

# PUNISHMENT AND THE INDIVIDUAL IN THE UNITED STATES AND JAPAN

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with

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In this paper we argue that differences in the conceptualization of individual actors in networks provide the most parsimonious explanation for differences that occur *between* American and Japanese views of sanctions and between actors in different role relationships *within* each society. Our empirical tests drew on respondents' hypothetical punishment choices and punishment rationales in surveys of Detroit, Michigan, and Yokohama and Kanazawa, Japan. As predicted, American views of punishments for everyday misdeeds were more likely to favor isolation or retribution and American rationales for imprisonment were significantly more retributive than in Japan. Within each culture, offenses between intimates were least likely to evoke isolative or retributive punishments whereas offenses between strangers were most likely to do so. We conclude by considering alternatives to our structuralist explanation of these findings and by suggesting some implications of legal culture for dispute resolution in the United States versus Japan.

## I. INTRODUCTION

Social norms about sanction are important elements of "legal culture."<sup>1</sup> Wrongdoing that may be the occasion for punishment has network attributes as well as individual attributes. For exam-

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<sup>1</sup> Culture can be defined as "publicly available symbolic forms through which people experience and express meaning" (Swidler, 1986: 273; see also

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ple, harm may be perpetrated against an acquaintance (a network attribute) as well as intentionally (an individual attribute). Correspondingly, sanctions for wrongdoing have consequences for networks as well as for individuals. We argue that in cultures where network consequences of punishment are relatively more important, norms of sanction tend to focus on the network of relationships, whereas in cultures in which individuals are central, sanctions focus upon the isolated individual. In addition, within all societies some network relationships are considered to be more important than others. These relationships are expected, in Ekland-Olson's (1982; 1984) terms, to be more resilient in the face of relational disturbances. Whether across or within cultures, the network attributes of wrongdoing are relevant to sanctioning norms; wrongdoing within certain networks should, *ceteris paribus*, lead to a preference for sanctioning choices that do not destroy the network relationships.<sup>2</sup>

In this paper we examine American and Japanese sanctioning norms across everyday, civil and criminal incidents, using survey data from two Japanese cities and one American city. The focus is restricted to the action of individual rather than collective or corporate actors.<sup>3</sup> We assume, although the data we present do not allow us to prove, that sanctioning norms and actual sanctioning practices are linked and that both are influenced by variations in the nature of relationships in social networks. Such variation, while not the sole determinant of sanctions, can be observed to operate both across and within cultures.

#### A. *Cultural Variation: Models of the Individual Perpetrator in the United States and Japan*

From a network perspective, the individual can be conceptualized as a crossing, joining, and fusing of lines of communication and social influence: that is, as a node in a network (see Burt,

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Geertz, 1973). We define "legal culture" broadly: It encompasses not only attitudes, values, and opinions held with regard to the law per se but also the appropriate way to resolve disagreements and process disputes (Friedman, 1985; Mather and Yngvesson, 1981). Thus we include in the scope of legal culture the informal resolution of wrongdoing in everyday life, including the decision (conscious or otherwise) that some matter is not one for formal legal handling (see also Sanders and Hamilton, 1987a).

<sup>2</sup> By *ceteris paribus* we mean to include such elements as the severity of the wrongdoing. For example, very few social networks can survive the intentional murder of one member by another.

<sup>3</sup> Recent work on Japanese legal disputes that is informed by a conflict perspective differs in several ways from the current research, most notably in its concentration on groups, collectivities, and organizations whose interests clash, usually in civil litigation (see Haley, 1982; Krauss *et al.*, 1984; Ramseyer, 1985; Upham, 1987). In our terms (as discussed below), Japanese contentiousness in these arenas is at least facilitated by the fact that the parties are typically in relationships of relatively low solidarity or are strangers. (See especially Ishida, 1984, regarding dimensions of conflict.)

1982; Stryker, 1980).<sup>4</sup> When looking at particular actors one can focus on the node, the individual unit, or the network, the connections that uniquely impinge on that node. From this perspective the American cultural concept of self evokes the node or unit, whereas the Japanese concept of self calls forth the network or grid.<sup>5</sup> Such images arise in many writings about Japan and the United States. For example, commentators as diverse as de Tocqueville ([1836] 1961) and Lasch (1979) have noted the pervasiveness of individualism in American life. In contrast, writers continually stress the extent to which the self in Japan is what might be termed *role embedded* or *contextual* (see, e.g., Azuma, 1984; Benedict, 1946; DeVos, 1973, 1985; Doi, 1973, 1986; Hamaguchi, 1985; Kojima, 1984; Lebra, 1976; Murakami, 1985; Nakamura, 1960; Nakane, 1970; Pascale and Athos, 1981; Smith, 1983, 1985; Vogel, 1979; Weisz *et al.*, 1984). In this view Japanese tend to act not as isolated individuals but as part of a context, a network of roles and group memberships.<sup>6</sup>

Such differences between Japanese and Americans take on special importance because Japan and the United States do not substantially differ regarding such factors as extent of industrialization, urbanization, or literacy. Instead most commentators who find the Japanese self to be contextual, such as the authors cited above, either argue or assume that Japanese *life* is contextual: That is, social relationships are structured so that individuals stand

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<sup>4</sup> Our present concern is neither network analysis (see, e.g., White, 1970) nor self-concept per se (Cooley, 1964; James, 1981; Mead, 1934; see also Gecas, 1982; Gergen, 1982; Greenwald, 1982; and Rosenberg, 1979). Rather, we use a network metaphor to explore cultural and socially based variation in the concept of the self or individual who is involved in wrongdoing. In doing so we do not draw firm distinctions among such terms as "individual," "self," and "person," although for other purposes important information may be carried by the choice of terms.

<sup>5</sup> Similarly, Shweder and Bourne (1982) suggest that in more *holistic* cultures, such as India, the concept of person may be relatively context bound rather than abstract or isolable, as in the United States. Miller's (1984) comparison of Hindu and Western concepts of person shows a greater contextual emphasis among the former that cannot be accounted for by noncultural explanations such as the level of cognitive sophistication. Japanese research further suggests that Indian culture may be intermediate rather than extreme in its holism. For example, the anthropologist Nakane (1970) proposed a distinction between *frame*, a geographical or institutional context, and *attribute*, a characteristic carried by the individual. In her view Japanese tend to view the self and others in frames, whereas Indians see them via attributes; the concept of person in Japan can thus be expected to differ from the Western concept even more extremely than does the Indian view.

<sup>6</sup> Other recent research has argued that Eastern cultures, including Japan, tend to be collectivistic rather than individualistic (see, e.g., Hofstede 1980; Leung and Lind, 1986). We do not disagree with this observation. However, the individualism-collectivism distinction is a complex and multidimensional one (Hui and Triandis, 1986; Waterman, 1984); furthermore, as Hamaguchi (1985) warns, this distinction may still embed Western assumptions about the unit of analysis—that is, a collectivity is a collection of individuals. Therefore we use terms like "contextual" to argue that the unit of analysis may itself differ across cultures.

in close, multiplex relations to one another (see Sanders and Hamilton, 1987a, for further discussion of the structural causes of these cultural views). We share the dominant view of Japanese versus American society; our expectations of variation in sanctioning norms between the countries rest on the differences in conceptions of the individual outlined above, and these differences are in turn seen as flowing from modal characteristics of social networks in each country.

