

Chapter Fourteen - Conflict, Resolution, and Responsibility

I. Reading

しつこい, な! (*Shitsukoi, na!*)

In Chapter Five, we discussed how important the idea of harmony is in Japanese culture and society. Of course, with such different values placed on concepts such as harmony and individual accountability, acceptable methods of resolving conflict will differ, as well. The ideal Japanese resolution of a conflict will most likely be one in which people's feelings, ego, face, etc., are spared. In other words, problems will be resolved with a priority placed on expediency (方便).

In Japan, conflict resolution is very contextual. That is, it's important to consider the context of the conflict, what the situational factors are. Who are the people involved, what are their positions in the cultural hierarchy, what are the consequences of the resolution, etc. The underlying “principle” takes a back seat to the relationships and feelings of the people involved.



The Western approach is quite different. Since Western culture does not share the Japanese value of harmony, individual accountability and responsibility are considered first. “Justice” is best served by finding out who is at fault, and ensuring that they make amends and, if necessary, are punished.¹ Ideally, from a Western perspective, one should close one’s eyes to all the things that are so important in Japanese conflict resolution. It shouldn't matter who the people involved are; the action itself and principle is what should matter. There is an expression in English, “Justice is blind.” Yes, Westerners consider this a *good* thing. Images of “Lady Justice” often depict her wearing a blindfold so that she can administer justice blindly, objectively, without regard for all the things that are so important to Japanese justice.

You might be surprised to learn that a Westerner might consider the Japanese approach to problem resolution unacceptably unjust, or even immoral. It's no wonder Westerners are so often considered しつこい (*shitsukoi*) by their Japanese colleagues.

It's also important to remember that this way of approaching justice is an ideal; in reality, Lady Justice has been known to peek from behind her blindfold from time to time. Poor people often note that there is one set of laws for the rich and another for the poor. Sadly, this is too often the case.

It's YOUR fault!

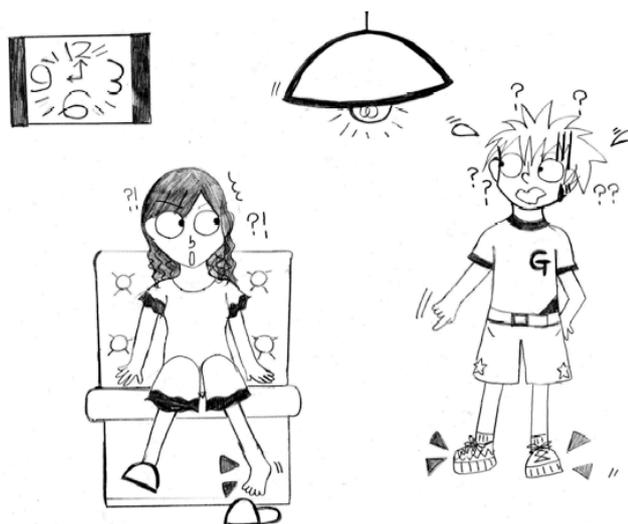
This book has mentioned the idea of individual responsibility as a characteristic of Western culture several times. Ironically, one of biggest self-criticisms of Western culture, and perhaps especially America, in the last fifty years is the erosion (浸食) of this idea of individual accountability and responsibility. It's difficult to determine the cause and effect, but the numbers of lawyers in different countries is a good illustration of the different ways different

¹ Of course, the opposite is also true. When something good happens, Westerners try hard to identify who is *individually* responsible and reward the *individual* appropriately.

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cultures view justice and its administration. The U.S. has only 5% of the world's population, but 70% of its lawyers.² There are only 287 attorneys per one million people in Japan, compared with 3,769 in the U.S.³

Certainly, the idea of individual accountability and responsibility is still very important; the problem is that many people apply this value to other people while kindly excusing themselves. As a result, many people live their life thinking that anything bad that happens is someone else's fault, and they often find a lawyer who is willing to agree with them and sue someone for it. Among the more ridiculous examples is a woman who sued McDonald's because her coffee was too hot. She burned herself when she spilled the coffee on herself. Another is a man who sued a convenience store when he slipped and fell in the store; he was robbing the store at the time!



