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znanosti u medicini**

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J^AH^R

PROCEEDINGS

OF THE 1st INTERNATIONAL
CONFERENCE "FRITZ JAHR
AND EUROPEAN ROOTS
OF BIOETHICS"

(Rijeka, March 11th – 12th, 2010)

ANNUAL
of the **Department of Social
Sciences and Medical Humanities**
University of Rijeka – Faculty of Medicine

GODIŠNJAK
Katedre za društvene
i humanističke znanosti u medicini
Medicinskog fakulteta Sveučilišta u Rijeci

Introduction

When in May 2010 the first issue of the journal *Jahr* was published, the intention and mission of the Editorial Board was to have an annual publication with a broad horizon of different bioethical questions. Only 17 months later, the 4th number of this journal is finalized and, we hope, ready to enrich your libraries and provoke interest for the new and promising chapter in bioethics.

In the last few years bioethics in Europe has been forced to undergo radical transformation. Burdened by its own tradition, history, and experiences, Europe has for a long period been cautious towards Potter's (1970/71) and other Americans' vision of bioethics. With several exceptions, bioethics in Europe slowly started to be a question of scientific, educational, political and social interest only about 20 years ago.

The year 1997 was the year of an important bioethical milestone in Europe. The first one is the Oviedo Convention on Human Rights and Biomedicine of the Council of Europe, finalized and prepared for signature and ratifications, while the other one is less known. On the occasion of 6th annual meeting of the German Society for the History and Theory of Biology (*Deutsche Gesellschaft für Geschichte und Theorie der Biologie*) (Tübingen, Germany), Rolf Löther gave lecture entitled *Evolution of the Biosphere and Ethics (Evolution der Biosphäre und Ethik)*, mentioning for the first time the forgotten Fritz Jahr's notion of bioethics (Bio-Ethik). Interesting fact is that Jahr's article introducing *bioethics* was published precisely 70 year earlier (1927), while the broader public found out about it 10 years later (in 2007), mostly due to the papers by Hans-Martin Sass.

Department of Social Sciences and Medical Humanities of the University of Rijeka - Faculty of Medicine in 2010 conceived a project on Fritz Jahr's work and the foundations of bioethics in Europe. The project 06.05/17 *Fritz Jahr and European Roots of Bioethics: the Establishing an International Scholar's Network - EUROBIOMETHICS*, received funds from Croatian Science Foundation (01 February - 31 July 2011), but also from two international partners, Kennedy Institute of Ethics (Georgetown University, Washington, D.C. USA) and Center for Medical Ethics (Ruhr University, Bochum, Germany). In addition to the gratitude for financial and logistic support to the above mentioned institutions, our homage acknowledge-

ment also goes to our friend and partner, Hans-Martin Sass, who has provided the most valuable support from the beginning of the project. "*Domestic*" forces of the collaborators have been represented by the Referral Centre for Bioethics in South-East Europe in Zagreb (under supervision of Ante Čović).

Scholars network can hardly be accomplished without scholars. Networking of our collaborators from Argentina, Brazil, Chile, Columbia, Croatia, France, Germany, Greece, and the USA was at the same time inspiring and pleasant experience. Having them devoted to the ideas of the project became a firm ground for several activities: 1st international conference *Fritz Jahr and European Roots of Bioethics* (Rijeka/Opatija, 11-12, March, 2011), Rijeka Declaration on the Future of Bioethics, Fritz Jahr Documentation Center and the 4th number of journal *Jahr*. After we finish with this part, we continue with the publishing activities (Lit Verlag, Münster), as well as with preparation for establishing Fritz Jahr Award for Promotion and Research of European Bioethics. All other information regarding the project can be found on our web site www.eurobioethics.com.

The 4th number of *Jahr* journal brings out 15 papers presented at the Rijeka conference, Rijeka Declaration on Future of Bioethics in seven languages (English, German, Croatian, Greek, Portuguese, Spanish, French), and "traditional" sections: Partner Institution (Kennedy Institute of Ethics in Washington, D.C., and Center for Medical Ethics in Bochum), Bioethics calendar (with two contributions), a review of book on Ibero-American perspective in bioethics and Instructions for Authors.

The process of establishing bioethics in Europe is far from being completed. However, by emphasizing the importance of Fritz Jahr and other European thinkers we wanted to help broadening the horizons of bioethics and not to narrow them down to a continent.

Iva Rinčić

Programme of the 1st international conference: "Fritz Jahr and European roots of bioethics"

Friday, March 11, 2011

Fritz Jahr and European bioethics: status quaestionis

Location: University of Rijeka - Faculty of Medicine, 3rd floor, room *Vijećnica*

11.00 – 11.30 Greetings and opening lectures

Amir Muzur (Rijeka)

Fritz Jahr (1895-1953): a sketch for biography

Hans-Martin Sass (Bochum/Washington/Beijing)

Translational ethics: how to translate tradition into the future?

11.30 – 12.30 European bioethics

Ante Čović (Zagreb)

Integrative bioethics as an original SE-European "product"

Nada Gosić (Rijeka)

The actuality of thoughts of Fritz Jahr in bioethics education or Why Fritz Jahr advocates character education

Iva Rinčić (Rijeka)

European bioethics institutionalisation in theory and practice

Christian Byk (Paris)

Bioethics, law and European construction

12.30 – 12.45 Discussion

12.45 – 13.00 Coffee break

13.00 – 14.00 European culture, philosophy, and science as forerunners of bioethics (I)

Eleni M. Kalokairinou (Nicosia/Thessaloniki)

Tracing the roots of the European bioethics to the Ancient Greek philosophers-physicians

Ivana Zagorac (Zagreb)

St. Francis of Assisi: bioethics in European Middle Ages

Igor Eterović (Rijeka)

The categorical imperative of Immanuel Kant in the light of the bioethical imperative of Fritz Jahr

Eve-Marie Engels (Tübingen)

The importance of Charles Darwin's theory for Fritz Jahr's conception of bioethics

14.00 – 14.15 Discussion

14.15 – 15.45 Lunch break

15.45 – 16.45 European culture, philosophy, and science as forerunners of bioethics (II)

José-Robeto Goldim (Porto Alegre)

Albert Schweitzer, a bioethics precursor

Hrvoje Jurić (Zagreb)

Hans Jonas' Integrative philosophy of life as a foothold for integrative bioethics

Fernando Lolas Stepke (Santiago de Chile)

Bioethics and anthropological medicine: the early history

Marija Selak (Zagreb)

Philosophy of Karl Lowith as a precursor and incentive to the idea of integrative bioethics

16.45 – 17.00 Discussion

17.00 – 17.30 European bioethics outside Europe

Ricardo Andrés Roa-Castellanos (Bogotá)

Bioethical common factors amid Krause's masonry and Saint Francis' of Assisi appeal to respectful dialogue, nature and understanding: Jahr's dialogue beyond the age of "enlightenment" and the "dark" ages

Natacha Lima (Buenos Aires)

The perspective of bioethics in Latin America following Jahr's guidelines

17.30 – 18.00 Final discussion and concluding remarks

Saturday, March 12, 2011

Meeting and discussion on future collaboration and projects

Location: Grand Hotel 4 opatijska cvijeta, 9:30 a.m.

Moderators: A. Muzur & H.-M. Sass

Proposed topics:

- information on current activities (the Jahr Annual; publications by Hans-Martin Sass; the Zürich conference; etc.)
- establishment of a website devoted to Fritz Jahr and European bioethics
- publication of Fritz Jahr's works and the works on Fritz Jahr and European bioethics in various journals, countries, and translations
- establishment of a "Fritz-Jahr Award for European Bioethics Research and Promotion" (referee: I. Rinčić)
- discussion of the proposal of "Rijeka Declaration on the Importance and Future of European Bioethics"
- future meetings of the group
- other ideas and suggestions

Amir Muzur* and Iva Rinčić

Fritz Jahr (1895-1953): a life story of the "inventor" of bioethics and a tentative reconstruction of the chronology of the discovery of his work

ABSTRACT

Until a few years ago, the American biochemist Van Rensselaer Potter (1911-2001) was generally acknowledged as the first person to have used the term "bioethics". In 1997, however, Rolf Löther mentioned the name of Fritz Jahr, whom Löther credited for having coined the word *Bio-Ethik* as early as 1927. News about the discovery of Fritz Jahr eventually spread and a more thorough analysis of Jahr's basic ideas has been offered by Hans-Martin Sass of the Kennedy Institute of Ethics.

While the work of Fritz Jahr has been investigated, his life is still quite a mystery. A preliminary search of the archives in Jahr's home city of Halle (Germany) has turned up a lot of interesting data.

Paul Max Fritz Jahr was born on January 18, 1895, in Halle in central Germany, where he spent his entire life. Schooled mostly in the Pietist Francke Foundation, at the University, Jahr studied philosophy, music, history, national economy, and theology.

Jahr started to teach as early as 1917, while within the Church he was active from 1925 onwards. First he was a curate at St. John's church in Dieskau, later in Braunsdorf, and finally, a pastor in Canena.

In 1932, Jahr married Elise Neuholz with whom he had no children. At the age of 38, on March 1, 1933, he withdrew from service. Fritz Jahr died on October 1, 1953, in Halle.

The facts related to Fritz Jahr's life, highlighted in the present paper, might explain not only the sources of his ideas, but also some important motivations for them. In our analyses of the "social circumstances" of a discovery, we often neglect the personal factors that may have influenced the author of the discovery. Therefore, the life story of Fritz Jahr might easily prove to be one of the life stories of bioethics itself.

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There is little doubt that the discovery of the work of Fritz Jahr was the most intriguing and promising moment in the last fifteen years of bioethics history. The importance of Van Rensselaer Potter's contribution has not thereby been diminished: on the contrary, some Jahr's ideas offer the way out of the peril bioethics was brought into by some our-time authors narrowing down the originally broad Pottetian concept to mere medical ethics. Expectedly, however, it has to be said that Jahr and Potter do also differ in their teachings: let us not forget that Jahr deduced the word *Bio-Ethik* out of "bios" and "ethics," therefore associating ethics primarily with life (not just of humans, but also of animals and plants), and not with science (as Potter will do almost half a century later, in the early 1970s).

Who, in fact, was Fritz Jahr?¹

About two dozens of articles, published since 1998, either only mention Fritz Jahr's name or deal with his most famous 1927 paper.² No single article about Fritz Jahr's life and activities, however, can be traced on the Internet or in any scientific journal.³ But a preliminary search of the archives in Jahr's home city of Halle (Germany) has turned up a lot of interesting data, explaining some of the circumstances influencing the "first creation" of bioethics.

Paul Max Fritz Jahr was born on January 18, 1895, in Halle on the river Saale in the Sachsen-Anhalt region of central Germany. Today, Halle is a city of approximately 234,000 inhabitants. Within a distance of about 150 km, many cultural centres are located, including Berlin, Leipzig, Magdeburg, Wittenberg (the home city of Martin Luther and the Protestant rebellion), Gotha, Erfurt, Weimar (Goethe's city), Jena, Bayreuth (Richard Wagner's city), Dresden, Chemnitz, Göttingen, etc. Halle was a province seat until the abolition of regional system in 1952 in Eastern Germany (after the restoration of the system in the reunited Germany in 1990, the seat passed over to Magdeburg). The name "Halle" (most probably deriving from a pre-Germanic word meaning "salt") was first mentioned in 806. Three centuries ago, the city had got a university (in 1694; today Martin Luther University at Halle-

¹ This section of the paper has partly been exploited in the article accepted for publication by *Synthesis Philosophical* Zagreb ("Fritz Jahr (1895-1953), the man who invented bioethics: a preliminary biography and bibliography").

² At least two of its translations into English are available: by Hans-Martin Sass (Jahr 1, no. 2, 2010, pp. 227-231; http://hrcak.srce.hr/index.php?show=clanak&tid_clanak_jezik=99887) and by José Roberto Goldim (<http://www.ufgrs.br/bioetica/jahr-eng.pdf>).

³ Our paper "Fritz Jahr: the invention of bioethics and beyond" has been accepted for publication and is expected to appear in the autumn 2011 issue of *Perspectives in Biology and Medicine* (John Hopkins University Press).

Wittenberg), and later hosted also the German Academy of Sciences (the *Leopoldina*).⁴ It seems that Fritz Jahr never left his native city.

Fritz Jahr's father was Gustav Maximilian (1865-1930), insurance official,⁵ while his mother was Auguste Marie Langrock (1862-1921): the couple married in 1892.⁶ Although both father and mother had been Protestant, Fritz was baptized according to the Catholic ritual.⁷ It seems that the Jahr family was often changing home address (always remaining within the city): in 1895, when Fritz was born, they lived at Wilhelmstraße 41, a year later at Friedrichstraße 59. In 1899, they are to be found in Ackerstraße 6, in 1900, in Uhlandstraße 11. In 1903, they moved into Forsterstraße 5, and in 1905, for a longer period into Völlberger Weg 28. In 1913, they finally moved to the "famous" Albert-Schmidt-Straße 8, occupying both the basement and the first floor.⁸

Fritz Jahr started elementary school in 1901 (*Mittelschule*), and secondary school in 1905 (*Oberrealschule*). Both schools were owned and run by the Francke Foundation,⁹ named after August Hermann Francke (1663-1727), who, together with Philipp Jakob Spener, had founded Pietism, a movement within the ranks of Protestantism, and brought its seat to Halle.¹⁰ The young Jahr's marks were not particularly high: he obtained a "2" (out of 5) for diligence (*Fleißigkeit*), a "2" for behaviour (*Betragen*), and a "2+" for overall results (*Leistungen*).¹¹ In Easter 1914, Jahr took his A-levels (*Abitur*), and in 1915, an additional exam of Latin and Greek languages. All together, he studied eight semesters: during 1914, mostly philosophy, music, history, national economy, and, from 1915 until 1919, theology (first exam

⁴ Beside Fritz Jahr, several other famous personalities, including Georg Friedrich Händel and Hans-Dietrich Genscher, have also originated from Halle.

