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Can bioethics live without tradition and history?

How Fritz Jahr translated the 5th Commandment into the present and future. A methodological and conceptual case study.

ABSTRACT

It is an empirical fact that research and education in modern applied ethics, including bioethics, rarely do include a critical dialogue with philosophical or moral traditions. It is argued that such an attitude, which follows the methods of empirical sciences, is deficient and inappropriate for the humanities. This paper demonstrates, how Fritz Jahr uses the 5th Commandment of the Jewish-Christian tradition to discuss most modern actual issues in a pluralistic postmodern society.

The missing discourse with tradition in bioethics

Over the millennia, the discourse of philosophy and ethics with its own history and classical traditions has been a central methodological and conceptual part of doing philosophy, deliberating in ethics and applying concepts and principles to the real world. Modern fields of applied philosophy and applied ethics tend to reduce or even eliminate the historical dimension of reasoning, analyzing, debating and finding new solutions, concepts, models, and strategies for implementing principles, virtues and values into new and old fields of personal and professional challenge.

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Applied ethics seems to follow methods of arguing and researching which is found in cutting edge natural sciences and technology. Quotes and citations in bioethics and medical ethics refer to material younger than five years; very rarely are classical studies or century old authorities discussed. Instructions to reviewers and authors, given by some journals in the fields of applied ethics, actually disqualify papers discussing references older than a few years. An empirical study on citations and references in the dozen leading journals in medical ethics and bioethics would be needed to demonstrate the role and relationship of tradition in these fields. Biomedical ethics, clinical ethics, public health ethics have become a postmodern science without any or only little contact with traditional sources, arguments, positions in ethics, philosophy, and religion. The so-called Georgetown Mantra –autonomy, non-maleficence, beneficence, justice – just 50 years old, serves as the coat-of- arms and battle-cry, making reference to other sources obsolete, curious and unnecessary.

Fritz Jahr, the father of modern bioethics, gives an impressive example of how to use classical tradition to analyze modern issues in ethics and how to develop and introduce future-oriented virtues and principles based on such a dialogue with tradition. He uses the Jewish-Christian moral tradition, but many other classical traditions are available worldwide for similar hermeneutics and a richer global dialogue in bioethics. Actually, the fate of his vision of an integrative Bioethics Imperative is an early empirical indication for the forgetfulness and the loss of tradition and history in modern bioethics and applied ethics.

Fritz Jahr's hermeneutic study 'Thou shalt not kill!'

The so-called Ten Commandments originally were given by the political and religious leader Moses to a small group of nomadic Semitic tribes in the northern Arabian peninsula, on their way to find settlements. These commandments were specific and exclusive for these tribes, to make them different and identifiable from others who served other Gods and had other rules. A few of these commandments could be generalized such as the command not to kill or not to lie, others with limited authority such as to respect a one-man-one-woman marriage, others not such as the sanctity of the Shabbat and the exclusiveness of the tribal God Yahweh .

Jahr introduces the 2500 year old commandment of not actively killing another person into challenging tasks of the 20th century: (1) 'Do not kill' is a Golden Rule for everyone on a global scale, in disregard to all differences in religion, race, culture, tradition. – (2) 'Do not kill' positively expressed is an obligation for everyone to take positively and affirmatively care of his or her life and wellbeing, live a preventive lifestyle and avoid risks to health which might kill or harm oneself. – (3) A

generalization of the 'do not kill' principle includes the respect and protection of all forms of life, for which humans can and therefore should feel responsible, thus the golden rule for civilized and cultivated anthropological ethics among humans expands into a global life ethics as a new principle to protect life and Earth, wherever and whenever possible, as the new Bioethical Imperative, surpassing the traditional Kantian Imperative to respect exclusively humans as ends in themselves, i.e. creating an entirely new field of academic research and teaching and of public discourse and a new global culture for the field of 'bios', i.e. bioethics. Jahr wrote this piece of hermeneutics of applied ethics in a crucial moment in German and European history, in 1933, the year the Nazis took over parliament and government and 6 years before they started World War Two. It was the time when in Germany and elsewhere discussions about 'life unworthy of living' [lebensunwertes Leben] of the severely handicapped and demented and even entire racially defined populations were en vogue and later implemented by the Nazis. ¹

The general Golden Rule: Do not kill

In his hermeneutics, Jahr goes immediately from the discussion of what should be forbidden to a positive goal, asking positively 'What is the Golden Rule?'

