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中國社會脈絡下的 生命倫理考量

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中國社會脈絡下的生命倫理考量
Bioethical Considerations in the Context of Chinese Societies

本期編輯：張 穎
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摘要

知情同意作為一項權利，患者成為闡述其體驗的首要主體。實證調查表明，患者對於其權利認知還存在不足，多數偏好於患者與家庭共用模式；在實踐中，知情與同意在主體層面存在分離現象。對於病情的告知傾向於任選模式，但家庭是不可或缺的告知物件，對於診療、護理等相關資訊，傾向於患者模式；在同意方面，家屬成為獲取同意的主體。經濟因素成為患方“不同意”的首要原因。對於不同維度的調查表明，基於女性相對脆弱性特點，他們對於家庭的依賴性更強，其維權意識更強；在年齡層面，青少年對於權利的認知更理性，具有現代契約精神。在地域層面，縣級以上城市居民對於權利認知度更高；職業往往與教育程度相關，表明農民的個體依賴性更強；政府機關以及事業單位人員個體主體性更強。為此，需要加強患者權利教育，提升主體意識；對醫務人員加強職業道德教育，履行告知義務，強化醫患信任；深化醫療衛生體制改革，為知情同意的踐行提供空間與時間。

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摘要

在當代中國家庭醫療決策過程存在以下幾個特點：第一，病人的自主權並未完全消失，但其實現程度和方式受到了諸多限制；第二，對病人的行為能力和權利限度的判斷上存在家長主義和後果論的特徵，在一定程度上構成了對病人權利的剝奪；第三，病人的最大利益和個人意願仍然是決策依據的重要方面，但對這兩者的解讀體現出了偏重客觀利益和共用價值觀的特點，又受到家庭具體權力結構的影響。在家人做出最終決策的形式背後隱藏著諸多豐富的細節，家庭醫療決策是一個傳統與現代、家庭與個人價值觀共同作用的複雜過程，用任何一個單一的理論模型都很難說清它的本來面貌。

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摘要

居家養老服務政策的推行與實施是近年中國政府對抗社會老齡化過程中的重要對策。北京市政府自2000年後出台了大量居家養老相關政策，設法落實“以居家（養老）為基礎”的目標，然而目前的政策發展仍有不足。本文就北京市目前老齡化社會帶來的挑戰，提供了儒家倫理視角的分析。同時針對目前居家養老政策提出兩點建議，進而從政府政策制定角度為實現孝道價值觀提供幫助。

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摘要

筆者在2016年撰文探討瀕死經驗(Near-death Experience-NDE)的可信性，指出還沒有充分證據支持「醫學科學或心理學的理论能充分和全面解釋NDE的現象」這觀點，我也認為「NDE的存在是不能抹殺的，而且NDE似乎提供了某程度證據顯示，心靈的存在能獨立於身體存在，所以死後生命的可能性是不能輕率否定的。」但我從未說過我能絕對證明NDE的可信性，也肯定「學術的爭辯還會繼續，更多的研究也須進行」。

劉彥方與冼偉林對我作出回應，且基本上採取批判的態度，及偏向懷疑瀕死經驗的可信性。我在此文對他們作出回應，一方面指出他們對我的一些誤解，另一方面繼續探討他們對瀕死經驗的質疑，例如瀕死經驗個案的可靠性、對瀕死經驗的科學解釋以及一些方法論問題等等。我再次重申，我並沒有宣稱我能絕對證明NDE的可信性，但認為「相信最少有一些NDE是可靠的」，是一個合理的信念(reasonable belief)，而劉彥方與冼偉林的批判，並未能推翻這點。

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Informed Consent—Case Studies from a First-Person Narrative Perspective

Chen Hua and Ma Yonghui

Abstract

An informed consent document is vital for all surgical procedures and medical treatments. Proper documentation and counseling of patients is important for informed consent. Opinion polls conducted in this essay show that the majority of people in China today have accepted informed consent as a legally binding medical policy, yet they do not fully understand the ethical and legal connotations involved, particularly the idea of the patient's autonomy. As a result, the patient's own experience as a first-person narrative is often ignored and his/her subjectivity is blurred when his/her family's subjectivity intervenes. According to the essay, the problem appears when liberalism—which emphasizes individual autonomy and rights—does not square with the Confucian tradition that emphasizes family as a coherent unit. The essay also points out that there is a huge difference in patients' perceptions of "individual rights," due to their different levels of education. The author argues that informed consent could be better practiced if both doctors and patients were "well informed" and understood the moral and legal implications of informed consent.

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The Ethical Implication of Informed Consent—A Case Study of "Family Decisions" in Contemporary China

Cheng Guobin

Abstract

This essay points out that informed consent in China today is often replaced by the "family decision" model, which is designed to embody Confucian family ethics and maximize the benefit of family involvement in medical decision making. The author, a physician, uses a specific case he encountered when treating an elderly woman with late-stage colon cancer. Because the patient did not know the whole truth of her condition, most of the medical decisions regarding her treatment were made by her children. Ideally speaking, a "family decision" means that both the patient and his/her close family members will be involved in the decision-making process. Yet, the author's experiences show that in most cases, decision-making responsibilities shift from the patient to the family, especially when the patient is an elderly parent. Theoretically speaking, the Confucian ethics of humanness (*ren*) and filial piety (*xiao*) support family as the most appropriate authority for medical decisions. However, in reality, the author finds that this could be problematic when family members hide medical information from the patient—sometimes with cooperation from the physician. The essay recommends that more respect and autonomy should be given to the patient if the "family decision" policy is truly implemented.

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Home-Care Service for the Elderly: Ethics, Policies, and Recommendations

Xie Wenye

Abstract

One of the current challenges in healthcare services is elder care, as China has been an aging society since 2000. Should the government implement policies to promote home-care services when many Chinese are unable to afford long-term institutional care, even if such institutional care is available? This essay conducts a survey of the situation in Beijing and examines the local government's elderly service policies. The paper also offers a Confucian ethical approach to the issue and makes policy recommendations for home-care services. The author contends that although modern families tend to be smaller and urban lifestyles are different from those of the past, we still need Confucian ethics, which place great emphasis on the virtue of filial piety (*xiao*) for children, who are expected to respect and take care of their elders. According to the Confucian tradition, it is better for elderly people to live at home with assistance from their adult children, and to lead their elderly lives among their children and grandchildren. Therefore, an institution of elderly people is not considered a normal—much less an ideal—living environment. The essay's author acknowledges the changes in modern society and family lifestyle in contemporary China, but recommends that policymakers consider Confucian ethics in their formulation of government policies concerning long-term elder care in a big city like Beijing. The essay shows that current government policy is heading in the right direction but needs to be improved.

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A Further Discussion on the Credibility of Near-death Experiences—A Response to Comments and Criticism

Kwan Kai Man

Abstract

The author argued for the credibility of at least some near-death experiences (NDEs) in a previous paper (Kwan 2016), pointing out the lack of sufficient evidence to support the claim that physiological or psychological theories had already fully explained the entire NDE phenomenon. The author proposes that we should not dismiss the existence of NDEs, and states that they seem to offer some support for the ability of the soul to exist independently of the body. Thus, we should not dismiss the possibility of life after death. However, the author has never claimed that he can absolutely demonstrate the veridicality of NDE, and he has explicitly stated that the academic debate will continue and more research should be conducted.

In their previous writings, Dr. Joe Lau and Dr. William Sin doubted the credibility of NDEs. In this paper, the author responds to their criticisms, clarifying some of their misunderstandings and further exploring their doubts about NDE, such as the reliability of NDE reports, the scientific explanations of NDE, and some methodological issues.

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