

## 翻譯與習作期末心得

英文三 王鈺婷

這學期中，我同時選修了翻譯與習作和口譯兩門課。兩門課的性質其實很像，在口譯課要進到口譯之前，我們也從筆譯入門。我發現，兩門課有互補的功能。翻譯與習作這門課提供學生較多的實作機會，而口譯課則提供翻譯的方法與原則。

在翻譯與習作這堂課裡，我深深的體會到翻譯不僅僅是兩種語言的轉換，而是一種語言操弄，使譯文中有意無意的透露譯者的理念。這樣的事實，破壞了我原本對翻譯美好的想像—幫兩種語言間忠實的搭起友誼的橋樑，這確實使當時的我對翻譯感到厭惡，甚至想把翻譯這個行業排除在未來工作選擇的項目之外。然而，文字操弄雖是事實，最重要的還是譯者自身，譯者可以決定是否要讓原文蒙上個人意識的色彩，這個認知，使我對翻譯的厭惡感漸漸減低。

本學期的課程分為中翻英、英翻中和實習部分。其實，一開始的英翻中讓我還蠻困擾的。我這部分的癥結主要在於，我很容易就把自己卡在英文裡，然後腦子一片空白，就算是很簡單的英文字都突然沒有辦法轉換。遇到這樣的情形，當然就得馬上上網找資料或查字典，但是，卻往往不能找到讓自己滿意的字詞，這時，真的很希望自己手中有一本好的同義詞辭典。而另一個英翻中的問題，就是當遇到一些不熟悉的片語或是特殊用法像是諺語，在查字、句義的過程中遇到蠻多困難的。最後，當然就是英文理解的問題，有時候，自己信心滿滿認為自己讀懂沒問題的句子到頭來卻錯的離譜。不過就我個人來說，我真的覺得我中文的程度還需加強。

而不知為何，中翻英的部分跟之前英翻中比起來順手多了。我很享受翻譯時選字的過程，若是能找到自己心目中想要的字真的很開心。而我中翻英的缺點是，我的英文有時會流於流水帳，成為語意不高也不專業的文章。當然，我的英文字彙還是不夠豐富，這也是我必須改善的地方。

至於實習部分，我認為這是我檢視自己學習成果的一種方式，我還記得我的第一篇實習翻的真的不是很好，雖然那可能也跟文章難度有關，但是之後的實習卻是越寫越順，也許這是經驗累積的結果。

在這學期的課程中，讓我印象最深刻的除了有趣的小組翻譯作業，還有改同學的翻譯作品。看著一篇篇同學的作品，我會驚艷於他們字句的運用及翻法，每篇文章都有可取的優點。在修改的過程中，我很喜歡跟著動腦筋，希望自己能夠想出更好的寫法，若真的不行，就只好等「答案」，但不管如何，這些都是我課堂上的收穫。

雖然，上完這學期的課，我還是不太喜歡翻譯中文字操弄的部分，我卻了解到，翻譯這門學問看似簡單其實卻是博大精深，沒有竅門，再多的練習還是有其限度。若我以後真的有翻譯的機會，我會期許自己成為忠實且負責任的譯者；若沒有，我也會期許自己成為一名翻譯的監督者，時時保持自己對文字的敏感度。總而言之，這堂課對我來說是一個新的嘗試和挑戰，不管是有關課內或課外的教導，我都收穫良多，對自己的了解也更多一層。

張華容

這個學期上翻譯課，是我第一次認真地翻譯。而在這個過程中，最令我印象深刻的是遇到需要翻譯有詩意的詞句時那種窘迫的感覺。文章裡的詩意往往是想傳達感覺，可是感覺真的可以被翻譯嗎？其實問這個問題就像在問一個非洲人是不是會在面對一個愛斯基摩人時對彼此有一樣的感覺，這是個因人而異而且不可證實的問題。有個老師說：「解釋一首詩，就像寫一首詩一樣。」翻譯一首詩，也像寫一首詩一樣。記得我看過一篇報導村上春樹的訪談，村上自己說他讀自己英文版小說時，感覺像是讀了一個全新的故事一樣。所以賴明珠的翻譯寫的是另一個故事，她自己可能也對這件事感到有些竊喜吧？

另外，翻譯對我而言的第二個困難，就是它需要強烈的意志力，還有一種謹慎近於吹毛求疵的性格。不只是在面對長篇文稿時需要長時間的專注，強烈的意志力還需要表現在一次又一次的校稿中。當然，意志力也可以表現在眼睛的耐力上。

以上就是我在這學期發現翻譯的困難。那至於學期一開始我對這堂課的期待現在有沒有達到呢？本來我對這堂課的期待，是希望可以幫助我腦中漸漸遠離英文和中文，它們自從相遇的那天，就沒有好好相處過。往往一方想要完全取代另一方的位置。是的，我常常會希望沒有文化的隔閡，沒有語言的問題，我幻想有一天可以像外星人一般用腦波來與人溝通，人人都能站在彼此的角度上完全地了解對方。沒有歧視，沒有比較，沒有痛苦。但，這個夢想可能在我有生之年都無法達成，更何況是一個學期呢？當然，也可以說這個夢想的缺陷就是它剝奪了生存的快樂，但站在一個沒有選擇的位置，我難以得知可以選擇的感覺。

於是在這短短幾行我就成了令人厭惡的相對標準主義者。

那麼，回過頭來，看看我讀過的翻譯本與原文吧！記得小時候我讀過一本青少年小說，叫「洋蔥頭歷險記」，大概是十歲的時候吧，我記得我曾對於故事裡正直的角色坐牢，還有主角帶領大家推翻貪婪肥胖的統治者這樣的橋段感到疑惑，到底為什麼要在童書裡寫這種內容呢，那時的我困惑於無法將情感投射在這樣的情結上。現在想想，那個故事應該是關於作者當年的政治情況。有機會我應該要把原文拿出來看看，說不定會有像動物農莊的感覺。

另一個讓我訝異的翻譯作品，是同學課本上 Derrida 的文章。從法文翻譯成英文的解構主義，真的非常難以令人了解。那篇文章中使用了很多比喻，並不斷地改變比喻的方式，讀完了有種似懂非懂的感覺。

雖然經過了這堂課，我對翻譯的興趣並沒有增加很多，對翻譯的經驗和知識卻增加了不少。若是未來有機會從事這方面的工作，也不排斥。更重要的是，未來在面對翻譯的文字時，一定會更警覺其中的妙處與陷阱。

林尚儀

以前的我並不會天真到單純以為翻譯就僅只是兩種語言的轉換，但也沒有深刻體認到要把翻譯做好是非常不簡單的一件事：原來翻譯就如同寫報告，有一百種甚至是更多方法去完成它，今天最完美的翻法，一個星期後就被吃飯時神來一筆的靈光乍現給推翻了，然後下場就是腦中不斷扼腕當初怎麼沒想到這麼多可能性。所以翻譯的成品就不斷的被一改再改，每天都有最終版的產生，也可以說幾乎沒有最終版-- 如果不考慮交出去的作品的話。

因此，翻譯之於我，就是了解到「勤能補拙」的道理，比起諸如「三秒致富」、「一個星期狂瘦五公斤」的廣告台詞，這句話樸實無華到了極點，雖然一點也不吸引人，但它卻是最務實有用的古老建議。翻譯需要很多竅門沒錯，但一些基礎的翻譯技巧與語言能力卻是靠著持續練習的不二法門所訓練出來。

不過練習的可不僅僅是英文能力。在接觸翻譯以前，我很少有使用中文字典的機會；也不曾想到中文同義詞的存在，因為我不知道原來自己的中文表達能力很差，那種英翻中時，沒辦法百分之百非常精確的以中文表達出原文意義的感覺簡直讓我懷疑自己是不是外星人，「其實我的母語也不是中文吧?!」有時後忍不住會這樣想。所以如果以後有人說出「在翻譯界 ABC 比較吃香」這種話，我會狠狠戳破這個大迷思，因為中文能力是等同英文能力一樣重要的。

不過這也點出了一個大危機，如果我們英文都沒有 abc 好，中文還跟他們差不多的話，就連唯一的競爭優勢也輸掉了。我們不缺乏 msn 上，那種「片段、破碎」聊天方式的表達能力，但卻沒有書寫時，駕馭文字與表達思想的深厚底子。所以，還是趁現在多搖搖筆桿寫些東西、多抱幾本小說好好讀，認真的訓練自己的中文能力，這是我的另一個心得。

國中的時候，曾經看了幾本村上村樹的小說，先是看「挪威的森林」和「聽風的歌」，當看到第三本「螢火蟲」時，忽然覺得有股說不出的感覺，好像有哪裡不太一樣了，後來才發現原來是譯者從「賴明珠」變成「李友中」，不過當時並沒有再去深究其他。這學期恰巧有機會去訪問一位電影字幕翻譯者，當她告訴我，「翻譯其實是種創作，不同的翻譯風格呈現的是不同味道的作品，翻譯似乎已經成為另一種創作過程」時，我才想起國中的經驗，因而瞭解到譯者的影響力其實比想像中還要無遠弗界-- 譯者操弄讀者觀看作品的角度；透過譯者，有時看到的並非不忠於原味，但成為某種詮釋過的版本是無可避免的。

這種情況通常讀者都不自知，有時這點看似掌有權力秘密還讓人蠻竊喜的，不過卻也提醒了我們翻譯的影響力和翻譯過程時謹慎態度的必要，否則翻譯者不是成了大功臣，就是被罵到臭頭的罪人。

反 WTO 志工翻譯作品

## 【第一篇】公民記者重塑下的媒體

林尚儀 譯

## Citizen-journalists reshape the media STUART BIGGS

公民記者重塑下的媒體 史都華·畢格斯

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In South Korea, citizen journalists played a key role in the election of President Roh Moo-hyun. In London, they provided the only glimpses of the horrors of the dark, smoke-filled tunnels after the bomb attacks last year. And in Hong Kong, they produced inside accounts of the protests against the WTO conference in December.

在南韓，公民記者<sup>1</sup>(citizen journalist)在總統大選中扮演了非常重要的關鍵角色<sup>2</sup>；在倫敦，去年的地鐵炸彈攻擊事件發生後，他們立即提供隧道內可怕的現場即時影像給大家；在香港，針對12月所舉行的WTO會議所醞釀出的反WTO抗議示威活動，公民記者也做了深入的紀實報導。

Their impact may vary but citizen journalists the world over are transforming the traditional media audience of readers, listeners and viewers into an army of reporters, editors and broadcasters. They are forcing newspapers, TV and radio to accommodate wider participation in the previously closed process of news gathering.

雖然公民記者在各地所造成的效果可能有所不同，但他們正將傳統傳播媒介裡的讀者、聽眾與觀眾轉化為另一股記者、編輯與播報的生力軍。他們轉變以往封閉的新聞資訊取得管道，迫使報紙、新聞與廣播電台可能必須接受這種新型態的大眾參與新聞模式。

The problem lies in deciding which of the emerging models to adopt.

而問題就在於要決定使用哪種新的模式。

South Korea's OhmyNews is often cited as the most successful pioneer of citizen journalism. The brainchild of journalist Oh Yeon-ho was founded five years ago as an end to 20th century journalism, and since then has been credited with securing the election of President Roh and turning South Korea's media landscape on its head.

南韓的 OhmyNews 通常被視為公民新聞網(citizen journalism, 或譯, 國民新聞學)裡最成功的先驅典範, 它象徵了二十世紀傳統新聞產業的結束。自從五年前由新聞記者吳連鎬(Oh Yeon-ho)發想創立後, 它被譽為挽救盧武鉉總統大選頹勢以及徹底轉變南韓媒體生態的大功臣。

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<sup>1</sup> 指一種參與式的新聞, 每個人都可以自己去搜集、分析並報導新聞與散播資訊, 意即每個人都可以是記者

<sup>2</sup> 2002年韓國總統大選前夕, 獨立參選人盧武鉉選情一度告急, OhmyNews 在網頁上發揮動員力量, 化解選情危機

There are some Korea-specific reasons why OhmyNews has taken off, such as a widespread rejection of Korea's ultraconservative traditional media, OhmyNews international director Jean Min told the South China Morning Post.

