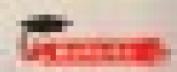


挑战与回应

中国话语中死亡与垂死的德性之维

颇青山/著 ◆湖南师范大学出版社



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中文摘要

本文的宗旨是运用当代德性伦理学的理论探讨中国场景中一个紧迫的现实问题,即死亡与垂死问题,我们在这里所展示的是在德性论基础上当代死亡伦理与中国传统死亡文化的双向诠释活动。

本文的总体结构是:第一章给出全文的理论基础即德性结构的三个方面(历史文化、个体心理、伦理理由);第二章关乎中国话语中的死亡挑战的问题:死亡定义、脑死亡和安乐死;第三章从历史文化的角度探讨中国文化中的死亡德性传统;第四章探讨回应死亡挑战的伦理理由方面并对这些理由作出德性论的诠释;第五章则以死亡心理为基础,探讨死亡德性及其实践(临终关怀)。从大的方面看,第一章是理论基础,第二章是问题,第三、四、五章则各自构成了三个内容上可以彼此独立的、自足的论述,它们各自以德性结构的某一方面为主,但同时也或多或少地涉及其他两个方面。

德性论是我们整个论文的理论基础,在第一章考察当代德性伦理学的时候,我们发现,可以存在三种类型的德性论:历史主义的德性论、经验主义的德性论和理性主义的德性论。这三种类型的德性论的主要分歧在于对德性伦理学的核心词汇——"品质"(character)的不同解读:历史主义德性论将德性"品质"看作是一种存在于一定历史和社会文化传统中具有"典型"特征的善的品质,它有益于整体生活并与人对善的追求相联系;经验主

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义将德性 "品质" 看作是个体的心理特征,是一种稳定的可以在特定情景中指导个体的特定行为的气质; 理性主义德性论则将德性 "品质"理解为依据伦理规则无矛盾地行动的能力。我们的看法是三者平庸的综合: 德性是一个处于特定社会关系和历史文化中的个体,运用自身的理性反思能力同化社会道德规范之后而具有的一种道德心理品质之整体,它在特定情景中会导致该个体某种特定的具有一贯性的行为倾向。这个德性定义宣示了德性结构的三个方面: 历史文化维度、心理品质维度和理由规则维度。

在第二章中, 我们展示了中国话语中对死亡与垂死问题的多 重挑战: 死亡定义、脑死亡和安乐死。在死亡定义的分析中. 我 们以威契定义死亡的理论为基础,从中国传统文化尤其是中医中 的"气"论出发、探讨了死亡定义的各个层次、逻辑上、"气聚 则生,气散则死"可以构成一个较好的形式化的定义;在概念层 次上, 死亡主要是指身体流体的不可逆丧失及身体调节能力的不 可逆丧失;至于死亡的关键部位,有"五脏说"和"脑髓说", 而以"五脏说"为主流:中医中的死亡标准是多元的、有脉诊标 准 (如所谓"真藏脉")、经络标准等。在探讨脑死亡概念时,我 们介绍了脑死亡的标准及其争论,并从进化的角度指出:脑干死 亡是人的生物性生命的死亡,而大脑死亡则是人格生命的死亡。 在关于安乐死的探讨中, 我们首先将安乐死的历史划分为四个时 期:远古及古代习俗时期,中世纪禁绝时期,近代观念时期 (1870-1931年), 现当代实践时期(1931年-目前)。其中, 现 当代时期经历了两次拯救"安乐死"概念的努力,第一次是将它 与自杀区分开来、第二次是将它与谋杀区分开来。我们质疑了比 彻姆的安乐死定义,指出,比彻姆的定义带有明显的价值色彩, 即试图将安乐死与不可接受的谋杀区分开来; 我们将安乐死看作 是广泛的"好死",而将比彻姆的安乐死看作是狭义的"仁慈" 安乐死。

第三章探讨中国文化中的死亡德性传统。我们的基本预设是,每种文化都具有足够的多样性,而每种思想都具有足够的诠释力;某些可能是偶然的历史力量选择了其中某种或某些思想成为主导意识形态;当这些思想习俗化时,民众的创造性认同可能比思想家的思想本身更为重要。在这一部分,我们主要是从理论上探讨中国死亡习俗得以可能的思想基础和历史机制,前者是中

国文化中的死亡德性论,而后者则是这些德性论习俗化的过程。 我们主要涉及儒家、道家和佛家的死亡德性论及其习俗化。儒家 的死亡德性论是目的论,追求死亡意义的伟大性,"大哉死乎" 能够概括这种思想,而其主张的死亡德性则是有一定积极意义的 "顺命";道家的死亡德性论是非目的论的,主张生死齐一,可以 用"生死一条"来概括之,而其主张的死亡德性则是消极的"安 时而顺";佛家的死亡德性论也是目的论的,在佛性上追求超越 生死的"涅槃"状态,而其对死亡的本体性理解则是"死苦"。 儒道佛习俗化的机制各不相同,儒家死亡德性论的习俗化最具有 代表性,它包括思想家的思辨、制度的选择、民众的创造性认同 与知识分子的附会等;而道家和佛家的死亡德性论主要是以宗教 化方式达到习俗的。新中国的死亡德性论是革命英雄主义的目的 论、可以用"死得其所"来概括。

