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Japanese Gun Control

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I. Introduction

In October 1992, in Louisiana, a Japanese exchange student named Yoshihiro Hattori went into the wrong house on the way to a Halloween party. The homeowner's wife screamed for help and the homeowner drew his .44 pistol and yelled for the student to 'freeze!' Not understanding the American idiom that 'freeze!' means 'Don't move or I'll shoot', the student continued advancing towards the homeowner. The homeowner pulled the trigger and shot him dead.¹ While the incident initially attracted only brief attention in the national American press, the shooting horrified Japan; hundreds of thousands of Japanese have signed petitions calling for the United States to implement gun prohibition, and Hattori's parents have announced plans to begin working with the American lobby, Handgun Control Inc.²

To many Japanese, and to many Americans, it is simply incomprehensible that the United States has not implemented strict gun controls or prohibitions along the Japanese model. Gun control in Japan is the most stringent in the democratic world. The weapons law begins by stating 'No-one shall possess a fire-arm or fire-arms or a sword or swords', and very few exceptions are allowed.³ Gun ownership is minuscule, and so is gun crime. As gun crime in other nations increases, many advocates of gun control urge that Japan's gun control policy be imitated.⁴

But before other nations, particularly the United States, decide that Japanese-style gun control is the magic elixir for the disease of gun violence, it is necessary to understand more fully what Japanese gun control is. Exactly what kinds of controls on guns are imposed by the police? How do the controls fit into the context of the overall relationship between the people and the Government? How has Japan, which earlier was a violent nation with large numbers of guns, become almost totally disarmed and come to have such a low violent crime rate? Why do the Japanese comply with stringent controls, when much milder controls have met such intense resistance in America and other Western nations? And what effect have Japanese gun controls had on suicide?

II. Gun Possession and Gun Crime: Almost Nil

The only type of firearm which a Japanese citizen may even contemplate acquiring is a shotgun.⁵ Sportsmen are permitted to possess shotguns for hunting and for skeet and trap (pg.27) shooting, but

only after submitting to a lengthy licensing procedure.⁶ Without a license, a person may not even hold a gun in his or her hands.

The licensing procedure is rigorous. A prospective gun owner must first attend classes and pass a written test.⁷ Shooting range classes and a shooting test follow; 95 per cent pass.⁸ After the safety exam, the applicant takes a simple 'mental test' at a local hospital, to ensure that the applicant is not suffering from a readily detectable mental illness. The applicant then produces for the police a medical certificate attesting that he or she is mentally healthy and not addicted to drugs.⁹

The police investigate the applicant's background and relatives, ensuring that both are crime free. Membership in 'aggressive' political or activist groups disqualifies an applicant.¹⁰ The police have unlimited discretion to deny licenses to any person for whom 'there is reasonable cause to suspect may be dangerous to other persons' lives or properties or to the public peace'.¹¹

Gun owners are required to store their weapons in a locker, and give the police a map of the apartment showing the location of the locker. Ammunition must be kept in a separate locked safe. The licenses also allow the holder to buy a few thousand rounds of ammunition, with each transaction being registered.¹²

Civilians may also apply for licenses to possess air rifles—low-power guns that are powered by carbon dioxide rather than by gunpowder.

Civilians can never own handguns. Small calibre rifles were once legal, but in 1971, the Government forbade all transfers of rifles. Current rifle license holders may continue to own them, but their heirs must turn them into the police when the license-holder dies.¹³ Total remaining rifle licenses are 27,000.¹⁴ Even shotguns and air rifles, the two legal types of firearm, are becoming rarer and rarer, as few people find it worthwhile to pass through a burdensome gun licensing process. The number of licensed shotguns and air rifles declined from 652,000 in 1981 to 493,373 in 1989.¹⁵

Although there is no mandatory minimum penalty for unlicensed firearm possession, 81 per cent of sentences for illegal firearm or sword possession are imprisonment for a year or more, perhaps because most gun crimes are perpetrated by professional criminals.¹⁶ The maximum penalty is ten years in prison and a one million yen fine.

Gun crime does exist, but in very low numbers. There were only 30 crimes committed in 1989 with shotguns or air rifles.¹⁷ With no legal civilian handgun possession, Japan experiences in an average year less than 200 violent crimes perpetrated with a handgun, of which almost all are perpetrated by *Boryokudan*, organised crime groups.¹⁸ Most gun crimes involve only unlicensed possession, and not the commission of another crime. Including the possession cases, there are about 600 handgun crimes a year and 900 long gun crimes.¹⁹ (pg.28) In the years after the Second World War, former soldiers were the major source of illegal guns. Today, illegal guns are usually smuggled from overseas (especially from the Philippines and the United States) by organised crime gangs which also import pornography, drugs, and illegal immigrants.²⁰ A small number of craftsmen specialise in converting toy and model guns into working handguns for criminals.²¹ Gangster appetites for guns, and success in procuring them is said by the police to be increasing.²² Of weapons confiscated from gangsters, guns accounted for only six per cent in 1960, but 39 per cent in 1988.²³ On the other

hand, the number of real handguns confiscated by the police has fallen from 1,338 in 1985 to 875 in 1989. The number of converted toy handguns seized has fallen from a high of 569 in 1985 to 128 in 1989.²⁴

Because gun crime still exists in tiny numbers, the police make gun licenses increasingly difficult to obtain. The test and all-day lecture are held once a month. The lecture almost always requires that the licensee take a full day off from work—not a highly regarded activity by Japanese employers. An annual gun inspection is scheduled at the convenience of the police, and also requires time off from work. Licenses must be renewed every three years, with another all-day safety lecture and examination at police headquarters.

Tokyo is the safest major city in the world. Only 59,000 licensed gun owners live in Tokyo.²⁵ Per one million inhabitants, Tokyo has 40 reported muggings a year; New York has 11,000.²⁶ The handgun murder rate is at least 200 times higher in America than Japan.²⁷ The official homicide rate in Japan in 1988 was 1.2 homicide cases per 100,000 population, while in America it was 8.4 homicide cases per 100,000.²⁸

Robbery is almost as rare as murder. Indeed, armed robbery and murder are both so rare that they usually make the national news, regardless of where they occur.²⁹ Japan's robbery rate is 1.4 per 100,000 inhabitants. The reported American rate is 220.9.³⁰ People walk anywhere in Japan at night, and carry large sums of cash.³¹

III. A Police State

Illegal gun possession, like illegal drug possession, is a consensual offense. There is no victim to complain to the police. Accordingly, in order to find illegal guns, the Japanese police are given broad search and seizure powers. The basic firearms law permits a policeman to search a person's belongings if the officer judges there is 'sufficient suspicion that a person is carrying a fire-arm, a sword or a knife' or if he judges that a person 'is likely to endanger life or body of other persons judging reasonably from his abnormal behavior or any other surrounding circumstances'.³² Once a weapon is found, the policeman may confiscate it. Even if the confiscation is later admitted to be an error, the firearm is sometimes not returned.³³ (pg.29)

In practice, the special law for weapons searches is not necessary, since the police routinely search at will. They ask suspicious characters to show them what is in their purse or sack.³⁴ In the rare cases where a policeman's search (for a gun or any other contraband) is ruled illegal, it hardly matters; the Japanese courts permit the use of illegally seized evidence.³⁵ And legal rules aside, Japanese, both criminals and ordinary citizens, are much the more willing than their American counterparts to consent to searches and to answer questions from the police.³⁶

