

Bioethical Aspects of Gender Identity Disorder in Japan[※]

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Summary

In the present study, I mentioned the brief history of gender identity disorder in Japan. Next, I introduced the report of the ethics committee of Saitama Medical College and The Japanese Society of Psychiatry and Neurology. Last, I mentioned the bioethical aspects of gender identity disorder. This case of Saitama Medical College will provide a starting point of discussion for gender identity disorder patients in Japan.

Keywords: gender identity disorder, bioethics, Saitama Medical College

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Introduction

In October 16, 1998, Saitama Medical College performed the first legally approved Japanese sex change operation (gender reassignment surgery) from female to male. In May, the college's ethics committee gave approval for a 30-year-old female with transsexualism, or gender identity disorder, to undergo a sex change with the condition that complete mental counseling be provided afterward. Her uterus and ovaries were removed. That sex change operation is thought to be a kind of object of medical care.

In this study, first of all, I mentioned the history of gender identity disorder in Japan. Next, I discussed the bioethical aspects of gender identity disorder and sex change operation. These bioethical aspects include the relationship between legal problems, loss of reproductive ability and the seeking for self-fulfillment.

※日本における性同一性障害の生命倫理的側面

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The brief history of gender identity disorder in Japan

In September, 1965, police officers of Akasaka police station did a criminal investigation of a noisy night club because of a complaint by residents who lived near the club.

According to the results of their investigation, this night club turned out to be a place for prostitution. Some prostitutes were arrested. Among them, three were males.

A medical doctor, Dr. M.A., performed an operation of the removal of the whole testis to incapacitate these three males in May and November of 1964. Dr. M.A. graduated from a private medical college in 1948. He took up his post as an assistant in the department of obstetrics and gynecology of the college in 1950. He began practice in Tokyo from 1951.

On December 15, 1965, Dr. M.A. was prosecuted on suspicion of violation of the Eugenic Protection Law. According to Article 28 of the Law, the operation or the use of Roentgen radiation in order to incapacitate a person for reproduction shall not be conducted without appropriate reasons.

On February 15, 1969, The District Court of Tokyo passed judgment on Dr. M.A. He was sentenced to two years penal servitude and fined 400,000 yen. Actually, Dr. M.A. was given a suspended sentence of three years. To make matters worse, Dr. M.A. sold drugs to a gang member. This fact made this issue more complicated.

This is thought to be the only case in the world to ask for criminal responsibility for a medical doctor who performed a sex change operation. Since then, in the Japanese medical world, sex change operations have been thought to be taboo.

There are two problems with the above mentioned judgment. The first problem is that the judgment does not prohibit the sex change operation. The judge suggested that strict guidelines would be needed for sex change operations. There was no guideline in those days. The medical world did not discuss this problem seriously until to 1996.

The second problem is the big difference in the view of happiness between the prosecutor and the persons who underwent the sex change operation. The prosecutor said to a sex changed person, "You are not really happy. You can not give a birth to a baby." Then the sex changed person replied, "There are many married couples who do not have babies. Do you think they are not happy?" After that, a psychiatrist who was a defense witness agreed with the sex changed person and said, "The person himself asked for the sex change, and in addition medical doctors were skillful enough to perform a sex change. I think a sex change operation should be conducted if the conditions are satisfied." In this way, a sex change operation is a kind of ethical problem, especially concerning self-fulfillment.

This is related to the content of article 13 of the constitution of Japan. Namely, all of

the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

After the judgment of Dr. M.A., most of all the medical doctors have come to think that serious criminal responsibility has been imposed on sex change operations, and people who want sex change have gone abroad to have an operation.

Current situation

In June, 1992, an article in one women's magazine led to consideration of a sex change operation. The article reported that a male was in a car accident, and his penis was completely damaged. Then he had a plastic surgery operation done to reconstruct his penis. After that he became the father of two children.

One month later, a female with gender identity disorder read this article. She asked the doctor concerning the possibility of a sex change from female to male. The doctor did not perform the sex change operation, but he understood her distress from gender identity disorder. He is a faculty member of Saitama Medical College.

On May 22, 1995, he and the faculty members of his college applied to the ethics committee of the college for a clinical study of the medical treatment of sex change. The faculty members were doctors of plastic surgery, urology, obstetrics, gynecology and psychiatry.

The outline of the clinical study is as follows. The medical treatment of sex change has been regarded as taboo. Gender identity disorder patients suffer from the great gap between the physical sexual identity and the mental one. Some patients have killed themselves. In some countries, medical treatments of sex change have been legalized and insurance can be applied for in the case of sex change operations. The faculty members of Saitama Medical College will arrange various systems for the well-being of the distressed patients and they will perform sex change operations from female to male.

The discussion of the ethics committee of Saitama Medical College

The ethics committee divided the whole discussion into six parts.

1. The patients of gender identity disorder surely exist. The appropriate medical treatment of the patients is needed.
2. In the U.S. and European countries, the methods of medical treatment of gender identity disorder are psychotherapy, hormone treatment and sex change operation in that order. However, in Japan, there is little data and experience with the disease and a lack

of organization and systems.

3. Therefore, the operation must be prudently enforced. Accordingly, psychotherapy and hormone treatment are recommended. If an operation is necessary, informed consent is required.
4. Standard diagnosis, establishment of guidelines and the formation of a medical team are needed.
5. The committee emphasized that the problem of gender identity disorder will not be completely solved until there is a change in society and its recognition of this disorder.
6. A committee should be established for each patient to discuss the diagnosis and the treatment plan.

The Japanese Society of Psychiatry and Neurology established a special committee for gender identity disorder on September 21, 1996. The committee discussed the guidelines for standard diagnosis and treatment of gender identity disorder. The committee met ten times by May 28, 1997. The special committee supported the idea of the ethics committee of Saitama Medical College, and the special committee recommended that medical teams consisting of doctors in various field, psychotherapists, counselors and social workers should be organized.

Conclusion

In July, 1997, Japanese newspapers and magazines published the report by the ethics committee of Saitama Medical College. They also described examples of gender identity disorder patients. Some articles were aimed chiefly at amusement. On the other hand, most articles pointed out the problems of gender identity disorder in Japan. One of the problems was about sex distinction in a family register. According to the present Japanese Law, sex is not changed even though a sex change operation is undergone. Another problem is the difficulty of finding jobs.

Sex change operations have been approved for the first time in Japan. Many serious problems have been indicated from the view points of psychotherapy, hormone treatment and sex change operations. In my view, a sex change operation may not be avoidable for the pursuit of one's happiness. In order to achieve this purpose, social a support system should be established. In Japan, the importance of social workers for this matter will be emphasized.

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