⁵ Actually, his official title was changing from *Schreiber* (scribe), *Magistrats-Diätar/Diätar* (municipal clerk), and *Stenograph* (stenographer), to *Assekuranz-Beamter/Versicherungsbeamter* (insurance officer).

⁶ Archives of the Sachsen-Anhalt University and Province Library (*Archiv der Universitäts- und Landesbibliothek Sachsen-Anhalts*), Album No. 40, 1918.

⁷ Archives of the Francke Foundation (*Franckesche Stiftungen – Archiv*), *Schüleralbum von Ostern 1885 bis Ostern 1914: Realgymnasium der Franckeschen Stiftungen zu Halle a.d. Saale III*, I S B I 7, No. 2072.

⁸ Halle City Archive (*Stadtarchiv Halle*), *Adressbuch für die Stadt Halle a.d. Saale* (Halle: Hendel, 1895-1900); *Hallesches Adressbuch für 1903* (Halle: Kutschbach, 1903); *Neues Adressbuch: Halle a. S. und Umgebung* (Halle: Scherl, 1905-1918). As it can be deduced from the listed address books, the family name "Jahr" was not rare in Halle of that time, sometimes being associated to 5 or 6 households (one Jahr was even the mayor of Halle, and another a senior pastor).

⁹ From the register books of the Foundation, it results that Fritz Jahr did not attend the Francke pre-school (*Vorschule*).

¹⁰ Friedrich Lauchert, "Pietism," in *The Catholic Encyclopedia*, Volume 12, edited by Charles George Herbermann (New York: Robert Appleton Company, 1911), 2 August 2010 <<http://www.newadvent.org/cathen/12080c.htm>>

¹¹ Archives of the Francke Foundation, *Schüleralbum*.

in 1919, the second in 1921). The 1915 summer term Jahr spent as a war volunteer. On March 19, 1921, he took holy orders.

Jahr started to teach as early as May 1917. First he taught for a brief spell at a private school, later at the pre-school (*Vorschule*) and the elementary school (*Mittelschule*) of the same Francke Foundation where he himself had been a pupil. In 1920, he took the elementary-school teacher's exam (*Mittelschullehrerprüfung* in religion and history), and in 1921, he entered the city's Wittekind-School (as a replacement for the future rector, Bonin). From 1923-1925, he had been appointed teacher by the Halle Public Schools Administration, but he left that position by May 2, 1925, due to "discord with the then Education Committee." In the summer of 1926, Jahr started teaching again at the Francke Foundation elementary school, and then at the Seydlitz high school for girls from late 1926 until 1928 when he left as "he did not believe the private schooling system would give him long-term satisfaction" (during the period 1917-1925 only, Jahr worked at 11 different schools). After a few years' break, Jahr went to teach briefly at the Hutten School in 1938 (as a replacement for another teacher), while, during the last years of World War II (1943-1945), he taught cello at the National Education Centre Music School (*Musikschule der Volksbildungsstätte*).

Jahr was active within the Church from 1925 onwards.¹² For the first four years, he was a curate at St. John's church in Dieskau (near Halle), later (1929-1930) in Braunsdorf, and finally (1930-1933), a pastor in Kanena.¹³ It must have been quite painful, since, due to feeling giddiness, he had to take bromide before ascending the pulpit.¹⁴

On April 26, 1932, Jahr married Berta Elise Neuholz (born December 31, 1899), "a worker from Bludau," and a daughter of the teacher Franz Hermann Neuholz (1867-1903). Her grandfather had been Friedrich Ferdinand Neuholz, 1822-1909, a farmer. Elise and Fritz Jahr had no children and lived at Albert Schmidtstrasse 8, Halle¹⁵ (as said before, to that address Fritz Jahr moved in 1913, when he was 18: first he will live there together with both of his parents, and later, until 1930, only with his manic-depressive father¹⁶).

¹² *Pfarrerbuch der Kirchenprovinz Sachsen*, vol. 4 (Leipzig: Evangelische Verlagsanstalt, 2006), 395.

¹³ Halle City Archives. 105/4, 1938/1945.

¹⁴ Hans-Martin Sass, "Postscript," in *Essays in Bioethics and Ethics 1927-1947* by Fritz Jahr, translated by Irene M. Miller and Hans-Martin Sass (Bochum: Zentrum für Medizinische Ethik, 2011), 46.

¹⁵ Archives of the Sachsen-Anhalt University and Province Library, Album No. 40.

¹⁶ Sass, "Postscript," 46.

At a very turbulent time for Germany, Fritz Jahr applied in 1932 to the Church authorities for retirement on the grounds of "nervous exhaustion." At the age of 38, on March 1, 1933, he indeed did withdraw from service, only a month after Hitler had seized power. During the war, the Jahr family obviously experienced financial difficulties, further aggravated by Jahr's wife suffering from "backbone sclerosis" (she died wheel-chaired, on February 1, 1947). Then, a month after the surrender of Germany, on June 18, 1945, Jahr applied for a job in a new elementary school: two weeks before, he had become member of the Workers Association. Unanswered remained Jahr's application for the job, addressed to the President of Halle University in 1946, mentioning that Jahr and his wife's joint incomes amounted to 84 Marks only.¹⁷ Together with several other pastors, in October 1946, Jahr signed an invitation (published in the *Freiheit* newspaper) to vote for the Socialist Unity Party (*Sozialistische Einheitspartei Deutschlands*).¹⁸ Obviously, he spent his last years working as a music teacher (*Musikerzieher*): in a confidential "characteristic" from 1952, signed by certain Luderer-Lüttig and sent to Department of Popular Education (*Dezernat für Volksbildung, Abteilung für Kunstgelegenheiten*) of the Halle City Council (*Rat der Landeshauptstadt Halle*), Jahr's pedagogic qualities are highly appreciated and he is strongly recommended for the instructor of mandolin orchestra.¹⁹

Fritz Jahr died at 10 a.m. on October 1, 1953, in his home in Halle, of cerebral apoplexia due to high blood pressure. He was found dead by certain Charlotte Stenzel.²⁰

The discovery of Jahr²¹

In 1997, at a conference held in Tübingen, Professor Rolf Löther of Berlin Humboldt University mentioned for the first time the name of Fritz Jahr,²² whom he credited for having had coined the word *Bio-Ethik* as early as 1927. According to his own account, Löther heard the word "bioethics" in the 1990s for the first time: since the word, nevertheless, seemed to him somehow familiar, Löther started to search through the bundle of old issues of the *Kosmos* journal, left to him by his

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Halle City Archives (*Stadtarchiv Halle*), A3.21 Kultur-41-4661, January 19, 1952.

²⁰ Curiously, Walter Stenzel was the owner of the carpenter- and funeral company, living in the same Senff Street like Charlotte Stenzel. Halle Registry Office, Register of Deaths (*Standesamt Halle, Sterbepbuch*) Nr. 433.

²¹ A tentative scheme of the discovery is provided at the end of the paper.

²² Rolf Löther, "Evolution der Biosphäre und Ethik," in *Ethik der Biowissenschaften: Geschichte und Theorie – Beiträge zur 6. Jahrestagung der Deutschen Gesellschaft für Geschichte und Theorie der Biologie (DGGTB) in Tübingen 1997*, edited by Eve-Marie Engels, Thomas Junker, and Michael Weingarten (Berlin: Verlag für Wissenschaft und Bildung, 1998), 61-68.

grandfather and now lying somewhere in the attic. And so he found the editorial of the 1927 volume and the article of Fritz Jahr.

News about the discovery of Jahr eventually was spread mainly thanks to work of Eve-Marie Engels of the University of Tübingen (who had organised the conference Löther attended and eventually edited the proceedings). Engels first mentioned Löther's discovery in an article *sub voce* "Bioethik" in the *Metzler Lexicon* in 1999,²³ then in a paper from 2001.²⁴ This paper was translated into Portuguese and republished in 2004 in Brazilian journal *Veritas* from Porto Alegre.²⁵ There, the paper attracted attention of the Porto Alegre clinician and university professor José Roberto Goldim,²⁶ and of Leo Pessini, vicerector and bioethics professor at St. Camillus University Centre, who both devoted several papers to the Jahr topic.²⁷ Under the influence of Goldim and Pessini, "the Jahr news" spread all over Brazil: Ferreira Carvalho da Cruz and Contri Pitton of Saõ Paulo State University (UNESP) in Rio Claro deliver a talk on Jahr in 2009,²⁸ Mascarenhas and de Oliveira Santa Rosa publish a paper,²⁹ etc.

As yet, the most thorough analysis of Jahr's 1927 paper and the "bioethical imperative" has been offered by Hans-Martin Sass of the Kennedy Institute of Ethics at Georgetown University in Washington. In 2007, Sass published a first series of papers devoted to Jahr.³⁰ In the later years, he has continued to promote Jahr's ideas and pre-

²³ Eve-Marie Engels, "Bioethik," in *Metzler Lexicon Religion*, volume 1, edited by Christoph Auffarth, Jutta Bernard and Hubert Mohr (Stuttgart: J. B. Metzler, 1999), 159-164.

²⁴ Eve-Marie Engels, "Die Herausforderung der Biotechniken für Ethik und Anthropologie," in *Die biologische Machbarkeit des Menschen*, edited by Christof Gestrich (Berlin: Wichern, 2001), 100-124.

²⁵ Eve-Marie Engels, "O desafio das biotécnicas para a ética e a antropologia," *Veritas* (Porto Alegre) 50, no. 2 (2004): 205-228.

²⁶ José Roberto Goldim, "Bioética: origens e complexidade," *Revista do Hospital de Clínicas de Porto Alegre* 26, no. 2 (2006): 86-92; "Revisiting the beginning of bioethics: the contribution of Fritz Jahr (1927)," *Perspectives in Biology and Medicine* 52 (2009): 377-380.

²⁷ Fernanda Maria Ferreira Carvalho, Léo Pessini, and Oswaldo Campos Junior, "Reflexões sobre bioética ambiental," *O mundo da saúde* (Saõ Paulo) 30, no. 4 (2006): 614-618; Leo Pessini and William Saad Hossne, "Fritz Jahar (sic): "O Imperativo Bioético" – nas origens da palavra Bioética," *Bioethicos* 2, no. 1 (2008): 7-9 (<http://www.saocamilo-sp.br/novo/publicacoes/publicacaoEditorial.php?ID=60&rev=b>); Leo Pessini, "Bioética na América Latina: algumas questões desafiantes para o presente e futuro," *Bioethicos* 2, no. 1 (2008): 42-49; William Saad Hossne, Leo Pessini, José Eduardo de Siqueira, and Christian de Paul de Barchifontaine, "Bioética aos 40 anos: reflexões a partir de um tempo de incertezas," *Bioethicos* 4, no. 2 (2010): 130-143.

²⁸ Fernanda Maria Ferreira Carvalho da Cruz and Sandra Elisa Contri Pitton, "A inclusão da disciplina bioética na matriz curricular dos cursos de licenciatura em geografia," paper presented at 9th Seminar of Post-Graduate in Geography of the UNESP at Rio Claro, Brasil (IX Seminário de Pós-Graduação em Geografia, UNESP – Rio Claro, November 3-5, 2009 (available at: <http://sites.google.com/site/seminarioposgeo/local>).

²⁹ Nildo Batista Mascarenhas and Darci de Oliveira Santa Rosa, "The teaching of bioethics in the education of nurses: interface with the adopted literature," *Acta Paulista de Enfermagem* 23, no. 3 (2010): 392-398.

³⁰ Hans-Martin Sass, "Fritz Jahr's bioethischer Imperativ: 80 Jahre Bioethik in Deutschland von 1927 bis 2007," *Medizinethische Materialien* (Bochum) 175 (2007): 1-21; "Fritz Jahr's 1927 concept of bioethics," *Kennedy Institute of Ethics Journal* 17 (2007): 279-295.

sent them in various international journals in Europe, Asia, and South America.³¹ By the end of 2010, Sass edited a collection of 15 papers by Fritz Jahr (published in German original), as well as a selection of 6 papers of Jahr's in English translation (in a second edition, in May 2011, 15 articles were translated into English).³² Except for the collection of Jahr's papers in German and English from November/December 2010, Sass has never had quoted mentions of Jahr before 2007 (by Löther, Engels, or Goldim). Those authors who got to know about Jahr from Sass, have also been mentioning Fritz Jahr, but not Rolf Löther (or Eve-Marie Engels) in their publications. Such has been the case with Fernando Lolas Stepke, Director of the *Programa Regional de Bioética de la Organización Panamericana de la Salud* (Bioethics Regional Program of the Pan-American Health Organization; PAHO),³³ Juan Jorge Michel Fariña³⁴ and Natacha Salomé Lima from Faculty of Psychology at University of Buenos Aires,³⁵ the priest Fernando Pascual from Catalonia,³⁶ Ricardo Andrés Roa-Castellanos and Cor-

³¹ Cf. Hans-Martin Sass, "European roots of bioethics: Fritz Jahr's 1927 definition and vision of bioethics," in *Od nove medicinske etike do integrativne bioetike: posvećeno Ivanu Šegoti povodom 70. rođendana* [From medical ethics to integrative bioethics: dedicated to Ivan Šegota in occasion of his 70th birthday], edited by Ante Čović, Nada Gosić i Luka Tomašević (Zagreb: Pergamena/Hrvatsko bioetičko društvo, 2009), 19-31; "Vom Ursprung der Bioethik aus evangelischer Tradition," *Zeitschrift für Evangelische Ethik* 53, no. 3 (2009): 177-190; "Asian and European roots of bioethics: Fritz Jahr's 1927 definition and vision of bioethics," *Asian Bioethics Review* 1, no. 3 (2009): 185-197; "Early 1927 European roots of bioethics," in *Peligros y riesgos en las investigaciones: (bio)ética en la investigación con seres vivos (homenaje a José Alberto Mainetti)*, edited by Sergio Ceccheto, Maria Luisa Pfeiffer, and Agustín Estevez (Buenos Aires: Editorial Antropofagia, 2009), 45-57; "Bioethics as a European innovation: Fritz Jahr's 1927 concept of bioethics," in *Vernunft und Innovation: über das alte Vorurteil für das Neue (Festschrift für Walther Ch. Zimmerli zum 65. Geburtstag)*, edited by Antje Gimmler (Paderborn: Fink, 2010), 369-377; "The Earth is a living being: we have to treat her as such!" *Eubios – Journal of Asian and International Bioethics* 21, no. 3 (2011): 73-77 (<http://eubios.info/EJAIB52011.pdf>).