'Home visit is one of the most important duties of officers assigned to police...' explains the Japanese National Police Agency. In twice-a-year visit, officers fill out Residence Information Cards about who lives where and which family member to contact in case of emergency, what relation people in the house have to each other, what kind of work they do, if they work late, and what kind of cars

they own.³⁷ The police also check on all gun licensees, to make sure that no gun has been stolen or misused, that the gun is securely stored, and that the licensees are emotionally stable.³⁸

The close surveillance of gun owners and householders comports with the police tradition of keeping close tabs on many private activities.³⁹ For example, the nation's official year-end police report includes statistics like 'Background and Motives for Girls' Sexual Misconduct'. The police recorded 9,402 such incidents in 1985, and determined that 37.4 per cent of the girls had been seduced, and the rest had sex 'voluntarily'. The two leading reasons for having sex voluntarily were 'out of curiosity' for 19.6 per cent, and 'liked particular boy', for 18.1 per cent.⁴⁰ The fact that police keep records on sex is simply a reflection of their keeping an eye on everything, including guns. Every person is the subject of a police dossier.⁴¹

Almost everyone accepts the paradigm that the police should be respected. Because the police are so esteemed, the Japanese people co-operate with their police more than Americans do. Co-operation with the police also extends to obeying the laws which almost everyone believes in. The Japanese people, and even the large majority of Japanese criminals, voluntarily obey the gun controls.

There is no right to bear arms in Japan. In practical terms, there is no right to privacy against police searches. Other Western-style rights designed to protect citizens from a police state are also non-existent or feeble in Japan.

After the arrest, a suspect may be detained without bail for up to 28 days before the prosecutor brings the suspect before a judge.⁴² Even after the 28 day period is completed, detention in a Japanese police station may continue on a variety of pretexts, such as preventing the defendant from destroying evidence. Rearrest on another charge, *bekken taihō*, is a common police tactic for starting the suspect on another 28 day interrogation process. 'Rearrest' may (pg.30) occur while the suspect is still being held at the police station on the first charge. Some defendants may be held for several months without ever being brought before a judge.⁴³ Courts approve 99.5 per cent of prosecutors' requests for detentions.⁴⁴

Criminal defense lawyers are the only people allowed to visit a suspect in custody, and those meetings are strictly limited. In the months while a suspect is held prisoner, the defense counsel may see his or her client for one to five meetings lasting about 15 minutes each. Even that access will be denied if it hampers the police investigation. While under detention, suspects can be interrogated 12 hours a day, allowed to bathe only every fifth day, and may be prohibited from standing up, lying down, or leaning against the wall of their jail cells.⁴⁵ Amnesty International calls the Japanese police custody system a 'flagrant violation of United Nations human rights principles'.⁴⁶

The confession rate is 95 per cent.⁴⁷ As a Tokyo police sergeant observes, 'It is no use to protest against power'.⁴⁸ Suspects are not allowed to read confessions before they sign them, and suspects commonly complain that their confession was altered after signature. The police use confession as their main investigative technique, and when that fails, they can become frustrated and angry. The Tokyo Bar Association states that the police routinely 'engage in torture or illegal treatment'. The Tokyo Bar is particularly critical of the judiciary for its near-total disinterest in coercion during the confession process. 'Even in cases where suspects claimed to have been tortured and their bodies bore physical traces to back their claims, courts have still accepted their confessions'.⁴⁹

In Japan, the legal system is, in effect, an omnipotent and unitary state authority. All law enforcement administrators in Japan are appointed by the National Police Agency and receive their funding from the NPA. Hence, the police are insulated from complaints from politicians or other citizens.⁵⁰ There is hardly any check on the power of the state, save its own conscience.

What does the breadth of police powers have to do with gun controls? Japanese gun controls exist in a society where there is little need for guns for self-defense. Police powers make it difficult for owners of illegal guns to hide them. Most importantly, the Japanese criminal justice system is based on the Government possessing the inherent authority to do whatever it wishes. In a society where almost everyone accepts nearly limitless, unchecked Government power, people do not wish to own guns to resist oppression or to protect themselves in case the criminal justice system fails.

Extensive police authority is one reason the Japanese gun control system works. Another reason is that Japan has no cultural history of gun ownership by citizens.^(pg.31)

IV. A History of Civilian Disarmament

The late historian Richard Hofstadter rejected the idea that America's violent past might explain its present cultural attachment to the gun. He pointed out that Japan also had a violent past, but has managed to tame its passions and evolve to a more pacific, weapon-free state.⁵¹ But the Japanese past, while violent, laid no cultural foundation for a gun culture. Weapons always were, and remain today, the mark of the rulers, not the ruled.

A. Masters of Gun Manufacture

Guns arrived in Japan along with the first trading ships from Portugal in 1542 or 1543. Confident of the superiority of Japanese civilisation, the Japanese dubbed the Western visitors *namban*, 'Southern barbarians'.⁵² The Portuguese had landed on Tanegashima Island, outside Kyushu. One day the Portuguese trader Mendez Pinto took Totitaka, Lord of Tanegashima for a walk; the trader shot a duck. The Lord of Tanegashima made immediate arrangements to take shooting lessons, and within a month he bought both Portuguese guns, or *Tanegashima* as the Japanese soon called them.⁵³

The *Tanegashima* caught on quickly among Japan's feuding warlords. The novelty of the guns was the main reason that the Portuguese were treated well.⁵⁴ Lord Oda Nobunaga noted that 'guns have become all the rage...but I intend to make the spear the weapon to rely on in battle'. Nobunaga was worried about how long—15 minutes—it took to prepare a gun shot, and how weak the projectile was. The Portuguese guns, among the best of their era, were matchlocks (ignited by a match), and Japan's rainy weather made the gun's ignition system unreliable.⁵⁵

Despite some initial problems, the Japanese rapidly improved firearms technology. They invented a device to make matchlocks fire in the rain (the Europeans never figured out how to do this), refined the matchlock trigger and spring, developed a serial firing technique, and increased the matchlock's calibre. They also dispensed with pre-battle introductions.⁵⁶ Superior quality guns were produced;

during the 1604 Russo-Japanese war, 16th century matchlocks were converted to modern bolt-action and performed admirably.⁵⁷

The Arabs, the Indians, and the Chinese had all acquired firearms long before the Japanese. But only the Japanese mastered large-scale domestic manufacture.⁵⁸

By 1560, only 17 years after being introduced in Japan, firearms were being used effectively in large battles. That year, a bullet killed a general wearing full armour.⁵⁹ In 1567, Lord Takeda Harunobu declared, 'Hereafter, guns will be the most important arms'.⁶⁰ He was right. Less than three decades after Japan saw its first gun, there were more guns in Japan than any other nation on the planet. Several Japanese feudal lords had more guns than the whole British army.⁶¹ (pg.32)

It was Lord Oda Nobunaga, an early critic of the Portuguese matchlocks, whose army truly mastered the new firearms technology.⁶² At Nagashino in 1575, 3,000 of Nobunaga's conscript peasants with muskets hid behind wooden posts and devastated the enemy's cavalry charge. There was no honour to such fighting, but it worked.⁶³ Feudal wars between armies of samurai knights had ravaged Japan for centuries. Nobunaga and his peasant army, equipped with matchlocks, conquered most of Japan, and helped bring the feudal wars to an end.⁶⁴

