

From Ho-an-shobun (preventive detention) plan to the system of Medical Treatment and Supervision Act: Focusing on the relevance of Japanese Association of Psychiatric Social Workers (JAPSW)

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We first examine how the Japanese Association of Psychiatric Social Workers (JAPSW) came to accept the Act for the Medical Treatment and Supervision of Insane and Quasi-insane Persons who Cause Serious Harm (published July 2003; hereafter MTSA), which was nevertheless similar to a Ho-an-shobun (preventive detention, PD) that the JAPSW had never accepted. We then elucidate the reasons given by the JAPSW to justify their acceptance of the MTSA, and finally analyze the MTSA's statements about "rehabilitation into society."

In Sections 1 and 2, we summarize the PD, noting that the PD's purpose was risk management, and those that it originally applied to were the insane and quasi-insane who cause serious harm.

Sections 3 and 4 discuss changes in the JAPSW's attitude toward the PD. From 1970 through the 1980s they rejected the PD, but when the Japan Federation of Bar Associations published an Outline for the Improvement of Psychiatric Treatment in August 1981 similar to the PD, the JAPSW's response to it was mixed. Then, after the forcible hospitalization of a man, the JAPSW issued a statement underlining their commitment to "rehabilitation into society and welfare of people with mental illness." Finally, around the year 2000, the JAPSW began agreeing with the MTSA, based on their above statement.

Section 5 and 6 analyzes the "rehabilitation into society" mentioned in the MTSA, used by the JAPSW as a basis for justifying their agreement with it. This "rehabilitation into society" is described as "people being able to live in an environment which would discourage them from again doing illegal acts." In fact, the "environment" mentioned here means "one in which they receive medical treatment." However, the MTSA then defines "medical treatment" as being "continuing to receive the medical treatment described in the MTSA," which is a clear tautology.