

The Importance of the Group in Japan

Purpose:

This lesson is provided to enable the student to compare behaviors and attitudes of people in Japan and the United States by analyzing the importance of the group in the two countries.

Target Grade Level: 12

Topic:

Dispute resolution in Japan

Concepts:

- Rule of law
- Rule by consensus
- Ostracism

Key Idea:

In Japan, the group and one's relation to the group is more than the rule of the law.

Skills:

Application: Given a hypothetical case in the United States, students will explain how the dispute might be resolved.

Analysis: Given a case in a Japanese hamlet, students will identify the rules by which the group governs the behavior of its members, settles disputes, and punishes those who violate the rules.

Synthesis: Students will role play members of the hamlet and then make inferences concerning the attitude of Japanese toward their legal system.

Materials:

- Reading: "The Hamlet v. Tetsu-san" (Handout A)
- Teacher background: "Dispute Resolution in Contemporary Japan" (See Concept of Wa I)

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Activities:

1. Involve students in the topics by asking them how they would handle the following dispute: A neighbor wants to cut down a tree. You claim that the tree is on your property. What steps would you take to resolve the dispute?
2. Explain that in the American system of justice, the parties involved might go to court and ask the judge to issue an injunction (restraining order) to stop the neighbor from cutting down the tree until the records could be checked and ownership determined. Our system is an adversarial system in which attorneys represent the interests of their clients. The rule of law implies the use of an objective standard and the use of universal principles of justice.
3. In contrast, in Japan different principles apply. To illustrate the difference, ask students to read "The Hamlet vs. Tetsu-san."
4. Assign students the following roles: Tetsu-san; his wife, Aki-chan; Sanzo-san, the assistant to the head man; the head man; the police; and the priests. The rest of the class will live in the hamlet.
5. After reading Part One of the case, ask the members of the hamlet to describe the rules by which their group lives. Next have the students identify the values which they hold and act upon.
6. Ask a member of the hamlet to explain why Tetsu-san might be viewed as "wrong, subversive, rebellious" because of taking the matter to the police.
7. Have the members of the hamlet work out a punishment for Tetsu-san according to the following principle: the group and one's relation to the group is more important than the rule of law.
8. Read Part Two of the case. Explain the meaning of the word ostracism. Ask a member of the village to explain how the members of the group both enforced the rules of the group and obeyed national law at the

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same time. What message did the group send to others through its decision?

9. Have the students make inferences concerning the Japanese attitude toward the law. Compare these attitudes with those in the United States.

Evaluation:

1. According to the principles of Japanese society, was Tetsu-san treated fairly?
2. In Japan, there is a proverb: "The nail that sticks up gets pounded down." In the United States, people say: "The squeaky wheel gets the grease." Explain how each saying illustrates dispute resolution.
3. In the United States, children who break rules are often sent to their rooms. Ask students to think about how the Japanese would teach their children the importance of the group. (In Japan, children were once locked outside the home.) Discuss the message both types of punishment send to the members of the culture.
4. Discuss the strengths and weaknesses of using rule by consensus rather than rule by law to settle a dispute.

Relationship to Social Studies Standards:

Grade 12, People in Societies, Grade-level Indicator 1

I identify the perspectives of diverse cultural groups when analyzing current issues.

Grade 12, People in Societies, Grade-level Indicator 5

Evaluate the role of institutions in guiding, transmitting, preserving and changing culture.

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This lesson was originally developed by Dr. Betty Barclay Franks, teacher, Maple Heights City Schools and were revised by Dr. Kent J. Minor, Director, Ohio Japan Project.

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Handout A

THE LAWS OF THE HAMLET

"THE HAMLET VS. TETSU-SAN"

Part One: The Dispute

Why did this situation arise? Well, Tetsu-san's land borders on that of the shrine, and near the boundary there was once a large oak tree. Sometime ago, when a new middle school was to be built in the village, the hamlet was called upon to make a contribution, but it happened that times were bad, and when the deadline came, the money had still not been raised. The other hamlets in the village had already put up their shares, and if our hamlet did not do its part, its honor and reputation would be badly stained. In the face of this crisis, an emergency meeting of the hamlet was called, and after the boss and everyone else had wracked their brains for a time, they hit upon the idea of cutting down the trees in the shrine enclosure and selling them. It was generally agreed that when times got better new trees could be bought for the shrine.

The trouble arose when in cutting the trees, the workmen chopped down the oak on the border of Tetsu-san's land. Tetsu-san, incensed, ran to the police and accused the hamlet of stealing his tree. He figured that it was a case of him against all the rest, and that it would do no good to appeal to the boss of the hamlet, who was as much involved as anyone else. By tradition, however, he should have gone to the boss and tried to settle the affair within the hamlet. By going to the police instead, he had not only created discord within the hamlet, but had exposed the discord for all outsiders to see. As a result, even though the money for the contribution was raised, the honor and reputation of the hamlet were seriously damaged, and it was considered that Tetsu-san had violated one of the basic rules of the community.

When the police examined the disputed land, they found that the oak had belonged to the shrine after all. This was reported to a meeting of the hamlet, and everybody agreed that it wouldn't do to associate any more with anyone who had "treated us all like thieves."

Discussion:

How do you think the group would punish Tetsu-san?

How might the group punish his wife and children?

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Part Two - The Solution

Tetsu-san was ostracized. But the formal action of the hamlet took a curious turn. This was now, after all, the age of Democracy, and this business of ostracizing people had been widely criticized in the press. Consequently, when it came to dealing with Tetsu-san, the hamlet had to resort to other means. At the meeting, the boss and his two aides got up and said, in substance, "We're not going to have anything more to do with this fellow, and he's in this hamlet, so we guess we'll have to leave the hamlet. Anybody else who didn't like being called a robber by Tetsu-san ought to do like we're doing."

Everybody in the hamlet except Tetsu-san resigned from the association, so that instead of being cast out, he was the only one left in. The effect was of course exactly the same.

Tetsu-san afterward said ruefully to me, "I thought the laws of the nation were stronger than the laws of the hamlet, but now that I've gone to the police, I've found out better."

On the other hand, Sanzo-san, the assistant boss, said, "The country can have all the law it wants, but the hamlet has its laws, too, and it's had them since our ancestors were around. If you live in the hamlet, you've got to obey the laws of the hamlet or get kicked out."

In other words, a person may be a human being, and he may be a Japanese, but above all he is a member of the hamlet.

Once the family is ostracized no one else in the neighborhood will speak to either the master of that house Tetsu-san, or to his wife, Aki-chan. Their children are allowed to play with the others, and when candy or cookies are passed around, they are given some. But no one will have anything to do with the parents, let alone call on them.

Discussion:

Are people ever ostracized in the United States?