

The Concept of Wa II

Purpose:

Students will compare the resolution of disputes in Japan and the United States.

Target Grade Level: 12

Key Idea:

In Japan, mediation is the preferred method of resolving disputes.

Rationale:

By comparing how disputes are settled in both Japan and the United States, students will develop a better understanding of both cultures.

Skills:

Comprehension: Given a case, students will state the facts of the case and identify the issues involved.

Application: Given a case, students will apply the concept of wa to the resolution of a dispute in Japan.

Analysis: Students will compare the method Judge Ooka used to resolve the dispute with the manner in which a similar dispute would be resolved in the United States today.

Synthesis: Students will re-write the case using the concept of wa.

Materials:

- Reading: "The Case of Hanshichi, the Carpenter" from "The Judge Ooka Tales" (Handout A)
- Teacher Background: "Dispute Resolution in Contemporary Japan" (See The Concept of Wa I)

Procedures:

1. Involve the students in the lesson by asking them how they would resolve

The Concept of Wa II

a dispute between a tenant and a landlord when the tenant cannot pay rent due to illness. Some students might suggest that in the United States today, the tenant could file for bankruptcy. Other students might suggest that the tenant contact a social service agency. Still others might indicate that the tenant should be taken to court and sued for the back rent.

2. Explain that in Japan, the courts encourage people to resolve their disputes outside the legal framework, a tradition that was illustrated by the "Judge Ooka Tales".
3. Have the students read Part One of "The Case of Hanshichi, the Carpenter." Ask them to state the facts of the case and identify the issues involved.
4. Divide the students into groups of three and ask them to apply the principle of *wa* (harmony) to the resolution of this dispute.
5. Share the decisions.
6. Compare the roles of the two landlords. Which landlord applied *wa* to the case? Explain why Jirobei failed to live by the principle of *wa*. Did Jubei act as a mediator in this case? Explain how Jubei tried to bring about *wa*.
7. Give students Part Two of the case. Compare the landlords' decisions with the way in which Judge Ooka handled the case.
8. Ask students to re-write the story so that *wa* is preserved and the case is resolved before it comes to Judge Ooka.

Evaluation:

The Japanese have a proverb: "add the contentions and divide the sum by two." Have the students write a one-page paper explaining how Jirobei would have been better off if he had followed the proverb and the case had not gone to court.

The Concept of Wa II

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 2

I identify causes of prejudice and demonstrate ways in which legal protections (including constitutional amendments and civil rights legislation) prevent and reduce discrimination.

Grade 12, People in Societies, Grade-level Indicator 3

Analyze ways countries and organizations respond to conflicts between forces of unity and forces of diversity (e.g., English only/bilingual education, theocracies/religious freedom, immigration quotas/open immigration policy, single-sex schools/coeducation).

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

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

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.

The Concept of Wa II

Handout A

THE JUDGE OOKA TALES

"THE CASE OF HANSHICHI, THE CARPENTER"

Part One: The Problem

There was a carpenter named Hanshichi living on Owari-cho. Because of a long illness he could not pay rent for some time. When his debt had grown to something like three gold pieces, his landlord, Jirobei, demanded that Hanshichi leave the apartment and confiscated the carpenter's toolbox as security for the rent owed him.

Hanshichi moved to another apartment in Hatago-cho. His new landlord, a man named Jubei, was a kind person. When he learned that Hanshichi could not work as a carpenter without tools, he lent him one piece of gold and told him to pay that much to Jirobei and negotiate the return of the toolbox. He added that Hanshichi could promise to pay Jirobei the remaining two when he earned it from his carpentry.

The carpenter went to his former landlord and did as Jubei had suggested. But Jirobei would not listen. He insisted that he would not give up the tools unless he received the three gold pieces in full.

As a last resort Hanshichi appealed to Ooka's court.

Discussion:

Applying the principle of *wa*, what decision would you make in this dispute?

The Concept of Wa II

Part Two: The Judgment

Ooka ordered Jubei to lend another two pieces of gold to Hanshichi so that he could get his tools back. Jubei obeyed. Then Ooka asked Hanshichi how many days he had been unable to work because his tools had been confiscated. Hanshichi said, "Well, about a hundred days." How much do you earn a day, Hanshichi?" asked Ooka. Hanshichi's answer: "Well it depends, your honor. Somewhere between three and five ounces of silver, sir."

Thereupon Ooka gave the verdict. "Jirobei, now that Hanshichi has paid up all his back rent, it is you who owe him the amount of money he would have earned over one hundred days. If he earned three ounces of silver every day, it would add up to 300 ounces altogether. That is five pieces of gold. You must pay that amount to Hanshichi."

Jirobei was not at all happy, yet he had no choice but to obey the order. He paid five pieces in gold to Hanshichi. Hanshichi paid three of them to Jubei and the case was closed.

"The Judge Ooka Tales" in *As the Japanese See It: Past and Present*. Michiko Y. Aoki and Margaret Dardess, eds., (Honolulu: University of Hawaii Press, 1981), pp. 265-266.