How might societal views of the individual network member be reflected in norms about sanctions? In general, if the individual is seen as an isolated entity, a consistent mode of punishment is to isolate rather than reintegrate the offender, and a consistent goal is to seek retribution for the wrong rather than restitution or restoration of a relationship. But if the individual is seen as operating in networks and contexts, it is appropriate to restore the network and attempt reintegration. A network concept of self does not mean that the individual is not responsible in some moral sense. Instead, sanctions for wrongdoing are influenced by individuals' embeddedness in roles. A network concept of self also does not mean that punishment is necessarily more lenient, but simply that its focus differs.

American and Japanese formal analyses of punishment support this argument. In the United States such discussions typically occur in the context of the criminal sanction and usually concentrate upon an individual in isolation. Exceptions, such as Brickman's (1977) suggestion that restitution may be an important alternative to traditional sanctions, serve to underscore this dominant focus. Not only is the offender typically viewed as an isolated individual, but also the cause of the untoward act is thought to originate in the wrongdoer (Erikson, 1966). Even the environmentalist reform movement that accompanied the rise of the penitentiary in the last century assumed that good wrought in (and by) isolation would carry over into behavior in the outside world (Rothman, 1971). Social scientific studies of behavior in institutions (e.g., Goffman, 1961) have long indicated the scientific inadequacy of an individualist account of criminal behavior or its cessation. But the individual-as-node concept remains popular among Americans as a lay account of crime and as a moral model of wrongdoing's causes.

The Japanese view of punishment appears very different, whether looked at in the family or in practices of incarceration. It appears that to be isolated or separated from others is a severe punishment to the Japanese, in whatever context it occurs (Doi, 1973; Weisz *et al.*, 1984). The Japanese reluctance to incarcerate offenders may rest in part upon a low crime rate and a "healthy" society (Bayley, 1976; Clifford, 1976). However, it is also consistent with a network view of individuals. Such an image has the strong potential to be self-fulfilling. For example, when both criminal and everyday wrongdoing occurs in Japan, apology has an impor-

tant function; punishment is reduced or eliminated accordingly (see Haley, 1982, 1986; Wagatsuma and Rosett, 1986).<sup>7</sup> The Japanese seem to assume that there are bonds to be restored between offender and victim, as if the individual exists in a network of interlocked others. From these general perspectives we may expect that across a variety of punishment decisions American respondents will advocate sanctions that tend to isolate the offender or exact retribution or both, while Japanese respondents will emphasize restitution and reintegration.<sup>8</sup>

At the most general level of abstraction American and Japanese respondents can be expected to differ in their philosophies of punishment. Because such philosophies are most richly developed with regard to incarceration, this research uses that issue to explore the extent to which differing rationales for punishment assume an individual-as-node perspective. *Retribution* stands at or near an extreme in assuming an isolated, morally responsible actor, as does the recently fashionable rationale of “*just deserts*” (von Hirsch, 1976). *Incapacitation*, essentially an assertion that a person cannot be in two places at once, also assumes wrongdoing to be carried in the individual (Wilson, 1975). *General deterrence*, or the prevention of crime by example, need not logically entail isolated actors, but it appears to do so in American penal practice. *Specific deterrence*, or the prevention of further misdeeds by the particular individual being punished, is less likely to rest on a concept of the isolated actor. Indeed, much punishment within the family can follow from a goal of special deterrence; and the family is the quintessential setting for a vision of the perpetrator as being bound to others (Griffiths, 1970). *Rehabilitation* aims even more explicitly at the reintegration and reform of the offender. *Restitu-*

<sup>7</sup> Wagatsuma and Rosett (1986) have recently drawn attention to the role of apology in the United States and Japan. They note, for example, that the sincerity of an apology is likely to have different connotations in the two countries (ibid., p. 473). Americans are more likely to stress the wholeheartedness of the apology (its revelation of individual regret), while Japanese emphasize the offender's submission to the normative order (its restoration of the relationship between offender and victim). It is also noteworthy that the very word “sincere” may have different connotations in English and Japanese. English sincerity refers to “being oneself”—for example, resisting pressure to curry favor from another or pressure to “play a role.” In contrast, in Japanese to be *seijitsu* (sincere) often involves carrying out one's role obligations, doing or saying what one ought, in the face of pressures that could include one's own desires.

<sup>8</sup> Of some interest in this context is Japanese *naikan* therapy, originally used in correctional institutions and now relatively widespread (see, e.g., Murase, 1974). In this unconventional approach patients spend seven consecutive days in all-day meditation under conditions of restricted sensory stimulation. They are instructed to meditate on, in turn, the “benevolence given” them by others, what they have given the others in return, and the troubles they have caused others. This exercise typically starts with the examination of the patients' relationships with their mothers, then other family members, then friends, and so forth. The goal is to activate the patients' guilt. From our point of view this type of therapy is an intense reminder of one's place in the network and what the self owes to it.

tion is of course at the network end of any node-network continuum and thus typically represents an alternative to rather than a philosophy of incarceration. Finally, *denunciation*, or punishment for the purpose of labeling an act as wrong, is neutral in its assumptions about the individual perpetrator, but assumes a clear social consensus about wrongdoing.

We expect that Americans are likely to be more favorable than Japanese to rationales that typically assume an isolated individual: retribution, just deserts, incapacitation, and general deterrence. We expect Japanese to be more favorable to specific deterrence, rehabilitation, and restitution. We also expect Japanese to be more favorable to denunciation, but as a function of a tightly knit social order rather than of the image of the individual offender.

Punishment philosophies are part of this study's broader goal: to discover whether the cultural primacy of networks or nodes appears to underlie differences in norms about everyday, civil, and criminal punishment. Overall, Japanese and Americans are expected to differ in their preferred sanctions for various types of wrongdoing.<sup>9</sup> When we turn to specific acts of wrongdoing, however, variations in the network attributes of the untoward deeds can be expected to influence norms about sanction in both societies. To understand variations *within* cultures in the judgment of everyday life misdeeds, it is necessary to consider how differing expectations about network stability govern liability for punishment.

### B. *Situational Variation: Punishment Within Cultures*

The solidarity of ties between perpetrator and victim appears to be central to punishment norms. The sociological and anthropological literatures suggest that sanctioning norms and practices are likely to be most restitutive and most sensitive to rebuilding the relationships between actor and victim when those relationships are solidary. High solidarity refers to strong ties of personal closeness and identification, embodies longstanding and enduring connections, and taps the multiple and noncommensurate ways in which individuals may relate to one another. This configuration characterizes Maine's (1963) status relationships, Tönnies's (1957) *gemeinschaft*, Gluckman's (1967) multiplex ties, and Blau's (1964) intrinsic exchanges. Low solidarity, in contrast, encompasses ties that are potentially fleeting and short, even one-time interactions; an absence of closeness between autonomous individuals; and

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<sup>9</sup> Reports of the American research team's analysis of Japanese and American responsibility judgments can be found in Hamilton and Sanders (1981) and Hamilton and Sanders (1983). The present analyses use the same group of surveys to examine punishment choices and rationales. For a more detailed discussion of the joint project from the point of view of the Japanese team, see Zensuke Ishimura *et al.* (1986).

unidimensional and closely monitored exchanges. This characterizes Maine's concept of contract, Tönnies's *gesellschaft*, Gluckman's simplex ties, and Blau's extrinsic exchange. In some situations—for example, a street mugging or freeway accident—no tie or social exchange context exists except in the most abstract sense (such as the “social contract”). Even this extreme can be thought of as simply an end point of “no solidarity.”