³² Fritz Jahr, *Aufsätze zur Bioethik 1927-1938, Medizinethische Materialien, Heft 187*, Postscript and References by Hans-Martin Sass (Bochum: Zentrum für Medizinische Ethik, 2010); Fritz Jahr, *Selected Essays in Bioethics 1927-1934, Medizinethische Materialien, Heft 186*, Postscript and References by Hans-Martin Sass (Bochum: Zentrum für Medizinische Ethik, 2010); Fritz Jahr, *Essays in Bioethics and Ethics 1927-1947*, Translation by Irene M. Miller and Hans-Martin Sass, Postscript by Hans-Martin Sass (Bochum: Zentrum für Medizinische Ethik, 2011).

³³ Fernando Lolas Stepke, "Fritz Jahr, el 'imperativo bioético y el origen de la palabra 'bioética'," *Boletín Bioética informa* 13, no. 45 (2008): 3; "Bioethics and animal research: a personal perspective and a note on the contribution of Fritz Jahr," *Biological Research* (Santiago) 41 (2008): 119-123; "El 'imperativo bioético' de Fritz Jahr y la neobioética estadounidense," *JANO* (Barcelona) 1710 (2008): 10-16; "Quo vadis bioética?," *Acta Bioethica* 15, no. 1 (2009):7-9; "Salud, salud mental, bioética: interfaces dignas de análisis," *Acta Bioethica* 15, no. 2 (2009):137-138. It was probably Lolas Stepke to write the article on Fritz Jahr in the Spanish version of Wikipedia (http://es.wikipedia.org/wiki/Fritz_Jahr) and later also in the English version (<http://en.wikipedia.org/wiki/Bioethics>).

³⁴ Juan Jorge Michel Fariña, "Declaración de Rijeka: hacia el futuro de la bioética," *Ibis News* (<http://www.ibisnewsletter.org/spip.php?article21>) April 2011

³⁵ Natacha Salomé Lima, "Fritz Jahr y el *Zeitgeist* de la bioética," *Aesthetika* 5, no. 1 (2009): 4-11; "Las raíces europeas de la bioética: Fritz Jahr y el Parsifal, de Wagner," *Etica y Cine* (<http://www.eticaycine.org/Parsifal>) July 2011.

³⁶ Fernando Pascual, ¿Quién inventó la palabra 'bioética'? *ForumLibertas.com* (http://www.forumlibertas.com/frontend/forumlibertas/noticia.php?id_noticia=15337&id_seccion=5) 2009

nelia Bauer from Colombia,³⁷ Hrvoje Jurić from University of Zagreb (Croatia),³⁸ and others. Unlike them, the "Goldim line" of discovery of Jahr has justfully credited Engels and, sometimes, Löther.

Hans-Martin Sass has won many bioethicists (sometimes one by one) to take Jahr's ideas into consideration. And while North-American scientists (no wonder, one might say) have ignored the discovery of Fritz Jahr (one exemption being H. Tristram Engelhardt in a series of his 2009 lectures and papers³⁹), his ideas seem to have a better perspective in Asia. In Europe, Jahr has entered the bioethics courses (at University of Rijeka Faculty of Medicine, a lecture on Jahr and European bioethics has been incorporated into each bioethics course; in Spring 2010, Jahr's definition of bioethics was included into the programme of the Basel University "Grundlagen der Ethik" module,⁴⁰ etc.).

An interesting issue is how Hans-Martin Sass was attracted to the 1927 Jahr's article. Ivan Šegota, who introduced bioethics into Croatia from the US in the early 1990s, tells in an anecdotal account that he mentioned to Sass "some German" who, allegedly, had coined the term "bioethics" much before Potter, during their dinner in Sydney in 2004.⁴¹ (Šegota recalls that he himself heard about "that German" from Warren Reich about 2003, at a conference in Portugal, as an answer to Šegota's question why some American bioethicists had opposed Potter's candidacy for the Nobel Prize.)

The authors of the present paper got to know about Fritz Jahr first from the Croatian translation of Sass' paper from 2007.⁴² During an Internet search, while working on her PhD thesis,⁴³ however, Iva Rinčić discovered the mentioning of Rolf Löther and

³⁷ Ricardo Andrés Roa-Castellanos and Cornelia Bauer, "Presentación de la palabra bioética, del imperativo bioético y de la moción de biopsicología por Fritz Jahr en 1929 (sic!)," *Bioethics* 3, no. 2 (2009): 158-170.

³⁸ Hrvoje Jurić, "Počeci i pra-počeci bioetike / The beginnings and the primeval beginnings of bioethics," in *9. lošinski dani bioetike / 9th Lošinj Days of Bioethics*, edited by Hrvoje Jurić (Zagreb: Hrvatsko filozofsko društvo, 2010.), 78-80. Also available at: <http://www.hrfd.hr/u/dokumenti/Losinj%20knjizica%20-%202010..pdf>

³⁹ Hugo Tristram Engelhardt, Jr., "Moral pluralism and the crisis of secular bioethics: why orthodox Christian bioethics has the solution," Institute of Orthodox Christian Studies lectures, June 5, 2009 (<http://www.antiochian-orthodox.co.uk/Publications/engelhardt-bio-ethics.pdf>); "Moral Pluralism, the Crisis of Secular Bioethics, and the Divisive Character of Christian Bioethics: Taking the Culture Wars Seriously," *Christian Bioethics* 15, no. 3 (2009): 234-253; "Global bioethics: taking moral differences seriously," *Bioethics* 3, no. 1 (2009): 26-32.

⁴⁰ http://www.aeb.unibas.ch/data/pdf/seminars/10_biol/Programm-Ethik-2010.pdf

⁴¹ Ivan Šegota, "Predgovor" [Preface] to "Bioetički imperativ Fritza Jahra: 80 godina bioetike u Njemačkoj od 1927. do 2007. godine" by Hans-Martin Sass (translated by Suzana Jurin), *Bioetički svesci* (Rijeka) 61 (2008), 2 (1-4).

⁴² Hans-Martin Sass, "Bioetički imperativ Fritza Jahra: 80 godina bioetike u Njemačkoj od 1927. do 2007. godine" (translated by Suzana Jurin), *Bioetički svesci* (Rijeka) 61 (2008): 1-44.

⁴³ "Teorijska uporišta, postignuća i perspektive bioetičke institucionalizacije u Europskoj Uniji" [Theoretical strongholds, achievements, and perspectives of bioethics institutionalisation in European Union], defended in

Eve-Marie Engels in an article by Goldim.⁴⁴ The first results of the research on Fritz Jahr's life, gathered only through Internet correspondence with several institutions in Germany, were presented at 9th Lošinj Days of Bioethics conference (Mali Lošinj, 17-19, 2010)⁴⁵, as well as at the presentation at Ethics Teacher Training Course held in Dubrovnik (Croatia) in June-July, 2010.⁴⁶ In May 2010, the first issue of *Jahr – Annual of Department of Social Sciences and Medical Humanities at University of Rijeka Faculty of Medicine*, was launched, with Amir Muzur as the editor-in-chief and Hans-Martin Sass among the members of the journal Advisory Council. In January 2011, we were granted a project by Croatian Science Foundation, entitled "Fritz Jahr and European Roots of Bioethics: the Establishing an International Scholar's Network". Among other activities, the project included a conference (held in March 2011 in Rijeka/Opatija)⁴⁷ and a study trip to Halle, where we collected new materials on Jahr's life and work. The preliminary results were presented in three papers at 13th Rijeka Days of Bioethics (Rijeka, May 13-14, 2011)⁴⁸ and 10th Lošinj Days of Bioethics (Mali Lošinj, May 15-18, 2011;⁴⁹ including invited plenary lecture⁵⁰), as well as in an invited lecture delivered at European Academy in Banja Luka (Bosnia and Hercegovina).⁵¹ Papers stressing the importance of re-writing a new history of (European) bioethics have since appeared in several editions.⁵²

October 2010 at University of Zagreb Faculty of Humanities and Social Sciences (under the mentorship of Ante Čović and Nada Gosić). An adjusted version of the thesis is expected to appear as a book (*European Bioethics: Ideas and Institutions*; Zagreb, Pergamena) in autumn 2011.

⁴⁴ Goldim, "Bioética: origens e complexidade."

⁴⁵ Iva Rinčić and Amir Muzur, "Fritz Jahr: prilozi za biografiju osnivača (europske) bioetike / Fritz Jahr: Contributions to the Biography of the Founder of (European) Bioethics," in *9. lošinski dani bioetike / 9th Lošinj Days of Bioethics*, edited by Hrvoje Jurić (Zagreb: Hrvatsko filozofsko društvo, 2010.), 115-116. Also available at: <http://www.hrfd.hr/u/dokumenti/Losinj%20knjizica%20-%202010..pdf>

⁴⁶ Iva Rinčić, "The founder(s) of bioethics: one or more?," presented at UNESCO Ethics Teacher Training Course, Inter-University Center Dubrovnik, Croatia, 28 June – 2 July, 2010.

⁴⁷ With participation of some of the first mentioners of Fritz Jahr: Eve-Marie Engels, José Roberto Goldim, and Hans-Martin Sass.

⁴⁸ Iva Rinčić and Amir Muzur, "Od bioetičara-učenika do bioetičara-učitelja: pijetizam i edukacija u životu i djelu Fritza Jahra" [From bioethicist-student to bioethicist-teacher: Pietism and education in the life and work of Fritz Jahr].

⁴⁹ Amir Muzur and Iva Rinčić, "Ignaz Bregenzner (1844.-1906.): preliminarni prilozi životopisu autora *Životinjske etike (Thierethik, 1894.)*" [Ignaz Bregenzner (1844-1906): preliminary contribution to the biography of the author of *Animal Ethics (Thierethik, 1894.)*].

⁵⁰ Iva Rinčić and Amir Muzur, "The concept and project of European bioethics."

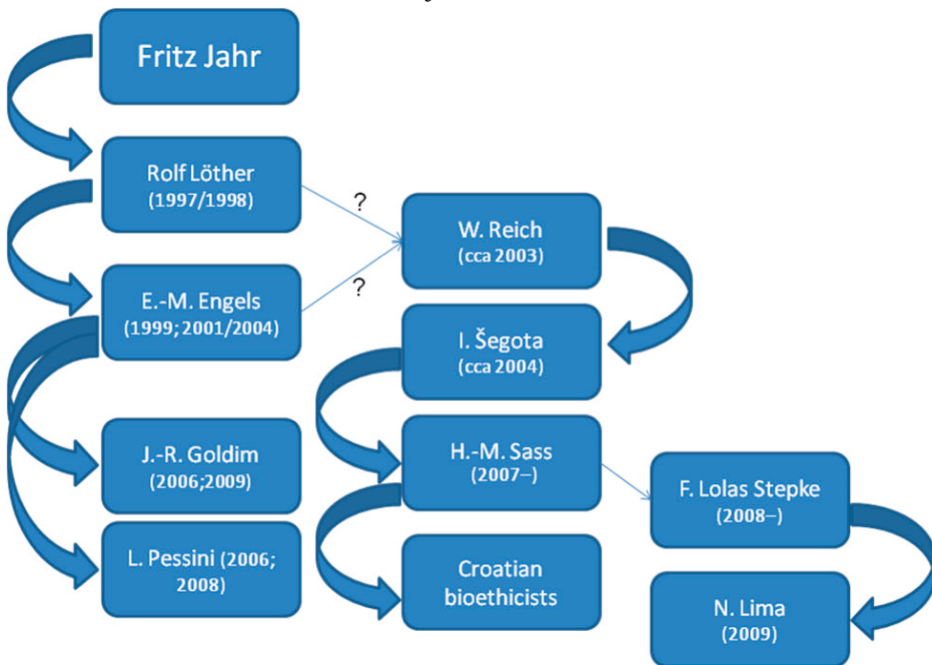
⁵¹ Iva Rinčić, "Europska bioetika: od otkrića do realizacije" [European bioethics: from discovery to realisation], May 26, 2011.

⁵² Amir Muzur, "Evropska i američanska bioetika: ima li mesto za obete?" [European and American bioethics: is there place for both?] *Filozofija* (Skopje) 10, no. 31 (2011): 9-18; Iva Rinčić, "Fritz Jahr (1895-1953): od zaborav do perspektivi na evropskata bioetika" [Fritz Jahr (1895-1953): from oblivion to perspectives of European bioethics] *Filozofija* (Skopje) 10, no. 31 (2011): 33-43; Amir Muzur, "Rijeka na bioetičkoj karti svijeta" [Rijeka on the bioethics world map], *Sušačka revija* 19, no. 73 (2011): 15-21; Amir Muzur and Iva Rinčić, "Impending war over bioethics legacy? The consequences of the discovery of Fritz Jahr" (submitted to *Filosofia*/Bratislava).

Instead of a conclusion

Studying the life of Fritz Jahr – or of anyone else – might seem irrelevant, even to the historians of science. However, we often seem to make a mistake by trying to explain the sources of his/her ideas by studying (or overestimating) only the so-called "social circumstances" of a discovery. As we all certainly would agree, personal factors may and do influence the author of a given discovery much more and therefore should never be neglected in a serious search for truth. The (hi)story of the discovery itself, on the other hand, sometimes so curiously indicates the importance of coincidence or of what seems to be coincidence.

Figure 1: A tentative chronology of the spread of knowledge of Fritz Jahr's work before 2010



Hans-Martin Sass*

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 'mercikilling'. 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 Schnehen, 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 bioethical 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.

Nada Gosić*

The actuality of thoughts of Fritz Jahr in bioethics education or why Fritz Jahr advocates character education

ABSTRACT

This title is set to achieve two goals. Firstly, to explain reasons and motives for character education, secondly, to actualise the approach of Fritz Jahr in the conception of contents, methodology of implementation and methods of evaluation in bioethics education of future medical and health service providers. The realisation of the first goal leads to an explanation of institutional and non-institutional influence on the understanding of ethics and morality, nature and methods of ethical decision-making and behaviour of students.