Guns dramatically changed the nature of war. In earlier times, after the introductions, fighters would pair off, to go at each other in single combat—a method of fighting apt to let individual heroism shine. Armoured, highly trained samurai had the advantage. But with guns, the unskilled could be deployed *en masse*, and could destroy the armoured knights with ease.⁶⁵ Understandably, the noble *bushi* class thought firearms undignified. Even Lord Nobunaga personally refused to use guns and included samurai warriors in his armies. The warriors who became heroes were still those who used swords or spears.⁶⁶

B. The Sword Hunt

Yet as Japan grew more pre-eminent in firearms manufacture and warfare, she moved closer to the day when firearms would disappear from society. The engineer of Japan's greatest armed victories, and of the abolition of guns in Japan, would be a peasant named Hidéyoshi. Starting out as a groom for Lord Nobunaga, Hidéyoshi rose through the ranks to take control of Nobunaga's army after Nobunaga died. A brilliant strategist, Hidéyoshi finished the job that Nobunaga began, and re-unified Japan's feudal states under a strong central government.⁶⁷

Having conquered the Japanese, Hidéyoshi meant to keep them under control. On 29 August 1588, Hidéyoshi announced 'the Sword Hunt' (*taiko no katanagari*) and banned possession of swords and firearms by the non-noble classes. He decreed:

The people in the various provinces are strictly forbidden to have in their possession any swords, short swords, bows, spears, firearms or other arms. *The possession of unnecessary implements makes difficult the collection of taxes and tends to foment uprisings...* Therefore the heads of provinces, official agents and deputies are ordered to collect all the weapons mentioned above and turn them over to the Government.⁶⁸(emphasis added)

Although the intent of Hidéyoshi's decree was plain, the Sword Hunt was presented to the masses under the pretext that all the swords would be melted down to supply nails and bolts for a temple containing a huge statue of the Buddha. The statue would have been twice the size of the Statue of Liberty.⁶⁹ The Western missionaries' *Jesuit Annual Letter* reported that Hidéyoshi 'is depriving the people of their arms under the pretext of devotion to religion'.⁷⁰ (pg.33) Once the swords and guns were collected, Hidéyoshi had them melted into a statue of himself.

The historian Stephen Turnbull writes:

Hidéyoshi's resources were such that the edict was carried out to the letter. The growing social mobility of peasants was thus flung suddenly into reverse. The *ikki*, the warrior-monks, became figures of the past...Hidéyoshi had deprived the peasants of their weapons. Iéyasu [the next ruler] now began to deprive them of their self respect. If a peasant offended a samurai he might be cut down on the spot by the samurai's sword.⁷¹

The inferior status of the peasantry having been affirmed by civil disarmament, the Samurai enjoyed *kiri-sute gomen*, permission to kill and depart. Any disrespectful member of the lower class could be executed by a Samurai's sword.⁷²

Hidéyoshi forbade peasants to leave their land without their superior's permission and required that warriors, peasants, and merchants all remain in their current post.⁷³ After Hidéyoshi died, Iéyasu founded the Tokugawa Shogunate, which would rule Japan for the next two-and-a-half centuries. Peasants were assigned to a 'five-man group,' headed by landholders who were responsible for the group's behaviour. The groups arranged marriages, resolved disputes, maintained religious orthodoxy, and enforced the rules against peasants possessing firearms or swords. The weapons laws clarified and stabilised class distinctions. Samurai had swords; the peasants did not.⁷⁴

The total abolition of firearms never took place by a formal decree. Hidéyoshi had taken the first step, by disarming the peasants. In 1607, the Tokugawa Shogunate took the second step by dictating that all gun and powder production take place in Nagahama.⁷⁵ Permission from the central Government was required to engage in the business.⁷⁶ In theory, the gunsmiths could fill any orders they got, as long as they got permission from the *Teppo Bugyo* (commissioner of guns). In practice, almost no orders except those by the Government were permitted.⁷⁷

The gunsmiths, starving for lack of business, slipped out of Nagahama. Some went to work for Lord Tokitaka's heirs on Tanegashima Island, where guns had first arrived in Japan. In 1609, the Government ordered the gunsmiths back to Nagahama. This time, they would receive an annual pension, regardless of whether they produced guns, as long as they stayed put and let the Government keep an eye on them.⁷⁸

The pensions were low, and the work ethic was still strong. Many gunsmiths turned to sword production. The Government compensated the other smiths by paying increasingly high prices for small gun orders. By 1625, the government monopoly was secure. There were four (pg.34) master gunsmith families, and forty families of ordinary gunsmiths under them. The Government ordered

387 matchlocks a year, and cut orders even further in 1706.⁷⁹ Eventually, the number of gunsmiths dwindled to 15 families, who supported themselves with government repair orders.⁸⁰

The historian Noel Perrin offers five reasons why Japan was able to renounce the gun while Europe was not, despite the fierce resistance to guns by the European aristocracy. First, the Samurai warrior nobility, who hated guns, amounted to 6-10 per cent of the population, unlike in Europe, where the noble class never exceeded 1 per cent. The nobility simply counted for more in Japan.⁸¹ Second, Japan was so hard to invade, and the Japanese were such formidable fighters, that swords and bows sufficed for national defense.⁸² Invasions were unlikely in any case. One hundred miles separate Japan from Korea; 500 divide Japan and China. Third, writes Perrin, swords were what the Japanese truly valued. Guns depreciated the importance of swords, so a policy of protecting swords by eliminating guns was bound to be popular, at least with the classes who carried swords. Hailed as 'the soul of the samurai', the sword was the physical embodiment of aristocratic honour and of the soul itself.⁸³ When gun manufacture was still legal, and the Government decided to honour the four leading gunsmiths, it gave them swords.⁸⁴ The cult of the sword persisted into the Second World War, when Japanese officers lugged traditional, cumbersome swords into Southeast Asian jungles.⁸⁵ Even today, the sword is a common source of Japanese metaphor. Self-indulgent behaviour is called 'the rust of my body', identifying one's body with a sword.⁸⁶ The fourth reason Perrin cites for the success in elimination of guns was a general reaction against outside influences, particularly Christianity. Although the firearms made in Japan were the world's best, they remained a symbol of Western technology.⁸⁷ Finally, writes Perrin, in a society where aesthetics were prized, swords were valued because they were graceful to use in combat.⁸⁸

Sociologist William Tonso adds one more reason why Japan saw no need for guns; there was not a great deal of big game to hunt.⁸⁹

The abolition of firearms and abandonment of military aggression were just one element of the *sakoku* policy of isolation from the world and exaltation of 'Japaneseness'. The policy worked. Edwin O Reischauer, America's leading historian of Japan, writes: 'The brawling, bellicose Japanese people of the sixteenth century gradually were transformed into an extremely orderly, even docile people...Nowhere in the world was proper decorum more rigorously observed by all classes, and nowhere else was physical violence less in evidence in ordinary life'.⁹⁰ When Commodore Perry and his 'Black Ships' arrived in 1853, Japan was backwards only in technology. An officer in Commodore Perry's fleet reported, 'These people seemed scarcely to know the use of firearms'.⁹¹ Japan had built a more harmonious, peaceful society than any Western nation has before or since.⁹²

True, the Japanese paid a price for their order. Freedom was an alien concept. Interclass, social, and geographic mobility were extinguished. Indeed, as Turnbull points out, (pg.35) Hidéyoshi's hunt for swords and firearms marked the end of social freedom in Japan. The abolition of firearms probably would not have succeeded if Japan had a free economy or a free political system. If the Japanese sacrificed a certain degree of economic and personal freedom, they also spared themselves the bloody conflicts that engulfed the Western world.

