

Yuka Kaneko, Katsumi Matsuoka, and Toshihisa Toyoda, eds., *Disaster, Law, and Recovery: Asian Law in Disasters: Toward a Human-Centered Recovery* (New York, NY: Routledge, 2016) pp. 348.

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The tragic events that unfolded on 11 March 2011 in Japan—a huge earthquake, followed by a massive tsunami and a nuclear meltdown—decimated the lives of individuals and communities, reshaped the coastline of northern Japan, and severely strained the capacity of legal and political institutions. Now, more than five years later, it is time to think about what can be learned from the Fukushima disaster. As the opening chapter sharply states: “The ultimate question is, essentially, to what extent the state should be responsible for the individual lives and livelihood of disaster-affected people” (p. 15). Who, if anyone, has been compensated? How successfully have homes and communities been rebuilt? What has been done to mitigate the impact of future disasters?

The editors of this volume have done an admirable job of providing us with a detailed and nuanced analysis of Japan’s post-Fukushima recovery, while at the same time putting the disaster in Japan into a comparative framework. To keep the volume from becoming unwieldy, the editors have limited the scope of their study in several ways.

First, the focus of the book is on natural disasters, such as earthquakes and tsunamis, rather than on technological disasters (although the editors make clear that classifying disasters is a slippery task, as the Fukushima triple disaster demonstrates). That enables a more balanced comparison than would a study of a more disparate set of disasters.

Second, rather than looking at disasters globally, the editors take a regional focus, limiting their analysis to Asia. Still, by defining Asia broadly—the book includes chapters on Japan, China, New Zealand, Turkey, Indonesia, Thailand, Philippines, Taiwan, and India—the scope of the book is sufficiently broad.

Third, if one thinks of disasters as having a life-cycle—from preparation, to emergency response, to recovery—then this book clearly focuses on disaster recovery: the reconstruction of houses and communities, as well as supporting and compensating victims. By sharpening its analytical target, the book succeeds in delving deeply into disaster recovery, which from a legal perspective raises the most important and challenging issues at the intersection of law and disasters.

Finally, while the book’s focus is Asia, it addresses central themes at the nexus of law and disasters more generally, and in doing so invites scholars working in other contexts to make Asia an essential component of their work.

The greatest virtue of this volume is its comparative approach. Studying law and disasters comparatively may seem like an obvious strategy, but it is extremely difficult. The most significant challenge is that the literature on law and disasters in most jurisdictions is underdeveloped, rendering comparison difficult. The editors surmounted that problem by assembling an international research group and asking participants to draft original papers about disasters and law in their home jurisdictions. The result is a book anchored by the study of Fukushima—eight of the 17 chapters—while informed by additional case studies, including the earthquake in Christchurch, New Zealand; the 2004 Indian Ocean Tsunami; the Gujarat earthquake; and more. By looking broadly at disasters and law in Asia, the volume provides rich descriptions of

numerous disasters, identifies similarities and differences in how legal systems responded to them, and evaluates the strengths and weaknesses of different approaches.

The comparative focus of the book is particularly illuminating in terms of considering the extent to which Japan's approach to disaster management has influenced other countries. In Chapter 1, for example, Kaneko describes how Japanese policy-makers evaluated different approaches to mitigating the impact of future tsunamis, including relocating communities to higher ground less likely to be flooded and constructing high seawalls to contain swells (p. 26). According to Kaneko, surveys revealed that most residents preferred to be relocated to elevated, forested land, but the government's preference for large infrastructure projects led it to build 15-metre seawalls along the coastline. The Japanese government's attraction to top-down planning and costly infrastructure rebuilding, according to Kaneko, has influenced other countries in Asia that see Japanese disaster policies as a model.

This volume succeeds in several additional ways. The first involves method. In contrast to theoretical works on law and disasters, such as Richard Posner's *Catastrophe*, this book stands as an excellent example of empirical law and society scholarship. These are not authors who conceived and wrote their chapters in the comfort of their academic offices. Instead, they experienced the disasters, went into the field, walked the land, spoke with the victims, and absorbed the magnitude of the tragedies. What comes through in some of the strongest chapters, therefore, is a mixture of a first-hand account and a scholarly analysis, which makes the work both highly readable and deeply convincing.

