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本期主編：范瑞平

生命倫理學—— 重新探索

- 導言：中國生命倫理學——
在西方發生文化危機之際 范瑞平
- 走向中國生命倫理學——重審後基礎之醫學道德 恩格爾哈特
- 儒家倫理如何為“生命”的道德辯護——
以“人類輔助生殖技術”為例進行的考察 郭衛華
- 從儒家倫理學看“代孕”的道德性 徐漢輝
- 以儒家視角探討生命的本質——
以人工合成生命為例 劉曉楓
- 儒家倫理視閥下家庭醫療儲蓄帳戶之
“家庭”的界定 卜麗娟、陳曉陽
- 精神病患者的醫療倫理決策——個人與家庭 郭崢嶸
- 傳統中醫倫理及其對當代醫師職業制度的啟示 李陽、楊威



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生命倫理學——重新探索
Bioethics: New Inquiry

本期編輯：范瑞平
Issue Editor: Fan Ruiping

范瑞平 Fan Ruiping	<u>導言：中國生命倫理學——在西方發生文化危機之際</u> <u>Introduction: Chinese Bioethics after the West</u>
恩格爾哈特 H. Tristram Engelhardt, Jr.	<u>走向中國生命倫理學——重審後基礎之醫學道德</u> <u>Towards a Chinese Bioethics: Reconsidering Medical Morality after Foundations</u>
郭衛華 Guo Weihua	<u>儒家倫理如何為“生命”的道德辯護——以“人類輔助生殖技術”為例進行的考察</u> <u>How Should Confucian Ethics Defend the Morality of Life? The Case of Human Assisted Reproductive Technology</u>
徐漢輝 Xu Hanhui	<u>從儒家倫理學看“代孕”的道德性</u> <u>A Confucian View on Surrogate Motherhood</u>
劉曉楓 Liu Xiaofeng	<u>以儒家視角探討生命的本質——以人工合成生命為例</u> <u>A Confucian Perspective on the Essence of Life: The Case of Synthetic Life</u>
卜麗娟、陳曉陽 Bu Lijuan and Chen Xiaoyang	<u>儒家倫理視閩下家庭醫療儲蓄帳戶之“家庭”的界定</u> <u>How Should We Define the Family for Health Savings Accounts? A Confucian View</u>
郭崢嶸 Guo Zhengrong	<u>精神病患者的醫療倫理決策——個人與家庭</u> <u>Medical Decisions for the Mentally Ill: A Confucian Response</u>
李 陽、楊 威 Li Yang, and Yang Wei	<u>傳統中醫倫理及其對當代醫師職業制度的啟示</u> <u>Traditional Chinese Medical Ethics and Contemporary Medical Professionalism</u>

摘要

當代西方面臨多重挑戰，有些是理論層面的，有些是實踐層面的。目前佔主導地位的西方世俗文化的普世主義的道德和生命倫理學工程認為道德基礎可以從道德哲學系統中的有效論證來獲得。這種思維方式源於西元前 5 世紀希臘的世俗化，並在 13 世紀的西方獲得新生。其後的體系基於對理性的信仰，喪失了維繫西方基督教信仰的承諾，導致康德的理性主義道德工程。

1970 和 80 年代出現的西方生命倫理學對個體自主性的強調試圖得到這一道德工程的印證，但這種努力已經擱淺：期望依賴普世主義的術語，通過有效理性論證來確保具體內容的所有嘗試，到頭來都不過是乞題論證、循環論證、或無窮後退，因為人們沒有可能通過對基本前提和證據規則的理性反思來必然地達成共識。人們總是需要進一步的背景前提和規則。從歷史的脈絡來看，一旦西方世俗道德反思拋棄其上帝之眼的視角，標杆化的世俗道德體系就會陷入麻煩。一切強調無名氏的道德視角，無論是以沒有境遇的道德主體身份出現，還是以大多數人的最大利益原則出現，都無法提出標杆化的規範內容。

