

Inclusion of Former Prisoners as Member of Japanese Society:
Achieving Coexistence by Restorative Justice

by
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Inclusion of Former Prisoners as Member of Japanese Society: Achieving Coexistence**by Restorative Justice****Abstract**

This study tries to figure out how former prisoners and people who have no experience in prison live together more harmoniously by reducing the second conviction. This study is based on literature that includes resources such as the Ministry of Justice documents and the Ministry of Justice Rehabilitation Bureau and White Paper on Crime.

In Japan, the crime rate decreases yearly, but the recidivism rate is as high as ever.

The recidivism rate in 2019 was 58.3%. In other words, it is more than one in two who commit crimes again. The reason for the recidivism rate is the former prisoners' employment rate. Their lack of skills causes the rate of former prisoners' employment to return to society, education on preventing repeating crimes, and understanding the meaning of an apology. As

another reason, supporting companies become the target of criticism by the public. Those are why former prisoners tend to commit crimes again.

Changing the current system of prisons that functions as social sanctions into a new system of social rehabilitation centers are essential to prevent second convictions. Some examples from overseas introduce the system connecting victims and offenders using restorative justice. To live together, former prisoners have to receive the education to get employment and not to commit crimes again in prison, and get opportunities to apologize to victims. In addition, people who have no experience in prison should change their way of thinking about offenders. Understanding and changing the course of thinking about offenders are essential to living together harmoniously.

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Introduction

"These walls are funny. First you hate 'em, then you get used to 'em. Enough time passes, you get so you depend on them. That's institutionalized" (the Shawshank Redemption, 1994). These words are from a movie, *the Shawshank Redemption* (1994). The movie is about prisoners in the Shawshank, which is the place's name. Red, a prisoner, speaks to Andy, a freshman, when the prison decides Brooks's parole. Brook is another prisoner who has been in prison for 50 years. As he told it, Brooks killed himself and left the message, "I don't like it here. I'm tired of being afraid all the time. I've decided not to stay" (Marvin, King, & Darabont, 1994). Brooks's ending is because he could not find hope out of prison.

In Japan, new inmates have decreased yearly, but the recidivism rate has not. "In 2019, the recidivism rate was 58.3%" (The Public Prosecutors' Office, 2021; my translation). It means one out of two people are rearrested and go to prison again. However, Japan has some companies supporting former prisoners and rehabilitation facilities. Also, the Ministry of

Justice provides subsidies for companies to hire former prisoners easily. However, why do about 70% of prisoners who return to prison again not have their jobs in 2019 (The Ministry of Justice, 2021)? Many reasons consist of this situation. Then, the author thinks one of the reasons for this situation is retributive justice because Japanese society depends on only the law system to solve the conflicts. The idea of punishing "evil" people partly comes from Japanese folk tales. These folk tales that have dualistic thinking affect people who read them. However, one of the Japanese prisons' problems is that 92.2% of prisoners do not have hope after release (The Ministry of Justice, 2019, p.63). How do they overcome it by themselves without any suggestions or help? Also, people who have no experience going to prison criticize and discriminate against former prisoners. So then, what should Japanese society do to them and former prisoners live in harmony?

This study suggests that one of the solutions is to transform the conflict between offenders and victims together. Restorative justice is a step to living together. All offenders should

deserve social sanction and experience a circle process for their future. If this method

becomes familiar in Japan, this retributive society will change for the better.

Literature Review

As for the Japanese folk tales, mi:te (2013) and Bandai (2012) show how popular Japanese folk tales are for parents and children living in Japan. Aki Minagawa (2018) researches awareness of stories by university students. Sumiko Mano (2018) defines rewarding good and punishing evil. Mikio Chiba (2010) describes folk tales for children, on the other hand, Nihon-minwa-no-kai [The Japanese folk tales association] (1987) for adult.

Collecting information on prisoners in Japan, this study refers to The Public Prosecutors' Office (2021), the Ministry of Justice (2019, January 2019, 2021), Kyosei-toukei-chosa [the survey of statistics correction] (July 31 2020a, July 31 2020b, 2021), and White Paper on Crime (2006, 2019, 2020a, 2020b, 2020c). In addition, Shimane Asahi Rehabilitation Program Center refers to the different points from usual prisons.

As former prisoners' reality, Kurozu-appu-gendai+ [close up the nowadays] (2019) and Bengoshi-dotto-komu news [lawyers.com news] (2020) state that employment is difficult.

Ridilover Journal (2018) mentions the negative chain that is the reason for the second conviction. Kentaro Kusakari (2019) and Hiroaki Nishikawa (2014) say the risk of hiring former prisoners from an employer's perspective. The Rehabilitation Bureau of the Ministry of Justice (2019) surveys cooperating employers about people who have committed offenses or delinquency. It found that there is a risk to hire them because of many reasons, for example, financial.

About the mind of people tend to exclude offenders is Aya Murayama & Megumi Tabuchi (2016) shows error management and dehumanization are the factors. Furthermore, Aya Murayama & Asako Miura (2015) point out the danger of human impacts from a law viewpoint. Also, Kyoko Abe (2020) claims these affect prisoners' futures.

For restorative justice, Howard Zehr (2006, 2015) defines restorative justice and retributive justice. He (2015) defines restorative justice as "Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the

offenders, and the community in a search for solutions which promote repair, reconciliation, and reassurance” (Zehr, 2015, p.183) and retributive justice as “crime is violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state directed by systematic rules” (Zehr, 2015, p.183). In Japan, Yukiko Yamada (2020), who works as a lawyer and a facilitator of place for dialogue, defines conflict resolution by dialogue. From overseas, Zehr (2006) & (2015) and the Correctional Service of Canada (2020) define the system of connecting victims and offenders: Victim-Offender Reconciliation Programs (VORP), Victim-Offender Conferencing (VOC), and Victim-Offender Mediation (VOM). Nihon New Zealand Conference, & Tohoku University of Community Service and Science New Zealand Research Institute [Japanese New Zealand Conference & New Zealand Research Institute from Tohoku University of Community Service and Science] (2017) explain New Zealand’s system of connecting victims and offenders. The Danish Department of Prisons and Probation (2012) shows the

recidivism rate in Denmark was 28.9%. also, Makiko Okabe (2013) states the system of Denmark's open prisons and the way of thinking about offenders' people who live in Denmark have. Redemption Roasters (2021) is a coffee shop that educates and hires prisoners to prevent repeat offenses in the United Kingdom.

Lorraine Stutzman Amstutz (2009) shows victims, offender, and the community's benefits and risk of Victim Offender Conferencing. Nil Christie (2006) explained restorative justice from indigenous people's traditional and traditional culture. As offenders' therapy is based on restorative justice, Kaori Sakagami & Amiteio-manabu-kai [The Learning Association] (2002) explain Amity that is the institution of supporting rehabilitation for criminals and addicts in the USA. Kaori Kurosawa & Tsutomu Muramatsu (2012) mention the importance of restorative justice from a psychological point of view. As concrete examples of the methods changing the way of thinking, Hiroshi Yamazaki & Akane Obata (2014) create the advertisement, *Happy Ever After?*, and AdverTimes (2018) explain the

moral lesson based on *Happy Ever After?* Yoshiko Morishita (2021) writes and produces a

TV program, *Folk Tale Courtroom*, and Be-Production produces an animation, *Momotaro:*

the warrior who doesn't like fighting.

Research Questions

The study tries to find solutions and answers to the questions as follows. First, why do former prisoners tend to commit crimes again? Second, how can former prisoners prevent them from returning to prison? Third, what people who have no experience in prison should do to live together? However, this research's purpose does not hide former offenders' assaults. Instead, these three purposes are to figure out why former prisoners tend to return to prison, how to prevent the situation, and how they should live together.

Current Japanese society is based on the idea of retributive justice. One of the reasons it is retribution is that many people who live in Japan are familiar with Japanese folk tales. These famous and popular folk tales have a moral lesson that is good and evil. It forms people's dualistic thinking. In other words, people recognize offenders to be the target of exclusion. Thus, the latent victims of this society are former prisoners. It is not easy for them

to get employment because they have some problems, excluding them. Then, what should the community do for them? Restorative justice helps as a solution.

Method

The methods to do research are mainly a review of the literature. In this pandemic, Covid-19, it was hard to interview, and also, collecting information about prisoners and former prisoners were challenging, but the questionnaires provided by the Ministry of Justice and the Ministry of Justice and Ministry of Health, Labor and Welfare help to know their problems and needs without an interview.

Discussion

Japanese Society and Retributive Justice

Many elements form a society, for example, the environment in which a person has grown up, education, finances, politics. However, stories that meet childhood create identities and communities even out of those. It is not only for Japan, but most people love folk tales in Japanese society. It is widespread, and parents use it for their children as education. For instance, *Momotaro* [Peach Boy] is loved by both children and adults. These folk tales have the same characteristics. The characteristic is a moral lesson that the study focuses on, *Kanzen-cho-aku* (勸善懲悪). It means rewarding good and punishing evil in Japanese. This study shows that these five folk tales affect Japanese society negatively. Specifically, such as these folk tales, people who live in Japanese culture have the thinking that the subject's speech and behavior judge good or evil if thinking as evil, punishment occurs is dominant. It means the community focuses on the action, and it accepts to punish evil. The

thought is similar to retributive justice's basic concept. Therefore, it can be said Japanese society consists of retributive justice. However, many causes are based on retributive justice, such as society's elements. This study explains that Japanese society is retributive justice through Japanese folk tales, one of the great causes.

Dualistic Thinking Based on Good and Evil Examined with Folk Tales

Most Japanese folk tales are based on retributive justice. *The Tongue-Cut Sparrow, Click Clack Mountain, The Old Man and the Blossoms, Momotaro, and The Monkey and the Crab*, these stories are so-called the five great Japanese folk tales. In addition, there are based on *Kanzenchoaku*, rewarding good and punishing evil. Before discussing related folk tales and *Kanzenchoaku*, there is a deep connection to Japanese people and folk tales.

Japanese Folk Tales and Japanese Society

Many people have loved Japanese folk tales for a long time. These five stories mentioned above especially have been loved by people for a long time in Japan. These stories are made from the end of the *Muromachi* period to the early Edo period. However, it is still famous and popular. The reason is that 71.7% of parents read to their children's Japanese folk tales, and 92.1% of them are used to reading them from their parents or adults (mi:te, 2013). It means most people grow up with them. Then, in more detail, how famous and popular are these stories, *The Tongue-Cut Sparrow*, *Click Clack Mountain*, *The Old Man and the Blossoms*, *Momotaro*, and *The Monkey and the Crab* in Japan. Minagawa (2018) surveyed Japanese folk tales recognition survey for 65 students who belong to the nursery department. Out of 65 students, 62 answered that they know *Momotaro*. Students who know *The Old Man and the Blossoms* are 35, *the Monkey and the Crab* are 34, *The Tongue-Cut Sparrow* is 26, and *Click Clack Mountain* is 22 (Minagawa, 2018, p.57) (See Table 1).

Table 1

Degree of recognition of Folk Tales (total=65)

The Title of Folk Tales	Total
<i>Momotaro</i>	62
<i>The Tongue-Cut Sparrow</i>	36
<i>The Old Man and the Blossoms</i>	35
<i>The Monkey and the Crab</i>	34
<i>Click Clack Mountain</i>	22

Note. Simplified from Minagawa, A, 2018, p.57; my translation.

(Minagawa, A. (2018). On how wide students understand old tales: Considering the analysis of a questionnaire. RESEARCH BULLETIN OF Kindai University Kyushu Junior College, (48), 54-64)

Moreover, students who answer that the folk tales their family, at kindergartens, or nursery schools used to read them: *Momotaro* are 16, *The Old Man and the Blossoms* are 25,

The Monkey and the Crab are 20, *The Tongue-Cut Sparrow* is 12, and *Click Clack Mountain* is 17 (Minagawa, A, 2018, p.57) (See Table 2).

Table 2

Number of students who answered that folk tales their family, at kindergartens, or nursery schools used to read them (total=65)

The Title of Folk Tales	Total
<i>The Old Man and the Blossoms</i>	25
<i>The Monkey and the Crab</i>	20
<i>Click Clack Mountain</i>	17
<i>Momotaro</i>	16
<i>The Tongue-Cut Sparrow</i>	12

Note. Simplified from Minagawa, A, 2018, p.57; my translation.

(Minagawa, A. (2018). On how wide students understand old tales: Considering the analysis of a questionnaire. RESEARCH BULLETIN OF Kindai University Kyushu Junior College, (48), 54-64)

According to mi:te (2013), a site for support of raising children for their parents, asks if you have ever read Japanese folk tales to their children. Seventy-one point seven% of parents answer yes, and only 28.3% of parents do not. Also, it asks 338 parents or adults' favorite Japanese folk tales. Sixty-four people are *Momotaro*. Twenty-three people are *the Monkey and the Crab*. Sixteen people are *The Old Man and the Blossoms*. Eleven people are *The Tongue-Cut Sparrow*. Ten people are *Click Clack Mountain* (mi:te, 2013)(See Table 3).

Table 3

Number of parents or adults' favorite Japanese folk tales (total=338)

The Title of Folk Tales	Total
<i>Momotaro</i>	64
<i>The Shining Princess</i>	28
<i>The Grateful Stone Statues</i>	28
<i>The Crane's Gratitude</i>	25
<i>The Monkey and the Crab</i>	23
<i>The Old Man and the Blossoms</i>	16
<i>Urashima Taro</i>	11
<i>The Tongue-Cut Sparrow</i>	11
<i>Click Clack Mountain</i>	10
<i>Red Demon and Blue Demon</i>	9

Note. Simplified from mi:te, 2013; my translation.

(mi:te (2013). *Oshiete! "nihon no mukashibanasi" anketo kekka happyo [Tell me!*

Announcement of the results of the survey on "Japanese Legend"])

Additionally, they chose the folk tales because of *Momotaro*: one of answerer stated when she was a child, she wanted to eat dumplings because they looked delicious. *The Monkey and the Crab*: another answerer mentioned characters are varied, and the story development is interesting. *The Old Man and the Blossoms*: an answerer felt she loves the story of an honest and kind old man who becomes happy. *The Tongue-Cut Sparrow*: other answerer pointed a mere child as she was, an honest person is the best!! If she was honest, her life would be wonderful. *Click Clack Mountain*: in an answerer's opinion, it is a little bit of a tragedy, but it has a correct moral lesson in the story (mi:te, 2013). In addition to this, Bandai (2012) asks 2,000 parents who have children from 0 to 12 years old which folk tales do they want to hand down to their children. The answer is: 405 parents answer *Momotaro*, 107 parents are *The Old Man and the Blossoms*, 83 parents are *the Monkey and the Crab* (Bandai, 2012) (See Table 4).

Table 4

Number of parents who have children from 0 to 12 years old which folk tales do you want to

hand down to your children (total=2,000)

The Title of Folk Tales	Total
<i>Momotaro</i>	405
<i>The Rabbit and the Turtle</i>	191
<i>The Grateful Stone Statues</i>	164
<i>Cinderella</i>	117
<i>The Old Man and the Blossoms</i>	107
<i>Urashima Taro</i>	103
<i>The Crane's Gratitude</i>	94
<i>The Monkey and the Crab</i>	87
<i>Three Little Pigs</i>	85
<i>The Ant and the Grasshopper</i>	80
<i>The Tongue-Cut Sparrow</i>	Unknown
<i>Click Clack Mountain</i>	Unknown

Note. Simplified from Bandai, 2012; my translation.

(Bandai (2012). *Bandai kodomo anketo repoto [Bandai Children's Survey Report]*)

However, for children, how do they feel about Japanese folk tales? According to mi:te (2013),

out of 480 parents, 354 parents choose that their children like Japanese folk tales and show

the reasons, moreover their children's favorite folk tales are *Momotaro* is 80 children: a

parent who chose the story answered this story has a lot of animals, and lam into demons

which I do not like, *The Monkey and the Crab* is 24: another parent felt many animals and

things fight together are interested in my child, *Click Clack Mountain* is 12: in a parent's

opinion, my child seems not to understand the content, but she looks exciting to raccoon

dog's reaction. It burns! When he is on fire, and *the Old Man and Blossoms* is 5: a parent

stated words' rhythm such as Dig here, bow-wow! It is interesting for my child. Also, he

learns to love and be kind to animals (mi:te, 2013) (See Table 5).

