Constructions of Deviance by Japanese and German Youth: A Criminological Comparison as a ‘Bottom-Up’ Project

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Abstract
In criminological country comparisons, countries are often assumed to be relatively homogeneous units (‘methodological nationalism’). Within individual countries, there seems to be a more or less uniform understanding of crime. In contrast to this supposition, we assume the possibility that interpretations of deviance or crime can also diverge to a great extent within countries. Based on an explorative comparative study with young people in Japan and Germany, we show that there are both similarities and differences: The youths we interviewed in the two countries share some views on norms and norm violations (for instance, relating to school norms which they, at the same time, question, and acknowledge), while in others they differ (e.g. concerning the assessment of the severity of deviant behavior). Criminological country comparisons, we conclude, should pay more attention to controversies on the definition of deviance and crime and to heterogeneity within countries.

Keywords
comparative criminology, deviance, Germany, Japan, methodological nationalism, youth crime

Introduction
It should be indisputable that country comparisons are of great importance for criminology. They make it possible to gain insights into how crime and the way it is dealt with are influenced internationally. Many institutional forms of dealing with criminality have an international character, and even where national characteristics exist, they only become visible in international comparisons. Dammer et al. (2014), therefore, assume that country comparisons help to assess both the international dimension of dealing with crime and the ‘deep-seated cultural, religious, economic, political, and historical realities’ (p. 26) of national justice systems.

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There are already a large number of studies that undertake criminological comparisons between countries. The relevant literature is growing ‘exponentially’ (Nelken, 2017: 416). However, depending on their perspective and objectives, country comparisons are carried out in very different ways. Comparisons are often made between two countries (e.g. Green, 2008; Lewis et al., 2009), but there are also comparisons that cover large parts of the world (e.g. Cavadino and Dignan, 2006; Lappi-Seppälä, 2018; Van Kesteren, 2009). There are also considerable differences in methodological aspects. Comparisons are made both through statistical calculations (e.g. Lappi-Seppälä, 2018; Sutton, 2004) and through qualitative studies focusing on specific topics (e.g. Smith and Sueda, 2008). Other differences concern theoretical approaches, types of offenses, groups of perpetrators, specific characteristics of countries (culture, religion, politics, economy, etc.). This list of differences could be extended considerably, and so comparisons between countries are extremely diverse. What is actually compared in country comparisons differs substantially (Harrendorf, 2018).

Despite the great differences, there is often a common ground in country comparisons. The common ground is that nations are assumed to be relatively homogeneous units. In interdisciplinary research, this mostly implicit assumption is known as methodological nationalism. It points to the tendency to regard individual nations as given entities and to identify societies with nations (Beck, 2007; Chernilo, 2017). Nation-states are understood as clearly distinguishable from other nations; nation-state borders then function as an unquestioned frame of reference for research. ‘Nation, territory, society and culture’ (Beck and Grande, 2010: 189) are regarded as one. What is forgotten here is that nations are political inventions (Anderson, 1996) and are generally structured very heterogeneously. Nor do societies, social developments, or institutional changes simply stop at national borders.

Like other disciplines, criminology is shaped by methodological nationalism (Friedrichs, 2011). Many studies implicitly or explicitly use national borders as a more or less unproblematic frame of reference for research. In comparative studies, this reference is partly justified because institutional arrangements of criminal justice, definitions of crime or the way in which crime statistics are compiled are to a large extent shaped by individual nation states (Harrendorf, 2018). In addition, international trends are often broken down nationally and gain a distinctive meaning within a country (e.g. Dollinger et al., 2017; Kury and Ferdinand, 2008). Nevertheless, it is problematic to simply assume national boundaries in research. They can be important, but their relevance should be carefully justified and researched. In this regard, Muncie (2015) stresses that both are important and must be taken into account: the international and the local level (pp. 380–385).1

At present, however, criminological comparisons between countries often produce the impression of nations as relatively homogeneous units with a largely uniform understanding of crime. Yet, crime can be understood in different ways and its definition is often disputed (Brown et al., 2019: 37; Reiner, 2016). For instance, according to Howard Becker’s (1963) well-known version of labeling theory, crime is ‘behavior that people so label’ (p. 9); its definition largely depends on the interpretation of individuals and groups. Regardless of criminal law provisions, different actors and groups have different views on crime, and criminal law provisions can be interpreted differently (Dollinger, 2020; Olson,
Consequently, there may be no nationally uniform understanding of crime – although criminological comparisons between countries often give this impression.

In our article, we assume that it is important for country comparisons to recognize the possibility of heterogeneous understandings of crime. Using Japan and Germany as an example, we undertake a country comparison in which we heuristically assume national borders, but in which we leave the question open of how relevant the respective borders are.

**Research Interests and Procedure**

**Objective**

It is our central concern to address constructively the problems of demarcation of borders and homogenization as described earlier in criminological country comparisons. Our aim is to reconstruct whether the young people we interviewed in Japan and Germany reveal similar or nationally specific interpretations of norm violations and crime. On this basis, we can then ask how important and meaningful it is that the young people lived in Germany or Japan.