第四章探讨了回应死亡挑战的主要理由及其与中国文化传统的德性诠释关系。在开始这种诠释之前,我们更一般地对"理由"与行为的关系作出了讨论,区分了无需理由的行为(如习俗)和需要理由的行为(如新的挑战),新的死亡方式作为挑战行为,是需要伦理理由加以辩护的。这些辩护的主要理由是仁慈、公正或正义、尊严、权利或自主性;它们要么本身是德性(仁慈、正义与尊严),要么是与德性密切相关(如权利与自主性)。仁慈可以诠释到儒家的"仁"、道家的"上仁"和佛家的"慈悲"上;公正或正义则可以诠释到儒家的"义";尊严可以诠释到儒家之"礼"、道家之"守辱"及佛家之"忍";至于权利与自主性,可以勉强诠释到儒家之"智",当然儒家的"为己"、道家的"任性"及佛家的"佛性我"等都可以对之作出有限的诠释。

在最后一章中,我们首先对死亡德性的可能性和性质作出探讨,这种探讨是基于对经验主义的德性"测不准"现象的哲学分析。我们的分析表明,在不同的情景中,习俗德性的表现是不同的,但它们可以通过理智德性的作用达到一致;这也表明,德性本身是整体的。由于德性主体的差异,因此存在着两种相互联系的死亡德性:面对死亡的德性和临终德性(见死德性和在死德性)。死亡德性是生活德性在死亡情景中的继续和实现,死亡德性与生活德性的差别只是情景的差异;合乎德性的死亡意味着死

橙 与 回 应 # 囝 活 浯 # 死 Ľ 与 垂 死 紨 彼 # Ż 维 亡是有准备的和无遗憾的。死亡的心理历程是死亡的重要情景, 德性在这种情景中的作用就是运用理智德性克服在死和见死时必 要的"恶",如恐惧、震惊等。在中国传统中,四种主要德目是 仁义礼智、按照我们关于死亡德性与生活德性之关系的理论、它 们同时也构成死亡德性的德目、于是、我们的死亡德性论就是对 仁义礼智诸德性作出新的诠释。这种诠释要求它们具有能够包含 所有德性品质的逻辑完备性, 但不要求逻辑上的自治性; 这样, 死亡德性作为一个整体, 在其下面又可以区分为德目和具体品质 两个层次。同时、我们所主张的死亡德性论是目的论的, 其基本 目的就是追求死亡的质量或优化死亡质量。从德性论的角度出 发,我们可以对脑死亡和安乐死提供一个特别的策略:我们主张 亲属同意的脑死亡策略,并给予亲属一个德性认同的时间;而在 评估安乐死决策中应该是没有痛苦的"胁迫"的,至少应该通过 心理疏导达到死亡的无遗憾。这两种策略都涉及临终关怀。临终 关怀的目标就是合乎德性的死亡,这种关怀既包括临终者(在死 者), 也包括亲属(见死者); 在临终关怀的操作中, 最重要的是 对临终者或亲属德性的分析。

最后,我们主张,在医学充分发展的今天,应该提倡在家死亡,以让临终者的死亡德性在其熟悉的环境中充分发挥作用,走向真正的合乎德性的死亡。

1

Abstract

This thesis is intended to discuss an urgent and practical issue, death and dying in Chinese discourse. We show the mutual interpretations between contemporary ethics of death – and – dying and traditional Chinese culture on the basis of the theory of virtue.

The total structure of the thesis is that we establish the theoretical foundation i. e. the structure of the virtue in Chapter 1, that we describe the challenging issues about death and dying in Chinese discourse i. e. the definition of death, brain death and euthanasia in Chapter 2, that we discuss the tradition of death virtue in Chinese culture in Chapter 3, that we analyze the ethical reasons responding the challenges based on the ethics of virtue in Chapter 4, and that we require into the virtue of death & dying and end – of – life care or dying care based on psychology of death in Chapter 5.

Although we make the thesis a big "system" in logical form, based on the structure of virtue, we don't seek for such "system" in content and we can't yet reach it in this way. Actually Chapter 3 – 5 respectively consists of an independent and self – consistent subsystem respectively based on some aspect of the structure of virtue.