Table 5

Number of out of parents choose that their children like Japanese folk tales (total=354)

The Title of Folk Tales	Total
<i>Momotaro</i>	80
<i>The Monkey and the Crab</i>	24
<i>The Rolling Rice Ball</i>	22
<i>Click Clack Mountain</i>	12
<i>Little One-Inch</i>	11
<i>The Grateful Stone Statues</i>	10
<i>Urashima Taro</i>	8
<i>The Three Charms</i>	7
<i>An Old Man with a Lump</i>	6
<i>The Crane's Gratitude</i>	5
<i>The Old Man and the Blossoms</i>	5
<i>The Farting Bride</i>	5
<i>The Tongue-Cut Sparrow</i>	Unknown

Note. Simplified from mi:te, 2013; my translation.

(mi:te (2013). *Oshiete! "nihon no mukashibanasi" anketo kekka happyo* [Tell me!

Announcement of the results of the survey on "Japanese Legend"])

Also, Niconico news (2016) research 402 university students about what they like in Japanese

folk tales. Like other research, 133 students chose *Momotaro* as the most significant number,

and 17 students chose *The Old Man and Blossoms* (Niconico news, 2016) (See Table 6).

Table 6

Number of university students about what they like in Japanese folk tales (total=402)

The Title of Folk Tales	Total
<i>Momotaro</i>	133
<i>The Shining Princess</i>	38
<i>The Rolling Rice Ball</i>	32
<i>The Straw Millionaire</i>	23
<i>The Old Man and the Blossoms</i>	17
<i>The Monkey and the Crab</i>	Unknown
<i>The Tongue-Cut Sparrow</i>	Unknown
<i>Click Clack Mountain</i>	Unknown

Note. Simplified from Niconico news, 2016; my translation.

(Niconico news (2016). *Daigakusei ga sukina "nihon-mukashibanasi" toppu 5!* [Top 5

"Japanese Old Tales" that college students like!])

The reasons students who answer *Momotaro* are: it is the most famous story, and impressive.

She has heard from my grandfather who is from Okayama (the story). Personally, it is the most famous, and he loves the episode that makes animals accompany one after another and overthrow demons together. *The Old Man and the Blossom* is one of the answers often reads the picture book when she was child (Niconico news, 2016).

Many parents believe folk tales would be a good way to develop children's moral values. According to mi;te (2013), the reason is 96.9% of parents think reading Japanese folk tales are helpful to raise children. For example, a mother who has a years-old daughter answered that folk tales have profundities and moral lessons that current picture books do not have. Moreover, it could be helpful to learn the lifestyle of ancient people and historical background. In addition to this, another mother with a two-year-old daughter answered that "folk tales write moral lessons gently, and she believes it is useful to nurture the heart." Also, a mother who has a three-year-old son answered "because of folk tales, we could estimate

others' emotions and learn Japanese traditional culture that thinks a great deal of kindness”

(mi:te, 2013; my translation). For these reasons, people know Japanese folk tales because

parents chose them as a tool to learn moral lessons and Japanese traditional culture. It means

that Japanese folk tales have an impact on people's sense of values, for better or worse.

In this research, people answer “the story has a moral lesson.” The moral lesson is precisely the idea of good and evil. It can be said that is why Japanese people and retributive justice connect deeply because Japanese folk tales are based on dualistic thinking: *Kanzen-cho-aku*. However, the thinking of folk tales initially has other moral lessons except for hating evil. About the idea of good and evil, Mano (1999) states that:

evil is greed, monopoly, and injury. At first, the evil of greed accepts one's own desire for folk tales. The evil that folk tales regard is the so-called type of older adult who was a neighbor that envied another person's good fortunes. (...) For folk tales, the desire that envies

another person's good fortune is evil, and satisfaction is reasonable, so folk tales show a view of life that people could not live with comfort if envying others. Next, the evil of monopoly is the evil that tries to monopoly crops and finds. For these folk tales, that motif of monopoly and injury, determining to carry out justice for revenge or punishment is good. However, in folk tales, an eye for an eye, a tooth for a tooth means the rule that deprives the eye of a person who deprives others of an eye, but as revenge on the person, should not deprive his eye and ear. Humans are sensitive to being done something by others. It is capable of depriving the life of people who deprive it despite being deprived of an eye. In our daily life, we have the possibility of becoming offenders or victims with little harm in body and mind. Folk tales describe not forgetting that both victims

and offenders have human rights (Mano, 1999, p.14-15; my translation).

As Mano states, originally, folk tales' message is moral lessons, including not requiring retaliation more than necessary. However, it seems that current people misunderstand the meaning. They recognize the meaning of receiving good and punishing evil as being the words. The next section describes these five folk tales in more detail including each story's point that shows how this story is based on good and evil.

Five Folk Tales from Good and Evil Perspective

As the previous section mentioned, the five great Japanese folk tales are famous and popular. These stories are passed on from parent to child as moral education lessons. Imprinted rewarding good and punishing evil stories on the child's mind make society see things good or evil.

The Tongue-Cut Sparrow's characters are an old man, an old woman, and sparrows. It started with an old man bringing an injured sparrow back to his house to help the sparrow. One day, an old woman who is his wife got angry at the sparrow, and she cut its tongue because it licked the laundry starch. He found it was gone, so he went to look for it. Finally, he found it, and it and its brothers entertained him. Before going home, it gave him a gift full of treasure. The old woman knew that, so she went to its house to get a heavier gift than he got. she got the gift, but it was full of horrible things. She ran home like crazy. Then, the old man told her not to do something terrible and be greedy (Chiba, 2010, p.40-51). From a good and evil perspective, the good is the old man's action, helping the injured sparrow, and the evil is the old woman's action, cutting the sparrow's tongue to punish (See Table 7).

Click Clack Mountain's characters are an old man, an old woman, a rabbit, and a raccoon dog (in some cases, a bear, not a raccoon dog). The story summarizes that an old man and an old woman worked in their field together. A raccoon dog always slandered and wasted

the fields. One day, he succeeded in catching it. He brought back to his home with a tied raccoon dog to eat. Then, it asked the old woman to help cook and promised never to run away. She believed and untied, but it beat her on the head with the threshing mallet, and it ran away from their house. After coming back, the old man found her and cried out. Just then, a rabbit they loved passed by, and it decided to take revenge. The rabbit cheated the raccoon dog, and finally, the raccoon dog sank to the bottom of the sea (Chiba, 2010, p.124-135).

From the thinking; good and evil perspective, the good action is the old woman believed and untied the raccoon dog. The evil action is the raccoon dog killing the old woman (See Table 7).

The Old Man and the Blossoms's characters are an honest old man, his wife, Shiro, a dog that the honest old man and his wife had, an old man and an old woman who were neighbors, and a feudal lord. The story's outline is that Shiro found the gold coin from the field where the hackberry tree stood. An old man and an old woman who were neighbors

heard the story, so they asked to borrow their dog. However, the old man's neighbors did not find the gold coins, so he killed Shiro. The honest old man and his wife were sad because of its death, and they buried Shiro in their garden and planted a pine tree instead of a tomb. Just then, the tree overgrown and became large, so they cut the tree and made a mortar. They made rice cakes with the mortar, suddenly the rice increased and filled the kitchen. The old man and the old woman who were neighbors heard the story, they asked to borrow again, but this time also did not go well. He got angry, and he broke and burned. The old honest man went to their house to get the mortar back, but it was burnt to ashes. Then, he started to walk and scatter the ashes. A feudal lord found him and said to bloom the cherry tree. He scattered the ashes, and the cherry tree was in full bloom. The feudal lord was satisfied, so he gave the old man a lot of rewards. The old man, who was a neighbor, saw it, so he collected the ashes to bloom the flower and get rewards. However, his challenge failed, and the ashes got into the feudal lord and his retainers' eyes and noses. The feudal lord gave the order to tie him up. They took him

to the castle and punished him severely (Chiba, 2010, p.76-87). From the thinking; good and evil perspective, the good is that the honest old man and his wife rented their dog, mortar, and punch to the old man and the old woman who were neighbors. On the contrary, the evil is the old man who was a neighbor, killed the dog, burned borrowed mortar, and lied to the feudal lord (See Table 7).

Momotaro's characters are Momotaro, an old man, an old woman, a dog, a monkey, a pheasant, and demons. The storyline is that an old woman found a giant peach while washing clothes. She picked it up and took it back to her house. An old man cut the peach, and a boy appeared. They decided to raise him as their son and call him Momotaro. Momotaro grew up and became strong. When he turned fifteen, he said to the old man and the old woman that I would go to slay the ogre because I heard they came here and grabbed treasures. He took millet dumplings, and he left. He accompanied a dog, a monkey, and a pheasant to give them millet dumplings. Then, they arrived at Ogres' Island. They fought with demons, and finally,

demons gave in. Momotaro, the dog, the monkey, and the pheasant brought the treasure back from the island. He went home and gave the treasure to the dog, the monkey, and the pheasant (Chiba, 2010, p.16-27). From the thinking; good and evil perspective, the good is the old man and the old woman raised Momotaro up. On the other hand, the evil is the demons that stole villagers' properties (See Table 7).

The Monkey and the Crab's characters are a crab, a young crab, a monkey, a bee, a chestnut, a piece of kelp, and a millstone. The story's outline is of a monkey and a crab walking at the foot of a mountain. Suddenly, the monkey found a persimmon seed, and on the other hand, the crab found a rice ball. The monkey offered to make an exchange. The crab was approved, and it planted the seed. Then, the tree bore persimmons. The crab tried to pluck, but it could not take it because it was too small. The monkey came to see one day, so the crab asked for help. The monkey climbed the tree and ate delicious persimmons. The crab from under the tree yelled; gave it to me. The monkey threw hard green persimmons at the

crab. The persimmons hit and cracked the crab's shell, so the monkey took full of persimmons and ran away. A young crab went back home and found its father fell down. It spoke to its father, its father said; the monkey before dying. While the young crab cried, a beer, a chestnut, a piece of kelp, and a millstone offered their hands. They went to the monkey house, where the monkey was away and hid. Soon, the monkey went back home, they attacked it after another. The young crab came to the monkey on the millstone that could not move and said it was revenge on his father. The young crab cut the monkey's head (Chiba, 2010, p.184-195). From the thinking; good and evil perspective, the good is the crab was kind to the monkey. However, the evil is that the monkey killed the crab and deprived persimmons (See Table 7).

Table 7*Folk tales from good and evil perspective*

The Title of Folk Tales	Good	Evil
<i>The Tongue-Cut Sparrow</i>	The old man helped the injured sparrow.	The old woman cut the sparrow's tongue.
<i>Click Clack Mountain</i>	The old woman believed and united the raccoon dog.	The raccoon dog killed the old woman.
<i>The Old Man and the Blossoms</i>	The honest old man and his wife lent the dog, mortar, and punch.	The old man who was a neighbor, killed the dog, burned borrowed mortar, and lied to the feudal lord.
<i>Momotaro</i>	The old man and woman raised Momotaro up.	The demons stole villagers' properties.
<i>The Monkey and the Crab</i>	The crab was kind to the monkey.	The monkey killed the crab and deprived persimmons.

Note. Simplified from Chiba, M, 2010.

(Chiba, M (2010). CDtsuki-eigode-tanoshimu! nihon-mukashibanashi [Let's Read in English!: Japanese folk tales]. Kabushiki gaisya natsume sya)

However, *The Monkey and the Crab* has a big difference in the virtue of books.

According to Nihon-minwa-no-kai [The Japanese folk tales association] (1986), the crab succeeded in taking persimmon's tree back from the monkey, and the monkey said to him; I will bring 1,000 monkeys which live in the east and 1,000 monkeys which live in the west and come to you for revenge tonight. The crab was at a loss, just then, the chestnut came to him (Nihon-minwa-no-kai, 1986, p.221). In this version, the monkey did not kill the crab. It just declared, moreover the young crab never appeared. In addition, the ending is, the milestone fell to the monkey, and it went to wreck (Nihon-minwa-no-kai, 1986, p.226). It does not describe the monkey's death directly. The reason is the monkey did not kill the crab. Then, why is the content that Chiba edits violence despite targeting children? It is considered to describe a more violent story, and it is easy to understand the monkey is an offender.

Therefore, the recent *the Monkey and the Crab* is crueler than the story passed down through generations because rewarding good and punishing evil is easier to figure, and improving the appropriateness for punishing evil.

Victims and Offenders: Focusing on Human Speech and Behavior

The above introduces five folk tales' storylines and shows the thinking of good and evil. Then, it explains how people have been educated that "bad" people would be punished because of their speech and behavior, such as folk tales, since they were children. The folk tales decide the speech and behavior of Japanese people since people absorb the values within the folk tales. Therefore, they do not mind when punishment happens to someone who causes a terrible action. Japanese has the words that proves this idea: *Kanzen-choaku-sessyou-nashi* (勧善懲悪殺生なし). It means that "because of rewarding good and punishing evil, if someone kills a person who are judged evil, it does not murder" (Sho-gaku-kan, 2001a, p,

1325; my translation). This dualistic thinking relates to the view about offenders deeply. This section discusses victims and offenders using these five folk tales' stories.

Receiving harm

This section shows what kind of harm each character receives in the folk tales.

First, these eight characters who or which received harm. Next, let us focus on what harm they received. The sparrow from *The Tongue-Cut Sparrow* was cut on the tongue by the old woman. The old man and old woman from *Click Clack Mountain* were slandered and wasted in the fields by the raccoon dog. Moreover, the old woman was killed by the raccoon dog.

From *the Old Man and the Blossoms*, Shiro was killed, and the honest old man and his wife were killed Shiro by the old man who was a neighbor. Also, they rented a mortar that was made as a memento was broken. People who lived in villages from *Momotaro* were deprived of their treasures by the demons. The crab from *the Monkey and the Crab* was deprived of his

persimmons and killed by the Monkey. The characters that received harm physically are the sparrow from *The Tongue-Cut Sparrow*, the old woman from *Click Clack Mountain*, the dog from *The Old Man and the Blossoms*, and the crab from *the Monkey and the Crab*. On the contrary, those who had their property broken or stolen by offenders are the old man from *Click Clack Mountain*, the old man and the old woman from *the Old Man and the Blossoms*, and people who lived in villages from *Momotaro* (See Table 8).

Table 8*Harm each character receives in the stories*

The Title of Folk Tales	Victims	The action
<i>The Tongue-Cut Sparrow</i>	The sparrow	It was cut on the tongue by the old woman.
<i>Click Clack Mountain</i>	The old man	They were slandered and wasted the fields by the racoon dog.
	The old woman	They were slandered and wasted in the fields, and she was killed by the raccoon dog.
<i>The Old Man and the Blossoms</i>	Shiro	It was killed by the old man and woman who was a neighbor.
	The honest old man and his wife	They were killed Shiro by the old man who was a neighbor, and they rented a mortar that was made as a memento was broke.
<i>Momotaro</i>	People who lived in villages	They were deprived of their treasures by the demons.

<i>The Monkey and the Crab</i>	The crab	It was deprived of his persimmons and killed by the monkey.
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Note. Simplified from Chiba, M, 2010.

(Chiba, M (2010). CDtsuki-eigode-tanoshimu! nihon-mukashibanashi [Let's Read in

English!: Japanese folk tales]. Kabushiki gaisya natsume sya)

Causing harm

In contrast, this section shows what kind of harm each character causes. These six characters who or which caused harm. The harm that they caused is that the old woman from

The Tongue-Cut Sparrow cut the sparrow's tongue. The raccoon dog from *Click Clack*

Mountain slandered, wasted in the old man and the old woman's fields, and killed the old

woman. From the Old Man and the Blossoms, the old man and old woman who was a

neighbor killed Shiro, broke the borrowed mortar, and lied to the feudal lord. The demons

from *Momotaro* stole the villagers' treasures. The monkey from *the Monkey and the Crab*

killed the crab and deprived the crab's persimmons. The characters which hurt physically are the old woman from *The Tongue-Cut Sparrow*. However, the characters that broke or stole victims' property are demons from *Momotaro*. The characters that damaged both physically and their property are the raccoon dog from *Click Clack Mountain*, the old man and old woman who lived next door from *the Old Man and the Blossoms*, and the monkey from *the Monkey and the Crab* (See Table 9).