OhmyNews 的國際董事 Jean Min 向本報說明他們能迅速成功的某些原因其實與韓國的現實情況有關，例如南韓傳統媒體的極端保守即為人所詬病。

But there is also a universal desire among web users to turn the internet into more of a two-way conversation. This was not fully realised from the beginning [of the internet] but is much more accepted now.

存在於網民心中的共同希望是能將網路變成不僅止於雙向溝通的工具，從網路的出現至今，這個願望尚未被完全實現，但目前已較能為人所接納。

OhmyNews publishes reports from more than 41,000 citizen reporters alongside the work of its 60 professional reporters and editors. Profitable since November 2003, the site attracts 700,000 repeat visitors in a day and recently secured US\$11 million in funding from Japan's Softbank to expand OhmyTV in South Korea, and launch sites modelled on OhmyNews abroad, beginning with Japan.

OhmyNews 的報導來自於超過 41000 名的公民記者與其本身 60 位專業記者和編輯團隊的成果。自從 2003 年十一月出現盈餘開始，OhmyNews 的網站一天湧入七十萬次的參觀人數，最近更爭取到日本軟體銀行美金一千一百萬的投資，用來擴展南韓的 OhmyTV，並從日本開始，在國外建立以 OhmyNews 為藍本的新聞網站。

I think of the site as a combination of professionalism and amateurism, Mr Min said, adding that the site was popular because it applied professional editing to amateur content.

Mr Min 認為 OhmyNews 的網站是專業與業餘的結合，並分析它會如此受歡迎的原因在於它把專業的編輯技巧運用到業餘的文章上。

But OhmyNews' decision to maintain editorial control over the reports cuts to the heart of the debate on how citizen reporting should be treated. Proponents of editorial control say retaining trained reporters and editors enhances the respect among readers and viewers for the content, and safeguards journalistic values.

但是，維持修改文章權力的這項決定卻也直指出了問題的核心在於公民記者寫的報導該如何被對待，支持編輯權的人認為保有受過專業訓練的記者與編輯將替文章增添權威性，使文章的內容更受讀者尊敬，並且可為新聞價值把關。

Others, however, see citizen reporting as an extension of the blogging phenomenon, which thrives on the ability of anyone, anywhere to write their opinions and reach a wide audience over the internet.

然而，其他人卻視公民報導為部落格現象的一種延伸，一個在網路上，認何人不論在什麼地方，只要有能力寫下自己的意見並吸引許多觀眾就能成功的地方。

Blogging is more of an individual process, where you might write about personal issues in your daily life or comment on an issue that is important to you, said Lam Oi-wan, editor of citizen media site InMediaHK. Bloggers don't normally go out and report something, whereas citizen reporting is all about listening to others, meeting people face to face and writing about what they have to say.

香港獨立媒體(InMediaHK)的編輯林藹雲說：「部落格偏向是種個人的天地，在這裡你可以書寫日常生活中的私人事件，或評論任何對你來說很重要的議題。部落客們通常不會走出戶外去報導外界，然而公民記者們所呈現的報導卻是在傾聽他人、與他人面對面對談後所寫下的東西。」

InMediaHK.net was founded in November 2004 on concerns about freedom of expression following the resignation of Commercial Radio host Albert Cheng King-hon and about the direction of democracy in Hong Kong after successive July 1 protests. The site has 2,000 registered users, more than 300 regular columnists and about 12 citizen reporters.

稍早香港商業電台(Commercial Radio)主持人鄭經翰(Albert Cheng King-hon)的請辭，以及連續數年來的七一大遊行都反映出了人們對言論自由和香港未來民主走向的憂心，這些憂慮也因而在 2004 年 11 月催生了香港獨立媒體(InMediaHK)的誕生。此網站目前有兩千位註冊會員，超過三百位的定期專欄作家與大約十二位的公民記者。

Ms Lam said the site differed in its attitude towards editorial control, not simply because OhmyNews was commercial but also due to the checks and balances that exist in InMediaHK's community of users.

林小姐表示，香港獨立媒體與韓國 OhmyNews 在編輯態度上的不同，不僅在於 OhmyNews 為商業導向，更因為香港獨立媒體存在著使用者社群間的監督制衡機制。

Ethics have developed out of the interaction among users, she said. If there is misinformation or a personal attack posted on the site, other users will point it out and push their colleagues not to destroy the platform by including that kind of content.

她認為，網路使用者之間的互動已經發展出一套網路道德，如果網站上出現不正確的資訊或是偏向個人攻擊的不當言論時，其他的使用者會指出這種錯誤，並規勸這些網路同好者不要藉由這種舉動來破壞網路平台。

The no-control model also extends to the way InMediaHK's citizen reporters are encouraged to write their stories, resulting in a reporting style that differs from the usual content of mainstream newspapers. This was apparent in the reporting on the WTO conference in Hong Kong, when 10 citizen reporters were encouraged to join various groups, including the Taiwanese and South Korean protestors, to get inside accounts of the events as they unfolded.

由於香港獨立媒體也採用類似這種無為而治、非由專業編輯掌控的模式，因而鼓勵了公民記者們寫出不同於主流報導風格的新聞故事，這個成果在有關香港 WTO 會議的報導上非常明顯；在採訪的同時，十位公民記者們也加入包括台灣或南韓等不同的抗議團體，以便做更詳細的深入紀實。

延伸閱讀

[http://www.inmediahk.net/public/article?item\\_id=100000&group\\_id=31](http://www.inmediahk.net/public/article?item_id=100000&group_id=31) 林藹雲女士對訪問裡所提到的 citizen journalism 與 blogging 的差異做更進一步的解釋

<http://www.inmediahk.net/public/index> 香港獨立媒體

<http://english.ohmynews.com/> OhmyNews 的國際英語版網頁

## 【第二篇】巫醫、軟體與脾臟：法律與資訊社會的建構

張華容、王鈺婷 譯

PS. 以下的文章由丘延亮老師的助理改過。

### Shamans, Software, and Spleens: Law and the Construction of the Information Society

#### 巫醫、軟體與脾臟：法律與資訊社會的建構

A Report

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概要

For twenty years the industrial economy has endured a lingering demise, with its ashes bringing forth a new and vastly different phoenix--that of the information age. The information economy, aka the "information society," aka the "information evolution," inspires in the common person--the literary Everyman--a series of mixed images. Generally the Internet, computers, and the human genome spring to mind, but, despite these mixed perceptions of the information age, the knowledgeable public defines the information revolution as primarily a technical one.

工業經濟在這二十年間逐漸的凋零，從工業經濟廢墟中浴火重生了新經濟 – 我們稱之為知識經濟。『知識經濟』在不同的領域中又被稱為『資訊時代』、『資訊社會』和『資訊革命』。

普羅大眾在這些名詞的轟炸中，產生了各種對資訊時代的不同想像，『網際網

路』、『電腦技術』、『人類基因工程』...等等。姑且撇開這些對知識經濟的直觀理解，對知識經濟瞭解程度較深入的人們來說，『知識經濟』或『知識革命』，主要指涉的還是技術上的變革。

Unfortunately, the faulty sci-fi suggestion that "only the gadgets change" (ix), and the encompassing society and social relationships remain the same, has pervaded the general idea of the evolving information and technology age. In reality, says Boyle, a "significant but unexamined process of rhetorical and *interpretive* construction is going on" (ix). *Shamans, Software, and Spleens* intends to provide a theory of the information society which will enable the reader to navigate the information world just as he would traverse the Internet.

不幸地，許多人受到了科幻小說『生活中充滿了各種新穎的高科技產品，不過人際關係和社會結構依然和現在相同』這種的謬誤情節的影響；事實上，根據波以耳在書中所述：『隨著技術的進步，其背後所帶來的重大社會結構和關係的轉變，已經悄悄的融入了我們的生活』。巫醫、軟體與壞脾氣書中試圖提供一個有理論根據的行動指南，讓所有閱讀本書的讀者們在接觸這些關於『資訊時代』的資料時，就像瀏覽網際網路一般自然，且有意識的瞭解其本質。

"Consciously and unconsciously," Boyle notes, "we are already developing the language of entitlement for a world in which information--genetic, electronic, proprietary--is one of the main sources and forms of wealth" (x). Boyle's focus, throughout his study, is upon the social conception of information and upon the results of that conception. He concludes that the idea of the "romantic author" rests at the heart of the property rights struggle, and that our society confers property rights in information "on those who come closest to the image of the romantic author, those whose contributions to information production are most easily seen as original and transformative" (x). Surprisingly, Boyle argues that this is a *bad* thing, for reasons of both efficiency and justice. And yet, he acknowledges, the concept of such an author prevails, in his eyes because information presents special problems. The "public good" quality of information supplies one such problem. A piece of information--such as a software program--requires much time, effort and money to create, but once developed, it is very cheap and easy to copy and distribute. Thus, the "rights" to that piece of information must be protected in order for the development of future such products to remain viable and profitable. However, "actual 'authors'--writers, inventors, genetic and software engineers--often lose out under the kind of regime" that presently operates. Not only do they frequently not own their work--as it often legally belongs to their employers--but large companies can and do make it difficult for future *independent* creators to create.

『在有意或無意中』--波以耳說—『我們早已為“基因工程”、“電子技術”、“數位專利權”等建構了一套說法，並將之視為謀取財富的一種形式和方法。』波以耳在他的研究中將重點放在資訊社會的起源、以及資訊社會所帶來的種種影響。他指出知識產權歸屬鬥爭緣起於“浪漫主義創作者”(一葦注：這是波以爾提出的新名詞，讀者需對浪漫主義有初步的了解，才容易領會這個新名詞的指涉，這裡用浪漫主義創作者只是暫譯)這個概念，而我們目前的社會對於知識產權的歸屬傾向歸於最貼近“浪漫主義創作者”意象的創作者。在這裡，『浪漫主義創作者』意謂著那些生產資訊產品，產品的本質看起來像是原創或是突破性進步的人。



令人驚訝的是，波以耳主張這是件不利的事，因為它不符合效率及公義的原則。他說，『浪漫主義創作者』的概念沒錯，但是資訊時代產品的特殊性，會相對衍生出一些特殊問題。資訊時代中對“公共財”的認定是其中一個問題。而以下這個例子則反應了『知識產權』的另外一個特殊問題，並試著讓大家了解為何『浪漫主義創作者』概念不符合效率及公義的原則(一葦注：因為真實世界不是這樣運作，通常創作者還是會被財團控制)任何資訊時代的資訊產物，例如說一個軟體，需要耗費許多時間、人力、財力來研發，但在完成之後，購買者可以以相當低的成本複製產品並且將產品四處流傳給別人。因此，產品的知識產權就必須受保護，以確保獲利，以使日後還有足夠的經費得以研發其他的資訊產品，也使得工作者得到薪資。然而，目前的創作者：作家、發明家、遺傳及軟體工程人員，通常都附屬於在市場經濟活躍運作的大集團之下。創作者不但失去自己作品的擁有權(被他們的上司合法持有)，獨立創作者還會因大公司的打壓及衝擊而無法創作。

Despite Boyle's own conception of the negative effects of the information society, much of what little writings there are upon such a society remain both vague and optimistic, suggesting that "More information is, by definition, good" (xv). Neither the fields of literature nor law offer a great variety of studies detailing the effects of the information society. In part, Boyle's own study attempts to fill in that neglected gap.

不管波以耳對於資訊化社會的負面影響看法如何，他在書中許多地方對於這樣的社會持有保守及樂觀的態度，他認為：「大量的資訊-依照資訊的定義來說-是件好事。」不過波以耳在資訊時代對文學作品和法律層面的影響還沒有詳盡的研究，因此，波以耳正在作相關的研究以填補這塊缺口。

Boyle concludes his preface with the observation that, although his book may be seen as too analytic and programmatic for our modern age, *Shamans, Software, and Spleens* nevertheless functions as a forerunner in the literature of the "information society." He suggests that the "paucity of the critical literature" surrounding this subject denied him the "luxury of constant irony, a tone that flourishes only in conditions of overabundance--theoretical as well as material." Boyle self-deprecatingly comments that "I would also add in my own defense that the following pages are entirely free from references to Madonna. Surely this ought to be worth something" (Boyle XVI). With that context in mind, Boyle then ventures further into the world of the information society, offering theory and description.