As focus of our comparison, we chose constructions of deviance, that is, the question of what is interpreted as a norm violation. We thus adopt a ‘bottom-up’ perspective that reconstructs deviance from the perspective of the actors. We investigate how young people who are considered deviant in their social environment construct and interpret deviant behavior and how they react to the imputation that they are deviant persons. This perspective should make it possible to understand the relevant views and assignments of meaning without using predefined categories and attributions (Dollinger and Fröschle, 2017; Hester and Eglin, 2017). We take into account that interpretations of deviance can be heterogeneous within countries. Through the perspective of deviant youth, we fathom this possible heterogeneity in a national and international context. Furthermore, we aim to conduct research irrespective of stereotypes of the ‘West’ or ‘Asia’ and thus counter methodological nationalism. Our study is explorative in this respect, as we interviewed young people with relatively open, semi-structured interviews in one school each in Japan and Germany.

**Japan and Germany as comparison countries**

We chose Germany and Japan as comparison countries. Both countries are considered particularly suitable for a country comparison (Schneider, 2012). They are highly industrialized countries, so that living conditions are comparable. Moreover, there are significant differences, so that a comparison of the two countries should be informative. In criminology, differences between ‘Western’ and ‘Asian’ countries are often associated with different forms of and tendencies toward crime. In recent years, these differences have been clearly articulated in Asian Criminology (Liu, 2009, 2017). In the criminological discussion, Germany and Japan are also associated with very different characteristics with regard to crime. Japan is often perceived as a special country, in which – in contrast to individualized Western countries – collectivist norms and values are allegedly predominant, which are associated with a low propensity to crime among its citizens (Schneider,
Thus, Japan is regarded as a prime example of an Asian ‘low crime nation’ (Leonardsen, 2004) and seems to be characterized by a strong loyalty to the law on the part of its citizens. Especially in school, young people in Japan seem to be confronted with relatively rigid rules, which they have to follow in the service of the community: ‘The value of conformity is first taught at school. For children, school epitomizes the conventional world’ (Miyazawa, 1997: 209). According to Leonardsen (2002), education as a whole is fundamentally different between Japan and Western countries. In Japan, the focus is primarily on the social and cultural embedding of people and on protection against the violation of norms. Therefore, conflicts and deviance are to be avoided at all costs in Japan (Cavadino and Dignan, 2006: 171–196). In contrast, in the countries of Europe and North America more emphasis is placed on ‘independence and self-confidence’ (Leonardsen, 2002: 213) and rule breaking behavior is often considered as being part of adolescence in Germany (Schäfers and Scheer, 2005: 165). However, in both Japan and Germany, deviance is highly problematized, especially in school contexts. Non-compliant behavior and violence are perceived as central problems in schools in Germany (Fuchs et al., 2009), and in Japan, efforts to prevent deviance are particularly concentrated in schools (Ellis and Kyo, 2017: 8).

Assumptions according to which Japan is primarily collectivist, while ‘the West’ is primarily individualistic should, however, be questioned, among other things because of their stereotypical tendency as well as for their culturalistic portrayal of ‘the’ Japanese as oriented toward harmony and subordination (Fenwick, 2004; Osawa, 2019). It is questionable how empirically sustainable such attributions are. Nevertheless, they suggest that differences between Germany and Japan in dealing with and attributing deviance can become visible. This is particularly true for young people in the school context, where different interpretations of deviance in the two countries can emerge. Based on the above-mentioned criticism of methodological nationalism, however, we view the frequently postulated differences between the two countries with caution. In our study, we want to explore as openly as possible the relationship between the differences and/or similarities between the constructions of deviance of German and Japanese youth.

**Method**

We proceeded methodically as follows. In both Germany and Japan, we contacted young people in the context of one school per country. This procedure is in line with the finding that differences between the countries, as described earlier, are often tied to school education. We made sure that the social status of the schools is comparable, because it can be assumed that school status is of great importance for young people in both countries (for Japan, Yoder, 2004; for Germany, Allmendinger et al., 2018). In both countries, we selected one school with an underprivileged status. Most of the students are from lower social classes and the districts where the schools are located do not have a good reputation. In both schools, teachers were asked to select young people who seemed to be deviant to them so that we could interview these young people. With this conscious selection, we wanted to ensure that we interview young people for whom deviance or the status as deviant person is of relatively high importance. In Japan, 23 interviews with 17 boys and
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Girls were conducted between 2010 and 2011 by one of this paper’s authors who can speak Japanese. The interviews with 11 of the students were analyzed in more detail (Osawa, 2018). The respondents were 14 or 15 years old at the time of the interview; eight of them were male, three female. To guarantee comparability, for this study, only the interviews with the male adolescents were analyzed, as the German sample consisted exclusively of boys due to a gender-biased selection process of the teachers. In Germany, 10 male youths, also aged 14 and 15, were interviewed in German at the end of 2018 and the beginning of 2019. The youths were asked to name people who are important for them, to describe their lives and to report about the school and the teachers. With these open questions, we wanted to stimulate narratives about what deviance is from the point of view of the interviewees and whether or in what way they experience themselves as deviant (Maruna, 2001; Presser, 2008).

After transcribing the interviews in Japanese for Japan and German for Germany, they were analyzed inductively by focusing on deviance and its definition in each individual interview. The following topics were found to be relevant for our study: subjective explanations and motives of norm breaks, the own and other people’s definition of deviance as well as turning points at which a transformation of their lives occurred with or without the active participation of the young people. The young people’s constructions of deviance become apparent on one hand in their confrontation with school regulations, and on the other hand, in their reference to various other systems of rules and requirements in everyday life.