文章認為，西方現代社會-民主制福利國家醫療資源的配置方式所引發的財政上的不可持續的危機帶來三個基本難題：(1) 醫療權利一旦確立，它們所帶來的道德風險；(2) 依靠後人為今人交付醫療服務的做法所帶來的人口風險；(3) 社會保險計劃誘發政治家玩弄空頭支票所帶來的政治風險。西方社會所面臨的危機，無論是經濟上的，還是文化上的，都為我們提供了很好的理由說明我們需要重新考量構建在中國文化視域下的、更有能力迎接 21 世紀倫理學挑戰的生命倫理學。

儒家倫理如何為“生命”的道德辯護——以“人類輔助生殖技術”為例進行的考察

郭衛華

摘要

儒家倫理從“天道”的角度賦予人之生命以神聖性和超越性，而輔助生殖技術則通過技術使人之“生命”從神聖性、超越性的形上境遇被拋入到世俗境遇中，生命的“祛魅”成為這一趨勢的集中表現。並由此，引發了“生命”的形上界定和由技術展現世俗化的生命界定之間的矛盾和衝突。儒家倫理為技術干預下的“生命”進行道德辯護的關鍵在於：儒家倫理應以一種辯證、開放的態度為輔助生殖技術展現的世俗化的生命倫理提供形而上學的精神本源基礎。

[目錄](#)

從儒家倫理學看“代孕”的道德性

徐漢輝

摘要

代孕（文中特指完全代孕）行為是指代理孕母接受不孕夫婦的受精卵，將其放入自己的子宮內，實現受孕，並經過十月懷胎，生出與自己無血緣關係的孩子的行為。代孕作為輔助生殖技術衍生技術，自產生之初，便飽受爭議。圍繞代孕產生的道德爭議包括：代孕生育是不是一種非自然的方式而應予以抵制？代理孕母出借子宮是否有損人的尊嚴？如果代孕合乎道德，是否能夠使其商業化？本文旨在從儒家倫理學出發，以“生生之德”、“仁者愛人”為代孕技術和代理孕母提供一種合理的辯護。從儒家倫理學的角度來看，代孕技術和代理孕母本身就是道德上正當的。代孕技術為不能生育的夫婦帶來希望，符合“生生之德”，是一種以人道補不足的措施；代理孕母更是為了他人的幸福甘願犧牲個人利益，體現出崇高的道德價值。同時，本文嘗試用儒家生命倫理學的基本原則，即“貴生”、“仁愛”、“公義”、“和諧”四原則，為代孕行為做出規範。使得代孕能夠被更多的人所接受，促進社會福祉。

[目錄](#)

摘要

面對科學技術給我們帶來的越來越多的倫理學難題的時候，我們不妨從孔子的教導中尋找答案。美國科學家克雷格·文特爾日前宣佈，他們利用了一段人工合成的DNA創造了人類有史以來的第一個人造生命，並取名其為“辛西婭”。這也使得人們開始重新思考生命的定義，生命的本質等本源問題。本文將從儒家的哲學視角分析辛西婭的生物學地位，並從儒家的“天命觀”的角度分析合成生物技術。希望能對新技術得出儒家獨到的見解。

摘要

家庭醫療儲蓄帳戶的概念自提出以來，引起了國內外同仁的廣泛關注，學者們也都紛紛就自己的理解發表獨特看法。這一新概念引起中國生命倫理學術界的共鳴，根源性是因為它與中國的家庭倫理思想和家本位的價值觀念相契合。家庭醫療儲蓄帳戶的意義和積極作用是毋庸置疑的，而有一點卻讓研究者駐足深思：家庭醫療儲蓄帳戶的家庭範圍如何去界定？這個問題不僅僅是理論界定那麼簡單，它更涉及到家庭醫療儲蓄帳戶的可行性和可操作性。筆者在 2011 年 12 月份舉辦的“醫療儲蓄帳戶、深化醫改及儒家生命倫理”國際學術會議時曾試圖從社會學的角度進行分析，但是沒有文化背景與倫理理論的支持，終覺失去了根基。而傳統倫理學是我們應用倫理學去釐定問題的觀念背景，也是我們分析問題的主要工具和解決問題的核心價值依據。鑒於此本文轉向中國傳統的主流倫理學去尋找答案。

