

## Inequality in Japan: Support for Victims of Natural Disasters

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### 1. Introduction

Japan, like Italy, commonly experiences natural disasters. For Japan, such natural disasters include earthquakes, floods, and volcanic eruptions. When natural disasters occur and homes are damaged and become uninhabitable, people must temporarily evacuate. Some people seek to remain as close to home as possible, but many, especially those inhabiting rural areas, choose to evacuate to cities with many shops, educational institutions, and medical facilities, and ultimately do not return to their home regions. Japan's birthrate is declining, its population is aging, and the size of the populace has begun to decline. Even where natural disasters do not occur, the population is moving from rural areas to cities, and where they do occur, this migration exhibits a dramatic acceleration. My question is whether it is possible to slow this trend at all.

When we judge something to be right or wrong, the object of our judgment is part of the real world. We perceive this real world, and then we imagine an ideal world, and if there is a difference between the two, we consider that the real world is not right, whereas if the two coincide, we consider the real world to be right. For example, if in an ideal world person A would help person B, i.e., A should help B, and then if A helps B, A is judged to be right, whereas if A does not help B, A is judged to be wrong. Thus, recognizing the real world and imagining the ideal world are prerequisites for the judgment of right and wrong.

We often focus on the reality that is favorable to us and turn away from the reality that is unfavorable. These biases in human perceptions form an interesting but thematic topic, but I will not address this in this report. I do not want to examine our perceptions of the real world but what the ideal world is, on which we base our evaluation of the real world.

### 2. What Is Justice?

In the *Nicomachean Ethics*, Aristotle explored the various virtues that should be possessed. Virtue (*arete*) refers to the moderation of the passions, and excessive or insufficient passions are considered vices. Aristotle goes on to discuss justice as an expression of virtue in chapter 5. That is, what perfect virtue manifests in relation to others (in an action or a state) is general justice, and what partial virtue manifests in relation to others is particular justice. Then, particular justice is divided into distributive and corrective justice.<sup>1</sup>

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<sup>1</sup> Aristotelis Ethica, 1894, 1130b–1131a.

### 2.1. Distributive Justice

Distributive justice, on this account, describes the distribution of benefits and honor to people in proportion to their value. This implies that equal things should be distributed equally to those who have equal value, but it does not imply that people are equal in value. Instead it is considered a right to distribute less goods to those who have less value and more goods to those who have greater value.<sup>2</sup>

In this account of distributive justice, it remains unclear what is considered equal to what. One interpretation might hold that the respective benefits and honors allocated to those of equal value should be equal. However, this may impose an interpretation of the equality of goods in 'equal goods should be distributed to those of equal value', but this does not seem to be a sufficient interpretation of equality for distributive justice. Makoto Usami proposes a different interpretation, according to which distributive justice requires that the value of people and the benefits and burdens to be distributed must be balanced. On this view, the value of people and the benefits or burdens to be distributed are to be regarded as equal. It is not possible here to test whether this interpretation is correct as far as Aristotle's text, but it is nonetheless a plausible interpretation. For example, in the allocation of wages, determining that the rate for 10 hours' work is 100 euro assigns the value of 10 hours' work as equal to the monetary value of 100 euro. In this case, if some workers, after working 10 hours, received 80 euro or 120 euro, the value of the labor and the salary are not equal, and the salary allocation is unjust.

### 2.2. Corrective Justice

Corrective justice (compensatory fairness) refers to making amends in various types of dealings between people. Aristotle divides this corrective justice into two types, depending on whether the type of dealing is voluntary. Voluntary types of dealing include selling, buying, lending, insuring, financing, investing, and renting. Involuntary types are those that are conducted secretly (including stealing, adultery, poisoning, aiding an adulterer, slave enticement, premeditated murder, and giving false evidence) and those that are violent (including assault, imprisonment, manslaughter, kidnapping, maiming, and verbal abuse).<sup>3</sup>

In such transactions, a gain or loss is transferred from one side to the other. Aristotle illustrates this using the geometrical example of line segments. Line segments AA', BB', and CC' are all of equal length; from AA' a part of it, AE, is cut off, and C'D (of a length that is the same as that of AE) is added to CC'. The overall length of CD is then longer than EA' by twice the length of the AE (=C'D). In this case, the inequality must be corrected by cutting off C'D (=AE) from the longer CD

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<sup>2</sup> Aristotelis, 1131a.

<sup>3</sup> Ibid.

and adding it to EA'<sup>4</sup>.

Aristotle's corrective justice can be interpreted in such a way that it is right for two parties to be equal in the benefits or disadvantages that they exchange with each other, so it has also been called commutative justice. In this presentation, however, I emphasize Aristotle's image of the lines, as described above. This image represents two parties who originally had property of equal value, after which one party gains or loses more than the other, followed by a restoration of equality through returning half the difference to the party with less. I suggest that this sense of corrective justice in this sense could provide a basis for assistance in the event of natural disasters and a criterion for roughly determining the total amount of assistance.