C. The Rush to Militarism

Though Japan had lived happily without guns, militarism, violence, or foreign influence, Commodore Perry's arrival shook the nation deeply. The Japanese realised that, however harmonious their society, they were centuries behind the West technologically, and, like China, in imminent danger of colonisation. The Government tried to strengthen itself by adopting Western military technology and sending missions abroad to learn about the West.⁹³

Under Hidéyoshi, the peasant class had lost its political power, and with it the privilege of owning arms. When the aristocracy lost its own political power during the Meiji period, it too lost its right to bear arms. In 1876, the Government forbade the samurai to wear their two swords. The next year, 40,000 discontented conservative samurai rose up in the Satsuma Rebellion led by the *Shimpuren* ('God-wind League'). They rejected the chance to use imported muskets, fought with swords instead, and were crushed by the conscript peasant army using guns.⁹⁴

The new Japanese Government embarked on a rapid industrialisation program, including development of a self-sufficient munitions industry.⁹⁵

During the early 20th century, the gun controls were slightly relaxed. Tokyo and other major ports were allowed to have five gun shops each, other prefectures, three. Revolver sales were allowed with a police permit, and registration of every transaction were required. Nevertheless, the ownership of revolvers was 'practically nil' according to one American observer.⁹⁶

In the 1920s and 1930s, the military came increasingly to control civilian life. Sonoda explains: 'The army and the navy were vast organizations with a monopoly on physical violence. There was no force in Japan that could offer any resistance'.⁹⁷ The 1930s degenerated into a horrible period of government by assassination, as military factions attempted to destroy each other, and as militarists murdered opponents of war.⁹⁸ Despite the strict gun laws, the frequency of assassinations far exceeded anything seen in Europe or North America this century. Even today, assassinations still occur.⁹⁹

Under Hidéyoshi and the Tokugawa Shogunate, strict gun control succeeded in Japan because it was consistent with the cultural needs of Japanese society. Today, the gun control policy continues to succeed because it continues to match the basic character of Japanese society.(pg.36)

V. The Preference for Paternalism

The Japanese historian, Nobutaka Ike, observes in modern Japan a 'preference for paternalism'.¹⁰⁰ An American historian writes: 'Never conquered by or directly confronted with external forms of political rule (except for the MacArthur occupation), they remained unaware of the relative, fallible nature of authority. Authority was a "given", taken for granted as an unalienable part of the natural order'.¹⁰¹ A Tokyo University historian describes 'an assumption that the state is a prior and self-justifying entity, sufficient in itself. This results in a belief that...the state should take precedence over the goals of other individuals and associations...'.¹⁰²

The differing meanings of the phrase 'rule of law' highlight the contrast between American and Japanese views of authority. In America, observes Noriho Urabe, 'rule of law' expresses the

subordination of Government to the law. In Japan, the 'rule of law' refers to the people's obligation to obey the Government, and is thus 'an ideology to legitimize domination'.¹⁰³

The Japanese individual's desires are 'absorbed in the interest of the collectivity to which he belongs', whether that collectivity be the nation, the school, or the family.¹⁰⁴ There is no theory of 'social contract', and no theory that individuals pre-exist society and have rights superior to society.¹⁰⁵ The strongest sanctions are not American-style punishments, but exclusion from the community.¹⁰⁶ When Japanese parents punish their children, they do not make the children stay inside the house, as American parents do. Punishment for a Japanese child means being put outside. The sublimation of individual desires to the greater good, the pressure to conform, and internalised willingness to do so are much stronger in Japan than in America.¹⁰⁷

More than gun control, more than the lack of criminal procedure safeguards, more than the authority of the police, it is the pervasive social controls of Japan that best explain the low crime rate. Other nations, such as the former Soviet Union, have had severe gun control, less criminal justice safeguards, and more unconstrained police forces than Japan. But the Soviets' crime rate was high and Japan's minuscule because Japan has the socially-accepted and internalised restraints on individual behaviour which the Soviets lack. While social controls fell and crime rose everywhere in the English-speaking world in the 1960s, social controls remained and crime fell in Japan.¹⁰⁸

More than the people of any other democracy, the Japanese accept the authority of their police and trust their government. In this cultural context, it is easy to see why gun control has succeeded in Japan, the people accept gun control with the same readiness that they accept other Government controls. Further, they have little incentive to disobey gun controls, since they have hardly any cultural heritage of gun ownership.^(pg.37)

VI. An Unarmed Government

The Japanese Government promotes a social climate for gun control by the good example of disarming itself. The police have little interest in using or glamorising guns. When the national police agency was created in the late nineteenth century, many members were ex-samurai who were unemployed because of the abolition of feudalism. They, of course, believed that guns were for cowards, and that real men fought with the martial arts. Indeed, the Japanese police only took up firearms when ordered to do so in 1946 by General MacArthur. Two years later, when the American occupation forces noticed that few police officers had obeyed the order to arm, the Americans supplied the police with guns and ammunition.¹⁰⁹

The police have only .38 special revolvers, not the high-capacity 9mm handguns often toted by the American police.¹¹⁰ No officer would ever carry a second, smaller handgun as a back up, as many American police do. Policeman may not add individual touches, such as pearl handles or unusual holster, to dress up their gun. While American police are often required to carry guns while off-duty, and almost always granted the privilege if they wish (even when retired), Japanese police must always leave their guns at the station. Unlike in the United States, desk-bound police administrators, traffic police, most plainclothes detectives, and even the riot police do not carry guns.¹¹¹

Instead of using guns, the police rely on their black belts in judo or their police sticks. Indeed, police recruit training spends 60 hours on firearms compared to 90 hours on judo, and another 90 on *kendo* (fencing with sticks). (The number of hours that Japanese police recruits do spend on firearms training is larger than what most of their American counterparts receive; that the Japanese are so thoroughly instructed in a weapon which they are expected to use in only the rarest of circumstances testifies to the highly cautious approach of the Japanese police towards firearms.) After police school, few officers show any interest in further firearms training, while continued judo and *kendo* practice is frequent. Annual police martial arts contests are important events. Sixty percent of officers rank in one of the top judo brackets. Beer bellies are non-existent. In contrast, many American policemen, if confronted with deadly assault, have no combat technique to use except gunfire.¹¹² The American police's heavy reliance on guns serves, intentionally or not, to legitimise a similar attitude in the rest of the population.

The official Japanese police culture discourages use or glamorisation of guns. One poster on police walls orders: 'Don't take it out of the holster, don't put your finger on the trigger, don't point it at people'.¹¹³ Shooting at a fleeing felon is unlawful under any circumstance. Police and civilians can both be punished for any act of self-defense in which the harm caused was greater than the harm averted.¹¹⁴ In an average year, the entire Tokyo police force only fires a half-dozen or so shots.¹¹⁵ (pg.38)

The police being disarmed, criminals reciprocate. Although guns are available on the black market, there is little use of guns in crime. The riot police leave their guns at the station; and the masses of angry students who confront the riot police also eschew modern weapons. The two sides instead study medieval military tactics, using mass formations of humans as battering rams or as shields. For a short time in the early 1970s, some demonstrators broke the informal rules by resorting to molotov cocktails and home-made pistols similar to zip guns. The riot police augmented their armour, but continued to eschew firearms. In 1972, the radical students resumed adherence to the old code, and the firearms vanished.¹¹⁶

Comparative criminologist, David Bayley, a proponent of stricter American gun controls, suggests that American police attitudes towards guns makes it impossible for gun control to be achieved. As long as the police are armed, writes Bayley, they send the implicit message that armed confrontations with civilians are the norm, and that shootings of police officers, while sad, are nothing extraordinary.¹¹⁷