People behave differently toward others as a function of the high, low, or nonexistent solidarity of their ties. This is most obvious with the ties between perpetrator and victim. For example, people differentiate among social relations when deciding to bring disputes or offenses to formal legal attention; kin and close friends are least likely to be targeted for legal action and strangers are most likely, given that an untoward act has occurred (see, e.g., Black, 1976; Gottfredson and Hindelang, 1979; Nader, 1969; Ekland-Olson, 1982). Formal legal proceedings are seen as likely to strain or sever ties (Lloyd-Bostock, 1983; Kawashima, 1963; Macaulay, 1963). In addition, ties between the actor and third parties may affect both the probability of deviance and social reactions to deviance. It has long been hypothesized that a perpetrator's ties to other deviants can make misdeeds more likely (see Sutherland and Cressey, 1960, on “differential association”). More recently, Ekland-Olson (1982; 1984) has called attention to the impact of deviance on others via *relational disturbance*: the idea that the effects of deviance are felt throughout a person's networks and that some networks may be more adversely affected by misdeeds and their consequences than others. This concept implies that relational disturbance between an offender and “law-abiding” third parties is greater to the extent that the offender has many ties, that those ties are high solidary ones, and/or that particular ties such as social roles are relatively diffuse and impinge on a wide range of relationships. From this viewpoint cultural differences such as those between the United States and Japan discussed above amount to differences in the characteristics or typical solidarity of relationships in networks: American solidarity of ties tends to be low, whereas Japanese solidarity tends to be high.

Differences in sanctioning can be predicted *within* as well as *across* societies as a function of the solidarity of actor-victim ties and potentially as a function of the characteristics of actor-third party ties. The effects of actor-victim ties may reflect both the greater probability that the offender and victim are seen to share responsibility when solidarity is high and the likelihood that ties are seen to exist and to warrant mending. For these reasons, the high solidarity of offender-victim ties should evoke punishments that are less retributive and less destructive of the fabric of the relationship. The implications of offender-third party ties are more complex, and their impact is virtually unstudied. The literature suggests that while the “well-connected” offender (one with many,

solidary, diffuse ties) may be initially well protected or buffered from punishment, an incontrovertible offense may have more deep and longstanding consequences.

Overall, we argue, variation in social ties within as well as across cultures should affect sanctions for misdeeds and normative conceptions of the offender. The present study focuses on norms rather than sanctioning practices, using respondents' attitudes about and judgments of what is right and proper to do in various hypothetical instances of wrongdoing. As described below, the surveys as a whole constitute overlapping exploratory studies of the issue of punishment. Each of the several types of items has certain limitations. Taken separately, none of the pieces of evidence is conclusive; taken together, we hope they yield a persuasive cumulative picture of the norms of sanction in the United States and Japan.

## II. METHODS

### A. *The Surveys*

Collaborating American and Japanese research teams investigated punishment judgments in three loosely coupled surveys. The initial survey was a 1977 probability sample of the Detroit SMSA ( $N = 678$ ). These respondents judged four vignettes concerning wrongdoing in everyday life. The vignettes were developed in consultation with the Japanese researchers in order to make their elements appropriate in both societies. Two of these stories represented high solidarity and two represented low solidarity ties.<sup>10</sup> At both levels we varied a second dimension: hierarchy. Either the actor and victim were equals, or the actor had authority over the victim. For present purposes the variation in hierarchy provides diversity in roles and settings within levels of solidarity. The vignettes themselves are described in more detail below.

The Detroit survey also featured two no solidarity vignettes. One story presented a street crime between strangers. In addition, in a sixth vignette respondents heard one of a pair of stories of automobile accidents. We administered vignettes according to a Latin Square design to control for the possible effects of the order of presentation. Because of time limitations, items tapping respondents' rationales for imprisonment were included in a mailback to the Detroit survey ( $N = 339$ , or 50% of the overall sample).

The first Japanese survey was a 1978 probability sample of Yo-

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<sup>10</sup> In each country the vignettes selected represent *relatively* high rather than low solidarity, but it should be remembered that many Japanese social ties can be expected to exhibit more solidarity in absolute terms. See Hamilton and Sanders (1983) for evidence that Japanese differentiate more sharply than Americans among types of role relationships, even though their "low solidarity" ties may not be as low as those of their American counterparts.



kohama ( $N = 600$ ), selected because of its comparability to Detroit (see Cole, 1979). The Japanese researchers carried out their own translation of the relevant Detroit materials, consulting with Americans in the Tokyo area and with Japanese instructors who had advised the American researchers. For all Detroit vignettes, the Yokohama study included a closed-ended item regarding whether punishment is appropriate. However, except for Yokohama's crime vignette, it has not yet been possible to obtain coded data for open-ended choices of punishment; thus we rely on data from the third survey, in Kanazawa (see below), for this purpose. In Yokohama, unlike Detroit, it was possible to include items about rationales for imprisonment in the main survey. Below we consider the samples' comparability for these items.

The Japanese researchers also conducted a further probability sample survey in Kanazawa in 1979 ( $N = 640$ ). Kanazawa is considerably smaller than either Detroit or Yokohama and has a long history as a feudal provincial capital; our collaborators expected that its residents would exhibit more traditionally Japanese views. This latter survey included the four everyday life vignettes from the previous two studies. Although items about rationales for imprisonment and the crime and accident vignettes were omitted, this survey has important advantages for present purposes. First, we resolved two problems in comparability of translation between the Detroit and Yokohama versions of the core everyday life vignettes; therefore the Kanazawa instrument provides a purer test of cultural differences *per se*.<sup>11</sup> Second, the Japanese researchers were able to provide coded responses for the open-ended choice of punishment in the everyday life vignettes.

To summarize, across all three surveys, closed-ended items tapped whether punishment was warranted for four key vignettes depicting variations in everyday social ties; in addition, a street crime vignette, an auto accident, and items about rationales for imprisonment were included for Detroit and Yokohama; and open-ended punishment choices are available for the four core vignettes for Detroit and Kanazawa. Results cannot be literally generalized to the United States and Japan as a whole. However, they are representative of the cities in question (within sampling limits) and are likely to be representative of large urban areas in either country (cf. Cole, 1979).

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<sup>11</sup> Translation problems, discussed in more detail in Hamilton and Sanders (1983), concerned the inclusion of an excusing phrase in the Yokohama version of the high solidarity (equal) story that was absent in the Detroit version and the use of a term in the Yokohama low solidarity (equal) story that implied a "broken down" car instead of a "defective" car. With regard to responsibility judgments, the focus of Hamilton and Sanders (1983), comparison across surveys suggested that these differences had little effect on responses.