The second goal has the intention to show how pluralism of values, ideas, scientific and non-scientific initiatives, as well as forms of ethical behaviour and application of ethical standards, rules and principles – component parts of Jahr's decorum - help students with critical consideration and with their relationship to the profession they will practice in the future.

Introduction

This work presents a continuation of research on character education published in the creation of doctoral thesis titled "Bioethics Education: Contents, Methods and Models", published in the book titled *Bioethics Education*¹. This book presents thoughts on the course contents that can help to obtain status of subject and programme of character education². Today, owing to Professor Hans-Martin Sass's re-

¹ More in: Gosić, N. *Bioetička edukacija (Bioethics Education)*, Pergamena Press, Zagreb, 2005, p. 50-57.

² Lickona, Th. (1996). "Eleven Principles of Effective Character Education", *Journal of Moral Education*, 1, 93-100.

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search on Fritz Jahr, we can actualise Fritz Jahr's standpoints on character education, compare them to contemporary standpoints and determine Fritz Jahr's contribution to the creation of a concept of the European model of bioethics education.

Jahr's decorum in character education

In 1930s Fritz Jahr defined ten ways to influence moral reasoning of young people³. The aim of this work has been based on this idea and it tends to test the application of Jahr's approaches to moral education in medical-ethical and bioethical course contents of medical schools students. On the theoretical level we have decided to state Jahr's method, or (even better) the educational principles and explanation of their educational importance. On the practical level we consider the implementation of each of these principles in the concrete bioethics course content. This means that the application refers to consideration and analysis of concrete medical-ethical issues and bioethical problem situations that physicians confront. We cannot form the complete assessment of evaluation on the actualisation of Jahr's educational principles in this article. This can be done after their application in pre-clinical and clinical bioethics courses. As we, for the time being, realise bioethics courses in pre-clinical teaching, the application of Jahr's educational principles in this article is focused on the adoption of basic knowledge of medical ethics and bioethics, on bioethical theories and principles, paternalistic relationship to patients and on informed consent, as well as privacy and confidentiality.

According to pedagogical-methodical demand, we have divided educational principles inside Jahr's decorum into those which represent the condition of the character education in general (the first three principles), those which implement the collaborative teaching and learning as conditions for the character education (principles 4, 5, 6 and 7) and finally those which form the teacher's character characteristics (principles 8, 9 and 10).

Analytical review of Jahr's educational principles

Principle no.1 *Do not teach predetermined subjective disposition.*

This principle refers to indoctrination with teaching contents. It serves as a warning for teachers not to be partial in presenting and explaining of bioethical problems. Disrespect of this principle leads to indoctrination of students and make them form

³ Jahr, F. "Character Dictate or Freedom of Thought", in: Sass, H-M (2010): *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, Germany.

opinions which are the result of influence and personal preference of the teachers. The more complex the case dilemma is, the higher the degree of indoctrination.

Messages from this principle are:

- The teachers indoctrinate students with teaching contents in all cases in which they choose only one content and make it crucial in deciding.
- Without taking into consideration and observing the professional, scientific, personal, familial, social and other contents which influence the person who must make the decision, the teacher directs students to a solution produced by the dominance of one bioethical content.
- Students have no possibilities to choose bioethical contents within bioethical problem situation.

Our suggestion is to test this affirmation on the problem of abortion. Making a decision *For* or *Against* abortion is not simple nowadays. The decision should take into consideration the dilemma about the real beginning of human life, medical conditions, rights of a mother and rights of an unborn child, psychological factors which accompany the process of decision making and administrative-legal, political influences, as well as the influences of media.

For instance, the teacher's intention may be to present only harmful medical consequences of abortion like sterility, body injuries, bleeding, infections etc. In that case these problems become the main contents in deciding and indoctrinate students. If the teacher presents abortion only from theological perspective, God's commandments, especially the commandment *Don't kill!* can create the sense of guilt and the guilt will become the main content in deciding. It is similar if the teacher presents only psychological perspective. Depression, fear, loss of self respect can be the contents that the teacher will point out in the presentation.

Principle no. 2. *Strictly avoid the cover-up of a predetermined opinion with so-called objectivity and with wrongly called interactive teaching.*

This principle refers to indoctrination with teaching method.

Messages from this principle are :

- The methodological indoctrination presumes the intrusion of one methodology to the student.
- This indoctrination promotes the standpoints and the importance of conclusion of only one methodology or science while other ones are ignored.
- The sum of scientific methodologies alone without their mutual interaction is not a true interaction.

Opposite to this, Jahr points out that each science has different methodological approaches and that each science itself can offer different solutions. Thus the teacher should refer the students to an interaction of the methodological approaches which are necessary in solving of bioethical problems. This must be presented in the teaching concepts. With the application of different scientific methodologies students are in the position to find and emphasize the similarities and differences and their contribution to achieving solutions. The component part of this principle is also the application of the same methodology to different problems and the observation of consequences of solutions obtained in both ways. The message is that intention of interactivity in teaching itself is not sufficient and teaching really becomes interactive when we include those methodological approaches which contribute to the solution of the problem.

We can show this through the example of Euthanasia. God's commandments or some other methodologies of theological ethics have both meaning and importance in the explanation of the problem of euthanasia. In a concrete case in which a person does not express his/her religious beliefs, these methodologies get different meaning. It is just the opposite in the cases of blood transfusion refusal of Jehovah's Witnesses. In the first case the religious belief of a patient does not influence the decision and the standpoints about euthanasia. In the second case religious belief defines the patient's decision which can lead to euthanasia. Inclusion of the legal perspective which permits or prohibits euthanasia or determines patients' rights can help in both cases. The students also need to know that such decision can be made under the influence of family values, as well as of community values and cultural conditions that the question about death and dying is considered in. Therefore the definition of interactivity in teaching directs to the inclusion of those methodological approaches which are necessary for the solution of a certain problem. It does not direct them to stating and listing all scientific disciplines. Interactivity tends to help students with orientation and open-mindedness to different approaches and to responsibility for consequences of their application.

Principle no. 3 *It can methodologically not be accepted to present only what is suitable and to suppress unsuitable facts, to deny or to manipulate them at will.*

This principle demands methodological originality of the teacher.

Messages from this principle are :

- Teaching content can be approached in different ways.
- Bioethical problem situation demands an approach which expresses the total fate of a person affected by a specific situation.

- In the solving of the problem we include science and professions of the same nature as the corresponding problem.
- Pluriperspectivity is a necessary methodological approach in the understanding of bioethical problem situations.

It is recognized that, if a combination of approaches is used to interpret the problem and state the situation, the students will, while listening to the teachers' lectures, acquire an insight into pluriperspectivity as a necessary methodological approach to the understanding of the bioethical problem situation. We showed this during the course *Life and culture of dialogue in medicine*. In the age of highly developed techniques and technology, life and its characteristics gain technological meaning and are interpreted by some scientists with the help of numbers, percentages, diagrams and other statistical indicators in medicine. Opposite to them, humanistic science and scientists who belong to those scientific branches, find out dangers of technological approach to life, illness and health. The first ones equalise the approach to the problem and its solution, the others show that cases from medical practice must not be solved by using a technical and routine approach. They demand an approach which expresses the total fate of the person affected by a specific situation. If we include both viewpoints we will send the message to the students that this teaching concept can be approached in different ways and that they are free to choose approaches to solve a certain problem. They must also accept professional and ethical responsibility for their choice.

Principles: no. 4 (*Always consider different character attitudes*), no. 5 (*The benefits and shortcomings of different opinions and attitudes must be discussed*), no. 6 (*When you present your personal opinion, it must be done in an impartial form. Also, one should forget to discuss problems associated with one's own position*) and no.7 (*Instead of presenting biased character formation students should be given the opportunity to form their own opinion, respectively objective information should be given, so they may form their own character at a later date*) within Jahr's strategy of education refer to the character of the teaching process. With these principles Fritz Jahr formed the second phase of the teaching process.

Messages from these principles are :

- By applying these principles the teachers can create the climate of a dialogue.
- They can motivate the students for active presentation and advocacy of their standpoints.
- They can define students' relationship towards the presented ideas.
- They point out to the students that a problem can be solved with knowledge, professional experience and contains cultural perspective, familial values and media and political influence.

The issue of organ and tissue transplantation is a teaching content that is used to test the application of this principle. It is very important to emphasize that this problem is used to point out that critical relation and critical opinion contain a personal attitude that arises from the knowledge of the problem, the consideration of standpoints different from our own and respect of different, often opposed standpoints. This is an opportunity for students to defend their personal opinion and to realise that standpoints of other participants in teaching are important, too. They also realise that their personal opinion can be changed if the change has followed new learnings and facts. In relation to this, the teacher's task is to point out to the students that the change of opinion is a product of the critical exchange of standpoints and as such is legitimate.

Principles no. 8 (*Reason and science, people's highest authority never shall be missed in the formation or review of an already existing character*), no. 9 (*One should not claim that the youth is only ready for authoritarian methods, not for methods of freedom, a position which might be contradicted by some. But let it be. Seeding is always earlier than harvesting*) and no. 10 (*And if a new expected character is not developing, we should not forget that had happened under the old method even more often*), relate to the teachers' character characteristics. According to them the teachers are character persons if they satisfy the following requirements of the following messages :

- It is important for the students to understand interpretations.
- The teachers use practical examples related to the future professions of the students.
- The teachers listen to the students carefully.
- The teachers are open for all students' questions and commentaries.
- The teachers respect initiatives and attitudes of the students.
- The teachers show the understanding for the mistakes.
- The teachers create the positive emotional climate for the students' standpoints.
- The teachers are ready for changing the parts of the curriculum the students have argued for.

All the teachers also need pedagogical knowledge. We can also claim that the teachers, while teaching the students, notice that they necessarily need to learn more and improve their knowledge in all aspects.

Conclusion

Jahr's decorum directs all three segments of the educational process of bioethics teaching, the teacher and the student towards character education. The arguments that follow prove the pronounced statement.

1. Social changes influence the teaching and the teaching of bioethics must satisfy social and individual components of upbringing and education.
2. The teaching of bioethics is a didactical-methodical, but also a social-cultural and communicational process. Its task is to stimulate the adoption of knowledge and to emphasize that legitimate argumentation can be done only with knowledge and information of the problem. It is directed to critical opinion based on knowledge and on the interaction of different and opposed standpoints.
3. The orientational knowledge is methodologically based on foundations of integrative pluralism of perspectives (pluriperspectivism).
4. The University is an institution which provides the orientation in social life.
5. During the teaching process the students adopt competences for ethical decision making and solving of ethical dilemmas. That is why the solution of ethical problems is not the question of personal talent, but rather a constructive acquirement of knowledge necessary for the forming of arguments.
6. Bioethics teaching motivates understanding of intercultural observation of bioethics problems.
7. The bioethics teacher has clearly distinguished traditional and new didactical-methodological roles. In his/her traditional role he/she defines teaching goals; he/she is a source of information, an interpreter of knowledge and organiser of teaching.
8. According to contemporary pedagogical demands he is a professional who plans teaching course strategies, motivates the students for collaboration and self-instruction and forms an evaluation of the achieved work together with the students after the coursework.
9. In his/her contemporary role he/she is an enthusiastic person with developed communicational skills and ability to solve problems.
10. He/she is an authority to the students. He/she has built his authority in a partnership relationship with the students, with respect to the students' personalities, through the creative application of methodological approaches, in motivation for

work and learning and critical valuation of both students' and his/her own standpoints.

11. During bioethics courses the students acquire knowledge and skills for ethical analysis and solution of bioethical dilemmas.
12. They unite knowledge and make effort to adopt it.
13. They recognize and respect different standpoints and decisions based on them.
14. They show solidarity and sensitivity for problems affronting a sick person.
15. They are open to other cultures and efforts in the repression of stereotypes and discrimination arising from the ignorance of and disregard for different cultural forms.

Everything stated here refers to the fact that Fritz Jahr advocates character education not with the intention to change the character of the students, but to make them open and tolerant to different and various ideas and standpoints.

Finally, according to Jahr's decorum, bioethics courses have the role of improving, and not changing the character of the students. During the courses the students are respected persons who express the need to widen their knowledge and adopt skills for the solution of problems. Owing to the collaborative relationship with the teacher they build an internal motivation for the realisation of the tasks determined by their future profession. To this cognition and message arising from it, the teachers of bioethics must not remain indifferent.

LITERATURE:

1. Gosić, N. *Bioetička edukacija (Bioethics Education)*, Pergamena Press, Zagreb, 2005.
2. Jahr, F. "Character Dictate or Freedom of Thought", in: Sass, H-M (2010): *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, Germany.
3. Lickona, Th. "Eleven Principles of Effective Character Education", *Journal of Moral Education*, Vol. 1, 1996.

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European bioethics institutionalisation in theory and practice

ABSTRACT

The starting point of this paper is the role the institutions as social facts, have in modern (European) society, as well as the exploring of the meaning and purpose of the institutionalisation process. Institutionalisation is seen as the process understood as establishing different normative and organisational institutions.

Our interest is also concentrated upon following the line of (European) bioethics. Since V. R. Potter used this term in 1970/71 for the first time, bioethics has rapidly *conquered* various levels of the American society, becoming well known and even better present in a series of institutions. At the same time, almost contrary to the American example and experience, European continent has for a long time been resistant to the term of bioethics, as well as to the very idea of such discipline. Until recently, European orientation and devotion to the traditional terms (medical ethics, biomedical ethics, physician's deontology, etc.) and the misconception of (American) bioethics, have been main reasons for the lack of or poor bioethical institutionalisation in European countries and the Union.

Being discovered in 1997 and promoted since 2007, the work of Fritz Jahr has been spreading new lights onto the originality and authenticity of bioethical ideas in Europe, offering remarks regarding the Bioethical Imperative and institutions, as well as possibilities of European bioethical institutionalisation.

