

第 X 卷 第 2 期 2012 年

ISSN 1386-6354

中外醫學哲學

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中國生命倫理學—— 詮釋、理解與應用

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應用倫理學研究中心
CENTRE FOR APPLIED ETHICS

Global Scholarly Publications

Vol.10 No.2 (2012)

中國生命倫理學——詮釋、理解與應用
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儒家生命倫理之基礎與方向——一個初步的分析

王珏

摘要

雖然越來越多研究者認識到儒家倫理資源對當代生命倫理研究的價值，但“儒家生命倫理學”仍然是一個頗具爭議的提法。本文試圖表明，儒家生命倫理學是一種以本土文化傳統為主體，從完整的生活世界出發，以糾正原則主義偏狹的理論努力。因此，一種構建儒家生命倫理學的理論努力成功與否，取決於它在多大程度上能夠在現實生活中恢復儒家的生活世界（如儒家共同體）以及與之相應的道德關懷。依據這一視角，本文嘗試為儒家生命倫理學建構提供一種合法性論證，並對儒家生命倫理學的方法、結構和方向作出初步的探討。

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患者利益至上——傳統情懷與現實挑戰

梁莉

摘要

以患者利益為重被視為醫學的傳統美德，也是醫生的職責。它的基本宗旨是將患者的利益放在首位。當醫生的利益不受其他因素干擾時，他們較能承擔“患者利益至上”這一責任。而當出現利益衝突時，醫生則會面臨特殊的挑戰，有時還有可能需要做出一定的自我犧牲。西方醫學倫理在強調醫師職業道德的同時也通過制度建設盡量避免利益衝突的發生，以更好維護患者和醫生雙方的利益。

中國傳統醫學倫理中，“患者利益至上”雖然沒有作為具體道德原則予以規定，但在醫療實踐中卻常常可以體現出醫生“患者利益至上”的情懷。之所以如此，與儒家文化的影響密不可分。儒家“仁”的思想強調愛人，提出對待病人要“皆如至親之想”。儒家將愛親的情感擴展到病人身上，同時也將“博施於民而能濟眾”視為自己高尚的道德追求。在義利關係問題上，儒家提出了獲取利益的正當性問題，即“不以其道得之，不處也”。醫生受其影響，反對“恃己所長，專心經略財物”，強調維護病人健康利益的重要性。另一方面，儒家修身的實踐精神有助於“仁”、“義”等從一種自然情感上升為真正意義上的道德德性，而古代重視家庭親情的傳統對於醫生的品德修養也起到了重要作用。醫生在修德的同時注重自身專業技能的訓練和提高，良好品德和精湛的技藝為維護患者的利益提供了重要條件。目前，患者利益至上的職業精神正面臨著經濟、政治、科技等多方面的挑戰，中國傳統文化缺失帶來的個體道德情感的弱化使這一問題更為突出。

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摘要

當下中國的醫患關係非常緊張，看病難、看病貴似乎成了無解的難題。同時，當下中國的生命倫理原則，如“知情同意”，幾乎都是來自西方的“舶來品”。文章指出，“講信修睦”的中國傳統文化與崇尚競爭的現代西方文化有著本質的不同，因此機械地照搬生命倫理原則，就會使這些原則成為缺乏道德正當性、邏輯合理性，以及醫療建設性的種種教條。文章旨在探討建構儒學生命倫理學的必要性和現實性。作者認為，以中國文化建構中國生命倫理學不是一個偽命題。依靠中國生命倫理學解決當下中國的問題不僅是一項具有理論必要性和現實迫切性的歷史使命和任務，更是中國學者是否為世界文化發展做出貢獻的挑戰。