## B. Stimuli

1. **Vignettes: Everyday Wrongdoing.** The two high solidarity stories involved wrongdoing within the family. The *high solidarity (equal)* story concerned a boy who harms his twin brother in a fight over taking turns at baseball. The *high solidarity (authority)* vignette involved a mother who harms her four-year-old child who is crying and will not sleep when she goes to quiet him. The low solidarity stories involved economic exchange and the work place. The *low solidarity (equal)* story dealt with a used car salesman who sells a defective car. The *low solidarity (authority)* vignette described a foreman whose concern with maintaining production speed caused a worker to be injured. The *no solidarity (crime)* story described a robbery in which a store's owner is shot. Each respondent heard one of a pair of *no solidarity (auto accident)* stories. In one ("Child"), a child darts out from between parked cars; in the other ("Adult"), a female pedestrian is hit at a stop sign while in the pedestrian crosswalk.

We varied the vignettes experimentally so that respondents heard one of a set of possible versions of each hypothetical incident. In the street crime, for example, the shooting was either accidental or purposive (manipulation of the actor's mental state); the offender either did or did not have a prior record (the actor's past pattern of behavior); and the consequence was either injury or death for the store owner (severity of the act's consequences). Since the present paper focuses on distinctions among situations and social ties, we will report only briefly on the effects of these variations (see Hamilton and Sanders, 1981, 1983).<sup>12</sup>

2. **Reasons for Imprisonment.** We adopted from Vidmar (1978) the questions on reasons for imprisonment asked in the Detroit mailback and in Yokohama. Respondents were asked to evaluate a series of punishment rationales on a 1 to 5 scale ranging from a "very good reason" for imprisonment (1) to a "very bad reason" (5). We presented explanatory phrases (e.g., "makes the criminal suffer for his crime") rather than abstract labels (e.g., "retribu-

<sup>12</sup> Variations included: (1) the actor's mental state, (2) the act's consequences, (3) the actor's past pattern of behavior, and (4) presence or absence of the influence of others. The effects of these variables and of city were tested for both the issue of intervention, via binary probit models, and the choice of punishment, via ordinal probit and regression models, for each core vignette. These analyses are available from the authors as a statistical appendix. Briefly, results indicated that city (i.e., cultural differences) accounted for most of the variation in responses. When Detroit and Kanazawa residents differed (1) overall, more variation in Detroit answers could be attributed to these variations in the offense; (2) Detroiters were more sensitive to information about the actor's mental state or the severity of the act's consequences; and (3) Kanazawa residents made greater use of information about other's influence. These findings are consistent with predictions that American respondents would focus on and use information about the offender and the offense, while Japanese would stress the situational context (presence of another person influencing the action).

tion"). A restitution rationale was omitted because the stimuli concerned imprisonment, and restitution is usually considered an alternative to imprisonment. (See Table 3 below for stimuli.)

### C. Coding of Vignette Punishment Responses

We asked a slightly varying combination of closed and open-ended punishment items across vignettes and surveys. A dichotomous closed question asked whether the respondent thought that anything should happen to the perpetrator. Its wording varied somewhat by context. The item referred to a prison term in the criminal case, to punishment for the offending child in the high solidarity (equal) case, and, in other vignettes, to whether something should "be done to" or "happen to" the actor. In Japanese, in which the passive voice is an odd construction, an active form was used instead. Questions in the Japanese surveys therefore asked whether someone/anyone should "do something to" or "punish" the offending party, whereas the American version asked if something "should be done to" the offender or the offender "should be punished." The immediate follow-up question about what should specifically happen to the offender was generally open ended.<sup>13</sup> In the Detroit survey's high solidarity stories, the follow-up question asked, "What should the punishment be?" Because our collaborators felt that in Japanese the word for punishment (*batsu*) is legalistic and hence odd to use for sanctions within the family, the Kanazawa survey asked instead what "should happen to" the perpetrator; this was the wording used in the low solidarity stories in both countries.<sup>14</sup> Analyses are performed on Detroit and Kanazawa respondents' first answer to this open-ended query.

We empirically derived coded categories for the open-ended Detroit responses, which differed qualitatively across role settings. The Japanese researchers built upon these categories to produce a more general seventeen-category scale of punishments for the Kanazawa data. However, the number of categories was unwieldy, and included some that were rarely or never used or that applied

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<sup>13</sup> Exceptions to this format included the low solidarity (equal) story about the salesman and the street crime story. The Detroit and Yokohama salesman vignettes used Detroit pretest data to form closed choices among steps the owner should take against the salesman. The Japanese researchers altered Kanazawa's low solidarity (equal) items to follow the open-ended form of the other vignettes. The effects of the closed versus open-ended format can therefore be explored in Yokohama and Kanazawa for this story, but the primary Detroit-Kanazawa comparison necessarily involves variation in question wording as well as site. In the crime vignette, once incarceration had been indicated as appropriate, the issue became the length of sentence. This was essentially a "guided-open" item.

<sup>14</sup> Yokohama's high solidarity vignettes had the same wording as Detroit's, although our collaborators advised against this literal translation. Unfortunately, since open-ended responses are not available for Yokohama, at present we cannot measure question wording effects for these two vignettes.

to only one setting. Therefore we collapsed the seventeen abstract codes from the Kanazawa scheme into a more manageable number, and superimposed them on Detroit codes. Only when American respondents volunteered certain combination answers or demanded more information before choosing a response was an appropriate Japanese category lacking.<sup>15</sup> We combined these American responses into the category "other." In contrast, Japanese categories that involved variations of restitution had no American counterparts. In only one Detroit story was there even a coding category for restitution; unlike the other empirically derived categories, it was included on the basis of our a priori expectations, and the category proved to be empty. We shall return to this issue below in presenting the results.

Finally, we should note that addressing hypotheses about situationally based punishment differences within cultures requires special caution. Comparisons across types of ties are difficult to make for punishments. For example, certain types of punishments are associated with certain roles or statuses (e.g., juvenile) or certain relations between offender and victim. Different social settings are characterized by different repertoires of punishment. One neither spans an employee nor fires a child. The analyses that follow therefore treat vignettes exemplifying different types of ties separately; we do not attempt to make quantitative comparisons across what may be qualitative distinctions. Thus the prediction of differences in punishment across situations within cultures is informally rather than formally tested.

### III. RESULTS

#### A. *Role Relationship Stories*

1. **Willingness to Intervene.** A punishment decision entails a determination that *something* should happen to the actor, followed by a decision about *what* should happen. Our predictions of cultural difference involved this latter step, but data were also available for exploring possible culturally based differences in the willingness to intervene per se. A dichotomous yes-no punishment item was available across all surveys. Table 1 collapses the three-way relation among city, story type, and punishment answer by presenting for each city and vignette the percentage of respondents answering that something should happen to the actor. "Don't know" responses were excluded from the data base to simplify presentation, but these never represented a large proportion

<sup>15</sup> Combination answers, which were infrequently coded, indicated that pairs of categories were linked in a single answer. For example Detroiters occasionally recommended such actions as "paddle his behind and send him to his room" for the high solidarity (equal) boy's punishment. We constructed a code that paired two responses (spanking and deprivation of privilege) for such answers rather than make assumptions about conceptual priority among punishments when the order might be simply temporal.