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Introduction

Presented at the first international conference devoted to Fritz Jahr and European bioethics (Croatia, Rijeka/Opatija, 11-12, March 2011), the major part of this paper brings out the results of the research undertaken for the purposes of doctoral thesis entitled *Theoretical strongholds, achievements, and perspectives of bioethics institutionalisation in European Union*¹.

Orientation towards the European issues in bioethics stresses not only the new trends in the history of bioethics (with emphasis on Fritz Jahr's work), but also opens new chapters in research of bioethics itself. Although bioethics today represents one of the most prominent part of scientific community and almost unique phenomena of different discipline collaboration, research on bioethics usually omits the sociological perspective. Previous attempts of strengthening chains between social sciences and bioethics (De Vries 1998, 2004, 2006, 2007) often remain at using social sciences methods in bioethical research, lacking the possibility of deeper sociological research of bioethics. Going back to the sociological foundations brings out the institutions as facts and products of social reality, as well as points of social stability and creators of new trends. In this sense, understanding the phenomena of bioethical institutions and process of institutionalisation is an important part of undertaking research on bioethics. Exploring the specific characteristics of bioethical institutionalisation in Europe, calls for well known position in theory of institution (Arnold Gehlen), but also for new (bioethical) perspectives regarding institutions (Fritz Jahr).

Due to preliminary results of the project 06.05/17 "*Fritz Jahr and European Roots of Bioethics: Establishing the International Network of Scholars*", EUROBIONETHICS) financed by the Croatian Science Foundation², this paper brings out Jahr's position on institution as a possible contribution to European bioethics institutionalisation process.

Institution - from social fact to institutionalisation process

Although mostly present in every day life and conversation, there is still no universal definition of the term, meaning and purpose of institution. Going beyond narrowed terminological explanations, in terms of *institute, establishment, association, founda-*

¹ Under the mentorship of professors Ante Čović and Nada Gosić this doctoral thesis was prepared and defended on 12 November 2010 at Faculty of Humanities and Social Sciences, University of Zagreb.

² See Introduction.

tions or rule, law, decree, regulation etc.³, few sociological founders offer much broader explications⁴. According to Emile Durkheim (1858-1917), the precondition of forming and existence of institution is society's own entity, existence of social life, above pure sum of its individuals⁵. Being new *sui generis* category, society gains new potential: creating its own (social) forms - institutions. In this sense, institutions are facts of society or, even more, social facts, realisation of social collectivity independent of individual wishes, having their own collective existence⁶. Such position still omits other important postulate of Durkheim sociology, the one regarding the role of institutions: "Social fact is any kind of agency having outwarded coercive measure toward individuals."⁷ In this sense, compulsion and force are not the essence of social facts, but exterior trait to be recognised and generally accepted by individuals.

Modern definitions of institution even more emphasise their enduring character and society stabilization role: according to Jonathan Turner, institution is "... a complex of position, roles, norms and values lodged in particular types of social structure and organising relatively stable patterns of human activities with respect to fundamental problem in producing life-sustaining resources, in reproducing individuals, and in sustaining viable societal structures within a given environment."⁸ Anthony Giddens claims that "Institutions by definition are the most enduring features of social life."⁹ while Jon Elster adds that "Institutions are mechanisms imposing rules and protecting society from decay (as long as there is something protecting institutions from decay)."¹⁰

³ Iva Rinčić, "Teorija institucija Arnolda Gehlena: prilog istraživanju bioetičkih institucija/Arnold Gehlen's Theory of Institutions: A Contribution to the Analysis of Bioethics Institutions", *Filozofska istraživanja* 117-118 (1-2/2010), p. 150., according to Bratoljub Klaić, *Rječnik stranih riječi/Foreign words dictionary*, Nakladni zavod Matice Hrvatske, Zagreb 1986, p. 596.

⁴ According to Stanford Encyclopedia of Philosophy, contemporary sociologists even today accept narrow definition of institutions "... to refer to complex social forms that reproduce themselves such as governments, the family, human language, universities, hospitals, business corporations, legal system." (Social Institutions, *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/social-institutions>, 13 June, 2011).

⁵ Emile Durkheim, *Pravila sociološke metode/The Rules of Sociological Method*, Naklada Jesenski i Turk, Hrvatsko sociološko društvo, Zagreb 1999, p. 12.

⁶ E. Durkheim, *Pravila sociološke metode/The Rules of Sociological Method*, p. 19.

⁷ Rade Kalanj, "Predgovor hrvatskom izdanju: Emile Durkheim i metodološko utemeljenje sociologije/Preface to the Croatian translation: Emile Durkheim and methodological foundation of sociology", in: Emile Durkheim, *Pravila sociološke metode*, Naklada Jesenski i Turk, Hrvatsko sociološko društvo, Zagreb 1999, p. VIII. (translation I. R.).

⁸ Jonathan Turner, *The Institutional Order*, Longman, London 1997, p. 6.

⁹ Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration*, Polity Press, Cambridge 1984, p. 3.

¹⁰ Jon Elster, *Uvod u društvene znanosti – Matice i vijci za objašnjavanje složenih društvenih pojava/Nuts and bolts for the Social Sciences*, Naklada Jesenski i Turk, Hrvatsko sociološko društvo, Zagreb 2000, p. 175. (translation I. R.).

It is obvious that we here stand at the position of holistic – including structuralist-functional account, stressing the inter-relationship of institutions themselves (structure), as well as their function in broader society¹¹. Seen in this way, institutions have their own structure, organisation and universally known procedures of maintaining, but their mutual connection with other parts of society is also not a question. Without being well incorporated and accepted by the individuals outside institution, institutions lose their own stability and (in the long run) reasons of existence.

In conclusion, here are several notes on process of making institutions – institutionalisation. Although the crucial moment of creating institution is the one when earlier agreed and accepted *contract*¹² acquire institutional form, broader view of understanding institution impose not only pure act or signature, but complete process, period of time in which all needed elements become institutionalised. Even the dynamics of institutions itself, would be more understandable if we accepted institutionalisation as a variable, not a constant or nominal category, points Peters¹³.

Bioethical institutionalisation in the United States

It is always difficult to be precise in pinpointing the beginning of historical period, cultural movement or, even more, academic discipline. It is the same with bioethics. Although today we know that the first mention of bioethics is the one by a German protestant theologian Fritz Jahr (1895-1953)¹⁴, still a lot has to be done in exploring the foundation of bioethics. In the meantime, several decades later, new history of bioethics is on stage.

¹¹ "Functional theories in the social sciences seek to describe, to understand and in most cases to explain the orderliness and stability of entire social system. In so far as they treat individuals, the treatment comes after and emerges from analysis of the system as a whole. Functional theories move from understanding of the whole to an understanding of a part of that whole, whereas individualism proceeds in the opposite direction." (Barry Barnes, *The Elements of Social Theory*, Princeton University Press, Princeton, N.J. 1995., p. 37., according to Social Institutions, *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/social-institutions>, 13 June, 2011).

¹² In here mentioned meaning, *contacts* are what John Searle calls *conventions*. In his "theory of institutional factors", social facts have their own ontological status, reality in a material world. Money, property or points in premium are not important just for the reason of their material characteristics, but because of the agreement of society upon their other function or value. Institutional facts are the issue of conventional formation (Patrick Pharo, *Sociologija moralna/The Sociology of Moral*, Masmedia, Zagreb 2008., p. 69.).

¹³ Guy Peters, Institutional Theory: Problems and Prospects, *Political Science Series* (69/2000), p. 13.

¹⁴ Fritz Jahr, "Bio-Ethik. Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanz", *Kosmos. Handweiser für Naturfreunde* 24 (1/1927), p. 2-4.

In the last few years lot of work had been done in exploring the American development of bioethics¹⁵, but no universal answer has been offered. Despite different and opposite explanations, there is no disagreement upon the fact that important element of bioethical development and success was institutionalisation in different parts of social life¹⁶.

Coming out from the ruts of other American 1960s social movements (women, minorities, peace movement, children, patients...) in the 1970/71, the works of V. R. Potter (1911-2001), plea for institutionalisation of *bioethical* ideas were even earlier a part of Potter's interests. Potter has found the motion for introducing institutional university unit (Future Department) in the works of Margaret Mead (1957), but his permanent interest in providing more humanistic context for modern men culminated in the early 1960s¹⁷. In 1961 he participated in organisation of Interdisciplinary Seminar for the Future of Men (for university teachers), then at the American Academy of Arts and Sciences' conference, and in the year 1962 at the University of South Dakota he held the lecture *Bridge to the Future. The Concept of Human Progress*. By the same year, Committee for Interdisciplinary Research of Future of the Man has become an official unit of his affiliation (University Wisconsin – Madison)¹⁸.

1960s traces of bioethics hide one even more important institutional reference of future bioethical development – establishing the first (1962-1967) Ethical Committee in Seattle (Washington State), "... trying to set up ethical standard for the distribution of a scarce medical technology to dying patients (Renal Dialysis)."¹⁹ Estab-

¹⁵ Tristram H. Engelhardt, *The Foundations of Bioethics*, University Press, New York 1986., Waren Thomas Reich, "The word 'bioethics': its birth and the legacies of those who shaped its meaning", *Kennedy Institute of Ethics Journal* (4/1994), p. 319-336., Albert Jonsen, *The Birth of Bioethics*, Oxford University Press, Oxford 1998., Diego Gracia, "History of medical ethics", in: Henk A. M. J. ten Have and Bert Gordijn (ed.), *Bioethics in European Perspective*, Kluwer, Dordrecht 2001., p. 17-50., Tristram H. Engelhardt, "Introduction: Bioethics as a Global Phenomenon", in: John F. Peppin and Mark J. Cherry (ed.), *Regional Perspectives in Bioethics*, Taylor & Francis Group, London – New York 2008., p. XIII-XXI.

¹⁶ According to Fagot-Largeault, bioethical institutionalisation is one of the stages in development of bioethics (Anne Fagot-Largeault, "L'Émergence de la bioéthique", *Revue philosophique de la France et de l'étranger* 129 (3/2004), p. 345-348.).

¹⁷ Even before this period there were many books *announcing the arrival of bioethical era* (Rachel Carson, *Under the Sea Wind*, Oxford University Press, New York 1941, Aldo Leopold, *A Sand County Almanac*, Oxford University Press, New York 1949, Rachel Carson, *The Sea Around Us*, Oxford University Press, New York 1951, Norman J. Berrill, *Man's Emerging Minds: Man's Progress through Time – Trees, Ice, Flood, Atoms and Universe*, Dodd, Mead and Co. New York 1955, Rachel Carson, *At the Edge of the Sea*, Houghton Mifflin Company, Boston 1955, Rachel Carson, *Silent Spring*, Houghton Mifflin Company, Boston 1962).

¹⁸ Van R. Potter, *Bioetika – most prema budućnosti/Bioethics - Bridge to the Future*, Katedra za društvene znanosti Medicinskog fakulteta Sveučilišta u Rijeci, Hrvatsko društvo za kliničku bioetiku, Hrvatsko bioetičko društvo, Međunarodno udruženje za kliničku bioetiku (ISCB), Rijeka 2007, p. 24.

¹⁹ James F. Drane, *A Liberal Catholic Bioethics*, Münster, LIT Verlag 2010, p. 35.

lishing new form of institutionalised decision making in medicine²⁰ (interdisciplinary ethics committee vs. physician's paternalism) for some authors represent real birth of bioethics and the moment when the development of later bioethical institutionalisation, sensibility and scientific – professional discussion can be traced later²¹.

Important turning point in many ways in American bioethics are the occasions of establishing scientific institutes and centres. First among them, Institute of Society, Ethics and the Life Sciences (today's Hastings Center, New York), originates from March 1969, owing emergence to Daniel Callahan i Willard Gaylord. As before Potter's work the term and definition of bioethics were unknown in American society, founders decided that the mission of the Center would be "... to address fundamental ethical issues in the areas of health, medicine, and the environment as they affect individuals, communities, and societies."²²

Bioethical centre situated in the capital of the USA is even more important due to the vision of Andrè Hellegers and Sagent and Eunice Kennedy Shriver. During 1967 the Kennedy Foundation and Harvard Divinity School had already cosponsored international conference on abortion, "... to which both European and North American scholars were invited. In October 1971, within months of the Kennedy Institute's opening, the Foundation sponsored an international conference with the theme 'Choices on Our Conscience.' Speakers from Europe joined their North American colleagues in exploring some of the major issues of that time."²³. Despite controversies regarding the genesis of the term and name of the Institute (according to Engelhardt it is still not clear whether Hellegers and Shriver *de novo* invented the term or re-applied the one already coined by V. R. Potter), the Kennedy Institute of Ethics "successfully applied a name to a social phenomenon that by the end of 20th

²⁰ Crucial role in American birth of bioethics was the tendency of institutionalisation concrete ethical deliberation, assisted by advance of medicine after the Second World War and resumption of normative ethics (Milenko Perović, "Etičke granice bioetike/Ethical limits of bioethics", *ARHE* VI (12/2009), p. 11.). "In the mid-1960s, it became clear that most of medical ethics was really medical morality – a set of assertions and moral precepts without a formal groundwork of ethical justification or argumentation. While many of these moral precepts might be valid, without a justifiable ethical foundation they could easily be challenged, denied, or compromised. This is indeed what happened when medical moral were subjected to critical philosophical inquiry in the early 1970s." (Edmund D. Pellegrino, "From Medical Ethics to a Moral Philosophy of a Profession", in: Jeniffer K. Walter and Eran P. Klein (ed.), *The story of bioethics: from seminal work to contemporary explorations*, Georgetown University Press, Washington, D.C. 2003, p. 4-5.).

²¹ Ivana Zagorac and Hrvoje Jurić "Bioetika u Hrvatskoj/Bioethics in Croatia", *Filozofska istraživanja* 28 (11/2008), p. 602.

²² Web page of The Hasting Center points out that it has been "... a non-partisan research institution dedicated to bioethics and public interest since 1969" (<http://www.thehastingscenter.org/About/Default.aspx>, 19 August, 2011).