Table 9*Harm each character causes in the stories*

The Title of Folk Tales	Offenders	The action
<i>The Tongue-Cut Sparrow</i>	The old woman	She cut the sparrow's tongue.
<i>Click Clack Mountain</i>	The raccoon dog	It slandered, wasted in the old man and the old woman's fields. Also, it killed the old woman.
<i>The Old Man and the Blossoms</i>	The old man and old woman who was a neighbor	They killed Shiro, broke the borrowed mortar, and lied to the feudal lord.
<i>Momotaro</i>	The demons	It stole the villagers' treasures.
<i>The Monkey and the Crab</i>	The monkey	It killed the crab and deprived the crab's persimmons.

Note. Simplified from Chiba, M, 2010.

(Chiba, M (2010). CDtsuki-eigode-tanoshimu! nihon-mukashibanashi [Let's Read in English!: Japanese folk tales]. Kabushiki gaisya natsume sya)

Victims and Offenders: Focusing on the Consequences

Each character's speech and behavior have a significant influence on their consequences in the folk tales. The folk tales find the value of good or evil through their speech and behavior in the stories. Because of it, people who were raised with folk tales believe in the idea of rewarding good and punishing evil. However, Mano mentions "exactly, rewarding good and punishing evil means a person would reward a suitable recompense (gratitude) if you do a good deed for others" (Mano, 1999, p.15; my translation). Then, what is the reward and punishment in these stories?

Rewards

All characters who do good deeds receive rewards such as gold coins, or their other thick friends take revenge for them instead. In five folk tales cases, the old man from *The Tongue-Cut Sparrow* brought the sparrow back to his house, so he got gold coins from sparrows. The old woman from *Click Clack Mountain* died because she believed the raccoon dog's words, but the rabbit that the old man and her avenged loved. From *the Old Man and the Blossoms*, the honest old man and his wife rented Shiro and the mortar as a memento instead, they got rewards from the feudal lord. The old man and the old woman from *Momotaro* raised Momotaro, then he grew up and firmly brought treasures back to home. The crab from *the Monkey and the Crab* grew a tree of persimmons, the bee, the chestnut, the piece of kelp, the millstone, and its son took revenge on the monkey after death. The characters who received rewards, including revenge from other characters that got help, are the old man from *The Tongue-Cut Sparrow*, the old man and woman from *Click Clack*

Mountain, and the old man and the old woman from *Momotaro*. Like the previous line, the

crab from *the Monkey and the Crab* received from its son and friends. However, the

characters received from a higher-ranking person are the old man and the old woman from *the*

Old Man and the Blossoms (See Table 10).

Table 10*Good characters in each stories and reward*

The Title of Folk Tales	Good Character	The Good Action	Rewards
<i>The Tongue-Cut Sparrow</i>	The old man	He brought the sparrow back his house.	He got gold coins from sparrows.
<i>Click Clack Mountain</i>	The old woman	She believed the raccoon dog's words and loved the rabbit.	The rabbit avenged.
<i>The Old Man and the Blossoms</i>	The honest old man and his wife	They rented Shiro and the mortar as a memento.	They got rewards from the feudal lord.
<i>Momotaro</i>	The old man and woman	They raised Momotaro up.	Momotaro brought treasures back to home.

<i>The Monkey and the Crab</i>	The crab	It grew a tree of persimmons.	The bee, the chestnut, the piece of kelp, the millstone, and its son took revenge on the monkey.
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Note. Simplified from Chiba, M, 2010.

(Chiba, M (2010). CDtsuki-eigode-tanoshimu! nihon-mukashibanashi [Let's Read in

English!: Japanese folk tales]. Kabushiki gaisya natsume sya)

Punishment

As mentioned above, if characters do evil deeds, they are to be punished; for

example, they get what they deserve or get killed. The old woman from *The Tongue-Cut*

Sparrow cut the sparrow's tongue and she was greedy, so she experienced a scary situation

because she chose a large gift that was full of horrible things The raccoon dog from *Click*

Clack Mountain did bad deeds to the old man and the old woman and it killed her, and the

rabbit killed it. The old man and woman who were neighbors from *the Old Man and the*

Blossoms killed Shiro, broke the borrowed mortar, and lied to the feudal lord, severely punishing him. The demons from *Momotaro* deprived villagers of treasures; because of their own did, Momotaro and others came to them to punish and confiscate. The monkey from *the Monkey and The Crab* killed the crab and deprived the crab's persimmons or tried to deprive them, so the crab's son and friends killed it. The characters who received minor punishment than provided damages are the old woman from *The Tongue-Cut Sparrow* and the old man and old woman who lived next door from *the Old Man and the Blossoms*. On the other hand, the characters that received equal punishment are the raccoon dog from *Click Clack Mountain*, the Demons from *Momotaro*, and the monkey from *the Monkey and the Crab* (See Table 11).

Table 11*Evil character's punishment*

The Title of Folk Tales	Evil Character	Punishment
<i>The Tongue-Cut Sparrow</i>	The old woman	She experienced a scary situation because she chose a large gift that was full of horrible things.
<i>Click Clack Mountain</i>	The raccoon dog	It did bad deeds to the old man and the old woman and it killed her, and it was killed by the rabbit.
<i>The Old Man and the Blossoms</i>	The old man and old woman who was a neighbor	They killed Shiro, broke the borrowed mortar, and lied to the feudal lord, so he was punished severely.
<i>Momotaro</i>	The demons	Momotaro, the dog, the monkey, the pheasant came to them to punish and they confiscated.
<i>The Monkey and the Crab</i>	The monkey	It killed the crab and deprived the crab's persimmons or tried to deprive them, so it was killed by the crab's son and friends.

Note. Simplified from Chiba, M, 2010.

(Chiba, M (2010). CDtsuki-eigode-tanoshimu! nihon-mukashibanashi [Let's Read in English!: Japanese folk tales]. Kabushiki gaisya natsume sya)

Situation that Surround Former Prisoners

In current Japanese society, the latent victims who are similar to offenders because of their speech and behavior in Japanese folk tales are former prisoners. The idea of retributive justice also excludes them. Former prisoners were punished using law by imprisonment, but if “criminals” are released from prisons, they cannot quickly return to society. The reason is community never welcomes them because they are “criminals” even if they paid for their sins legally. This thought comes from folk tales as social and cultural factors. Then, communities treat them as “criminals” and try to fulfill the mission to punish them.

However, the Japanese government gets effort into former prisoners to return to society quickly through CORE-work and cooperating employers because it believes the recidivism rate relates the employment rate. Although, more than one out of two former prisoners committed the crime again in 2019. One of the causes is that they cannot get jobs because they are former prisoners. Or cooperating employers can gain subsidies from the government if they hire former prisoners, but they think it is a risk such as heartless comments.

The Dilemma of Former Prisoners

This section discusses the recidivism rate and former prisoners' employment rate as their dilemma after release. It consists of recidivism rate and former prisoners' employment rate. Former prisoners' dilemma is that there is no hope after being released. The reason why the high rate of recidivism is that the employment rate is low. That means there is the

possibility that if they are released from prison, there is nothing for it but to repeat offenses.

Even if they need to return to their old life, they could not because getting jobs is hard. The

following sections show in more detail.

Recidivism rate

As mentioned in the introduction, according to The Public Prosecutors' Office (2021), the recidivism rate is 58.3% in 2019 in Japan. In short, one out of two former prisoners is rearrested and goes back to prison (The Public Prosecutors' Office, 2021). First of all, look back on the recidivism rate in the last five years from 2018. The recidivism rate in 2014 is 59.3%, 2015 is 59.4%, 2016 is 59.5%, 2017 is 59.4%, and 2018 is 59.7% (White Paper on Crime, 2020a). As seen in table 12, the recidivism rate decreased compared to 2019: 58.3%.

Table 12

The recidivism rate in 2014 to 2019

Year	Total
2014	59.3%
2015	59.4%
2016	59.5%
2017	59.4%
2018	59.7%
2019	58.3%

Note. Simplified from White Paper on Crime, 2020a; my translation.

(White Paper on Crime (2020a). *Dai 3 setsu kyosei* [Section 3 reform])

More specifically, e-Stat, a government statistics portal site that provides Japanese statistics, shows some tables. This statistical table shows repeat offense, the act of committing a crime repeatedly. In detail, “the penal laws; means augmentation of penalty against a person who is sentenced to penal servitude to commit a crime again within five years until execution of the

sentence has been completed or that there has been a remission of implementation and the history of imprisonment, a numerical value that records the number of being imprisoned in penal institutions” (General Incorporated Association Yori-soi-net Osaka; my translation).

Kyosei-toukei-chosa (2021) mentioned in 2019, the total number of new prisoners is 17,464.

In this number, the repeat offense is 8,551, the non-repeat offense is 8,843, and the non-applicable offenders are 70 (Kyosei-toukei-chosa, 2021). In the history of imprisonment (See Table 13), the number of a person who commits a crime once is 7,277, twice is 2,828, three times is 1,852, four times is 1,507, five times is 1,507, six to nine times is 2,102, and more than ten times is 833 (Kyosei-toukei-chosa, 2021).

Table 13

In the history of imprisonment, the number of a person who commits a crime

The History of Imprisonment	Total
Once	7,277
Twice	2,828
Three times	1,852
Four times	1,507
Five times	1,507
Six to nine times	2,102
More than ten times	833

Note. Simplified from Kyosei-toukei-chosa, 2021; my translation.

(Kyosei toukei tyosa, (2021). *Shin jukeisya no zaimei betsu: nyusho dosu oyobi ruihan* •

hiruihan [Number of new inmates admitted to prison by crime, repeat crimes, and non-

incumulative crimes])

This statistical Table 14 describes that the number of repeat offenses is not larger than the non-repeat offenses even though the former was a larger number from 2016 to 2018. In 2016, the repeat offense was 10,430; on the contrary, the non-repeat offense was 9,962. 9,726 was the repeat offense; on the other hand, the non-repeat offense was 9,521 in 2017. In 2018, 9,266 were repeat offenses, and 8,896 were non-repeat offenses (Kyosei-toukei-chosa, 2021).

Table 14

Number of repeat offenses and non-repeat in 2016 to 2018

Year	repeat offenses	non-repeat offenses
2016	10,430	9,962
2017	9,726	9,521
2018	9,266	8,896
2019	8,551	8,843

Note. Simplified from Kyosei-toukei-chosa, 2021; my translation.

(Kyosei-toukei-chosa, (2021). *Shin jukeisya no zaimai betsu: nyusho dosu oyobi ruihan* ·

hiruihan [Number of new inmates admitted to prison by crime, repeat crimes, and non-

incumulative crimes])

However, as with the history of imprisonment, the number of prisoners who have been in prison more than twice is more significant. The number is overwhelmingly large. This result is the same as other years.

Next, the period of second conviction of re-imprisoned inmates is focused. In 2019, the whole sum except for re-imprisoned inmates because of the crime that former sentence before releasing is 10,041; less than three months is 1,079, less than six months is 993, less than a year is 1,627, less than two years is 2,105, less than three years is 1,265, less than four years is 834, less than five years is 584, and more than five years is 1,554 (Kyosei-toukei-chosa, 2020a) (see Table 15).

Table 15

Number of Number of re-imprisoned inmates' periods of recidivism except for them because of the crime that former sentence before releasing in 2019

The History of Imprisonment	Total
The whole sum	10,041
Less than three months	2,079
Less than six months	993
Less than a year	1,627
Less than two years	2,105
Less than three years	1,265
Less than four years	834
Less than five years	584
More than five years	1,554

Note. Simplified from Kyosei-toukei-chosa, July 30 2020a; my translation.

(Kyosei-toukei-chosa, (July 30 2020a). *Sainyu jukeisya no nyusho dosu betsu saihan kikan*

[Period of Re-incrimination by Number of Re-incrimination of Sentenced Persons])

It means about 84.5% of re-imprisoned inmates committed a crime again less than five years

after their release. The number does not significantly differ from 2016 was about 85.8%. As

the statistics from above shows, the recidivism rate in 2019 is less than from 2014 to 2018.

The repeat offense also decreased compared to 2016 to 2018. As the number, 2019's

recidivism rate, and repeat offense are lowest among other years. However, there is no big

change in the ratio in the second conviction of imprisoned inmates compared to 2016 and

2019. Also, the history of imprisonment has not changed; more than twice is larger than once.

Employment rate

Former prisoners' rate of employment is low in Japan. Kyosei-toukei-chosa (2020b)

indicates that the number of reimprisoned inmates who were out of employment while

committing a crime again was 7,119 in 2019 (Kyosei-toukei-chosa, 2020b). Specifically, this

number includes students and houseworkers. The number of unemployed is about 70.8%

overall. What is the reason why reimprisoned inmates would not have jobs when they commit a crime? There are two reasons: their names being exposed and the system negatively functioning.

The first reason is their names being exposed when they commit a crime. Kurozu-appu-gendai+ (2019), a TV program from Japan Broadcasting Corporation, reports and interviews people who did and did not rename. It mentions a former prisoner who thinks his name is a bomb because it connects his previous criminal records. The former prisoner talks about how his name affects his life; for example, “when he applied for a resume to Hello Work, he received a contact about refusal before going to the interview. Job hunting is challenging. Because of his name, he cannot get any job. He cannot work if he does not rename it” (Kurozu-appu-gendai+, 2019; my translation). Bengoshi-dotto-komu news (2020) interviews Hiroshi Igarashi, a chief director of the non-profit organization Mother House that supports prisoners and released prisoners. He states that “if people search the internet, you can

find out what they do. There are fewer companies that want to hire such people. People who have previous convictions or criminal records cannot avoid discrimination and prejudices.

Also, hiring as a full-time worker is difficult because the employment arrangement is generally dispatched to employees. Even if they get a qualification, they cannot work. People cannot work using their qualifications, moreover, sometimes they would be rejected because of their previous convictions or criminal records on the internet” (Bengoshi-dotto-komu news, 2020; my translation). Because of their name, getting a job is difficult for them.

The second reason is that the Japanese system is negatively functioning, which is a negative chain. This figure (See Figure 1) describes why the system is a negative chain.

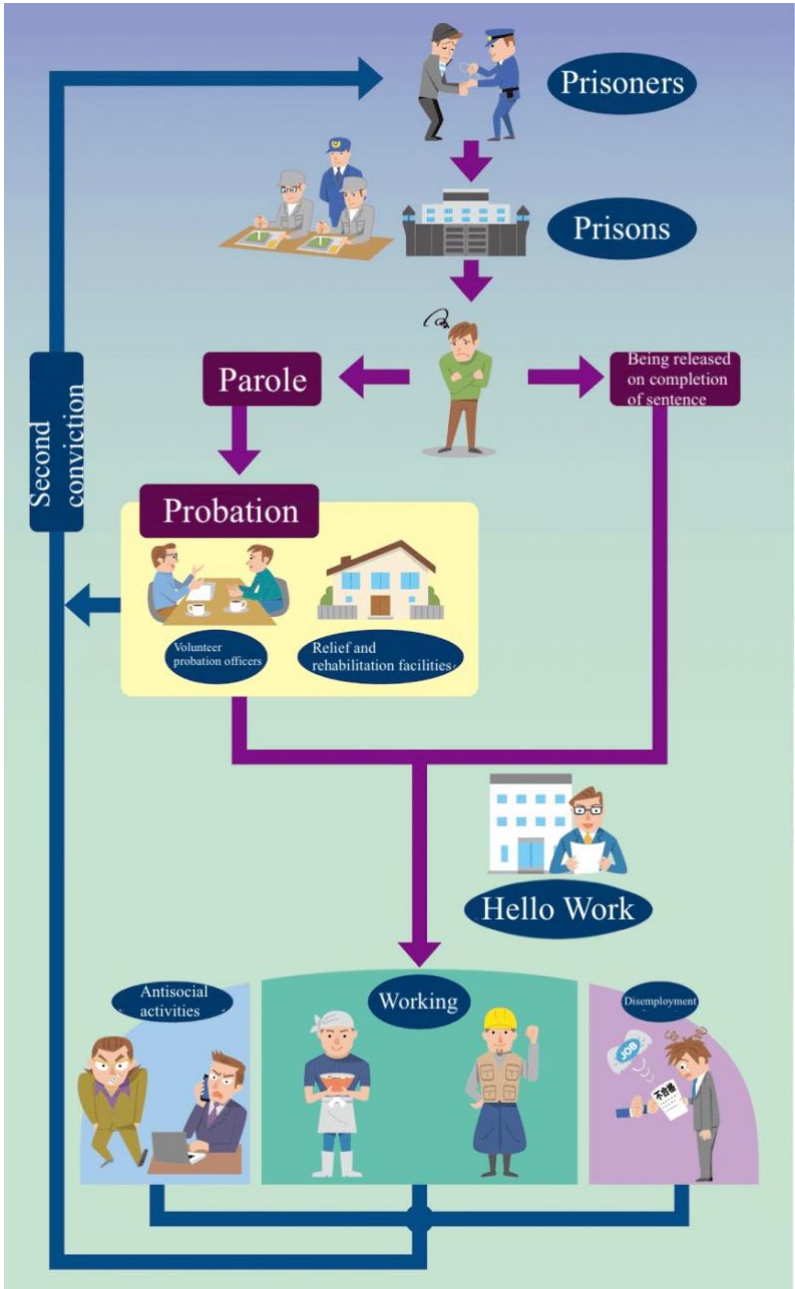
Firstly, a sentenced person goes to prison, he is released on parole, or his sentence completed.