'How do we do good? – The so called 'Golden Rule', which gives answer to this question, is: All, what you want the people do to you, the same do to them (Matthews 7:12; Luke 6:31). Kant's 'Categorical Imperative': Act only according to that maxim whereby you can, at the same time, will that it should become a universal law, - this basically means the same. – But are these and similar formulations not only just a formal criterion for a 'good' action. The motive, disregarding such a criterion, could just be blatant egotism, a so called contract on reciprocity: Do nothing to me, so that, in return, I will do nothing to you (Schopenhauer hints to that in his 'Grundlage der Moral'). If we are aware that love is the fulfillment of the moral law (Romans 18:10), then we are one step ahead, indeed: We know the motive. But we do not yet know the concrete content of the moral law, we don't know what to do or not to do specifically. Here, Schopenhauer, serves as a helping hand: He calls as the best, the most concrete specification of the moral act the sentence: Neminem laede, imo omnes, quantum potes juva! (Don't hurt anyone, but help everyone, as far as you possibly can!). – More than two millennia before Schopenhauer, the 5th Commandment has already brought such an insight, and in fact in a broader perspective than benefit or harm, namely in the perspective of sanctity of life and life's

¹ The full text of the three long English language quotes from Jahr's article "Drei Studien zum 5ten Gebot" can be found in "Fritz Jahr: Essays in Bioethics and Ethics 1927-1947", transl. Irene M Miller and H. M. Sass, Bochum: Zentrum fuer medizinische Ethik (medethics@rub.de) 2011.

manifestations. Therefore the calling: 'You shall not kill!'. We know from Jesus that the 5th Commandment does not only prohibit killing, but all bad deeds against others, even the bad word, even the bad thought. This means: He not only forbids the malicious or careless destruction of life, but also everything which, in one way or the other, may influence life in a hampering or troubling way. Luther in his Catechism has made it clear, that the 5th commandment has to be understood not only in a negative, but as well in a positive way. - The consequence of all of this, the 5th commandment is a very good expression of what it means to be morally and practically good.'

Thus, an exclusive rule, given to the elected people, became an including rule for 'all good people', integrating 'good' Jews, Christians, Muslims, Buddhists and others, and making them different, not on the basis of skin but attitude, from 'bad' Jews, Christians, Muslims, Buddhists and other bad people. Of course, the 'do not kill' rule was not only 'given by the Lord', it was a common sense rule of reciprocity and pragmatics 2500 years ago, it also could and can be supported strongly by humanist and legal reasoning. A special rule given exclusively to a few can become and has become a universal rule, a common morality. As a rule guiding personal and professional life, it could read today: do not kill other people; do not harm other people; do not exploit other people; do not degrade other people by character assassination, defamation, exploitation. Also in the more distinct health care setting: do not kill your patient; do not harm your patient; do not exploit your patient; do not keep your patient ignorant; do not disrespect your colleagues and co-workers; do not break or harm the rules and values of the care team. In interpreting Moses' rule, Jahr also makes use of the hermeneutic history of the 5th Commandment, quoting Luther and Schopenhauer, an exemplary model to deal with tradition.

Positively expressing and supporting virtues rather than detesting vices, as Jesus and Luther suggested, the rule could read: do support the life of your fellow human, do support her or him in any way you can, offer help, care for your neighbor, encourage and honor her or him in their particular effort and vision. In the healthcare setting: educate you patient to be health conscious and health responsible, treat your fellow human as a person and not just her or his symptoms, respect her or his wishes and values even if you do not share those, be supportive of your colleagues and co-workers and respect their individuality, cultivate the working environment. Thus, a universal rule can be fine-tuned to specific situations and working environments.

Individual health literacy: Do not kill yourself

Jahr addresses moral obligations to oneself, translating the classical ‘do not’ rule into some of the most pressing lifestyle-related issues of caring for health and good health.