The model of Governmental disarmament is repeated at the broadest levels of Japanese society. The military barely exists. Japan's rejection of militarism sets another good example for both gun control and for non-violence in general. The lack of involvement in foreign war, in earlier centuries and today, may be an important factor in Japan's culture of conformity and non-criminality.¹¹⁸

VII. Suicide

The Japanese experience does not seem to support the hypothesis that fewer guns means fewer suicides. While the Japanese gun suicide rate is one-fiftieth of America's, the overall suicide rate is

nearly twice as high as America's.¹¹⁹ Teenage suicide is 30 per cent more frequent in Japan than America. Every day in Japan, two Japanese under 20 years old kill themselves.¹²⁰

Japan also suffers from double or multiple suicides, *shinju*. Parents bent on suicide take their children with them, at the rate of one per day, in *oyako-shinju*. In fact, 17 per cent of all Japanese officially defined as homicide victims are children killed by suicidal parents.¹²¹ One reason that the official Japanese homicide rate is so low is that if a Japanese woman slits her children's throats and then kills herself, police statistics sometimes record it as a family suicide, rather than a sensational murder. Thus, Japan's tight family structures, which keep the overall crime rate low, are not unalloyed blessings.

Of the many reasons suggested by researchers for the high Japanese suicide rate, one of the most startling is weapons control. Japanese scholars Mamon Iga and Kichinosuke Tatai argue that one reason Japan has a suicide problem is that people have little sympathy for (pg.39) suicide victims. Iga and Tatai suggest that the lack of sympathy (and hence the lack of social will to deal with a high suicide rate) is based the Japanese' feelings of insecurity and consequent lack of empathy. They trace the lack of empathy to a 'dread of power'. That dread is caused in part by the awareness that a person cannot count on others for help against violence or against authority. In addition, say Iga and Tatai, the dread of power stems from the people being forbidden to possess swords or firearms for self-defense.¹²²

Stated another way, firearms prohibition is part of a culture that subordinates the individual to society. When the individual finds himself not fitting into social expectations, self-destruction may often seem appropriate, since in a conflict between the individual and society, society is, by definition, always right. It is interesting to note that the overall violent death rates (counting both murders and suicides) in many of the developed countries are approximately the same. America has a high murder rate, but a relatively low suicide rate. Japan and Switzerland have very low murder rates, but suicide rates twice the American level. Seymour Martin Lipset notes the high suicide rates in Japan and western European countries and speculates that 'psychopaths there turn it on themselves'.¹²³

VIII. Conclusion

The idea that Japanese gun laws should serve as model for other nations is not uncommon. Some Americans propose laws even more severe than Japan's.¹²⁴ Often, the suggestion comes as an offhand remark in a newspaper editorial, but even when the suggestion is advanced by scholars, the reasoning is often superficial and unpersuasive.

L Craig Parker, an American expert on the Japanese police, proposes that the United States adopt Japanese gun control and also other Japanese strategies, such as a National Police Agency. Parker's brief discussion of guns, however, simply recites statistics showing that Japan has less guns and less gun crime. His only evidence that gun control would actually reduce crime in America is a study by Dr Leonard Berkowitz arguing that guns cause aggression. Actually, what the studies by Berkowitz and others showed was that people acted more aggressively towards other people if the other person was associated with weapons; for example, motorists reacted more aggressively to other vehicles

slow to accelerate when a red light turned green if the slow car had a rude bumper sticker and a rifle in a gun rack.¹²⁵

Summing up the perspective of many gun prohibitionists, one Japanese newspaper reporter writes, 'It strikes me as clear that there is a distinct correlation between gun control laws and the rate of violent crime. The fewer the guns, the less the violence'.¹²⁶ But the claim that fewer guns correlates with less violence is plainly wrong. America experienced falling crime and homicide rates in the 1940s, 1950s, and early 1980s, all periods during which per capita gun (pg.40) ownership, especially handgun ownership, rose.¹²⁷ And Japan, with its severe gun control, suffers no less murder than Switzerland, one of the most gun-intensive societies on earth.¹²⁸

Japan's gun control does play an important role in the low Japanese crime rate, but not because of some simple relation between gun density and crime. Japan's gun control is one inseparable part of a vast mosaic of social control. Gun control underscores the pervasive cultural theme that the individual is subordinate to society and to the Government. The same theme is reflected in the absence of protection against Government searches and prosecutions. The police are the most powerful on earth, partly because of the lack of legal constraints and particularly because of their social authority.

Powerful social authorities, beginning with the father and reaching up to the state, create a strict climate for obeying both the criminal laws and the gun control laws. The voluntary disarmament of the Japanese Government reinforces this climate. Ethnic homogeneity and economic equality remove some of the causes of criminality.

Simply put, the Japanese are among the most law-abiding people on earth, and far more law-abiding than Americans. America's *non-gun* robbery rate is over 70 times Japan's, an indication that something more significant than gun policy is involved in the differing crime rates between the two nations.¹²⁹ Neither Japanese nor American prisoners have guns, but homicide by prisoners and attacks on guards occur frequently in American prisons, and almost never in Japanese prisons.¹³⁰ Another indication that social standards matter more than gun laws is that Japanese-Americans, who have access to firearms, have a lower violent crime rate than do Japanese in Japan.¹³¹

As a general matter, gun control does not take a great deal of police time to enforce because the Japanese voluntarily comply. The Japanese have acceded that gun control protects them effectively. There was and is little need for individual self-defense guns.

Even if gun control were resisted, it would be relatively easy to enforce in Japan. Police freedom to search and seize would help, and so would Japan's status as an island, which makes control of illegal imports such as drugs or guns easier than in the United States.¹³² The civilian stock of gun ownership was always small. Hence, civil disarmament was easy to enforce. In Japan, the police set records in a year when they confiscate 1,767 handguns from gangsters.¹³³ It is not uncommon for that many illegal handguns to be seized by the police in a single American city in one year. Some of the Japanese tour groups in Hawaii take their customers to local gun clubs to do something that the customers have never done before: see, hold, and shoot a real gun.¹³⁴

In short, while many persons may admire Japan's near prohibition of gun ownership, it is not necessarily true that other nations, such as the United States, could easily replicate the (pg.41) Japanese model. Japan's gun laws grow out of a culture premised on voluntary submission to authority, a cultural norm that is not necessarily replicated in Western democracies.

ENDNOTES

- * Director, Firearms Research Project, Independence Institute, Golden, Colorado; Associate Policy Analyst, Cato Institute, Washington, DC; Technical Consultant, International Wound Ballistics Association, San Francisco, California. This article is based on a chapter in the author's book *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Control of Other Democracies?* The author would like to thank Professors Daniel Polsby, Noel Perrin, and Ian Ramsey for their helpful comments on earlier drafts. Errors are, of course, solely the author's.
- 1 TR Reid, 'Japanese image of U.S. affirmed in student's death', *Washington Post*, 20 October 1992.
- 2 'Student's Slaying Prompts Petition for Gun Control', *Atlanta Journal/Atlanta Constitution*, 16 December 1992.
- 3 'Law Controlling Possession, Etc. of Fire-Arms and Swords' (1978), Law No 6, Art 3, *EHS Law Bulletin Series*, No 3920.
- 4 For example, H Hertzberg, 'Gub control', *The New Republic*, 10 April 1989 (suggesting a ban on all guns). See other sources cited in n 124.
- 5 Like Japan, Great Britain also regulates shotguns less stringently than handguns and rifles. Shotguns are seen as relatively benign implements for sport shooting of birds, whereas rifles and handguns are considered to have a sinister military and anti-personnel connotation. Ironically, it is the shotgun, at short range, which is by far the deadliest type of gun. See David B Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* (Buffalo, New York: Prometheus Books, 1992), 78-80.
- 6 As a technical matter, members of international shooting teams may own handguns, but all the members of such teams belong to the police or the military. See D Bayley, *Forces of Order: Police Behavior in Japan and the United States* (Berkeley: University of California Press, 1976), Art 4, 23.
- 7 The test covers maintenance and inspection of the hunting gun, methods of loading and unloading cartridges, shooting from various positions, and target practice for stationary and moving objects. The hunting license is valid for three years. *Gun Control Laws in Foreign Countries (1981)* Library of Congress (Washington), 130 (hereinafter 'Library of Congress (1981)'].

