

German Institute for Japanese Studies Tokyo (DIJ)

DIJ Social Science Study Group

September 15, 2016, 18:30

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Disaster, law and justice in Japan: In the tsunami of debt and lost homes

The Great East Japan Earthquake of 2011 unleashed unprecedented tremors and a devastating tsunami, damaging one million buildings and rendering 300,000 victims displaced and dispossessed. Former home-owners and businesspeople found themselves in the position of seeking loans to rebuild and invest, while being unable to pay off pre-disaster mortgages and debts. Largely unnoticed outside of Japan, this so-called “double-loan crisis” promoted private and corporate insolvency, threatening financial institutions, jeopardising disaster recovery and entrenching social inequality. Treating issues of property insurance, debtor-creditor, social welfare, charity, financial and insolvency law, this paper examines the situation of the tsunami victims from a legal perspective: By way of doctrinal analysis, it first assesses the law and policy responses to disaster-induced debt. Drawing on Japanese and western scholarship, it then critically discusses normative concepts underlying disaster relief, disaster capitalism, and distributive justice in Japan. Finally, based on the socioeconomic situation, the legal analysis, and the justice considerations, it attempts to provide policy recommendations to improve the way in which burdens of uninsured risk and recovery are shared between victims and society as a lesson from the world’s costliest natural disaster.

Julius Weitzdörfer is an Affiliated Lecturer at the Faculty of Law, University of Cambridge. With a background in Japanese nuclear-, disaster- and financial law, he recently joined the Centre for the Study of Existential Risk (CSER), where he works on the project "Managing Extreme Technological Risk". This work was funded by the Volkswagen Foundation, within its "Key Issues for Research and Society" initiative, through the research project “Protecting the Weak: Entangled Processes of Framing, Mobilization and Institutionalization in East Asia” (AZ 87382) at the Interdisciplinary Centre for East-Asian Studies, Goethe University Frankfurt/Main.

The DIJ Social Science Study Group is organized by S. Brucksch, S. Heinrich, P. Holdgrün and D. Kremers.

All are welcome to attend, but registration (brucksch@dijtokyo.org) is appreciated.

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