In Chapter 1, we discuss three kinds of contemporary theories of virtue: historicist, empiricist and rationalist. The main disagreements among them are the different understanding of "character", a central term

in the theory of virtue. Historicists see "character" as the goodness formed historically and culturally, with some "typical" or "representative" traits in a certain society, which does favor to the whole life of people. Empiricists sees it as the steady psychological disposition of an individual, which leads the individual to a certain behavior in a certain situation. And rationalists see it as a capacity for leading an individual to behaving without contradiction, according to the ethical rules.

Our understanding is mediocre about it, and we see "Character" of virtue as the entirety of moral attributes, which an individual has gotten after he/she creatively accepts the ethical rules in his/her culture and society with his/her intellectual capacity and which leads the individual to the steady tendence to a consistent behavior in a certain situation. Our definition of virtue shows the three aspects of virtue i. e. historical or cultural, of psychological disposition and of the rules.

In Chapter 2, we show the challenges of death and dying in contemporary Chinese discourse; definition of death, brain death and euthanasia. In the analysis of the definition of death, based on the "Qi" theory (pneumatology) in traditional Chinese culture especially in TCM (Traditional Chinese Medicine), we discuss the definition of death on four levels – of the form, of the concept, of the locus and of the criteria – according to Robert Veatch's theory of defining death. On the formal level, the statement, "a creature is alive if the Qi is gathered; a creature is dead if the Qi is disappeared" ("Qi ju ze sheng, Qi san ze si"), is a good definition. On the level of concepts, death mainly refers to the irreversible loss of vital fluids and of the capacity for bodily integration. On the level of the locus, there are the doctrines of five viscera (Wuzangshuo) and of brain tissue (Naosuishuo) but the former is leading. As for the criteria, they are pluralist, pulses diagnosis (Maizhen), energy channels (Jingluo) diagnosis and so on.

Then in the discussion of brain – death concept we introduce the criteria of brain death and the debates. From the viewpoints of the evolution theory, we point out that the brainstem death means end of human being's life and that the cerebral death means end of person's life.

After briefly introduce the history of euthanasia, we divide it into four

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stages: the custom stage in ancient ages, the banning stage in Medieval Ages, the conceptual stage (1870 - 1931) in modern ages and the practical stage (1931 - present) in contemporary age. During the last stage, the ethicists have tried twice to save the concept of euthanasia. The first time is to distinguish it from suicide and the second time was from murder. We question Beachaump's definition of euthanasia and point out that his attempt to distinguish euthanasia from the unacceptable murder is value - related rather than descriptive. We see euthanasia as "a good death state" in the widest sense, and see Beachaump's concept as beneficent euthanasia in a narrow sense.

In Chapter 3, we discuss the tradition of virtue in Chinese culture. Our foundational hypothesis is: (1) there is sufficient diversity in every culture; (2) every thought has sufficiently interpretive capacity for the reality; (3) some historical forces that perhaps are random select certain thought as the leading ideology; (4) the creative acceptance of the public is more important than the thoughts themselves. In this chapter, we mainly discuss the theoretical and historical basis of the possibility of Chinese customization of the death virtues. The former is the theories of virtue of death, and the latter is the historical process of the customization of the theories. We mainly discuss Confucian, Taoist and Buddhist theory and their customizations.

Confucian theory of death virtue is teleological and they seek after the excellence of death. The statement, "What a great death" ("Da zai, si hu") can express its death notions. As for the virtue toward death, Confucians advocate the obedience to the destiny (Shunming). Taoist theory of death virtue is non – teleological and they don't seek after any significance of death. The statement, "death is the same as life" ("Shengsi yitiao") can sum up its thoughts of death. Taoist virtue toward death is to die at the right time ("An shi er shun"). Buddhist theory of death virtue is also teleological and they pursue the realm of Nirvana. The pursuit is based on their ontological attitude regarding death as suffering. The historical mechanisms are different which Confucian, Taoist and Buddhist theories of death virtue become customs. Confucian is the most representative among them. And these processes include the thinkers'

speculation, selection by the social systems, the public's creative acceptances and the intellectuals' interpretations. In new China, the theory of death virtue come from Mao Zedong's thoughts especially from the famous article named To Serve for the People, and Mao's theory is of teleology with revolutionary heroism. The statement, "to die for what one ought to die" ("si de qi suo") can sum it up.

In Chapter 4, we introduce the important reasons responding the death - dying challenges and discuss the interpretive relationship between them and traditional Chinese thoughts, based on the theory of virtue. Before the interpretations, we discuss the relationship in general between reasons and behaviors and we distinguish the behaviors in the need of reasons (for example customs) from the ones without the need of reasons (for example challenging ones). As challenging behaviors, new patterns of death need to be justified with the ethical reasons. The important reasons are "mercy" or "beneficence", "justice", "reverence" or "dignity", "right" and "autonomy". We think that "mercy" or "beneficence" can be interpreted with Confucian "Ren", Taoist "Shangren" (super Ren) and Buddhist "Cibei" (benevolence or pity), that "justice" with Confucian "Yi", that "reverence" or "dignity" with Confucian "Li" (etiquette), Taoist "Shouru" (insistence on dishonor) and Buddhist "Ren" (sufferance), that "right" and "autonomy" with Confucian "Zhi" (wisdom) or "Weiji" (for self), Taoist "Renxing" (willful or freedom) and Buddhist "Buddhist self".