- 8 The author is not aware of any research analysing the efficacy of the classes and tests in reducing gun misuse in Japan.
- 9 Hunting licenses require completion of a second series of lectures and safety course given by the Public Safety Commission (Art 5(3)). Hunting licenses are valid only for the upcoming hunting season, a three month period beginning on November 14. Gun licenses themselves are valid for three years. Permit fees for hunting rifles and hunting licenses cost 17,000 Yen (over one hundred American dollars) (Art 29). For a gun license, the safety course costs 3,000 Yen, the skill examination 7,500, and the license fee 4,500.
- 10 Isao Yamazaki, letter to Jerry Crossett, December 1989; Jerry Crossett, letter to author, January 1990.
- 11 *Op cit* n 3, Art 5, para 1, item 6; and para 3.
- 12 *Op cit* n 7, Library of Congress (1981), p 131; Jerry Crossett, letter to author, 1-2.
- 13 *Japan Times*, 20 May 1971. Hunters who have used shotguns for more than ten years may still be granted rifle licenses. High-ranking target competitors, who demonstrate expertise with low-powered air guns, are also allowed to use rifles for competition.
- 14 National Police Agency, Japanese Government, *White Paper on Police 1986* (excerpt), translation: Police Association (1986), 79.
- 15 National Police Agency, Government of Japan, *White Paper on Police 1990* (excerpt), translation: Police Association (1991), 80.
- 16 For defendants sentenced to prison for firearms possession and who are not members of organised criminal gangs, the average term is 31.5 months. This compares to 38.5 months for rape, and 42.3 months for causing bodily injury that leads to death. E Johnson, 'Yakuza (Criminal Gangs) in Japan: Characteristics and Management in Prison' (1991), 7 *CJ International* 11, citing Ministry of Justice, *Annual Report of Statistics on Corrections for 1987* (1988), Art 31-32.
- 17 *White Paper on Police 1990*, 80. The 1990 *White Paper* does not break down the crimes by category. In 1985, there were 35 crimes with shotguns or air rifles, of which ten were homicides. *White Paper on Police 1986*, 80.
- 18 The Japanese police report details the total number of handgun crimes cleared, rather than the total number of offenses. In 1989, there were 157 handgun crimes cleared, of which 150 were associated with *Boryokudan*. *White Paper on Police 1990*, 80. Because (as detailed below) the violent crime clearance rate is so high, the estimate of no more than 200 handgun crimes a year seems plausible. In 1987, Japan experienced 39 firearms deaths, about 46 per cent related to *Boryokudan*. See AD Castberg, *Japanese Criminal Justice* (New York:

- Praeger, 1990), 12, citing *White Paper on Police, 1988*, 28; *White Paper on Police 1986*, 81.
- 19 Bayley, *op cit* n 6, p 168.
- 20 D Kaplan and A Dubro, *Yakuza* (Reading, Massachusetts: Addison-Wesley, 1986), 208; 'Arms smuggling to Japan halted', *New York Times*, 26 March 1976, 8. The police have also halted arms shipments from France and Italy, *ibid*, p 222. A handgun smuggled into Japan may command ten times its original US retail price. Ammunition may sell for 5 to 12 dollars a round, *ibid*, pp 254-55.
- 21 Johnson, *op cit* n 16, pp 4-5, 9; Norman Pearlstine, 'A disarming people: Japan's assassins have a high failure rate, thanks to extremely strict gun control laws', *Wall Street Journal*, 12 September 1975, 28.
- 22 Kaplan and Dubro, *op cit* n 20, p 274.
- 23 Johnson, *op cit* n 20, p 5.
- 24 *White Paper on Police 1990*, *op cit* n 15, p 44.
- 25 'MPD now checking owners of firearms', *Mainichi Daily News*, 1 April 1979.
- 26 'Tokyo Police', *Sixty Minutes*, 17 September 1978 (transcript), 1.
- 27 National Coalition to Ban Handguns, 20 *Questions and Answers about Gun Control*, citing Congressional Record, 22 February 1973; Pete Shields, *Guns Don't Die;—People Do* (New York: Arbor House, 1981), 28 (in 1974, there were 11,124 Americans murdered with handguns, and 37 Japanese; a 300:1 ratio).
- 28 *White Paper on Police 1990*, *op cit* n 15, p 28.
- 29 Castberg, *op cit* n 18, p 13.
- 30 *White Paper on Police (1990)*, *op cit* p 28.
- 31 E Vogel, *Japan as Number 1* (New York: Harper and Row, 1979), 17.
- 32 *Ibid* n 3, Art 24-2.
- 33 Art 24-2.
- 34 'Tokyo Police', *op cit* n 26. As a technical matter, citizens do not have to show the policeman what is in their bag.
- 35 *Japan v Hashimoto*, 32 Keishu 1672 (Supreme Court, 1st PB, 7 September 1978).

- 36 Vogel, *op cit* n 31, p 216.
- 37 *White Paper on Police 1986*, *op cit* n 14, p 53; L Craig Parker, *The Japanese Police System Today: An American Perspective* (Tokyo: Kodasha International, 1984), 35; Isao Yamakazi, letter to Jerry Crossett, December 1989, 1; Bayley, *op cit* n 26, p 84.
- 38 'Japan to Check Gun Owners Before Economic Summit Talks', *St. Louis Post-Dispatch*, 13 May 1986; 'Tokyo Police', *op cit* n 26, p 11.
- 39 During the *Meiji* Period at the end of the 19th century, the police were frankly acknowledged as instruments of surveillance and political control. One police bureau chief at the time boasted: 'There would be no household in Japan into which the eyes of the police would not see and the ears would not hear'. Sugai, 'The Japanese Police System', in R Ward (ed) *Five Studies in Japanese Politics*, (Ann Arbor: University of Michigan Press, Center for Japanese Studies, Occasional Papers, No 7, 1957), p 4; Parker, *op cit* n 37, 33.
- 40 *White Paper on Police 1986*, *op cit* n 14, p 70.
- 41 W Bray, 'Guns and Gun Laws—Fact and Fancy', *Congressional Record*, 18 July 1968.
- 42 Technically, detentions are only allowed for three days, followed by two ten-day extensions approved by a judge, followed by a special five-day extension; but defense attorneys rarely oppose the extension request, for fear of offending the prosecutor. Bail is denied if it would interfere with interrogation. Parker, *op cit* n 37, p 111.
- 43 The Joint Committee of the Three Tokyo Bar Associations for the Study of the Daiyō-Kangoku (Substitute Prison) System, *Torture and Unlawful or Unjust Treatment of detainees in Daiyō-Kangoku (Substitute Prisons) in Japan (1989)*, 5-6.
- 44 *Joint Committee*, *op cit* n 43, p 71; K Nakayama, 'Japan', in G Cole, S Frankowski, and M Gertz (eds), *Major Criminal Justice Systems: A Comparative Survey* (Newbury Park, California: Sage Press, 1987), 181.
- 45 *Baba v Japan* (Sapporo High Court, 1950) (defense counsel had 20 minutes of access on the third day, and 30 minutes each on the ninth and tenth days of detention; amount of access was reasonable), *see* Castberg, *op cit* n 18, pp 76-77; T Jackson, 'The Tokyo Chainsaw Massacre', *New Republic*, 11 September 1989, 21; Mayer, 'Japan, Behind the Myth of Japanese Justice', *American Lawyer*, July/August 1985; Parker, *op cit* n 37, p 112-13; Bayley, *op cit* n 6, pp 151-152.
- 46 'News and Notes' (1990), 7 *CJ International*, 24.
- 47 W Ames, *Police and Community in Japan* (Berkeley, California: University of California Press, 1981), 136.