Central Findings

Since the interviews were conducted in schools, it is not surprising that the young people often refer to school rules in their narratives. The young people from both countries exhibit primarily similarities in their reference to school rules. In contrast, there are significant differences with regard to non-school regulatory systems. Here, a relatively large heterogeneity within the countries can be identified. We describe both findings in more detail using selected examples.

‘Underlife’ in Japanese and German schools

German and Japanese school life is characterized by rules. In Japanese school life, there are multitudes of precisely defined rules that regulate the life of students in school and in private life. These include rules concerning a person’s appearance (school uniform, haircut, ban on make-up etc.). In Germany, there are partly different rules. The haircut, for instance, does not matter, but, for example, it is not allowed to run in the corridors.

The teenager Dai from the Japanese sample presents school rules as socially necessary, because ‘if there were no school rules, teachers would not pay attention, you would grow up without control and then you would not be able to adapt as an adult’. Dai thus describes the fundamental relevance of school rules to be capable of adapting in society. Although he does not say specifically what adults would have to adapt to later, he does bring adaptation into connection with school rules. Rules in school and in life in general – and thus,
the basic definition of deviance, which is constituted by rules – seem necessary and justified.

In the German sample, a similar legitimization of school-related rules and definitions of deviance occurs. Thus, the adolescent Felix comments on the legitimacy of rules and says, ‘Without rules, this would be chaos’. When asked what this would mean, he determines possible deviations more precisely and says,

Felix: Everyone would do whatever they wanted, so. School would be dirty, (−) children become restless, then everybody chews gum and stuff, then everybody is late.8

Felix is referring specifically to the negative effects if there were no school rules. Without rules, chaos would reign in the school and possibly beyond. A dirty school, restless children, chewing gum, and being late appear as forms of deviance that cannot be tolerated. The expectation to prevent them makes rules necessary.

Both youths, Dai and Felix, relate scenarios of what it would be like without rules and describe the necessity to maintain order. Both in ‘Western’ Germany and in ‘Asian’ Japan, the interviewees are generally guided by the need to maintain order in schools and in society. Even if they sometimes deviate from rules themselves and are punished, it still seems necessary to the interviewees that rules are recognized and control is exercised, if necessary with sanctions (see below).

Our data reveal more similarities among young people in Japan and Germany. A relevant example from Japan refers to the arrangement of clothing in schools. In schools in Japan, it is part of conformist behavior that T-shirts are tucked into pants. Reo tells about this:

Reo: I wear my pants quite low (−) and in gym class or when it’s hot, I usually have my T-shirt over my pants. That’s why I’ve been warned by the teachers several times. Lately I noticed that myself and sometimes I put the T-shirt in my pants. Or I pull the pants up all the way.9

Reo admits that he violates school rules by wearing his T-shirt over his pants. He also behaves in part in a compliant manner by responding to teachers’ admonitions and, subsequently, dressing normally. But only ‘sometimes’, as he says, which means that he knows the corresponding rule, but he does not always follow it. Moreover, he partly caricatures the rule. By pulling his trousers ‘up all the way’ to under his armpits, he makes a mockery of the rule and shows that he does not take it seriously. He exhibits independence and follows the school rule sometimes, sometimes demonstratively not.

Adrian displays a similar form of independence from school rules in the German sample. He is often sent out of the classroom because of his behavior, although on a principal level, he agrees with the reaction of the teachers to his disruptive behavior:

Adrian: Well, he [the teacher] just told me to go out.
Interviewer: Mhh.
A: Just such a long sentence. (-) Really long. Um, I just made fun of it and am again, went out anyway.

I: And how di-, so what did you, what did you say to Mr. [teacher’s name]? (-) If you make fun of it.

A: I just behaved like such a, uhh ((disguises the voice, speaks stiltedly)) German, talked a little like that. The way I think ((disguises the voice, speaks stiltedly)) how such a German speaks.

Shortly before Adrian articulated this passage, he had hit a classmate on the back of the head and had, therefore, been sent out of the classroom by the teacher. As he says, the teacher had imposed this sanction on him with a ‘long sentence’, whereupon Adrian ‘made fun’ of him. At this point, as in the case of Reo, it becomes clear that Adrian reacts in a compliant manner to the demands of the school by following the request to leave the classroom. Nevertheless, just like Reo, he makes fun of this rule or sanction, demonstrating that he does not simply follow the rules, but questions them. The respective rule thus tends to be undermined, because there is a form of ‘underlife’ (Goffman, 1991); the young people superficially adapt to the prevailing norms and they accept that they have acted deviantly according to these norms. Nevertheless, at the same time, they distance themselves from the norms by caricaturing them, thus making it clear that they do not simply submit to the norms, but are able to counter them. Such resistance is no exception in powerful institutions (Shreeya, 2018) and often serves to strengthen rather than undermine these institutions, as resistance is mostly moderate (Goffman, 1991: 180–181). But whatever the consequences for the institution school are, it must be noted that there is room for resistance in both Japanese and German schools. In the case of Reo, he acknowledges the dress codes, but he also presents it as something absurd. In Adrian’s case, it is about the norm of not disturbing or beating fellow pupils in class. Adrian follows the teacher’s sanction by going out of the classroom, but he also distances himself from the teacher and his rules by pretending to speak ‘like such a, uhh German’. By disguising his voice and speaking in a stilted manner, he makes fun of speaking German and thus also of being German. He attributes a non-German status to himself, so that he may be alluding to a migration background.