波以耳在書中的序言以這樣的觀察作為結論：儘管這本書也許對於現今來說太過於零散及表面，不過巫醫、軟體與壞脾氣這本書在關於資訊社會的書寫闡述上開創了先河。他暗示，因為知識經濟這個範疇內缺乏其他相關的著作，使他無法使用他一貫的反諷語調 – 一種只有在存在著大量相關主題論述存在的狀況下，才能發揮的修辭學技能。接著波以耳自我嘲諷的說：「在接下來的文章裡，我不會提及到瑪丹娜，這點實在非常重要！」(一葦注：這裡是一個笑點，這句話是自我指涉式的反諷) 在對這本書的文體定調後，波以耳即試著深入資訊時代的議題，提出他的論述與理論。

Commentary

註釋

Boyle's reference to Madonna has doubtless made the reader smile, but it is his generally unprecedented focus on the evils of the information society that initially grasps and subsequently maintains the reader's interest. The conception of what Boyle calls the "romantic author" is, indeed, a popular one, and Boyle's anti-author stance initially surprises. However, Boyle's logical and well-reasoned explanations of his view should persuade even the most romantic and obstinate of readers at the very least to consider his objections. Regardless, his study supplies critical thought in an area apparently much ignored, and it is valuable for that--as well as its lack of Madonna references.

波以耳對瑪丹娜的提及無疑使讀者會心一笑，不過在他提出『資訊時代的邪惡』這樣無前例的說法來擄獲讀者的目光，並以此作為後續的論述，這種書寫手法也相當精彩。文中提出『浪漫主義創作者』的概念和『反-浪漫主義創作者』的論述也在在使人感到新鮮。除此之外，根據波以耳的觀點和邏輯所提出的合理結論，至少可以讓抱持『浪漫主義』和某些強烈抱持某些特定觀點的讀者們思考一下書中所提出的異議。不論如何，他的研究提供了對這個幾乎被忽略的學術範圍一個批判的思維，這批判思維是有價值的。而且，他在文中沒有提到瑪丹娜。

### 【第三篇】書評：巫醫、軟體與脾臟

林尚儀、王鈺婷、張華容 譯

#### Shamans , Software , and Spleens - A Book Review

#### 書評：巫醫、軟體與脾臟

As we are moving into the "information society" more and more questions concerning intellectual property rights arise. How is information commodified and who owns it? How do intellectual property rights function as an incentive for research, and thus the creation of more information? Can genetic information be "owned" by someone other than the person from whom the genes or cells came from? In his book *Shamans, Software, and Spleens*, John Boyle looks at these issues and their complexity in the free market, and the public and private spheres. He uses the framework of the "romantic author" as a unique individual who creates a transformative work of art from the inner soul as the ideology that drives intellectual property rights. His aim is to create an analysis of the social construction of reality. (x) And he does this all "without any references to Madonna." (xvi) In this essay I will provide a brief summary of Boyle's thesis followed by an analysis of his argument. Finally, I will discuss what this book has to offer to the field of communication studies.

當我們邁入資訊社會的同時，越來越多關於智慧財產權的問題油然而生。資訊如何被商品化？誰又擁有它？智慧財產權如何刺激研究並創造更多資訊？基因資訊能被訊息來源者以外的人擁有嗎？波以耳( John Boyle)在他的書“巫醫、軟體與

脾臟”裡，分別在自由市場和公、私領域裡來探討這些議題及其複雜度。”浪漫主義創作者”是指能從內在心靈去創造出藝術作品的特別獨立個體，而這些作品是具有潛能轉變的。波以耳用”浪漫主義創作者”這個架構作為驅動智慧財產權的概念，他的目標在於分析現實中的社會結構(第十章)，而他在分析時也“沒有提及到瑪丹娜”(第十六章)，本篇文章先對波以耳的論點做摘要，然後再分析，最後，則會探討這本書能為傳播學領域提供什麼。

Boyle's central thesis is that the law concerning intellectual property rights is such that it revolves around the notion of the "romantic author." It is this notion which creates a puzzle of where the division between expression and idea lies within the law. The idea of the romantic author provides a conceptual basis upon which justifications are made in cases of property rights; a justification that allows for such things as corporations to take well known folkloric remedies from "third world" peoples and, with slight alterations, claim the intellectual property right to them with no economic benefits to the peoples from which they came. He describes what this idea of the romantic author is, where it came from, and provides case studies of cases in which it functions and what exactly it functions as.

波以耳的中心論點在於，現今法律上的智慧財產權總是環繞在”浪漫主義創作者”的概念上，而正是這種概念製造出在法律上表達和構想的分界不清的困惑。”浪漫主義創作者”的觀念為智慧財產權的合理化提供了概念上的基礎，正當化大公司的各種行為，諸如從第三世界的人民手中拿取普遍為人所知的民俗療方，做些極少量的小變動後，便宣稱他們擁有該項產品的智慧財產權，讓這些民間智慧來源地的人們半點也享受不到成果帶來的經濟利益。他詳細描述了浪漫主義創作者的概念以及它從何而來，並提供了相關案例的探討來看浪漫主義創作者如何作用以及發揮怎樣的功效。

Boyle cites the idea of the romantic author as emerging in the late eighteenth century debates over copyright in Germany. "Encouraged by an enormous reading public, several apocryphal tales of writers who were household names, yet still living in poverty, and a new, more romantic vision of authorship, writers began to demand greater economic returns for their labors." (52) Hence, the copyright emerged, but not without debate. An author had to be special in a specific kind of way. The romantic author was the transformation of genre, the revision of form. "It is the originality of the author, the novelty which he or she adds to the raw materials provided by culture and the common pool which "justifies" the property right and at the same time offers a strategy for resolving the basic conceptual problem ~~What~~ what concept of property would allow the author to retain some property rights in the work but not others?" (54) Boyle best sums up this idea with the words of one of the participants in the German debates, Fichte: "Each writer must give his own thoughts a certain form, and he can give then no other form than his own because he has no other. But neither can he be willing to hand over this form in making his thoughts public, for no one can appropriate his thoughts without thereby altering their form. The latter thus remains forever his exclusive property." (55)

波以耳舉了德國十八世紀末版權爭論的例子說明浪漫主義創作者這個概念的出現。“受到廣大閱讀人口的鼓舞，加上許多奇聞軼事的作者，雖然家喻戶曉但仍貧窮度日，再加上一個對於作家這個職業新且浪漫的遠景的出現，作家們開始要求更多的經濟回饋作為付出勞力的報酬。”(52)因此，版權出現了，但並非不帶

有爭議。要擁有版權的作家必須有其特出之處，浪漫作家是文類的一種轉變，是形式的一種修改，「作者的原創性，以及他為文化與共有資源裡的原始素材注入的新意，不但合理化財產權，同時也針對基本概念上的問題，也就是財產的觀念會讓作者得以排除他人以維持某些作品的權利的問題，提供解決方案。」(54)波以耳用那場德國辯論中，其中一位參與者費希特的話作結：「每個作家一定都有賦予他們的想法某種特別的形式，而作家無法再創造出另一個有別於此的形式，因為每個形式都是獨一無二、專屬於作家的，是他傾其畢生之力所創造出的唯一型式。」作家也不願意改變自己寫作的型態只為了將想法發表，因為在別人盜用作品時作品體裁一定會被人為改變。所以，後者使作家在作品中繼續保有獨一無二的寫作習慣。

Boyle uses case studies of intellectual property right law ranging from software , to blackmail , to insider trading , to spleens to illustrate how the idea of the romantic author comes into play in each of these discourses. In each of his examples his final conclusion is that it is the rhetoric of this romantic author which provides justifications , in the eyes of the law , of intellectual property rights. Most interesting , in my humble opinion , is the case study of a court's decision not to allow a man the rights to genetic material from his own , although removed , spleen. The case of Moore vs. The Regents of the University of California is about that spleen. In 1976 John Moore started treatment for hairy-cell leukemia. Unbeknownst to him , his doctors realized some potential commercial value of his cells and performed tests without telling him of their commercial interest. Eventually , they removed his spleen. Soon after , his doctors patented a cell line established from Moore's t-lymphocytes (found in his removed spleen). A 1990 estimated value of this cell line was three billion dollars. The court held he did not own the cells from which the information had been extracted. A closer examination of the rhetoric of this decision revealed the court did not feel Moore owned his spleen because it had been removed. Second , the court decided the cells were not property anyway according to California's genetic material statute. Finally , the court concluded that Moore could not be given the property right to his genetic material because to do so might hinder research. Boyle argues "reading this case one gets the sense that the court thought that Moore did not exhibit that mixture of arcane labor and dazzling originality that we associate with the romantic author." (106) However , the scientists who borrowed his spleen did display these characteristics.

波以耳使用智慧產權法的個案研究來說明浪漫作家這個概念如何有效的發揮作用，這些案例包含了軟體、敲詐、內線交易及脾臟。在這些案例中，他得到這樣的結論：浪漫作家的辯才，使智慧財產權具備合乎法律的正當性。請容我這麼謙遜的說，最有趣的事是在一個案例中，法庭判定一個曾經移除脾臟的男人沒有權利利用自己的基因去重新塑造一個新脾臟。這就是摩爾先生對抗加州大學一案 (Moore vs. The Regents of the University of California) 。這個案子發生於 1976 年，約翰 摩爾開始了髮狀細胞性白血病的療程。在療程中，醫生發現他的細胞有商業價值，在未告知摩爾，他的脾臟有商業價值，他們就把細胞拿去化驗，最後還移除了他的脾臟。不久之後，他的醫生從摩爾移除脾臟的 T-淋巴細胞中，取得「無限次繼代培養細胞」的專利權，在 1990 年時估計賺了 30 億美元。法庭指稱，他不擁有這充滿商機的脾臟。當我們更仔細的解讀這個決定的論調後，我們

會發現，法庭判定摩爾先生沒有脾臟擁有權的原因，是因為他的脾臟已被移除。其次，根據加州的遺傳物質條例(genetic material statute)，法庭判定細胞不是個人的私有財產。最後，法庭的結論是：為了不要妨礙研究，摩爾先生不能擁有從他脾臟得來的基因物質。波以耳說：「讀了這個案件後，感覺上，法庭這樣判決，是因為摩爾沒有像浪漫派作家一樣，顯示出他脾臟的奧秘及耀眼的獨創性。」然而，這些正是那些跟摩爾「借」脾臟的科學家，在庭上有展現出的特質。

For Boyle examples like Moore's spleen (I mean the University of California's spleen) present numerous problems. One is that the division between the public and private spheres is getting hazy. We need property rights as an incentive for research, yet that sometimes leads to what we would consider "private" (such as our own genetic make-up) to be commodified and then sold into the free market. Another fear is, as is currently the case, that companies will invade "third world" countries and claim to "own" what remedies the indigenous peoples have already discovered without experiencing any benefits themselves. Another is with the issue of transgenic slavery. Boyle argues that organisms created from the mixing of genetic material, such as clones, may be owned as an "original" creation.

對波以耳而言，摩爾先生的脾臟(也就是加州大學的脾臟)這個例子，呈現出許多問題。第一，公眾和私人領域間的劃分變得模糊：我們需要財產權作為研究的獎勵，然而這有時會導致所謂的「私人財產」(像是我們的基因譜)商品化，並銷售到自由市場。第二，近年來人們的恐懼，來自於許多公司紛紛入侵第三世界的國家，在沒有使當地居民受惠的狀況下，把當地人民的發現或發明占為己有。最後，跟這項議題有關的是基因轉殖奴隸制度：波以爾認為，從混合基因物質所得來的生物體，像是複製生物，其擁有權應歸於「原始」的生物體。

Although he does not disagree with the idea of property rights, he does feel there are problems with how copyrights are awarded to those who fulfill the idea romantic author in present law and in court. For him, there needs to be more concern for the public domain.