If he was released on parole, he has a period of probation, so volunteer probation officers support him, and he could live in a rehabilitation facility. He would get a job, be a member of antisocial forces, be unemployed, or commit a crime again. On the contrary, if he was

released because his sentence was completed, he would start to work asking for Hello Work's help, become an antisocial force member, or be out of employment. In order to live, he cannot make any decisions, so he commits a crime again and rearrests (Ridilover Journal, 2018).

Figure 1

Released prisoners' social rehabilitation: the reason of one of two released prisoners return to prisons



Note. From *Ridilover Journal*, by Ridilover Journal, 2018; my translation,

(<https://journal.ridilover.jp/topics/19>).

Then, breaking this negative chain would be one of the methods to prevent former prisoners from returning to prison. However, how? It explains the section about living together in Japan.

Supporting Systems in Japan and Their Problems

This section discusses the support system and its problems when former prisoners try to get jobs. In more detail, it discusses the system that prevents second conviction and support for employment for former prisoners provided by the Ministry of Justice, which is CORE-work and cooperating employers, private support groups, and blames surrounding support groups for offenders.

The Systems Provided by the Ministry of Justice

The Ministry of Justice puts effort into programs for prisoners to get jobs because there are too many crimes that former prisoners commit in Japan. It provides three supports; employment support measures are implemented in cooperation with Japan's unemployment agency, Hello Work and implementation of continuous and detailed support as employment support for released prisoners, and released prisoner employment incentive for cooperating employers and incentive system in competitive bidding for public construction etc as a support system for cooperating employers (The Ministry of Justice, 2019). Employment support measures are implemented in cooperation with Japan's unemployment agency, Hello Work, released prisoner employment incentive for cooperating employers, and incentive system in competitive bidding for public construction, etc. This will be discussed in later sections, CORE-work and Cooperating employers. However, according to the Ministry of Justice (2019) implementation of continuous and detailed support is:

At some probation offices, we carry out the “Rehabilitation Protection Employment Support Project,” which provides continuous and detailed support from the entrance of the correction facility to the establishment of the workplace after employment, utilizing private know-how and personal networks. In this project, (1) employment activity support and (2) employment infrastructure development are provided by employment support personnel who have expertise and experience in employment support and employment management for those having difficulties in securing employment.

In addition, in Iwate, Miyagi, Fukushima prefectures where the damage from the Great East Japan Earthquake was great, (3) support for job retention and (4) support for permanent residences are also provided (The Ministry of Justice, 2019).

Another example is the Act for the Prevention of Recidivism was dispensed in 2016.

Japanese Law Translation (2019) states that the purpose of the act is:

In view of the fact that it is of importance in crime control to prevent

recidivism by facilitating the smooth reintegration into society of

persons who have committed offenses while gaining the

understanding and cooperation of the people, this Act aims to

comprehensively and systematically advance initiatives to prevent

recidivism by laying down fundamental principles and clarifying the

responsibilities of the State and local governments with regard to

initiatives to prevent recidivism and by providing for the particulars

upon which initiatives to prevent recidivism are based, and thereby to

prevent the people from becoming victims of crime and contribute to

bringing about a society in which they can live safely and with peace of mind (Japanese Law Translation, 2019).

In addition, the plan to accelerate the recidivism prevention plan was decided at the ministerial meeting on countermeasures against crimes in December 2019. Cabinet Ministers

Responsible for Anti-crime Measures (2019) mentions that

after establishing this plan, the rate of prisoners who re-enter the penal institutions within two years after their release (recidivism rate within two years) as a government goal fell to below 17% for the first time in 2017. This plan has been achieving tangible results steadily. On the other hand, inmates released on completion of their sentence who return to society after completing their sentence in penal institutions are about 40%. However, the recidivism rate within two years is 25.4% in 2019. Compared to parolees who are placed on probation in

society before completing their sentence return to society (is 10.7%),

it is twice or more. It is crucial how to prevent second convictions

committed to inmates released on completion to decrease the

recidivism rate within two years further after achieving the goal while

achieving the government goal that the rate within two years

decreases below 16% until 2021. In addition, activities by local public

organizations providing various services for residents in each

community are indispensable to prevent a second conviction and re-

misdemeanor and organization related to criminal justice's activities.

Nowadays, local public organizations that push the activities for

repeated crime prevention aggressively are increasing, so cooperation

with local public organizations and private supporters are needed to

promote these actions more and practice sustainable support,

including after finishing the process of criminal justice. However, the reality is that activities for repeated crime prevention would have limited effect is not a rare case because there are many causes of the weak financial base of private supporters. For that, the government would aggressively promote activities to solve these problems as the plan to accelerate the recidivism prevention plan:

1. improvement and strengthening of measures for prisoners who are released on completion;

2. promotion for strengthening cooperation with local public organizations;

3. reinforcement of activities of the organizations of private cooperation (Cabinet Ministers Responsible for Anti-crime Measures, 2019, p.1; my translation).

However, Japanese society must think of other support to prevent the crime again to support former prisoners sustainably except for financial help. The following sections discuss CORE-work and cooperating employers.

CORE-work

CORE-work is one of the programs for employment service for prisoners. According to the Ministry of Justice (2019), Employment support measures are implemented in cooperation with Japan's unemployment agency; Hello Work, is:

Since 2006, the Ministry of Justice and the Ministry of Health, Labor and Welfare have collaborated to implement comprehensive employment support measures for released prisoners. This is based on the establishment of a system in which correctional facilities, probation offices, and public employment security offices work

together. In addition, besides job placement offices providing job counseling and job introductions for probationers, we are implementing support including 1. seminars and business gatherings, 2. workplace experience workshops, 3. trial employment, and 4. personal references (The Ministry of Justice, January 2019).

This system can be said it is functioning. The ministry of justice has a questionnaire about sentenced persons when they were released in 2019. The Ministry of Justice (2019) stated that out of 5,760 who received employment support, 19.9% received Hollo Work's staff members' lecture, and 15.5% received Hollo Work's staff members' interview about vocational counseling that they thought was the most useful. Another answer was the provision of offer information was 25.1%, individual interview by employment support staff members was 24.3%, vocational aptitude test was 1.9%, and others was 13.3% (The Ministry of Justice, 2019, p.40).

Next paragraph discusses CORE-work; a specialist public employment security office for former prisoners and prisoners. Firstly, figure out what is the difference between CORE-work and Hello Work. In short, CORE-work targets former prisoners; to the contrary Hello Work targets everyone. More specifically, the Ministry of Justice explains that

CORE-work (Employment Support Information Center of Correction)

was established to support the employment of inmates who tend to be at a disadvantage when looking for work because of having a criminal record. It matches prisoners with employment by giving support for hiring procedures, such as providing information that will be required for offering special jobs for prisoners, such as desired job types and qualifications or prisoners to Hello Work (public job placement office) (The Ministry of Justice).

Moreover, this name came from “Correction: the correction of inmates,” “Core,” “Collection: the collection of information on prisoners nationwide,” and work (The Ministry of Justice). It provides three services: employment information provision service, recruitment procedure support service, and job assistance consultation service for employers (The Ministry of Justice). This employment security office also supports employers as targets. Its merit is that it could prevent second convictions after releasing immediately that it targets former prisoners and employers, and promotes hiring former prisoners. However, the demerit is that the number of finalized contracts was too small compared to the number of consultations.

According to the Ministry of Justice, the results of CORE-work (as of the end of February 2019), consultations were 2,137, and finalized contracts were 503 (The Ministry of Justice). It means people who received informal decisions are only 23.5% despite 2,137 requests for advice. Are both numbers too small despite the Ministry of Justice putting effort into them?

Cooperating Employers

Cooperating employers help former prisoners get employed by their companies. The previous section mentioned the system released prisoner employment incentive for cooperating employers is “cooperating employers who employ those subjects to probation and provide life guidance and advice necessary for continuing work are paid a maximum of 720,000 yen a year” (The Ministry of Justice, 2019). In addition to this, the preferential treatment system, incentive system in competitive bidding for public construction etc. is “among local governments, the introduction of incentive systems for cooperating employers in competitive bidding for public construction etc. is spreading” (The Ministry of Justice, 2019). In brief, cooperating employers are the system that promotes employment with incentive pay and the preferential treatment system to prevent the second conviction. Then, to be more specific, discuss six support systems, including incentive pay. The Ministry of

Justice and Ministry of Health, Labor and Welfare state that as incentive pay for employment and job retention:

if employers hire former prisoners, the Japanese government will pay up to 80,000 yen per month for a maximum of six months. The second support system is incentive pay for continuous employment that pays twice every three months, up to 120,000 yen six months after hiring former prisoners. Third, it is called the identity guarantee system that is a maximum of one year from the date of employment of former prisoners who do not have any guarantors. It pays up to 2000,000 yen as a solatium that is compensation for the damages by former prisoners etc. Fourth is the trial employment system, which will pay up to 40,000 yen per month for a maximum of three months if cooperating employers hire former prisoners etc., on a trial basis. The

fifth system is if cooperating employers give an opportunity to experience the actual work environment and businesses for former prisoners etc. It will pay the cost of a consigned lecture as a workplace experience lecture. The last one is tours of business establishments in which former prisoners etc. visit actual workplaces and corporate dormitories etc. to promote motivation to employment. The government provides those incentive pay systems to reduce cooperating employers' anxiety (The Ministry of Justice and Ministry of Health, Labor and Welfare; my translation).

Cooperating employers' merit is cooperating employers could receive strong support such as incentive pay and system from the government. By contrast, the demerit is about 14,000 employers registered as cooperating employers. However, only about 500 cooperating employers hired former prisoners etc. (The Ministry of Justice and Ministry of Health, Labor

and Welfare). The result is the same as the CORE-work case. The number of informal decisions and employers who hire are too small. Do these systems work as methods of preventing second convictions? The answers are the questionnaire survey of cooperating employers' shows. Out of 603, there are 254 cooperating employers hired in the most recent one-year period, 123 have not been hired in the most recent one-year period despite what they did in the past, and 197 have not. Those 123 employers did not hire in the most recent one-year period because 51.2% of them answered that the probation office has not contacted them. Likewise, out of 197 employers, 47.2% also have not contacted the probation office, and 15.2% of them answered it has no financial leeway to hire. However, 123 employers answered the question, will they hire people who have committed a crime or been misdemeanor in the future? Employers who responded yes was 41.5%, and 40.7% would hire if satisfying the condition or requirements (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.4-6). More than 80% of cooperating employers who have been hired in the

past would like to hire in the future, but they could not because of a lack of coordination with the probation office. Moreover, cooperating employers have other requests. From this questionnaire, we can find the points to be improved. Firstly, the problem is not only a lack of coordination and funds. Also, cooperating employers' needs can find the questionnaire. Cooperating employers would like to accept work experience and vocational training was 43.4%, participation with events of crime prevention activities was 42.6%, introduce employers who are cooperating employers candidates was 23.9%. Donations were 20.9% as what they want to cooperate with except for employment. Other answers were public relations and enlightenment using IT: 7.6%, nothing: 8.3%, others: 4.6% (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.6) (See table 16).

Table 16

The needs of cooperating employers (total= 603)

The Need	Total
To accept work experience and vocational training	261
To participate with events of crime prevention activities	257
To introduce employers who are cooperating employers candidates	144
Donations	126
Public relations and enlightenment using IT	46
Nothing	50
Others	28

Note. Simplified from the Rehabilitation Bureau of the Ministry of Justice, 2019, p.6; my

translation.

(The Rehabilitation Bureau of the Ministry of Justice, (2019). *Kyoryoku koyonushi ni taisuru*

anketo chosa [A survey to employer cooperation])

From a support perspective, it asked whether they have received support from organizations or organizers when they felt distressed or anxious about employment after hiring people who have committed a crime or been misdemeanor. In table 17, employers who answered yes was 43.8%, on the other hand, employers who chose no was 43.8%, and non-response was 12.5% (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.19).

Table 17

Have they received support from organizations or organizers when they felt distressed or anxious about employment after hiring people who have committed a crime or been misdemeanor? (total= 377)

Answer	Total
Yes	43.8%
No	43.8%
Non-response	12.5%

Note. Simplified from the Rehabilitation Bureau of the Ministry of Justice, 2019, p.19; my translation.

(The Rehabilitation Bureau of the Ministry of Justice, (2019). *Kyoryoku koyonushi ni taisuru anketo chosa [A survey to employer cooperation]*)

In more detail, organizations or organizers that supported; probation officers were 56.4%, volunteer probation officers were 48.5%, offenders' rehabilitation employment support office was 29.1%, Hello Work was 12.7%, and others was 6.7% (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.19) (See Table 18).

Table 18

Number of cooperating employers who got support from organizations or organizers (total= 165)

Answer	Total
Probation officers	56.4%
Volunteer probation officers	48.5%
Offenders' rehabilitation employment support office	29.1%
Hello Work	12.7%
Others	6.7%

Note. Simplified from the Rehabilitation Bureau of the Ministry of Justice, 2019, p.19; my translation.

(The Rehabilitation Bureau of the Ministry of Justice, (2019). *Kyoryoku koyonushi ni taisuru anketo chosa [A survey to employer cooperation]*)

As for the results, there is the same ratio: employers who got support when they felt distressed or anxious and employers who did not get any support. The Ministry of Justice must help

what or when they need it. Also, it has to recognize not only financial support but also coordination is needed.

