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Chapter 9

Young offenders' views of desistance in Japan: A comparison with Scotland (5,417)

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Theories of desistance in the Western world are increasingly empirically based, albeit mainly focused on the experiences of current rather than past offenders, and of those subject to high tariff criminal justice interventions, in particular probation and imprisonment (Barry 2006; Burnett 1992; Farrall 2002; Healy 2010; Maruna 2001; Rex 1999). In Asian countries, on the other hand, empirical research on desistance is in its infancy, and is mainly undertaken by statutory agencies rather than by academic researchers. In Japan, in particular, the Ministry of Justice has the monopoly on seeking the views of offenders about crime and justice (see, for example, White Papers on Crime, MOJ), although clinical psychologists are now infiltrating that monopoly by seeking, for example, the views of their 'clients' within juvenile training schools (Shirai et al. 2011).

Despite the potential significance of where, when and by whom offenders are accessed for research purposes, the currently ascendant desistance theories operating across the Western world are here briefly described under the following three headings: 'subjective', 'structural' and 'integrative', all of which to a greater or lesser extent use offenders' own narratives to inform a greater understanding of the process of desistance (Vaughan 2007).

Subjective theories of desistance prioritise the circumstances, attitudes and personal attributes of desisters - whether the inevitability of maturation with age (Gottfredson and Hirschi 1990; Rutherford 1986), as a result of 'burn out' (Maruna 2001), cognitive changes in attitude or identity (Giordano et al. 2002), the deterrent effect of the criminal justice system (Farrall 2002), and/or a reassessment of the costs and benefits of crime (Cornish and Clarke 1986).

Structural theories of desistance prioritise the role of informal social controls – social bonds such as relationships, employment and marriage - in fostering desistance. Hirschi's control theory (1969) describe 'social bonds' as emotional commitment to others and a concurrent investment in relationships, legitimate activities and the rule of law. Sampson and Laub (1993) also suggest that structural turning points - 'exogenous' events such as marriage, employment or military service - almost by default encourage desistance. But social control theories on their own are limited by their failure to take subjective factors into account, such as motivation to change (Bottoms and Shapland 2011). Despite theorists such as Laub and Sampson (2003) refining their theories of social bonds to include more subjective elements such as commitment and personal investment in conformity, the 'structure-agency' dichotomy remains controversial within the criminological literature (see, for example, LeBel et al. 2008), partly because would-be desisters seem to desist more by default than by design (Barry 2013, 2016).

Integrative theories of desistance attempt to overcome this structure-agency dichotomy by emphasising how personal life events and strengthened resolve and motivation on the part of an offending individual must necessarily mesh with (even precede) available social resources to facilitate the giving up of crime (Giordano et al. 2002; LeBel et al. 2008; Morizot and Le

Blanc 2007; Vaughan 2007). Such integrated theories prioritise cognitive change, alternative identities and moral values, *but* place these subjective factors alongside structural turning points or ‘hooks for change’ which the individual has to identify, select and act upon through ‘cognitive transformations’ (Bottoms and Shapland 2011; Giordano et al. 2002). In other words, a ‘readiness for change’ often precedes turning points such as employment, marriage or child-rearing (Rodermond et al. 2016). Such theories usually incorporate strengths-based notions of offender rehabilitation, rightly crediting offenders with the capacity to develop social skills and to use their innate abilities to create change, but not intending to prioritise, as overly subjective theories of desistance might do, the transcendent potency of agency in giving up crime (McNeill et al. 2012).

However, throughout the current desistance literature, the concepts of power and marginality have little traction. In respect of *youth offending*, the significance of power imbalances and the liminal nature of ‘youth’ in the transition to adulthood are under-theorised in both structural and integrative theories of desistance, despite the fact that the political, economic and social impact of an increasingly prolonged transition to adulthood characteristic of modern times is seen as highly relevant to understanding youth offending and desistance (Barry 2006, 2016). Whilst the above theories of ‘turning points’ imply that these triggers for change *precede* desistance, for many young people, notably those disadvantaged in mainstream society, turning points such as employment are elusive but many young offenders nevertheless desist from crime *in anticipation of* such triggers for change.