²³ LeRoy Walters, "The Birth and Youth of the Kennedy Institute of Ethics", in: Jeniffer K. Walter and Eran P. Klein (ed.), *The story of bioethics: from seminal work to contemporary explorations*, Georgetown University Press, Washington, D.C. 2003, p. 215-216.

century had transformed the moral context within which medical and science policy were framed. ... The result was a cultural turning point: the establishment of a socially recognized body of moral experts in authority to give moral direction regarding moral decision-making and conduct in health care and the biomedical sciences."²⁴

In the year 1987 American Hospital Association published a description of 77 bioethical organisations in USA; since than, such number tripled²⁵.

In the field of government involment of regulating biomedical practice and scientific research, much has been done in the United States since Second World War, but still with questionable success. Different attempts (Beecher, 1967) were constantly reminding American public sphere on misconduct of scientific practice or even more, unsatisfied ethical standards in health care.

Even before the establishing of first hospital ethics committees in 1960s, American government in the year 1953 proposed Group Consideration for Clinical Reserach Procedures Deviating from Accepted Medical Practice or Involving Unusual Hazards to be used within newly open NIH reserach hospital (Bethesda, Maryland)²⁶. In the 1960s U.S. Public Health Service started to establish permanent ethical standards for research practice, and during 1970s formed the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Reserch. Beside 125 recommedations for improving the protection of human rights and welfare of human subjects, this Commission published the Belmont Report, identifying basic ethical principles (respect for person, beneficence, justice)²⁷.

The first public national body to shape bioethics policy in the U.S. was created by the Congress in 1974 and was under the Dept. of Health, Education and Welfare (now known as the Dept. of Health and Human Services), followed by:

[1974-1978] National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

[1978-1983] President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research

²⁴ Such statements are not easy to give, but it is precisely Helleger's and Shriver's use the term of bioethics in a meaning of biomedical ethics (in a name of new founded university centre) reason of such trend in USA later on (Tristram H. Engelhardt, "Introduction: Bioethics as a Global Phenomenon", p. XV).

²⁵ F. Drane, *A Liberal Catholic Bioethics*, p. 41.

²⁶ Robert J. Levine, "Research Ethics Committees", in: Warren T. Reich (ed.), *Encyclopedia of Bioethics*, Rev. ed., Simon & Schuster Macmillan, New York 1995, p. 2266., according to Mortimer B., Lipsett, John C. Fletcher and Marian Secundy, Research Rewiew at NIH, *Hastings Center Report* 9 (1/1979), p. 18-21.

²⁷ F. Drane, *A Liberal Catholic Bioethics*, p. 39.

[1988-1990] Biomedical Ethical Advisory Committee

[1994-1995] Advisory Committee on Human Radiation Experiments

[1996-2001] National Bioethics Advisory Commission (NBAC)

[2001-2009] President's Council on Bioethics (PCBE)

[2009 -] Presidential Commission for the Study of Bioethical Issues (Executive Order 13521, November 24, 2009.).

By the end of XX century, despite the time delay, bioethical institutionalisation has achieved international character²⁸.

From the Unites States to "Federation of States"²⁹

Being discovered in 1997 and promoted since 2007, the work of Fritz Jahr has been spreading new lights onto the originality and authenticity of bioethical ideas in Europe, so to get more broader view of bioethics in Europe it is necessary to take a look back.

Compared to American history of bioethical development and bioethical institutionalisation, European bioethical episode easily looks too modest and far behind. There are at least several reasons that could try to explain such situation. Probably the first one, but also the most important (and at the same time improperly omitted from discussion) is the *category error*. Namely, speaking of *American* and *European* is not the same, and it is important to add, will never be. The essence of European is hard to define by itself (is it a myth?, is it a territory of a continent?, way of living?, tradition?, new political and administrative system – EU?), and even more in relation to other. Different historical and political foundations could perhaps be left behind when we try to make economical anaylsis or when emphasising the importance (and bravement of tradition but are crucial when we compare the characters of the American or European in cultural or social issues. While in the United States only 10 years have passed between independece of ex-colonias and accepting new federal Constituton (1787) accomplishing a new political unity, in today's modern

²⁸ Tristram H. Engelhardt, Anna Smiths Iltis and Fabrice Jotterand, Bioethics: Institutionalization of, eLS -*Encyclopedia of Life Sciences* (<http://www.els.net>, 22 January, 2009).

²⁹ "The concept of a 'Federation of States' (seemingly an oxymoron) has recently been unearthed to this end. Its great merit is to recall that federalism is not reducible to the formation of a federal state. Understood in a wider sense, federalism defines modes of relation between political entities based on peaceful cooperation and legal arbitration." (Paul Magnette, *What is the European Union?: Nature and Prospects*, Palgrave Macmillian Hampshire 2005., p. 5., according to Olivier Beaud, *La souveraineté de l'Etat, le pouvoir constituant et le Traité de Maastricht*, *Revue française de Droit administratif* 9 (1/1993), p. 1045-1068.).

Europe the case is quite different and can hardly be viewed from the same position. Today's European countries, members of the European Union, have first gone through several centuries of their independence, developing strong political systems, sense of national sovereignty and highly organised bureaucracy, then have gone through the catastrophe and fear of world wars and finally decided to merge themselves from 1951 onwards. In this manner, it is not odd that European federalism case is difficult to be discussed or comprehended in traditional terms³⁰.

Terminological reasons are not far from previous ones. Being European, as already mentioned, could originate from specific European country, Europe as a continent, Council of Europe (or some other pan-european organisation), finally, from a Union (or Federation) of European states. Nevertheless, any process on the above mentioned level (including institutionalisation) is not isolated, and can hardly be comprehended without taking into consideration strong influences on other social movements and contrary.

Other reason is probably the one that for a long time, Europe has been resistant to American influences and imports: seeing bioethics until 1997 as an "original American product"³¹ strongly influenced by law and practical ethics principles, and having own terms (medical ethics, biomedical ethics...) the acceptance of American version of bioethics in Europe was evidently slowed down.

Achievements of bioethical institutionalisation in Europe³²

"Bioethics – it is everything that Europe is about: sharing common values while respecting European cultural diversity; promoting research and innovation while ensuring respect for these values, providing honest and understandable information to the public about ongoing research not only to generate confidence in new technologies but also to allow public participation in adequate research policy choices in the safety, regulatory and ethical domain."³³ Written several years ago and dedicated to the bio-

³⁰ "Between the cooperation of existing nations and the breaking of a new one there is no middle ground. A federation that succeeds becomes a nation; one that fails leads to secession; half way attempts like supranational functionalism must either snowball or roll back." (Stanley Hoffman, *Obstinate or Obsolete? The Fate of Nation State and the Case of Western Europe*, *Daedalus* 95 (3/1966), p. 909-910.).

³¹ Ivan Šegota, *Nova medicinska etika (bioetika): priručnik/New medical ethics (bioethics) - a hand-book*, Katedra za društvene znanosti, Medicinski fakultet Sveučilišta u Rijeci, Rijeka 1994, p. 33.

³² It is, of course, impossible to claim this is a comprehensive review of bioethical institutions in Europe. There are many journals, projects, publications, schools and concepts in different countries developing bioethics in European way.

³³ Noëlle Lenoir, *Biotechnology, Bioethics and Law: Europe's 21st Century Challenge*, *The Modern Law Review* 69 (1/2006), p. 1.

ethics and Europe, this statement could easily be different, especially regarding European experience with constitution treaty and new epoch after the Treaty of Lisbon.

It was not always easy for bioethics in Europe, but it would also be wrong to say that nothing has changed in the last few decades. Taking into consideration the reforms Europe has started in the mentioned period (and are still ongoing), bioethics was not always at the top of European priorities.

In the field of bioethical centres and institutes the leadership belongs to South-European countries³⁴ (Spain - Institut *Borja de Bioetica*, 1976; France – Center for medical ethics, 1984; Italy – Center for bioethics, 1985; Germany – Center for medical ethics and Academy for ethics in medicine, 1986; Belgium - Center for bio-medical ethics and law, 1986; Croatia – Center for bioethic, 1986 etc), but today bioethical centres are spread all over Europe³⁵.

France was also the first European country to establish a national ethics committee: National advisory ethics committee for the life sciences and health (Comité Consultatif National d'Ethique pour les sciences de la vie et de la santé) in the year 1983. The French model of permanent and pluridisciplinary national institution served as a reference to many other countries³⁶.

Following the political trends of strengthening the union of European countries, other social phenomena occurred, like establishing bioethical institution at the level of new European community. In July 1988 the European Commission had set up a working group Predictive Medicine Working Party, since 1989 known as Study Group on Ethical, Social and Legal Aspects of the human genome analysis programme (ELSA)³⁷. By the end of 1991 the European Group of Advisers on the

³⁴ One of the possible future research issues could examine whether the catholic Church is the one responsible for such influences and trends. Let us not forget the influences that American theologians had had in establishing Kennedy Institute of Ethics.

³⁵ According to Lafond, the first phase of bioethical politics in Europe started in a period of professional self-regulation after the Second World War. Professional standards of that period were the first step toward "... the beginning of institutionalization on hospital level, along with a reassertion of the need to protect individuals. Local committees emerged in most Western countries, charged with the task of verifying research protocols and ensuring that the consent of people undergoing experiments had been obtained. However, this trend was neither systematic nor really organized. Most of the time it was simply a matter of collegial decision-making and avoiding the sometimes painful isolation of those who have to decide for others (generally members of medical profession)." (François D. Lafond, "Towards a European bioethics policy? Institutional structuring and political responses", in: Monica Steffen (ed.), *Health governance in Europe: issues, challenges and theories*, Routledge, New York 2005, p. 155-156.).

³⁶ Ibid., p. 157.

The most prominent achievement of these bodies was the collaboration of political authorities, scientific community and public (Arthur Rogers and Denis Durand de Bousinges, *Bioethics in Europe*, Council of Europe Press, Strasbourg 1995., p. 183.).

³⁷ This Group was officially recognized at the informal meeting of the Ministers of Research of twelve member states and representatives of Commission in Kronberg (Germany), March 1990. At the same meeting, another

Ethical Implications of Biotechnology was established by Commission to identify ethical questions regarding biotechnology development, to evaluate ethical activities within the Community and to identify impacts to broader society. In 1998, this body was replaced by a European Group on Ethics in Science and New Technologies, (EGE), active in different mandates today.

Beside the European Commission, the Parliament also became involved in bioethical issues from 1984 (it was following the rumours concerning the trafficking in fetuses and their possible misuse, as a consequence of law absence). The Parliament has used its new competences in research (contained in Single European Act, 1987), in the occasion of the adoption of the research programme "Analysis of the Human Genome" (1989-1991). "Since then, and in line with US model, all community research programmes have devoted a small share of their budget to studies to the ethical, social and legal consequences of research on the human genome."³⁸

Considering the tradition Council of Europe has had in human right protection (European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950), since late 1970s this institution has started to deal with bioethical questions, setting up resolutions and recommendations and being involved in "third-generation human rights".³⁹ The need for new bioethical institution within Council of Europe culminated in the year 1983 with Ad Hoc Committee on Genetics Experts (1985 this body was transformed into the Ad Hoc Committee of Experts on Bioethics; 1992 into the Steering Committee on Bioethics, CDBI). The main role of CDBI was identifying priorities, with special emphasis on the possibility of preparing and adopting common European *bioethical convention*.

Not only by its name⁴⁰, this document was for the several following years point of interest of European structures. After years of negotiating and lobbying, the final version of the document Convention on Human Rights and Biomedicine, CETS No.: 164. has been signed in Oviedo on 4 April 1997 by 22 of 40 members, and

working group was organized - for the research on the human embryo (HER). (F. Lafond, "Towards a European bioethics policy? Institutional structuring and political responses", p. 166.).

³⁸ Ibid., p. 164-165., according to European Commission (1998) *Ethical, Legal and Social Aspects of the Life Sciences and Technologies Programmes of Framework Programme IV*, Catalogue of Contracts, Oopec, Luxembourg 1999.

Despite the fact that Parliament played (only) a motivation role, the power of Commission was also limited. "In the absence of the competences clearly established by the treaties, the European Union's interventions was marginal, reactive and gradual." (Ibid., p. 163.).

³⁹ Ibid., p. 159.

⁴⁰ The suggestion *bioethical convention* was later an issue of great pressure and critics, for the reason the document (as a kind of normative institution) can only be an instrument of law, not of bioethics (Jan K. M. Gevers, *De Bio-Ethiek Conventie: kanttekeningen bij een ontwerpverdrag van de Raad van Europa*, *Tijdschrift voor Gezondheidsrecht* (8/1994), p. 456.).

came into force on 1 December 1999 after six countries (Denmark, Spain, Greece, San Marino, Slovakia, Slovenia) had initially ratified it⁴¹. Since then, four more Additional Protocols⁴² were adopted, with no possibility to be signed and ratified without the main document⁴³.

Theoretical approach to institutionalisation

In the last few decades a lot of research has been done in examining theoretical approach to institution phenomena. Although the most comprehensive part explores political, health or educational institutions (the role they have in modern society and the way of their maintenance), it is of great interest for bioethics to invest efforts in exploring bioethical institutions.

The phenomena of establishing bioethical institution is not isolated from other social process, and can be compared with other similar examples. According to Arnold Gehlen's (1904-1976) philosophical-anthropological theory of institution, a man was always burdened with overcoming dualism of his mind and body. Being always jeopardised by natural environment, at one stage of his development, man had become aware of his own weakness and biological character, of his incompleteness and a lack of own possibilities and resources to gain his full integrity. As a fact of social life and a product of collectivity, institutions originate as the mediators in creating man meaning and need, force of his stabilisation and "shelter" for vulnerable one⁴⁴.

Gehlen published his most important works in Germany just several years after the Second World War, which is probably relevant for his theory of institutions and role

⁴¹ Comprehensive analysis of the content and role of his document is a subject of another article (Iva Rinčić-Lerga, "Deset godina Konvencije o ljudskim pravima u biomedicini Vijeća Europe (1997.-2007.) Postignuća i perspektive/Ten years of the Convention on Human Rights and Biomedicine (1997-2007). Achievements and perspectives", in: Velimir Valjan (ed.), *Integrativna bioetika i interkulturalnost*, Bioetičko društvo u BiH, Sarajevo 2009., p. 297-310.).