Private Support Project

This section discusses a private support project that is also one of the companies that hire offenders aggressively. The difference between cooperating employers and these groups does not belong to the Ministry of Justice. The following is a typical example of a Japanese private support project, *Shoku-shin* project [Special mentoring project]. *Shoku-shin* / *Shoku-oya* (the same meaning but the pronunciation is different) means;

1. one of the substitute parents,
2. one's superior at work,
3. youth's guarantors who do not have their guarantors when they get employment,

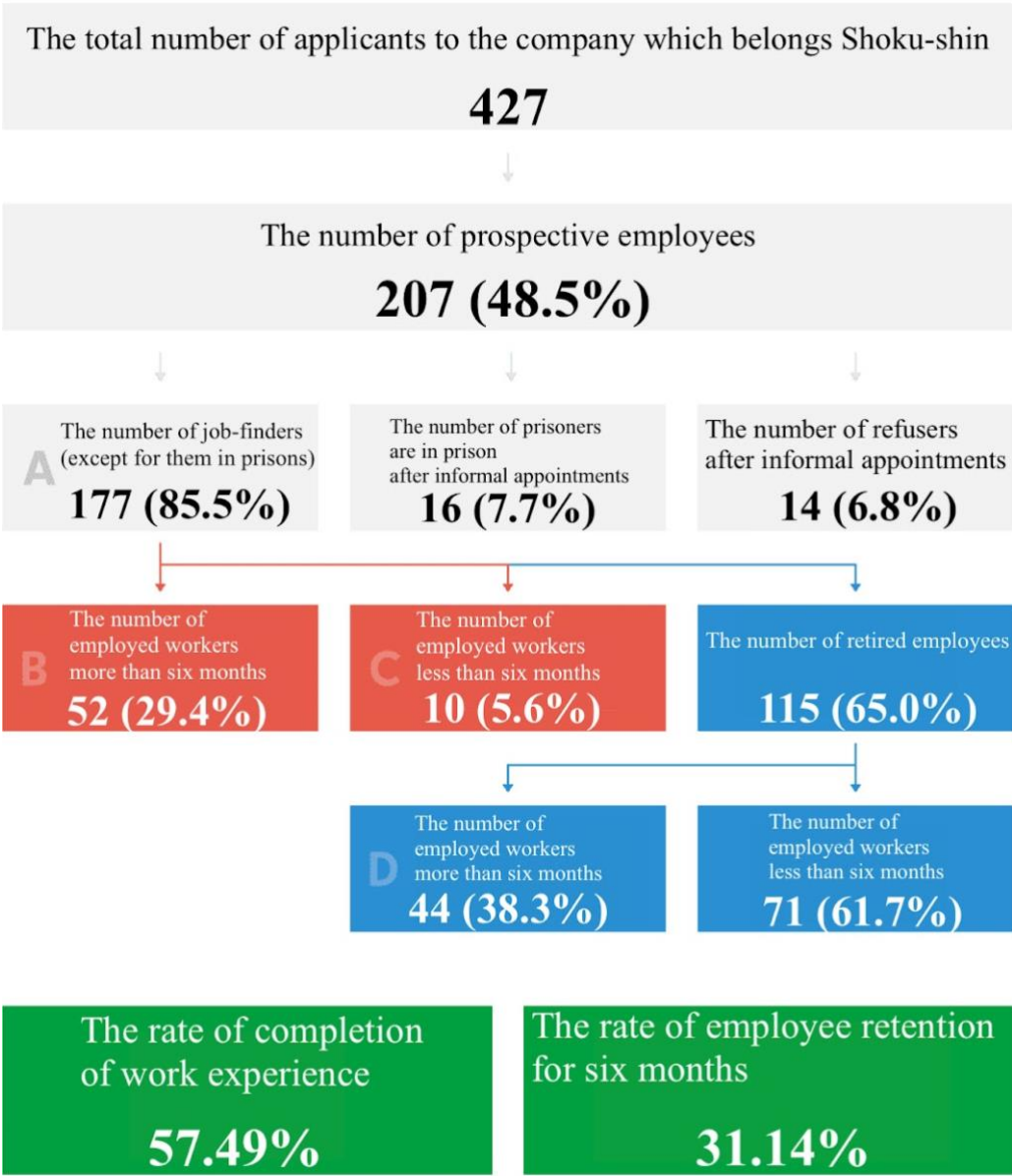
4. employers and private citizens who look after a disabled person who is over 18 years old and give them vocational training that they need to live independent and self-supporting lives in the future (Shogaku-kan, 2001b, p.325; my translation).

Shoku-shin project is the Nippon Foundation's project to prevent future crimes. According to *Shoku-shin* project (2019), 176 companies participated in the project. It has its plan named a three-year program and intermediary support to prevent the second condition. *Shoku-shin* project's merit is that a wide variety of occupations join this project, so former prisoners could select from many choices. On the other hand, the demerit is the number of the retention rate. Four hundred twenty-seven people applied for those companies, and prospective employees were 207. One hundred seventy-seven people, except for prospective employees who were in prison, out of 207 employed. Out of 177, prospective employees who worked for more than six months were 52. Less than six months was 10, and retired people were 115.

Forty-four prospective employees worked more than six months and 71 prospective employees worked less than six months out of 115 retired people. The employee retention rate for six months is 31.14% (Shoku-shi project, 2019) (See figure 2). In this case, the low rate of employee retention is the problem. This rate might lead to the recidivism rate.

Figure 2

Achievement of Shoku-shin project



Note. From The Nippon Foundation, by The Nippon Foundation, 2019; my translation,

(<https://shoku-shin.jp/project/archievement/>).

Blame against Support Groups for Offenders

Some companies or organizations support and hire offenders, including former prisoners in Japan. However, it is still hard to do for some reasons, especially blame. Sometimes, they become the focus of public criticism because they help offenders. The Rehabilitation Bureau of the Ministry of Justice survey questionnaire also shows how difficult it is to hire offenders. The other reasons why cooperating employers have never hired people who committed a crime or were misdemeanors except for the lack of coordination with probation offices are 9.1% could not obtain other employees' understanding, and 8.6% could not get business partners or local people's understanding. Another reason they have not been hired in the most recent one-year period despite what they did in the past is that other employees disagreed with 0.8% (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.5). The number is smaller than other reasons I mentioned above, but this is one of the

problems for improvement. Also, 18.6% of employers choose to improve society's understanding or recognition that a system of cooperating employers is needed for what they would like a probation office etc. to do to hire people who have committed a crime or been misdemeanor (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.8). However, out of 377 employers who have hired them, 27.6% did not inform and 43.8% informed part of employees, on the other hand, the employers who answered that made known to all were 19.6%, and up to their decisions was 5.0% (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.21) (See table 19).

Table 19

Number of cooperating employers informed criminal records of other employees or not

(total= 377)

Answer	Total
Did not inform	27.6%
Informed part of employees	43.8%
Made known to all	19.6%
Up to their decisions	5.0%

Note. Simplified from the Rehabilitation Bureau of the Ministry of Justice, 2019, p.21; my translation.

(The Rehabilitation Bureau of the Ministry of Justice, (2019). *Kyoryoku koyonushi ni taisuru anketo chosa [A survey to employer cooperation]*)

The employers informed other employees that 39.9% answered that they may be in trouble when discovered if not informing others (The Rehabilitation Bureau of the Ministry of

Justice, 2019, p.21; my translation). The employers who did not inform all or information except for some employees are 71.4% of the total. To improve understanding and recognition, it is ideal that the employers inform other employees to hire people who committed a crime or were misdemeanors without hesitation. However, it can be said that a lack of coordination, understanding, and recognition are obstacles to preventing hiring former prisoners. Next, it shows the actual experiences of employers who have hired former prisoners, so they have been targets of criticism.

Specific examples, how difficult it is to hire offenders. One of the supporters of the *Shoku-shin* project, Kentaro Kusakari, writes an essay about his story and why he started to support former prisoners. In the essay, he writes;

I was asked for a TV interview and lecture to talk about my wonderful career. I take them as much as possible so that many people know of the *Shoku-shin* project as one of the opportunities. Through this, I

received lots of messages. Especially TV programs, I got a lot of feedback. I received scolding messages; too much indulgence cover of positive messages; I was impressed and wished you the best

(Kusakari, 2019, p.191; my translation).

Masatsugu Nakai, another supporter of *Shoku-shin* project, states about hiring former prisoners in an interview;

I hired former prisoners at the beginning, anxious that his customers would stop coming and my company would go bankrupt. Thoughts flashed through my mind. There was some criticism such as intentionally hiring only former prisoners. However, I was encouraged to strongly agree, for example, good job and you are brave

(Nishikawa, 2014; my translation).

As you can see from the above, cooperating employers are not familiar. Some people express negative opinions of companies that hire offenders as a high wall that must be broken. By improving the understanding and recognition of other employees, business partners, and local people, employers would hire offenders easily and prevent future crime.

Former Prisoners' Tackling with Their Problems

In previous section, there are two causes that former prisoners cannot get jobs quickly. However, this section focuses on the causes they have. In the first place, finding employment is difficult for former prisoners. Even if they become employees, they cannot keep working. These reasons are they do not have skills of social rehabilitation, they did not receive education on how to prevent second convictions, and they do not have a chance to apologize to victims. To solve these problems, reconsider education in prisons and prisons' role, and allow them to apologize to victims are needed.

Three Points that Offenders Need

To live together, offenders need three points. In other words, former prisoners must resolve the problems that they lack. First, grasp the current situation surrounding former prisoners. The Ministry of Justice collects the questionnaire data targeting prisoners when they are released. From the questionnaire, we can find what prisoners need, and what prisons do.

Social Rehabilitation

The first problem is that prisoners did not prepare to return to society in prisons, so they do not have sociability and desire to work. These factors cause continuing employment to be difficult for them. According to Bengoshi-dotto-komu news (2020), Igarashi states that some former prisoners have social experiences, but others lack experience with work in society. Hence, many do not have sociability.

Some former prisoners who do something not suitable for the general public with nonchalance despite receiving work (money). They must teach one by one even though it is expected in society (Bengoshi-dotto-komu news, 2020; my translation).

In addition, the questionnaire targeting 603 cooperating employers shows other reasons they have never been hired, except for lack of coordination with the probation office and the understanding, additionally 9.1% of them thought people who committed a crime or were misdemeanors do not have licenses, experiences, or knowledge necessary for work. Lack of desire for working was 3.0%, their judgment of not building smooth human relationships was 2.0%, and lack of common sense or business manners was 0.5%. Furthermore, in another question, 21.1% of cooperating employers who have not been hired despite what they did in the past answered people who were hired in the past quit in a short period time or their work

attitudes were not good, so the employers have not hired during one recent twelve months

(The Rehabilitation Bureau of the Ministry of Justice, 2019, p.5) (See table 20).

Table 20

Why cooperating employers have never been hired people who have committed a crime or

been misdemeanor (total= 603)

Answer	Total
Cooperating employers did not have contact from probation offices	47.2%
Enough man-powers	20.3%
There was not enough to hire because of management of companies	15.2%
Cooperating employers did not gain employee's understanding	9.1%
They did not have licenses, experiences, or knowledge necessary for work	9.1%
Cooperating employers did not gain clients and community's understanding	8.6%
Lack of desire for working	3.0%
High age	2.0%
They could not build human relationships smoothly	2.0%
Cooperating employers felt anxious about charges and the type of delinquency	1.5%

Lack of common sense or business manners	0.5%
They had health problems	0.0%
Others	15.2%

Note. Simplified from the Rehabilitation Bureau of the Ministry of Justice, 2019, p.5; my translation.

(The Rehabilitation Bureau of the Ministry of Justice (2019). *Kyoryoku koyonushi ni taisuru anketo chosa [A survey to employer cooperation]*)

In more detail, their average period of employment within six months was 20.7%. The answer was the most common. The second was within one year, 19.6%. However, the employers who answered that the average was more than five years were only 5.8% (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.10). The number of people who worked more than five years is too small despite the number of people who quit within one year. How could those people keep employment? Another question, what do the employers want probation offices etc., to do to hire easily? Thirty-seven point five% answered guidance or advice to

people who committed a crime or were misdemeanors that they find employment after clarifying the criminal records. Thirty-six point eight% wanted to give them common sense or business manners (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.8). In addition to the result, 50.1% of the employers answered they have problems while working. For example, their work attitude includes being absent without notice, careless about being on time, and lack of desire (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.20). These results are because of their lack of adaptability to society, such as lack of desire for work, common social sense, business manners, and relationships building skills, and the experiences that people hired in the past quit in a short period or have not good work attitudes.

Education for Prevention of Repeating Crimes

The second problem is that the number of prisoners who found the method of not committing crime again is too small. Apart from what victims feel about their actions, establishing a dialogue is essential for them because out of 17,156, 45.9% of prisoners decided never to commit a crime again, but those who answered found the methods not to commit crimes again were 13.7%. Moreover, they thought they atoned for their crime were 13.4%, those who started to feel the feeling of apology, and compensation etc. were 7.7% (Ministry of Justice, 2019, p.63; my translation). One in two prisoners determined not to commit a crime again; however, they did not know how to. Also, many prisoners did not feel they made atonement for their sin. These results must be one of the factors in the negative chain.

Then, why did 86.3% of prisoners not find a way to prevent repeating crimes?

However, the existing guidance for reform that is practiced by the prisons can be helpful. The

guidance is practiced by the victims of crimes, so that the prisoners can see the victims'

emotions. The White Paper on Crime (2019b) explains the guidance for reform:

Guidance for reform aims to enable sentenced inmates to become more aware of their responsibility for the offenses they committed, foster a sound mind and body, and acquire the knowledge and attitude needed in adapting to living in society. It consists of general and special guidance for reform.

General guidance for reform is provided through lectures, gymnastics, events, interviews, consultation and advice, along with other methods, and with the aim of helping sentenced inmates to 1. understand their victims' feelings and develop a sense of remorse, 2. lead a regular life with a sound way of thinking, thereby promoting their own mental and physical health, and 3. prepare for returning to society by

mapping out a new life while acquiring the necessary skills to adapt to

living in society, etc.

Special guidance for reform is provided to sentenced inmates who

face difficulty in their reformation and rehabilitation or smooth

reintegration into society due to special obstacles, such as drug

dependency or membership in organized crime groups, with the

priority of the guidance placed on the obstacle (White Paper on

Crime, 2019b).

There are two types of guidance for reform; the former is all prisoners could receive, but the

latter is not for all. Then, this study focuses on the guidance related to victims in general and

guidance for reform. From prisoners' perspective about guidance for reform, the Ministry of

Justice (2019) asked prisoners out of 12,219 prisoners who received education from victims'

points of view was 11.6%, but out of 10,780 prisoners, 73.7% thought the education was

helpful for those who took it (The Ministry of Justice, 2019; my translation). Once again, this education is exceptional guidance for reform. It does not mean every prisoner could receive, so the number of participants is small. However, prisoners felt it was beneficial to receive. All prisoners receive education from victims' points of view to end a negative chain. One challenge to overcome is the number of implementing institutions to receive all prisoners.

According to White Paper on Crime (2020c), as of April 1st, 2019, there were 75 main penal institutions (61 prisons including four rehabilitation program centers, six juvenile prisons, and eight detention houses) and 107 branch penal institutions (eight branch prisons and 99 branch detention houses). However, in 2019, the number of implementation institutions was; guidance on overcoming drug addiction was 73, guidance on withdrawal from organized crime group was 34, guidance on prevention of repeat sexual offence was 21, education from victims' points of view was 57, traffic safety guidance was 47, and employment support guidance was 65 (White Paper on Crime, 2020c; my translation) (See Table 21).

Table 21

Number of implementation institutions in 2019 (out of 75)

The Name of Guidance	Total
Guidance on overcoming drug addiction	73
Guidance on withdrawal from organized crime group	34
Guidance on prevention of repeat sexual offence	21
Education from victims’ points of view	57
Traffic safety guidance	47
Employment support guidance	65

Note. Simplified from White Paper on Crime, 2020c; my translation.

(White Paper on Crime (2020c). *3 kyoseishido [Correctional guidance]*)

These numbers were uneven. Out of 75 institutions, 18 did not hold the guidance. It must change so that all prisoners can receive guidance at all prisons. In addition to this, lectures by crime victims and groups from general guidance also should require all prisoners to receive.

The reason is that out of 10,780, 59.2% of prisoners thought general guidance for reform, including lectures by crime victims etc. was helpful, and 77.8% of them felt general guidance for reform, including lectures by groups, was useful. However, out of 12,219 prisoners, those who received the former guidance were 10.8%, and the latter was 18.0% (Ministry of Justice, 2019, p.41-43; my translation). One out of two prisoners who took guidance felt it was beneficial, but why was the number of prisoners who received less than 20%? The reason was not found, but if it was because they were not interested, all prisoners should receive the guidance related to victims in general and particular guidance for reform and prisons put effort into this guidance. Supporting this idea, out of 16,752 prisoners, 17.3% wanted education not to commit crime again in prisons (The Ministry of Justice, 2019, p.68; my translation). Nowadays, the education prisons provide is not enough for former prisoners to prevent second convictions, but if all prisoners receive this guidance and face themselves

through thinking and understanding victims, they could find ways not to commit crime again by themselves.

Understanding the Meaning of an Apology

The last problem is for offenders to contact victims to apologize is difficult. However, an apology is one of the methods to solve the conflict. Although society does not regard apology as necessary, the law system does. Of course, the law system is essential, but it will never be a true solution. The Law system is just punishing offenders. Then, an apology is a good solution and offenders' needs. According to the Ministry of Justice (2019), out of 17,646, 39.1% of them answered they achieved their goal through their life in prison, and 37.4% of them achieved part of their goal, but it was not enough. However, 6.4% could not achieve, and 17.1% answered they did not know they achieved. One hundred ninety-eight prisoners answered negatively to the previous question, 49.5% thought they were not putting

enough feelings or effort that they tried to achieve. Twelve point six% did not know how to achieve their goal (The Ministry of Justice, 2019, p.1-2; my translation) (See table 22).

Table 22

About prisoners' goals through their life in prison (total=17,646)

Answer	Total
Achieved	39.1%
Achieved part of but it was not enough	37.4%
Could not achieve	6.4%
Did not know achieve or not	17.1%

Note. Simplified from the Ministry of Justice, 2019, p.1; my translation.