Thus it is likely from recent research into desistance that in the absence of structural change or opportunities, young people may resort to the support of social networks in order to desist from crime (Weaver 2016). Weaver, in her theory of relational desistance, draws on the work

of sociologist, Pierpaolo Donati (2011) and Margaret Archer (2003) to argue that social relations define individual identities and that the process of desistance is under-theorised because of a lack of focus on peer group, social relations and ‘the reflexive individual in his or her relationally and emotionally textured world’ (2016, p.47). However, it is further argued here that the constraints on initiating and sustaining desistance are political (Barry 2016). Barry (2016) takes the relational beyond the immediate social context and into the realms of politics, arguing that young people are a misrecognised minority group, a group which requires greater engagement from the statutory sector to ensure that they receive concrete opportunities to desist from crime. Barry draws on Critical Theory and social philosophy (Honneth 1995; Fraser, 2003) to argue that young people in transition require substantive recognition within mainstream society through transformative policies of redistribution and equality of opportunity. However, as suggested by the findings from both the Scottish and Japanese studies of youth offending highlighted in this chapter, offenders tend to blame themselves for their own predicament, thus enabling governments to focus on a deficit model of offending behaviour, and thereby maintaining a status quo which further marginalises and stigmatises young people in transition.

Studies of youth offending in Japan and Scotland

Following on from a study of youth offending in Scotland (Barry 2006), which elicited the views of young people about their experiences of starting and stopping offending, the author sought, from 2008, to replicate that study with Japanese young people, Japan being a country with a very low crime rate overall and whose young people arguably had a different experience of the transition to adulthood (notably because of a more secure youth employment market and closer familial networks). The research was made possible by funding from the Sasakawa, Daiwa and Japan Foundations.

Accessing a sample The Japanese Ministry of Justice (MOJ) was an obvious first port of call for accessing a sample of young offenders or ex-offenders in Japan, but proved reluctant to support the research, on the grounds of data protection – their argument was that current and ex-offenders’ identities needed to be protected because of the perceived severe stigma attached to criminal behaviour. I experienced similar difficulties accessing a sample in Scotland via statutory organisations (such as Police or Probation), but Japan seemed to be even more conscientious about protecting the rights of individuals to privacy and anonymity. This inability to access a sample of offenders or ex-offenders through official channels could perhaps account for the paucity of academic-led studies of offending and desistance; the only studies I am aware of tend to be those conducted by the MOJ itself (the White Papers on Crime) or studies undertaken within Juvenile Training Schools by psychologists working with their residents (Shirai et al. 2011). The American academic, Robert Yoder, however, managed to access young people (not specifically young offenders, although many were) through schools and personal contacts, which culminated in an excellent longitudinal qualitative study of youth deviance in Japan (Yoder 2004).

However, accessing young *offenders* as opposed to young people more generally is particularly difficult in Japan, a country which tends to hide its crime problem from the public gaze under the pretext perhaps of protecting its criminals from public criticism. Indeed, anecdotal information from an ex-Family Court Probation Officer suggests that there are no evaluations done of the longer-term effectiveness of the juvenile justice system in Japan because of the problems of accessing ex-offenders who had since ceased any contact with the youth or criminal justice systems, and the only short-term effectiveness studies have been conducted primarily by the MOJ. This same ex-Probation Officer also suggested that

young people – and in particular disadvantaged young people – constitute a minority group that is discriminated against by official bodies, hence the lack of motivation amongst statutory agencies to seek young people’s views through qualitative research. It is also commonly believed that officials fear the views of young people, as these may highlight structural deficits, whereas official justifications for youth crime tend to focus on individual deficits within disadvantaged populations (see also Yoder 2004).

Given the difficulty in accessing a sample through official channels, I was fortunate enough to be able to use unofficial channels to gain introductions to young people who had been involved in offending, for example, through probation hostels, halfway houses, drug rehabilitation centres and voluntary organisations working with young people. However, it is inevitable that this therefore gave me a sample of people who had accessed (or been referred to) supportive and/or criminal justice agencies because of their specific criminogenic needs. To counter this bias, I also used ‘snowballing’ to access friends and associates of young people already interviewed, although some of these friends had volunteered in self-help groups, such as ‘Second Chance!’ which is an organization led by primarily ex-juvenile training school inmates to share the experiences and emotions of its members and to give talks at correctional institutions, schools and government organisations about the issues for young offenders, which equally suggested another form of bias – those motivated to help other offenders through peer-led education and mentoring.

