# The Ritual of Rights in Japan

Law, Society, and Health Policy

ERIC A. FELDMAN

## Ritual Of Rights In Japan Law Society And Health Policy

**Jeff Kingston** 

#### Ritual Of Rights In Japan Law Society And Health Policy:

The Ritual of Rights in Japan Eric A. Feldman, 2000 The Ritual of Rights in Japan Eric A. Feldman, 2000-03-30 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 <u>Understanding Japanese Society</u> Joy Hendry, 2012 This new edition provides a clear introduction to Japanese society which does not require any previous knowledge of the country It contains new material on the effects of the Asian crisis and recession in Japan the changes to the Japanese ruling political elite and more Law in Japan Daniel H. Foote, 2011-10-17 This volume explores major developments in Japanese law over the latter half of the twentieth century and looks ahead to the future Modeled on the classic work Law in Japan The Legal Order in a Changing Society 1963 edited by Arthur Taylor von Mehren it features the work of thirty five leading legal experts on most of the major fields of Japanese law with special attention to the increasingly important areas of environmental law health law intellectual property and insolvency The contributors adopt a variety of theoretical approaches including legal economic historical and socio legal As Law and Japan A Turning Point is the only volume to take inventory of the key areas of Japanese law and their development since the 1960s it will be an important reference tool and starting point for research on the Japanese legal system Topics addressed include the legal system with chapters on legal history the legal profession the judiciary the legislative and political process and legal education the individual and the state with chapters on constitutional law administrative law criminal justice environmental law and health law and the economy with chapters on corporate law contracts labor and employment law antimonopoly law intellectual property taxation and insolvency Japanese law is in the midst of a watershed period This book captures the major trends by presenting views on important changes in the field and identifying catalysts Protecting the Weak in East Asia Iwo Amelung, Moritz Bälz, Heike Holbig, Matthias for change in the twenty first century Schumann, Cornelia Storz, 2018-06-13 This book investigates public claims for the protection of weak groups and interests in Japan and China from the nineteenth century to the present day Taking an interdisciplinary approach it engages with ongoing global debates relevant to both Western and non Western societies whilst also providing an historically informed analysis of contemporary issues Using case studies on disaster victims employee well being cultural heritage and animal welfare this book analytically distinguishes between framing mobilisation and institutionalisation processes It examines these

processes at the intersections of international and domestic spheres and in doing so demonstrates how drives for protection are formulated contested and played out in practice Ultimately however this book argues that claims for protection do not necessarily translate into effective measures but may in fact entail ambiguous or negative outcomes for the protected weak Protecting the Weak in East Asia makes a significant contribution to the empirical and theoretical research into the transformation of East Asian societies As such it will appeal to students and scholars of Asian history Asian culture and society and East Asian Studies more broadly Pilgrims in Medicine: Conscience, Legalism and Human Rights Thomas Faunce, 2005-02-01 This arrestingly novel work develops a normative synthesis of medical humanities virtue ethics medical ethics health law and human rights It presents an ambitious complex and coherent argument for the reconceptualisation of the doctor patient relationship and its regulation utilising approaches often thought of as being separate if not opposed virtue based ethics and universal human rights The case is argued gracefully with moderation but also with respect for opposing positions The book s analysis of the foundational professional virtue of the rapeutic loyalty is an original departure from the traditional discourse of patient autonomy and the ethical and legal duties of the medical practitioner The central argument is not merely presented as bookends in the introduction and conclusion It is cogently represented in each chapter and section and measured against the material considered A remarkable feature is the use of aptly selected canonical literature to inform the argument These references run from Hesse's The Glass Bead Game in the abstract to Joyce's Ulysses in the conclusion They include excerpts from and discussion about Bergman Borges Boswell Tolstoy de Beauvoir Chekhov Dostoevsky Samuel Johnson Aristotle Orwell Osler Chaucer Schweitzer Shakespeare Thorwalds Kafka and William Carlos Williams Such references are used not merely as an artistic and decorative leitmotif but become a critical narrative element and another complex and rich layer to this work The breadth and quality of the references are testimony to the author's clear understanding of the modern law and literature movement This work provides the basis of a medical school course As many medical educators as possible should also be encouraged to read this work for the insights it will give them into using their own personal life narratives and those of their patients to inform their decision making process This thesis will also be of value to the judiciary whose members are often called upon to make normatively difficult judgments about medical care and medical rules The human rights material leads to a hopeful view of an international movement toward a universal synthesis between medical ethics and human rights in all doctor patient relationships Conflicts of Interest and the Future of Medicine Marc A. Rodwin, 2011-02-16 As most Americans know conflicts of interest riddle the US health care system They result from physicians practicing medicine as entrepreneurs from physicians ties to pharma and from investor owned firms and insurers influence over physicians medial choices These conflicts raise questions about physicians loyalty to their patients and their professional and economic independence The consequences of such conflicts of interest are often devastating for the patients and society stuck in the middle In Conflicts of Interest and the Future of Medicine Marc Rodwin

examines the development of these conflicts in the US France and Japan He shows that national differences in the organization of medical practice and the interplay of organized medicine the market and the state give rise to variations in the type and prevalence of such conflicts He then analyzes the strategies that each nation employs to cope with them Unfortunately many proposals to address physicians conflicts of interest do not offer solutions that stick But drawing on the experiences of these three nations Rodwin demonstrates that we can mitigate these problems with carefully planned reform and regulation He examines a range of measures that can be taken in the private and public sector to preserve medical professionalism and concludes that there just might be more than one prescription to this seemingly incurable malady

The Human Rights Act and the Assault on Liberty Parnesh Sharma, 2011-10-01 Demonstrating that the state of civil liberties and human rights in the United Kingdom are quite perilous this case study looks at the role of rights vis vis social change and culture Empirically examining the Human Rights Act HRA with asylum serving as the main case study the book focuses on law in action based on extensive fieldwork and framed against current events It also discusses the role of Section 55 a law enacted at the same time as the HRA that was an antithesis of what the HRA promised and which forced thousands of asylum seekers into destitution Though Section 55 was eventually defeated asylum seekers in the UK are still powerless and marginalized The book argues that the HRA has proven to be ineffective against illiberal policies and that the development of a culture of rights as far as asylum is concerned has stalled This thoughtful analysis of the use of rights laws to advance social causes presents both potential and pitfalls making it useful for sociologists activists and nongovernmental Regulation in Asia John Gillespie, Randall Peerenboom, 2009-06-08 Unlike much analysis about regulation in organizations Asia which focuses on globalisation and the transplant effect leaving domestic influence over commercial regulation under researched and under theorized this book focuses on how local actors influence regulatory change It explores the complex economic and regulatory factors that generate social demand for state regulation and shows how local networks courts democratic processes and civil society have a huge influence on regulatory systems It examines the particular circumstances in a wide range of Asian countries provides transnational comparisons and comparisons with Western countries and assesses how far local regulatory regimes increase economic value and convey competitive advantages Japan's Ouiet <u>Transformation</u> Jeff Kingston, 2004-08-02 The 1990s have been termed as Japan's lost decade to describe how the phenomenal growth in the Japanese economy ground to a halt and the country was crippled by enormous and ongoing political economic and social problems In responding to these unprecedented difficulties wide ranging reforms have been adopted including NPO information disclosure and judicial reform legislation Controversially this book argues that such reforms are creating a more robust civil society and demonstrate that Japan is far more dynamic than is generally recognized

**Law, Society, and History** Robert W. Gordon, Morton J. Horwitz, 2011-03-07 This book assembles essays on legal sociology and legal history by an international group of distinguished scholars All of them have been influenced by the

eminent and prolific legal historian legal sociologist and scholar of comparative law Lawrence M Friedman Not just a Festschrift of essays by colleagues and disciples this volume presents a sustained examination and application of Friedman s ideas and methods Together the essays in this volume show the powerful ripple effects of Friedman s work on American and comparative legal sociology American and comparative legal history and the general sociology of law and legal change

Rights Claiming in South Korea Celeste L. Arrington, Patricia Goedde, 2021-05-27 Although rights based claims are diversifying and opportunities and resources for claims making have improved obtaining rights protections and catalysing social change in South Korea remain challenging processes This volume examines how different groups in South Korea have defined and articulated grievances and mobilized to remedy them It explores developments in the institutional contexts within which rights claiming occurs and in the sources of support available for utilizing different claims making channels Drawing on scores of original interviews readings of court rulings and statutes primary archival and digital sources and interpretive analysis of news media coverage in Korean this volume illuminates rights in action The chapters uncover conflicts over contending rights claims expose disparities between theory and practice in the law trace interconnections among rights based movements and map emerging trends in the use of rights language Case studies examine the rights of women workers people with disabilities migrants and sexual minorities Law in the Pursuit of Development Amanda Perry Kessaris, 2009-12-16 Law in the Pursuit of Development critically explores the relationships between contemporary principles and practice in law and development Including papers by internationally renowned as well as emerging scholars and practitioners the book is organized around the three liberal principles which underlie current efforts to direct law towards the pursuit of development First that the private sector has an important role to play in promoting the public interest second that widespread participation and accountability are essential to any large scale enterprise and third that the rule of law is a fundamental building block of development This insightful and provocative collection in which contributors critique both the principles and efforts to implement them in practice will be of considerable interest to students academics and practitioners with an interest in the fields of law and development international economic law and law and globalization Japanese Legal System Dean, 2002-02-14 Meryll Dean's superb new edition of Japanese Legal System provides a wide ranging and unique insight into the legal system of a country which is at the forefront of global development yet rarely examined by legal scholars It is a major contribution to the study of comparative law and through its multidisciplinary approach breaks new ground in providing a comprehensive text on the subject It draws on the author's first hand knowledge of Japan but is written for non Japanese speakers Through its approachable yet scholarly style the reader is introduced to the essentials of the legal system and guided through historical and cultural context from which they will be able to develop an informed critique The book covers the history structure and tradition of the Japanese legal system as well as providing an insight into areas of substantive law It contains extracts from diverse contemporary sources which together with the author's commentary guide

the reader through the complexities of a different culture. The use of multidisciplinary sources which are contextualised by the author make what would otherwise be inaccessible material available for comparative analysis This book may be used as a textbook for undergraduate and postgraduate courses It will be useful for those engaged in the study of history politics international relations and law as well as being of value to academics practitioners and those in business Law Mathias Siems, 2018-04-12 The most up to date and contextualised offering for comparative law students and scholars Population Decline and Ageing in Japan - The Social Consequences Florian referencing the newest research in the field Coulmas, 2007-05-11 This book presents a comprehensive analysis of one of the most pressing challenges facing Japan today population decline and ageing It argues that social ageing is a phenomenon that follows in the wake of industrialization urbanization and social modernization bringing about changes in values institutions social structures economic activity technology and culture and posing many challenges for the countries affected Focusing on the experience of Japan the author explores how Japan has recognized the emerging problems relatively early because during the past half century population ageing has been more rapid in Japan than in any other country how all of Japanese society is affected by social ageing not just certain substructures and institutions and explains its complex causes describes the resulting challenges and analyses the solutions under consideration to deal with it the nature of Japan's population dynamics since 1920 and argues that Japan is rapidly moving in the direction of a hyperaged society in which those sixty five or older account for twenty five per cent of the total population the implications for family structures and other social networks gender roles and employment patterns health care and welfare provision pension systems immigration policy consumer and voting behaviour and the cultural reactions and ramifications of social ageing Legitimacy, Legal Development and Change David K. Linnan, 2016-04-22 This book addresses critical questions about how legal development works in practice Can law be employed to shape behavior as a form of social engineering or must social behavior change first relegating legal change to follow as ratification or reinforcement And what is legal development s source of legitimacy if not modernization But by the same token whose version of modernization will predominate absent a Western monopoly on change There are now legal development alternatives especially from Asia so we need a better way to ask the right questions of different approaches primarily in non Western Asia Africa the Islamic world plus South America Incoming waves of change like the Arab spring lie on the horizon Meanwhile debates are sharpening about law s role in economic development versus democracy and governance under the rubric of the rule of law More than a general survey of law and modernization theory and practice this work is a timely reference for practitioners of institutional reform and a thought provoking interdisciplinary collection of essays in an area of renewed practical and scholarly interest The contributors are a distinguished international group of scholars and practitioners of law development social sciences and religion with extensive experience in the developing world The **Politics of Love in Myanmar** Lynette J. Chua, 2018-12-25 The Politics of Love in Myanmar offers an intimate ethnographic

account of a group of LGBT activists before during and after Myanmar's post 2011 political transition Lynette J Chua explores how these activists devoted themselves to and fell in love with the practice of human rights and how they were able to empower queer Burmese to accept themselves gain social belonging and reform discriminatory legislation and law enforcement Informed by interviews with activists from all walks of life city dwellers villagers political dissidents children of military families wage laborers shopkeepers beauticians spirit mediums lawyers students Chua details the vivid particulars of the LGBT activist experience founding a movement first among exiles and migrants and then in Myanmar's cities towns and countryside A distinct political and emotional culture of activism took shape fusing shared emotions and cultural bearings with legal and political ideas about human rights For this network of activists human rights moved hearts and minds and crafted a transformative web of friendship fellowship and affection among queer Burmese Chua's investigation provides crucial insights into the intersection of emotions and interpersonal relationships with law rights and social movements

Consumer Politics in Postwar Japan Patricia L. Maclachlan, 2001-12-26 Providing comparisons to the United States and Britain this book examines Japan s postwar consumer protection movement Organized largely by and for housewives and spurred by major cases of price gouging and product contamination the movement led to the passage of basic consumer protection legislation in 1968 Although much of the story concerns the famous iron triangle of big business national bureaucrats and conservative party politics Maclachlan takes a broader perspective She points to the importance of activity at the local level the role of minority parties the limited utility of the courts and the place of lawyers and academics in providing access to power These mild social strategies have resulted in a significant amount of consumer protection

Modernism and the Grounds of Law Peter Fitzpatrick,2001-05-02 Existing approaches to the relation of law and society have for a long time seen law as either autonomous or grounded in society Drawing on untapped resources in social theory Fitzpatrick finds law pivotally placed in and beyond modernity Being itself of the modern law takes impetus and identity from modern society and through incorporating pre modern elements of savagery and the sacred it comes to constitute that very society When placing law in such a crucial position for modernity Fitzpatrick ranges widely from the colonizations of the Americas through the thought of the European Enlightenment and engages finally with contemporary arrogations of the global By extending his previous work on the origins of modernity this book makes a significant contribution to continuing developments in law and society legal philosophy and jurisprudence

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