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從生命倫理學的視域 看生老病死

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從生命倫理學的視域看生老病死
Birth, Old Age, Sickness, and Death: A Bioethical Perspective

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摘要

儒家的養老觀念具有深刻的思想根源。它有形上根據，也有現實原因。從表現形式上看，儒家的養老觀蘊含在儒家的“孝道”思想之中，由於孝道在儒家那裏既有著形上的天道根源，亦發揮著宗教性的功能，這使得蘊含在這一孝道思想中的養老觀念也兼具了這兩種思想特徵，即儒家養老觀既是形上的天道的要求，同時又具有宗教性關懷的內蘊。基於血親的自然情感因素和人對老年生活狀態的憂慮則構成了儒家養老觀念現實的、直接的緣由。這種由孝道維繫的養老觀念決定了儒家對“老人”界定的特殊性和養老方式的特殊性。在家庭中，“老”是相對於盡孝的義務而言的，而社會層面的“老”則需要加以特殊規定，以便於社會層面的養老實踐。而在養老方式上，這種由孝道維繫的養老觀也決定了家庭或子女是主要的、基本的養老場所和主體，但國家或政府在宣導、維護這種養老觀念上，以及為家庭養老創造必要的物質條件和保障方面，則負有絕對的義務和責任。

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“孝治天下”與“法治天下”——新時代的“孝文化”建設初探

于蓮

摘要

“孝治天下”是中國傳統社會的治理模式，從而形成了具有中國特色的“孝文化”，但是這個文化卻在現代化的過程中遇到了質疑和批判。然而，在老齡化和養老問題突出的今天，“孝文化”重新成為社會討論的話題，由此帶來一系列的問題：我們如何回應五四新文化以來學者對所謂儒家“封建壓迫”的批判？我們如何重新構建當今時代的“孝文化”？本文探討和“孝治天下”與“法治天下”之間的衝突與融合，提出二者互動的辯證關係。筆者認為，傳統的孝道必須與社會結構的轉型聯繫起來，從而形成一個符合現代社會的、新型的“孝文化”。

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支援父母捐獻遺體不孝麼？

方 耀

摘要

在當今中國遺體捐獻中，常常會出現這樣的現象，即子女反對或反悔父母生前留下的有關遺體捐獻的遺願，其最大因素是子女擔心背上“不孝”之名。本文通過徵引《論語》和《孝經》的儒家經典文獻，對“孝”的具體意義進行梳理與論證。作者認為，子女支持並完成父母捐獻遺體的遺願符合儒家孝道的核心思想，因為孝道首先意味著子女應該順從父母的意願，即便這個意願會產生爭議。當然，當父母的意願不合於“道”時，子女有諫爭的義務，但遺體捐獻顯然是符合於道的行為。

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儒家生命倫理對基因改造的倫理辯護與批判

劉 濤

摘要

本文在考察西方學者對基因改造倫理爭議的基礎上，發掘儒家生命倫理對基因改造倫理所具有的辯護與批判功能。筆者認為，孔子提出的仁愛思想和孟子提出的不傷害原則，可以為基因治療進行倫理辯護。《周易》、《中庸》、《荀子》等儒家經典提出的天道觀及其對天人關係的闡釋，可以為體細胞基因增強提供倫理辯護。儘管如此，儒家生命倫理卻難以對生殖細胞基因增強進行倫理辯護，基因改造在現實推行過程中會產生一系列複雜的新問題。基因改造的問題需要運用儒家倫理對其進行反思和批判，在此基礎上找出合乎儒家倫理精神訴求的解決之道。

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摘要

東漢時代的張仲景是中醫歷史最重要的醫家之一，被稱之為中國的希波克拉底。其名著《傷寒雜病論》成為中華醫學最重要的經典。在該書的序言中，張仲景系統闡述了其醫學倫理思想和行醫原則。認為醫師行醫的前提是實踐對自我與族群生命的熱愛；行醫的橋樑是用人類理性去發現健康與疾病的規律及控制的手段；行醫的準則是對醫術的認真與創新的態度。就其醫學倫理思想而言，張仲景醫學倫理的基本框架與中國傳統的儒家思想相吻合，反映了醫儒同道的精神。其思想對宋代以後“醫學儒化”的風尚具有一定的影響。作者認為，張仲景醫學倫理學亦對構建當代中國生命倫理學的構建具有啟發意義。

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摘要

對於生命終極的關懷，臨終決策是現代生命倫理學不可忽視的一個重大話題。本文試圖從身體的角度論證當代生命倫理學話語由於失落了身體而陷入一場深刻的危機。具體而言，本文將通過對臨終決策困境的分析展示危機的根源，論證身體經驗及相關倫理關係是生命倫理學不可或缺的基礎。作者認為，只有作為身體倫理，生命倫理學才能充分實現它的學術追問和學科理念。身心二元論只是一個虛構，身體性存在才是人格同一性的真正基礎。因此，建設生命倫理學不只是擁抱某些抽象的自主原則，或是某些精緻的道德主體的體系，更關鍵的問題是要回答“我們希望成為何等樣的人，希望將來生活在怎樣的世界中”。

