

Medical History in Japan

Japanese Acupuncture and Moxibustion under the Rule of GHQ after World War II (3)

Recommendation by the Public Health and Welfare Section for the prohibition of moxibustion and acupuncture, and the response of those in the moxicauteury and acupuncture fields in Japan

Takako Okutsu

Acupuncture Continuation Movement for the visually impaired

On October 27, 1947, the LMAMP (League of Moxa-cauteury, Acupuncture and Massage practitioners) submitted a petition calling for legislation to secure acupuncturist credentials. Meanwhile, the Acupuncture Continuation Committee for the visually impaired had met on October 19 at the Tokyo Metropolitan School for the Visually Impaired to discuss a response to the recommendation. Instructors at that school had just completed two documents (*Theory of Efficacy of Acupuncture and Moxabustion*, and *Feasibility of Acupuncture Treatment by Visually Impaired Practitioners*), and on October 20 the committee members paid visits to the GHQ (General Headquarters for the occupying forces), the Ministry of Health and Welfare, the Ministry of Education, the House of Representatives, and the House of Councilors. They then proposed action based on these two documents.

On October 27, the Japanese Association of Principals of Schools for the Visually Impaired and the Provisional Committee for the Visually Impaired Education Alliance of Japan convened a meeting at the Tokyo Metropolitan School for the Visually Impaired, where they dissolved the Acupuncture Continuation Committee, to be replaced by the newly formed League for the Continuation of Acupuncture, and agreed to work together and intensify their activities. Activity was not limited to school principals and teachers. Students were also concerned, and became involved in the movement. At the center were students of the Normal School Division of Tokyo Metropolitan School for the Visually Impaired, who felt that the future occupation of visually impaired students across the country was at risk.

On November 14, students from schools for the

visually impaired convened the All-Japan Congress for Visually Impaired Students at the Tokyo Metropolitan School for the Visually Impaired. They pleaded for the continuation of acupuncture from the student's perspective, petitioning the GHQ, the Ministry of Health and Welfare, and the Ministry of Education. They also presented the Petition Opposing the Prohibition of Visually Impaired Acupuncture Practitioners to the National Diet, (Petition No. 714, submitted by the Student Union of the Tokyo Metropolitan School for the Visually Impaired). Clearly, the students considered this to be a "life and death" issue.

Activities were not limited to the LMAMP and to students, families, and staff of schools for the visually impaired. Movements also developed around Japan, initiated by visually impaired acupuncturists whose livelihood depended on their profession. On October 30, the All-Japan Congress Advocating the Right to Work for the Visually Impaired (chairman Hideo Imazeki) held a demonstration at the plaza in front of the Imperial Palace in order to appeal to public opinion about the sad plight of the visually impaired, after which the group petitioned the Ministry of Health and Welfare, the House of Representatives, the House of Councilors, and the Prime Minister to withdraw the prohibition of acupuncture practice by the visually impaired (Materials 1).



Material 1: "Traditional massagers protest against banning acupuncture and moxibustion" The Mainichi Newspaper (October 31, 1947) Commentary: It was recorded that on October 30, 1947, visually-impaired persons in business

gathered in the square in front of the Imperial Palace, marching to advocate the continued use of acupuncture and moxibustion and the right of performing the business. Their action was appealed through mass media on a massive scale.

In addition, large numbers of visually impaired acupuncturists from across Japan joined in submitting petitions to permit the continuation of acupuncture practice by the visually impaired.

With strong protests from around the country, urging that the visually impaired be allowed to continue learning and practicing acupuncture, the GHQ began to modify its position. This process is recorded in the memoirs of Brigadier General Crawford Sams, the Director of the Public Health and Welfare Section (PHW) of the GHQ, written after he returned home to the United States. The change in attitude shows how shocking these movements were to the GHQ, who had absolute authority in Japan during the postwar Occupation.