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“扁鵲見蔡桓公”——對一則古代案例的倫理學回顧

王建光

摘要

扁鵲是中國先秦時期著名的醫生，同時也是中國傳統醫學和醫學倫理的奠基者和實踐者之一。他在與蔡桓公的幾次會面中作出的對話，有著豐富的道德內涵，展示了傳統醫患之間的一種具有特色的醫學倫理。中國傳統的醫學倫理和職業精神並不把醫生僅僅看成是一個純粹的技術性職業，而是賦與其中豐富的人生道德內涵和家國天下的思想，所以在西方醫患關係中被認為是十分重要的知情同意問題，在中國傳統的醫患關係中雖然也存在，但並沒有成為中國傳統醫患關係的主體。與之相反，中國傳統的醫患關係因為是建立在“上醫醫國”的文化土壤中的，醫患之間的關係也是在綱常倫理的維度中加以調適的，所以這種關係不僅僅是今天意義上的權利和義務、知情和同意等法律屬性的關係。

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摘要

在中國醫療衛生體制改革近30年的風雨歷程中，由於前改革時期沒有條件形成公共生活的倫理精神，在醫療衛生體制改革的第一階段，即過渡期的10幾年中，同樣沒有能夠為改革確立合理的價值目標和形成強有力的道德基礎。在此後改革的推進期，政策制定和制度安排過程倫理基礎的缺失，是改革不成功的重要原因之一。中國社會在對改革的質疑和經驗教訓的反思中啟動的新一輪醫改，無論是政策制定還是框架設計，以及幾年來所取得的成就，都表明此一輪改革具備了較為自覺的生命倫理意識和公共生活倫理精神。中國醫療衛生體制改革的生命倫理基礎生成過程表明，生命倫理學研究在方法上應該堅持中國化的立場。

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以儒家中庸思想探討生命倫理學基本理倫和原則

王紅霞

摘要

中庸是孔子儒學思想的核心。中庸既承認絕對道德的存在，即“玄德”的存在，又承認具體道德的相對性，即“時權”的方法。與此同時，中庸帶有一定的功利主義的思想。本文認為，中庸的思想可以用不同的方式，解決義務論和功利主義（或效益主義）之間的矛盾。由於中庸提倡既不能“過”，也不能“不及”，其思想為我們看待生命倫理學原則的一般性和特殊性的關係、義務性和功利性的關係，以及對我們解決生命倫理學中的具體問題，如生死，提供了理論與實踐的基礎。

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摘要

道家思想尊重人性、堅持貴生輕物、生命至上，維護人的發展。道家對待生死的態度是遵循自然本性，主張順其自然。從這一觀點出發，墮胎不是自然而然，而是通過人為的手段達到其他的目的。道教除了順其自然的思想外，還強調陰陽平衡、尊道積德。道教認為，胎兒具有靈性，因此是有生命的，殺死胎兒屬於殺生惡行。道家和道教對待墮胎的態度無疑對於當今審視中國墮胎政策，富有一定的啟示意義。雖然，道家和道教沒有使用“權利”這樣的倫理語言，但卻反映了對生命的尊重。

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摘要

很多人曾經預言幹細胞基礎研究是諾貝爾獎的應允之地，但沒想到這賜福來的如此之快。從另一個側面，這個獎項也說明了與幹細胞研究息息相關的各大生命醫學領域的科學家對於這一醫學或生物學發現是多麼的飢渴。本文著重探討“誘導多功能幹細胞”(iPSCs)研究所引發的生命技術在倫理學上的挑戰。傳統形而上學和宗教道德觀對人性的定義、對人格、家庭、人倫關係等等問題的看法，都會由於當前的幹細胞研究而產生前所未有的變化。面對全新的生命技術，我們人類是否準備好了這個挑戰呢？

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The Foundation and Direction of Confucian Bioethics: A Preliminary Analysis