雖然，他並不反對財產權，但著作權要如何授予給那些像浪漫派作家一樣，在法律和法庭上表達意見的人，這確實仍是個問題。對他來說，我們還需要更多對公共領域的關心。

Because copyrights are constructed around the idea of authorship, only certain kinds of contributions are recognized.(168) He suggests a reformation of current intellectual copyright laws. One of these suggestions is that copyright should subsist only for twenty years. He also suggests that "software should be covered not by patent law or by copyright, but by a sui generis system." (172) In addition, he thinks having a property rights system which is subject to periodic auditing to determine if the intellectual property right is providing too high or too low an incentive to future production and research, would be of great value. (172)

由於版權的觀念是建立在作者的觀念上，所以只有某些特定的文字來源才被人認可。作者主張政府應該改革現今的智慧財產權法令。其中一項建議是在智慧財產權加上年限，使其在二十年之後便失效。他也建議軟體應該要被一個專門的單位管理，而不該被專利法及智慧財產權法限制。並且他認為，這套管理智慧財產權

的系統應該要被定時地審查，以確保其定義的智慧財產權會對未來的產品的研發及生產有恰好的刺激，這樣才能造福大眾。

Although I found *Shamans, Software, and Spleens* to offer an interesting and thought-provoking look at the construction of the law of information, this is not a particularly useful book in communication studies. Boyle seems to write more for lawyers and economists and uses a lot of jargon (such as *sui generis* from the last paragraph) without explaining what it means. This suggests to me he already assumes his audience knows what his jargon means.

雖然我認為**巫醫、軟體與脾臟**對資訊法的建構提供了有趣且發人省思的觀察，但它並不是一本在傳播學上有特別貢獻的書。這本書似乎是波以耳針對律師及經濟學者所寫的。我會這麼說是由於它使用了許多專業用語，卻不解釋它們的意義，例如在最後一章所提到的 *sui generis*(譯者注：自成一格)。作者似乎假定他的讀者了解這些專業用語的意思。

Another problem I found closely related to the one above was his lack of explanation of what copyright law actually is. He did touch upon certain words and phrases but never actually did a historical rhetorical analysis. It is as if he already assumes the reader knows what the copyright law says.

我還找到了另一個與上面相似的問題：作者並沒有說清楚著作權法究竟是什麼。雖然他提供了一些片斷的字詞作為解釋，但並沒有對於這個主題提供給讀者一篇歷史性的長篇分析。他似乎斷定了讀者都知道著作權法上寫了什麼。

Something else Boyle does in the preface to his book is explain that postmodern theory does not offer enough writing of the impact of the "information society." Yet he concedes (especially in the appendix) that the knowledge/power nexus offered by postmodernists provides a promising starting place for the analysis of the information age (xvi). This is interesting to me because Boyle's case studies and examples often look at that relationship and are reminiscent of Foucault (which he admits in the appendix on pages 202 and 230) Also, I do believe postmodernists offer answers to the question of "what is an author?" that are relevant to issues of technology and technological ideology. For example, even this semester we read Marx's *The Fragment on the Machine* which is about technology. It is interesting to me that Boyle chose only to cite Marx twice in this book. The first was from his essay "On the Jewish Question" which talks about the division between the private and public spheres. The second was in reference to Marx's thesis concerning labor and the surplus of goods. Walter Benjamin, Marcuse, and Heidegger all provide a critique of technology, art, ideological structures, and the place of the human creator or author. I think he was wrong to simply write off postmodernism as not being something he was going to address in his argument.

波以爾在導論中也解釋了後現代理論對於資訊社會所造成的影響之不足。但他又認定後現代學者提供的知識及力量相乘，是為分析資訊時代鋪下了似錦前程(特別是在附錄的部份)。這真是有趣，因為波以爾的個案研究及例子大多強調這種關係，與傅柯不謀而合(他自己也在附錄 202 到 203 頁提到。)而且我相信後現代學者也曾在科技及科技意識型態的脈絡中回應過“何謂作者？”這個問題。我認為波以耳小看後現代理論並跳過這個議題是個失誤。

Boyle's analysis of the rhetoric of intellectual property law may provide some use in cultural studies as he does go into great detail about imperialistic ownership of indigenous technologies. Since his background is in law , he provides helpful and relevant case studies of these kinds of occurrences.

而由於波以耳對於帝國式固有科技所有權有相當精細的描述，他智慧財產權法律的分析應該能在文化研究方面有所貢獻。再加上他具有法律方面的背景，所以書中有許多相關的個案研究能幫助讀者在這方面更深入地了解。

Overall , I found this book to be very interesting and a good resource for research into intellectual property rights , although lawyers and economists might understand it more than communication studies students!

整體而言，我認為這本書很有趣，而且提供了許多研究智慧財產權的資訊。但我想律師及經濟學者會遠比傳播學系的學生更了解其箇中滋味。

## 【第四篇】三主要電信公司幫助美國政府大量監聽人民

林尚儀、張華容、王鈺婷 譯

### **Three Major Telecom Companies Help US Government Spy on Millions of Americans**

#### 三主要電信公司幫助美國政府大量監聽人民

Friday, May 12th, 2006 2006/5/12 星期五

USA Today has revealed the National Security Agency is secretly collecting the phone call records of millions of Americans with the help of AT&T, Verizon and BellSouth. For the customers of these companies, it means that the government has detailed records of calls they made to family members, co-workers, business contacts and others. One source told the paper that the NSA is attempting to create the world's largest database -- big enough to include every call ever made within the nation's borders. [includes rush transcript]

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今日美國(USA Today) 揭露美國安全局(NSA)正透過 AT&T(美國電話電報公司)、韋里孫通訊公司(Verizon)和貝爾南方公司(BellSouth)的協助，秘密蒐集數以百萬美國人民的電話記錄。對這些公司的顧客來說，這意味著政府擁有他們與家人、同事、或者是商務接洽以及其他等各種詳細的通聯記錄。有消息來源指出，NSA 意圖要成立世界上最大的資料庫，一個巨大到足以涵蓋在美國境內任何通聯記錄的資料庫。

This spy program is far more expansive than what the White House has acknowledged. 這項監控計畫所涵蓋的範圍遠比白宮所承認的更為廣闊。

Last year, President Bush admitted he had authorized the NSA to eavesdrop — without warrants — on calls and e-mails of people suspected of having links to terrorists.

去年布希總統承認他曾批准美國安全局(NSA)不須授權即可監聽那些疑似恐怖份子相關人士的電話及電子信箱。

On Thursday, President Bush discussed the NSA's spy operations but did not directly address the report in USA Today that the NSA was creating a database of phone call records.

布希總統在星期四時談到美國安全局(NSA)的監聽行動，但他並沒有正面回應今日美國(USA Today)報導中所謂美國安全局正在建構的電話通聯資料庫。

President Bush: "Today there are new claims about other ways we are tracking down al Qaeda to prevent attacks on America. I want to make some important points about what the government is doing, and what the government is not doing. First, our intelligence activities strictly target al Qaeda and their known affiliates. Al Qaeda is our enemy, and we want to know their plans. Second, the government does not listen to domestic phone calls without court approval. Third, the intelligence activities I authorized are lawful and have been briefed to appropriate members of congress, both Republican and Democrat. Fourth, the privacy of ordinary Americans is fiercely protected in all our activities. We're not mining or trolling through the personal lives of millions of innocent Americans."

布希總統：『最近有許多新的謠言聲稱政府有其他追蹤蓋達組織以防止他們攻擊美國的方法。我想在這裡鄭重聲明政府做事的原則。第一，我們的情治活動針對蓋達組織以及其相關人士。因為蓋達組織是我們的敵人，我們需要了解他們的計畫。第二，政府不會在沒有法院判準的情況下監聽一般大眾的電話。第三，我所准許的情治行動都是合法的，並有對民主黨及共和黨兩黨正式的議會代表做過簡報。第四，在政府所有的活動中都對美國一般大眾的隱私權給予完善的保護。我們並沒有想要挖掘或偷窺數以百萬國民的私人生活。』

On Capitol Hill, Pennsylvania Republican Arlen Specter - Chairman of the Senate



Judiciary Committee - announced he would call officials from AT&T, Verizon and Bell South to appear before the panel for questioning. Meanwhile there have been a number of other developments about the NSA's spy program.

在美國國會山莊的賓州民主黨黨員，參議院司法委員會會長艾倫史佩克特(Arlen Specter)宣布他會傳喚美國三家電話電報公司：AT&T、Verizon以及 Bell South到法庭接受質詢。同時，美國安全局(NSA)的監聽計畫也有許多其他發展。

On Wednesday the Justice Department announced it had to close an investigation into the NSA's domestic spy program because the NSA had refused to grant investigators security clearances.

司法部在星期三宣佈，因為國家安全局拒絕提供調查員安全保障，他們必須中止國內監聽計畫。

On Monday, President Bush nominated General Michael Hayden to become the next director of the CIA. Hayden was the head of the NSA in 2001 when President Bush ordered the agency to begin warrant-less spying of Americans.

星期一時，布希總統提名海登將軍(Michael Hayden)成為下任中央情報局(CIA)局長。當布希在 2001 年下令國家安全局開始監控美國人時，海登為當時的國家安全局局長。

General Hayden spoke with reporters yesterday about the NSA spying program.

Michael Hayden : "Everything that NSA done is lawful and carefully done and the appropriate members of congress, the house and senate are briefed on all NSA activities and I will just leave it at that."

海登將軍昨日與記者談起國家安全局的監視計畫。

海登：「國家安全局所做的一切都是合法，並且也妥善的經過國會議員和參議員的指示而行事，而我則靜觀其變」

But the NSA spy program is even being criticized by former top NSA officials. On Monday the agency's former Director Bobby Ray Inman said "this activity is not authorized."

然而，這項監控計畫卻受到前國家安全局的高層批評。前任國安局局長英曼(Bobby Ray Inman)說：「這項計畫是未經授權核可的。」

To talk about these latest developments, we are joined by three guests:

我們邀請了以下三位來賓來談談這項計畫的最新發展：

Rep. Maurice Hinchey , a Democrat from New York.

Ryan Singel , a contributing writer at Wired News.

Tim Shorrock , independent journalist who has covered the issue for The Nation magazine.

眾議員辛奇(Maurice Hinchey)—來自紐約州的民主黨員

萊恩 辛格(Ryan Singel)—數位連線文摘(Wired News)作家

提姆 索洛克(Tim Shorrock)—國家雜誌(The Nation magazine) 專門採訪這項議題的獨立記者

## 【第五篇】新世代的奴隸

張華容、林尚儀、王鈺婷 譯

### A new generation of slavery

#### 新世代的奴隸

**A crackdown on undocumented workers has led to illegal detentions and stretched the resources of the police and welfare groups**

逮捕非法外籍勞工演變成非法拘留，並損耗警察與社福機構的資源

By Ron Brownlow, STAFF REPORTER, Sunday, Jun 04, 2006, Page 17

本報記者朗 布朗勞

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Victoria Andres was in for a nasty surprise when she came to Taiwan. She had signed a contract in the Philippines to work as a caregiver for an elderly man in Ilan. But after arriving at Chiang Kai-shek International Airport she was driven to Banciao and put to work as a domestic helper, or maid, for a family of five. She never saw the old man.

當維多利亞安德烈到台灣她著實被嚇了一大跳。她在菲律賓所簽的合約寫著她工作的內容是照料一名宜蘭的老年人，但當飛機降落了中正國際機場之後，她卻被送往板橋作為一個五口家庭的家庭助手，也就是女傭。她從來沒見過合約上所說的那名老年人。

There, according to Andres' boyfriend, the wife verbally abused her and the family's eight and nine year old children beat her. Not surprisingly, she ran away and found

work cleaning houses part time. Her life on the run ended in April, when she was arrested near Fujen Catholic University (復興天主教大學) in Taipei County.

根據安德烈的男友所說，安德烈在那個家庭中遭受太太的辱罵，而且那裡的八、九個小孩還會打她。不意外地，她逃跑了，並且當起清掃房屋的臨時工。四月時她在輔仁大學附近被捕，也結束了她亡命天涯的日子。

"I ran away because my job was very hard," Andres, 39, said in an interview last month at a police station in Sinjuang (新莊), Taipei County, where she was awaiting deportation. Sitting on a couch inside the precinct's foreign affairs office, Andres measured her responses and spoke in hushed tones, nervously twisting a reporter's name card in her hands. Her boyfriend later explained she did not want to reveal much because she had been jailed for more than a month and was scared of being kept longer.