In the last chapter, we discuss the possibility and nature of the death virtue at first, based on philosophically analyzing the phenomenon of immeasurable virtue. The analysis shows that the same customary or ethical virtue leads to different behaviors in different situations. But they can keep the consistence under the intellectual virtue. This also shows that the virtue itself is one moral entirety. There are two kinds of death virtue, the virtue toward death and the virtue of dying, with the different subjects of the virtue. We think that the death virtue is succession and success of the life virtue in the situation of death and that the difference between them is simply situational. We also think that the virtuous death is in preparation and of no regret. The psychological process of death is an important

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situation of death, and the virtue of death - dying plays the role of diminishing the necessary evil, for example dread, shock and so on.

In Chinese tradition, the four items of virtue is Ren, Yi, Li and Zhi, and they are also the death virtue at the same time, according to our theory of the death virtue. In our theory, we re – interpret them in contemporary discourse. These interpretations demand their completeness in logic. Our theory is teleological and it aims at seeking after the good quality of death or the optimized dying.

From our viewpoints, we suggest that a strategy of brain death should obtain the consent of the relatives or the trustees and that a strategy of euthanasia should be one of informed – consent in the situation without pain. Both of them deal with end – of – life care or dying care. The aim of end – of – life care is to lead the dying to a virtuous death and the relatives of the dying to accept the death virtuously. So it's the most important to analyze the virtue of the dying and of the relatives.

At last, we advocate that the dying should die home under nowadays condition of medical science so that the virtue in dying can play an important role and the dying can go toward a truly virtuous death in a familiar situation or circumstance.

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引言

关于文化的诠释研究, 历来有两种基本的观点; 这两种观点也可以体现在死亡德性的研究上。文化激进主义者认为, 中国正处于现代化的过程中, 中国传统文化可能会阻碍这种进程, 因此, 我们没有必要从传统中国文化中去获得这种德性; 或者, 当中国在上世纪初期进入现代化进程

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后,无论是语言形式,还是文化内容上,我们都已经奠定了与国际接轨的基础,因此,返回传统不但是倒退,而且可能收效甚微。激进主义的结论很可能是,我们只需要引进即可。文化保守主义者则认为,中国传统是如此悠久,继而它与西方传统是如此不同,对外来政策的任何引进不但会破坏我们的文化,更可能引起混乱。其实,这两种观点有一个共同的假定,即不同文化是无法交流和共处的,它们之间缺乏可通约性。我们的观点则是,作为理性存在的人类的生活方式,文化之间必然是可以通约的,这是文化交流的基础,理论工作者要做的就是寻求这种通约性的形式和内容,在形式方面尚未达到之时,先行的内容上的探索是极其必要的。

尽管本文的题目是关于死亡与垂死问题的,但作者并不想涉及其所有的方面,也无意于构建一个完整的关于死亡伦理的宏大的理论体系。我只希望在具体问题上能够在其他人的研究基础上有一点进步,有一些洞见,或者提出并尝试解决一些自以为有趣的问题。

按照学位论文惯例,我应该在这里介绍一下我的研究目的和研究背景。为什么选择德性论的视角,这不仅是因为中国传统文化比较重视死亡德性的修养——事实上,整个中国古典伦理学都具有浓厚的德性论色彩——更是因为,当西方或现代死亡政策或策略传入中国或提上议事日程,即进入中国话语的时候,其主要的障碍不是这些政策或策略是否可以实施的问题,而是是否可以被接受的问题——接受的问题就涉及到人们对待死亡的德性。另一方面,形成这种障碍的原因是我们对现代医学无反思的信任,这种信任使得我们形成了一种医学主义的观念:只要我们去救治,那么任何生命都是可以挽救的。而这种医学主义已经或正在破坏和腐蚀我们已经拥有的面对死亡的德性传统。形成恰当的面对死亡的德性对中国这样一个正在进入老龄化的社会,无疑是重要的。

关于研究背景,困难的是,死亡问题的研究文献汗牛充栋,本文涉及的文献如果能够达到哪怕其中的百分之一,也是非常了不起的。另外,本文并不是一个完整体系建构的研究,不太可能提供一个统一的背景,而关于各个方面的研究,则将在论述相应方面时被提供——这种介绍是各方面研究的必要组成部分,如果