In our interviews, the young people make clear that they know the school rules that apply to them, and they approve most of these rules. However, this does not mean that they always behaved in accordance with them. On the contrary, they know the rules and admit that they are correctly labeled as deviant if they break the rules. But there is a level of ‘underlife’, that is, of independence and one’s own norms which are opposed to the school norms. This principle is similar in schools in Japan and Germany.

**Different constructions of deviance**

Once it has become apparent that young people in Japan (can) act stubbornly, it is possible to ask further questions about the different rules and norms that are important for young people, or, to put it differently, how they construct and interpret deviance. Both in Japan and in Germany, there are differences in this respect: *Neither within the Japanese nor*
within the German sample of our study is there anything like a homogeneous understanding of deviance or crime. On the contrary, the young people orientate themselves by different reference points and norms. They set different priorities for their normative orientations and sometimes decide for themselves what kind of rules and norms are a priority for them and which are not.

In addition to school rules, criminal law forms a point of reference for the constructions of deviance for the young people. It functions in a relatively abstract way as a formal criterion for distinguishing between criminal law and other forms of deviance. Dai, for example, a Japanese boy, makes a general distinction between violations of criminal law and violations of school rules. For him, violations of the law are ‘forbidden things that are not mentioned in the school rules’, and ‘criminal behavior’ is basically ‘different from violations of school rules’. ‘Bad’ for him, however, are both kinds of actions, and so his distinction is more a formal categorization than an evaluation or assessment of how serious the respective actions are. Violations of school rules and criminal law can both be serious or not.

Hiro, also from the Japanese sample, includes criminal law in his complex differentiation of deviant actions. He generally refers to deviant acts as ‘bad things’, with gradations that express different degrees of severity of deviance. He distinguishes ‘professional crime’ from ‘bad things’ and ‘really bad things’, whereby the latter are at the end of the escalation scale and, in his view, the most serious. Very serious deeds are, from his perspective, actions, which are calculated and underhanded. They partly overlap with crime when they become ‘a case for the police’, but not necessarily. For example, he describes as a very serious incident that he shot his teacher with a soccer ball in revenge after he felt he had been treated unfairly by him. Accordingly, for him, violations of criminal law are embedded in a larger and differentiated construction of deviance.

Martin, a German adolescent, also links criminal law categories to differentiated considerations of deviance. Concerning deviance, Martin distinguishes between severity and fun, whereby criminal offenses fall under his category ‘severity’. In this context, he reports concrete incidents, for example, that a ‘knife was pulled out’ in an argument. Serious are also things that have no connection to criminal law. If someone uses the term ‘son of a bitch’ or ‘weeps’ because of someone else’s deed, an act is to be considered ‘severe’. Fun, however, refers from his point of view to ‘trivialities’, which are characterized by the fact that ‘we can sort them out ourselves’. In Martin’s conception of fun versus severity, criminal law – just as with the interviewees from Japan – acquires a subordinate function within a differentiated conceptualization of deviance. Actions are not bad or unacceptable because they are prohibited. Rather, such evaluations are made regardless of whether the actions are formally prohibited by criminal law or not.

Christian, another young person from Germany, identifies criminal law in a contradictory mixture of taboo and fun. For him, crimes are taboo, because he is worried about his future if his criminal record certificate – in which convictions for crimes are entered – is not spotless. Concomitantly, he reports about encounters with the police, which he interprets, however, only as ‘joke’. Crimes can play a special role for him, but in this attribution, he does not mainly focus on the actions themselves, but primarily on negative consequences that contacts with the police and criminal justice system can have. It is not
criminality per se, but the possible consequences of criminalization that are significant in his view.

Criminal law or criminal law provisions are, therefore, neither the only nor the most important normative system for young people in Germany and Japan in their perception of deviance. They refer to very different systems of rules: partly to formal rules, as represented by the school or criminal law, partly to informal rules, such as those of parents, and also to their own interpretations of the (in)appropriateness of actions. For Christian from Germany, for instance, the norm, set by the family, of not drinking alcohol and not smoking is very important:

Christian: Because we were brought, uhhh, up by our parents so we like to help, (-) uh that we don’t smoke pot, don’t drink, don’t smoke and so on. And we also respect our parents, because they only want the good for us.

[. . .]

Yeah::, and like, with me it- is controlled by my mother. I go through the apartment, right now, open your mouth, she smells, fingers smell. Yes, and if it smells like cigarettes or alcohol or something.

[. . .]

That’s why (–) I prefer to stay away from alcohol, because ((smiling)) once my mother gets mad, there’s no stopping her.

Interviewer: What happens then?
C: Well then she takes everything away from me. My mobile phone, just what I need. Then she doesn’t give me any, at first no more pocket money.

Christian talks about his upbringing, which includes that he is not allowed to smoke, to smoke pot, or to drink alcohol. His mother controls his norm-compliant behavior and deviations from her rules are rigorously sanctioned. Consequently, smoking, smoking pot, and drinking alcohol are deviant behavior not only for the mother but also for Christian. This is not primarily crime in a legal sense, and the school with its special rules does not play a role in this passage either. Here, the parents determine the rules, and based on their determination, the young person judges the appropriateness of actions.