**Table 1.** Overall Willingness to Advocate Punishment by American and Japanese Respondents<sup>a</sup>

Incident Type	City		
	Detroit ( <i>N</i> = 678)	Kanazawa ( <i>N</i> = 640)	Yokohama ( <i>N</i> = 600)
High solidarity			
Equal	85%	70%	63%
Authority	26%	56%	51%
Low solidarity			
Equal	84%	85%	86%
Authority	69%	89%	91%
No solidarity <sup>b</sup>			
Auto accident ("Child")	52%	—	92%
Auto accident ("Adult")	76%	—	100%
Street crime	96%	—	99%

<sup>a</sup> Cells indicate percent "yes" answers. Overall difference among the three cities in willingness to punish everyday (high and low solidarity) incidents:  $X^2 = 54.2$ ; d.f. = 2;  $p < .0001$ .

<sup>b</sup> *N* for the auto accidents was approximately half the full samples of Detroit and Yokohama, as these vignettes were experimentally alternated. Detroit-Yokohama differences in willingness to punish were significant for each of these stories; the cities did not differ significantly for the crime story.

of the answers. The percentage of "no" responses can be obtained by subtracting the number shown from 100 percent. City differences reported below were tested via binary probit models.<sup>16</sup>

Table 1 shows that the Japanese view of the individual as being network-embedded does not imply an unwillingness to sanction. Japanese are at least as interventionist as their American counterparts in these surveys. In fact, Kanazawa respondents were *more* likely than Detroiters to advocate intervention in the two authority stories; they were less willing to do so in the high solidarity (equal) story; and no difference was observed in the low solidarity (equal) vignette. We focus on Kanazawa for these vignettes because these responses could be followed up in the analysis of open-ended punishment choices. Respondents in the two Japanese cities did not differ significantly in their expressed willingness to intervene for the everyday life vignettes. Similarly, Table 1 shows that in the crime and auto accident stories Yokohama respondents were, if anything, more likely than Detroiters to advocate intervention.

<sup>16</sup> See n. 12 above.

**2. Type of Punishment.** We expected Japanese respondents to concentrate on interventions designed to restore role relations, and Americans to suggest sanctions aimed at isolating or punishing the individual. This need not imply that Japanese punishment is automatically more lenient; under some circumstances, for example, making apology may be more emotionally or socially costly than paying a fine. Table 2 presents punishment choices in Detroit and Kanazawa everyday life vignettes. Coding categories are arranged ordinally within each story to reflect our a priori assessment of the degree to which the choices are retributive: that is, punishing for a misdeed rather than attempting to reintegrate the offender. The last coding category in each panel, "other," is nonordered with respect to this dimension and was not included in statistical tests. We assessed city differences via ordinal probit and regression models.<sup>17</sup>

**Table 2.** Types of Punishments Advocated by Americans and Japanese for Everyday Life Incidents

Incident Type	City		
	Detroit	Kanazawa	Total
<b>High solidarity (equal)<sup>a</sup></b>			
Restitution	0% (0)	51% (173)	22% (173)
Reprimand	16% (73)	42% (143)	27% (216)
Deprive of privilege	59% (274)	0% (1)	34% (275)
Physical punishment	8% (35)	0% (0)	4% (35)
Other	18% (85)	7% (22)	13% (107)
<b>Total</b>	<b>100%</b> <b>(467)</b>	<b>100%</b> <b>(339)</b>	<b>100%</b> <b>(806)</b>
<b>High solidarity (authority)<sup>b</sup></b>			
Restitution	0% (0)	45% (104)	27% (104)
Reprimand (counseling)	86% (136)	53% (122)	66% (258)
Other	14% (23)	3% (6)	7% (29)
<b>Total</b>	<b>100%</b> <b>(159)</b>	<b>100%</b> <b>(232)</b>	<b>100%</b> <b>(391)</b>

<sup>17</sup> See n. 12 above.

Low solidarity (equal) <sup>c</sup>			
Restitution	0%	73%	32%
	(0)	(282)	(282)
Reprimand	44%	18%	32%
	(219)	(68)	(237)
Demote	19%	1%	11%
	(96)	(5)	(101)
Fire	33%	2%	20%
	(167)	(8)	(175)
Other	4%	6%	5%
	(19)	(21)	(40)
Total	100%	100%	100%
	(501)	(384)	(885)
Low solidarity (authority) <sup>d</sup>			
Restitution	0%	55%	27%
	(0)	(215)	(215)
Reprimand	31%	25%	28%
	(130)	(97)	(227)
Demote	38%	5%	22%
	(156)	(20)	(176)
Fire	15%	3%	9%
	(62)	(12)	(74)
Other	16%	11%	14%
	(66)	(44)	(110)
Total	100%	100%	100%
	(414)	(388)	(802)

a  $X^2 = 531.9$ ;  $d.f. = 4$ ;  $p < .0001$

b  $X^2 = 104.8$ ;  $d.f. = 2$ ;  $p < .0001$

c  $X^2 = 582.7$ ;  $d.f. = 4$ ;  $p < .0001$

d  $X^2 = 362.6$ ;  $d.f. = 4$ ;  $p < .0001$

One important difference between cities concerns restitution. The most popular punishment choice among Japanese is absent in the American data. However, a cultural difference in open-ended answers is always a double cultural difference: one between the respondents and one between those coding the responses. It is theoretically possible that Detroit respondents' answers incorporated the same ideas as Kanazawa respondents' but that the American coding scheme did not capture this fact. Several considerations suggest that this is not the case, however. First, Detroit's coding categories were empirically derived (with the exception of a category for restitution that was included on a priori grounds for the high solidarity [equal] story, but which proved to be empty). Second, responses were coded by assistants blind to the study's hypotheses. Third, at the time of this coding the central hypotheses concerned responsibility for wrongdoing. Thus the absence of restitutive codes in the Detroit data is unlikely to have resulted from communication of investigator's expectations.

As a control procedure, assuming that restitutive Detroit answers might have been assigned to the "other" category, we also reanalyzed the data. Even when all Detroit responses categorized as "other" (i.e., uncodable) were conservatively assigned to a restitution category, a large and significant gulf between American and Japanese answers always remained. In sum, it appears that the type of sanction advocated by Japanese and Americans for everyday life misdeeds differs substantially in the expected ways. Below we discuss this difference for each vignette.

In the high solidarity (equal) vignette in which brothers were fighting, Detroit and Kanazawa responses differed dramatically for several coding categories. The already noted restitution difference was striking, in that no Americans were coded in this fashion in contrast to over half of the Japanese. Here restitution essentially involved making an apology. Kanazawa residents were also substantially more likely to advocate some form of reprimand (i.e., scolding or other verbal punishment). Detroiters tended to advocate more retributive punishments, such as depriving the offender of a privilege or spanking. But they were not just "more likely" to give such answers. Instead, these responses together made up 67 percent of American answers, in striking contrast to their absence among Japanese. "Other" was a larger category among Americans.