Wang Jue

Abstract

Although increasingly more scholars are realizing the significance of Confucian intellectual and moral resources to bioethics in China, the phrase “Confucian bioethics” remains controversial. What is Confucian ethics? Is it even possible? The debate on bioethics has gone global, and there is heightened demand for understanding the many associated issues from various socio-cultural perspectives. Yet some people argue that current bioethical considerations should be couched in terms of “universal principles” that render a specifically Confucian bioethics irrelevant. What that position ignores is the importance of cultural context in determining how such principles should be understood and implemented. This essay argues that Confucian ethics should be reconstructed and based on a life-world in which Confucianism is a lived tradition. From a contemporary perspective, the Confucian way of living is a new form of creation, meeting the challenge of modernity in terms of ethics in general and bioethics in particular. The essay also addresses issues concerning the methodology, structure, and direction needed for the creation of a Confucian bioethics.

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Patient First: The Traditional Moral Ideal and its Contemporary Challenge

Liang Li

Abstract

The doctor-patient relationship in China is currently experiencing a crisis of trust brought on by the absence of traditional morals and values in healthcare. The Confucian doctrine of *ren* (benevolence) is based on the possibility of moral perfection in humanity, which in turn guides one in treating others. *Ren* as a relational virtue is particularly important for the doctor-patient relationship. That is why the Confucian idea of “treating a patient like a family member” was popular in traditional medical practice. However, current medical practice is designed around the people who deliver the care, who happen to pay more attention to their own interests and benefits than those of their patients. Although Confucian teaching does not exclude the pursuit of self-interest or self-benefit, it does emphasize virtue and personal character, especially for doctors. No doctor is expected to make a profit that is not within the scope of moral principles, even in a resource-constrained setting. It is thus time to realign the values of the Chinese health system based on Confucian virtues so that the patient is again the center of attention. This essay puts forward suggestions for medical professionals to discipline themselves by ensuring good professional and interpersonal skills.

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Informed Consent: A Different Culture and Different Values

Yang Guoli

Abstract

In the West, informed consent is part of the legal conditions under which people are fully informed about or can participate in their own health treatment. It emphasizes the idea that patients are autonomous and have both the legal and moral rights to control their own bodies. However, in China the original intention of this concept has been changed. The idea of protecting the patient has become a means of protecting medical professionals when they fail to fulfill their duties. A moral dilemma occurs when “foreign” ideas and principles are “imported” into China: they lack the cultural and moral foundation to be implemented effectively.

This essay provides a Confucian moral response to bioethical issues such as informed consent, pointing out their limits when practiced in China. For instance, the tension implicit in informed consent has ruined the traditional model of the doctor-patient relationship that emphasizes the role of the doctor as one of caring and knowing better. As a physician, the author discusses the problems that occur in hospitals when imported ideas are deployed so dogmatically that rational principles lose their reasonableness.

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“When Bian Que Meets the Duke Huan of Cai”: Ethical Reflections on a Legend

Wang Jianguang

Abstract

Bian Que is the earliest known Chinese physician of the Pre-Qin era (ca. 700 B.C.E), whose name is often associated with physicians of the highest medical caliber. One legend tells of how when Bian Que was in the feudal state of Cai, he visited the Lord Huan and told him that he had a serious disease. The Lord Huan thought Bian Que was trying to profit from the fears of his patients and declined the offer for treatment. Eventually, Lord Huan’s condition got worse. The last time Bian Que went to see Lord Huan, he knew that the lord would soon die and escaped from the state. This essay considers the ethical implications of the legend, such as the moral duty of the physician and the nature of the physician-patient relationship. Did Bian Que violate informed consent when he failed to tell the lord he would die of the disease if not treated immediately? The author concludes that the role of physician in ancient China was quite different from what one sees today. Thus, modern ideas and concepts such as informed consent and the language of rights cannot be applied to the case of Bian Que.