In addition, the chapters in this volume offer a multifaceted view of law. One might imagine that law and society scholars studying disaster recovery would see law as a crucial resource—a tool that is (or should be) available to disaster victims who seek to vindicate their rights, obtain compensation, and press insurance companies to honour their policies. While there are sections of the volume that present law in that light, overall, the authors portray law as both a barrier and a resource. Law is shown to sometimes impede the ability of victims to obtain compensation, limit the damages they are awarded, and protect wrongdoers. The editors and authors deserve praise for offering an appropriately complex, multidimensional vision of law, neither sugar-coated nor overly bleak.

Finally, the contributors to this volume are aggressively interdisciplinary. The editors represent three different academic areas—law, humanities, and economics—and the authors not only echo those fields of specialization, but also add political science, architecture, planning, statistics, and public administration. That sort of interdisciplinarity is exactly how the field of law and disasters should be approached, and it is one of the many qualities that make this such a fine volume.

There are of course many other important topics raised in this volume. In Chapter 2, for example, Professor Li Wei Hai uses a traditional Chinese saying, "If one part of China has difficulties, help will come from eight different directions," to raise the issue of regional and transnational co-operation in disaster response, as well as the "go it alone" approach of many nations. Professor Sribuaim, in Chapter 5, describes Thailand's lack of disaster law when struck by the 2004 tsunami, and recounts how the government constructed a legal infrastructure in response to that tragedy. Several chapters discuss New Zealand's insurance-based approach to disaster management and the challenges raised by the devastating Christchurch earthquake. We also learn of the tensions that arise between groups of disaster victims (Chapter 10, Takahashi) and the difficulty of providing an adequate supply of legal professionals in the aftermath of disasters (Chapter 11, Ii).

By bringing together a group of scholars who represent a variety of academic disciplines and come from nine different countries, the editors have provided us with an exemplary comparative study that makes a major contribution to the study of law and disasters in Japan, in Asia, and in the world. This is a book that deserves to be read by anyone interested in the critical legal, political, ethical, and policy questions raised by the occurrence of, and recovery from, disasters.

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Matthew J. Wilson, Hiroshi Fukurai, and Takashi Maruta, *Japan and Civil Jury Trials: The Convergence of Forces* (Northampton, MA: Edward Elgar, 2015) pp. 208.
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Matthew J. Wilson, Hiroshi Fukurai, and Takashi Maruta's book *Japan and Civil Jury Trials* examines the development of the lay judge system, *saiban in seido*, in criminal trials in Japan. The six lay judges and three professional judges contribute their views and perspectives in order to reach a verdict and sentence. The authors argue that lay participation in Japan should be extended to include civil cases and that citizens should serve on all-citizen juries. They believe that parties and citizens would benefit and that citizens are ready for such service because they have had experience with *saiban in*. Their argument is an important one and needs to be heard in Japan, the US, and countries that are considering a jury system.

In making this argument for civil jury trials, the authors begin by explaining how and why Japan moved to a lay judge system. Interestingly, the impetus to involve ordinary citizens in the criminal justice system came from lawyers in Japan who thought it would be good for citizens to be engaged in the justice system. They also believed it would lead to government transparency, as lawyers and judges had to explain cases in a way that ordinary citizens could understand. They even thought it might spark greater economic activity. Not surprisingly, judges initially resisted the idea. After all, they had spent years training for their profession and were reluctant to share their position with lay judges. Perhaps most surprising is that Japanese citizens initially opposed the idea of serving as lay judges. They thought that professional judges performed their task well and that there was no need for citizens to serve in this capacity. In addition, they worried about the time commitment, their lack of qualifications, and the possibility that defendants might retaliate against them.

In spite of Japanese citizens' initial qualms, their experience as lay judges has generally been positive. Indeed, the authors suggest that Japanese citizens benefit from their service as lay judges in many of the ways that American citizens benefit from their experience as jurors. In 1835, in *Democracy in America*, the French writer Alexis de Tocqueville described the benefits of the American jury. Tocqueville had travelled throughout the US in the early 1830s and observed its institutions, including the jury. Tocqueville wrote that citizens who serve as jurors are raised to the "judges' bench." One of the features that Japanese citizens appreciate today is that they are raised to the level of the judge. Tocqueville recognized that the jury was a source of