安德烈上個月在新莊等待遣返時接受採訪，她說：「我逃跑是因為工作太嚴苛了。」坐在沙發上的安德烈小心地斟酌回答，手裡緊張地捏著記者的名片。她的男友後來向記者解釋安德烈並不想揭露太多，因為她才被判超過一個月的徒刑，害怕講太多刑期會延長。

Andres' predicament repeats itself in Taiwan thousands of times each year. The government has shown little inclination to address the root of the problem, which is that foreign workers are easily exploited and cannot change employers if their current one abuses them. Worse still is the broker system, where employers pay middlemen to sort through the complicated process of importing laborers.

安德烈的遭遇每年在台灣重複數千次，政府卻無心面對問題的根本——外勞容易被剝削且就算遭受施暴也不能更換雇主的問題。更糟糕的是雇主透過中間人處理外籍勞工來台程序的仲介系統。

Foreign workers sign contracts in their home countries that require them to pay their broker a finder's fee and a service charge of NT\$1,500 or more a month. When they arrive in Taiwan nearly all are forced to sign side agreements, which are recognized by the legal system and authorize brokers and employers to deduct even more from their monthly salaries, usually in the form of what are euphemistically called "loans."

外籍勞工在家鄉簽下合約，合約中規定他們要付給仲介業者介紹費以及每月要一千五百元甚至更多的手續費。而幾乎全部來到台灣的人都要再簽下另一紙合約，使得仲介業者和雇主可以在法律的保護下更進一步地剝削他們的薪水。這些剝削的項目通常被委婉地稱作「借貸」。

As of press time, the Executive Yuan's Council of Labor Affairs had not responded to e-mail and telephone requests for interviews.

至截稿前，行政院勞工委員會並沒有回應透過電子郵件以及電話提出的訪問邀約。

"It's not like slavery, it is slavery," said Lennon Wong (王龍恩), deputy director of international relations at the Chinese Federation of Labor (中華全國總工會), noting that many broker companies are owned by politicians, their relatives or people

who boast openly of their ties to lawmakers. "The government has set the system up like this on purpose to drive business to the brokers."

中華民國全國總工會國際關係處處長汪英達表示：「這不是類似奴役，這就是奴役。」他指出許多仲介公司是政治人物或是政治人物的親戚，或者是對外吹噓他們和立法人員有關係的人。他說：「政府建立這個制度是為了要圖利於這些仲介業者。」

But undocumented migrants create something of an image problem the government cannot ignore. Nearly 10,000 absconded in the first three months of this year, and polls suggest the public thinks politicians are not doing enough to protect jobs from cheap foreign labor. "Illegal foreign workers" (非法外勞), as officials call them, are also seen by the public as a sign of social decay, and on March 15 Premier Su Tseng-chang (蘇貞昌) vowed to resign if social order does not improve within six months.

但非法移民已建立起政府所不能忽略的形象問題。今年三月以來，已經有大約一萬人潛逃，而且民調顯示民眾認為政治人物沒有儘力保護他們的飯碗不被薪資低廉的外勞搶去。官方口中的「非法外勞」，也被民眾認為是社會腐敗的象徵。蘇貞昌在三月十五誓言要在六個月內提升社會秩序，否則就要自動下台。

As part of a crackdown announced this April, the government raised the penalty for employers who hire undocumented migrants to NT\$750,000, from NT\$150,000. Last month, it more than doubled the reward for turning them in, to NT\$5,000.

四月的待補行動之後，政府也提高了非法外籍勞工罰鍰，從原來的十五萬提高為七十五萬。上個月也加倍舉發的獎勵金額至五千元。

Undocumented migrants say the increased fines have made it harder to find work, and officials say more have been caught recently or are turning themselves in to police. "We usually see two cases a month of undocumented workers who want to go home," said Carlo Aquino, head of the Assistance to Nationals section of the Manila Economic and Cultural Office. "This month we've seen 33. That does not include those who don't have the money to go back yet."

非法外籍勞工說，增加罰款使得工作更難找；官方也表示近來有更多人遭逮捕或者是向警方自首，馬尼拉經濟文化辦事處的卡洛·阿奎諾說：「通常我們一個月會看到兩起非法移工想回家的例子，這個月已經有三十三起了，這還不包括那些仍沒有足夠金錢回家的人。」

The office instructs those most down on their luck to continue working until they can afford the NT\$10,000 fine for running away and the plane ticket home. But Aquino says the crackdown and fines are resented by local officials tasked with enforcing them and will not be pursued with enthusiasm for long. "It's not so easy for them because they have to send back a lot of foreign workers," he said, noting that one precinct station had 50 migrants crammed in its cells. "Where will the precinct get that money?"

辦事處建議那些倒楣的移工繼續工作，直到他們能付得起因逃跑而遭罰款的台幣一萬元以及回家的機票錢為止。但是阿奎諾表示，這種更嚴厲的手段與罰款增加地方執法人員的重擔，他們的報怨與不滿似乎也意味著新措施執行上的困難重

重，工作變成是執行指派的任務，而不是熱情的去盡到自己的職責。阿奎諾注意到一個地方轄區就有五十位移工被關在擁擠狹小的囚房裡，他表示：「對他們來說這是件不容易的事，因為他們必須遣返大量的外籍勞工，但是地方辦事處哪來那麼多的錢送外籍勞工回家？」

Migrants and their advocates say that despite the crackdown, life as an "illegal foreign laborer" is still much better than life as a "legal" one. At a stroke, you eliminate the broker's onerous fees, can compete for work on the open market, rent your own apartment, eat what you want and generally be your own master. "It's better to be undocumented because you're free and you can do whatever you want," said "Gloria," 41, a Filipina who has been undocumented for a year and a half and asked that the Taipei Times not print her real name. "Of course, there's always the fear that one day you might be caught," she said. "But it can be a little bit exciting."

外籍勞工和他們的辯護者表示，即使政府的手段更為嚴厲，但非法外籍勞工的生活還是比那些合法的人好很多。身為非法外籍勞工，你不用付大量的錢給仲介人，可以在開放的市場上競爭工作，租一棟屬於自己的公寓，吃自己想要的東西，並做自己的主人。四十一歲，已過了一年半非法外籍勞工生活的菲傭葛洛莉亞(匿名)說：「當非法外籍勞工比較好，因為很自由而且可以做任何自己想做的事。當然阿，總是會害怕有一天可能會被抓到，但這也蠻刺激的。」

No word better describes the escape her friend made three years ago. "Alexandra," 27, hails from an indigenous region in the northern Philippines and taught herself to speak Mandarin and Taiwanese. She has lived here for more than seven years and is a repeat fugitive. The first time she was ratted out by a neighbor and sent back. She obtained a passport under a different name and returned two months later. "It's very easy," she said.

三年前葛洛莉亞的朋友逃脫的經驗則教人驚奇。今年二十七歲，來自菲律賓北部一個土著區域的亞莉珊卓自學廣東話和台語，目前她已經在台灣生活超過七年，過著躲躲藏藏的日子。她第一次非法打工時遭到鄰居密告，因而被送回菲律賓，兩個月後她拿到一本印有別人名字的護照而再度來到台灣。她說：「這實在非常簡單。」

Back home, she would be earning roughly NT\$100 per day toiling in a rice mill or vegetable garden, if she found work at all. Her first legal job here paid her NT\$20,000 a month, with little time off. Undocumented, she works about nine hours a day and earns more than NT\$25,000 a month. "If you're documented you cannot refuse to do illegal work," she said.

在家鄉，若是她找得到工作，在碾米廠或蔬菜園裡辛苦工作每天大約可獲得新台幣一百元的薪資；她在臺灣的第一份合法工作則付給她一個月新台幣兩萬元，卻幾乎沒有休假；不受登記成為非法外籍勞工，她每天工作九小時，並且賺取一個月超過兩萬五千元的月薪。她說：「如果你有合法登記，你就沒辦法拒絕去做那些不合理要求的工作。」

For her second stint, she signed a contract to work outside Taipei. Shortly after her arrival an earthquake struck and knocked tiles off the wall in the house where she was working. The wife asked her to stick the tiles back on, but refused to buy glue. Alexandra used tape to fix the tiles. "The next day the tiles fell down again," she said.

第二次的工作，她簽了份合約。在她到達沒多久後，工作地方牆上的壁磚因為地震來襲而搖落，雇主太太要求她把壁磚粘回牆上，但卻拒絕出錢買膠水，亞莉珊卓使用膠布去固定壁磚，但隔天壁磚又從牆上掉下來一次。

The boss scolded her, then went into her room and made a phone call. When she returned she told Alexandra to pack her all belongings. She was to go to Taipei for a month to work for her brother.

老闆責怪她後，便走入房裡去打電話，當回來時她告訴亞莉珊卓去打包行李，並說要派她去台北幫老闆的哥哥工作一個月。

Alexandra sensed something was wrong. Why would her boss ask her to pack everything if she was only to be gone for a month? When they arrived at the station her fears were confirmed. The broker, not the boss' brother, was waiting at the other end of the parking lot.

亞莉珊卓察覺到有些地方不太對勁，如果她只要離開一個月的話，為什麼老闆要求她必需要打包所有的行李？當他們到達車站時，她的憂慮被證實了，等在停車站另一邊的不是老闆的哥哥，而是仲介勞力的掮客。

Alexandra, who stands less than 150cm tall and was dragging a suitcase nearly as big as she was, let her boss walk in front. Her heart was pounding. They passed a corridor to her left. She saw a train at the other end. Her heart was pounding. They passed a corridor to her left. She saw a train at the other end.

身高不及一百五十公分，手上卻拖著幾乎與她一樣大的行李，亞莉珊卓讓她的老闆走在前頭。她的心劇烈的跳動。他們穿過左邊的長廊後，她看見一班火車。

This was her chance. "There's a wall there so my employer ... cannot see me, and then I escape," she said. Summoning all her strength to drag her oversized suitcase, she made for the train. "Then it so happened that the train will leave the station," she continued. "I immediately get on. The conductor asked, 'where's your ticket?' I said 'Lai bu ji. (I didn't have time)' She let me get on."

她的機會來了。她說：「那裡有道牆，所以我雇主...看不見我，之後我就逃走了。」用盡所有的力氣，她拖著那過大的行李箱上了火車。她又繼續說：「那班火車即將離站，我馬上跳上車。車掌問我有沒有車票，我說我來不及買，她仍讓我上了車。」

Victoria Andres wasn't so lucky. On the afternoon of April 9 she was in a karaoke bar with friends. She had the microphone and was singing Take Me to Your Heart by pop act Michael Learns to Rock when plain-clothes police officers busted in and started checking IDs. "I was shaking and got nervous and was crying," she said. "I felt sad and lonely at that time and I didn't have any money."

維多利亞·安德烈可就沒那麼幸運了。在四月九號下午跟朋友在K T V唱流行歌手搖滾麥克的Take Me to Your Heart，唱到一半，便衣警察突然闖入，並檢查他們的身分。她說：「我緊張的邊哭邊發抖，覺得既難過又孤獨，而且當時我身上連一分錢都沒有。」

She spent the next 38 days at the Shinjhuang police precinct in Taipei County. The length of her stay was technically illegal because police are only authorized to detain a suspect for 30 days.

接下來，她在北縣新莊派出所待了 38 天，這樣的拘留是不合法的，因為依照職權，警察最多只能拘留嫌犯 30 天。

"We kept calling her employer (in Banciao) and asking her to give us Victoria's passport so she could go home," said Alan Chang (張安), the officer in charge of the case. "The employer kept saying she was looking for it." Chang could not put Victoria on a flight to the Philippines without a passport and he could not help her apply for a new passport until her old employer declared the old one lost.

偵辦人員鄭嘉裕說：「我們不斷連絡她在板橋的雇主，並要求她給我們維多利亞的護照讓她回家，然而她的雇主卻不斷的說她還在找。」因為沒有護照，維多利亞不能搭機回菲律賓，而在她雇主聲明舊護照遺失之前，鄭嘉裕也無法幫她申辦新護照。

Everyone with knowledge of the case believes the woman in Banciao was stalling to punish Andres for running away. "Some employers, because of this resentment, they're angry. So some of them delay the return of the passport," said MECO's Carlo Aquino. He added that it was unusual for a migrant to be detained for so long, because his staff routinely visit precinct houses to check on detainees. But the government's crackdown has given them too much work and they rarely have time to leave the office.