### 3. Natural Disasters and Corrective Justice

It may seem strange to apply the concept corrective justice to natural disasters. This is because the usual case of its application is a bilateral relationship between an offender and a victim. When someone hits someone else, according to Aristotle, the offender gains and the victim suffers a loss.<sup>5</sup> The offender corrects this imbalance with the payment of compensation to the victim. In the case of a natural disaster; however, the offender is nature, and nature cannot compensate the victim.

However, let us shift our perspective and look away from any offending party to other citizens who remained undamaged and unharmed by the natural disaster. Their property remains the same before and after the disaster, and the property of those affected is reduced. This makes an imbalance between the two groups. This imbalance must be corrected.

How much property must be transferred from the non-sufferer to the sufferer? First, the total amount of damage should be calculated. Next, the total amount of property held by the non-sufferers and the total amount of property held by the sufferers following the damage is summed to assess the current total amount of property of the whole group. That amount is then divided by the number of people in the whole group to give the average amount of property per person. The difference between the total property of the non-sufferer group and the average amount multiplied by the number of non-sufferers is the amount of property that the non-sufferer group has in excess of that held by the sufferer group. This amount be transferred from the non-sufferer group to the sufferer group. Finally, the transferred property should be distributed among the sufferers.

Let us consider the simplest example. A community consists of two persons, each of whom has property worth 100 Euro. One person loses property worth 50 Euro due to a natural disaster, and the other person is unaffected and continues to hold property worth 100 Euro. In this case,

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<sup>4</sup> Aristotelis, 1132.b.

<sup>5</sup> Aristotelis, 1132.a

the average amount of property after the disaster is 75 Euro, so the non-sufferer gives the sufferer 25 Euro worth of property, making the property of both 75 Euro each. This assistance is assessed as correct based on corrective justice. This view seems to be in line with our natural intuition of justice.

In the above approach, the amount of support that a sufferer receives depends on the number of sufferers in proportion to the size of the community to which they belong. If there are few sufferers, they will receive assistance that is equivalent to nearly the full amount of the damage. If a larger natural disaster affects more people, the amount of damage received by sufferers will be smaller. If everyone is victimized by the disaster, no assistance can be expected. In this case, the issue concerns whether support should come from outside of the community or from future generations (through the mechanism of borrowing money).

I do not intend to argue here that such naive calculations can determine the exact amount of assistance that sufferers can receive. The total amount of damage varies greatly in relation to what is considered damage. The above calculations can only give a rough idea of the total amount of aid that can be provided. The primary function of corrective justice is to justify assistance. If we consider that those who have not been harmed to be those who have more and those who have been harmed to be those who have less, and if we agree with Aristotle that imbalances should be corrected for the sake of justice, then the conclusion follows that imbalances in property must be corrected following a natural disaster.

After World War II, large numbers of houses were built in Japan to accommodate the rapidly increasing population. The standards for the earthquake-proofing of buildings set out in the Building Standards Law (1950) were very loose. These standards became stricter with the 1971, 1980, and 2000 amendments to the law. In general, buildings that were built according to the revised 1980 standards (applicable to building permits received on or after June 1, 1981) have high earthquake resistance; the January 17 1995 earthquake that hit the city of Kobe caused little damage to buildings that met these standards. However, it was not mandatory to improve the earthquake-proofing of older buildings. The cost of updating the earthquake-proofing is high, so many houses built to the old standards still remain. Although there are differences between regions, on average, approximately 20% of all houses in the country do not meet the 1980 standards. Many of these are inhabited by elderly people.

In Japan, temporary housing is constructed at public expense and is provided to sufferers under the Disaster Relief Act (1947) for those who have lost their homes in natural disasters. However, in accordance with the Building Standards Law, temporary housing is expected to be demolished after two years. After this period, the victims must find new housing on their own.

In Japan, in cases where homes have been damaged by natural disasters, there has been no public assistance at all provided for housing reconstruction. The following two points have often

been raised as the reason for this. (1) Housing is personal property. Public funds should not be used to rebuild private homes. (2) Homeowners should have earthquake insurance. Those who did not sign up for this protection chose to bear the damage themselves. Of these, (1), in my opinion, has not been adequately refuted. However, a counterargument based on the concept of corrective justice introduced in this presentation is possible. With regard to (2), it is true that if one has earthquake insurance, one can receive insurance benefits, but earthquake insurance in Japan covers a maximum of half of the value of the home. Public financial support is necessary to provide for the other half.