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The Confucian Concept of Elderly Care and its Contemporary Relevance

Zhang Shunqing

Abstract

China's citizens are growing old at an alarming rate. The increase in the country's elderly population has created profound social and economic complications that can be solved only by appropriate policies and moral decisions on caring for aging people. Who will take care of the elderly? Should elderly people depend on their families or on the government? The author of this paper shows that filial or familial piety—the Confucian ideal of moral responsibility for one's elderly relations—is intrinsic to the traditional Chinese value system, and should continue to shape Chinese society today. The author contends that filial piety is the key ethical principle of Confucianism based on its metaphysical foundation of the Dao. Instead of talking about the rights of elderly people, we should emphasize the moral duty of their adult children.

However, the traditional emphasis on filial piety has been challenged by social changes in the last few decades, especially since China's economic reform. There are fewer and fewer households with "three generations under one roof," due to China's urbanization and one-child policy. More and more people are choosing to invest in institutional care (such as nursing-home care and residential care) as an alternative to traditional familial care. Despite these changes, the author maintains that filial piety, as the core value of the Confucian ethical system, should play an important role in modern Chinese society. Supporting one's elderly relations (both emotionally and financially) offers not only a practical solution to the problem of elderly care in China, but also an ethical way for family members to fulfill their moral duties and maintain family solidarity. Although Western approaches to community care that combine formal and informal sources of support may in some cases help to meet the welfare needs of vulnerable elderly people in China, a complete rejection of traditional filial piety is far from appropriate. The author concludes that commitment to the traditional ethical value of filial piety enables people to live together in peace and harmony.

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Rule by Filial Piety or Rule of Law: An Exploration of Reconstructing the Culture of Filial Piety Today

Yu Lian

Abstract

"Ruling the world with filial piety" was an effective management model in traditional Chinese society, particularly during the Confucian era. However, this commitment to filial piety was powerfully challenged by China's New Culture Movement at the beginning of the twentieth century, and disintegrated almost entirely during the Cultural Revolution approximately 50 years later. However, filial piety has recently re-emerged as a topic of debate due to the problems created by China's aging society. In this paper, the possibility of reconstructing a culture of filial piety is investigated in relation to the rule of law, as discussed by public-policy makers. On the one hand, long-term care policies must be tailored to modern Chinese society, which has been transformed in the last few decades by changes to family structure and the relationship between family and society. On the other hand, policy makers responsible for long-term care policies must acknowledge the traditional value system that has shaped the Chinese way of thinking and moral logic.

In the West, the concept of the rule of law is intrinsically connected with that of human rights. Moving away from the traditional perception of filial piety as a moral duty, it is proposed in this paper that the Confucian ideal of filial piety can be interpreted in terms of human rights. The author combines the Western principle of the rule of law with the Confucian concept of filial piety—that is, legality with morality—to show that filial piety should not be regarded merely as a virtue or a moral sentiment, but as a legally protected and promoted entity. The author argues that adherence to the principle of filial piety, although decreasing in modern China, remains the most important means of regulating the treatment of elderly people by their adult children, and cultivating awareness of the moral responsibility to provide elderly care.

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Is it Unfilial for Children to Fulfill their Parents' Desire for Body Donation?

Fang Yao

Abstract

According to recent statistics, the global organ shortage is particularly serious in China. Some scholars argue that filial piety, a key principle of Confucianism, is the main deterrent to organ donation in China. The same is true of whole-body donation for medical research and education. Most hospitals and medical schools in China refuse to accept bodies even when the donors have provided written consent in their wills, due to pressure from the donors' children.

In this essay, the author uses a recent case in Zhejiang Province to illustrate the difficulties faced by children in carrying out their parents' planned body donation, even when donation is understood as a moral act. The author shows that children are dissuaded primarily by adherence to the Confucian virtue of filial piety, as keeping the body of one's parent intact after death is viewed as a form of filial reverence. Many Confucian scholars today argue that the opportunity to save lives by donating one's organs or body is more valuable than preserving the integrity of the dead body. However, it is not unusual for the relatives of the willing donor, particularly their children, to refuse to carry out the donor's wishes for fear of accusations of violating the precept of filial piety.