‘When talking about moral duties, normally we mean duties towards other people in the first place. Routinely we do not consider that each person has moral duties towards oneself as well, and that those duties are of immense importance. Christian religion expressively mentions those moral duties of everyone towards oneself. That, basically, applies to the 5th commandment as well: ‘You shall not kill’. In this sense - ‘You shall not harm or hurt anyone’s body or life, rather help and support him/her in all distresses of body and life, wherever you can’² – in the first place means the life of our ‘neighbor’. In a later consequence, however, it means: in Christian perspective every human life as such is morally ‘sacred’ – including one’s own life. Preservation of life – and one’s own life not excluded – is a duty. And destruction and harm – again, including one’s own life – is a moral sin. ‘Don’t you not know, that you are God’s temple and that God’s spirit dwells in you? You shall keep God’s temple sacred and not destroy it.’ (following 1st Corinthian 3:16-17)

How should these moral duties, as expressed in the 5th commandment towards one’s own life, be applied in real life’s practice? By not taking one’s own life, by not shortening it, by not harming or endangering it, by not weakening one’s own health by unchastity, excesses in eating and drinking, heavy anger, frivolous foolhardiness and daredevilry, etc. . Particularly important are the protection of sexual virtue and the avoidance of abuse of alcoholic drinks. – As far as the first one is concerned, the judgment of the New Testament is particularly clear: ‘If you have loose sex, you sinfully harm your own life’ (following 1. Corinthian 6:18). But not only is it a duty to oneself to not fornicate, but also the avoidance of everything, which might lead to unchastity: dishonest looks, unclean or double talk, dancing, dresses etc. – As far as alcoholism is concerned, the Christian attitude is based in recognizing that ‘wine kills many people’ (Sirach 31:30), i.e. alcohol endangers life and brings great dangers to health.

Are the duties towards one’s own life not in conflict with duties towards the neighbor? – That is not necessarily the case. On the contrary: He/she who fulfills his/her duties towards himself/herself, avoids many forms of harm towards other people. That can be shown in regard to the already mentioned issues in sexuality and alcohol: He/she, who falls into dependency and unchastity, endangers and weakens himself/herself physically

² Cf. Luther’s explanation of the 5th Commandment, German and Latin. [This and all other footnotes to the quotes from Jahr’s essay are his own.]

and spiritually. Venereal diseases threaten as well. Weakness and disease cause the victim to be more and more of a burden to the community, harming everyone. If he/she has offspring, they also are harmed, as they may inherit a weak or sick nature, causing additional burdens and harm to the community. However, the one who protects one's own life in this respect, fulfills his/her duty also towards the community. It is similar with alcohol: Those, who are dependent on consuming alcohol, may eventually expose themselves to the severest physical and spiritual dangers. And thus the one does not only harm himself/herself, but his/her family as well, his/her offspring, his/her country, his/her race³. And again: If one protects oneself in this regard against harm, one does, at the same time, good to one's neighbor, actually to one's entire country.'

It is surprising at first glance, that Jahr applies the 'do not kill', 'protect, support and safe-guard life' rule in the second step, to the personal situation and the 'work environment' of caring for one's own health. He gives the commandment to care for the neighbor the same value as to the care for oneself. There is nothing selfish about caring for one's health and wellbeing - on the contrary: those who do not care for themselves will become a burden on others. He particularly addresses health risks associated with poor lifestyle choices and that leads directly from the care for individual health to public health care. Drug addictions and, what Jahr considers, immoral lifestyles do not only harm the addict and the immoral person; they make the community unhealthy and sick. In the 1920s and 1930s Europe witnesses a rapid breakdown from old conservative bourgeois traditions to sexual libertinage and free consummation of various drugs and existentialist lifestyle experiments. Jahr, a Protestant pastor, feels obligated to point out the risks to oneself and to the community associated with these cultural changes and value modifications; he, thus, emphasizes the relation of individual health and public health as a responsibility issue. Jahr, however, does not involve himself into the eugenic debates of his times.⁴

Modern health care and health care ethics so far have not put a prime emphasis on health education and health encouragement, on supporting health literacy and health responsibility⁵, even though today we know much more about lifestyle risks

³ *Alcohol is 'A Mean Enemy of Our Race', cf. the brochure with this title by Wilhelm John, reviewed in no. 2 of 'Ethik'.*

⁴ It must be mentioned, that Jahr in this article does not use the opportunity to involve himself into the academic and public eugenic debates in Britain, Germany, Japan and elsewhere; nor did he mention Francis Galton, Margaret Saenger, Julian Huxley or J. B. Shaw and others as proponents of 'merckilling'. The German "Law for the Avoidance of Genetically Sick Offsprings" [Gesetz zur Verhinderung erbkranken Nachwuchses] was passed July 14, 1933 by the Reichstag. But would a German religious or academic journal in 1933 have accepted an article criticizing strategies of eugenic killings or ending lives 'unworthy to live'? Would Jahr have been able to bring his message - support for life as a golden rule, as individual and public health and as respect for life in all forms - across, if he would have gotten involved in the eugenic debate?