(The Ministry of Justice (2019). *"Jukeisha ni taisuru shakuho ji anketo" ni tsui te (norikazu gannendo bun)* [Regarding "the questionnaire on release of prisoners" (for the first year of Reiwa era)])

In this result, 43.8% of prisoners thought they could not achieve their goals entirely since they were in prison. Their exact goals were not written, but to solve this problem, Japanese prisons must help them achieve their goals by themselves. The next question is, what do 3,055 prisoners who apologized or paid for the damage, including consolation money, think about how victims feel? Prisoners who chose those victims accepted was 29.5%, but 33.2% thought victims did not accept, and 30.8% did not know what victims felt. Only 1.5% did not think especially, and 5.1% did other answers. On the other hand, 52.7% of them who did not apologize to victims thought they wanted to apologize. Twenty-seven point seven% thought that if they apologized, victims would never accept. Also, out of 4,591, 51.0% wanted to pay for the damage, including consolation money, and 23.2% thought victims would not accept it if they did (The Ministry of Justice, 2019, p.3-5; my translation) (See table 23).

Table 23

What do prisoners who apologized or paid for the damage including consolation money, think victims feel? (total=3,055)

Answer	Total
Victims accepted	29.5%
Victims did not accept	33.2%
Did not know what victims feel	30.8%
Did not think especially	1.5%
Other answers	5.1%

Note. Simplified from the Ministry of Justice, 2019, p.3; my translation.

(The Ministry of Justice (2019). *"Jukeisha ni taisuru shakuho ji anketo" ni tsui te (norikazu gannendo bun)* [Regarding "the questionnaire on release of prisoners" (for the first year of Reiwa era)])

As a result, 80% of prisoners wanted to apologize to victims, and 74.2% wanted to pay for the damage. Prisons must also help and connect between offenders and victims such as prisoners who want to apologize or pay for the damage including consolation money for victims. The reason is apparent. It is hard for offenders to contact victims. According to Kurozu-appu-gendai+ (2019), the former prisoner stated that building relationships with victims is truly difficult. He or she could not contact them (Kurozu-appu-gendai+, 2019; my translation). If they would like to contact victims, they have to depend on other organizations. In Japan, some organizations help to mend their relationship using restorative justice, for example, NPO *Taiwa-no-kai*, the meeting of dialogue gathering offenders, victims, and facilitators. In more detail about NPO *Taiwa-no-kai* discuss the later section. However, if this activity could be done in all prisons, prisoners would have to face their past and present. Through the activity, prisoners could know whether victims accept their apology, compensation, or not. Also, they could apologize or pay for the damage, including

consolation money for the victims. For offenders to apologize to victims, third parties help is needed, so prisons should put effort into connecting offenders and victims.

Efforts to Improve the Three Points

This section discusses the concrete solutions former prisoners have. Compared to the previous section, it presents the solutions: getting employment, adding the education social rehabilitation centers provide, and allowing apologizing to victims. In addition to this, this section suggests the ways to overcome the result: out of 17,156, only 7.8% of prisoners who answered they had hope for their life after their release (Ministry of Justice, 2019, p.63). These solutions also make prisoners feel hopeful after release.

Acquiring Stability and Sustainability for Employment

This section focuses on preventing second convictions using an easy system for offenders' employment. To get a job quickly, prisons must make two points for prisoners that they need before they are released. The system is needed because out of 16,942, 29.3% of prisoners felt anxious about work that their life after they were released and money was 37.6% (The Ministry of Justice, 2019, p.66). Therefore, to overcome their anxiety, education related to work is essential.

The first, to gain work experience and professional knowledge and get a license necessary for work and General Education Development (GED). The Rehabilitation Bureau of the Ministry of Justice (2019) researched why 9.1% of cooperating employers who have never hired people who committed a crime or were misdemeanors did not have a license, work experiences, and professional knowledge necessary for work. Additionally, 3.3% of employers who have hired in the past but not in recent one year have experienced needing

more time than others to teach (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.5). The employer's answer that they could not master the job was 20.1% (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.20). Another question, to hire them easily, what the employers want probation offices to do. Cooperating employers that were 27.2% wanted to support acquiring the license-related employment, and 11.6% needed to keep getting GED (The Rehabilitation Bureau of the Ministry of Justice, 2019, p.8). As the results show, some employers required them to hire their licenses, work experience, and professional knowledge, and former prisoners could not work enough. On the other hand, from prisoners' perspective about gaining work experience and knowledge, those who answered they earned a license or acquired other vocational skills were 5.0% (The Ministry of Justice, 2019, p.63). The reason why they did not gain or acquire is easy. In the same year, out of 16,522 prisoners who received vocational training was 24.3%. Out of 10,785 who did not receive, 24.8% did not choose, 25.3% did not want to receive, and 49.9% did not receive any training because there

was no training they wanted (The Ministry of Justice, p.31-35). The number of prisoners who did not receive training was three times larger than those who did. That is why cooperating employers state that former prisoners they hired did not have work experience and licenses. It means that usual prisons do not give opportunities to receive work training for all prisoners.

The present prison's education related to work is not enough for prisoners and employers.

That is why gaining work experience and professional knowledge while in prisons is essential for them.

The second is to receive education, including guidance for reform at rehabilitation program centers for cooperating employers and staff to feel safe working together. Education not only general guidance for reform and unique guidance for reform that the present prisons do but also including guidance for reform at rehabilitation program centers is necessary for them. The reason is the criminal records or delinquency that the employers felt a strong resistance to hiring. The detail is murder was 55.9%, the sexual offense was 43.0%,

Stimulants Control Act violations was 37.1%, arson was 26.5%, and burglary was 20.1%

(The Rehabilitation Bureau of the Ministry of Justice, 2019, p.8) (See table 24).

Table 24

The criminal records or delinquency that are the employers felt a solid resistance for hiring

(total=603)

Answer	Total
Murder	55.9%
The sexual offense	43.0%
Infringement of Stimulants Control Act violations	37.1%
Arson	26.5%
Burglary	20.1%
Theft	14.6%
Swindle	10.4%
Infringement of Poisonous and Deleterious Substances Control Act	7.5%
Threat	5.6%
Charge of bodily injury	5.3%
Infringement of Stalker Control Act	5.3%
Infringement of Road Traffic Act	1.5%

Cybercrimes	0.8%
Negligence in vehicle driving	0.7%
Nothing special	12.3%

Note. Simplified from the Rehabilitation Bureau of the Ministry of Justice, 2019, p.8; my translation.

(The Rehabilitation Bureau of the Ministry of Justice, (2019). *Kyoryoku koyonushi ni taisuru anketo chosa [A survey to employer cooperation]*)

As a measure, there are opportunities to receive education in prisons. These educations are the higher satisfaction; for example, guidance for overcoming drug addiction was 85.2%, and guidance for prevention of repeat offense for sexual offenders was 74.3% (The Ministry of Justice, January 2019, p.43). These educations are required for prisoners to receive the lectures as the Act on Penal Institutions and the Treatment of Sentenced Inmates (White Paper on Crime, 2006). However, why did about 80.1% of employers resist hiring former prisoners who committed sexual offenses or drugs? Of course, there are no guarantees for all former

prisoners never to do it again, even if they received guidance for reform and vice versa.

However, the experience that former prisoners received such guidance makes cooperating

employers promoted to hire them. These points are essential for employers to hire former

prisoners, and prisoners could get a job smoothly if these points are made while in prisons. If

those opportunities are carried out, no prisoners worry about their life after they are released.

Introducing Education at Social Rehabilitation Centers to All Prisons

As the suggestion for all Japanese prisons, all prisons should enforce rehabilitation centers' programs. The main discussion in this section is what prisons do for former prisoners to return to society to prevent going back to prison. In Japan, there are four rehabilitation program centers. Shimane Asahi Rehabilitation Program Center has five different approaches to returning prisoners to society: work / occupational training, job assistance, contributing to society, special units, and education. This section discusses the education programs Shimane

Asahi Rehabilitation Program Center provides to prisoners to find a way of preventing repeat crimes: Firstly, as the treatment procedure of inmates, the center divides five stages from incarceration to release. Stage one, the center provides a Foundation Course (three weeks) to prisoners. Stage two, prisoners learn Victims Understanding Program (three months) and Therapeutic Community Program (three months). Stage three, they receive a program dealing with each inmate's problems (three months), for example, drug program. Stage four is those who need to learn to take the Social Reintegration Preparation Program, for example, drug self-help groups. In the final stage, prisoners to be paroled get Pre-release guidance (two weeks). Upon release those who have served their complete sentence receive pre-release guidance (three days) or local area participation activities, including bicycle repairman. Also, only eligible prisoners could receive Course Education from stage two to stage four (Shimane Asahi Rehabilitation Program Center). This education plan is the system for all prisoners to receive almost all programs for equality except for the Social Reintegration Preparation

Program and Course Education. The center focuses on education for rehabilitation.

Additionally, this center has original rehabilitation programs that foreign countries do,

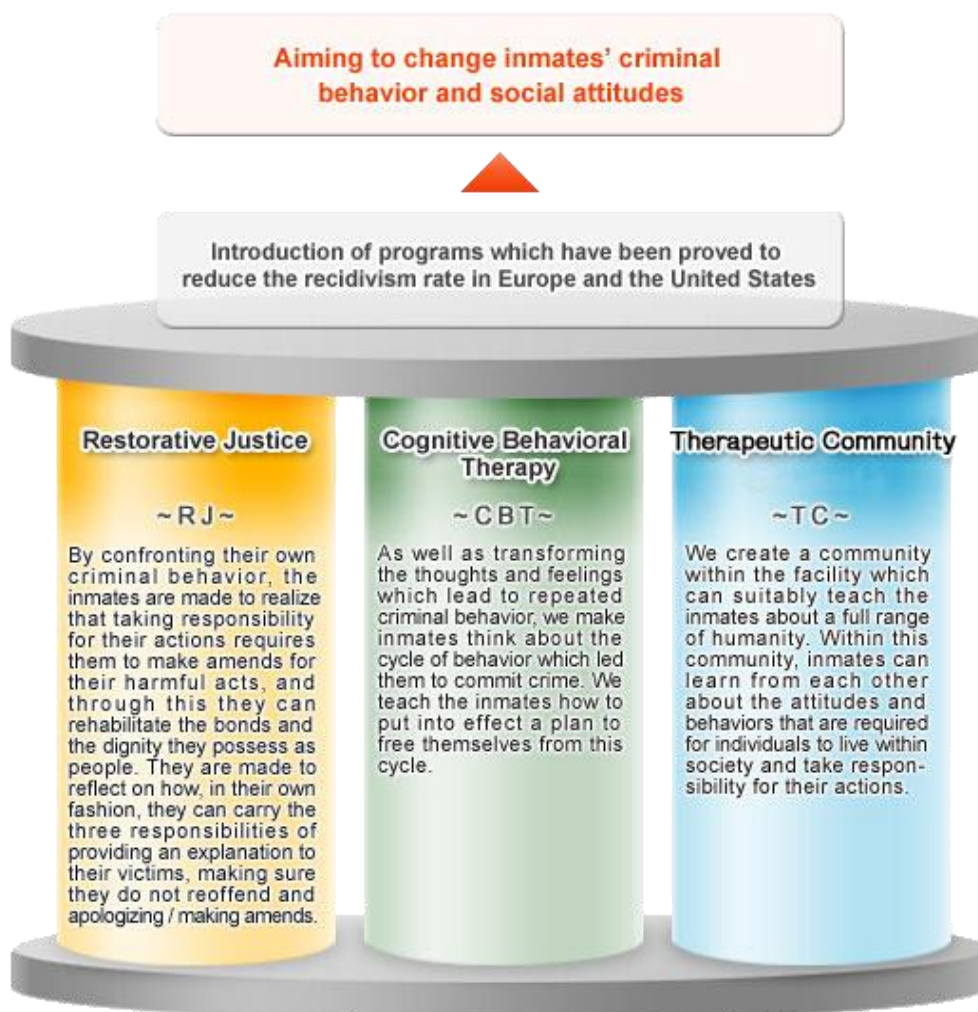
Restorative Justice, Cognitive Behavioral Therapy, and Therapeutic Community, as education

to reduce the rate of recidivism (Shimane Asahi Rehabilitation Program Center) (See Figure

3).

Figure 3

Education from Shimane Asahi Rehabilitation Program Center.



Note. From Shimane Asahi Rehabilitation Program Center, by Shimane Asahi Rehabilitation

Program Center, (<http://www.shimaneasahi-rpc.go.jp/english/torikumi/index.html>).

About this education programs, Shimane Asahi Rehabilitation Program Center states that

Education at the facility aims to change the inmates criminal behavior and attitudes to society. In education, we stress three important aspects: therapeutic community, through which inmates learn from each other; cognitive behavioral therapy, which aims to motivate inmates to effectively transform their values which caused them to commit crime; and restorative justice, which provides support to enable inmates to learn about making amends for harmful acts and about how to accept responsibility (Shimane Asahi Rehabilitation Program Center).

This is the aim of this original education. These three programs help prisoners to find their ways of not committing crimes. Prisons change the system so that all prisoners must receive rehabilitation programs such as rehabilitation centers in prisons and be released.

Giving Opportunities to Think about the Crimes and Apologize

Making the system gives offenders the chance to apologize to victims. Why is establishing a dialogue with victims and offenders necessary? About 80% of prisoners desire to apologize to victims, and there is a possibility to reduce the recidivism rate. Through the dialogue, offenders would think of victims and crimes what they did more than without chance. In other words, the sins do not disappear even if offenders get social sanctions in prisons. Pressing them to apologize is essential, but if some prisoners do not want to apologize, it must find why they deny, not force is also essential. Giving them a chance is vital for them, but it is not easy. Getting social sanction does not mean fulfilling the responsibility of sin, but the goal should not be set to restore the relationship between victims and offenders. As mentioned in the previous section, NPO *taiwa-no-kai* [Association dialogue] helps this idea. Yukiko Yamada, a lawyer and the organization's chief director, puts effort into solving the conflict with dialogue. Yamada (2020) states that:

the program does not establish the dialogue when victims do not have the needs, even if offenders have. It is because it thinks about the process of understanding each other's circumstances or feelings. Not focus on agreeing as a result or not. Through the process of mutual understanding, in some cases, victims accept the offender's apology, so in that case, they could agree about how to compensate. In another case, victims tell offenders to forgive. However, these are some results; the goal should not be set as reconciliation or forgiveness at the start (Yamada, 2020, p.89; my translation).

The importance of establishing the dialogue is whether victims and offenders have the needs or not. Also, reconciliation and forgiveness are not goals of dialogue.

However, an apology isn't an easy thing, and also, the forced apology is meaningless. Nevertheless, connecting victims and offenders is meaningful because it benefits

all members. Amstutz (2009) states that as victims' benefits are "after meeting the offender, their fears of being re-victimized were significantly reduced" (Amstutz, 2009, p.67).

Offenders' perspective, "face-to-face encounters help them see victims as real people, and encountering a victim and making restitution allows offenders to 'put things as right as possible'" (Amstutz, 2009, p.68-69). Moreover, if the community joins, "a community's level of fear toward crime tends to decrease when they are part of creating a safer environment and helping to reduce various types of crime" (Amstutz, 2009, p.71). However, it has risks. For example, victims bring up painful feelings relating to the incident during the process. To sit and listen to the pain victims experienced is difficult for offenders (Amstutz, 2009, p.68-70).

Thinking about how to solve these risks is for future challenges.

As a case study, a specific example of an offender who took Victim-Offender

Reconciliation Programs (VORP):

in 1974, Canada, two juvenile offenders with a probation officer and volunteer coordinator visited victims, each taking counsel and promising to pay the damage for their own money. The main purpose was to focus on the relationship between victims and offenders, and trying to fill their important needs that usual methods of solving would never fill. When they visited victims, one of the victims vented anger and beat them indiscriminately. Another victim was invited into the apartment, served tea, and told the feeling of two juvenile offenders threw stones. As a result of the dialogue, they did a part-time job to pay for the damage. One of the juvenile offenders did not rehabilitate in no time. He needed several years to overcome drugs and alcohol completely. After about 30 years, he turned 46 and worked for VORP at the court in Kitchener as a representative. Also,

he studied law and security at a local college as a mid-career professional. He stated that we did awful actions, but could rehabilitate because we were treated as humans, not the scum of the earth recalling at that time (Zehr, 2013, p.277-278; my translation).

