police and demonstrators implicitly agree not to use firearms and explosives, thus minimizing serious injuries.

Like the French Compagnies Republicaines de Securite (C.R.S.), the Japanese have a special elite riot police, the "Kidotai." They show considerable restraint and patience in the face of mass confrontations. Carefully chosen, trained, and supervised, they always act as a group. On riot duty they are unarmed. The use of guns is seen as unfair and even cowardly. Much emphasis is put on physical conditioning and on the hand-to-hand combat thought to characterize the fighting of real men. Leaders work hard to instill pride and spirit, developing "poise under stress" rather than fierceness. The avoidance of injury on both sides is a prime injunction for police.³⁸

The response of the Japanese police to riots through the use of ingenious formations illustrates their emphasis on tactics rather than on hardware. By contrast, Bayley argues, in the United States available technology tends to determine tactics. For American police the search for solutions begins rather than ends with examination of equipment.³⁹ Bayley sees American police as more ready to adapt exclusively technological solutions to human problems. The Japanese have resisted the economies offered by the patrol car and have opted to continue the neighborhood-centered beat patrolmen, just as they have resisted weapons in dealing with crowds. While American technical "solutions" may sometimes be more "efficient," they often bear heavy social costs such as isolation of police from the public and the escalation of conflict. Some part of the greater success of the Japanese police may lie in a more skeptical attitude toward technical solutions.

Although the contrasts drawn by Bayley are illuminating, as concern with crime in America increases and as our society creeps toward greater homogeneity, these contrasts may become less pronounced. The boundaries between police and citizens in the United States are also becoming more permeable, although perhaps with more mixed consequences. On the one hand, as part of decoy and blending strategies police increasingly are disguising themselves as ordinary citizens.⁴⁰ Increased attention to community relations and crime prevention and

38. P. 178.

39. Pp. 179-80.

40. Marx, *The New Police Undercover Work*, 4 CIV. LIBERTIES REV. July-Aug. 1977 (forthcoming).

new service demands find police involved in an ever-widening array of activities and places—*e.g.*, running recreation and counseling programs in the schools. On the other hand, citizens are increasingly playing quasi-police roles. Anonymous tipster programs, community “radio watch” programs, neighborhood watches, and community police patrols are becoming a more prominent part of American life.

Bayley tells us that in 1973, there was one policeman for every 445 people in the United States, while in Japan this figure was one for every 585 people.⁴¹ Thus on a per capita basis there are 31% more policemen in the United States than in Japan, and Americans spend 21% more on police services.⁴² The author suggests, however, that if Americans spent as much on police *proportionally* to their wealth as do the Japanese, big gains would be forthcoming because “most observers agree that adding personnel does reduce crime and raise arrest rates.”⁴³ Yet as the Police Foundation Kansas City patrol experiment indicates, this is a questionable assumption.⁴⁴

In addition, Bayley makes no mention of the important role of private police in both countries. A more adequate ratio of society's police to citizens must combine the number of both public and private police. Readings and conversations with Japanese students have left me with the impression that private police employed by industry play a significant and rapidly expanding role in Japanese life. Indeed, one reason why public police may be able to be so law-abiding, and are held in such high regard, may be the delegation of some of the dirtier and more difficult law enforcement tasks to private police.

Bayley unfortunately tells us little about the policing of politics or police-minority relations. In a few places he hints at excessive force used against students, student resentment of police, and surveillance of radicals, but this is never developed. Bayley implies that police are not an issue for ethnic minority groups. Ideology rather than ethnic status or social class is the major determinant of police-citizen conflict. Perhaps this is because Japanese minority groups make up no more than three percent of the population.⁴⁵ Yet given the centrality of minority status to American police-community conflict, an analysis of why this is not an issue in Japan would be quite useful.