⁵ Sass HM (2006) Gesundheitskulturen im Internet. E-Health: Möglichkeiten, Leistungen und Risiken, Bochum: Zentrum für medizinische Ethik, Heft 166. – Sass HM (2008) Public-Health-Ethik ist Partnerschaftsethik.

to health and wellbeing than previous generations did. Also, the interaction between public health care and a change in individual health care culture has not been made as clear as Jahr made it in this article. Many cultures had a strong tradition in encouraging and supporting lay health culture and responsibility, but the successes of interventional medicines seem to be too powerful today so that we use medicine as a repair facility like we use car shops for the repair of our automobiles.

Would it be advisable to not only develop more and better internet sites in the support of individual health and health care competence but also to use the vast treasures in Asian and European health literacy education?⁶ See, for example, the 17th century enlightened rules by Friedrich Hoffmann⁷, also from Halle an der Saale, a physician and pharmacist, whose ‘Dr Hoffmann Tropfen’ are still sold in German pharmacies today to cure headache and stomach pain: ‘1) *Stay away from everything which is unnatural.* - 2) *Be careful with changes as routine often becomes our second nature.* - 3) *Be happy and balanced, that is the best remedy.* - 4) *Stay in clean air, well-tempered, as long as possible.*- 5) *Buy the best nutrition which goes easily in and out of the body.*- 6) *Choose foods according to your bodily activity and relaxation.*- 7) *When you love to be healthy, run away from physicians and from all drugs.*’¹ Could and should we formulate similar guidelines today for the internet-literate people including a ‘be careful’ advice regarding charlatantry and incompetency, doctors and drugs?

The Bioethical imperative: respect, protect, do not kill

Finally Jahr expands the ‘do not’ rule into an even wider context, the respect and protection of the entire world of life, animals, plants, the globe, thus defining the new rule for his 20th century and beyond.

Bundesgesundheitsblatt 51:164-174. – Sass HM (2007) Wellness durch E-Health? Die vier K von E-Health: Kultur, Kommunikation, Kooperation, Kompetenz, E-Health und technisierte Medizin, hg D. Gross, EA Jakobs, Münster: Lit, 29-49. – Sass HM (2004) E-Health: Health Promotion and Wellness Communities Eubios Journal of Asian and Intern Bioethics 14:170-174.

⁶ See the interactive rules for the lay and the experts by Confucian doctor Gong Tingxian and based on those my own sets of interactive rules: Sass HM (2006) Bioethics and Biopolitics. Xian: 4th Military U Publ, p. 12f, 212f for physician-patient interaction; 146-148, 378-381 for public health; 62f, 274f for e-health. - See also Sass HM (1994) Formulating Global Post-Hippocratic Health Care Virtues. European Philosophy of Medicine and Health Care, 2(1), 1994, 6-10; also in: Eubios Ethics Institute. Newsletter, 4 (1+2), 1994; Japan. transl: Journal of Health Care, Medicine and Community, 5, 1994, 3-6; Chinese Transl: Newsletter. Centre for Applied Ethics, Hongkong Baptist College, 2(1), 1994, 8-15; Italian: Kos, 118, 1995: 46-51; French: Journal International de Bioethique / International Journal of Bioethics, 1995, 6(1), 5-7.

⁷ Müller IW (1991) Iatromechanische Theorie und ärztliche Praxis im Vergleich zur galenistischen Medizin (Friedrich Hoffmann - Pieter van Foreest - Jan van Heurne) (=Historische Forschungen im Auftrag der Historischen Kommission der Wissenschaften und Literatur Mainz) (Hrsg. von K.E. Born u. H. Zimmermann). Stuttgart 1991, p. 260.

“Thou shalt not kill” admonishes the 5th Commandment. Now, the term killing always means killing something which is alive. Living entities, however, are not only humans, but animals and plants as well. Because the 5th Commandment does not expressively prohibit the killings of humans exclusively, should it not be applied towards animals and plants analogously?