只要了解這個案例的人都相信，她板橋的雇主跟蹤她是為了懲罰她的逃跑。臺北馬尼拉經濟文化辦事處的卡洛·阿奎諾說：「由於對員工的這份憤恨與怒氣，所以有些雇主會延遲退還員工們的護照。」他加以說明，因為他的部屬都定期前往看守所尋訪這些被拘留者，這樣超時拘留移居者的情形是非常不尋常的。

A Catholic pastoral worker at Fujen Catholic University finally discovered Andres on a routine visit to the police station in late April. He was her first and only contact with the outside world for several weeks. Officers had previously refused to allow visits or even gifts of food from Victoria's friends, although this changed after his visit.

最後，一位輔仁大學的神職人員在定期尋訪派出所的過程中，於四月底找到了安德烈。這個神職人員是安德烈在這數個星期中，第一位也是唯一一位與外界接觸的人。之前，維多利亞的朋友數次要求造訪卻遭到拒絕，甚至連給予禮物或食物都不行，這樣的情況一直到這神職人員的造訪之後才有了改變。

The pastoral worker called Aquino, who called the precinct. The next day, the police notified MECO that the employer had decided that Andres' passport was lost. Officer Chang booked a seat for Andres on the earliest possible flight out, on May 17.

這位神職人員阿奎諾連絡了看守所，隔天，警察告知中華民國全國總工會，安德烈的雇主聲明他的護照已遺失，鄭嘉裕隨即幫安德烈定了一張 5 月 17 號最早班回國的機票。

The CFA's Wong said the length of Andres' detention was "illegal" and "ridiculous," but it's hard to see what options the police had. More detainees mean more work for

Chang and his fellow officers, who often buy their charges food and medicine, and the precinct looked particularly busy last month.

中華民國全國總工會的汪英達認為，安德列的拘留是「不合法」且「荒謬」的，但卻無法得知警察是否有其他的選擇。這轄區的事務在上個月看起來特別繁忙，而他們還要經常幫拘留者購買所需食物跟藥物。對於鄭嘉裕及其部屬，被拘留者越多，他們的工作量也越多。

Wong and other advocates said the crackdown might flush out a few illegals, but in the end it amounts to mere window-dressing. The real problem is that there are more than 300,000 maids, construction workers, caregivers and other foreign workers from five Southeast Asian nations and Mongolia in Taiwan, and being undocumented, despite the risks, is often their best option.

汪英達和其他支持者認為，這樣的逮捕或許會暴露出一些非法行徑，但是這樣的數字最終只是假象。真正的問題在於，在台灣已有超過 30 萬來自五個東南亞的國家或蒙古的女傭、建築工人、看護及其他的外籍勞工。儘管危險，他們的最佳選擇卻是成為非法勞工。

"There are so many problems the government does not want to face," Wong said. "It just want to use migrants as cheap workers and send them home."

汪英達說：「政府只希望能夠利用移居者作為廉價勞工再遣送他們回國，卻不願面對其中更多的問題。」

**" It's [migrant labor] not like slavery, it is slavery ... . The government has set the system up like this on purpose to drive business to the brokers."**

**-- Lennon Wong, Chinese Federation of Labor's deputy director of international relations**

「這不是類似奴役，這就是奴役。...政府建立這個制度是為了要圖利於這些仲介業者。」

## **【第六篇】世衛組織推行傳統醫學策略**

張華容、林尚儀、王鈺婷 譯

### **WHO traditional medicine strategy**

#### **世衛組織推行傳統醫學策略**

The main objectives of the WHO Traditional medicine activities are:

- To facilitate integration of traditional medicine into the national health care system by assisting Member States to develop their own national policies on traditional medicine.



- To promote the proper use of traditional medicine by developing and providing international standards, technical guidelines and methodologies.
- To act as a clearing-house to facilitate information exchange in the field of traditional medicine.

世衛組織推行傳統醫學活動的主要目標有：

- 幫助會員國發展國內的傳統醫療政策來促進傳統醫學整合於國家醫療系統。
- 提供國際性的標準、技術指導原則以及執行方法來推動傳統醫藥的適切使用。
- 由世衛組織當作傳統醫學的資訊交換站來推動其範疇內的資訊交流。

The objective of the strategy is to discuss the role of traditional medicine in health care systems, current challenges and opportunities and WHO's role and strategy for traditional medicine. Many Member States and many of WHO's partners in traditional medicine (UN agencies, international organizations, nongovernmental organizations, and global and national professional associations) contributed to the Strategy and have expressed their willingness to participate in its implementation. The Strategy was reviewed by the WHO Cabinet in July 2001 and, based on Cabinet comments, has since been revised. The Strategy was printed in January 2002. Since this is at present a working document, the proposed objectives and activities have started to be implemented in early 2002 and the Strategy will be widely disseminated. We understand that the situation in the use of traditional medicine is quite different from country to country and region to region. For example, in AFRO and in WPRO, the Member States consider that traditional medicine is a priority for health care in their regions, but in other regions the role of traditional medicine is treated as complementary or alternative medicine.

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對策的目標是要討論傳統醫藥在醫療系統中的定位、目前面對的挑戰與機會以及世衛組織的角色和其所推行的傳統醫學策略。許多會員國和世衛組織在傳統醫學方面的夥伴(歐盟代理機構、國際組織、非官方組織、全球或國家級的專業公會)對於這些策略都有貢獻，並都表示願意參與其執行。兩千零一年七月時世衛內閣曾復審過這些策略，並基於內閣的建議作出修正。這些策略自從兩千零二年付印之後便作為使用，其中所提出的目標及活動自二千零二年便開始實行並廣為宣傳。我們了解不僅各國傳統醫學的使用皆有不同，甚至國內各地也存在差異，例如在世衛非洲辦事處(World Health Organization Regional Office for Africa)以及 WPRO 的會員國認為傳統醫藥是當地醫療的優先使用項目，但在其他地區卻將傳統醫藥歸於互補醫療或是替代方案。

## **Traditional medicine (WHO)**

### **傳統醫療(世衛組織)**

What is traditional medicine?

### **何謂傳統醫療？**

Traditional medicine refers to health practices, approaches, knowledge and beliefs incorporating plant, animal and mineral based medicines, spiritual therapies, manual techniques and exercises, applied singularly or in combination to treat, diagnose and prevent illnesses or maintain well-being.

傳統醫療是指醫療行為、醫療方法、對於使用植物、動物以及礦物為基礎所製成的藥物知識以及信仰、精神治療、身體技巧以及運動，將以上的項目以單一或是混合的方式來治療、診斷已及防治疾病或維持健康。

Countries in Africa, Asia and Latin America use traditional medicine (TM) to help meet some of their primary health care needs. In Africa, up to 80% of the population uses traditional medicine for primary health care. In industrialized countries, adaptations of traditional medicine are termed “Complementary“ or “Alternative” (CAM).

在非洲、亞洲以及拉丁美洲的國家使用傳統醫療來作為其國民健康照顧的主要方式。在非洲，百分之八十以上的人口使用傳統醫療來當作主要健康醫療方法；但在工業化的國家，改造過的傳統醫療被稱作事「互補醫療」或是「替代醫療」。

## **Increasing use and popularity**

### **增加使用及流行**

TM has maintained its popularity in all regions of the developing world and its use is rapidly spreading in industrialized countries.

傳統醫療在所有開發中地區都依然流行，而它的使用也正在工業化國家中不斷擴展。

In China, traditional herbal preparations account for 30%-50% of the total medicinal consumption.

在中國，傳統草藥佔據了總醫藥消費的百分之三十到五十。

In Ghana, Mali, Nigeria and Zambia, the first line of treatment for 60% of children with high fever resulting from malaria is the use of herbal medicines at home.

WHO estimates that in several African countries traditional birth attendants assist in the majority of births.

在迦納、馬利、奈及利亞以及尚比亞，百分之六十感染瘧疾而高燒的兒童使用草

藥在家中治療。世衛組織推測在一些非洲國家，大多數的生產是在傳統的助產士協助之下完成。

In Europe, North America and other industrialized regions, over 50% of the population have used complementary or alternative medicine at least once.

In San Francisco, London and South Africa, 75% of people living with HIV/AIDS use TM/CAM.

在歐洲、北美地區以及其他已開發地區，超過百分之二十五的人口至少接受過一次補助或是替代醫療。在舊金山、倫敦和南非，超過百分之七十五的愛滋患者正接受傳統醫療或是補助/替代醫療。

70% of the population in Canada have used complementary medicine at least once.

In Germany, 90% of the population have used a natural remedy at some point in their life. Between 1995 and 2000, the number of doctors who had undergone special training in natural remedy medicine had almost doubled to 10 800.

70%的加拿大人至少有過一次使用互補醫療的經驗，在德國，90%的人曾經使用過自然療法。在1995到2000年間，受過有關自然療法特別訓練的醫生，人數幾乎成長了兩倍到10800人。

In the United States, 158 million of the adult population use complementary medicines and according to the USA Commission for Alternative and Complementary medicines, US \$17 billion was spent on traditional remedies in 2000.

In the United Kingdom, annual expenditure on alternative medicine is US\$ 230 million.

在美國，一億五千八百萬的成人使用互補醫療，根據美國替代與互補醫療協會 (USA Commission for Alternative and Complementary) 的估計，西元兩千年時，在美國，傳統療法占據了一百七十億的市場。在英國，每年在替代療法的開支上為美金兩億三千萬。

The global market for herbal medicines currently stands at over US \$ 60 billion annually and is growing steadily.

現今全球的草藥市場大約為每年美金六百億，而且正在持續穩定成長。

## **Safety and efficacy issues**

### **安全與療效議題**

Scientific evidence from randomized clinical trials is only strong for many uses of acupuncture, some herbal medicines and for some of the manual therapies. Further research is needed to ascertain the efficacy and safety of several other practices and medicinal plants.

在隨機取樣的臨床實驗中，目前能通過科學方法的檢驗來證明其療效的只有針灸、一些天然草藥、以及某些推拿。要確認除此之外其他療法與藥用植物的效力

與安全性，需要更進一步的研究。

Unregulated or inappropriate use of traditional medicines and practices can have negative or dangerous effects.

紊亂與不適當的使用傳統療法可能導致負面的危險效果。

For instance, the herb “Ma Huang” (Ephedra) is traditionally used in China to treat respiratory congestion. In the United States, the herb was marketed as a dietary aid, whose over dosage led to at least a dozen deaths, heart attacks and strokes.

舉例來說，在中國麻黃被拿來當做治療呼吸道阻塞的傳統方法；但在美國，這種一旦服用過多劑量即會導致心臟病、中風、甚至是死亡的藥物，卻被當作一種輔助食品來販售。

In Belgium, at least 70 people required renal transplant or dialysis for interstitial fibrosis of the kidney after taking a herbal preparation made from the wrong species of plant as slimming treatment.

在比利時，因為服用錯誤植物所調配成的減肥藥方，導致至少有七十人由於腎間質纖維化而需洗腎或進行腎臟移植。

## **Biodiversity and sustainability**

### **生物多樣性與永續性**

In addition to patient safety issues, there is the risk that a growing herbal market and its great commercial benefit might pose a threat to biodiversity through the over harvesting of the raw material for herbal medicines and other natural health care products. These practices, if not controlled, may lead to the extinction of endangered species and the destruction of natural habitats and resources.

除了患者用藥安全的議題外，也有其他風險。成長中的草藥市場以及其巨大的商業利益造成製作草藥與其他天然健康產品的原料過分採收，對生物多樣性構成威脅。這些行為如果不加以控管，將導致瀕臨絕種物種的滅絕以及自然棲地與資源的破壞。

Another related issue is that at present, the requirements for protection provided under international standards for patent law and by most national conventional patent laws are inadequate to protect traditional knowledge and biodiversity.

另一個相關議題是，現今那些由國際標準專利法和大部分國家傳統專利法並沒有強力去保護傳統知識與生物多樣性。

## **Tried and tested methods and products**

### **經實驗且測試過的療法與產品**

25% of modern medicines are made from plants first used traditionally.