41. Pp. 54-55.

42. P. 190.

43. P. 191.

44. G. KELLING *et al.*, THE KANSAS CITY PREVENTIVE PATROL EXPERIMENT (Police Foundation 1974).

45. P. 86.

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Someone who spoke Japanese, and gathered data from students, criminals, minorities such as the Burakumin and Koreans, radicals, and police critics, as well as from the police and establishment figures observed by Bayley, would surely have produced a rather different and more critical book. Yet I think the broad contrasts would remain. As with all good research, Bayley's work leaves one with more questions than it resolves. Among the unresolved issues that reading the book raised for me are the following:

Must a society be an island, disarmed, and have a relatively high degree of consensus, integration, and homogeneity to show the enviable police and crime patterns of Japan or England? What was involved in the transformation of Japan (or England too) from an armed and violent society to a relatively nonviolent one? What are the implications for similar efforts in the United States?

What accounts for the apparent tendency of police in countries such as France, Italy, England, and Japan to be disproportionately recruited from less urban areas? What accounts for the more politically conservative attitudes of police in noncommunist countries—job socialization or recruitment screening? Is family inheritance of occupation greater for police than for most other jobs? Are stress-related ailments such as alcoholism generally higher for police than for other occupations?

What is the impact of industrialization? Bayley occasionally hints at how the Japanese police changed as the country industrialized. I saw certain parallels with the United States, England, and France. What accounts for the tendency for police to become more specialized, to have a greater monopoly over the right to use force, and to have their duties and operations more formally defined in law and internal policy? What best explains the greater standardization of police practices, the greater emphasis on crime prevention and redistributive forms of social control?

Regardless of what appear to be important similarities in historical development, what of the future? To what extent are industrialized states, as a result of shared problems and conditions, moving toward common, increasingly centralized, bureaucratic, technologically based forms of policing, regardless of economic system or national characteristics? Is there a long-run trend toward convergence in police systems? As new means for the extension of police power appear, are they invariably, if sometimes subtly, adopted? What new forms of international policing will appear in response to political terror, smuggling, and complex white-collar crimes that increasingly transcend

national boundaries? Are world police systems becoming more interdependent as the nation-state itself recedes in importance?

Many of these questions can be expressed in the form of hypotheses on the effects of police organization and industrialization. It is unfortunate that in his conclusion Bayley stays so close to his observations and does not generalize beyond contrasts between the United States and Japan. Ideally case studies such as his provide the data from which hypotheses applying to a broad array of cases can be tested. For example, future inquiries, using a larger number of countries, might consider hypotheses such as the following:

A. *Police Organization*

1. Centralized forms of police organization are associated with more universalistic standards of enforcement and lesser police corruption, but also with police playing a greater political role and with greater citizen dissatisfaction.

2. Police systems with lateral entry and greater internal organizational differentiation are more effective and better disciplined than those with a system of mobility through the ranks and lesser differentiation.

3. Police abuses are fewer, though police are less efficient, in societies with competing and overlapping police agencies than in those with a more monolithic structure. The same is true where police personnel are recruited from all segments of the society rather than solely from the dominant group.

4. The greater the power and size of public police the lesser the significance of private police.

5. Uniformity in law enforcement standards is greatest when police officers remain in a given position for a length of time sufficient to gain familiarity with an area and least when they are continually rotated or never rotated.

B. *Industrialization*

The more industrialized the society:

1) the greater the emphasis on crime prevention and anticipation rather than on apprehension and reaction after the fact;

2) the greater the ratio of redistributive as against repressive forms of social control;

3) the lesser the array of tasks police are called upon to perform;

4) the greater the presence of specialized police roles;

5) the more distinct the line between police and citizens;

6) the greater the police monopoly over the right to use force;

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7) the less discretion individual police have as their activities, at least in principle, become more limited by rules of a legal and bureaucratic nature;

8) the greater the unification of police organization and standardization of police practices within a country.

Social scientific understanding tends to evolve by finding apparent differences that require explanation. A next step is documenting these in a systematic way with primary data. A final step requires explaining the differences with specific hypotheses and a coherent theory. Bayley makes a major contribution to the first step and offers thoughtful speculation on the meaning of contrasts in police patterns in Japan and the United States.