⁴² Additional Protocol to the Convention on Human Rights and Biomedicine, on the Prohibition of Cloning Human Beings (CETS 168); Additional Protocol to the Convention on Human Rights and Biomedicine, on Transplantation of Organs and Tissues of Human Origin (CETS 186); Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research (CETS 195); Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes (CETS 203).

⁴³ Map of signatures and ratifications available at http://www.coe.int/t/dg3/healthbioethic/Activities/01_Oviedo%20Convention/ETS164map.pdf (last updated 15 October 2010).

⁴⁴ In Croatian, the main part of Gehlen's work was collected in a book *Čovjek i institucije/Man and institutions* (edited by Hotimir Burger), Nakladni zavod Matice Hrvatske, Filozofski fakultet, Humanističke i društvene znanosti – Zavod za filozofiju, Zagreb 1994., comprising of Gehlen's book *Urmensch und Spätkultur* (1956) and his public lecture *Man and institutions* (University of Freiburg, 1960). There is, of course, a lot more to be discussed regarding Gehlen: the differences between archaic and modern institutions, the grounds of institutionalising subjectivity, the maturity of modern man in creating modern institutions, but all this needs to be a part of some future research.

they have in a society. His orientation toward archaic institution still needs to be explored in more details regarding modern institutions, including bioethical ones. The first notion of bioethics comes from Gehlen's contemporary, Fritz Jahr (1927) who also has several notes regarding institution.

Beside Jahr's view upon professional press to be "... a medium to establish or at least strongly influence public opinion, ... it becomes even an obligation to take part in this type of character formation (Gesinnungsbildung) ..." ⁴⁵, (is a press, for Jahr, a trace of an institution?), Jahr offers the most interesting remarks within different forms of social life.

"Our entire life and activities in politics, business, in the office and in the laboratory, in the workshop, in the field farms are ... not based on love in the first place, but many times on competition with other competitors. Quite often we are not cognizant of this fight as long as we proceed without hate and in a fair, legal and accepted manner. Similarly, as we cannot avoid the fight with our fellow humans, we cannot avoid the struggle for life with other living beings. Nevertheless, we will not want to lose the ideal of responsibility as a guiding point, neither for the first nor for the latter." ⁴⁶

Jahr's search for the ways of implementing his *Bioethical Imperative* (1927, 1928) in all aspects of life is not limited to persons, or natural living environments but also to cultural environments. Being artificially established, such cultural artefacts are product of society, or in other words, institution. Their struggle for life with other forms of institutional life is not out of other demand and need to follow the same principle and virtues of responsibility. Limitation of Bioethical Imperative only to individual relations, weakens its strength and reach, as well as chances of success. Only its universal application in all forms of life (including social one, like health care institution, corporations, and even more committees) set up the grounds and preconditions of full realisation of Bioethical Imperative.

⁴⁵ Fritz Jahr, Social and Sexual Ethics in Daily Press, *Medizinethische Materialien* (188/2011), p. 12. (translation by Irene M. Miller and Hans Martin Sass).

⁴⁶ Hans Martin Sass, "European Roots of Bioethics: Fritz Jahr's 1927 Definition and Vision of Bioethics", in: Ante Čović, Nada Gosić, Luka Tomašević (ed.), *From New Medical Ethics to Integrative Bioethics – Dedicated to Ivan Šegota in Occasion of His 70th Birthday*, Pergamena, Hrvatsko bioetičko društvo, Zagreb, 2009, p. 24.; Hans Martin Sass, Asian and European Roots of Bioethics: Fritz Jahr's Definition and Vision of Bioethics, *Asian Bioethics Review* 1 (3/2009), p. 10., according to Fritz Jahr, Tierschultz und Ethik in ihren Beziehungen zueinander, *Ethik. Sexual-und Gesellschaftsethik. Organ des ,Ethikbundes'* 4 (6-7/1928), p. 101.

Opportunities and perspectives of practical bioethical institutionalisation in Europe

As previously mentioned, the process of bioethical institutionalisation represents an important step in the process of bioethical development. Before this stage, according to Fagot Largeault, the 1960s were characterized by spurn (due to terrifying scandals in biomedical research); followed by the period of institutionalisation (provided by the first documents and committees at different levels). This phase of the 1990s proceeds another one - the level of implementation, when earlier established rules became more concrete and standardised⁴⁷.

Still, this is not the only side of the problem. Namely, social reality often shows the reverse side of medal: high standards of bioethical awareness and poor (or lacking) bioethical institutionalisation⁴⁸. Although there is no doubt that this problem exists, there is another question - Is it possible to have the opposite situation: high level of bioethical institutionalisation and poor level of awareness (in the sense of implementing documents and in them claimed principles in to real life)? In the last few years, several articles were published regarding bioethical institutionalisation (Lafond, 2005, Rinčić, 2010), counting the elements and emphasising the importance of this process, but very few exploring the real problems: on what grounds will this process be implemented in every day practice and what is to be achieved by it in the long term?

One of the ways of promoting bioethics in European context by its institutionalisation was the establishing of the journal *JAHR – Annual of the Department of Social Sciences and Medical Humanities of University of Rijeka Faculty of Medicine*, with the international Editorial and Advisory Board's, Editor-in-Chief Amir Muzur (first issue published in May 2010, the 4th planned for September 2011).

After the first conference dedicated to Fritz Jahr and European bioethics, held at the University of Rijeka - Faculty of Medicine (Croatia) in March 2011, the EUROBI-ONETHICS group was established⁴⁹ and the next conference is already planned to be held during 2012⁵⁰.

⁴⁷ A. Fagot - Largeault, "L'émergence de la bioéthique", p. 345-348.

⁴⁸ Ante Čović, "Bioetika je znak nove epohe/Bioethics is a sign of a new epoch" , *Vjesnik* (13 April/1999).

⁴⁹ See <http://www.eurobionethics.com>

⁵⁰ According to current information, the host of this meeting will be Martin Luther's University Halle-Wittenberg Institute of Medical Ethics and History of Medicine, under the supervision of Florian Steger.

Another important fact to be mentioned and hopefully accomplished by the end of 2011 is the book *Fritz Jahr and Foundations of Global Bioethics: The Future of Integrative Bioethics* (edited by Amir Muzur and Hans-Martin Sass), Lit Verlag (Münster).

As the a host of the project "*Fritz Jahr and European Roots of Bioethics: Establishing the International Network of Scholars*", Department of Social Sciences and Medical Humanities of University of Rijeka Faculty of Medicine continuously works on collecting documents and literature for *Fritz Jahr Documentation center* to be a database for students, but also scholars in the field of European bioethics.

Finally, the idea on establishing Fritz Jahr Award for Promoting and Research of European Bioethics is still open. For the first time presented at Rijeka conference in March 2011, this initiative presents one of the possible manners not only in promoting bioethics in European context, but also in institutionalisation it on permanent basis⁵¹.

Conclusion

Institutionalisation is the important and necessary phase in the bioethical development, and a precondition of further trend of implementing bioethical principles and ideas in every day life. In the USA, bioethics was "saved" by institutionalisation in different aspects of social life, but at the same time narrowed in its application (medical and clinical ethics).

European roots of bioethics (Fritz Jahr's concept of Bioethical Imperative) opens not only a new chapter in the bioethics history, but also calls for reconsideration and setting up of new theoretical and practical approaches to European bioethical institutionalisation.

⁵¹ In addition to the official ceremony (every year on occasion of Fritz Jahr birthday, 18 January), it is planned that several months professorship at Martin Luther's University Halle-Wittenberg would constitute a part of this Award. More details regarding current parameters and chronology of this initiative can be found on www.eurobioethics.com.

Christian Byk*

Bioethics, law and European integration

ABSTRACT

Bioethics is always described as implying a multidisciplinary and pluralistic approach of the issues encompassed. No doubt that the law and lawyers have deeply contributed to its origin and present development. However, conversely to the United States, it seems that bioethics has opened some new perspectives to the law in Europe. First, it forced the law to move out of its own frontiers and to apply its reasoning to life sciences issues with the consequence that some consider that the legal norms are used to legitimate unlawful practices while others believe legal norms have imposed binding conditions to the free development of science and technology. Second, Europe is the only region of the world where biomedical techniques are subjected to legal and sometimes binding harmonisation. In some way, we may conclude that the role played by the law in the elaboration of European bioethics is just an example of the important role of the law in the European integration.

I) The political dimension of bioethics and law in Europe

There is a specific dimension of the transformation of patient-physician relationship in Europe. It concerns the fact that most European countries have developed social security systems and that, consequently, the new biomedical development raises the issue of access to health care as a global socio-political issue.

Therefore, law more than ethics plays in Europe a role in defining the conditions of accessing new medical technology and in elaborating a public policy in this field.

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When looking back to the recent history of Bioethics and Law in Europe, we see the emergence of mechanisms to produce new norms outside the medical and scientific community. What is interpreted as the end of a paternalistic ethical system, also common to the bioethics movement in the USA, is also the symbol that law is viewed in Europe as an appropriate way to bring bioethics issues at the forefront of a societal debate.

The counterpart of this "political" appropriation of Bioethics – in the traditional meaning that it has become a question for citizens' discussion- is the fact that the law might be perceived as imposing a new "paternalistic" approach, not the one of the medical ethics but the one of the State imposing to individuals rules based on a collective idea of good, happiness or of what is a normal social behaviour.

A) Bioethics, law and democracy

The idea that bioethics will stop the *confiscation* by the medical profession of the decision making process on the ethical issues raised by the progress of medicine implies that Society would be able to define democratic ways according to which individual and collective choices could be made. Naturally, the process of making law in Western democracies could serve as a practical example: public debate in Parliament and courts are good references and rational way of reasoning is a good methodology. So the idea came that once appropriate institutions would have been set up, they might be incorporated or their work might be used in the process of elaborating the norms necessary to organise and regulate the new techniques.

1) Bioethics, law and the (new) institutions

A significant outcome of the end of the XX century Bioethics success story is certainly the growing role of new and renewed institutions in producing and applying bio law.

Among the newly created institutions, we may clearly distinguish those in charge of assessing and discussing bioethical issues from those in charge of applying the legislation.

- The first category encompasses both "**the pilgrim mothers**" of the bioethics institutions, those created in the 1980s in different European countries (the Warnock Commission in the UK, the Benda Commission in Germany, the Braibant Committee in France or the Santesuosso Committee in Italy) to deal with reproductive and genetic technologies and the now expanding category of National Bioethics Committees (France 1983, Denmark 1986...).

Although those commissions have not been instituted on the framework of a

law reform commission, they all add in mind the issue: should we legislate? Even the new National Bioethics Committees which were set up as standing committees with a mandate to organise ethics discussion very early raised the same question and were influential in suggesting to governments and parliaments to move to legislation while their opinions also served as references in court disputes.

Therefore parliamentary committees reorganised themselves to tackle with bioethical issues: special commissions were set up; offices for technology assessment were incited to deal with such issues.

- The second category gathers **bodies which are part of the regulating process** adopted to rule specific biomedical technologies. Some do it on a broad scale at the national level such as the Human Fertilisation and Embryology authority in the UK or the Biomedicine Agency in France. Others do it on case by case review: IRBs for research on human beings or transplant or genetic therapy committees...Both produce bylaws or "case law" according to their mandate. They merely interpret or apply the existing legislation more than they create it but they have anyway a very concrete role for those who are either practising the technologies concerned or applying to benefit from them.

Whatever is the ethical issue concerned, a clinical case, a biomedical protocol or a broader societal issue; there is today at least one body to look at it. Public ethical institutions have clearly replaced professional associations at the forefront of the bioethics debate. This change in dealing with bioethical issues raised another important feature: the capacity of the mandated institutions to work democratically. For that, they have to be inspired by the legal practice and develop a due process of law in the specific area of bioethical issues.

2) Bioethics institutions and the due process of law

Ethical issues have moved everywhere from the closed professional world of doctors and scientists to the global world of public arena. But contrary to the United States, Europe is not essentially relying on the concept of autonomy to institute more democracy in the decision making process in bioethics. Legal procedure plays an important role in bringing some legitimacy to the institutions in charge with bioethical issues.

- **The search for sanitary democracy** is a recurrent issue in reframing the health systems in Europe by the turn of the Millennium and bioethics poses even more difficult problems.

For example, how can a national bioethics committee be inspired by the due

process of law?

It certainly means that contradictory arguments have to be identified and discussed, that the process of elaborating an opinion should be transparent and that the opinion should be argued.

Regarding the agencies in charge with the regulation of technologies and practices, how can we be sure that they do not re-create a closed world for experts that will leave outside lay persons and public representation? How can we be sure that their decision will not be biased by conflict of interests?

A more sensitive question would be

- **How can we prevent** the review of research protocols or individual clinical cases by ethics bodies giving birth to an "**ethicocracy**"? Transparency, rational reasoning and possibility to appeal are necessary as a counterpart of the authoritative role of those new bodies in making decisions. Efforts have been made in different European countries to improve this process but this is too often a task which is the consequence of major dysfunctions of the system.

We may say that the XXI century marks the triumph of bioethics institutions because we now have five categories of such institutions in Europe: national bioethics committees, ethics research committees, high technology ethics committees (on genetics, organ transplant, biotechnology...), clinical (or hospital) ethics committees and academic or professional ethics committees. At least, the first 3 categories are usually regulated by law. But, we do not have yet a global perception of what is the result of this integration of bioethics institutions in law policy making. Does it really lead to more democracy in the field of biomedicine and biotechnology or are we entering into a "Brave new world"?

B) Bioethics, law and the "Brave New World"

The marriage of law and bioethics is a feature of the techno-scientific society. The law is necessary to facilitate social transformation and to alleviate the fear of the progress. But in doing so, the law might raise some ambiguity: it could either support a positivist approach to consumerism in the field of biomedicine or create a new dogmatism which will limit individual freedom, scientific creativity and entrepreneurship.