The final sample of 45 individuals in Japan comprised 32 men and 13 women in the age range 16-37, with 15 men and 5 women aged 16-20; 5 men and 3 women aged 21-24; 7 men and 3 women aged 25-29; and 5 men and 2 women aged 30-37. Three of the sample (2 females aged 20 and 22 and 1 male aged 16) said they were still offending at the time of

interview, and the remainder said they had stopped. The most common age of starting offending was 14 for the men and 12 for the women (in the age range 5-18). The most common age of stopping offending was 20 for the men and 18 for the women (in the age range 16-33). The most common length of their offending careers was 6 years for the men and 9 years for the women (in the range 2-17 years). So, on average, the women started earlier than the men, stopped earlier than the men but had longer offending careers than the men partly it seems, from self-reported offending, as a result of becoming addicted to drugs. Indeed, the most common first offences for these young women were substance misuse and shoplifting/theft; for the young men, the most common first offences were driving offences and assault. These types of crime are ubiquitous amongst young people from all cultures (McGee and Farrington 2010). Apart from the driving offences which relate to young men's propensity in Japan to join *bosozoku*¹ gangs, the Scottish sample also cited shoplifting/theft, assault and substance misuse as their most common first offences.

The interview process The interview itself was conducted by a translator and the researcher together, with the former leading on the discussion and feeding back to the researcher at regular intervals during the interview. The focus of the interview was on the respondents' experiences of offending in childhood and youth; challenges to stopping offending; aspirations and fears for the future; opinions and advice on desistance; and basic demographic information on each respondent. The interview took on average one hour to conduct, although with translation, this often extended the interview to one and a half hours or two hours.

¹ Described by Yoder (2004, p.24) as 'Japanese youth gangs', Bosozoku activities have been studied ethnographically by Sato (1991) and Greenfield (1994), focusing on the rebellious and seemingly class-blind activities of groups of youths who revel in risk taking and designer clothes/motorbikes, akin to the Mods and Rockers of the 1960s in the UK. Bosozoku is also the breeding ground for young recruits to the Yakusa (Japanese Mafia).

Wardhaugh (2007, see also Chapter Y) talks of meaning being ‘lost in translation’, either because of nuances lost when translating from one language to another or because translators may [mis]interpret the translation consciously or unconsciously in their role as not only translators but also ‘cultural intermediaries’ (Wardhaugh 2007, p.62). My translator was a Japanese law student studying towards a PhD. Whilst she was interested in the topic of youth crime, the focus of her own studies was on the criminal justice system, but she was thus familiar with the language of law, crime and justice and was also relatively proficient, but not fluent, in English; her spoken English was more than adequate for the purposes of summarising the conversations as they progressed at interview and to translating my further questions following those summaries.

Whereas Wardhaugh suggests that a translator might ‘mediate’ both access and approval on behalf of the researcher in culturally sensitive environments, my need for a translator was purely utilitarian, namely to convey pre-set questions in a language unfamiliar to the researcher. The questions posed in the semi-structured interview were not contentious or difficult to translate, apart from one which asked: ‘What responsibilities do you have for yourself or others?’. The word ‘responsibilities’ proved difficult to understand, not only for the translator but also for the respondents, and their responses tended to convey such misunderstanding.

Responsibilities? What do you mean by that? [Translator at interview: ... something you feel you have to do]. Ah, I have not been able to take any responsibilities for what I’ve done and for the victims... I feel I haven’t managed to recompense them for hurting them.... I’d like to tell my experience to people. I suppose that is my

responsibility. I'd like to tell my children about it too. I've always felt bad for people who I hurt (25 year old male, Japan).

This quotation illustrates the different interpretations of the phrase 'to have responsibilities for' by both the translator and the respondent, but in Scotland this phrase was more familiar to the respondents, despite many saying that they had no responsibilities at the time of interview. This may be a cultural issue, but certainly it would seem that not only is translation at the interview stage problematic but also at the transcription stage. It is advisable to have only one translator doing the transcription work, as two native Japanese translators with fluent English may still interpret words and phrases differently. For example, the above quotation was translated differently by two independent native speakers who I requested to repeat a transcription into English in order to check consistency between the two translations and to identify any potential problems with linguistics. The following second version of the above quotation illustrates the point:

What kind of responsibilities? [Translator at interview: Anything you feel obliged to carry out]. I have not taken any responsibility for what I have done, to my victims... you cannot always atone for what you have done, like hurting other people... This may be the responsibility I have for myself. This is a message I want to tell my children: there is a white space in my mind kept for my victims (25 year old male, Japan).