General Sams' decision

As a result of the series of demonstrations and related activities by the visually impaired, the GHQ began to understand the importance of acupuncture as an occupation for the visually impaired in Japan. They realized that barring the visually impaired from the profession of acupuncture would place the livelihood of many visually impaired Japanese at risk, and would inevitably result in social turmoil. The GHQ, which was using the Japanese occupation government to display American credibility and prestige in the international community, definitely wanted to avoid any such turmoil. To that end, the GHQ gave full permission for visually impaired practitioners to perform acupuncture treatment, while at the same time requiring that acupuncturists act quickly to establish laws and regulations regarding public qualifications. This compromise from the GHQ to allow the visually impaired to provide acupuncture treatment was promptly communicated to the Ministry of Health and Welfare. The MHW, which represented the Japanese government in this area, undoubtedly played an active part in this change of position, but the fundamental motivating force was the desperately relentless activity by acupuncturists and

their supporters across Japan.

The Ministry of Health and Welfare drafted this compromise proposal into a bill, and forwarded it as draft legislation to the National Diet.

Negotiations between the Ministry of Health and Welfare and the GHQ

Negotiations on legislation between the Ministry of Health and Welfare and the GHQ actually started after the MHW report on October 2, as the movement for the future of the acupuncture industry was beginning to take shape. The contents of those negotiations are available from the archives of the U.S. National Archives and Records Administration (GHQ/SCAP Records).

The discussions between the Ministry of Health and Welfare and the GHQ covered a number of areas, including scientific proof of acupuncture effectiveness, educational reform, and appropriate dealings with the visually impaired. But the fundamental question was on legislation pertaining to the Asian medicine that formed the theoretical basis for acupuncture. At that time, Japan considered Western medicine to be "standard medicine," so the idea of legislating the status of practitioners engaged in Asian medicine seemed both epoch-making and a violation of common sense. The absence of precedent necessitated a careful and deliberate discussion of these issues between the Ministry of Health and Welfare and the GHQ.

The gist of those discussions can be inferred from a memorandum "Regulation of Questionable Medical Practice," dated October 22, 1947 and written by Milton C. Morton, MD, who at that time was the Assistant Chief, Medical Service Division, PHW. (Materials 2) This title makes it clear that the GHQ initially considered acupuncture to be mysterious and inscrutable. The memo records the three-party negotiations among the Ministry of Health and Welfare, the Council for the Medical System, and the GHQ following the report on October 2 by the Council for the Medical System. Particularly notable are his comments on the "... opposition of the GHQ to the proposal by the Ministry of Health and Welfare to create a reeducation

program for acupuncturists. This is because within the Ministry of Health and Welfare the creation of a reeducation program is connected to support for (certification of) acupuncture by the MHW."

Declassified E.O. 12065 Section 3-402/NRDC NO. 775024

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Public Health & Welfare Section MCM/awa

22 October 1947

MEMORANDUM FOR RECORD:

SUBJECT: Regulation of Questionable Medical Practices

1. At a meeting on 2 Oct 47, the problem of licensing practitioners of acupuncture and moxibustion was thoroughly discussed by a committee of leading medical practitioners and representatives of the Ministry of Welfare and PH&W. The results of the discussions were taken by the Ministry of Welfare and an attempt was to be made to formulate a law to control the activities of these groups.
2. At a meeting with Mr. Tanaka of the Ministry of Welfare this date, the principles of the forthcoming law were discussed.
3. Mr. Tanaka presented the following facts as a preliminary discussion to the proposed law.
 - a. 10,000 or more active practitioners are affected directly by such a law.
 - b. Many more people, thoroughly believing in the benefits of these practices and currently receiving and strongly advocating the treatment, will be indirectly affected by a law of this type.
 - c. The general political atmosphere in the Diet, with the exception of the medical members, strongly favor the practitioner in question and are opposed to any legislation that will act to their disadvantage.
 - d. Many blind practitioners now engaged in this work will be without means of support as well as those mentioned above in sub-paragraph a.
4. The substance of the present proposal of the Ministry of Welfare is: (1) To license those practitioners now in practice to carry out their procedures as in the past and to give some type of educational courses within the Ministry of Welfare to elevate their standards (2) All future applicants for license must have sanction of a physician prior to giving treatment.
5. This was pointed out as unsatisfactory to PH&W because: "Any education program within the Ministry would place the Ministry in the position of sponsoring these practices."
6. It was suggested that the Ministry try to reconsider this

Material 2: "Regulation of Questionable Medical Practice" (GHQ/SCAP) U.S. National Archives and Records Administration; Japan National Diet Library (October 22, 1947) Commentary: The contents of the talks made when the then Ministry of Welfare's submitting the report on October 2 were recorded. At the time, the enactment of a legislation concerning the status of acupuncture and moxibustion practitioners and principles of the contents were discussed, and Koun Takada, Kacho of Imu-ka (Manager of Medical Section) gave explanations of the then current condition of the industry to GHQ. It can be considered that the author, Dr. M.C. Morton attended the meeting.