It is also clear in this example that sanctions can act as a reference point for constructions of deviance. Gustav, another interview partner from Germany, emphasizes this even more clearly. The rules themselves play less of a role for him than the sanction that follows a breach of the rules. He describes, for example, the rule of not displaying certain symbols in the youth center as ‘actually unnecessary’, but he adheres to it, because otherwise he would be banned from the house:

Gustav: Yes, you are not allowed to carry a thing (-), a flag or anything else.
Interviewer: No what?
G: No flag. No team. Because that’s (–) racist or something.
I: No flags. Mhm.
G: [incomprehensible] no rings with symbols for example Ottoman signs or something
I: What signs?
G: Ottoman or Christian signs or Muslim because that is forbidden.
I: Ahhm. Mhm. Mhm.
G: Because maybe there are Jews or Christians or.
I: Mhm. And what do you think of the rule?
G: (–) It’s actually unnecessary. You can wear whatever you want.
I: Mhm. (4) But do you follow the rules anyway?
G: Yes, because otherwise I’ll be banned.

Gustav first explains the rule, namely that there is a certain dress code in the youth center, which is based on the intention to fight racism. The exact justification of the rule seems to be clear to him only to a limited extent when he articulates that this is then ‘racist or something’. As an indication of this ambiguity, he lists flags which could lead to conflicts over nationality, but then speaks directly of ‘team’, which suggests that fan articles of sports clubs as well as political or religious symbols are not permitted. His own take on this rule becomes clear when he says that you can wear ‘whatever you want’. In doing so, he provides a justification for why he thinks the rule is unnecessary: his freedom of choice to do what he wants to do. Even if there is no reaction here in the sense of an ‘underlife’, as in the cases of Adrian and Reo in the previous section, Gustav clearly demonstrates his view on the rule. Nevertheless, he adheres to that rule. The sanctions force him to act according to the rule, even if he considers the rule itself to be irrelevant. The threat of sanctions is the decisive indicator for deviance, but one he contrasts for himself by expressing that he thinks the rule is not meaningful.

Similar to Christian, Ken from the Japanese sample uses his parents’ expectations as a reference point for his understanding of deviance. Similar to Gustav, he also emphasizes sanctions in this respect, which he fears. For Ken, the parents set the rules that one has to observe. In the following example, the dreaded sanctions of the stepfather cause Ken to stick to the rules:

Ken: [My stepfather] is just an ex-con and that’s why he has something like this (—) When I lived with my mother and my sister as a threesome, I also got in trouble from time to time. My mother used to say: ‘When someone talks to you, look them in the eye’. That’s what she always told me, all the time, and that’s why I did it. Then she remarried and, I don’t remember why, but I got in trouble from my stepfather, and I looked him in the eye, and he said: ‘Why are you looking at me like that!’

Interviewer: Hm.
K: And somehow (–) my stepfather (–) well (-) he felt that as if I was provoking him or something. ‘Why are you looking at me like that?’ and then he came up to me like this. He’s totally muscular and big and has so much strength (—) [. . .] And I can’t look him in the eyes anymore.

In the beginning, it is the mother’s rules that serve Ken as an orientation to which he adheres. After his mother remarries, however, he is confronted with another set of rules by
his stepfather, which overlay and replace what he has learned and internalized so far. Ken tries to understand the stepfather’s rule. His formulation, however, suggests that he is not quite sure ('or something') and distances himself from the rule. Similar to Christian, the rules of the parents have a high value. But in contrast to Christian, they seem inconsistent. While in the earlier passage, Christian attributes to the parents that they ‘only want the good for us’, the parents’ rules seem relatively arbitrary and unclear in Ken’s case. Nevertheless, he sticks to them. His stepfather’s physical threats and attempts to intimidate him leave Ken no choice. In this example, deviance is behavior that is marked as problematic by the parents through rules and especially through the threat of sanctions.

For Masao from Japan, however, quantitative standards lead him to understand an act as problematic. In his comparison of a murder with a traffic jam, he makes it clear that, in his view, the traffic jam is ‘more serious’ than the murder, since the number of affected parties is higher:

Masao: A murder, for example. It is bad, very bad. But in the end, it causes inconvenience to a maximum of 100 people – the dead person, his or her friends and family. But on the motorway, when you have to wait and you are perhaps on the way to an appointment or to work, you are late and then perhaps contracts with other companies cannot be concluded and so on, and that with perhaps 5000 people – that is somehow more serious.

From his point of view, both cases of deviance are serious. Murder is ‘very bad’ for him, but the decisive factor is the number of victims or people affected. The worst thing about a traffic jam is twofold in comparison to a murder; on one hand, a large number of people are stuck on the motorway and have to wait, and their daily planning is disturbed. On the other hand, there are consequences that are incalculable in their damage, such as contracts with other companies that cannot be concluded. According to Masao, deviance is characterized by the fact that other people are bothered or harmed. The severity of deviance depends on how many people it actually affects.