儒家倫理學作為一種傳統倫理學，也必然在一定程度上為我們醫療儲蓄帳戶的建構提供一種觀念背景、分析工具和價值選擇。筆者首先論述了家庭的重要性，同時探討了家庭範圍界定的複雜性，然後轉而向儒家倫理學思想尋求觀念、價值和倫理的依據。本文以家庭的血緣關係和婚姻關係為主線，以儒家家庭倫理為依據，將家庭醫療儲蓄帳戶中家庭的範圍界定從倫理的角度操作化。這將有利於挖掘儒家生命倫理的潛在價值，為解決當代醫療改革問題提供依據，使傳統的主流倫理價值融入現代的生活，去解決現實中存在的問題，同時這也是儒家生命倫理當代建構的一個方面。

摘要

本文從一位生命倫理學家關於一個精神病患者的醫療倫理決策的法律案例評論出發，探討中國的儒家家庭主義倫理同美國的現代個人主義倫理之間所存在的重大差別，提出不應該照抄照搬美國生命倫理原則及其分析來做出中國的生命倫理決策。本文基於中國倫理觀點，特別是儒家倫理觀點，論證適合於中國醫療的社會現狀，並在道德上可以得到辯護的不同於美國個人主義的中國生命倫理學及其精神病患者的醫療倫理決策模式。

[目錄](#)

摘要

醫療保障不僅需要制度依據，也需要文化底蘊的支撐。傳統中醫倫理蘊含著醫者仁心、精勤不倦的處世道德規範，敬畏生命、人命至重的人道主義精神，公平待人、博施濟眾的普世價值學說，智圓行方、求平執中的整體和諧理論，道生德養、志存救濟的大義博愛觀。這些內容對於當代醫療保障的建設尤其是當代醫師職業制度建設和發展具有重要的借鑒價值，因而是我們不應忽視的文化資源。

[目錄](#)

Abstract

Unnoticed by many bioethicists, the very foundations of the dominant Western secular morality, and by extension the foundations of the dominant secular bioethics of the West, have been brought into question. After Immanuel Kant (1724-1804) and in the light of arguments by philosophers from G.W.F. Hegel (1770-1831) to Richard Rorty (1931-2007) and Gianni Vattimo (1936-), it has become ever clearer that neither the content of the dominant Western secular morality nor the content of the dominant Western bioethics can be secured as canonical through sound rational argument. Western secular morality and Western secular bioethics have become foundationless. They are not secured by a canonical moral rationality or by being anchored in being as it is in itself. The implications are wide-ranging. This paper sketches both what it means to do bioethics after foundations, and what opportunities exist for rethinking the possibilities for a Chinese bioethics.

Among the difficulties of the Enlightenment moral project is that it attempted to understand individuals in anonymously universalist terms. To do this, individuals had to be considered outside of their social and historical contexts. They were as a consequence portrayed as bare moral agents. This is most saliently the case with Immanuel Kant, who understands his morality in terms of the kingdom of ends, within which all members, save God, are fully interchangeable. The members of the kingdom of ends are persons without sex, sexual orientation, species-membership, history, or family. This state of affairs is tied to a universalist, egalitarian vision of persons and society, which in the West has been understood in terms of a social-democratic morality and political agenda. The difficulty is that it is now clear that there is a challenge to the financial sustainability of healthcare allocation within social-democratic welfare states. The difficulties stem from at least three challenges to its sustainability: (1) the moral hazard due to the inclination to overuse entitlements once they are established, (2) the demographic hazard due to relying on future generations to pay for the health care of current recipients (i.e., when there are fewer children, financing becomes difficult), and (3) the political hazard due to social insurance schemes that reward politicians for promising benefits even when sufficient funds may not be available.

For scholars doing bioethics in China, this state of affairs means that Chinese bioethicists are freed from having to meet secular Western bioethicists on the terms established by secular Western bioethicists. Instead, they can fashion an authentically Chinese bioethics, which nests its own moral commitments within the traditional Confucian moral narrative of China. A Chinese bioethics need not, and should not, in content or form be like the bioethics of the dominant secular morality and bioethics of the West. Given the character of secular morality and bioethics, given its inability to establish a universal, canonical morality through sound rational argument, as well as given the particularity of all morality and bioethics that possesses content, and given the promising moral content salient in Chinese culture, a move by Chinese to establish a Chinese bioethics becomes quite plausible.