In comparing the two [identical in Japanese] quotations above, one can see very different nuanced interpretations of those sentences being created by two different translators. This

problem of translation and transcription needs to be borne in mind when considering quotations used below to illustrate key findings.

Young offenders' views of how to encourage desistance

Although this chapter focuses on offenders' views of how to encourage desistance amongst young people *other than themselves*, it is helpful to first give a brief outline of these young people's perceptions of why they themselves started and stopped offending. Most of the respondents in both Japan and Scotland said that they started offending because they wanted status and attention from their peers, or because they were from disadvantaged backgrounds and needed money for food or consumables. Breaking the law was also exciting and relieved the boredom of youth (mainly cited by Scottish respondents) and the pressure of school life (mainly cited by Japanese respondents). Most of the Japanese sample said they stopped offending once they got caught by the police and had direct help from professionals. Once caught, they felt guilty about their offending and did not want to hurt their families as a result. They also said the advantages of NOT offending were that they could lead normal lives and be accepted back into their family and friendship networks. Whilst the Scottish sample also wanted 'normality', their reasons for stopping were less relational and more personal. They either had or wanted to have responsibilities for children, partners or parents, and they had received help with substance misuse (which precluded the need for further offending) and feared the consequences of continuing (for example, ill health or imprisonment).

What Works to Reduce Offending There are remarkable similarities between the views of the Scottish and Japanese samples in respect of 'what works' to encourage other young offenders to desist from crime. By far the most prominent factor suggested by both samples was

‘relational’ (Weaver 2016), namely communicating with young people on their level, respecting their views and encouraging their integration into mainstream society. The term ‘generativity’ has particular relevance to these young people’s perceptions of what works, namely giving of oneself in order to educate, reassure or support other young people going through similar circumstances that they themselves had experienced (Barry 2006; Erikson 1968; Maruna 2001).

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

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

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

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

For Japanese young people in particular, this awareness that criminal justice workers ideally need to have direct experience of the problems facing young people, and also be able to relate to them at their level, was more acute than for the Scottish young people. This is because the average age of volunteer probation workers in Japan (of which there are over 50,000 supplementing the work of approximately 1,000 probation officers (Suzuki, personal communication, 2008)) is in the mid-sixties and the majority are middle class business men, farmers or ex-professionals. Such volunteers tend to have little if any experience of offending behaviour (and indeed the Probation Service in Japan will not accept workers with previous convictions), whereas in Scotland, there is a more diverse population of workers, in terms of previous convictions, age, gender and social class.

Probation officers [in Japan] often cannot act as a role model for young offenders. I think this is a very serious problem. I am very grateful for what they do, they are volunteers, aren't they. I respect them very much, but in my case my probation officer did not inspire me at all as a role model. Former offenders would make good probation officers. There are many who want to become a probation officer, but the law does not allow it (25 year old male, Japan).

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

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

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

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

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

[Interviewer: How would you help young people stop offending?] Listen to them. Many of them feel lonely and isolated. They feel no one can understand them. Although they may look tough and rough, deep inside they feel they need someone to talk to (32 year old male, Japan).

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

However, listening to and respecting young people meant more than addressing the offending behaviour; it required taking a more holistic view of the person's needs and circumstances, as one young woman in Scotland noted:

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

Several Japanese respondents mentioned the need for a more holistic approach by workers in Japan, despite, anecdotally, there being a kind of unwritten rule that suggests one should not pry too deeply into another person's circumstances, not least if that person is an offender. And in terms of *changing* those circumstances, it was mainly the Scottish sample that mentioned structural barriers to leading crime-free lives, in particular reducing these barriers by offering young people greater access to leisure opportunities and employment.

Maybe have more, you know, things for kids and that to do. Like up here, there's nothing really, not even a youth club or anything that I know. There's not, just nothing at all. So kids here just go down the town, you know, at weekends and drink bottles of cider and get themselves in trouble (30 year old female, Scotland).