- 48 Parker, *op cit* n 37, p 110.
- 49 Joint Committee, *op cit* n 43, pp 3-7.
- 50 J Williams, 'Japan: The price of safe streets', *Washington Post*, 13 October 1991, p C1.
- 51 R Hofstadter, 'America as a Gun Culture', *American Heritage*, October 1970, 82.
- 52 E Reischauer, *Japan: The Story of a Nation* (New York: Knopf, 1970), 87.
- 53 N Perrin, *Giving Up the Gun: Japan's Reversion to the Sword, 1543-1879* (Boston: David R Godina, 1979), 6, citing S Arima, *Kaho no Kigen to Sono Denryu (The Origins of Firearms and Their Early Transmission)* (Tokyo: Yoshi Kau and Kobun Kan, 1962), 6 15-33.
- 54 C Boxer, *The Christian Century in Japan* (Berkeley, California: University of California Press, 1951), 28.
- 55 Perrin, *op cit* n 53, pp 14-16, citing W Dening, *The Life of Toyotomi Hidéyoshi*, 3rd edn (Kobe and London: J L Thompson, 1930), 74.
- 56 A Gluckman, *United States Muskets, Rifles and Carbines* (Buffalo: Otto Ulbrich, 1948), 28; Perrin, *op cit* n 53, 17.
- 57 Perrin, *op cit* n 53, p 67.
- 58 *Ibid*, p 8.
- 59 S R Turnbull, *The Samurai: A Military History* (New York: Macmillan, 1977), 144; Perrin, *op cit* n 53, p 8, citing AL Sadler, *The Maker of Modern Japan: The Life of Tokugawa Iéyasu* (London: Allen and Unwin, 1937), 53.
- 60 Perrin, *op cit* n 53, p 17, citing D Brown, 'The Impact of Firearms on Japanese Warfare', (1947-48), 7 *Far Eastern Quarterly* (now *Journal of Asian Studies*), 239.
- 61 Perrin, *op cit* n 53, p 25.
- 62 T Umesao (ed), *Seventy-seven Keys to the Civilization of Japan* (Union City, California: Heian International, 1985), 106. Citations hereafter refer to the author of the individual chapter under discussion, plus the book's name, ie Sonoda, '*Seventy-seven Keys*').
- 63 G Warner and D Draeger, *Japanese Swordsmanship: Technique and Practice* (Tokyo: Weatherhill, 1982), 34-35.

- 64 Umesao, *Seventy-seven Keys*, *op cit* n 62, p 112.
- 65 Perrin, *op cit* n 53, pp 24-25.
- 66 Perrin, *op cit* n 53, p 25, citing for Lord Oda, Denning, *op cit* n 55, p 177; for battle heroes, Denning, *ibid*, p 206, and Turnbull, *op cit* n 59, p 171.
- 67 Reischauer, *op cit* n 52, p 76.
- 68 Turnbull, *op cit* n 59. In the seventh century, the Taika dynasty had attempted to disarm its enemies by rounding up swords and bows under the guise of collecting weapons for the army. The attempt failed because the central Government could not enforce its will throughout the nation. Warner and Draeger, *op cit* n 63, p 6. General MacArthur staged one final sword hunt in 1945-46, to obliterate the last vestiges of feudalism. Bayley, *op cit* n 6, p 169.
- 69 Warner and Draeger, *op cit* n 63, p 36; Perrin, *op cit* n 63 [errata: n 53], pp 25-26.
- 70 J Murdoch, *A History of Japan*, Vol II (New York: Greenberg, 1926), 369; Perrin, *op cit* n 53, p 27.
- 71 Turnbull, *op cit* n 59, p 190.
- 72 Warner and Draeger, *op cit* n 63, pp 68-69.
- 73 George Storry, *A History of Modern Japan* (Boston: Beacon, 1960), 53-54.
- 74 B Moore Jnr, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Harmondsworth: Penguin Books, 1966), 232, 261-62.
- 75 Perrin, *op cit* n 53, pp 47, 58.
- 76 *Ibid*, p 58.
- 77 *Ibid*, p 62, *Teppo* literally means 'musket'.
- 78 *Ibid*, p 62, citing Arima, p 670.
- 79 *Ibid*, pp 62-63, citing Arima, pp 671, 676-677.
- 80 *Ibid*, pp 64-65, citing Arima, p 677.
- 81 Reischauer, *op cit* n 52, p 85; Perrin, *op cit* n 53, pp 33-35.

- 82 Perrin, *op cit* n 53, p 35.
- 83 I Nitobe, *Bushido: The Soul of Japan*, revised edn (Tokyo: Charles A Tuttle Co, 1969), 131-37.
- 84 Perrin, *op cit* n 53, p 39, citing Arima, p 667.
- 85 Reischauer, *op cit* n 52, p 53.
- 86 R Benedict, *The Chrysanthemum and the Sword* (Boston: Houghton Mufflin, 1946), 296.
- 87 For the quality of Japanese firearms, *see* text at n 56-58.
- 88 *Op cit* n 53, p 42.
- 89 W Tonso, *Gun and Society: The Social and Existential Roots of the American Attachment to Firearms*(Lanham, Maryland: University Press of America, 1982), 146. There is some deer and boar. Umesao, *op cit* n 62, p 10.
- 90 Reischauer, *op cit* n 52, p 90.
- 91 'J Rodgers, Lieutenant Commander, letter to James C Dobin, Secretary of State, 15 February 1855', in A Cole (ed) *Yankee Surveyors in the Shogun's Seas: Records of the United States Surveying Expedition to the North Pacific Ocean 1853-1856* (Princeton: Princeton University Press, 1947), 43.
- 92 Reischauer, *op cit* n 52, p 134.
- 93 *Ibid*, p 115.
- 94 J Seward, *Hara-Kiri: Japanese Ritual Suicide* (Rutland; Vermont and Tokyo: Charles E Tuttle, 1968) *op cit* n 52, p 96; Reischauer, *op cit* n 52, p 122; Perrin, *op cit* n 53, pp 72-73, citing EW Clement, 'The Saga and Satsuma Rebellions', 50 *The Asian Studies Journal* 23, 1992 and Murdoch, Vol II, *op cit* n 70, p 658; E Norman, *Soldier and Peasant in Japan: The Origins of Conscriptation* (New York: International Secretarial Institute of Pacific Relations, 1943), 34, 44-45, citing J Black, *Young Japan*, Vol I (London, 1880), 138, and AH Mounsey, *The Satsuma Rebellion: An Episode of Modern Japanese History* (London, 1879), 60-61, 231-32.
- 95 Reischauer, *op cit* n 52, p 123.
- 96 EG Babbitt, American Vice Counsel General for Yokohama, quoted in A Wyman, 'Sale of firearms', *New York Times*, 19 August 1910, 8.