(Note) A name called "Mr. Tanaka" appears in the record as a person from the Ministry of Welfare, but there is no relevant person found in the list of its public officers. From the circumstance of the time, it must be Mr. Takata, Manager, instead of Mr. Tanaka.

The contents of this memorandum show that the GHQ, which intended to build a new Japanese medical system based on Western medicine, saw the MHW's proposal to create a reeducation program for acupuncturists as being tied to the recognition of "another form of medicine" in addition to Western medicine. That idea was unacceptable to the GHQ. A later memorandum by Dr. Morton ("Moxabustion and Acupuncture," dated October 27, 1947) shows how this problem was resolved. (Materials 3)

That memorandum records discussions between MHW Deputy Director Kuge, Section Director Takada, and the GHQ from October 2 onwards. It states that,

1. If the MHW will add sections that clearly summarize the range of services to be covered, the GHQ will permit legislation to be initiated.
2. Advisory committees are to be established in every prefecture of Japan, and are required to have at least one civil servant from the prefectural health office or department, one licensed physician, and one person recognized as having received higher education.⁶⁾

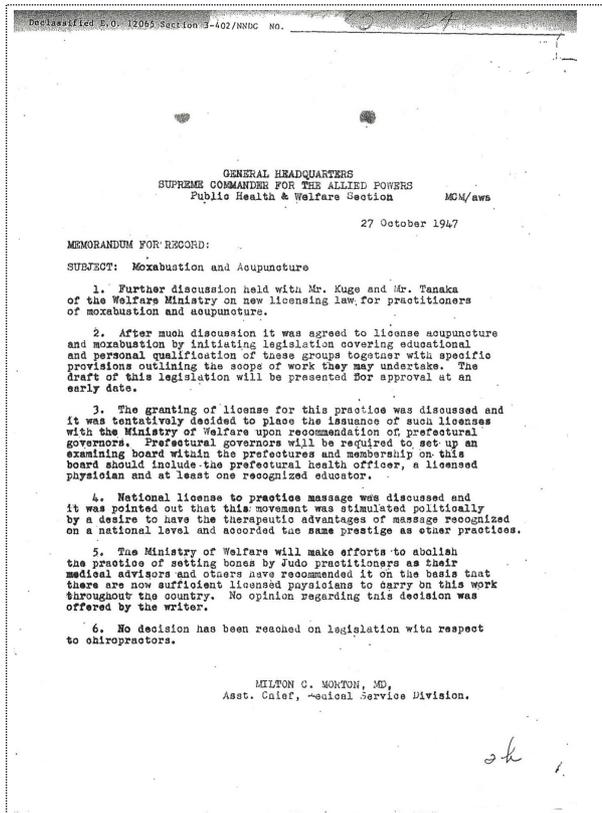
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proposed legislation at greater length, perhaps pointing out that a means by which all patients requesting this type of procedure, present a statement from a licensed physician certifying that they had no infectious disease or other pathological state likely to make them unfit recipients of these types of treatment. It was further suggested that this could be explained as a means of protecting the practitioners in question as well as the patient.

8. The legislation concerning future licenses in the above fields might include certain basic medical sciences as a prerequisite to a national examination. (Much as the Basic Medical License Law functions in some states of the USA).


MILTON C. MORTON, MD,
Asst. Chief, Medical Service Division.

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Material 3: "Moxibustion and Acupuncture" (GHQ/SCAP) U.S. National Archives and Records Administration; Japan National Diet Library (October 27, 1947)

Commentary: Records were kept on the contents of the talks toward the establishment of the legislation between the Ministry of Welfare (Katsuji Hisashita, Jicho of Imukyoku {Deputy Director of the Medical Bureau} and Koun Takada, Manager of the Medical Section) and GHQ

This appears to indicate that the GHQ was instructing the Ministry of Health and Welfare to create legislation that would involve the presence of physicians. The Japanese government was at that time looking into establishing legislation under the National Medical Treatment Law (1942), which formed part of the basis for the current medical system, so on this point there was mutual agreement between the Japanese government and the GHQ.