If there were places for [young people] to go... [The police are] just making it worse... [and] the benefit system and they aren't going to get jobs, they can't get bloody jobs, do you know what I mean? If they could get jobs, they would be working (31 year old male, Scotland).

Discussion and conclusions

Identifying the reasons why young people offend, and why they think young people stop offending, is essential in developing effective interventions for young people, and it requires consistent, appropriate and meaningful engagement between workers and young people – and indeed between policy makers and young people - to resolve the issues that encourage offending behaviour and discourage law-abiding behaviour. The young people interviewed in these two studies in Scotland and Japan all agreed that such engagement was crucial in the desistance process, and their solutions to the problem of youth crime were remarkably consistent, despite the differing types and levels of intervention in both countries. This consistency strongly suggests that their views are crucial in formulating future youth and criminal justice policy and practice.

However, consulting ‘users’ of criminal and youth justice services has until recently been anathema to policy makers and practitioners alike. Whilst it has been increasingly common, indeed politically correct, to consult people with disabilities, hospital and other care service users and those with mental health problems about ‘what works’, seeking the views of offenders about interventions designed to ‘help’ them has not attracted much enthusiasm, partly because offenders have committed ‘wrongs’ and criminal justice ‘services’ are primarily for punishment rather than rehabilitation. However, this is changing, as organisations such as Second Chance in Japan and User Voice in England can testify to. Whilst Second Chance (described above) is still primarily independent of statutory services in Japan, User Voice in England has managed to gain the support of the very core services which make up criminal justice agencies in England, namely prisons and community correction services (Barry et al. 2016). User Voice is led by offenders as a platform for

service users to have a voice in how policy and practice are developed in the criminal and youth justice systems. Prisons and Community Rehabilitation Companies across England are collaborating with User Voice to enable service users to form councils which liaise with senior management to voice and address issues of collective importance. User Voice also runs bespoke consultations and offer peer support to people on supervision in the community or those who are leaving custody. Self-help organisations such as these offer a means of ‘co-production’, which Weaver (2016, p.248) describes as:

an emphasis on reciprocity; [co-production] incorporates recognition of the relationships that exist between the various co-producers or stakeholders; it focuses on outcomes and not just services; and it encompasses an active role for both service users and... communities. The essence of co-production is collaboration and the reciprocal contribution of each party’s resources to producing mutually agreed outcomes.

However, for co-production to work, issues need to be resolved around data protection boundaries and encouraging the political will for policy makers to consult with offenders and ex-offenders about why and how young people stop offending. *Why* young people from both Scotland and Japan stopped offending was because they sought integration and ‘normality’ (freedom from criminal justice system harassment and freedom from the confines of the minority status of youth). *How* these Scottish and Japanese young people stopped offending was primarily relational and through self-determination, although the Scottish respondents also cited structural change, namely the need to reconsider youth policy on leisure opportunities and on the youth labour market.

Japanese young people in this study tended more than their Scottish counterparts to internalise the problem of crime, but despite blaming themselves for their own predicament, they also sought help from people close to them. Scottish young people saw youth crime more as a structural than an individual deficit – for example, the lack of leisure or employment opportunities which would give young people in transition a purpose in life, pending integration in the mainstream. Whilst this difference – internalisation versus externalisation of the problem of crime – may well be cultural (see below), it may also reflect the differing degrees of consultation on, and therefore ‘ownership’ of, the problem in both countries: Japan is less advanced in consulting young people compared with Scotland.

Consultation apart, western integrative theories of desistance would, on the face of it, seem to match the explanations given by Japanese and Scottish young people on what encourages desistance. These explanations suggest both agency and structure influencing desistance. I would argue that Scottish (Western) and Japanese (East Asian) respondents in my study at least (which it is acknowledged cannot be deemed representative by any means) showed remarkable consistency in both reasons for starting *and* stopping offending, contrary to Messner’s argument that East Asians and Westerners ‘see the same environment differently’ (Messner, 2015, p.121, emphasis in original) (see also Chapter 6). I would argue that the East Asian values of harmony and relatedness are as significant for Scottish young offenders as they are for Japanese young offenders – both in starting and stopping offending. I would thus suggest that in terms of youth crime in particular, more comparative and empirical research on youth crime needs to be undertaken, including eliciting the views of young offenders, within the context of youth transitions and integration into adult society.

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