Finally, in 1998, the Law to Support the Reconstruction of the Lives of Disaster Sufferers was passed, but the maximum amount of assistance provided was 1 million yen (approximately 6,000 euro) and it was not permitted to use the assistance money to rebuild houses. The act has been amended twice, and the maximum amount was raised to 3 million yen (about 18,000 euro), which could also be used for housing reconstruction. However, this amount remains quite insufficient, given that the construction of a family home in Japan costs at least 20 million yen. A change in this legislation to increase public subsidies is desirable to provide support meeting corrective justice. My understanding of corrective justice in Aristotle would provide a basis for this type of legal reform and could be used to calculate the approximate amount of money for the correct support.

It should be noted that, before a house is rebuilt, the previous house must be removed. According to Japan's Waste Disposal and Public Cleansing Act, the state must bear the cost of removing homes that are damaged in a natural disaster. However, to apply for this, ownership of the house must be proved, and many are unable to do this. In Japan, registration of inherited property is not mandatory. As a result, there are many properties that have unknown owners; in 2016, 20.1% of all land in the country had unknown owners. The reasons for this include the following: complicated inheritance procedures; seeking to avoid real estate taxes; and heirs leaving the division of the estate undiscussed, with the parent's house is left unregistered and vacant. This question of heirs grows larger if an heir dies while the property remains unregistered. If the house is to be demolished at public expense, all of the heirs (part-owners) must be contacted to obtain their approval for the demolition. In many cases, there may be several dozen heirs, and it is very difficult to contact all of them for this purpose. For this reason, the Property Registration Act has finally been amended, making inheritance registration mandatory from 1 April 2024. Thus, inheritance registration must now be performed within three years of the decedent's death.

#### 4. Natural Disasters and Distributive Justice

Once assistance to the sufferers is justified through corrective justice, and property can be

transferred from the non-affected group to the affected group, it is necessary to consider how to properly distribute it. In doing so, many would agree that a distribution in accordance with Aristotle's distributive justice is justified. This means that the amount to be distributed should be in proportion to the extent of the damage. The scale on which the size of the damage should be calculated can be debated.

One approach would be to calculate the economic value of each house as it was immediately before the disaster, ascertaining the extent of the damage caused by the disaster (whether it was entirely or partially destroyed), calculate the amount of damage based on the value of the house and the percentage of damage and the aid in proportion to the amount of damage. However, several problems with this approach should be noted. Most houses in Japan are made of wood, and their property value falls to zero about 30 years after their initial construction. For this reason, the value of the damage to such houses is also reduced to zero, and the occupants of these houses receive no aid at all. Rich families who live in newer and larger homes receive a larger amount of aid if their homes are damaged. This distribution seems simply intuitively unfair.

Would a distribution undertaken according to the Capability Approach as advocated by Amartya Sen and Martha Nussbaum be fair? Capability does not refer to the means (basic goods) but the ability of people to realize their life's purpose. In terms of housing, more than the minimum, common facilities that all houses have, such as shelter from rain, wind, summer heat, and winter cold, but also a variety of facilities are necessary, according to the diverse nature of its inhabitants. For example, a resident in a wheelchair needs there to be no steps in and around the house so that he can have freedom of movement, but a person who can walk does not require this. For families with children, it is desirable for the house in an area that is close to a school, but this is not necessary for families who do not have children. This distribution in proportion to each person's capability seems to be something that we can agree on.

However, the Capability Approach also has its shortcomings. First, in using the Capability Approach to determine the amount of distribution, the various needs of victims must be grasped by the administration, and the time and costs involved in this process cannot be ignored. Only limited resources can be distributed. It is necessary to prevent much of it from disappearing in the costs of distribution.

Second, the question arises whether differences in land prices in residential areas should be taken into account. Generally, land prices in large cities are high, and those in surrounding areas are low; under the Capability Approach, residents who evacuate to large cities should receive a large amount of assistance, while those who evacuate from the countryside would only receive a small amount of assistance. A support system faithfully based on the Capability Approach would further accelerate population concentration in large cities in the event of a disaster.

What should be distributed equally is a disputed question in legal and social philosophy.

However, a persuasive and adequate theory for how to determine the amount to be distributed in the event of a natural disaster does not seem to have been provided. Thus, the following support, which has already provided by the general administration, would be appropriate: support should be provided that is based on the minimum construction cost of the housing necessary for a healthy person to live in, with increased support for some of a victim's typical needs.

## 5. Conclusion

In this presentation, Aristotle's theory of justice was examined to determine why it is right to provide assistance to the victims of natural disasters, to what extent such assistance should be provided, and how it should be distributed. It was noted that, based on one interpretation of Aristotle's concept of corrective justice, which differs slightly from his own account, it is possible to determine that it is right to give assistance to victims and to calculate the approximate total amount of assistance to the affected population. Regarding the question of how the total amount of aid should be allocated to individual sufferers, I note that, based on Aristotle's distributive justice, it is correct to distribute the aid in proportion to the size of the damage, but it is a difficult question on upon what scale the size of the damage should be calculated. This last point remains a challenge for us legal and social philosophers.