It was finally decided that even though they were not licensed physicians, and not allowed to diagnose patients, Japanese acupuncturists would be allowed to maintain an independent practice as they had in the past, rather than being required to work under the supervision of a physician. This was because Asian and

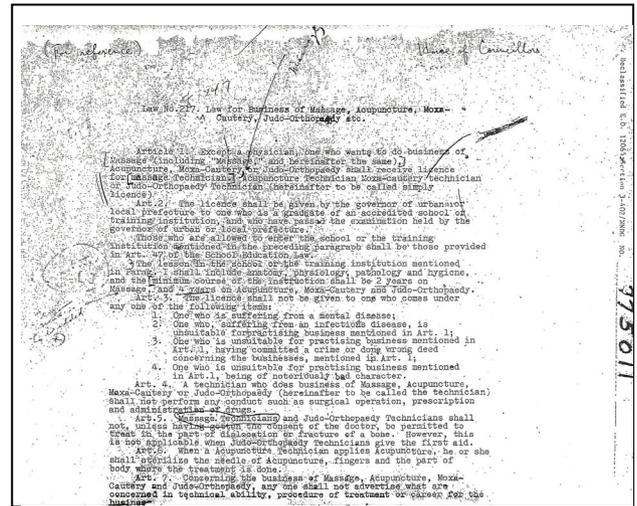
Western medicine are based on such fundamentally different theories that, as the previous report noted, it would at present create an extremely difficult working environment to require acupuncturists to practice under the supervision of a physician. The GHQ and the MHW were in agreement on this point. Both parties also agreed that an acupuncturist's credentials would not be considered legally equivalent to a physician's license, but that Asian medicine had benefits in its own right even though its theoretical foundations were incomplete. Since even today there continues to be heated debate over the value and position of Asian medicine, it is interesting that these same questions were also addressed by the United States and Japan during the Occupation.

Proceeding by trial and error, the MHW and the GHQ finally agreed that, while the current status of Western medicine would be maintained, legislation would also be implemented to cover Asian medicine. The Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, Etc., which laid the groundwork for present-day regulation, was born out of this dilemma over the position of Asian medicine, both within Japanese society and in the US government. It would be accurate to say that the law realistically represented the social status of Asian medicine in Japan at that time.

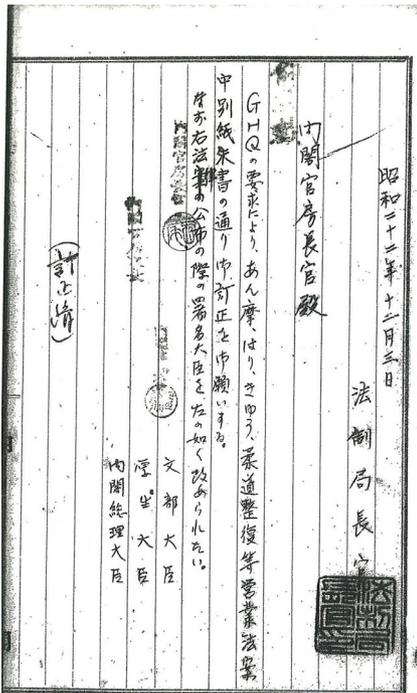
At the end of these negotiations, the MHW began the process of drafting the proposed legislation. However, there was not much time available. This was because the MHW at the time was dealing with a number of medical reforms, including the revision of the National Medical Treatment Law, and all of the industry regulations that had been established under the old imperial constitution (the Meiji Constitution) were soon to become null and void under the new postwar Constitution of Japan. If new legislated status for acupuncturists could not be put into place quickly, they were concerned that acupuncture might vanish from the Japanese medical system. Section Director Takada, who was responsible for generating many pieces of legislation related to medical treatment, including the Law for Business of Massage,

Acupuncture, Moxa-Cautery, Judo-Orthopaedy, Etc., later reminisced about the difficulties in his memoirs. He and his staff consulted with numerous physicians in order to prepare that legislation, and the work caused him to be late with another law for which he was personally responsible (the Medical Service Law, 1948). These episodes illustrate how difficult it was for the Ministry of Health and Welfare to establish the legislated status of acupuncture.