These examples show that the young people construct deviance individually and orientate themselves toward a variety of rules and norms. This applies equally to Japan and Germany. Between the two countries not only differences but also similarities stand out, especially regarding ideas about deviance and its gravity. In this context, comparable evaluation schemes become visible, which classify actions into fun versus severity or according to escalation levels such as ‘bad, worse, worst’. It is noticeable that the points of reference in the construction of deviance are very heterogeneous and it is hardly possible to identify any nationally uniform pattern of interpretation. Some tendencies can indeed be identified. The youths from Japan, for example, are generally more strongly oriented to the system of rules at school, while they describe a smaller variety of extracurricular norms than the German youths. Nonetheless, the rules and norms to which the young people in Japan orient themselves are so diverse that it is difficult to make general statements. Overall, it can be stated that based on our findings, a distinction according to country borders is only partially meaningful, since in both countries the young people orient themselves to different points of reference in order to conceive and justify deviance.
Crime or criminal law provisions are only one reference point among others, such as parents, school, friends, and so on.

**Conclusion and Outlook**

As we emphasized at the beginning, criminological country comparisons in the sense of methodological nationalism often assume countries as largely homogeneous units. A nationally relatively uniform understanding of crime seems to exist, and on this basis it is discussed, for example, why relatively little crime or deviance occurs in Japan compared to ‘the West’. This kind of argumentation is accompanied by the risk that stereotypical attributions are constructed and creep into analyses when terms like ‘collectivist Japan’, the ‘individualized West’, or similar are used.

It is indeed important to carry out abstract analyses and to search for the particularities of countries or groups of countries. From an empirical point of view, there can be no doubt that such comparative studies can lead to meaningful findings and stimulate further research and theoretical debate (e.g. Lappi-Seppälä, 2018; Van Kesteren, 2009). But countries are not ‘self-contained units’, as Nelken (2017: 425) rightly states. In our view, it is therefore necessary to conduct country comparisons in which these ‘units’ are broken down to show how diverse countries are, both individually and in comparison with each other. This diversity can be made visible if the views of individuals are taken seriously in comparisons. In our data, the construction of deviance by young people revealed that there are commonalities that run independently from national borders. Neither in Japan nor in Germany do young people simply submit to prescribed rules, nor are they mere individualists. Rather, they deal with different systems of rules, including criminal law. These have different meanings for them, depending on how they relate to rules taught by parents or school, and also depending on how seriously the young people themselves classify certain actions or harm. National borders are only partially meaningful here.

With these findings, the concept of ‘negotiated orders’ (McAra and McVie, 2012) can be followed up on a theoretical level. According to this concept, young people are involved in different formal and informal regulatory contexts, so that constraints and restrictions exist. But people are to be understood as active agents, as they intervene in the negotiation of regulations. ‘Orders’ are not static, but are produced and reproduced in practical action. Young people take part in these negotiations with different resources and vulnerabilities by trying to determine a social place for themselves in these ‘orders’. Our data make this participation visible: the young people orient themselves to different systems of rules; they evaluate them and position themselves to them. At the same time, they experience that they are evaluated and positioned by others. McAra and McVie (2012) call this a ‘mutually constitutive relationship [. . .] between rules and their application – disciplinary practices of inclusion and exclusion reinforce and reproduce the boundaries of appropriate identity formation and thereby reinforce and reproduce the rules themselves’ (p. 369).

It is highly informative to unravel the complexity of these processes. Country comparisons can prove that there are similarities and differences beyond national borders. There are special features within countries; for example, ‘inconvenience’ for third parties is an argument for some Japanese youths to depict the severity of deviant behavior. No such
argument was visible among German youths. In spite of such specifics, there are common features, in particular, that the youths in both countries counter rules with their own assessments and qualify them for themselves. Drawing on biographical and social experiences, they make their own moral and normative assessments, although they acknowledge the need for a normative regulation of social life. It is characteristic of all young people that they support rules, because otherwise they fear chaos, sanctions, burdens for uninvolved parties, or later problems of their own integration into society. Even in their deviance and their resistance to individual norms, they do not go so far as to question the necessity of regulation in principle. Ultimately, they run the risk of long-term exclusion if they violate formal or informal rules (McAra and McVie, 2012), and in this respect, it makes no difference whether a young person comes from Japan or Germany. However, certain differences were found in the specific type of rules referred to in order to define deviance, while rules were endorsed as such.

If one looks closely at the conflicts and negotiations in which people are involved ‘on the ground’, statistical country comparisons can be significantly supplemented. It may be worthwhile in the future to have a closer look at the narratives and interpretations that revolve around the construction of deviance in different countries. The relevance of comparative criminological studies can be furthered, if national borders are not taken as given and if generalizing judgments about the allegedly ‘collectivist Japan’, an ‘individualized West’ and so on are challenged. From our perspective, research following a ‘bottom-up’ perspective is useful to overcome this criminological kind of methodological nationalism. It should be informative to include an even greater diversity of respondents in subsequent research and to interview more people overall than we did. For reasons of comparability, we had only selected schools with a similar social status. In addition, we only analyzed interviews with male adolescents. Despite these limitations, we found a wide range of differences and similarities. If gender comparisons are made, if, moreover, more social milieus and also non-school contexts are explored, it should become even more apparent that national units may not form the stable basis for criminological cross-country comparisons, as is sometimes assumed.