If two juvenile offenders did not experience it, they would never know what victims felt because of their actions. In addition, they could not be rehabilitated. Apologizing to victims helps offenders recognize what they did and the responsibility of sins, and they could rehabilitate if they are treated as a human. The conclusion of this section is not setting the goal to restore the relationship between victims and offenders but making a system to give them opportunities to apologize that prisoners need, not leaving the responsibility of sin unsettled.

Restorative Justice Approaches for Coexistence

Introducing overseas ideas is essential to overcome the three points discussed in the previous section. For example, prisons change more freely, such as in Denmark. In addition, the system adjusts start work immediately after being released, such as a company in England, and prisoners receive education of Amity such as the USA.

Also, people who have no experience imprisonment need to recognize their mind of excluding former prisoners. The reason prevents former prisoners from returning to society. After realizing it, the community needs to reform the common understanding of former prisoners. It is necessary to transform the idea based on retributive justice into restorative justice To change communities' common understanding. Then, the coexistence of former prisoners and the communities is possible.

New Ideas from Overseas

To coexist, successful overseas ideas could help improve current prisons in Japan.

Some typical examples are cited: Australia and Denmark's systems would help get new ideas for Japanese prisons and rehabilitation facilities

Changing Prisons that Functions as Social Sanction into Social Rehabilitation

Centers

Changing prisons in fundamental ways helps to coexist more harmoniously. The author suggests three methods. The first is to change the prisons from a low degree of freedom into high. As a concrete example, Denmark's idea helps. Initially, it shows Denmark's prisons' policy. The Danish Department of Prisons and Probation (2012) provides as a guideline for work of principles in prisons:

The Programme of Principles of the Prison and Probation Service

describes how to solve the primary task. Six principles apply to the

way that the Prison and Probation Service is to plan its activities: 1.

Normalisation, 2. Openness, 3. Responsibility, 4. Security, 5. Least

possible intervention, 6. Optimum use of resources (Danish

Department of Prisons and Probation, 2012, p.2).

In more detail, “Denmark has 13 closed prisons. Together they provide 938 closed places and

1,316 open places” (Danish Department of Prisons and Probation, 2012, p.5). Denmark has

many open prisons, but most Japanese prisons are closed. Then, this study refers to

Statsfængslet vend Horserød in Helsingør, Denmark. The prison is one of the open prisons.

According to Okabe (2013), “its purpose is social rehabilitation, and it manages and places

importance on 1. the realization of an idea about normalization, 2. promotion of self-

management of prisoners, 3. early release and aftercare based on Denmark’s basic treatment

policy” (Okabe, 2013, p.63; my translation). To achieve these purposes, this prison promotes

offenders to control their life on themselves as training for daily living after release:

as self-management for everyday life, they buy food and necessities of

life and train in money management. About cooking, four or five

prisoners teach cooking in collaboration with others in the kitchen.

Additionally, they must choose work or education by themselves,

unless they are sick. They continue work or education that they have

an interest in while consulting with social workers. Staff provide

prisoners the educational treatment to gain independent living skills.

From an education program perspective, teachers who work as

lecturers teach general subjects (mathematics and reading and

writing), language education (Danish, English, and French), and

computer operations. As a therapy program, lectures from outside

experts provide programs, for example, 1. alcohol and drug program for women prisoners, 2. general drug program, 3. cognitive behavioral therapy, 4. stress management program, 5. violence suppression program (Okabe, 2013, p.64; my translation).

Thus, this prison puts effort into prisoners' lives after release and decreases a second conviction. Okabe (2013) mentions Japanese prisons:

generally speaking, prisoners tend to become dependent because of prison life. It is common in countries worldwide. In Japan, they assign cooking, washing, and cleaning roles based on each prison's rules.

About work, prisoners who do the given job seriously are ranked as good prisoners. Thus, it is hard for them to return to society. As the prison life is longer, vitality, self-reliance, the ability to judge, a sense

of responsibility, and self-respect decline after release (Okabe, 2013, p.64; my translation).

The Statsfængslet vend Horserød system overcomes this tendency. The social rehabilitation centers also focus on prisoners' futures, primarily work, but open prisons concentrate on work and their life such as training on money management and cooking. Then, how about Denmark's recidivism rate? According to Statistics Denmark, out of 143,877 persons who recidivists from 2017 to 2019 totals 38,724 (Statistics Denmark). Expressed as a percentage, it is 28.9%. On the other hand, the Japanese recidivism rate with the same conditions is 50.0% (Kyosei-toukei-chosa, 2021). It is close to half compared to Denmark's recidivism rate and Japanese. However, it does not mean all prisoners could be in these open prisons. In the Statsfængslet vend Horserød case, prisoners' selection criteria is:

1. a term of imprisonment, 2. presence or absence of escape during the previous imprisonment, 3. the ability to withstand the pressure

mentally of open prisons (open prisons that prisoners could escape at any time are more stressful than others because they always need to control themselves). Specifically, relatively minor criminals, non-repeat offenders, and repeat offenders whose term of imprisonment is from four months to six months or those who have families near the prisons, are transported because they would be released soon are selected (Okabe, 2013, p.63; my translation).

The future subject is introducing open prison programs in Japan and breaking down the prisoners' selection criteria barriers.

The second is to educate prisoners to work as immediate forces using experience learned in prisons. It seems the same as the suggestion in the previous section, acquiring stability and sustainability for employment. The difference between that section and this section is that a company educates prisoners and hires them after release. In the following

specific example, Redemption Roasters (2021) is one of the companies providing education

and hiring prisoners in the United Kingdom. It expresses mission is:

We're here to help address the state of reoffending... through coffee.

By offering training in speciality coffee, we've made it our mission to

help offenders successfully reintegrate into society. We train them in

professional roastery and barista skills. On their release, we help our

Redemption Graduates find work, either in our own coffee shops or

with our wholesale clients. We roast all our coffee inside the walls of

HMP the Mount. Our network of barista academies operate in justice

sector institutions across the country (Redemption Roasters, 2021).

The company system lets offenders have hope after release because this system provides the

guarantee of the future. All Japanese prisons should introduce this system to work with

cooperating employers and employers that join the *Shoku-sin* project. These ideas from

Denmark and the United Kingdom are based on the thinking of prisons as a training ground for returning to society.

The third is therapy necessary for offenders to give them opportunities to meet victims. The concrete system of connecting victims and offenders is discussed later, so this section discusses a preliminary step for offenders when they get the opportunities. Therapy is needed because apologizing to victims does not mean the resolution of the sins. If deliberately setting the goal is to restore the relationship. Then, what therapy is necessary for them? Amity is a therapy. Sakagami (2002) states that

Amity, the place, has an entirely different viewpoint from conventional rehabilitation and medical settings that focus on management and discipline. Participants face their past and emotions thoroughly. It is not only turning eyes to the problem but also accepting their own past experiences and emotions to dig into the

cause of the problem. Amity encourages recapturing again, re-

recognizing the past as their own experience rather than forgetting.

Then, they acquire visions and methods to live differently now than

how they were before. All of this condensed in Amity (Sakagami,

2002, p.101-102; my translation).

Before meeting victims, prisoners participate in Amity to face themselves and find the visions

and methods for their lives are essential for them. Therefore, these three ideas: change the

prisons to be a high degree of freedom, educate prisoners to be immediately applied and get

therapy for facing themselves and ready to meet victims, must be provided in prisons because

Japanese prisons should change the place, giving social sanctions into returning to the

community.

The System Connecting Victims and Offenders

As another method, the system connecting victims and offenders gives them opportunities to satisfy their needs. The previous section, giving opportunities to think about the crimes and apologize, discusses making the system give opportunities to apologize to victims. Additionally, it focuses on the offender's side, such as how many offenders want to apologize to victims, but this section focuses on victims and overseas programs. Also, it proves that the system connecting and giving them opportunities to apologize is needed for victims. Then, why do victims feel the need for opportunities? Kurosawa & Muramatsu mention that

initially, criminal punishment has an aspect that focuses on the past. It is retribution that has the meaning of an eye for an eye, a tooth for a tooth. People require revenge, but this proverb cannot give more significant punishments than the harm they received. It becomes

giving punishments as accountability for overstepping crimes that occurred in the past. Punishing and letting offenders pay for their sins, in other words, is the way of thinking that is trying to offset evil against evil. However, this idea places victims outside of the justice system. There is not much the system based on punishments could do despite compensating the damages as much as possible and requiring a return to the previous state that the crimes occurred (Kurosawa & Muramatsu, 2012, p.134; my translation).

That is why they need the chance to intervene in the justice system. There are the following methods for connecting victims and offenders. Firstly, it explains VORP. Restorative Justice states that “VORP began as a probation-based/ post-conviction sentencing alternative inspired by a probation officer's belief that victim-offender meetings could be helpful to both parties” (Restorative Justice). However, now, VORP is not popular “because the term *reconciliation* is

misleading and often off-putting. More common today is Victim-Offender Dialogue or

Victim-Offender Conferencing (VOC)” (Zehr, 2015, p.161). The difference between *taiwa-*

no-kai and VOC is that the process is different. *Taiwa-no-kai* values the process that victims

and offenders understand each other’s circumstances and feelings. On the other hand, VOC is

“victim-offender encounters to discuss the offense and its resolution are the heart of the VOC

process” (Zehr, 2015, p.162). In addition to Victim-Offender Dialogue and VOC, Victim-

Offender Mediation (VOM) is also used, for example, in Canada. The Correctional Service of

Canada introduces VOM as follows:

The Correctional Service of Canada provides a safe and constructive

victim-offender mediation (VOM) program, known as the Restorative

Opportunities (RO), whereby victim(s) and offender(s) can

communicate with each other and address the harms caused by serious

crime. The RO program strives to meet the needs of all participants

and contributes to public safety and the prevention of future crime

(The Correctional Service of Canada, 2020).

As a national policy, it puts effort into this program. Another country also puts effort into establishing a dialogue for victims and offenders as a national policy. New Zealand provides Court-Referred Restorative Justice Pilot as the program. Nihon New Zealand Conference, & Tohoku University of Community Service and Science New Zealand Research Institute (2017) states that

since about 1995, the movement has provided opportunities for

dialogue between victims and offenders, keeping in mind the idea of

restorative justice in criminal procedures in all of New Zealand.

Court-Referred Restorative Justice Pilot involves courts as one of the

restorative justice programs and targets New Zealand's adult

criminals. This pilot practiced a trial run at four district courts for a

year. It sets as the opportunities to discuss directly with victims, offenders, and facilitators in the previous stage of the judgment rendered (Nihon New Zealand Conference, & Tohoku University of Community Service and Science New Zealand Research Institute, 2017, p.257; my translation).

Through the pilot, it gives the following results of how victims felt about the pilot. According to a report subject to investigation:

98% of victims who experienced Court-Referred Restorative Justice

Pilot answered it was the opportunity to explain the effect of crime,

93% thought of the opportunities to speak what they wanted to say.

Moreover, 92% felt they were involved in the criminal justice process

(Nihon New Zealand Conference, & Tohoku University of

Community Service and Science New Zealand Research Institute,

2017, p.259; my translation).

It can be said that victims also think opportunities to establish a dialogue with offenders are needed. To meet the needs of both victims and offenders, they could go to the next step.

Transformation of Negative Perspectives into Positive Perspectives

People who have no experience in prison must resolve the task of understanding former prisoners' anxiety and fears and change their way of thinking about offenders. The previous section, Blame against support groups for offenders, discusses criticism of former prisoners. Error management theory and dehumanization affect their minds, so the phenomenon of criticism has occurred. This chapter suggests solutions for understanding the mind of criticism and how to change the way of thinking about offenders, crime, and accountability to overcome the reason.

The Mind of Exclusion against Offenders

People who have no experience in prison must recognize that they have a significant influence on offenders' lives after release and criticize offenders without much consideration. People who have no experience in prison must recognize that they significantly influence offenders' lives after release and try to exclude offenders without much consideration. This section discusses from a psychological perspective. According to Murayama & Tabuchi (2016), “people strongly acquire severe punishment for (person who may be) offender if they get a little information through the news. Even if the case is not directly related to them. The reason is error management theory and Dehumanization” (Murayama & Tabuchi, 2016; my translation). The following sections explain error management theory and dehumanization.

Error Management Theory

Error management theory is a method of securing safety. The theory has two types.

Murayama & Tabuchi (2016) explains the characteristics of error management theory and a

tendency:

they are judging a person who is not an offender to be an offender

(Type I error) and judging a person who is an offender to be not (Type

II error). In that case, people tend to prevent causing Type II error.

The reason is that if considering Type II error by mistake, the

possibility of danger is high. As a result, the idea suggests that the

person must be an offender despite incomplete information

(Murayama & Tabuchi, 2016; my translation).

Preventing from causing Type II error, people decide a person who does not know whether an

offender or not as an offender and attack. The theory affects not only daily life but also

judicial judgment. Murayama & Miura (2015) states that “the possibility people expect the more damage is significant, the more minor regrets of false charge judgment” (Murayama & Miura, 2015, p.433; my translation). Therefore, people tend to choose less risk, so eventually, they exclude an offender to protect themselves from dangers even though the person is innocent.

Dehumanization

Dehumanization is what people are never considered people. Dehumanization is what people are never considered people. Murayama & Tabuchi (2016) states that people try to understand to calm their minds when cases beyond their understanding occur. Dehumanization is an efficient method because it does not need to pay money or go somewhere. Simply thinking in their head, such as the offender is different to them, or the offender

lives in another place from the one I live in (Murayama & Tabuchi, 2016; my translation).

It could be the method of calming down, but it has a problem. Kitamura & Karasawa (2018) point out the danger of dehumanization. “Dehumanization sometimes causes intuitively the tendency of requiring heavy punishment lacking juridical validity on offenders. Thus, it becomes a fountain to prevent the opportunities to rehabilitate or return to society” (Kitamura & Karasawa, 2018, p.26; my translation). Dehumanization also connects to excluding offenders. People give priority to calming themselves, so they do not treat an offender as human. As a result, they do not care how their actions affect the offender’s future.

Restorative Justice Way of Thinking about Offenders

Without understanding the situation surrounding offenders and changing the way of thinking about offenders, coexistence is impossible. The concrete reason the negative idea must change to positive is that Abe (2020) claims that

locality is expected in modern society because families' limitations disclose various problems such as incidents and accidents. However, sometimes residents raise voices of opposition when rehabilitation centers are established in a community. Therefore, the organizers who run the centers work to be extremely nervous about not inconveniencing surrounding communities. The problems that many people could experience, such as earthquake damage, are community functions inclusively. On the other hand, the community may

combine to exclude the problems that are not easy to sympathize with crimes (Abe, 2020, p.63-64; my translation).

Based on the previous section, error management and dehumanization, people who have no experience in prisons tend to exclude former prisoners, but how to change this tendency.

Denmark's way of thinking would be a good solution. Okabe (2013) states that

in Denmark, people's basic concept about offenders' rehabilitation is the core of a sense of values and humanity that coexistence and integration. These are based on the idea of normalization as the principle of welfare. They have a common understanding: offenders return to society after they atone for their sins, so we must coexist with them in the future. We want them back to play their part as members of the community. As keywords that freedom and accountability, living together in a social life not excluding is the way

of thinking. They recognize crimes that give harm from one person to another person as problems of their society. Also, they require offenders to take accountability, apologizing to victims and society as members of the community (Okabe, 2013, p.68; my translation).

The positive basic concept and shared understanding of offenders' rehabilitation are essential for offenders to return to society and live. Therefore, at the first step of changing, all Japanese people must have the same positive basic concept and shared understanding as Denmark's. In addition, Abe (2020) claims that "communities need to continue exploring and questioning what society could play without ending the crimes as accountability to only the person and the families" (Abe, 2020, p.67; my translation). Unless improving understanding and supporting offenders returning to society and recognizing they are not existence must be excluded, the second convictions never reduced.