In the high solidarity (authority) vignette in which a mother harmed her child, a substantially smaller proportion of Americans than Japanese indicated that anything should happen to the mother (see Table 1). But when Detroiters did advocate that something should be done, Table 2 shows that they differed predictably from Kanazawa residents. The category "reprimands" was expanded here in both American and Japanese coding schemes to include counseling, psychotherapy, and the like. Detroiters overwhelmingly chose this option, an intervention that focuses on the individual. In Kanazawa, by contrast, responses were nearly evenly divided between reprimand (counseling) and restitution. In this context restitution consisted of such acts as having the mother apologize to her child.<sup>18</sup> The American category for "other" responses was again larger than that for the Japanese, but also again it would not affect conclusions about response patterns even if the "other" responses were entirely reassigned to the restitution category.

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<sup>18</sup> We have no evidence, of course, on how sincere the respondents thought the apology would or should be. We are indebted to an anonymous reviewer for pointing out that such practices as maternal apology may be *kuchisaki*, or tip-of-the-tongue remarks to soothe their children rather than what an American would interpret as "sincere." What is true at minimum is that there is a cultural form, apology to one's child, that invokes the restoration of relationship in Japan but which has no American counterpart. See also Wagatsuma and Rosett (1986) regarding apology in the law in the United States and Japan.



The low solidarity (equal) vignette regarding the used car salesman repeats the now familiar pattern: restoration of role ties among Japanese, retributive sanctions among Americans. Detroiters made heavy use of reprimands and distributed a majority of their responses between demoting and firing the salesman. Kanazawa residents, in contrast, were overwhelmingly inclined toward restitution (e.g., making an apology or repayment) and almost never advocated either demoting or firing. Such practices, especially firing, are rare in Japanese businesses. Therefore Kanazawa respondents may simply be expressing opinion that reflects common cultural practices. From our viewpoint, however, this simply pushes the argument back one step, leaving the cultural difference intact.

The Detroit and Kanazawa surveys differed regarding the format for the "which punishment" item in the low solidarity (equal) story. It was asked in closed form in Detroit and open-ended form in Kanazawa.<sup>19</sup> The Yokohama survey's item, patterned after Detroit's, was also closed. Therefore Yokohama responses can provide some indication of how Kanazawa residents would answer the question in a closed format. These Yokohama responses were intermediate between those shown in Table 2 for Detroit and Kanazawa (36% in Yokohama advocated demoting, 13% advocated firing).

We do not believe that the inferences from the Detroit-Kanazawa comparison are threatened by such findings. Instead, the results probably illustrate that the American investigators' cultural biases produced a less adequate question form in Yokohama. First, open-ended categories are almost certainly a better measure of opinion here. The closed categories based on Detroit pretest data were questioned by the Japanese researchers from the outset. They correctly believed that these were not options Japanese respondents would spontaneously choose. Second, our Japanese colleagues note that Japanese respondents are often unwilling to challenge survey categories, perhaps more so than their American counterparts. Forced to make predefined choices, Yokohama respondents used them. Third, even using preset categories, Yokohama respondents still differed significantly from Detroiters in accord with hypotheses.

The low solidarity (authority) vignette about the foreman returns to a comparison of open-ended items. This story's punishment choice was left open-ended in Detroit because pretest responses were less clearly categorizable than for the low solidarity (equal) story, although the same final codes were used for both. Table 2 shows that restitution (typically apology or payment of medical expenses) dominates Kanazawa responses; it is absent among Detroiters. These answers directly tap the spontaneous in-

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<sup>19</sup> See n. 13 above.

clination of Americans but not Japanese to advocate demoting or firing as solutions to wrongdoing in the work place. Detroiters offered these isolative solutions frequently. Together they represented 51 percent of the American answers. Firing especially is a response that is worse than indifferent to role relationships; it actively destroys them. Kanazawa residents were quite disinclined toward either response.

### *B. Reasons for Imprisonment*

Table 3 shows the average evaluations of rationales for imprisonment by the Detroit mailback and Yokohama samples.<sup>20</sup> We first analyzed data for the multiple nonindependent responses via multiple analysis of variance (MANOVA). The overall difference between Japanese and American respondents was substantial ( $F(7,886) = 56.1; p < .0001$ ), justifying further analysis. In fact, Yokohama and Detroit residents differed significantly on all specific punishment rationales. As the means shown in Table 3 indicate, the smallest difference occurred for the rationale labeled "just deserts" (significant at  $p < .01$ ). All other differences were significant at  $p \leq .0001$ .

As predicted, the reintegration of offenders is a more prevalent objective among Japanese than American respondents. Detroiters were significantly more likely to advocate retribution, incapacitation, and general deterrence—responses that reflect a view of wrongdoing as being committed by isolated or isolable actors. Yokohama residents, in contrast, were significantly more likely to favor rehabilitation, specific deterrence, denunciation, and (by a thinner margin) just deserts. These patterns are consistent with expectations, except for just deserts. It appears that the latter category may be an ambiguous stimulus, at least in the wording used here; it can be interpreted in terms of either retribution to the actor or justice to the victim. Both the direction and the small size of the observed Yokohama-Detroit difference may be a function of this ambiguity.

Viewed as a whole, these results suggest an American view of the purpose of incarceration in which the isolated individual causes crime and the isolation of the individual remedies it. The

<sup>20</sup> Because Detroit results are based on a mailback subsample and the Yokohama results on a full sample, a question of comparability between samples arises. Comparing Detroit's mailback subsample with the full Detroit sample suggests that sample differences cannot account for observed results. Those Detroit respondents who returned completed mailback questionnaires were significantly more educated and more likely to be female than the sample as a whole (Adams, 1977). However, more educated and female respondents are if anything somewhat less likely to advocate retributive punishment rationales within both our mailback sample and other studies (e.g., Vidmar and Ellsworth, 1974). Therefore if it had any effect, the Detroit mailback's biased sample operated to counter our hypotheses, yielding average responses closer to the Japanese average than would be expected of a full random sample of Detroit.

**Table 3.** Average Agreement with Reasons for Imprisonment by American and Japanese Respondents\*

Concept	Item: "Sending the criminal to prison . . ."	Mean Ratings	
		Detroit ( <i>N</i> = 294)	Yokohama ( <i>N</i> = 600)
Retribution	"makes the criminal suffer for his crime."	2.03	2.47
Incapacitation	"Removes the criminal from society and keeps him from committing another crime while in prison."	1.56	2.13
General deterrence	"Shows other possible criminals what will happen to them if they commit the crime."	1.91	2.33
Just deserts	"Provides justice for the victim of the crime."	2.67	2.43
Specific deterrence	"Shows the criminal what happens to people who commit crimes and teaches him a lesson."	2.35	1.66
Rehabilitation	"Reforms or reeducates the criminal while he is imprisoned."	2.62	1.54
Labeling	"Shows that society thinks the crime was wrong."	2.05	1.67

\* 1 = very good reason for imprisonment; 5 = very bad reason. In the multiple analysis of variance, the overall *F* statistic (7,886) = 56.1; *p* < .0001. All individual choices also differ significantly, with *p* < .01.

hypothesized tendency of Japanese to view actors and action as existing in networks is compatible with their observed emphases on: (1) the reintegration of specific offenders (i.e., with specific deterrence and rehabilitation), and (2) the denunciation of offenders in order to restore social order.