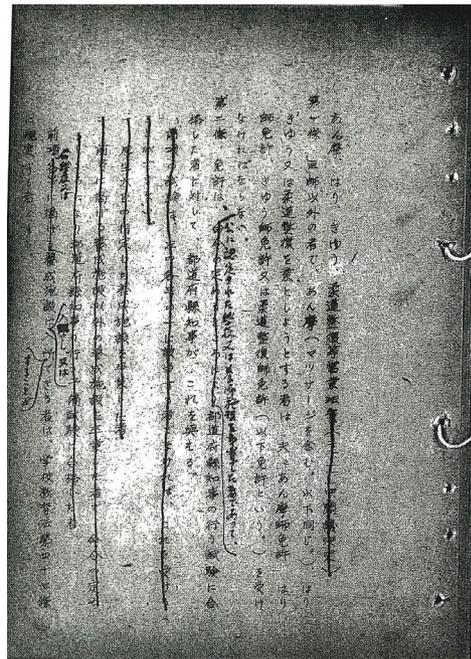
Next, the Ministry of Health and Welfare submitted to the GHQ an advance copy of the draft in Japanese, with an English translation (LAW No.217. LAW FOR BUSINESS of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy Etc.), as a courtesy to the "indirect government" of Occupation forces. (Materials 4) (Materials 5) (Materials 6) That draft was submitted to the Katayama cabinet on November 8, where it was discussed, and was then deliberated on the floor of the Diet. (Materials 7)



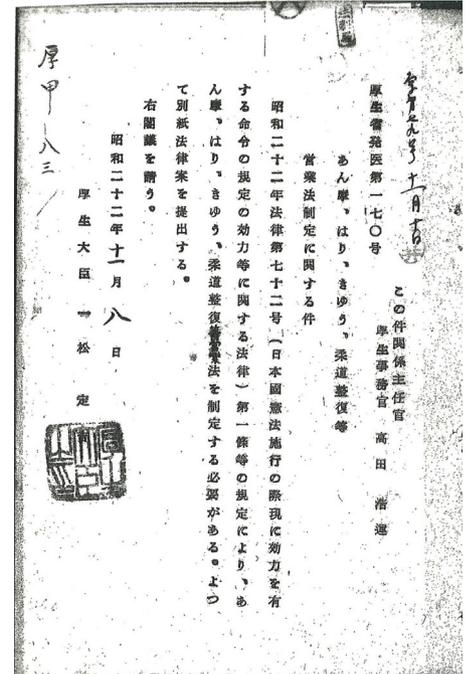
Material 4: "Law No.217: Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy etc." (GHQ/SCAP) U.S. National Archives and Records Administration; Japan National Diet Library
 Commentary: Under American occupation, each ministry of the government of Japan was required to submit English translations of draft legislations to GHQ for their examination when submitting them to the Cabinet. This material must be the one prepared by the Ministry of Welfare and submitted to GHQ.



Material 5



Material 6



Material 7

The above materials are: "Law No.217: Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc." Japan National Diet Library. Material 5: A document from Chokan of Hosei Kyoku (Director of the Legislative Bureau) of the Cabinet to Chief Cabinet Secretary requesting to make corrections to the draft legislation according to the demand by GHQ. It seems from the document that GHQ involved itself in drafting the legislation. Material 6: In compliance with the demand by GHQ (Ref. Drawing 5), corrections were made in red. Material 7: Kosei Sho Hatsu I No. 170 {Medical No.170 published by the Ministry of Welfare} relating to the matter of enacting the legislation concerning traditional massage, acupuncture, moxibustion, Judo-Orthopaedics. After the examination by GHQ, the Ministry of Welfare submitted the draft legislation to the Cabinet led by Tetsu Katayama as of 8th of November, requesting the presentation to the ministerial meeting for passing to the Diet. The name of Koun Takada, Manager, who was engaged in negotiations with GHQ was described.

Establishing the Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc. (Law No. 217)

The contents of deliberations on this bill are available from the records of the National Diet.

