

1. Record Nr.	UNINA9910780071303321
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Titolo	The ritual of rights in Japan : law, society, and health policy / / Eric A. Feldman [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2000
ISBN	1-107-11897-2 0-511-01188-1 1-280-42113-4 0-511-17287-7 0-511-15177-2 0-511-30320-3 0-511-49546-3 0-511-04931-5
Descrizione fisica	1 online resource (xiv, 219 pages) : digital, PDF file(s)
Collana	Cambridge studies in law and society
Disciplina	340/.115/0952
Soggetti	AIDS (Disease) - Patients - Legal status, laws, etc - Japan Dead bodies (Law) - Japan Transplantation of organs, tissues, etc - Law and legislation - Japan Actions and defenses - Japan Law - Social aspects - Japan
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references (p. 198-213) and index.
Nota di contenuto	Reconsidering rights in Japanese law and society -- Rights in Japanese history -- The roots of "rights" -- Rights before kenri: early antecedents -- Rights, protest, and rebellion in Tokugawa Japan -- The Movement for Freedom and Popular Rights -- State power and the control of rights -- Patients, rights, and protest in contemporary Japan -- "New rights" movements and traditional social protest -- Studying the "new rights" -- Patients' rights as "new rights": conceptualization, litigation, legislation -- Law, rights, and policy in contemporary Japan: two narratives -- AIDS policy and the politics of rights -- AIDS, public health, and individual rights -- An epidemiological view -- Hemophiliacs and gay men: rights, risks, and repression -- Proposal,

debate, and enactment of the AIDS prevention law -- AIDS, activism, and accommodation -- Asserting rights, legislating death -- Rights, brain death, and organ transplantation -- Death, culture, and body parts -- Scientific, legal, medical, and political attempts to define death -- Power politics and body politics: the Ad-Hoc Committee for the Study of Brain Death and Organ Transplantation -- A tentative truce in the fight over death -- Litigation and the courts: talking about rights -- Rights and the legal process -- AIDS: crisis, compensation, and the courts -- Brain death and organ transplantation: accusation and discretion -- A sociolegal perspective on rights in Japan -- Rights, modernization, and the "uniqueness" of the Japanese legal system -- Rights and the metaphor of legal transplants.

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#### Sommario/riassunto

The Ritual of Rights in Japan challenges the conventional wisdom that the assertion of rights is fundamentally incompatible with Japanese legal, political and social norms. It discusses the creation of a Japanese translation of the word 'rights', Kenri; examines the historical record for words and concepts similar to 'rights'; and highlights the move towards recognising patients' rights in the 1960s and 1970s. Two policy studies are central to the book. One concentrates on Japan's 1989 AIDS Prevention Act, and the other examines the protracted controversy over whether brain death should become a legal definition of death. Rejecting conventional accounts that recourse to rights is less important to resolving disputes than other cultural forms, The Ritual of Rights in Japan uses these contemporary cases to argue that the invocation of rights is a critical aspect of how conflicts are articulated and resolved.

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