### *C. Offenses Among Strangers*

The vignettes involving an actor and a stranger provide opportunities to compare Japanese and American responses when offender and victim lack ties altogether. In addition, as described below, one of the auto accident vignettes allows for an exploration of how the ties of actors to third parties might be affected when the actor and the victim are strangers.

**Table 4.** Sentences for a Street Criminal as Influenced by Experimental Variations in Detroit and Yokohama

Variations	Sentences*	
	Detroit	Yokohama
Mental state		
Low (accident)	19.8	22.2
High (purposeful)	26.1	30.9
Consequences		
Low (injury)	17.9	15.9
High (death)	28.8	35.8
Past pattern		
Low (no prior record)	20.5	24.7
High (prior record)	25.8	28.4

\* See n. 21 below for a fuller explanation of coding sentences. The metric is approximately in years, but with 1 = less than one-year sentence, while 55 = life sentence and 56 = death penalty.

1. **Street Crime.** The crime vignette made it possible to compare responses of Detroit and Yokohama residents to a serious offense against a stranger. Since a street crime does not involve ongoing ties between actor and victim, we anticipated that it might evoke more isolative or punitive responses among the Japanese. Table 1 showed that respondents in both Detroit and Yokohama virtually unanimously agreed that prison was an appropriate punishment; the difference between the cities was not significant. Punishment scaling regarding the metric of time in prison was comparable across surveys.<sup>21</sup>

The differences between the cities in specific punishments provided strong evidence that the Japanese can be isolative when strangers are to be sanctioned (cf. Ishida, 1984). Overall, there was a modest but significant difference in the average punishment assigned; Yokohama residents were more severe, with an average of

<sup>21</sup> In Detroit, the answer was written down verbatim to be coded later into numerical categories. In Yokohama, the answer was written down during the interview as a number of months and years. For both Detroit and Yokohama respondents, any number of months or years was readily converted into a common scale beginning with 1 = less than one year (thereby inflating year values reported here by 1). Detroit's problematic responses included time ranges (e.g., 5–10 years) and responses of a life sentence or the death penalty. Time range answers were assigned the average of the range; life sentences and the death penalty were assigned the values of 55 and 56. The last two values are obviously arbitrary, but stand in an ordinal relationship to other choices. For the Yokohama data, the values of 55 and 56 were also assigned for the same answers.

26.6 years versus 23.3 years among Detroiters.<sup>22</sup> Table 4 presents means for length of sentence by experimental variations, indicating that Yokohama and Detroit residents made very similar use of information about the incident.<sup>23</sup> The actor's intentionality made a large difference in sentence length in both cities ( $F(1,940) = 32.9; p < .0001$ ), as did the crime's consequences ( $F(1,940) = 130.6; p < .0001$ ) and the actor's past pattern of behavior—that is, his prior record ( $F(1,940) = 9.5; p = .002$ ). Respondents in the two cities differed significantly only in the strength of the effect of consequences, with Yokohama respondents significantly more sensitive to this information ( $F(1,940) = 11.8; p = .0006$ ). Table 4 indicates that the impact of past pattern information was weaker in Yokohama than in Detroit, but that the difference between cities was not itself significant.

Overall, in a crime between strangers Yokohama respondents judged the offender severely and, like Detroiters, used information about the individual actor and deed in doing so. Put more colloquially, their judgments of street crime were apparently more "American" than those of the Americans. This finding may reflect the facts that a prison term necessarily isolates the actor or that no prior relationship existed between offender and victim or both. Of course, Japanese respondents may have a different image of the prison experience than Americans, as suggested by the existence of practices such as *naikan* therapy<sup>24</sup> and as indicated in the Japanese and American reasons for imprisonment (see Table 3). Therefore while the Japanese sentencing responses were isolative, we cannot assume that their purposes were retributive. On the other hand, these results are evidence that the Japanese emphasis on network restoration and the rehabilitation of criminal offenders need not imply leniency of treatment.

**2. Auto Accidents.** In each of the two auto accident vignettes, both Detroit and Yokohama respondents were again sensitive to information about the individual actor and deed in a manner comparable to their evaluations of the crime between strangers.<sup>25</sup> In addition, one of the accident vignettes provided an opportunity to explore actor-third party ties. We have seen through their responses to the everyday life stories that Japanese respondents are less willing to break a person's ties to an employer as a result of an on-the-job wrongdoing. However, the literature also suggests that

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<sup>22</sup> In the metric described in n. 21 above:  $F(1,940) = 4.2; p = .04$ .

<sup>23</sup> See n. 12 above.

<sup>24</sup> See n. 8 above.

<sup>25</sup> For example, in the Child story the punishment responses of Detroiters were significantly affected by our manipulations of intent, consequences, and past pattern of behavior; responses of Yokohama residents were significantly affected in the same way by intent and consequences manipulations.

Japanese occupational roles can affect and be affected by wrongdoing outside of the work setting in a way unfamiliar to Americans. That is, these roles may have more diffuse effects on a broader network of relationships than in the United States because they represent ties that are fundamentally more solidary in absolute terms than their American counterparts.

In the Adult accident vignette, a pair of closed punishment questions probed the linkage between occupational roles and punishments. One question asked whether the driver of a car that hit a female pedestrian should volunteer to resign from his job. The second asked whether his employer (a university) should request that he quit. Responses of Detroit and Yokohama residents differed significantly to both questions. Only 4 percent of Detroiters indicated that the employee should volunteer to resign, in contrast to 34 percent of Yokohama residents ( $X^2 = 90.5$ ;  $p < .0001$ ); similarly, only 5 percent of Detroiters but 26 percent of Yokohama respondents said the university should ask for the driver's resignation ( $X^2 = 50.8$ ;  $p < .0001$ ). Thus work ties can be broken in Japan, and bringing dishonor on the work place appears to be one way to do so. In contrast, the American proclivity to see the self and others as isolated individuals may insulate the perpetrator's work life from any impact of outside misdeeds. To be sure, in the United States extremely high status or visibility may be associated with a "spillover" from everyday life wrongdoing into the work context, as is regularly illustrated by the peccadillos of politicians, but no such tendency emerges within the more ordinary occupational range studied here.

Despite the statistical significance of these results, several caveats are in order. First, the differences were not overpowering, and it should be emphasized that only a minority of Yokohama residents responded to each item with the "traditional Japanese" reaction of stressing the reverberation of a wrongdoing through a network. Furthermore, contrary to expectations, experimental manipulation of the status of the university employee who had the accident (professor versus clerk) did not influence Yokohama responses; we had anticipated that the "traditional" response would be more frequent when the driver held the higher status. Finally, these questions were also the only ones that showed effects of respondents' age (cf. Sanders and Hamilton, 1987b). Japanese over the age of fifty were significantly more likely than those between twenty and thirty-four or thirty-five and fifty to link the driver's occupational future to his non-work-related auto accident (voluntary resignation,  $X^2 = 7.98$ ;  $p = .02$ ; university request,  $X^2 = 8.1$ ;  $p = .02$ ). Thus the contextual view of individuals that stresses roles in networks may be less prevalent among younger Japanese.