How Should Confucian Ethics Defend the Morality of Life? The Case of Human Assisted Reproductive Technology

Guo Weihua

Abstract

By profoundly intervening in human life, human assisted reproductive technology is challenging the convictions of all well-established ethics, Confucian ethics included. Through such technology, human life is thrown from the divine, transcendent metaphysical situation it has traditionally held into this-worldly circumstances. In particular, human assisted reproductive technology brings with it a series of ethical problems. First, the sanctity of life is put in jeopardy. From this perspective, every human life is unique and independent. However, human assisted reproductive technology has the potential to destroy such uniqueness and independence. Second, human subjectivity is lost. An essential attribute of human life is that humans exist as active subjects to be respected, rather than as passive objects to be manipulated. When human assisted reproductive technology is used to control human life, human subjectivity is thrown into crisis. Finally, the existence of human life is fragmented. Human beings are “group” animals, and they live in families built on the basis of blood and marriage. This basis is usually taken as the origin or foundation of Confucian ethics. However, human assisted reproductive technology (especially AIH and reproductive cloning technology) has broken the traditional family structure. It has caused a crisis in the notion of family as an ethical entity and life becomes nothing but “debris.”

In the face of such moral crises, it is time to explore Confucian ethics to help people out of their plight. Traditionally, Confucian ethics has a profound and rich content. It takes human life as valuable, sacred, transcendent and eternal. From the Confucian perspective, human life means not only existence as a natural object, but also existence of value and significance in the universe. In developing a proper Confucian ethics to direct the application of human assisted reproductive technology and guide its technical intervention in human life, this essay argues that we must recognize the following crucial point: a dialectical exploration and an open attitude are needed to enable Confucian ethics to provide the Confucian spirit of metaphysical origins and concerns to a new bioethics of assisted reproductive technology. That is, on the one hand, a bridge must be built to connect the metaphysical condition of real life in Confucian ethics with the technical interference of human assisted reproductive technology. On the other hand, it must be noted that human assisted reproductive technology reveals that the problem domain is not merely a simple technology ethics, but also involves deep philosophical or ethical change. Such exploration provides formal support for considering the ethical problems of human assisted reproductive technology from a comic philosophical view that the Confucian bioethical discourse of life must undertake.

[Table of Contents](#)

Abstract

Surrogacy, especially complete surrogacy, refers to a surrogate woman who accepts the fertilized egg of an infertile couple into her uterus to achieve pregnancy for that couple. In almost ten months she will give birth to a baby who belongs not to her but to the infertile couple. Such surrogacy, along with relevant assisted reproductive technology, has been highly controversial since its introduction. It is well known that important ethical issues surround such surrogacy, including: should such unnatural surrogacy be resisted or prohibited? Is lending one's uterus in such surrogacy compatible with a proper notion of human dignity? If such surrogacy is morally acceptable, should it be commercialized?

Since 2001, the Chinese Ministry of Health has completely banned the practice of such surrogacy through administrative regulations. However, this has merely produced an "underground" surrogate industry, but has not reduced the demand for surrogate mothers. This essay intends to defend surrogate technology and surrogate motherhood from the Confucian notion of "creative creativity" and "benevolent love."

Surrogate technology, which offers assistance to produce human life through artificial means, brings hope to infertile couples who wish to have children. This is in conformance with the Confucian notion of "creative creativity." It provides an artificial way to make up for deficiencies in human natural reproduction. A surrogate mother is compassionate towards infertile families. She is willing to sacrifice her personal interests for the welfare of others, reflecting the lofty moral values of the Confucian tradition.

In addition, this article appeals to certain basic Confucian ethical principles to address relevant issues. These principles include the principles of "cherishing life," "benevolence," "justice," and "harmony." The principle of cherishing life requires that every human being should have respect for and love life, and this is taken to be an inherent requirement of human nature in Confucian thought. The principle of benevolence refers to the requirement that everyone should care for others and follow the golden rule, namely, that one should not do to others what one does not want others to do oneself. Confucian justice is considered a basic virtue in social distribution, and government should take care of those who are unfortunate or vulnerable. In the medical field, this is particularly reflected in the equitable distribution of medical resources. The principle of harmony requires that each individual should have peaceful contact with others and get along with others in a friendly way; it also requires that everyone make important decisions together with their close family members in relevant medical contexts. Taking all of these principles together, the Chinese government should not ban surrogacy through administrative regulations. It is only proper to guide surrogate practices through certain rules and norms, so that the legitimate interests of both infertile couples and surrogate mothers can be adequately protected in terms of suitable Confucian ethical considerations.