The Diet began its deliberations on acupuncture in the Health and Welfare Committee of the House of Councilors on November 13, and the bill was first introduced into the Health and Welfare Committee of the House of Representatives on November 17. On December 3, the bill was formally submitted by the Cabinet, and the process of enacting the legislation was initiated.

The majority of Diet members supported acupuncture as a form of traditional Japanese medicine at that time, and they approved the legislation of practitioners' status. Particularly instrumental in this process were Councilor Kobayashi, who threw his strong support behind this legislation, and MHW Minister Hitotsumatsu, who made a direct plea to the GHQ for the continuation of acupuncture. As a result of the previous recommendation from GHQ for the prohibition of acupuncture and moxibustion, lawmakers were keenly aware of the questions of inadequate disinfection, treatment safety, scientific rationale, educational reform, and appropriate dealings with the visually impaired who accounted for more than half of all practicing acupuncturists at the time.

The Diet members thus engaged in vigorous debate to resolve those questions through legislation.

The legislation was passed by the House of Representatives on December 6, and by the House of Councilors on December 7. On December 20 the Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, Etc. (Law No. 217) was made public, to go into effect January 1 of the following year.

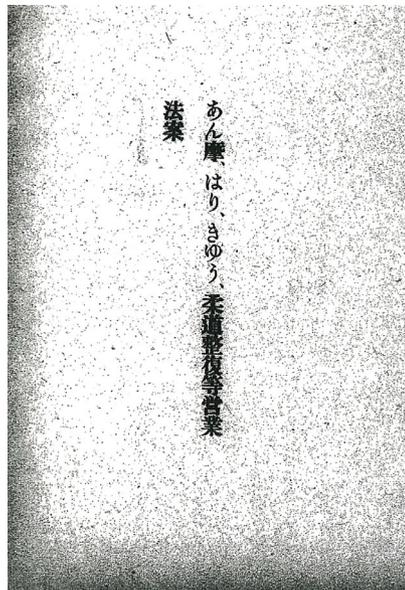
The law includes the following points:

- (1) The traditional "business license" will be changed to "license/qualifications" (the category used for medical licenses).
- (2) No new licenses will be granted except to graduates of publicly accredited schools or training facilities who have passed a prefectural examination.⁷⁾

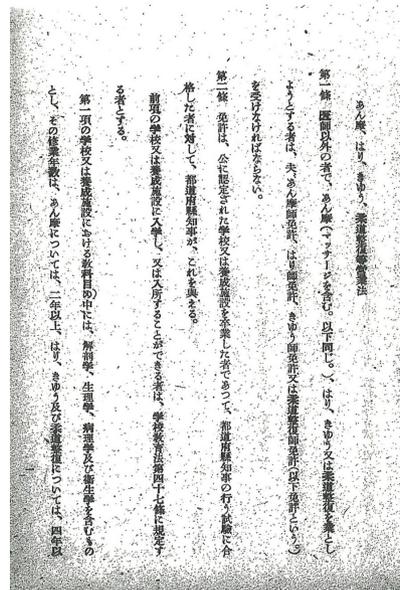
This legislation raised the stature and social standing of acupuncturists, while also making it clear that the occupation would now be regulated by legislation for medical treatment, rather than by legislation for business as had been the case in the past. (Materials 8) (Materials 9)

References

- 6) U.S. National Archives and Records Administration and Japan National Diet Library, GHQ/SCAP documents, Moxabustion and Acupuncture. 27 October 1947
- 7) Ministry of Health and Welfare Fifty Years of History Editorial Committee: Ministry of Health and Welfare -- Fifty Years of History (commemorative edition). Kosei Mondai Kenkyukai Foundation. 1988: 671



Material 8



Material 9

"Law No.217: Law for Business of Massage, Acupuncture, Moxa-Cautery, Judo-Orthopaedy, etc." Japan National Diet Library.

Commentary

Material 8: It was the legislation concerning the status that the industry of acupuncture and moxibustion long desired and marked the start after the War.

Material 9: Article 2 stipulates that the related license is given only to the person who graduated from one of the publicly accredited schools and passed the examination given by the governor of each metropolitan and city government. It is shown that this legislation was designed to improve through education quality and social position of acupuncture and moxibustion practitioners.