Acupuncture has been proven effective in relieving postoperative pain, nausea during pregnancy, nausea and vomiting resulting from chemotherapy, and dental pain with extremely low side effects. It can also alleviate anxiety, panic disorders and insomnia.

現代藥物有百分之二十五是從傳統療法的植物裡製造出來。

針灸在許多方面的療效已經過證明，它能舒解手術後疼痛、懷孕期間的噁心、化療引起的噁心與嘔吐、以及牙痛，且副作用極低；它也可以舒緩焦慮、恐慌症和失眠。

Yoga can reduce asthma attacks while Tai Ji techniques can help the elderly reduce their fear of falls.

瑜珈可以降低氣喘病發作的機率，太極則幫助老人減輕對跌倒的恐懼。

TM can also have impact on infectious diseases. For example, the Chinese herbal remedy *Artemisia annua*, used in China for almost 2000 years has been found to be effective against resistant malaria and could create a breakthrough in preventing almost one million deaths annually, most of them children, from severe malaria.

In South Africa, the Medical Research Council is conducting studies on the efficacy of the plant *Sutherlandia Microphylla* in treating AIDS patients. Traditionally used as a tonic, this plant may increase energy, appetite and body mass in people living with HIV.

傳統療法對傳染性疾病也能發揮療效。例如，在中國使用將近兩千年的草藥青蒿，被發現可以有效抵抗瘧疾，這項重大突破意味著每年有將近一百萬人，大部分為孩童，可免於瘧疾帶來的死亡。在南非，醫學研究協會(Medical Research Council)正在研究 *Sutherlandia Microphylla* 這種植物治療愛滋的療效。傳統上，我們使用這種植物為補藥，它可以提振愛滋病患的精神和食慾也可以增重。

## **WHO efforts in promoting safe, effective and affordable traditional medicine**

**世衛組織(WHO)致力於宣導安全、有效並且價錢合宜的傳統藥物。**

The World Health Organization launched its first ever comprehensive traditional medicine strategy in 2002. The strategy is designed to assist countries to:

世衛組織在 2002 年第一次推動了「綜合傳統醫學策略」，來幫助世界各國：

Develop national policies on the evaluation and regulation of TM/CAM practices;

Create a stronger evidence base on the safety, efficacy and quality of the TAM/CAM products and practices;

推動一些國家政策來評估並規範補助/替代醫療，並提供更強而有利的證明，來說明其產品或療程的安全、效率及品質。

Ensure availability and affordability of TM/CAM including essential herbal medicines;

確保補助/替代醫療，包括其主要草藥之可得性和易負擔性。

Promote therapeutically sound use of TM/CAM by providers and consumers;

Document traditional medicines and remedies.

促進補助/替代醫療提供消費者妥善的治療與應用，並紀錄傳統藥物及藥方。

At present, WHO is supporting clinical studies on antimalarials in three African countries; the studies are revealing good potential for herbal antimalarials.

現今，世衛組織正在三個非洲國家資助抗瘧疾的醫學臨床實驗，其研究發現一些藥草有良好抗瘧疾的潛力。

Other collaboration is taking place with Burkina Faso, the Democratic Republic of the Congo, Ghana, Mali, Nigeria, Kenya, Uganda, and Zimbabwe in the research and evaluation of herbal treatments for HIV/ AIDS, malaria, sickle cell anaemia and Diabetes Mellitus.

也有其他組織在布吉納法索、剛果民主共和國、迦納、馬利、奈及利亞、肯亞、烏干達和辛巴威，評估針對愛滋病、瘧疾、鐮狀細胞型貧血及糖尿病的藥草療法。

In Tanzania, WHO, in collaboration with China, is providing technical support to the government for the production of antimalarials derived from the Chinese herb *Artemisia annua*. Local production of the medicine will bring the price of one dose down from US \$6 or \$7 to a more affordable \$2.

世衛組織在坦桑尼亞與中國合作，提供坦桑尼亞政府技術支援，從中國藥草--黃花蒿提煉抗瘧疾藥品。在地的製藥，使藥品的價格從一劑 6 到 7 美元降到對人民負擔較小的 2 美元。

In 2003, WHO support has so far facilitate the development and introduction of traditional and alternative health care curricula in seven tertiary education institutions in the Philippines.

2003 年時，世衛組織已協助 7 所菲律賓的技職或大學院校，建立並介紹傳統和非主流的醫療保健課程。

Training workshops on the use of traditional medicines for selected diseases and disorders have also been organized in China, Mongolia and Vietnam.

中國、蒙古、越南也組織一些工作坊，訓練使用傳統藥物以醫治幾樣篩選疾病及不適。

## **Priorities for promoting the use of traditional medicines**

**推廣優先使用傳統藥物。**

Over one-third of the population in developing countries lack access to essential medicines. The provision of safe and effective TM/CAM therapies could become a critical tool to increase access to health care.

在開發中國家裡，超過三分之一的民眾缺乏購買基本藥物的途徑。增進健康保健關鍵的方法就是提供安全並有效的補助/替代醫療。

While China, the Democratic People's Republic of Korea, the Republic of Korea and Vietnam have fully integrated traditional medicine into their health care systems, many countries are yet to collect and integrate standardized evidence on this type of health care.

當中國、北韓、南韓及越南已完全把傳統醫學納入他們的醫療保健系統時，很多國家根本還沒收集和結合這類醫療技術已經過標準檢驗的證據。

70 countries have a national regulation on herbal medicines but the legislative control of medicinal plants has not evolved around a structured model. This is because medicinal products or herbs are defined differently in different countries and diverse approaches have been adopted with regard to licensing, dispensing, manufacturing and trading.

在草藥使用上，70 個國家已有國家規範，但管制藥草栽種的立法卻仍未成形。這是因為藥品或藥草在每個國家有不同的規範，而在發放執照或批准、配藥、生產和交易上也有不同的標準與法則。

The limited scientific evidence about TM/CAM's safety and efficacy as well as other considerations make it important for governments to:

證明補助/替代醫療安全有效的科學證據有限，加上其他的考量，使政府必須：

Formulate national policy and regulation for the proper use of TM/CAM and its integration into national health care systems in line with the provisions of the WHO strategies on Traditional Medicines;

與世衛組織並肩訂定傳統醫學的規章，規劃國家政策及法條來規範補助/替代醫療的使用及這療程與國家醫療保健的相互結合。

Establish regulatory mechanisms to control the safety and quality of products and of TM/CAM practice;

建立調控機制來控制產品的安全與品質，及補助/替代醫療的使用。

Create awareness about safe and effective TM/CAM therapies among the public and consumers;

使大眾及消費者對於安全及有效的補助/替代醫療有一定的認知。

Cultivate and conserve medicinal plants to ensure their sustainable use.

培養及保護藥用植物以確保它們可以被持續的使用。

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## 【第七篇】保留老祖宗的智慧

張華容、王鈺婷、林尚儀 譯

### Saving traditional knowledge

#### 保留老祖宗的智慧

by Eric Jackson

Catherine Potvin is a francophone botany prof at Montreal's great English-language university, McGill. A specialist in physiological ecology, she's part of the McGill program that operates down here in association with the City of Knowledge and works part time with the Smithsonian Tropical Research Institute. At the October 14 Tupper Center science lecture she described some work that takes her beyond the boundaries of her specialty into an interdisciplinary study of Embera healing and how knowledge of medicinal plants gets passed on within that culture.

在蒙特利的麥基爾大學(University of McGill)，這個英文當道的學校，凱薩琳波特凡是個操著法語口音的植物學家。她的專長是動物生理生態學，她參與麥基爾大學與「智慧城市」(City of Knowledge)合作的計畫，也在史密生熱帶研究機構(Smithsonian Tropical Research Institute)兼職。她於十月十四日在杜波中心(Tupper Center)發表的演說中談到一件帶領她跨越自己的專業而開始研究安比拉地區的傳統醫學(Embera healing)以及藥草的知識是如何流傳於該地方傳統中。

“I always feel very challenged by tackling social aspects,” Potvin said, describing her work at eastern Panama province's community of Ipeti-Embera as “a little bit of biology and a little bit of anthropology.”



波特凡說：「對我而言，處裡社會層面的事情一直都是個很大的挑戰。」而她形容她在巴拿馬東部依佩塔 安比拉社區的工作是「有些生物學的成分也有些人類學的成分」。

The community was founded after the relocation of Embera villages that were flooded by the Bayano Dam. The traditional Embera way of life is to establish temporary villages in forest settings, supporting themselves by gardening, raising poultry and pigs, hunting, fishing and gathering, and then moving on every few years when nearby natural resources become depleted and the settlements become too overcrowded or pestilential, allowing the jungle to grow back. Nowadays the land necessary to live that way is generally not available, and at Ipeti the problem is compounded by the government's failure to provide legal title to the land where the Embera were relocated and by a population problem caused by the influx of people from communities affected by the spillover of Colombia's civil conflict.

現在的依佩塔 安比拉社區是在原來的安比拉村莊被巴亞諾水壩(Bayano Dam)所帶來的大水淹沒後重建。傳統的安比拉生活是在森林中搭建暫時性的村莊，以種植作物、飼養雞隻及豬隻、打獵、捕魚以及採集來滿足生活需求，並在兩三年後，當附近的自然資源被耗損，且房屋開始變得擁擠或不適，變移居到其他的地方好讓那片森林得以休養，回復原貌。現在似乎已經沒有能夠支持這種生活的土地，而依佩塔地區更因政府沒有將土地所有權歸屬於重建後的安比拉人，又大量因國內紛爭而湧入依佩塔的哥倫比亞人，造成地方問題更加嚴重。

Just a few generations ago the Embera, whose language only includes numbers that go up to five, lived off of the land in an economy that had little to do with money. Now the principal source of outside income for Ipeti-Embera, as with many other Embera communities, is the sale for cash of baskets and sculptures carved from cocobolo wood or tagua nuts. Within the indigenous economy as well, the botanicos --- herbal healers --- work for money rather than the traditional barter for food or labor.

幾個世代之前，活在偏遠地區的安比拉族群數字系統只能數到五，並沒有仰賴金錢概念的商業活動。現在依佩塔 安比拉地區的主要經濟產業，就像其他安比拉社區一樣，是以籃子、鳥眼楓木或是象牙果的彫刻來換取金錢。當地的經濟體系內也一樣，不如以往以物易物的傳統，傳統醫療人員- 藥草治療師- 收取金錢而非以食物或勞役報酬。

Scientists from developed countries, often funded by pharmaceutical companies, are renowned --- often "infamous" is a better word --- for picking the brains of indigenous healers in search of plants from which medicines may be extracted, tested and sold on the global market. Sometimes this research is a survey and testing of diverse plants in search of medicinal properties --- "bio-prospecting" --- and sometimes it's a matter of outright theft, wherein unscrupulous individuals and powerful corporations seek to claim patent rights over the traditional pharmacopoeia, fraudulently trying to pass themselves off as inventors.

從已發展國家來的科學家們，大多是接受製藥公司的經費補助。他們的惡名便是詢問當地的傳統治療師以得知哪些植物能萃取藥物、實驗然後賣到國際市場。有時候他們的研究包含搜尋以及測試各種植物中的醫藥效用- 「生物探勘」。而甚至有時這樣的研究是無恥的個人勾結有力的團體一起犯下的竊盜罪- 將安比拉

的傳統醫學申請專利，然後宣稱那是他們的發明。

In any case, bio-prospecting is not what Catherine Potvin does. Although part of her work includes the documentation of medicinal plants that are used, she's mainly interested in the conservation of these plants, studying the ways that knowledge of these plants and their uses is passed on within Embera society, and surveying Embera attitudes about the ownership of that knowledge.

無論如何，生物探勘不包含在凱薩琳波特凡的工作內容中。雖然他一部分的工作與當下的藥用植物建檔有關，她工作的主要目標是保育藥用植物，研究這些用藥知識是怎麼在安比拉社會中流傳，還有研究安比拉人對於這些知識所有權的看法。

The research includes a social component and an ecological one.