#### IV. DISCUSSION

Norms about sanction appear to reflect both culturally based variation in conceptions of the individual and, within cultures, situationally based differences in how individual actors are viewed. We have argued that cross-cultural differences reflect the extent to which the individual is treated as an isolated being or as a member of a network, a part of a social context; correspondingly, within cultures the key difference also concerns the embeddedness of actors, victims, and third parties in a network of social bonds. In the remainder of this paper we will summarize our empirical findings, assess our own and alternative explanations for these results, and consider their implications for cultural differences in the resolution of disputes.

Our surveys were designed to test a model of responsibility attribution in Japan and the United States (Hamilton and Sanders, 1981; 1983). We used them here to explore several aspects of norms about sanction among the Japanese and Americans: (1) willingness to advocate everyday life, civil, and criminal sanctions; (2) choice of punishments in everyday life; and (3) rationales for imprisonment. Although the data were gathered in only three cities, it is reasonable to argue that the cultural differences observed are likely to extend to other sites, as the results are consistent with the anthropological and sociological literatures comparing the two cultures. While each type of question employed has limitations in the cross-cultural context, a consistent package of results emerged from the multiple items, types of item, and surveys (cf. Campbell and Fiske, 1959; Hui and Triandis, 1985). The generality of the results across Japan is also directly bolstered by the similarity of the responses across cities—Kanazawa and Yokohama—considered to be quite different by Japanese social scientists. Finally, differences between the American and Japanese responses do not seem to be a function of different demographic distributions in the samples, an alternative hypothesis to that of cultural difference. Instead an array of demographic variables make relatively little difference in either punishment decisions or the allocation of responsibility; this finding suggests that there is genuine consensus within these cultures—and genuine difference between them—with regard to views of sanctioning (Sanders and Hamilton, 1987b).

What broad patterns of differences between and within cultures emerged? First, across everyday life, accident, and crime vignettes, Japanese respondents were at least as willing as Americans to advocate that *something* should happen to perpetrators, but they had systematically different ideas about what that “something” should be. In judging an array of everyday life situations, the modal sanction chosen by the Japanese was some form of restitution; sanctions chosen by the Americans predominantly served

to isolate or punish the individual perpetrator. In addition, respondents' general rationales for imprisonment, as predicted, showed American respondents to favor more retributive reasons for punishing and Japanese respondents to favor more reintegrative reasons.

Judgments of a street crime and auto accidents served to make two complementary points. First, Japanese respondents can use the same information as Americans to the same isolative effect when the incident is a street crime devoid of solidary ties between perpetrator and victim.<sup>26</sup> Second, to the Japanese the interweaving of occupational and other roles may make sanctions spill over from one area into another as a function of ties between the actor and third parties, where they would not in the United States. Japanese social ties, while not all-encompassing, are tightly knit and manifold in their effects.

Differences between cultures are far from the whole story, however, despite Americans' litigious and conflictual reputation (see Galanter, 1983). The relative solidarity of relationships can be seen to underlie different repertoires of punishment utilized across incidents within each culture. When looking at the issue in terms of sanctions that characterize role relationships, there is a fundamental difference between our low and high solidarity vignettes in the most serious sanctions employed. A further gap can be observed between the everyday life settings and the street crime. For low solidarity stories the most severe sanctions destroy or seriously damage the actor's relationship with his employer. Detroit respondents showed greater willingness to disregard role relationships (i.e., to fire or demote) in these stories than did Kanazawa respondents. But neither Japanese nor American respondents proposed network-destructive sanctions in stories depicting highly solidary ties. Sanctions such as lawsuits are generally avoided in high solidarity role relationships.

In our view such choices reflect the belief that some social bonds will survive more severe untoward behavior than others. This expectation is comparable across cultures as diverse as Japan and the United States, and the repertoires of punitive solutions show comparable situationally based differences. Family relationships especially are to be maintained if at all possible. In general,

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<sup>26</sup> In the realm of real punishments, of course, Japanese sanctions are lenient relative to American ones, and Japanese crime rates are startlingly low (see, e.g., Bayley, 1976; Clifford, 1976). Perhaps the fact that street crime is unusual in Japan accounts for the harshness of Yokohama respondents' answers: That is, perhaps a "contrast effect" with their own experiences was operating. However, this explanation would appear to be inconsistent with the current Japanese pattern of lenient punishments for what are relatively infrequent crimes. The one point that is obvious from the current data is that Japanese respondents *can* judge street crimes among strangers in very "American" fashion. In our view it is unclear in what manner this tendency might change if the Japanese crime rate were to soar.



when highly solidary ties exist between parties, informal social control remains workable and decisions about punishment are likely to emphasize the rebuilding of the ties that bind (Black, 1976; Ekland-Olson, 1982, 1984); in turn, the existence and strength of informal social controls affect the need for formal sanction (on the role of apology, see Haley, 1982; 1986).

The power of a network explanation of these findings resides in the fact that it explains differences in sanctioning norms both across and within cultures. In contrast, an explanation of our findings in terms of cultural custom alone would have no a priori basis for anticipating the observed variation within culture in the extent to which respondents were isolative or restitutive. A weaker version of a custom or habit explanation is always available, however: the argument that respondents somehow automatically or blindly follow "custom" and that customs or habits regarding sanction, while varied within each culture, differ between the cultures. Yet such an argument is not very theoretically satisfying. It either reduces to an irrationalist conclusion—for example, that the Japanese responses are different because of their "Japaneseness"—or it requires a further explanation of why the customs or habits themselves arise (Kidder, 1983). Here responses *within* each culture also varied in a manner consistent with predictions based on solidarity of relationships among the parties. Therefore the solidarity of relationships in networks provides a parsimonious account of how norms of sanction come to differ within and across cultures.

This research has focused on an aspect of legal culture in the United States and Japan rather than on legal practices per se. In light of the differences we have observed in norms of sanction, it is worth noting that in important ways the American legal system is becoming "more Japanese" in its recognition of the importance of social ties (especially between actor and victim) in determining appropriate sanctions. The alternative dispute resolution movement is in part a recognition that traditional adjudication procedures with traditional sanctions may not be appropriate if maintaining social relationships is important (see Danzig and Lowy, 1975; Wharhaftig, 1982; Baumgartner, 1984; Lempert and Sanders, 1986). One question about the effectiveness of less adversarial proceedings concerns the role of *coercive* legal and social devices that impel actors and victims toward apology and other forms of restitution and toward informal rather than formal legal decisions. Such coercive elements are powerful in Japan but may be missing in the American adaptations of "Japanese" ways (see, e.g., Haley, 1986; Ramseyer, 1985). It can be argued that such coercive practices, even if instituted, are less likely to succeed without a supportive legal cultural backdrop. American norms about sanctioning may therefore serve as a brake on the move toward more "Japanese" legal practices, however attractive and rational these practices seem to many in our society.

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