But are animals and plants so close to us that we must recognize and treat them actually as our neighbors? – When we review publications in modern science, we find immediately similar studies of humans and animals as subjects in research, not only in physiology, but also in psychology. Such an equality in treatment today is not reserved, as already mentioned, for humans, as similar methods are applied in the field of animals, and - as there is a comparative anatomical-zootomic research - similarly very interesting comparisons are made between human soul and animal soul⁸. Yes, even the beginnings of plant psychology are recognizable – the most well-known among them are G. Th. Fechner⁹ in the past, DE. H. France¹⁰, and Ad. Wagner¹¹ at present – thus modern psychology includes all living beings in its research. Given this, it is only consequent that E. Eisler¹², in summarizing, speaks of a Bio-Psychik.

From Bio-Psychik, there is only a small step to Bio-Ethik, i.e. to the assumption of moral duties not only towards humans, but towards all living beings. In fact, bioethics is not a discovery of today. Montaigne¹³ already grants - as the only early representative of modern ethics of sentiment - all living beings the entitlement of being treated based on moral principles: We owe justice to humans; mildness and mercy towards all living beings capable of having benefit from that. Similarly, Herder¹⁴ requires that humans - following the model of God in their sentiments - put themselves into the place of every living being and to feel with it, as much as it requires. Those lines of reasoning are continued by the theologian Schleiermacher¹⁵, who calls it immoral, to destroy life and formation - wherever they are, i.e. including animals and plants - without a reasonable argument for doing so. Therefore philosopher Krause¹⁶, a contemporary of Schleiermacher, requests that every living being has to be valued as such and not be destroyed without reason. Because they all, plants and animals like humans, have an equal right; but not totally equal, each

⁸ Among recent publication in animal psychology especially recommendable are: Sommer, Tierpsychologie, Leipzig 1925. – Alverdes, Tierpsychologie, Leipzig 1925

⁹ G. Th. Fechner, Nanna oder das Seelenleben der Pflanze [1848; 5th ed. 1921]

¹⁰ R. H. France, Pflanzenpsychologie als Arbeitshypothese der Pflanzenphysiologie, Stuttgart 1909

¹¹ Ad. Wagner, Die Vernunft der Pflanze, Dresden 1928

¹² E. Eisler, Das Wirken der Seele, Stuttgart 1908

¹³ Montaigne, Essays

¹⁴ Herder, Ideen zur Geschichte der Philosophie der Menschheit

¹⁵ Schleiermacher, Philosophische Sittenlehre, Kirchmann 1870

¹⁶ K. Chr. Fr. Krause, Das System der Rechtsphilosophie, Roeder, Leipzig 1874

only as a precondition to reach its destiny. Schopenhauer¹⁷, in particular, refers to the Indian realm of reasoning, stresses compassion as the most important motive of his ethics, and requests it also for animals. It was Richard Wagner, strongly influenced by Schopenhauer and a passionate animal friend, who made those thoughts commonly known.

As far as animals are concerned, the moral request has been self-understood for a long time¹⁸, at least in the following form: not to harm animals without purpose. With plants it is different. However, in regard to new biological and biopsychic knowledge (see above) and regarding the circles of thought which I mentioned from Montaigne, Herder, Schleiermacher and Krause, moral duties towards plants become visible. For purely sentimental-poetic argumentation such recognition is nothing new. One only has to think of Goethe, who has Faust calling plants his brothers, or of Richard Wagner's Parsival: In pious devotion people, at least on Good Friday, protect weeds and flowers in the meadow by walking carefully, in order not to hurt them. More seriously we have to take plant-ethical reflections of a quite matter-of-fact Ed. Von Hartmann¹⁹. In an article on flower luxury he writes about a picked blossom: 'She is a deadly wounded organism, the colors of which are not harmed yet, a still living and smiling head, separated from its stem. – When, however, I put the rose into a glass of water, I cannot help myself but fighting the thought, that man has murdered a flower life, in order to enjoy the dying process by an eye, heartless enough not to sense the unnatural death under the appearance of life²⁰. The plant-moral requirements leading to such recognition are quite clear.