Crime and Accountability

Changing the way of thinking about crime and accountability retributive justice to restorative justice is also essential for coexistence. Zehr's idea helps how to change comparing retributive lens and restorative lens. From the crime perspective, the decisive difference between the retributive lens and the restorative lens is whether offenders' wound is essential. Retributive lens shows "wounds of offender peripheral," but the restorative lens is "wounds of offender important." Also, the retributive lens treats the victim's needs and rights in contrast to restorative justice (Zehr, 2015, p.186). As seen in Table 25, it is easy to find that the present Japanese society is the retributive lens. In addition, compared to the two lenses, it is clear which lens is better for society. Current society ignores victims' needs and rights and offenders' wounds. Moreover, it considers "the state as victim" (Zehr, 2015, p.187). That is why Japanese society does not have a system for offenders giving opportunities to apologize

to victims because it does not recognize the victims are “people and relationships” (Zehr,

2015, p.187).

Table 25

Understanding of crime

Retributive lens	Restorative lens
Crime defined by violation of rules (i.e, broken rules)	Crime defined by harm to people and relationships (i.e, broken relationships)
Harms defined abstractly	Harms defined concretely
Crime seen as categorically different from other harms	Crime recognized as related to other harms and conflicts
State as victim	People and relationships as victims
State and offender seen as primary parties	Victim and offender seen as primary parties
Victims' needs and rights ignored	Victims' needs and rights central
Interpersonal dimensions irrelevant	Interpersonal dimensions central
Conflictual nature of crime obscured	Conflictual nature of crime recognized

Wounds of offender peripheral	Wounds of offender important
Offense defined in technical, legal terms	Offense understood in full context: moral, social, economic, political

Note. Reprinted from Changing lenses: Restorative justice for our times (4th ed., p.187) by Zehr, H, 2015.

From the accountability perspective, the decisively different point is accountability as taking what. Retributive is “accountability as taking one's medicine,” but restorative is “accountability as taking responsibility” (Zehr, 2015, p.203) (See table 26).

Table 26

Understanding of accountability

Retributive lens	Restorative lens
Wrongs create guilt	Wrongs create liabilities and obligations
Guilt is absolute, either/or	Degrees of responsibility
Guilt is indelible	Guilt is removable through repentance and reparation
Debt is abstract	Debt is concrete
Debt is paid by taking punishment	Debt is paid by making right
Debt is owed to society in the abstract	Debt is owed to victim first
Accountability as taking one's "medicine"	Accountability as taking responsibility
Assume behavior chosen freely	Recognizes difference between potential and actual realization of human freedom

Free will or social determinism	Recognizes role of social context as choices without denying personal responsibility
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Note. Reprinted from Changing lenses: Restorative justice for our times (4th ed., p.203) by Zehr, H, 2015.

The topic changes, but the retributive lens still fits today’s society. As the previous section mentioned, criminal punishment focuses on the past. It is because it is one’s medicine.

Offenders who become the target of exclusion are also their medicine. So then, what should society do? First, the Japanese society system has to change from retributive to restorative to change people’s thinking.

Offenders’ Guilt

Offenders’ guilt does not disappear when they are released. However, it could be removed when they restore. Japanese society depends on prisons as giving social sanctions, so it does not care how to compensate for sins. Zehr (2015) states that the retributive lens

believes “guilt is indelible” (Zehr, 2015, p.203). As Zehr mentioned, their sins never disappear, even if they end the term of imprisonment. How do they pay for their sins? The restorative lens answers, star and Christie suggests the old way. Christie (2006) mentions that

indigenous people’s traditions of New Zealand and Australia or indigenous people’s traditional culture of Canada and America have a much stronger effect on today’s criminal policy. It becomes clear how many young indigenous people are in modern prisons. Thus, there is a necessity to be back to the old way that addresses conflict.

Traditionally, conflict resolution was based on conciliation. Criminal punishment might be developed into civil war in communities that are relatively equal away from the central powers. It is kind of like starting an old conflict or war again by giving criminal punishment at an international court that does not have the central authority. Such

communities emphasize restoring the situation and maintaining a social system. The word, restore that is undone, means making to stand staur means a fallen tree stump, again or rebuilding a house in the Old Norse word. These actions deny criminal punishment. Giving restore something damaged instead of assigning blame and disgrace. If finding a person is an offender, the emphasis is how to pay for the damage, and it is not how to give a pain (Christie, 2006, p.139-140; my translation).

As Christie says, a viral spot is not how to afflict offenders. How to restore offenders' wounds must be the most critical point. Additionally, to atone for their sins is restoring the damage instead of causing them pain. "Guilt is removable through repentance and reparation, and debt is paid by making right and owed to victim first" (Zehr, 2015, p.203). If these ideas become the basic concept and common understanding, it can be said that the way of thinking is

changing from retributive to restorative. To make society more peaceful, changing the way of thinking about offenders, crime, accountability, and atone for sins is essential.

Restorative Justice Approaches

This section explores Japanese folk tales' possibilities to transform today's thought into restorative justice. The reason for using Japanese folk tales is that it is a meaningful approach to use Japanese folk tales that originally retributive justice thinking as discussed in part A. First, the author suggests introducing folk tales' stories, including the view of restorative justice as moral lessons in classrooms and sessions. Then, to think about the new idea and new ending based on folk tales' original stories helps participants practice the concept of restorative justice. As a result, transforming individual thought will be a hit of coexistence that can be more harmonious.

Approaches Based on Momotaro

Restorative justice approaches help for coexistence with former prisoners and people who have no experience in prison. This section shows three materials in the field of education based on the idea; *Happy Ever After?*, *Folk Tale Courtroom*, *Momotaro: the warrior who doesn't like fighting*.

Recognizing Both Victims' and Offenders' Discourses: Happy Ever After?

The advertisement tells the viewers to think about not only the victims' perspective but also the offenders. The advertisement, *Medetashi, medetashi?* (めでたし、めでたし?), *Happy Ever After?* (2014) is created by Yamazaki and Obata (See figure 4).

Figure 4

Happy Ever After?

ホクのおとこさんは、
 杉太郎という名前に
 又おなましました。



一方的な「めでたし、めでたし」を、生まないために。
 広げよう、あなたがみている世界。

2013年度「新聞広告
 クリエイティブコンテスト」
 結果発表
 このコンテストは、新聞広告のクリエイティブ性を高めることを目的として、毎年開催されています。今年度は、全国から多くの応募があり、その中から優秀な作品を選出しました。杉太郎という名前に又おなましましたという作品は、その中でも特に目を引くものでした。この作品は、従来の「めでたし、めでたし」という一方的な表現を打破し、新たな視点から世界を捉えようとする姿勢を賞讃しています。

主催：日本新聞協会
 協賛：各新聞社
 〒100-0001 東京都千代田区千代田1-1-1 日本新聞協会

Note. From Shashin-kokoku data archive. [Newspaper Ads Data Archive], by Yamazaki, &

Obata, 2014, (<https://www.pressnet.or.jp/adarc/adc/2013.html>).

It tells viewers a blind spot as a new perspective with a crying demon's child and the messages. The messages are that his father is murdered by someone whose name is Momotaro (at the center) and not to lead to unilateral happiness ever after, let open your world you see (at the bottom) (Yamazaki & Obata, 2014). The original story of *Momotaro* is that the victims are people who live in the village where Momotaro is born, and offenders are demons. In this poster, the main character is the crying demon who murdered his father.

This work won the first prize at a newspaper advertisement creative contest. At that time, the contest's theme was happiness, and it received high praises from judges. Four years after they won the award, the work became school lessons. AdverTimes (2018) states how the project started:

Masahiko Tanimoto, a junior high school teacher in Okayama prefecture, asked Yamazaki to create a picture book based on the advertisement. Even before this, he received many inquiries from

education, but this was the first time. Tanimoto had already written a story and named the demon's child Onitaro. However, the original intention of the work is to let viewers think about a problem that does not have an answer. Therefore, if creating the story, it would differ from purpose. So then, Yamazaki and others offered a project as an interactive lesson for students to consider using workshop-style (AdverTimes, 2018; my translation).

Thus, the lesson called *Minnade-kangaeru-Momotaro* [*Thinking of Peach Boy with everyone*] started. It constitutes three classes:

the first class' theme is let us have others' perspectives. The second is to make the choices if Momotaro acts differently from the original.

The third is to allow students to write the story after *Momotaro* and present it. A student wrote repeating the tragedy because the demons

took revenge. Another student wrote that people who lived in the village brought farm tools to Ogre Island. If they teach the demons agricultural knowledge, the demons never come to the village to harm (AdverTimes, 2018; my translation).

Two years later, this lesson received the encouragement award from the Japan Marketing Association. The lesson provides a chance to think about putting oneself in others' shoes and making methods that differ from usual methods. It must be a moral lesson people who read the original *Momotaro* only have to receive.

Relating Victims, Offenders, and the Community: *Folk Tale Courtroom*

This TV program shows the importance of why they commit the crime, not who the offenders are. *Mukashi-banashi-saiban*, [*Folk Tale Courtroom*] is produced by NHK. For example, it has eleven episodes, *The Tongue-Cut Sparrow*, *Click Clack Mountain*, and *The*

Monkey and the Crab. This program describes the stories from a citizen judge's perspective.

The episode is based on *Momotaro*, and the defendant is not demons but Momotaro. The story

begins prosecutors have recommended the death penalty to him on charges of a murder-

robbery. As for actual trials, it tries to find the reason why he did. This episode focuses on

discrimination. People, including Momotaro and his parents who live in the village,

discriminate against the demons because of differences between humans and demons.

However, Momotaro is also the target of discrimination because of his birth, so he decided

ogre extermination to take revenge for people who ignored, treated badly, and fired him. The

story ends with the scene before giving a ruling (Morishita, 2021). The content of the program

is also different from the original story. Momotaro is an offender but is supposed to be a hero

in the original. Moreover, it accuses Momotaro's killing of demons.

This program has worksheets and lesson plans so that teachers can use them as a

school lesson. The main point of this program is whether Momotaro's action is worthy of

capital punishment or not. Students have to think about Momotaro to judge. However, this case is complicated compared to the original one. They must consider discrimination against the demons and Momotaro experienced by communities. *Mukashi-banashi-saiban* tells not to focus on the harm the offender caused, but focus on their wounds and their background of committing the crimes are essential.

Processing the Relations by Dialogue: Momotaro: the Warrior who Doesn't

Like Fighting

This animation promotes a solving method of dialogue, not violence. The animation, *Momotaro: the warrior who doesn't like fighting*, is produced by Be-Production. It shows how to solve the problems without violence, but the original story does. The first part of the story is the same as the original, but the latter part is Momotaro, and others collect people who live in a village and the demons and establish a dialogue. As a facilitator,

Momotaro leads the story using the conflict resolution, Ho'oponopono, which was handed down in Hawaii. Then, they find villagers feeling unsatisfied with the demons because they stole farm products, but the demons do not know the farm products are theirs. Finally, they clear up the misunderstanding with the demons' apology so that Momotaro and others do not have to fight the demons (Be-Production). This animation is a good role model for solving problems with a restorative lens, "people and relationships as victims," "victim and offender seen as primary parties," and "guilt is removable through repentance and reparation" (Zehr, 2015, p.187-203). Compared to *Mukashi-banashi-saiban*, this story is not complicated, so it could be material for school lessons such as *Minnade-kangaeru-Momotaro*. The experience of learning the method to solve the problem with dialogue helps to understand and practice the way of thinking with restorative justice.

Restorative Justice and Coexistence: from Momotaro to Offenders' Reality

Restorative justice is essential to living in harmony with people who are not former prisoners and former prisoners. This section looks back on the research questions and the answers. The first research question is how can former prisoners prevent them from returning to prison. The answer is education. Education will help to prevent former prisoners from repeating crimes. The first reason is from prisoners, and cooperating employers' perspective, one of the reasons prisoners are difficult to get employment is that they lack social rehabilitation skills. Therefore, it is going to cause employers to reject hiring them. So, if all prisoners receive the education employers need in prison, they can get employment quickly. In addition, another reason why education is important is that the Ministry of Justice (2020) gave surveys of 17,156 prisoners to what they gain during prison life. However, only 13.7% answered that they found the methods of preventing the second conviction (The Ministry of Justice, 2020). This survey result is considered prison education is not enough. So, this study

suggests that all prisons introduce social rehabilitation centers' programs such as Shimane Asahi rehabilitation center's original program based on overseas programs. If they receive these programs, they will find the methods to prevent repeat crime.

The answer to the second research question: what / how do former prisoners tackle their past is connecting victims and offenders will courage to take the next step. As Amstutz mentioned, providing opportunities to meet them is worthwhile. Also, "joining the conference, victims can feel they were involved in the criminal justice process" (Nihon New Zealand Conference, & Tohoku University of Community Service and Science New Zealand Research Institute, 2017, p.259; my translation), and offenders can apologize to victims if they want. However, it has risks, and society has to change the way of thinking that apology is more valuable than it thought.

The third question's answer, what should former prisoners and people who have no experience in prison do to live together, is that transformation is necessary to coexist with former prisoners

and people who are not. Japanese society has many elements of retributive justice, but in this research, the author focuses on Japanese folk tales because folk tales have a deep relationship with Japanese speakers. Then, there is a possibility that most people who live in Japan are influenced by Japanese folk tales based on the retributive justice idea. They believe they have to punish and not forgive “criminals.” Also, people have the mind of exclusion against offenders for their security and peace. To change this, Transforming people’s way of thinking of retributive justice into restorative justice is one of the solutions.

As mentioned in the previous sections, the social system must change before changing people’s thinking from retributive justice to restorative justice. Firstly, the advertisement, the TV program, and animation introduce school lessons as moral lessons. These help to understand restorative justice easily. Also, if this idea, “crime involves injuries that need healing. Those injuries represent four basic dimensions of harm: 1. to the victim, 2. to interpersonal relationships, 3. to the offender, 4. to the community” (Zehr, 2015, p.186-187)

becomes the common understanding, the society more emphasis on these dimensions of harm.

In addition, people should know that Japanese society is retributive justice. Hence it must

change from retributive to restorative. Otherwise, former prisoners are always the target of

discrimination and exclusion. Therefore, people recognize that today's society is a retributive

justice idea, and society actively adopts restorative justice's ideas to coexist with former

prisoners and those people. If that becomes a reality, someone can do for Brooks to save his

life.

Conclusion

The following observations came out from this study. Most people who live in

Japanese society have the experience of learning Japanese folk tales. They have their favorite

folk tales and reasons, and many parents want to pass these stories to their children. It is

considered that the reason is that they believe it is helpful to read Japanese folk tales for

children to raise with moral value because these stories have a moral lesson, rewarding good

and punishing evil are based on retributive justice. That is why Japanese folk tales are famous and popular in society. In addition, the most popular five folk tales, *The tongue-Cut Sparrow*, *Click-Crack Mountain*, *the Old Man and the Blossoms*, *Momotaro*, and *the Monkey and the Crab*, embody good and evil thinking. Although the original meaning of a moral lesson is not to take revenge overly, they may receive the lesson with a different meaning: good and evil. Thus, dualistic thinking and they are deeply involved. This way of thinking helps offenders be excluded from society. Thus, prisoners do not have hope after release because it is difficult for them to live. Because of their past and the social system, it is hard to get jobs, although the Ministry of Justice putting effort into former prisoners' employment is one of the reasons why they think. Therefore, it leads to a high recidivism rate. However, their past and the social system are not only the points of improvement, but they lack social rehabilitation, education, and the chance to apologize to victims. Then, this study suggests that prisons should provide helpful and better education and a place to apologize to victims for prisoners to overcome

these problems. However, it is not enough to educate only prisoners to make society more harmonious. The community must transform the perspective of retributive thinking such as the way of thinking people who live in Denmark have is helpful. Firstly, people who have no experience in prison should understand that humans have the mind to try to exclude offenders. They also must change the common understanding of offenders, crime, and accountability using overseas' new ideas and approaches based on the concept of restorative justice so that they and former prisoners coexist. However, it needs to research whether the imprinted idea in an unconscious state can transform the new idea from overseas is possible to prove the hypothesis that the society that tries to exclude former prisoners can change by new idea is correct or not. Also, the information the author collected was not enough, such as the prisons' system and education and former prisoners' stories. Also, connecting victims and offenders functions well or not in Japan. Then, it will have to experiment to see what works. Also, finding solutions to risks is needed.

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[justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-](https://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-)

[programs/victim-offender-mediation/#sthash.XbVpjKVR.5008ej3c.dpbs](https://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/victim-offender-mediation/#sthash.XbVpjKVR.5008ej3c.dpbs)

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