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換頭術、嗎啡治療、病人自主權
Head Transplant, Morphine Treatment and Patient Autonomy

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大腦移植對於道德責任歸屬的挑戰：人格同一性判準的反思

周琬琳

摘要

當今社會，作為治療方式的器官移植手術(organ transplantation)已經相當普遍。然而，如果大腦作為器官的一種，並且在技術上成為可能，那麼我們如何透過大腦的提供者和接收者的關係去界定人格同一性的問題？我們又如何傳統的同一性的概念上去解釋道德責任的歸屬呢？本文主要探討大腦移植手術對於人格同一性判準的挑戰與可能的回應。筆者認為，西方傳統以來在探討關於人格同一性的概念時，多從生物層次的個體以及心理層次的自我來思考問題，並沒有跳脫個人的視角。文章試圖從儒家思想對人格同一性問題，探討跳脫西方既有的將人化約的思維脈絡來重新思考人格同一性判準。

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“頭”與“身”：可易乎？——中國古代故事中的頭身關係探討

李 琰、謝衛東

摘要

2017年開展的換頭術引發社會各界關注和談論。本文嘗試對中國古代文獻資料中提及的有關頭身分離後重聯的故事進行整理研究，以探討中國文化中的頭身關係及其與現代換頭術之間的關聯和倫理衝突。筆者使用資料庫檢索獲取文獻，經過人工篩選納入符合本研究的故事。精讀後分組，歸納各組案例的特色並與換頭術進行比較研究。通過四組故事分析後，可見其綜合體現了中國傳統信仰中的魂魄觀、傳統哲學中的形神觀、傳統中國醫學中“心主神明”的觀念以及中國中古外科手術的狀況。而當代換頭術即使獲得技術的成功也更加需要回應文化、倫理的拷問。

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摘要

近幾年，“換頭術”或頭顱移植的倫理問題被炒得沸沸揚揚。據意大利神經外科專家賽吉爾·卡納維羅宣佈，2018年頭顱移植將在活人身上實施。曾經的“天堂計劃”眼看成為現實。但是這項新的生命支持技術到底該不該存在、它的存在是不是符合倫理道德倫理，還有待進一步探討。本文試圖從大乘佛教的思想，根據佛教對認識、死亡、因果律等問題的看法，討論佛教對“換頭術”以及科技醫療等議題的看法。作者認為，像“換頭術”這樣的現代科技與佛教的基本倫理思想存在著不可融合的矛盾。譬如，淨土宗對人死與腦死的區分導致教徒認為“換頭術”或器官移植術，包括腦移植術會使死者因強烈的痛苦生嗔惱，因而障礙死者的往生過程。

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摘要

本文首先探討了儒家的“誠”與作為人之本性的“仁”之間的關係，指出“誠”是“仁”的前提與基礎。筆者認為“誠”賦予“仁”三個基本特徵：“真摯性”、“無外在目的性”和“客觀性”。這三個特徵都與儒家家庭和成員間的“親親之愛”緊密聯繫。其後，本文提出儒家排斥“鄉願”式的器官捐獻。同時，文章指出，由於“誠”的要求，儒家認為對家庭成員的“親親之愛”應該是對非家庭成員的仁愛的前提、基礎和不可或缺的必要條件。因而，個人捐獻原則是與“誠”的價值觀存在一定的矛盾，而家庭捐獻原則才是符合儒家倫理的。最後，本文對人體器官的家庭捐獻原則進行了制度設計。

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中國第一起嗎啡勝訴案的背後——臨終關懷病人使用嗎啡的儒家倫理問題

孫思涵

摘要

緩解癌痛是終末期癌症患者安寧療護的重要目標之一。世界衛生組織提出，嗎啡等鴉片類藥物被列為癌症止痛和安寧療護的首選或必備藥物。而談起嗎啡時，人們常常聯想到毒品。尤其在中國這樣一個深受兩次鴉片戰爭影響的國家，人們畏懼嗎啡，並更加謹慎地使用嗎啡。在臨床上，嗎啡的確能夠有效地緩解患者臨終前因癌症引起的疼痛，但不合理地使用也會引起患者的呼吸抑制，導致其死亡。那麼，臨床上到底應該如何正確地使用嗎啡？嗎啡的使用有哪些制度上的支援？嗎啡被當作主動安樂死的一種手段又是否能夠得到儒家倫理學上的辯護？筆者認為，無論在臨床中，還是在制定嗎啡的相關法律法規中，都應將嗎啡的兩種作用：合理劑量的鎮痛作用和加大劑量的主動安樂死作用嚴格的區分開來。用嗎啡安樂死的行為違背了儒家的孝道、弘毅美德以及儒家生命觀和仁愛的思想。本文將通過探究嗎啡的歷史、臨床使用、政策和儒家倫理四個方面，對嗎啡的使用進行具體的研究和分析。

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中國“病人自主權”的歷史演變——20世紀80年代之前

程國斌

摘要

本文簡要梳理了從帝制時代到上世紀80年代之前中國病人自主狀況和相關社會理念的演變過程，並對其出現的特定歷史條件進行了初步分析。中國傳統的病人自主權是整合在社會禮法秩序中的病人家長制。雖然從中國近代到新中國成立初期，病人自主狀況和自主權的概念都發生了一定的變化，但因為它們幾乎都屈從於這兩個階段的社會政治運動，所以無法實現基礎倫理結構和價值觀的轉變。目前中國從西方引入的現代個人主義式的病人自主權概念，不僅與傳統的理解存在巨大差異，也與當前的醫學生活與社會制度不完全匹配。在中國解決病人權利保護的難題，不是任何一種單一化的理念引進、制度改造或者政治運動就可以實現的，我們必須把自己的思考投入到那個歷史與當下、理論與現實、中國與西方糾纏在一起的真實的世界，才有可能發現問題的癥結並找到正確的方向。