Abstract

On May 20, 2010, the Craig Venter Institute, a U.S. private research institution, announced that they had successfully synthesized bacterial deoxyribonucleic acid (DNA) and implanted it in another bacterium. After several attempts, the implanted artificial DNA regained life and began to reproduce in a lab dish. This “artificial life” was named “Synthia” (meaning “man-made children”). The result of this research has attracted broad attention. Even U.S. President Barack Obama expressed concern, and has asked the White House Council on Bioethics to provide a detailed report on synthetic biology within six months, to determine the appropriate ethical boundaries and minimize the potential harm. Indeed, this latest research in synthetic biology requires careful philosophical, ethical and cultural considerations on the essence of life.

This essay attempts to analyze the biological status of Synthia and explores the essence of life from the perspective of Confucian philosophy. In particular, it attempts to draw on the Confucian idea of Heaven (*tian*) or God (*shangdi*) to disclose unique Confucian insights into new technology in general and artificial life in particular. Indeed, as advanced and pioneering science and technology have brought about more and more ethical difficulties and dilemmas, the Chinese people need to draw on the wisdom of Confucius to work out suitable solutions and guide their actions. Researchers at the Craig Venter Institute recently announced that they could take advantage of man-made DNA to create the first artificial human life. How should Confucians reflect on such actions in terms of their view of the essence and meaning of life?

This essay assumes that following the Mandate of Heaven (*tianming*) is central to Confucian teaching on the essence of life. The Mandate of Heaven is reflected in the natural development and transformation of the myriad things in the universe. However, things like Synthia are outside of this natural process of development and transformation, and cannot be taken as being consistent with the Mandate of Heaven. Just as Confucianism cannot support the creation of human cloning, it cannot support artificial human life such as Synthia, because both violate a fundamental understanding of the essence of life in the Confucian faith. Confucian scholars cannot hold a utilitarian view of maximizing human interests, no matter what those interests are taken to be. Instead, Confucianism must insist that human interests be consistent with the Mandate of Heaven to promote the virtuous essence of human life.

Abstract

The notion of family health savings accounts has attracted wide attention from academic circles, both domestic and international. Many Chinese scholars understand the importance of this notion and support the establishment of family health savings accounts in Chinese society, because it fits very well with Confucian family ethics and the family-oriented values that are vibrant in Chinese society. However, to pursue fully the significance and function of the family in operating appropriate health savings accounts, we must explore the question of how the family should be defined.

The problem is not only in offering a theoretical definition, but also related to the feasibility and operability of family health savings accounts. However, we cannot begin our inquiry from nowhere. We must rely on the traditional ethical resources that are still operating in Chinese society to develop a conceptual background and value basis for analyzing the problems we face in attempting to define a suitable notion of the family in Chinese society. Accordingly, this paper turns to Chinese traditional mainstream ethics, namely Confucian ethics, to identify the intellectual and moral resources to provide a conceptual background, analysis tools and value choice. The authors first discuss the importance of the family in the Confucian tradition and explore the complexity in defining the scope of the family. The paper then draws on particular Confucian ethical ideas and values to seek proper solutions. Specifically, based on the Confucian central commitments, we draw on both blood relationships and marriage relationships to consider the nature and scope of the family in the Confucian tradition. We thus form the main line of our argument to establish Confucian family ethics as the basis for defining the suitable scope of the family for adequate family health savings accounts in contemporary Chinese society. Basically, we conclude that nuclear families should be basic family institutions for health care in general and health savings accounts in particular, while adult children must be allowed, indeed encouraged, to supplement their elderly parents' health savings accounts. This will be conducive to using the potential value of Confucian family-based and family-oriented ethics to provide the motivation to solve the difficult problem of health care reform in contemporary Chinese society.