As far as the potential realization of such moral duties towards all living beings is concerned, it might seem utopian. But we may not ignore that moral obligations towards a living being relate to its 'need' (Herder), respectively to its 'destiny' (Krause). So, it seems, that needs of animals are much less in number, and their content less complex than those of people. This applies even more so to plants, so that moral obligations towards them should produce less complications than those towards animals, as they are lower on scale (if not conceptually, so nevertheless practically). Here also comes into play the principle of struggle for life, a principle which also modifies our moral obligations towards fellow humans at no low scale. Within these limits there always will be enough possibilities for bioethical actions. Paragraphs for animal protection in penal codes of various cultivated nations²¹ give guidance in this regard. Confer in particular the new German Reich Ani-

¹⁷ Schopenhauer, *Über das Fundament der Moral*

¹⁸ The most comprehensive book in this area still is Bregenzer, *Tierethik*, Bamberg 1894

¹⁹ Psychological preconditions are discussed in W. von Schöne, Ed. Von Hartmann und die Pflanzenpsychologie, Stuttgart 1908

²⁰ Ed. Von Hartmann, *Der Blumenluxus*, 1885

²¹ For the first time, material has been extensively collected and reviewed in R. von Hippel, *Die Tierquälerei in der Strafgesetzgebung des In- und Auslandes*, Berlin 1891

mal Law. As far as plant ethics is concerned, we are guided by our sentiment; so it will hinder us to pick flowers and then throw them away carelessly shortly thereafter, or to behead plants with a walking stick, or when we find it disgusting to recognize the blind destructive impulse of rowdy lads in breaking the heads of small trees along the road. Also, excessive flower luxury - in learning from Ed. Von Hartmann - is not morally refined and can be avoided.

In sum, the universal realm of authority of the 5th Commandment shows itself and demands to be applied to all forms of life. A transcription of the 5th Commandment results in the Bioethical Imperative: 'Respect every living being in principle as an end in itself and treat it, if possible, as such!'

For Jahr it is only consequent to extend the protection and care to the entire realm of life. He refers to most recent biological and psychological research to argue, that such a scientific biological insight needs to be accompanied by an ethics counterpart. Thus the wider concept of bioethics comes from a moral reflection on new responsibilities which come with new knowledge. Only in this last section does Jahr quote recent scientific publications, thus providing for a 'translational' service from the sciences to the humanities in general and to bioethics in particular. Potter had argued similarly later in the 1970s. The traditional rule of caring for and protecting life extends to all forms of life, the similarity and equality of which has been strongly confirmed by modern science. This third and last section of Jahr's article is well documented in order to demonstrate that these reflections are based on ethical and cultural reasoning concerning most recent scientific publications and the consequences educated people and communities should draw from there.

Different to the categorical imperative by Kant, Jahr's bioethical imperative is not categorical, but pragmatic, mediated and guided by the 'will to live', the struggle for life. Humans have to eat in order to survive; humans have to defend themselves against aggressors: animals, microbes, plants, aggressive environments, people. Situational ethics will have to decide in specific cases where individual or human survival and life will be concerned.

It is Jahr's argument, that new fields of scientific knowledge will require new and specialized research in ethics and new attitudes. So, one could extend Jahr's reasoning into at least one new field of research and everyday experience: global warming. Global climate change remind us that the globe itself is a living being with its own seasons, long-term and short-term changes, developments and modifications. Major changes, such as potentially new ice ages or global warming, are beyond human control. But some causes, such as industrial pollution and environmental destruction, can and should be mitigated in order to allow for sustained human develop-

ment and continued human culture and cultivation. Thus, we could add to the common morality command, to the health responsibility command, and to the bio-ethical command, a new command of 'do not kill' and 'do protect': a geo-ethical command, which would read 'respect mother Earth with all her forms of life, whether natural or man-made, basically as goals in themselves and treat them, if possible, as such.'

Conclusion

Fritz Jahr, in his hermeneutics of the 2500 years old 5th Commandment, gives a good example of how to introduce and include traditions into the modern debates and solutions of integrative bioethics in the 21st century - a truly translational service. More of these services, provided from European and other cultures and traditions, are urgently needed and will help to enrich current debates and solutions. Jahr thus opens a promising field for European and global dialogues in integrative bioethics as an individual and collective attitude and virtue and a new academic discipline in the 21st century and beyond.