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Notes
1. This requirement is of particular importance for contemporary comparative criminology. There is a current tendency to treat not only nations but also groups of countries as units. In contrast to the dominance of the English-speaking criminology in the United States and Europe, there is, for example, a call to pay more attention to the special features of Asian countries within the framework of an ‘Asian Criminology’ (Liu, 2009). Liu explicitly refers to the inner differentiation of the Asian region. He states, ‘A major feature of the Asian context is diversity across Asian societies and cultures, with different languages, different legal systems, and diversity in crime and crime control systems and practices’ (Liu, 2009: 4). At the same time, however, this perspective remains rooted in dichotomous comparisons of ‘Asia’
and the ‘West’. ‘Asian Criminology’ assumes that Asia can be treated as a distinctive entity that can be contrasted by the West. According to Liu (2017), there are particularly great differences ‘between the Western and non-Western cultures’ (p. 75). Just like Asia, the West is thus treated as a unity. By assuming the differentiation of individual Asian countries as a special feature of Asia, Asian countries are treated as units on one hand, and on the other hand, differentiation is denied to the West. But Western countries are no less different than Asian countries. The concept of ‘Asian Criminology’ thus shifts the problem of methodological nationalism to the level of supranational units or continents. So the question remains: what is the actual common ground of (each of) these units in question (Moosavi, 2019)?

2. Gille (2020), for example, found in his research focusing on the actors’ perspective regarding coping strategies of young unemployed people in Spain and Germany that they are similar, although the welfare state regimes of Spain and Germany differ significantly. ‘It is precisely the actor-centered perspective that makes it possible to at least partially overcome methodological nationalism’ (Gille, 2020: 162).

3. By relating these two countries, we are indeed starting from the reference point of national borders. However, our aim is to explore the actual relevance of such a difference. The empirical results of our study are intended to show whether a national distinction makes sense.

4. We are aware of the fact that choosing such a small and relatively homogeneous sample may appear to contradict the idea of overcoming methodological nationalism. But we consider our exploratory study as a starting point for this subject matter and for further research. The choice of schools with a similar social status as a common reference point for the interviews makes it possible to establish comparability between the two countries.

5. After careful consideration, six interviewees were excluded from the detailed analysis due to methodological or content discrepancies.

6. The time difference between the surveys in Japan and Germany can be explained by the fact that the idea of a comparative study was developed after the study in Japan was completed. We do not assume that the temporal difference had any influence on our findings, but subsequent research should overcome this (possible) limitation by conducting studies in individual countries at the same time, if possible.

7. We analyzed the interviews in German. Since one author is capable of speaking Japanese, the transcriptions of the Japanese interviews were first analyzed by her and then partly translated for the other authors in German for further analyses. For this article, relevant excerpts were later translated into English.

8. We used the following transcription symbols: - Abruption; (-) Break (1 second); – Break (2 seconds); — Pause (3 seconds); (4) Pause (4 seconds or respective number); ((text)) Comment on speech quality, cursive lettering shows the duration of the peculiarity; [text] Anonymization or explanatory comment; [. . .] Omission from the transcript; :: Word stretching.

9. Reo underlines the words ‘up all the way’ by pointing with his hands up to his armpits. It becomes clear in the interview that he is making fun of the particular rule of tucking the shirt into the pants.