Abstract

This essay provides a Confucian moral response to American bioethicist Arthur Caplan's comments on an American case. The case involves the issue of abortion and sterilization regarding a 32-year-old pregnant woman from Massachusetts, known as Mary Moe, who suffers from severe schizophrenia and bipolar mood disorder. Caplan argues that the appellate court was right to decide that neither sterilization nor abortion should be imposed. However, he thinks the court gave the wrong reason – that if Moe were competent she would not want an abortion. As Caplan sees it, this is a hopeless quest because Moe is too sick to tell us anything. In addition, Moe's parents are already raising one of her children, so their stake in this situation disqualifies them from deciding what ought to happen. Caplan agrees that Moe needs to be on permanent birth control. As to abortion, he insists on a negative answer. He concludes that "If Moe's medicines put the fetus at risk, then try to lower the dose. If Moe herself becomes even more impaired, stop. If Moe cannot possibly raise the baby and her parents cannot either, then adoption is the best road to follow."

From a Confucian perspective, Caplan's view on this case has several problems. First, absolute individual self-determination is ethically improper. Caplan is right that Moe is incapable of making medical decisions, but his comments imply that if she were competent, she would have an exclusive right to make such decisions. The author has experienced several cases in China that indicate that this is an improper individualistic view. Second, Caplan seems to make an inappropriate balance between Moe's interests and the interests of the fetus. As he sees it, allowing Moe to become pregnant again is not in her best interests, while ending the life of her fetus is not in the best interest of the fetus. Accordingly, his balanced solution is not to allow abortion but to lower (and even stop) her medications to prevent impairment to the fetus. However, this would impair Moe's mental health, and we cannot see how this can be in Moe's best interests. Finally, Caplan's view on the relation between Moe and her parents is ethically misleading. He thinks the parents are disqualified from the decision making in this case because there is a conflict of interests as they are already raising one of Moe's children. This is unfair to Moe's parents. That Moe's parents suggest abortion at this point is clearly in the best interests of Moe. If Moe does not have an abortion, the parents' interests are not conflicted because they have no obligation to raise another child of Moe's. In short, this essay concludes that Caplan's view is too individualistic and family-unfriendly, which should not be copied by Chinese bioethicists in dealing with Chinese cases.

Abstract

To establish appropriate medical professionalism in contemporary China, institutional construction, reform and development are certainly necessary. However, they must be conducted by drawing on relevant cultural ideas and values to gain support. In particular, traditional Chinese medical culture and ethics contain a great amount of intellectual and moral resources that are useful for the construction and development of contemporary Chinese medical professionalism. This essay attempts to explore such resources and make relevant recommendations.

Traditional Chinese medical culture is informed by Confucian ethical concerns and commitments. It requires that the physician must have a benevolent heart to treat the patient and a diligent mind to pursue health care knowledge. At the same time, the physician must hold reverence for life and appreciate the vital importance of human life. In addition, Confucian culture expects the physician to be fair in treating different kinds of patients and their families, and to be generous in attempting to help people. In the process of providing medical treatment, physicians' personal integrity and an attitude for pursuing harmonious outcomes (among patient, family and physician) are emphasized. Finally, the Confucian notions of righteousness and fraternity refer to the view that physicians should engage in serious cultivation of virtue so that they may form a firm moral aspiration to help others and be honored to conduct noble actions in helping others. Accordingly, when we attempt to set up effective health care institutions and establish proper contemporary medical professionalism, these traditional values and commitments should be studied and drawn upon.

Based on these considerations, the final part of the essay puts forward four suggestions for rebuilding a proper Chinese physician profession. First, the government should provide a reasonable income and effective security for physicians, not only to supervise but also to protect their legitimate interests in providing health care services to the public. Second, public hospital administrators should pay attention to physicians' personal interests and their work conditions, to provide a feasible working environment for them to treat patients effectively. Third, physicians should understand that although the external environment can never be perfect, they should discipline themselves by ensuring good professional, interpersonal and psychological standards in providing health care services to the people. Finally, physicians must recognize that as professionals, they are expected to hold proper virtues and a benevolent heart to overcome their personal difficulties, whatever they are, to treat patients and their families in virtuous and benevolent ways.