The author shows that filial piety is widely considered to epitomize the Confucian value system. According to the Confucian text *The Book of Filial Piety*, for example, filial piety is "a perfect virtue and all-embracing rule of conduct." However, the question here is whether children's fulfillment of their parents' desire to donate their bodies is a more filial gesture than keeping their parents' dead bodies intact. The author argues that honoring one's parents' wish for body donation is consistent with the Confucian emphasis on family reverence and the provision of ancestral rites for deceased parents. Body donation is an act of *ren* (benevolence) and *yi* (rightness), as it benefits medical research and thus society at large. Fulfilling this desire to help others is an appropriate way of remembering and honoring one's parents.

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Abstract

Many people feel that genetic engineering, particularly genetic enhancement, has disrupted the traditional understanding of the distinction between choice and chance and its ethical implications. Scholars in the West have strongly objected to scientists' "playing God" on the grounds that genetic engineering devalues human beings and contravenes intrinsic ethical principles. What is the traditional Confucian view of genetic engineering? The author contends that certain aspects of Confucian thought support the idea of genetic engineering. For instance, Confucian scholars do not define human nature (*renxing*) as fixed, let alone biologically fixed. The Confucian understanding of human nature as processual offers an ethical foundation for arguments in favor of genetic enhancement: specifically, there is no reason to believe that we as humans cannot or should not exceed the limitations imposed by our biological nature.

Among the possible applications of genetic enhancement are the radical extension of the human health-span, the eradication of disease, the elimination of unnecessary suffering, and the augmentation of humans' intellectual, physical, and emotional capacities. The author shows that although classical Confucianism does not directly address these modern scientific and technological issues, relevant arguments can be found within the Confucian tradition. For example, Xunzi's account of humans' "active relationship" (*wei*) with non-human nature suggests that conscious effort is required for human beings to build a moral relationship with the world. The author points out that the emphasis placed on "active participation" by Xunzi and other subsequent Confucians marks a departure from the Daoist commitment to passivity, as explicated by Zhuangzi. For Confucians, *renxing* is expressed through the human *wei*. It can thus be inferred that Confucianism does not reject the notion of genetic choice. However, the author also explains why Confucians may be cautious about or even critical of certain enhancement practices.

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The Medical Ethics of Zhang Zongjing**Yan Jinhai, Peng Yanjie, and Yang Yue****Abstract**

Zhang Zongjing (150-219), known as the Chinese Hippocrates, was one of the most eminent physicians in China during the Han Dynasty. In the *Shanghailun*, a famous treatise on cold pathogenic diseases, Zhang not only described past medicinal discoveries but provided regulations for contemporary medical practice. The *Shanghailun* is thus an important text for scholars of the history of traditional Chinese medicine. The treatise was privately transmitted with no public acknowledgment until the Jin Dynasty (265-420), when it was re-edited and rearranged. The treatise received more attention and became increasingly popular during the Song Dynasty, when a Confucian basis for medical practice was endorsed by the government. Zhang has since been regarded as a sage of Chinese medicine. The *Shanghailun* also became part of the compulsory curriculum at China's Imperial Medical Academy. Zhang has a special status in the history of Chinese medicine due to his efforts to create an orthodox system of medical practice in line with the Confucian (*Ru*) tradition.

In this paper, Zhang Zongjing's major ideas on medical ethics and practice are

explored. The author illustrates the critical role played by Zhang's approach to medicine in the later Confucianization of medicine during the Song Dynasty, which in turn created the ideal of the traditional Confucian physician. The author also compares the ethical views of Zhang Zongjing with those of Sun Simiao (541-682), another key figure in the history of traditional Chinese medicine, who combined Confucian ethics with the moral teachings of Daoism and Buddhism.

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The Role of Discourse on the Body in Bioethics: End-of-Life Decision Making

Wang Jue

Abstract

How is the body articulated in language and discourse during end-of-life decision making? How do individuals and their family members represent and define the relationships between person, body, and self? Recently, studies have been conducted on the decision-making process in the field of end-of-life care. Most researchers focus on patients' determination (*vis-à-vis* physicians' beneficence), which gives rise to a plethora of issues, such as patients' self-identity, self-continuity, relationships, freedom of choice, and rights.

In this paper, end-of-life decision making is considered from the perspective of the relationship between the body and one's personal identity. It is argued that the current bioethical discourse on individual autonomy and patients' rights is inadequate to address the ethical issues relating to end-of-life decision making. Instead of purely theoretically conceptualizing the sovereignty of the patient over his or her body, the author explores the issue in relation to the phenomenology of lived-body experience as described by the American bioethicist Margret P. Battin. The rights available to the patient are not the only significant issue during end-of-life decision-making; aspects of the patient's physicality are also relevant. Discourse on representations of the body and embodied action/autonomy aids our understanding of end-of-life choices. Finally, these body-related issues are linked with the Confucian understanding of what a person is. According to Confucian ethics, personal identity should not be viewed as an abstract "thing"; instead, it is defined by a person's relationships with others, especially family members, in his/her most vulnerable moments.

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