References

Allmendinger J, Ebner C and Nikolai R (2018) Soziologische Bildungsforschung. In: Tippelt R and Schmidt-Hertha B (eds) Handbuch Bildungsforschung, 4th Edition. Wiesbaden: Springer, 42–47.
Anderson B (1996) Imagined Communities, Revised Edition. London: Verso Books.
Beck U (2007) The cosmopolitan condition: Why methodological nationalism fails. Theory, Culture & Society 24(7–8): 286–290.
Beck U and Grande E (2010) Jenseits des methodologischen Nationalismus: Außereuropäische und europäische Variationen der Zweiten Moderne. Soziale Welt 61(3–4): 187–216.
Becker HS (1963) Outsiders: Studies in the Sociology of Deviance. London: Free Press of Glencoe.
Brown SE, Finn-Aage E and Geis G (2019) Criminology, 10th Edition. New York: Routledge.
Cavadino M and Dignan J (2006) Penal Systems. London: Sage.
Chernilo D (2017) Methodological nationalism. In: Turner BS, Kyung-Sup C, Epstein CF, Kivisto P, Outhwaite W and Ryan JN (eds) The Wiley-Blackwell Encyclopedia of Social Theory. Hoboken, NJ: Wiley-Blackwell, 1476–1478.
Dammer HR, Reichel P and He N (2014) Comparing crime and justice. In: Reichel P and Albanese J (eds) Handbook of Transnational Crime and Justice, 2nd Edition. Los Angeles, CA: Sage, 23–46.
Dollinger B (2020) Changing Narratives of Youth Crime. London: Routledge.
Dollinger B and Fröschle T (2017) Me and my custodial sentence: A case study on categorization work of young defendants. Narrative Inquiry 27(1): 66–84.
Dollinger B, Lampe D, Rudolph M and Schmidt-Semisch H (2017) Maneuvering with crime: An empirical reconstruction of ‘populist’ stances on youth crime in German parliamentary debates. European Journal on Criminal Policy and Research 23(2): 193–210.
Ellis T and Kyo A (2017) Youth justice in Japan. In: Oxford Handbooks Online. Available at: https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935383.001.0001/oxfordhb-9780199935383-e-65?print=pdf (accessed 12 August 2020).
Fenwick M (2004) Youth crime and crime control in contemporary Japan. In: Sumner C (ed.) The Blackwell Companion to Criminology. Malden, MA: Blackwell, 125–142.
Friedrichs DO (2011) Comparative criminology and global criminology as complementary projects. In: Nelken D (ed.) Comparative Criminal Justice and Globalization. Farnham: Ashgate, 163–181.
Fuchs M, Lamnek S, Luedtke J and Baur N (2009) Gewalt an Schulen, 2nd Edition. Wiesbaden: VS Verlag für Sozialwissenschaften.
Gille C (2020) Wohlfahrtssellschaftliche Regime von unten: Akteursbezogene Erkundungen am Beispiel junger Erwerbsloser in Spanien und Deutschland. In: Van Rießen A and Jepkens K (eds) Nutzen, Nicht-Nutzen und Nutzung Sozialer Arbeit: Theoretische Perspektiven und empirische Erkenntnisse subjektorientierter Forschungsperspektiven. Wiesbaden: Springer, 161–178.
Goffman E (1991) Asylums. London: Penguin Press.
Green DA (2008) When Children Kill Children: Penal Populism and Political Culture. Oxford: Oxford University Press.
Harrendorf S (2018) Prospects, problems, and pitfalls in comparative analyses of criminal justice data. Crime and Justice 47(1): 159–207.
Hester S and Eglin P (2017) A Sociology of Crime, 2nd Edition. Abingdon: Routledge.
Kury H and Ferdinand TN (eds) (2008) International Perspectives on Punitivity. Bochum: Brockmeyer.
Lappi-Seppälä T (2018) American exceptionalism in comparative perspective. In: Reitz KR (ed.) American Exceptionalism in Crime and Punishment. New York: Oxford University Press, 195–271.
Leonardsen D (2002) The impossible case of Japan. Australian & New Zealand Journal of Criminology 35(2): 203–229.
Leonardsen D (2004) Japan as a Low-Crime Nation. Basingstoke: Palgrave Macmillan.
Lewis C, Brooks G, Ellis T and Hamai K (2009) Comparing Japanese and English juvenile justice: Reflections on change in the twenty-first century. Crime Prevention and Community Safety 11(2): 75–89.
Liu J (2009) Asian criminology: Challenges, opportunities, and directions. Asian Journal of Criminology 4(1): 1–9.
Liu J (2017) The Asian criminological paradigm and how it links global north and south: Combining an extended conceptual toolbox from the north with innovative Asian contexts. International Journal for Crime, Justice and Social Democracy 6(1): 73–87.
McAra L and McVie S (2012) Negotiated order: The groundwork for a theory of offending pathways. Criminology and Criminal Justice 12(4): 347–375.
Maruna S (2001) Making Good: How Ex-convicts Reform and Rebuild Their Lives. Washington, DC: American Psychological Association.
Miyazawa S (1997) The enigma of Japan as a testing ground for cross-cultural criminological studies. In: Nelken D (ed.) Comparing Legal Cultures. Aldershot: Dartmouth, 195–214.
Moosavi L (2019) A friendly critique of ‘Asian criminology’ and ‘southern criminology’. British Journal of Criminology 59(2): 257–275.
Muncie J (2015) Youth & Crime, 4th Edition. London: Sage.
Nelken D (2017) Rethinking comparative criminal justice. In: Liebling A, Maruna S and McAra L (eds) The Oxford Handbook of Criminology, 6th Edition. Oxford: Oxford University Press, 416–437.
Olson G (2014) Narration and narrative in legal discourse. In: Hünn P, Pier J, Schmid W and Schönert J (eds) Handbook of Narratology, 2nd Edition. Berlin: de Gruyter, 371–383.
Osawa S (2018) Devianz aus der Sicht von ’Tätern‘. Normabweichendes Handeln in den Selbstdeutungen devianter Jugendlicher in Japan. Wiesbaden: Springer.
Osawa S (2019) Entgrenzung von Devianz? Kritische Überlegungen zu moralisierenden Kategorien im japanischen Devianzverständnis. *Kriminologisches Journal* 51(4): 273–289.
Presser L (2008) *Been a Heavy Life: Stories of Violent Men*. Urbana, IL: University of Illinois Press.
Reiner R (2016) *Crime*. Malden, MA: Polity Press.
Schäfers B and Scheer A (2005) *Jugendsoziologie: Einführung in Grundlagen und Theorien*. 8th Edition. Wiesbaden: VS Verlag für Sozialwissenschaften.
Schneider HJ (2012) *Einführung in die Kriminologie* (Reprint), 3rd Edition. Berlin: de Gruyter.
Shreeya A (2018) The self as an active agent: Understanding Goffman’s theory of resistance in total institutions through life-histories. *Sociological Bulletin* 67(2): 173–187.
Smith D and Sueda K (2008) The killing of children by children as a symptom of national crisis. *Criminology and Criminal Justice* 8(1): 5–25.
Sutton JR (2004) The political economy of imprisonment in affluent western democracies, 1960-1990. *American Sociological Review* 69(3): 170–189.
Van Kesteren J (2009) Public attitudes and sentencing policies across the world. *European Journal on Criminal Policy and Research* 15(1–2): 25–46.
Yoder RS (2004) *Youth Deviance in Japan*. Melbourne, VIC, Australia: Trans Pacific Press.

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