

## Law, Ethics and Men's Ambition in Case of Japanese Psychiatric Brain Bank

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### Abstract

Brain bank is an indispensable research resource for pathophysiological studies of mental illnesses. In Japan, a national law for autopsy and dead body storage has been applied to manage brain bank, though this law is said to need some amendment for research use of human brain materials. In history of Japanese psychiatry, problems of Utsunomiya Hospital, manifested in 1987, caused serious loss of credit on psychiatric research and psychiatric medicine. It was reported that autopsy had been done by no autopsy-qualified individuals for example nurses in Utsunomiya Hospital. Recently, following the Great East Japan Earthquake and nuclear disaster, Fukushima Psychiatric Brain bank, established in 1997, has continued its activity in spite of lacking an autopsy-qualified researcher among them. This illegality has been concealed for approximately 2 years. Some problems which have disturbed development of psychiatric brain bank and post-mortem brain studies of psychiatric illnesses in Japan were discussed.

**Keywords:** Ethico-legal problem; Human right, Brain research, Autopsy qualification; Research resource

### Introduction

Tremendous discoveries for mysterious brain functions have successfully been done by ambitious brain researchers. The brain bank, i.e. research resource of postmortem brains, has had important roles for brain research, though universal consensus in law and ethics in managing one has not yet been obtained [1].

Human tissue and Bio-banking is a complex field and running brain banks needs to abide by several golden standards in order to avoid pitfalls in basic research: 1) A donor system in which informed consent is granted for the use of the samples for scientific research, including genetic analysis and access to medical records, 2) Rapid autopsy system, 3) Compatibility of protocols for procurement, management, handling and storage, 4) A generally accepted consensus on diagnostic criteria, 5) Quality control, 6) Abiding by local/international legal and ethical guidelines for work with human material, 7) Proper safety procedures [2].

However, in Japan, there are several problems that have long disturbed progress of brain science using post-mortem brains of patients with mental illnesses, and establishment of psychiatric brain banks. The present article focuses on some important problems that have disturbed post-mortem brain research of psychiatric field in Japan.

### Ethico-Legal Problems

In Japan, autopsy and brain storage has been allowed in some limited situations or individuals, which has been indicated by a national law. According to this law of autopsy and human dead body storage (1949), autopsy and dead body storage should be done by officially autopsy-qualified individuals assigned by the Ministry of Health, Welfare and Labor in Japan, and by professors and associate professors of departments of anatomy, legal medicine, and pathology. In Japan, under this law, autopsy qualification can be submitted only by medical doctors or dentist assigned by the Ministry of Health, Welfare and Labor in Japan, whereas some professors or associate professors of anatomical department, who are autopsy-qualified do not have qualification of medical doctor (MD) or dentist. Thus, in Japan, human brain samples have been far accessible for officially autopsy-qualified researchers, the number of which is limited.

Further, Japanese system has not yet allowed legal autopsy brains

to be used by researchers other than the field of legal medicine. This has long been another obstacle for researchers in the field other than legal medicine, because control samples in pathophysiological studies in order to compare pathological findings with healthy ones are hard to obtain in autopsy other than legal medicine. Then, needs of some amendment of Japanese law for autopsy and dead body storage has been mentioned in view point to promote brain research and establishing brain banks. Problems of Utsunomiya Hospital and of human right In history of Japanese psychiatry, problems of Utsunomiya Hospital (1960's ~), manifested in 1983, caused serious incredulity to psychiatric research and medicine. It was reported that 2 patients died due to violence of nurses, however, in addition, numerous illegality, violence, and acts with infringement of human right [3] were also 5 reported. It was known that autopsy had been done by "no" autopsy-qualified individuals for example nurses in Utsunomiya Hospital. Psychiatric department in Tokyo University had ties up with Utsunomiya Hospital, and published numerous medical articles by using data obtained from psychiatric patients of this hospital [4]. Severity of these problems remain to influence on activities in the field of Japanese Biological Psychiatry, even after amendment of the law on mental health in 1987, aimed at protecting patients' human right.

### Men's and Women Abuse in Japan

In Japan, according to the national law of autopsy and brain storage, human brain samples have been far accessible for officially autopsy-qualified researchers from the Ministry of Health, Welfare and Labor in Japan. However, in such a situation, ethico-legal limitation in using

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human brain samples is tend to be readily ignored by researchers' ambition in Japan. Moral dilemmas in the issues of secondary use of data, data sharing and security may be related.

In recent international congress, such as the World Federation of Biological Psychiatry (WFSBP) in Kyoto, Japan, in 2013, it was noted that some Japanese researchers managed the Fukushima Psychiatric Brain bank as if they had an autopsy-qualified researcher among them, though they had already expelled the one from their research group following the Great East Japan Earthquake and nuclear disaster [5]. This illegality has been concealed for approximately 2 years. To make the matter worse, a man MD researcher who was a graduate student during the period when the autopsy-qualified woman MD researcher 6 participated in the Fukushima Psychiatric Brain bank, gained the WFSBP congress prize in 2013. Surprisingly, most researchers did not regard this situation as a serious matter, or pretended to be so. Women researchers rather than men are more likely to fall the victim to academic harassment caused by men's excessive ambition. In Japan, as an Asian country, women's social status is relatively low compared with that in US and European countries. Women abuse that exists commonly in Japanese societies is usually concealed. Recent increase of female students in university medical faculty has lead to reveal the problems from the side of Japanese women MD. In fact, many of Japanese MD researchers are obliged to have their children out of marital relationship, whose fathers are usually their professors of departments, and/or supervisors. Single mothers who rear children without husbands are no rare. In this situation, ambitious women MD and researchers urge the children's fathers to let the other women MD or researchers expel out from their medical and/or academic field(s). Now, almost all of women professors in psychiatric department in Japanese University have experienced to work as single mothers having more than two children of their supervisors. It should be noticed that such harassment in Japanese style may be a reason why neuropathological or histochemical research using human brain materials has not yet been advanced, and the establishment of Psychiatric Brain banks has not yet been progressed. In US and European countries, a great contribution of women researchers of neuropathologists and histochemists in brain science has been well-recognized. For example, Dr. Francine M Benes in Harvard Brain bank, Dr. Mayada Akil in the National Institute of Mental Health (NIMH) Brain bank, Dr. Victoria Arango in Columbia

University, New York, Dr. Natalia A Uranova in Russia, Dr. Etienne C Hirsch in Pitié-Salpêtrière Hospital in Paris, and so on [6]. In this context, it is not only Japanese ethico-legal system, but also men's excessive ambition which infringed human right of others including colleague researchers, and caused violation of legal restrictions, and academic and sexual harassment of Japanese style, that has long disturbed progress of brain research and development of Japanese brain bank. Problems of Japanese Psychiatric Brain bank

From a historical aspect, brain research using post-mortem brains of patients with mental illnesses has had serious ethico-legal problems in Japan. Nowadays, the same problems of infringement of human right of researchers, patients' families, medical staffs as well as patients continue, in spite of the fact that they may be concealed so as to be seemingly much improved. Some problems of Japanese Psychiatric Brain bank in Fukushima were described elsewhere [5].

## Perspectives

The Japanese Society of Biological Psychiatry organized Committee of Establishment of Brain bank in 2007, aimed at development of Psychiatric brain bank in Japan. Whereas, the Japanese Society of Psychiatry and Neurology newly organized the 8 Gender Equality Promotion Committee, and the first meeting was held on the 14th, September, 2013. It would be expected that Japanese academic societies promote gender equality as well as brain research to keep balance between law, ethics and men's ambition.

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