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Challenges by Brain Transplantation: Criteria for Personal Identity

Chou Wanling

Abstract

Organ transplantation is now accepted as a common medical treatment. However, the potential for the transplantation of the brain, like any other organ, to become technically feasible gives rise to a series of ethical issues. This essay focuses on the challenges to the criteria for personal identity created by medical technology. Does transplantation preserve the integrity of personal identity? If not, how can we define moral accountability? The essay attempts to show that the traditional definition of personal identity in the West is both biologically and psychologically reductive, as it fails to deal with the issue of the preservation of personal identity in the case of brain transplants. The author argues for an alternative way (via the Confucian understanding of the person and relationality, for example) of responding to the new ethical challenges associated with brain transplantation.

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Head-to-Body Transplant? Stories from Ancient China

Li Yan and Xie Weidong

Abstract

A head transplant is an experimental surgical operation involving the grafting of one organism's head onto the body of another. Since 2017, with the announcement of the Heaven project, the possibility of head transplantation has raised public concern and caused heated ethical debate in China. This essay approaches the discussion from the perspective of the relationship between the head and the body in ancient Chinese literature. The study highlights the traditional Chinese belief in the unity of corporeality and spirituality, with the human mind viewed as the foundational element of personal identity. The essay also interprets stories involving head removal and head transplantation from the perspective of medical ethics today.

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The Suffering Consciousness: Head Transplantation from the Perspective of Mahayana Buddhism

Liang Chen and Deng Rui

Abstract

In recent years, “head replacement” or head transplantation has become a controversial issue in medical ethics. The Italian neurosurgeon Sergio Canavero announced that a head transplantation would be carried out in 2018, intensifying debate on medico-technological methods. This essay addresses the issue from the perspective of Mahayana Buddhism, using Buddhist ideas such as consciousness, brain death, karma, and compassion to discuss the incompatibility of modern technology with Buddhist ethics and beliefs. For instance, many Buddhists, Pure Land believers in particular, hold the view that the consciousness does not immediately leave a body pronounced dead. The removal of the head or a connected organ (such as the brain) from a “dead” person might thus be perceived as problematic in interrupting the final journey of rebirth.

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Family Priority and Consent in Organ Donation: An Argument Based on the Confucian Idea of Sincerity

Cai Yu

Abstract

Organ donation is the gift of an organ to help someone who needs a transplant to survive. Yet with limited organs available, the following question arises. Who should be given priority in terms of donation procedures—the individual who has personally committed to offer his/her organs to anyone in need, or the legal next of kin, i.e., family members? This essay approaches this question with reference to the Confucian ethics of sincerity (*cheng*), which is viewed as a precondition for the ethics of humanness (*ren*), arguing that family members should be given priority in decisions on organ donation. The author recommends that a policy of family consent for organ donation be implemented, as such a policy would reflect the significant role that family should play in making decisions on critical issues such as organ donation. The essay concludes that rather than emphasizing the right of individuals to decide what will happen after they die, a policy of family involvement would encourage more people to become donors and avoid conflict in cases of disagreement between donors and family members.

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Behind the First Legal Case of Morphine in China—A Confucian Ethic: Reflections on the Use of Morphine to Treat Terminal Patients

Sun Sihan

Abstract

Pain control is one of the most important goals of end-of-life care for cancer patients in the terminal phase. The World Health Organization recommends that morphine be considered optimal and even indispensable as a means of relieving pain and providing palliative care. However, people often associate this opioid with illicit drugs, particularly in the context of Chinese culture, due to its close association with the two Anglo–Chinese Opium Wars of the mid-19th century. In clinical settings, morphine is usually the preferred treatment for moderate or severe cancer-related pain. However, excessive morphine use may result in respiratory depression and death. Exploring morphine’s history and clinical usage, relevant policies, and Confucian ethics, this essay shows that a clear distinction must be made between relieving pain and performing active euthanasia in cases of morphine use in current Chinese palliative care and bioethics. The essay offers an approach based on Confucian ethics to analyze how euthanasia via morphine use violates the principles of filial piety (*xiao*) and humaneness (*ren*), two virtues emphasized in Confucian tradition.

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Patient Autonomy in China before 1980s: A Historical Perspective

Cheng Guobin

Abstract

This essay offers a historical outline of the evolution of patient autonomy and related social and medical concepts in China from the imperial era to the 1980s. The author contends that the idea of patient autonomy was totally absent from traditional Chinese culture, as every area of society, from family to medicine, was structured according to a distinctively paternalistic model and regulated by ritual guidelines (*lifa*). Although the Western medical practices that arrived in China in the 1840s somewhat altered the Chinese approach to medicine, and the physician-patient relationship was viewed in a more egalitarian manner after the establishment of “new China” in 1949, the effects of these changes were minimal due to the political ideology of the time. The author argues that taking a historical perspective on the issues of patient autonomy and the rights of patients in China will aid understanding of the current challenges facing medicine in China and suggest ways of resolving ethical dilemmas and ambiguities at both a theoretical and a practical level.

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