I'm sorry! (No you're not...)

We also discussed the use of apologies as social lubricants in Chapter Five. Japan's is a culture in which the emphasis is on harmony and not on individual accountability and responsibility. One would guess that in such a culture, apologies would have a different meaning than they would in cultures where accountability and responsibility took precedence over harmony, and this is exactly the case.

Westerners coming to Japan for the first time are surprised by how often Japanese people apologize. Initially, this is quite charming. However, the Westerners make the mistake of thinking that these apologies mean the same thing that they do in their own culture. Unless one learns quickly that these spoken apologies mean something quite different, one can come to the incorrect conclusion that Japan is an island of liars and hypocrites! "They're always saying that they're sorry, but they never mean it!"

Part of the problem is that when a Westerner apologizes, it is a serious admission of guilt or wrongdoing. It implies contrition (悔恨) and a promise of restitution (返還). Worse, in litigation-prone cultures such as the U.S., apologizing can mean that the person accepts legal responsibility for some damage or harm. Travelers to the U.S. should therefore be very careful about apologizing. Likewise, when a Japanese person says すみません! (*Sumimasen!*), there is little true contrition or acceptance of responsibility. It's merely a verbal expression to smooth over any possible misunderstanding. Regardless of what your dictionary says, すみません! (*Sumimasen!*) and "I'm sorry!" can mean completely different things.

But I have a contract!

Like justice, contracts are also a big point of difference between Japan and the West. Again, this is partly a function of and also a reason for all the lawyers in the U.S. It's also a good idea

² *Are there too many lawyers?* < <http://www.sixwise.com/newsletters/06/10/05/how-many-lawsuits-are-there-in-the-us--amp-what-are-they-for-an-amazing-overview.htm> >

³ *The Legal Industry in Japan* < <http://blogs.wsj.com/briefly/2016/04/03/the-legal-industry-in-japan-the-numbers/> >

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to consider the employer-employee relationship we discussed in Chapter Nine.

In the U.S., a contract is a way to put as many specifics about an agreement in writing so that in case there are any misunderstandings later on, both parties can refer to the written contract. Those written words override all other factors - circumstances, needs, changing economic conditions, and the parties involved. None of those things matter; it's what the contract says that matters. Contracts often go into great detail. After all, parties to the contract often have conflicting interests, and the contract is meant to foresee and specify in advance any possible future disagreement.

Contracts in Japan can be quite different. If anything, they can be described as a general agreement to negotiate future disagreements that may arise. Those negotiations, will, of course, take into account any changing circumstances (context), as well as the relative power each party in the contract holds. I once was discussing an issue with an employer in Japan, and cited the contract we had agreed on when I had begun working for the company. It was explained to me that the contract was merely “a kind of ceremony.” Once I overcame my shock, my first American impulse was to find a good lawyer so that I could sue the employer! (Of course, I didn't.)

So, when in Rome, do as the Romans do. In the U.S., sign nothing and never apologize; in Japan, smile and say you're sorry, no matter what you have or haven't done.

II. Comprehension Questions

If you have a difficult time answering these questions, read the passage again. If you can't find the answer, make a note of your question and ask the teacher for an explanation in your next class.

1. What is different about how Japanese and Westerners try to resolve conflicts?
2. Why does Lady Justice wear a blindfold?
3. Japanese and Westerners have very different ideas about apologizing. Can you explain?
4. Why are contracts so important in Western cultures?
5. Can you explain why Westerners so often seem しつこい (*shitsukoi*) by Japanese standards?

III. Thinking

New words and expressions

What are the main points in this chapter?

General summary of main points.

List some examples from your own life or observations that support these points:

List some examples from your own life or observations that do not support these points:

Your reactions and opinions: