

INDEX

- Abe, Shinzo, Japanese Prime Minister, 308
 adversarial system
 effects, 146
 oppressive nature, 152–3
 Afghanistan, 309
 agency, 12, 14
 Agency for Super Donors, 159
 Ahmedabad, Gujarat, District and Sessions
 Court, 267, 268
 Aime, Wang, former comfort woman, 329–30
 air bags, 126
 Alexander, Marissa, denied Stand Your
 Ground immunity, 234
 allegory, 138–9
 legal and everyday narratives, 138–9
 medical malpractice case
 legal discourse, effect, 144–5
 mother-child tie, 151
 parents of victim, grief, 151
 parents of victim, purpose, 145–6
 Al-Qaeda, 309
 Amendments, U.S. Constitution
 First, 215, 238–9, 239
 Ninth, 176
 Reconstruction, 263
 American Board of Plastic Surgery, 194
 American Society for Reproductive Medicine,
 161
 American Society of Plastic and
 Reconstructive Surgeons, 194
 American Society of Plastic Surgeons, 194
 American Tort Reform Association (ATRA),
 129
 Amnesty International, 96
 animal rights
 shifting with respect to humans, 85–6
 animal rights cases, 82–6
 Johnny Justice, Bad Newz Kennels, 85
 Tommy, chimpanzee, 83–5
 Army Unit 731, Japanese, 319, 329
 Association of Public-Safety Communications
 Officials (APCO), 129
 automobiles, 125–7
 autonomous subject
 critique, vulnerability, 81
 autonomy, 63
 Ayatollah Khomeini, 99
 Beenaben, junior public prosecutor,
 Ahmedabad, Gujarat, 268
 before the law, 319, 330
 parable, 320–1
 Beijing, 323, 324, 328
 Beijing University, 326
 between the law, 319, 330–2, 341, 342, 343
 Black Hole of Calcutta, 305
 Black Manifesto, 251
 Black, Rodney, white man, shot two black
 men on neighboring property, 237
 Blackstone, William, 261
 Boxer Uprising, 294
 Brandeis, Louis, Justice, Supreme Court, 207
 Brown, Corrine, Florida Congresswoman, 235
 Brown, Henry, slave, separated from family,
 249–50
 Brown, Louise, first “test tube baby”, 166
 Brown, Michael, unarmed black man, shot by
 police, 237
 Butler, Judith, vulnerability, 80–1
 California Institute for Regenerative
 Medicine, 172
 cancer, 156, 163, 164, 165, 166, 167, 168,
 169, 170, 171, 172, 173, 174, 175, 179
 capital punishment
 discretion, historical, 101–2
 castle doctrine, 232–3
 CEHAT. *See* Centre for Enquiry into Health
 and Allied Themes
 Centre for Enquiry into Health and Allied
 Themes, 286, 289
 chairs, cause of injury, 122–4
 Chevers, Norman, British physician in India,
 observations on rape, 272
 chilling effects, 239, 244
 China, 294, 298, 299, 300, 301, 303, 304,
 306, 307
 Chinese Academy of Social Sciences, 328
 Chinese Communist Party, 323
 Citizens against Lawsuit Abuse (CALA), 129

INDEX

- civil rights, 262
 Civil War, United States, 251
 claiming, 119, 130
 beneficial pain, impact of, 122
 cultural disapproval, impact of, 129–30
 invisible choices, impact of, 127
 naturalization of injury, impact, 123–4
 naturalization, impact of, 124–5
 self-blame, impact of, 128
 Clinton, Bill, President, 160
 Clinton, Hillary, 311
 Clomid, 167, 173, 174
 Colbert Report, The, 84
 Cold War, 321, 329, 333, 343, 346
 comfort women, 319, 329–30
 Communications Decency Act, Section 230, 240
 comparative fault, 127
 consent, medicalization of, 275–6
 Constitution, Japan
 Article 1, 339
 Article 17, 339
 Constitution, Japanese, postwar, 320
 Conyers, John, Congressman, United States, 254
 corseting, 186
 cost–benefit analysis
 air bags, 126
 rear-view cameras, 126–7
 Council of Guardians, Iran, 98
 Criminal Law (Amendment) Act 2013, India, 288

 Daily News, London, criticism of Second Opium War, 303
 Dakota Access Pipeline, 358
 Davis, Jordan, unarmed black teenager, killed by Dunn, Michael, 236
 Delhi High Court, 286
 dependency, 58
 Dershowitz, Alan, defense attorney, Mike Tyson rape case, 242
 DES. *See* diethylstilbestrol
 diethylstilbestrol, 170–1, 174
 disabilities rights, 5
 disability, 20, 355
 affirmative view, 33
 against tort doctrine, 34
 compensation, negative impact, 34
 problems with, 33–5
 progressive campaigns, contradictions, 35–6
 tort reform, reactionary risk, 34–5
 damages
 calculation, issues, 32
 pain and suffering, 32
 wrongful birth, 32
 wrongful life, 32
 dimensions of, 29
 distinguished from impairment, 36–7
 discrimination, 41
 legal studies, 27
 material equality, 45
 meaning of, 29
 personal experience, 37
 perspective, 28
 political equality, 45
 role for the state, 44–5
 social welfare policies, role, 44
 studies, 27
 tort approach, problems, 43–4
 tort law, functions
 compensation, 42–3
 deterrence, 40
 elimination, 40–1
 generally, 39–42
 prevention, 42
 prevention of disability, 40–1
 tort litigation, impact, 31
 disability approach, 33
 implications for tort law, 33, 45
 pain, role of, 37–8
 disability critique, 38
 role of the state, 44
 vulnerable subject, role of, 38–9
 disability perspective, 27
 studies, critique of tort law, 28
 tort law, challenges, 32
 tort law, positive functions, 32
 disability rights, 29
 disablement, 44
 disabling images, 36
 dispute pyramid, 186, 354
 dogfighting, 85
 Dolly, cloned sheep, 160–1
 Donor Angel, 160
 Donor Source, The, 160
 Dunn, Michael, killed Davis, Jordan, 236

 Edwards, Robert, IVF scientist, 166
 Elgin, Lord, 307
 embodied vulnerability, 58
 emotional economy, 359
 environmental barriers, 36
 ergonomics, 124
 Esposito, Roberto, philosopher, 351–3

 Facebook, 202
 false rape claims, 240, 241
 FDA. *See* Food and Drug Administration
 feminism, exclusion of minority voices, 261–2
 Ferguson, Missouri, 237
 Ferrell, Jonathan, unarmed black man, shot by Kerrick, Randall, 237

- Fineman, Martha, 38–9, 43
 Florida, 233, 235, 236
 Food and Drug Administration, 178
 regulation, 165
 foot binding, 5, 186
 foot binding, beneficial pain, 121
 forbearance, 15, 112
 forced labor, 319, 334, 335, 336, 337, 345
 forgiveness, 15
 (for)given time, 321, 329, 333
 described, 322
 Forman, James, publisher, Black Manifesto, 251
 forty acres and a mule, 251, 264
 foundational violence, Japan, 341
 Franciscus de Victoria, Spanish jurist,
 theologian, 296
 Freedmen's Bureau, 251
 Fujian, 298
- Garvey, Marcus, leader, U.S. repatriation
 movement, 251
 General Sherman's Field Order No. 15, 251,
 264
 Get Britain Standing, 124
 good injury. *See* injury, good
 Guangdong, 298
 Guangzhou, 300, 303
 Guoqiang, Li, Chinese survivor of Japanese
 forced labor camp, 322
- Hammer, Marion, former President, National
 Rifle Association, 234
 Hanaoka Uprising, 325
 Hardy, Ed, tattoo artist, 190
 Heydari, Hamid, Iranian murder victim, 96,
 109, 110
 Heydari, Mrs., mother of Heydari, Hamid, 96,
 97, 106, 109, 110, 111, 112
 Hirabhai, additional public prosecutor,
 Ahmedabad, Gujarat, 268
 Hiroshima, 308, 309
 Hobbes, Thomas, 351
 Holocaust, 308
 Hong Kong, 302
 hormone replacement therapy, 163, 169–72,
 174
 advertisement, 1960, 169
 product liability lawsuits, 169–71
 hormone therapy. *See* in vitro fertilization,
 hormone therapy
 House of Representatives, United States,
 255
 House Resolution 40, 254–5
 HRT. *See* hormone replacement therapy
 Human Rights Watch Report (2010), 287
 Huss, Rachel, guardian, former Viktory Dogs,
 85
- image
 adversiting, role in developing, 217–18
 advertising in development, 209–10
 celebrity culture, 210, 218
 consciousness of, 1920s, 208–10
 culture, negative effects, 218–19
 injury to, 6
 legalization, 224
 legalization, effect of, 224–5
 mass media, culture, 210–11, 218
 society, 208
- image, law of public
 expansion, post-war, 219–20
 freedom of speech, privacy right restricted,
 221–3
 injury, sense of, 214
 libel
 expansion, 1930s, 40s, 211–12
 narrowing, 216
 publishers' rights, 214–16
 right to privacy, 211–12, 224
 1950s and 1960s, U.S., 220–1
 claims, petty nature, 212–14
 public interest exception, 215–16
- image-conscious self, 203, 224
 development
 advertising, role of, 204
 generally, 203–5
 technology, role of, 204
 urbanization, role of, 203–4
- immunitary framework
 vulnerability, issues, 357
- immunitary model, 353–4
 injury to conscience, 359
 subjectivity, 354–9
- immunitary politics, 353
- immunity, legal, 351–3
 paradoxical privilege, 352
- imperial amnesia, law's, 320
- imperial violence, Japan, 317–18, 319, 344
 lawsuits by Chinese victims. *See* postwar
 compensation lawsuits
- in vitro fertilization, 156
 commercialization, profit motive, 162–3
 cost, 159
- egg donation
 anonymity, 163
 ethical issues, 162–3
 health risks, 163–4, 166
 hormone therapy, cancer risk, 164, 165
 hormone therapy, drugs, 163–4
- egg donors
 compensation, 161–2
 lack of health tracking, 163, 166
- egg recruiters, marketing, 159–60
- family, expectation of, 179
- Food and Drug Administration, 165

INDEX

- in vitro fertilization (*cont.*)
 Food and Drug Administration, regulation, 178
 government involvement, 176
 hormone therapy
 cancer risk, 168–9, 171–2
 drug mechanisms, 167–8
 procedure, 166–7
 research, 168, 172
 increased genetic disorders, children, 179
 industry, 158
 infertile women, treatment, 172–4
 cancer risk, increased, 174
 lack of follow-up, 175–6
 studies, 173–5
 insurance coverage, 178
 known-donors, 177–8
 marketing, 161, 178
 medical, capitalist nature, 157
 organ donation, ethical parallels, 177
 procedure, 158
 regulation
 political concerns, 176–7
 incommensurability, medical malpractice
 competing narratives, 135–7
 lay compared with legal discourse, 138
 lay compared with medical discourse, 141
 within own narrative, 140–1
 India, 307
 inequality at law, 249
 inequality, social, 4–5
 inequality, socio-economic, 19–20
 injury
 approaches to remedy, 117–18
 American, 118
 constitutional, resulting from inaction, 51–2
 cultural perception, shifting, 185–6
 enhancement, 186
 factors, 186
 plastic surgery. *See* plastic surgery
 tattoo practices. *See* tattooing
 dimensions of, 29–30
 experience of, 36, 354–5
 interconnected problems, 117
 naturalization of
 chairs, 122–4
 stairs, 124–5
 new identities, formation of, 356
 perception, cultural norms, practices, 2
 pervasive, 6
 power and inequality, role, future
 directions, 359–63
 recognition of harm, responsibility, 363–6
 resulting from state action, inaction, 50–1
 resulting from state neglect, 52–3
 injury claims by state actors, 12–13, 15, 293–4
 colonialism, impact of, 294
 danger as basis for war, 310
 discourse, framing as more grievable, 303–4
 experience of shared precariousness,
 recognition of, 312
 modern era, 306–12
 China, 306–8
 injury discourse, 311
 Japan, 308–9
 Trump, Donald, 311
 United States, 309–10
 sensationalizing injury claims, 304–5
 victim politics, 294, 295
 victimhood. *See* international relations,
 victimhood
 injury culture, 16–18
 injury discourse
 failure to recognize victims, 306
 injury hierarchy, 293
 injury inequality, 3, 18, 231
 consequences, 244
 described, 231–2
 economic, 231
 elite perspective, consequences, 232
 freedom of speech, 232, 238–40, 243
 consequences, 240–1
 gender, 234, 235, 237, 239, 240, 243
 street harassment, 239–40
 injury construction, 18–19
 justifiable use of deadly force, 232–8, 244
 National Rifle Association, role in
 perpetuating, 235
 power relations, result of, 21
 prevention, burden of, 244
 racial, 235, 236–7, 237–8, 239
 relative injury judgments, 232
 self-defense reform, 237–8
 sexual assault, 232, 240–3,
 false rape claims, 240, 241
 Mike Tyson rape case, 242
 perpetrators, concern for, 243
 Roman Polanski, rape admission, 242
 Stanford Swimmer case, 241
 victim compared with perpetrator, 243
 sexual minorities, 239
 injury narratives, 8
 causation, 8–10, 10, 12
 development, 12
 multiple, intermingled, 355
 responsibility, 9–10, 12, 21
 injury, cultural construction, 4, 3–8
 beneficial pain, 119, 121–2, 131
 cultural environment, 120, 128–30, 132
 invisible choices, 120, 125–7, 131–2
 natural injuries, 119, 122–5, 131
 pain perception, 119, 120

INDEX

- self-blame, 120, 127–8
- suppression of claiming, generally, 119–20
- injury, experience of, 3–4
- injury, good, 7, 185, 198
- injury, meaning of, 1, 27
 - disability perspective, effect, 27
 - disability perspective, implications, 28
- injury, social construction
 - claiming behavior, impact, 131–2
 - generally, 135
 - incommensurability. *See*
 - incommensurability, medical
 - malpractice
 - medical malpractice case. *See* medical malpractice case, Japan
 - self-blame, 132
- injury, socio-legal construction
 - disability and injury, relationship, 27–8
- injustice
 - American tort system, failure, 132
 - institutional, 62
- Institute of Medicine, 172
- interest convergence, 262
- international relations, victimhood, 295–7
 - as cause for just war, 295–6
 - claims by dominant nations, 295
 - colonial era, 297
 - moral authority, inherent, 295
 - revengeful violence, obligation, 296–7
- Iranian criminal code, 8
 - 2013 revisions, 98
- constitutional period, 1906–79, 98
- post-revolutionary period, 98–101
- religious values, 97–8
- Iranian criminal sanctioning
 - crim tort system, 97, 101, 113
- dreams, role of, 110
- forbearance, 97, 104, 106
 - affective space, 106, 107–8, 355
 - historical comparisons, 101–2
 - popular culture, 108–9
 - process, 97, 107–8, 109, 111–12
- forgiveness
 - dreams, role of, 110–11
- generally, 96–7
- reconciliation, 97, 104
- retribution, 104
- retribution, private right, 102
- shari'a, limits on state retribution, 103
- victim-centered approach, 97, 100, 96–7
- Iranian murder case, 96, 106–7
 - forbearance, 97
 - forgiveness, 109–12
- Iranian penal code
 - 1991 amendment, public injury murder, 100
- categories, criminal, 99–100
- delegation of rights, state and victims, 103–4
- distinctions among Muslim countries, 104–5
- homicide, treatment of, 100
- homicide, as private injury, 101
- Islamicization, 104–5
- religious ethics, role of, 104
- shari'a, integration of, 99
- IVF. *See* in vitro fertilization
- Japan, 308, 309, 323
- Japan, imperial, 307
- Japanese Civil Code, 318
- Japanese Occupation of China (1937–45), 294
- Jesus, 296
- Jian, Zhang, Chinese lawyer, postwar
 - compensation lawsuits, 325–6, 329, 330
- Jianchuan Museum, 322, 324
- John Olin Foundation, 129
- Johnny Justice, dog, 82–3
- Johnson, Andrew, President, United States, 251
- Joint Communiqué, 1972, 321
- just war, 295–6, 309
- Justice Verma Committee, India, 288–9
- Kadam, Dr., medical expert, Indian rape trial, 277
- Kerrick, Randall, white man, shot unarmed black man, 237
- Ladies' Home Journal, 205
- Lady Hughes case, 301
- LaPierre, Wayne, executive vice president, National Rifle Association, 235
- Lau, Dr. Kamini, Additional Sessions Judge, India, 287–8
- law and society, literature, 1
 - tort law, study of, 1–2
- Law of Islamic punishment, 98
- law's imperial amnesia, 341
- lawsuits, Chinese victims, 317
- legal redress movement, 319, 321
- legal subject as human, challenge
 - case of Bad Newz Kennels, 77
 - strategies, 76–8
- legal subject as human, challenge to
 - case of Tommy, chimpanzee, 76
- legal subject, creation of, 12
- legal subject, liberal, 13, 55, 86
 - assumptions and exclusions, 56–7
 - characteristics, 54–5, 56
 - contrast with vulnerable subject, 59–60
 - criticism, 78
 - relation to state, 55–6
 - social contract, impact on, 56

INDEX

- lumping, 5, 22, 118, 120, 122, 123, 125, 126,
 129, 130, 131, 132
 basis, cultural construction of injury, 119
 description, 118
 Lupron, 168
 Lyon, author, medico-legal text, 271
- Makio, Tanaka, Japanese postwar
 compensation lawyer, 329
 male circumcision, 5, 131, 187
 male circumcision, beneficial pain, 121–2
 Manhattan Institute, 129
 Martin, Trayvon, killed by Zimmerman,
 George, 234–5, 236
 Marx, Karl, 304
 Masato, Japanese medical malpractice victim,
 141, 142, 144, 147, 150, 151
 Mau Mau Uprising, British apology (2013),
 344
 Mauna Wakea, 358
 McBride, Renisha, unarmed black teenager,
 shot by Wafer, Theodore, 237
 medical malpractice case, Japan, 6, 11, 135,
 139–40
 allegory. *See* allegory, medical malpractice
 case
 competing narratives, 141, 146, 147–8
 conflicting perspectives, 143
 course of litigation, 142–3
 defense portrayal of plaintiffs, 146
 description of injuries, mother of victim,
 147
 description of injuries, physician, 147
 dismissal, plaintiffs' lawyer, 148
 health care professional's narrative
 construction, 140–1
 incommensurability. *See*
 incommensurability
 injuries, 141–2
 legal discourse, strategy, 143–4
 defense lawyer, 149–50
 plaintiff's lawyer, 148–9
 narrative, parents of victim, 145, 152, 153
 description of grief, 150–1
 purpose of litigation, 145
 power of allegory, narrative, 152
 victim's, family's narrative construction,
 140
 medico-legal texts
 colonial origins, 271
 Modi, 2011 revision, 286–7
 Modi, two-finger test described, 273–4
 recent editions, 271
 shaping legal discourse, 271
 structuring trial testimony, 276–81, 284–5,
 285
 Taylor, 278
- technical rape, 281
 trial role, 271
 Mittal, Gita, Justice, India, 286
 Modi, author, medico-legal text, 271, 274
 Modi, author, medico-legal texts
 two-finger test, description, 273–4
 Morita Noriko, Japanese lawyer working on
 behalf of comfort women, 325
 Mukherjee, Siddhartha, oncologist, 171
 Mumbai, 286
- Nader, Ralph, 17, 156
 Nagano Shigetō, Minister of Justice, Japan,
 denied Nanjing Massacre, 328
 Nagasaki, 308, 309
 Nanjing Massacre, 306, 308, 319, 328
 Nanjing Massacre Museum, 328
 Narita, Japan, 330
 National Research Council, 172
 National Rifle Association, 234, 235
 New England Journal of Medicine, 174
 New York Daily Tribune, criticism of Second
 Opium War, 303
 New York Times Magazine, 84
 New Zealand
 no-fault system, 45
 NhRP. *See* Nonhuman Rights Project
 Nobel Prize in Medicine, 2010, 166
 Nonhuman Rights Project, 76
 goals, 84
 Tommy, chimpanzee, case of, 83
 Noornissa, Indian rape victim, 276, 277, 278,
 279, 280, 281
 NRA. *See* National Rifle Association
- Official Development Assistance, Japan to
 China, 321
 Opium War, First, 294, 301–2
 Opium War, Second, 294, 302, 303, 304, 307
 Western criticism of, 303, 304
 organ donation, 177
 Orlan, French artist, 195, 197
 other-directed personality, 217
 Outlook magazine, 206
- Pacific Fertility Center, 161
 pain, 15, 37, 354
 association with punishment, 127–8
 beneficial, 121–2
 claiming behavior, impact on, 120
 contextual nature, 185
 in disability, 37–8
 pain and suffering, 32
 Peace Constitution, 320, 339
 erasure of colonial, imperial subjects, 340
 Peay, Muriel, woman cab driver, 202
 penetration, 279, 281

INDEX

- People's Republic of China, 306
 performance of misery, 31–2, 355
 damages, effect on, 31
 establishing liability, 31–2
 personal image litigation, 202
 baseball player, unauthorized biography, 221
 bread vendor, newsreel footage, 213
 cab driver, Washington, D.C., 202
 defamation, 207
 early, libel and slander, 206
 exercise course, newsreel footage, 213–14
 Facebook Sponsored Stories, 202
 father's mail fraud arrest, 213
 gorilla physique, 211
 libel, 206
 process service, bathtub, 211
 starving glutton, 212
 personal injury law, 15, 27, 39
 personhood
 boundaries, making and unmaking, 77
 Pfizer, 169
 Philip II, King of Spain, 298
 Pingdongshan Massacre, 319
 plastic surgery, 5, 193–6, 196, 197
 cosmetic surgery, distinguished, 193–4, 194
 healing, as form of, 196
 history, injury repair, 193
 injury or enhancement, mediation, 193
 normalization, 198
 prevalence, increasing, 193
 regulation, deference to surgeons, 196
 regulation, relative lack, 193
 self-expression, as, 195
 surgeons
 mediating injury, enhancement, 193, 194–5
 role in determining injury, enhancement, 195–6
 surgeons, training, 194
 Polanski, Roman, director, 242
 political subject, 54
 constitutional era, 57
 evolution of, 54
 modern, 57–8
 positioned subject, 137–8, 139
 post-imperial legal space, 341, 343, 344
 postwar compensation lawsuits, 318–19
 allowed by South Korea, 345
 between the law, 330–2
 China, acceptance of forced labor case, 321–2
 Chinese activists, 326–7
 Chinese lawyers, 325–6
 Chinese renunciation of reparations, 321
 Chinese suppression, 327
 class action not available, 332
 comfort women, plaintiff, 329–30
 Japanese lawyers, 327–9
 motivations, 327, 328–9
 legal frontiers, 333
 legal right to compensation, 336–8
 sovereign immunity, 335–6
 statute of limitation, 333–5
 motivations to sue, 324
 plaintiff, forced labor, Li Guoqiang, 322–5
 privileging of formal economy over individuals, 321
 settlements, 346
 Prempro, 169
 primitive law, 102–3
 public image, law of, 202, 203
 image-conscious self. *See* image-conscious self
 libel
 doctrine, expansion, 208
 litigation. *See* personal image litigation
 privacy, right to, 207–8
 public image, defined, 203
 reputation, protection of, 206–7
 right to privacy
 recognition of tort, 208
 torts, nature of, 202–3
 Rajput, Mr.
 Indian prosecutor, 269–70
 rape cases, India
 consent, medicalization of, 275–6
 courtroom vocabulary, 268–9, 279
 as male fantasies, 270–1
 distortion of testimony, 280–1
 distinguishing true from false virgins, 274–5
 historical, colonial era observations, children, 272
 medico-legal certificates, 267
 medico-legal language, 268, 280
 medico-legal texts. *See* medico-legal texts
 new examination protocols, 286
 Noornissa, rape victim, trial, 276–81
 testimony, medical expert, 277–8, 279–80, 282–3, 283–4
 testimony, Noornissa, 280
 partial penetration, 280
 public prosecutor, 268
 public prosecutor beliefs, Mr. Rajput, 269–70
 public prosecutor, Hirabhai, 268
 statutory, or technical, rape. *See* technical rape
 structuring of trial testimony, 276–81
 two-finger test. *See* two-finger test
 rear-view cameras, 126–7

INDEX

- reparations, United States, 249
 - advocacy, 251–5
 - Civil War era, 251
 - Civil War, following century, 251
 - cultural inertia against, 263–4
 - denial, problems with, 256–7
 - difficulty in obtaining
 - law as master's tools, 262–3
 - granting, problems with, 257–9
 - In re African-American Slave Descendants Litigation, 10
 - law as master's tools, 261–2
 - lawsuits, 251–4
 - Cato v. United States, 251–2
 - In re African-American Slave Descendants Litigation, 251
 - In re Slave Descendants Litigation, 252–3
 - strategy, 253–4
- legal system
 - ability to address, 256
 - difficulties, 257
- legislative efforts, 254–5
- structural obstacles
 - law as the master's tools, 264
- tort framework
 - as barrier, 259
 - failure by design, 261
 - racial biases, effect of, 259–60
 - value judgments, 260
- tort framework, difficulties, 257–8
- resilience, 356–7
- Restatement of Torts (1939), 211
- retribution, 110, 112
- revenge porn, 239
- righteous suffering, performance of, 97
- risk–benefit analysis, 125
- Sarah Scaife Foundation, 129
- Schiavo, Terri, 356
- sedentary science, 123
- Senate, United States, 255
- September 11, 2001, terrorist attacks, 309
- Shakeel, accused rapist of Noormissa, 279
- Shanxi Province, 329
- Sino-British Treaty of Nanjing (1842), 302
- Sino-foreign relations, 293
 - colonial powers, justification for war, 298–9
 - failure to recognize Chinese injury, 302–3
 - justification for war, internal
 - contradictions, 299–300
 - Opium Wars, 301–2
 - resentment of Chinese, colonial era, 300–1
 - unequal treaties, 294
 - unwillingness to accede to demands, 297–8
- slavery, United States, 249, 250–1
 - Henry Brown, story of, 249–50
 - history, 249–50
 - legislative apologies, efforts, 255
 - reparations. *See* reparations, United States
 - torts and crimes, inclusive, 250
- social contract, 54, 62
- social disablement, 31
 - causes, 31
- social security, 44
- society of victims, United States, 295
- socio-legal research, 1
- Sogand, wife of Heydari, Hamid, convicted murderer, 96, 97, 106, 109, 110, 111, 112
- South Korea, 345, 346
- Spanish Invincible Armada, 299
- stairs, 124–5
- Stand Your Ground laws, 233–4, 234, 235, 237
- Standing Rock, land, North Dakota, 358
- Stanford University, sexual assault case, 242
- Starr Foundation, 129
- state actors, injury claims. *See* injury claims by state actors
- State Redress Act (1947), Japan, 339, 341, 345
- statistics
 - advertising spending, 1950s, 217–18
 - claiming behavior, American, 118–19
 - homicides following Stand Your Ground laws, 235
 - in vitro fertilization, 159
 - injuries, annual, American, 117
 - injuries, cars backing up, 126
 - mass media circulation, early 20th century, 210
 - medical malpractice case, Japan, 139
 - plastic surgery, 193
 - tattooing, 187
- statutory rape, India. *See* technical rape
- subject, autonomous, 351
- Summer Palace, Beijing, burning of, 307
- tattooing, 5, 187–93, 196, 197
 - as enhanceent, 187
 - expressive component, 189–90, 190–1
 - healing injuries, 191
 - healing role, 192
 - healing, historical role, 191–2
 - normalization, 198
 - prevalence, increase, 187–8
 - professionalization, 190
 - regulation, 187, 188–9, 192
- Taylor, author, medico-legal text, 271, 272, 278
- technical rape, 281–6
 - child, constructed as provocative, seductive, 281–2
 - consent, invalidity of, 281

- Thailand, 11
 therapeutic jurisprudence, 285
 Thoinot, author, medico-legal text, 275, 287, 290
 Three Parent problem, 163
 Tianjin, 324
 Tianjin Martyr Cemetery, 324
 Time magazine, 212
 Tokyo Tribunal, 318
 Tommy, chimpanzee, 76, 82
 Tong Zeng, Chinese postwar compensation activist, 326–7
 tort claiming
 social insurance, impact, 43
 tort law, 27
 contrasted with other systems, 7–8
 tort law, American, 118
 claiming behavior. *See* claiming
 codification, modernization, 102–3
 egalitarian alternatives, 44–5
 failure, 132
 individual nature, 30
 insufficiency of approach, 43–4
 lumping. *See* lumping
 tort law, disability approach to, 33
 tort law, functions
 prevention of injury, 42
 tort law, need for reform, revolution, 45–6
 tort law, purposes, 46
 tort reform movement, 129–30, 155
 Toshitaka, Hayashi, Japanese postwar
 compensation lawyer, 327, 328, 332–3
 transnational law, 342, 344
 transnational legal agency, 330, 331
 transnational legal space, 330–1
 Trump, Donald, President, United States, 311
 Turner, Brock, Stanford University student,
 convicted of sexual assault, 242
 Twitter, 240
 two-finger test, 11, 271
 consent, 276
 critique of term, 289–90
 development of, 273
 Justice Verma Committee, abolition,
 288–9
 medico-legal text, Modi, 273–4
 mimicry of penetration, 275–6
 mimicry of sexual violence, 267–8
 protest against, 286
 reintroduction, Delhi (2015), 289
 ruled constitutional violation, 287–8
 state sanctioned assault, 285
 to distinguish true from false virgins, 274–5
 transformation, rape to consent, 267
 truth-technology, 273
 validity in children, 274
 Tyson, Mike, boxer, convicted of rape, 242–3
 United States, 309
 unjust enrichment, 258
 unmaking of empire, 342
 difficulty, absence of law, 320
 difficulty, persistent imperial nature,
 319–20
 in legal sphere, 346
 law and economy, intersection, 319
 role of law, 318
 within legal sphere, 331
 Verma, Justice, India, 288
 Vero cell line, 165
 Vick, Michael, NFL quarterback, dog fight
 operator, 77, 85
 Vick-tory dogs, 82
 vulnerability, 12, 58, 60, 93, 356
 animal rights cases. *See* animal rights cases
 animals, help to realize, 357–8
 framework, focus to injury and causes, 77
 injury to place, nonliving objects, 358
 language, subjectivity, 79–80
 political, 80
 relation to stigma, 13–14
 relational, social nature, 80
 shared, community, 80–1
 vulnerability analysis
 development of, 66
 embodied vulnerability, 58–9
 political implications, 71–2
 resilience, 63–4
 described, 63–4
 unequal distribution, effects, 64
 resources, 64–6
 institutions, role in managing, 65–6
 types, 64–5
 social contract, reimagining, 62
 state response to vulnerability, 68
 state-institution interactions, 66–7
 vulnerability, shared
 subjectivity, grounding of, 78
 vulnerable subject, 13, 38, 78
 advantages over autonomous, 81
 alternative to liberal, 53
 animal rights, applicability, advantages,
 81–2
 animal rights, limits to approach, 87–92
 characteristics, contrasts with liberal, 59–60
 disability critique, role in, 38–9, 43
 individual and political agency, 79–80
 individual variation, impact of, 60–1
 institutional relationships, structuring, 62–3
 overlap, animal rights, 78–9
 state response
 individual, 69
 institutional, 68–9
 state, importance of, 70–1

INDEX

Wafer, Theodore, white man, shot unarmed black teenager, 237	Young, Ernlé, Director, Center for Biomedical Ethics, Stanford, 162
Warren, Samuel, Justice, Supreme Court, 207	
Whampoa, 301	Zeng, Tong, Chinese postwar compensation activist, 326
Wise, Steven, founder, president, Nonhuman Rights Project, 83	Zhejiang, 298
World War, First, 193	Zhun, Geng, former leader of forced labor uprising, 325
World War, Second, 216, 307, 329, 341	Zimmerman, George, Stand Your Ground defendant, killed Martin, Trayvon, 234–5, 236
wrongful birth, 32	
wrongful life, 32	
Wyeth, 169	