- 97 Sonoda, *op cit* n 62, p 200.
- 98 H Byars, *Government by Assassination* (New York: Alfred A Knopf, 1942).
- 99 On 18 January 1990, the mayor of Nagasaki was shot and seriously injured by a right-wing extremist angered by the mayor's admission of Japan's fault in causing the Second World War. *White Paper on Police 1990*, *op cit* n 15, p 110.
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- 101 V Koschmann, 'Soft Rule and Expressive Protest', in V Koschmann (ed) *Authority and the Individual in Japan* (Tokyo: University of Tokyo Press, 1978), 7; Parker, *op cit* n 37, 32.
- 102 Matsumoto, 'The Roots of Political Disillusionment: "Public and Private" in Japan', in Koschmann (ed), *op cit* n 101, p 38; Parker, *op cit* n 37, p 32.
- 103 N Urabe, 'Rule of Law and Due Process: A Comparative View of the United States and Japan', *53 Law and Contemporary Problems* (1990), 69.
- 104 T Kawashima, 'The Status of the Individual and the Notion of Law, Right, and Social Order in Japan', in C Moore (ed) *The Japanese Mind: Essentials of Japanese Philosophy and Culture* (Honolulu: East-West Center Press, 1967), 264.
- 105 *Ibid*, pp 262-87.
- 106 Bayley, *op cit* n 6, p 155.
- 107 JQ Wilson and R Herrnstein, *Crime and Human Nature*(New York: Simon and Schuster, 1985), 452-57.
- 108 Vogel, *op cit* n 31, p 18. Anthropologist Joy Hendry attributes the low Japanese crime rate to the effect of group controls such as shame. J Hendry, *Understanding Japanese Society* (London: Routledge, 1989).
- 109 Bayley, *op cit* n 6, pp 164, 180.
- 110 The primary arms are Smith & Wesson or Nambu .38s. Detectives sometimes carry .22s. Castberg, *op cit* n 18, p 38.
- 111 Bayley, *op cit* n 6, pp 11, 37, 64, 162-170; Castberg, *op cit* n 18, p 38.
- 112 Bayley, *op cit* n 6, p 163; Castberg, *op cit* n 18, pp 30-31.

- 113 Parker, *op cit* n 37, 75.
- 114 Bayley, *op cit* n 6, p 164; Keiho (*Penal Code*), Art 37.
- 115 'Tokyo Police', *op cit* n 26, p 10.
- 116 Bayley, *op cit* n 6, pp. 174-75. The Japanese policy by which all players follow certain rules to keep their conflicts within bounds is also manifested in police raids on *Yakuza* (organised crime) headquarters. The *Yakuza* will frequently have received advance warning of the raid, and the highest bosses and the most valuable contraband will be long gone by the time the police arrive. Nevertheless, 'so the police can save face, the gangsters generally leave behind a few guns for the officers to confiscate'. Kaplan and Dubro, *op cit* n 20, p 162.
- 117 Bayley, *op cit* n 6, p 170.
- 118 D Archer and R Gartner, 'Violent Acts and Violent Times: The Effect of Wars on Postwar Homicide Rates', *Violence and Crime in Cross-National Perspective* (New Haven, Connecticut: Yale University Press, 1984), 63.
- 119 World Health Organization, *World Health Statistics, 1984* (1984), 183, 189; United States Bureau of the Census, *Statistical Abstract of the United States, 1989* (1989), 820.
- 120 Parker, *op cit* n 37, 149.
- 121 S Jameson 'Parent-Child Suicides Frequent in Japan', *Hartford Courant*, 28 March 1981.
- 122 M Iga and K Tatai, 'Characteristics of Suicide and Attitudes toward Suicides in Japan', in N Farberaw (ed), *Suicide in Different Cultures* (Baltimore, Maryland: University Park Press, 1975), 273.
- 123 D Rosenbaum, 'The symptoms surround us, but what is the malady?', *New York Times*, 5 April 1981.
- 124 For example, H Hertzberg, 'Gub Control', *The New Republic* (suggesting total prohibition on all guns), 10 April 1989, 4; '...remove the guns from the hands and shoulders of people who are not in the law enforcement business'. 'The Gun Culture', *New York Times*, 24 September 1975, 44; 'The time has come for us to disarm the individual citizen'. P Murphy, former New York City Police Commissioner, former head of National Police Foundation, speech to annual Police Medal of Honor Luncheon, Denver Hilton Hotel, 16 April 1974; 'I think we should work for the day when there are no guns at all, at least in urban areas—even for the police on duty'. R Clark, former United States Attorney General, 'Playboy Interview', *Playboy*, August 1969, 70.
- 125 G Kleck and D Bordua, 'The Assumptions of Gun Control', in *Firearms and Violence: Issues*

- of Public Policy*(Cambridge, Massachusetts: Ballinger, 1984), 26-31.
- 126 Yasushi Hari, in Shields, *op cit* n 27, p 65.
- 127 G Kleck, 'The Relationship Between Gun Ownership Levels and Rates of Violence in the United States', *op cit* n 125, pp 99-132.
- 128 Kalish, p 3, the rate was 1.1 per 100,000 population in both countries, citing Interpol, *International Crime Statistics*, Vol 1983-84. *See also* Carol B Kalish, 'International Crime Rates', *Bureau of Justice Statistics Special Report* (Washington; Department of Justice, 1988). One United States Government advisory commission, in a 1973 report, while conceding that cultural factors may have something to do with Japan's lesser crime, argued that gun crime in Japan declined every year since 1964, when the controls were enacted in their current form. National Advisory Commission on Criminal Justice Standards and Goals, in *A National Strategy to Reduce Crime* (January 1973), p 141. But the selection of 1964 was highly artificial. Near absolute gun prohibition had existed for over three centuries, and the current system of controls was put in place during the American occupation, and formally codified in 1958. There was no reason to pick 1964 as the year that gun control went into effect.
- 129 The 'over 70' figure is derived by starting with Kalish's Bureau of Justice Statistics data showing the reported robbery rates for the United States to be 205.4 persons per 100,000, and Japan's to be 1.8, Kalish, p 8, Table 10. Of all American reported robberies, about 67 per cent do not involve a gun. The 'over 70' figures makes the conservative assumption that hardly any of Japan's robberies are by gun.
- 130 Ten to 24 American jail inmates per year die from injury inflicted by another person, Bureau of Justice Statistics, Department of Justice, *Sourcebook of Criminal Justice Statistics 1986* (1987), p 398; *White Paper on Crime 1988*, p 116; Castberg, *op cit* n 18, p 109.
- 131 G Kleck, *Point Blank: Guns and Violence in America* (Hawthorne, New York: Aldine, 1991); Bruce-Briggs, 'The Great American Gun War' (1976), 45 *The Public Interest*, 56.
- 132 Parker, *op cit* n 37, 168.
- 133 *White Paper on Police 1986*, *op cit* n 14, p 45.
- 134 Kaplan and Dubro, *op cit* n 20, p 232; at the Hawaii Gun Club alone, 14,000 Japanese a year go shooting. Rasmussen, 'The Hawaii Gun Club', *Guns*, September 1987, 34.