她的研究包含了社會以及生態的層面。

On the social side, information is collected by group discussions, formal interviews and workshops on intellectual property that include Embera and non-Embera, including lawyers.

在社會的方面，資訊在小組討論中集結，關於智慧產權的正式面談以及研討會包含安比拉成員及非安比拉成員，像是律師。

Early on a need was perceived to work with both sexes separately, something that Potvin could do but male colleagues probably couldn't. It turns out that, in addition to the medicine practiced by botanicos and jaibanas (spirit healers, who are often botanicos as well), there are distinctly female branches of herbal medicine, which tend to concentrate on gynecological and obstetrical problems. This knowledge, which is passed on from generation to generation within families, overlaps with that in which the botanicos specialize, for example with respect to plants that are used to treat intestinal parasites. Potvin said that early in her research she was approached by women and warned that the botanicos' knowledge is not all there is to Embera herbal medicine, and that at subsequent encounters she learned a bit about women's medicine but at a certain point --- short of, for example, specific revelations about an herbal contraceptive that is said to exist among the Embera --- the women declined to say more. The existence of a separate women's branch of medicine, however, was freely admitted to Potvin by the male botanicos.

開始的時候，便發現需要將關於兩個性別的討論分開，有些事波特凡能夠參與但她的男性同事卻不一定能。原來，除了傳統治療師與“賈巴那”(心靈治療師，通常也是傳統治療師)之外，還有另一支不同的草藥療法體系，它屬於女性，專門處理婦科與產科的問題。這種在家庭裡代代相傳的知識有時也會和傳統治療師的專業重疊，例如有關治療腸內寄生蟲的植物。波特凡說早先她開始研究的時候，當地女性接近她並提醒她傳統治療師的知識並不代表安比拉的一切草藥醫學，接著在隨後幾次的經驗中，她得知了一些這種關於女性的草藥體系，但在某部份，例如傳聞中安比拉的草藥避孕法，卻由於當地女性拒絕進一步透露而無法深入了解太多。然而，當地男性傳統治療師倒是大方的向波特凡證實這種專屬女性的另一種草藥體系分支的存在。

On the ecological side, five Embera botanicos (actually four botanicos and a botanica)

participated in a field collection of medicinal plants, in which three good specimens of each species were taken, the characteristics of the ecological niches in which the plants were found were noted and certain scientific blinders were imposed to avoid biasing the studies.

在生態方面，每次的野外草藥採集會有五位安比拉傳統治療師(四位男性治療師與一位女性治療師)參與，每個種類的草藥都會蒐集三個最好的樣本，他們會註明這些草藥的特性是治療什麼最為有效，並舉一些錯用的例子來避免研究上的偏差。

Potvin was working on a grant from Canada's International Development Research Center, and the donor mandated certain restrictions on her work that presented an immediate controversy with the Embera healers. The big problem was an insistence on validation. The sponsors didn't want to pay for a study of quackery with no real medical value, but traditional healers at Ipeti-Embera, like their counterparts in many other places, are insulted by the suggestion that their knowledge must be validated in the terms of institutions from the developed world.

波特凡接受來自加拿大國際發展研究中心(Canada's International Development Research Center)的補助金，也因此贊助者對於她的研究工作有些特別要求，但這些規定卻和安比拉的治療師之間產生衝突。最大的問題來自於贊助者對於草藥療效核可的堅持，他們不願意把錢花在研究沒有實際醫療價值的庸醫胡謔之上，然而，對於他們的知識必須通過已發展國家的研究機構來認可這回事，依佩塔·安比拉的傳統治療師感到非常羞辱。

Eventually that difference was finessed by a medicinal plant validation process that included three methods. A species that was mentioned as medicinal in academia's pharmacology or ethnobotany literature was considered valid. So was a species listed as medicinal by the TRAMIL international plant research group. Finally, and controversially with some members of the audience, the reported use of plant by at least two Embera botanicos who obtained their knowledge independently of one another was also considered validation.

最後，贊助者與治療師之間觀點的歧異由一個藥用植物核可方法來巧妙解決。這個方法包涵了三種方式：若是某類植物的療效在學術界的藥理學或是人類植物學裡有被提及，它就能算是通過核可；此外，被 TRAMIL 國際植物研究組織列為具療效的植物也是；最後一個方法，也是對某些讀者來說最具爭議性的一個，是只要經過至少兩位安比拉傳統治療師各自研究而發現療效的植物，其療效也算通過核可。

There were 131 plants collected at and around Embera-Ipeti, eight of which were of well-known common use and 40 of which were known by two or more botanicos. Of these 40 plants, 12 were listed in the developed world's literature, one with mention of contra- indications that had not been known to the botanicos before the Canadian researcher pointed them out. Some of the better known herbal cures included salvia, which is used for colds and as an analgesic; ginger, which is used for diarrhea; and paiko, with which parasite infestations are treated.

有 131 種植物在依佩塔·安比拉或那附近採集，其中八種植物所具有的療效是眾所週知的用法，另外還有四十種是兩個或更多的傳統治療師了解其用法的植物，

在這四十種植物中，有十二種名列已發展國家的文獻資料中，其中有一種植物在文獻上還提及了它使用上的禁忌症，在加拿大研究人員發現之前，安比拉的傳統治療師們也不知道這種禁忌症，另外就是一些療效較為知名的植物，包括可以用來治療感冒以及當作止痛劑的鼠尾草、止腹瀉的薑和治療寄生蟲的 paiko。

Potvin's lecture concentrated on those 40 species. She wanted to know which plants were rare and which were common, and where these species are found. With that knowledge, it would be possible to begin to develop a conservation strategy for the plants themselves. (Conservation of the knowledge of traditional plant medicine was the main aim of her research, but of course if the plants themselves go extinct then the knowledge of them becomes rather moot.)

波特凡的演講集中在這四十種植物上，她想知道這些植物是在哪裡找到的，哪些較為罕見以及哪些屬於常見植物；有了這些知識，才有辦法去發展如何保存這些植物的對策。(傳統草藥療法知識的保存是她研究的目標，但若是植物絕種，這些知識也將成為沒意義的空談)

Her findings didn't support one of the favorite arguments advance to save the rainforests. "Mostly medicinal plants tend to be fairly common," Potvin pointed out, adding that most of the plants involved in the studies grow among agricultural crops and in fallow fields, while few are found in untouched forests. Thus the notion that preserving the forest undisturbed will save medicines unknown to the industrialized world may have some validity, but it wasn't borne out by this research.

波特凡的研究發現並未支持拯救雨林者高唱的論點。她指出，大部分的醫藥用植物都非常的普遍，她研究的植物裡很多都生長在農田之中或是休耕地裡，只有極少的植物生長在原始的雨林裡。也就是說，「保護森林不受到破壞，就是保存那些『被工業化世界所需要但卻未被開發的解藥』」這樣的理念雖然有其可取之處，但它並不是從波特凡的研究裡產生的。

Potvin found that botanicos hadn't domesticated the plants they use. They told her that they're not interested in establishing medicinal gardens because they know where the plants they want grow.

波特凡發現傳統治療師並沒有人工栽培他們所使用的植物，他們告訴波特凡，因為他們知道這些藥用植物的棲地在哪裡，所以他們對建立藥用植物園沒有興趣。

In any case, she pointed out that the survival of both the knowledge of traditional medicine and the plants used in its practice get down to matters of economics and trust. "If people trust their traditional medicine, it will be easier to conserve the plants," she said, and then noted that while 60 percent of the people in Embera-Ipeti have used the services of botanicos, only 18 percent go to them first when they are sick.

無論如何，她指出，傳統醫學知識的存留與植物的運用跟當地經濟和人民信任有關。她說：「如果人民信任他們的傳統醫學，保育植物將更容易。」她又表示，雖然依佩塔 安比拉有百分之六十的居民接受過傳統治療師的服務，只有百分之十八的人在生病時立刻尋求其協助。

The competition is the hospital in Chepo, where standard western medicine is practiced and services are free.

植物療法的競爭者是在切波(Chepo)的醫院，他們使用傳統西式醫療，並提供免費看診服務。

Botanicos, on the other hand, charge for their services, less for minor ailments that are easy to cure, more for the harder cases. Prices range from around \$3 to treat a cut to \$125 for a snakebite. (Women's medicine, on the other hand, is practiced for free.)

Botanicos charge the same rates to teach their knowledge as to apply it, so, for example, if someone is bitten by a snake and goes to a traditional healer who happens to be teaching a student, the botanico stands to earn \$250, \$125 each from the patient and the student. In the Embera system patients don't pay unless they are cured. (And wouldn't you know, Potvin notes that there are occasional arguments in which botanicos complain that their interventions didn't work as hoped because patients didn't take their medicine as instructed.)

相較於切波的免費服務，傳統治療師卻為他們的服務收費：易治癒的小疾病索價較低，嚴重的疾病索價較高。醫療價格從三美元的割傷，到 125 美元的蛇咬傷不等，而跟女性有關的疾病則免費治療。若是想學習如何自我醫治的療法，索價則與為其治療費用相同。舉例來說：若是有一個人被蛇咬傷到尋求傳統醫療的協助，而那裡恰巧有想學醫治蛇咬傷的學徒，傳統治療師總共可從病患和學徒那各收取 125 美元，總共賺得 250 美元。安比拉的醫療體制規定，病患並不用為沒治癒的疾病付費。但波特凡卻指出，傳統治療師面對多起這樣的醫療紛爭，他們常常抱怨，其療程沒有效果的原因是因為病患並不按照醫囑服藥。

If you drive around town in your own car and live an air conditioned existence, set aside your economic assumptions and understand that Ipeti-Embera, like virtually all of Panama's indigenous communities, is POOR by your standards. "Price is a serious impediment to people seeking traditional medicine," Potvin concluded, adding that it's also "a major impediment to the transmission of traditional knowledge."

如果你有可以開車到城市，並居住在有空調的房子這樣的生活品質，那麼現在將你既有的經濟概念放在一邊，並試著了解依佩塔 安比拉像所有巴拿馬當地的社區一樣，是你所想像不到的窮困，所以波特凡歸論並附加：「價錢對於尋求傳統醫療的人們是個嚴重的障礙，對於傳統知識的傳承亦是如此。」

And then there's the economic question that is the subject of much debate in international law. Who owns the intellectual property?

接下來，還有一個在國際法律上產生爭議的經濟問題：「誰擁有這項智慧財產權？」

The Embera may own land collectively, but most villagers at Ipeti-Embera say that knowledge of traditional medicine belongs to the botanicos rather than "the community." Potvin notes a certain gender gap on this issue, with women more frequently advocating common ownership of traditional knowledge. The Embera consensus is that arguments about such intellectual property rights should be judged by local authorities.

安比拉人可以共同擁有土地，但是大多數依佩塔 安比拉的居民認為傳統醫療的知識是屬於傳統治療師，不屬於當地。波特凡注意到這個問題中有性別的認知差異，當地的女性比男性更為頻繁的提倡傳統知識需被普及擁有。安比拉人對此的

共識是：一切有關智慧財產權的爭議都須由當局決定。

So what has been the practical result of Dr. Potvin's work?

那麼，實際上，波特凡最終的成果是什麼呢？

Ipeti-Embera has built a hospital of traditional medicine, paid for the training of seven new botanicos and established a medicinal plant garden. The five botanicos involved in these works have been paid according to custom. There is discussion about establishing a bank so that people in Ipeti-Embera can get loans to pay for traditional cures.

依佩塔 安比拉已蓋了一座使用傳統醫療的醫院，支付了七位傳統治療師的訓練費用(其中五位治療師都按照當地的習俗支付費用)，並建造一座藥用植物的植物園。在當地也有如此的討論，希望建立一家銀行，使依佩塔 安比拉人在使用傳統療法時，可以用借貸的方式來付錢。

The work that Potvin has done at Ipeti-Embera is now being extended to Mogue, on the Pacific coast of Darien province, with one big difference. She's not doing it. In Mogue, the project is directed by and the work is being carried out by indigenous people themselves.

波特凡在依佩塔 安比拉的成果現已延伸到太平洋岸達連省(Darien province)的蒙格(Mogue)，但是經營方式有很大的改變。在蒙格，她不用親自參與，這計畫是由當地居民親自執行並完成。