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The Foundation of Bioethics: From the Perspective of Healthcare Reform in China

Bian Lin

Abstract

Medical and healthcare reform in China over the past three decades has faced various challenges, one of which has been the lack of an ethical spirit in public life. The old moral foundation has collapsed and a new ethical system has not been established. It follows that neither the validity of reform nor public policies derived from that reform have a solid moral and ethical foundation. As the government seeks an effective way of reshaping the national healthcare system in terms of quality and accessibility to keep pace with rapid socio-political and economic transformation, it has to deal with various moral challenges. This essay provides a critical review of healthcare reform in past 30 years, with the shift away from a state-controlled, comprehensive healthcare system. While “fairness” is considered an ethical principle in a socialist system like China, it has always been a problem in reality given the huge disparity between wealthy cities and poverty-stricken countryside brought about by differences in economic situations and medical human resources. The reform has been welcomed by many, but it has also led to a decline in the scope and quality of healthcare services in certain regions. Hence, recent healthcare changes have focused primarily on grassroots medical networks, which aim to penetrate lower-tier and remote regions. However, the moral basis for these changes is ambiguous. The essay argues that it is crucial for Chinese scholars, healthcare professionals, and government administrators to think about the moral foundation upon which legal regulations and public policies can be implemented to meet specific needs in China.

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The Basic Principles of Bioethics: From the Perspective of the Confucian Doctrine of the Mean

Wang Hongxia

Abstract

This essay explores the doctrine of the mean as the key concept in Confucian thought and practice, contending that it has both general and specific dimensions as it recognizes the absoluteness of moral and ethical principles while acknowledging the importance of relativity in concrete situations when those principles are used. The “mean” is thus not merely a moral virtue that enables the avoidance of extremes; rather, it is utilitarian because it looks for goodness and effectiveness. The Confucian notion of the mean can be applied to a wide range of bioethical issues, particularly the way we look at life and death. In Western moral philosophy, there has always been some disagreement about the importance of principles and rules to morality. The essay argues that the doctrine of the mean in Confucianism offers an alternative way of examining the differences between these two moral approaches.

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Abortion: Daoist Viewpoints

Quan Linchun

Abstract

Daoism, one of China's major philosophical and religious traditions, emphasizes such notions as holism, organicism, and naturalness, promoting the idea of living in line with the rules and patterns of nature. This essay examines the Daoist ethics of living naturally with special attention given to abortion. It points out that for philosophical Daoism, abortion is not acceptable because it is considered an "artificial" action for a self-serving purpose, such as aborting an unwanted baby girl after a sex test on a fetus. For religious Daoism, abortion is not acceptable because the fetus has a spirit and a soul. Both traditions maintain the importance of the sacredness of all life. Yet the language of rights and choices is absent in Daoism, and the aim of the essay is to present the basic teaching of Daoism and show that it is relevant to contemporary bioethical issues. With the increasing use of modern medical technology that makes the control or manipulation of the human body much easier, it is utterly important for humanity to think about the nature of human beings and the relationship between itself and the natural world. The essay also contends that Daoism offers a perspective to reflect on the one-child policy in China that has been practiced in the past few decades.

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Person, Personhood, and Stem Cell Research

Liang Yuanyuan

Abstract

Despite stem cell researchers receiving the 2012 Nobel Prize in Medicine for discovering that mature cells can be reprogrammed to become pluripotent, stem cell research is still controversial in bio-medical debates. Stem cells have undoubted medical potential in areas such as repairing aging and injured tissues and organs, but stem-cell research involves the creation, use, and destruction of human embryos. That leads to the question of whether embryonic stem cells have moral status and what it means to be human.

This essay explores how new stem cell technology will drastically change the way we define humans and human relationships. We will need to ask what a human being is, what personhood is, what marriage is, and what reproduction is. At the same time, regenerative medicine that depends on the availability of appropriate cells and cell lines gives rise to questions of who "owns" human material and its derived products, and the "rights" of cell donors. The commercial benefits from regenerative medicine will also create black markets such that in China. The essay concludes that stem cell research must be controlled and limited, and its ethical impacts and implications must be taken seriously.

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