1) Biolaw and the positivist approach to consumerism in the field of biomedicine

A common point between bioethics and biolaw could in fact put biomedical issues in the public arena where choices are not only made by the physicians following the traditional medical ethics. While admitting that new biomedical technologies raise

issues that concern the individual rights of the patients as well as some societal choices, bioethics and biolaw however keep their eyes wide open on the practice. They try to be references for existing practices in suggesting and sometimes imposing limits and conditions to health care providers and patients. Globally, they offer a set of norms to rule the different techniques and to make them socially acceptable rather than to challenge the legitimacy of such techniques.

In doing so, bioethics and biolaw may be viewed as derived products from biology rather than sub branches of ethics and law. In supplying the traditional medical ethics, which most patients criticized for its paternalist attitude and which many physicians thought it was no more in capacity to bring appropriate answers to the ethical legal and social issues generated by the reproductive and genetic revolutions, biolaw developed a practical and concrete approach to facilitate the access to the new techniques in the respect of individual rights. But it did not really challenge the philosophy and organisation of the techno-scientific society.

It therefore contributed and reinforced some of the main characteristics of our post-modern society: individualism and subjectivity, on the one hand; materialism, consumerism and reification of the human body, on the other hand.

For this reasons, opponents to this positivist approach think that it is not enough to introduce some ethical questioning to the way we produce our law. They argue about the necessity to substantiate our legislation on strong fundamental values rather than on bioethical discussion and procedural norms.

2) Biolaw and the risk of a new dogmatism

What may be obvious in the convergence of ethics and law in the field of biomedicine is a common will to found the set of rules governing the new technologies on strong values. To guarantee that the development of medicine and science will not serve to build a Brave New World, we need to recall what is perceived as symbols of a humanist philosophy: Judeo-Christian references and human rights principles. The implementation of existing rights as well as the emergence of new rights is totally constructed for the benefit of the protection of what is human either as an individual person (and parts of it) or as a collective body (the human species).

Globally, we may proclaim that ethics and law contribute together in the designation of these fundamental values. Sometimes, ethics has a determining role in this consecration although law does not ignore the principles which are commonly designed as fundamental values. This is the case with the informed consent principle but also with the concept of dignity.

In other cases, the process is working the other way around as with the principles of privacy and non discrimination which have been broadly applied in the field of genetics and access to health services.

But, the idea and practice of establishing a set of fundamental rights may be confusing.

It might mean that the benefactors of such rights are entitled to claim the application of the rights in the different areas of biomedicine and that those rights are universal, authorise limited exceptions and may serve as references to develop derived principles.

The fundamental rights approach could also be a way to introduce in the legal system the idea that the rights designed as fundamental are at the top level of a new hierarchy of norms, no more grounded on a formal distinction but essentially based on their substance.

Due to the fact that they contribute to define what is human, one of the main characteristics of such rights is their transcendence which means that they surpass all other rights and principles. They offer some objective definition of the "human nature" and find references in the concept of *jus naturalism* and also in religious belief. We may therefore fear that they will reintroduce some form of dogmatism and absolutism in our law. The controversy rose by the utility and applications of the concept of dignity but also the ongoing discussion about embryo research are good illustrations of such risk.

Although the consequence of this ethico-legal approach is well known in US Bioethics, it might be more influential in Europe because in most countries biomedical research and its applications are largely relying on a State and Society support. Law therefore plays in Europe an important role in implementing the different national policies in the field of life sciences.

As some of these policies are restrictive while other are more permissive, there is in Europe a specific geography for Biolaw which differs considerably from the US traditional distinction between federal regulation (only binding for the researchers asking for federal funds) and State law which may be unexistent in many areas of bioethics. Consequently harmonising legislation in Europe is the only way to make the idea that fundamental values could rule biomedical issues without infringing upon individual human rights acceptable.

II) Legal harmonisation of biomedical legislations: an original method to resolve contradictions

The legal approach to bioethics issues is also an interesting example to demonstrate how the diversity of European approaches may live together and move to substantiate fundamental principles. Although the margin of discretion of the national legislations is still great in deciding how far the beginning of life should be protected or what is the positive duty of a State in providing death with dignity, European States have accepted in different ways to join a competitive dynamics in which law is a key instrument.

A) The law as an instrument of competitive dynamics

Originally conceived as an economic community based on coal, steel and uranium, the European Community progressively embraced broader areas of jurisdiction to facilitate the emergence of a global European market whose products and services could easily compete abroad. Legal harmonisation became a way to integrate this global market but life sciences issues demonstrated soon the limits of technical harmonisation without the support of common European values.

1) The industrial and economic need is a strong incentive to regulate

It seemed obvious that if Europe would like to play a significant role in the international competition, its industry had to benefit from rules that would facilitate the circulation of goods and services. This task has been accomplished for drugs and blood products and for medical professionals. However, in 1995, it failed to be realized for biotechnology and patents but after a new proposal was put on the table in 1996, finally a European regulation was adopted in July 1998. Obviously, this demonstrated that it was no more possible to answer the industrial approach without looking also after the ethical issue.

Let us put aside for a moment the quarrel of words and ideologies to revisit the European policy on biotechnologies, and more particularly the role of the law by asking a double question: what is resulting from 20 years of European legal rationalization in this field? And does this result bring a satisfactory response to the concerns expressed by the public opinion? Our feeling is that the extraordinary development of the regulation on biotechnologies did not make us escape a deep social crisis of confidence between scientists and political decision makers, on the one hand, and the citizens, on the other hand, with the fear of a biotechnological apocalypse. And in this frontal opposition of views, the law had a key role for each party, which was to legitimate the social choices and to transpose them in concrete reality. This is the

marriage between social values and reality that constitutes the legitimacy of the European legal system.

2) The ethical dimension is necessary to make techno-scientific regulation socially acceptable

The new biomedical technologies are often presented as the only real challenge to our social organization, creating a risk for the human and even the human species by offering more and more sophisticated possibilities to manipulate, for example, procreation, heredity and in a near future the human brain.

Let me explain why I believe it is not a good approach to bioethics issues. The problems which are posed to us are in fact due to the conjunction of different social attitudes, the importance of which will depend on the cultural context. These attitudes can be summed up as follows: the unlimited search of new scientific knowledge, the irresistible pursuit of individual happiness, the importance of money and business, the role of institutional structures and ideology.

- The first two attitudes concern primarily **the physician - patient relationship**. Traditionally, the Hippocratic medical practice was based on the specificity of the relationship between the patient and the physician. The physician benefited from the patient's confidence because his/her duty was to act only for the direct and personal benefit of his/her patient.

Of course, we have known for a long time that physicians had to face in some circumstances opposite interests: either private interest - should a physician tell the family the nature of the illness a patient is affected with? - Or public interest when it is necessary, for example, to prevent the spreading of epidemics?

But the major changes in modern medicine arise from the fact that biomedical research has now been integrated as a normal aspect of the medical progress: "ethically necessary but necessarily immoral" as observed by Prof. J. Bernard the honorary chairman of the French National Bioethics Committee. Consequently, as soon as the patient became the subject of biomedical research, healing the patient was no longer the unique goal of the medical practice.

Another element of the transformation of this relationship is to be found in the greater role played by the patient himself. Higher education and further development of individual rights have led to a greater consideration of the autonomy of the patient. Paternalism is less and less accepted but more patients, as they are now better informed of the new medical advances, have stronger views about their wishes and would like them to be satisfied by the physicians. People want to decide about their own treatment but they also want to decide about their own quality of life and death, about the moment they will procreate and the characteristics of their offspring.

What they require from the health care providers is more and more the satisfaction of their personal desire and happiness than it is a therapeutic treatment.

Therefore, the pursuit of further knowledge by the physician on the one hand and the pursuit of happiness by the individual on the other hand could progressively transform the physician-patient relationship on a purely legal convention losing its specific characteristic which implies a mutual respect of each partner.

- Such a consequence has probably already occurred in **circumstances when business is prevailing over medical considerations:**

We could certainly ask why so many physicians are interested in industrial countries to develop new reproductive technologies, the financial cost of which is high. But we all know what a couple could do to get a desired child. We are sometimes surprised to hear of the existence of very modern genetic centres providing with genetic medicine a few people in countries where general hospitals cannot usually face their normal duties.

New technologies are also a good way of advertising the ability in medicine or simply the ambition to be viewed as a person who is at the forefront of the new medicine.

Sometimes these events are good successes: it was the case with Prof. Chris Barnard's first heart transplant or with the birth of Louise Brown due to B. Edwards & A. Steptoe, but this is not always the case so it is the reason why it appeared necessary to include an ethical approach to the European regulatory policy.

It largely concerns the ethical review of biomedical research. Since 1991 the European Union Biomedical Research Program has included specific research incentives for bioethical issues related to medical research.

It also covers the assessment and the regulation of a wider range of bioethical problems at the European level.

After having set up two *ad hoc committees* (on embryo research and human genome research) the European Union instituted in 1991 a standing group (on ethics of biotechnology) to advise the Commission on ethical aspects of European regulations draft.

The other European organization, the Council of Europe, which is an inter-governmental institution for cooperation, has had such a standing body since 1983: this is the now called the steering committee on bioethics (CDBI), which prepared many recommendations (on genetic issues, reproductive technologies, human experimentation...), the European convention on biomedicine and human rights and is presently pursuing its mission to elaborate protocols to the European convention on bioethics.

B) The law as a key instrument to substantiate European values

1) The European methodology

The funding basis of the European regulation appears very different, not to say contradictory.

a) The pragmatic approach

This is mainly the approach of the European Union whose jurisdiction is essentially concerned with economic affairs. In this perspective although the bioethical approach cannot be regarded as subsidiary, its necessity is imposed, not by theoretical considerations, but by the fact that some industrial applications of research have raised great concerns in the public. European authorities are now aware that any specific policy could pose major political issues in term of protecting the consumers, the environment or simply assuring the public that these questions, but also fears and anxieties, are taken into account.

This is the meaning of the European Commission statement declaring that "the Commission has expressed a clear wish to build a Europe for science and technology which should both promote the European development and be respectful of the rights of each European citizen".

This is the reason why the Commission has set up the above mentioned Group of advisers on the ethics of biotechnology the mandate for what can therefore be regarded as complex and difficult. The group should have indeed a dynamic approach taking into account the acceleration of scientific knowledge which is a permanent incentive to reform our regulation.

As proved by the first years of activities of the group this task, although it does not ignore the general human rights perspective, is merely accomplished through a case by case approach in which political aspects are sometimes more important than legal aspects.

Until the turn of the millennium, the ethical implications of some technical or economic issues were less apparent in the European Union regulatory process.

Although biomedical research funded by the European Union has by contract to obey some ethical guidelines (good clinical practices, or specific guidelines for embryo research or human genome research), these guidelines are not, strictly speaking, European rules imposing obligations to the Member States. They are only conditions that a contractor, the European Union, is imposing to a co-contractor in order for this co-contractor to benefit from a European grant.

Regarding what is properly called the European regulations; only a few texts are specifically referring to ethical issues: we can quote the 1989 directive on blood products which mentions the ethical rules adopted by the Council of Europe and the 2001 directive on clinical trials which mentions the role of ethics review committees. But for many, the 1989 regulation was not deemed as being very efficient because the ethical rules were mentioned as an objective to fulfil with and not as an obligation to compel with.

Another text, a draft, attempted to include ethical considerations. It concerned the issue of patenting biotechnology but as these considerations did not appear to make ethical issues as prominent, the European Parliament rejected the bill. The new one which was introduced in 1996 and adopted in 1998 was more explicit about ethical issues, especially the prohibition to patent the human body and its components and to ban germ line gene therapy.

Indeed, the recent history of these European regulations proves how illusory it could be trying to incorporate different preoccupations in the same text. It could mean that the enforcement of Human Rights provisions in the field of biomedical sciences should probably follow a different process of harmonisation.

b) The human rights approach

It is presupposed that bioethics is not an isolated problem and should be treated as part of a common heritage encapsulated in the European Convention on Human Rights - the common European heritage.

The concept of a human person, which has such a tremendous importance in bioethics and in law, is naturally a theoretical category invented by philosophers but it is also largely the heritage of the three founding elements of the European culture: Greek philosophy, Roman law and Judeo-Christian beliefs.

Since it was formulated at the end of the XVIII century, the principle that each man is a human person with equal rights has been used as a key political operative concept which was progressively incorporated into the legal system. The European Convention on Human Rights has been since 1950 the living example of this recognition of the central value of the human person in "die Europäische Weltanschauung".

The status of the human body but also our concept of filiations is deeply related to this perspective.

The human body cannot be separated from the human person: man is both a physical and a non-physical entity. Therefore, the legal protection granted to the human person does also apply to the human body as far as the person has a legal existence.

The concept of filiations also plays an important role in contributing to the identification of each man as a single person having his/her own biological and social origins.

Since it is an individual physical integrity and an individual private life which are primarily at stake, the Human Rights are in a prominent position, and particularly articles 2 (right to life), 3 (right to be protected against treatment contrary to human dignity), 8 (right to privacy), 12 (right to marriage) and 14 (right not to be discriminated) of the European Convention.

However, the way these principles can be implemented and enforced in the biomedical field is not so simple because of the divergences existing in national legislations or practices as we mentioned above. So, there is a need for a process which allows some European harmonisation. It could be done in two ways: the jurisprudence of the European Court of Human Rights and the elaboration of new Human Rights instruments.

- Case law derived from the European convention on human rights

Far from ignoring questions resulting from the development of the biomedical sciences, the case-law of the Convention contains some "surprises".

These involve both the replies to questions submitted for examination and the approach used to analyse the cases considered.

-Thus, regarding the first aspect, the principle of free and informed consent by the person concerned has been recognised explicitly in connection with medical experiments. It is also known that, to the extent that everyone's right to life also applies to the foetus, this protection is not absolute.

Moreover, while the case-law does not yet directly provide a solution to all problems connected with the life sciences, guidelines may be identified. They are based, on the one hand, on the definition of certain concepts - inhumane treatment, private life or interference - to which reference can clearly be made for the purpose of clarifying our discussion.

On the other hand, some "case-law policies", such as the recognition that, in certain circumstances, the State has positive obligations and the importance given to a realistic approach towards family ties, are likely to create a move towards the development of the Convention, the more so because the development of the legal and moral environment is also taken into account as the case-law develops.

Therefore not too much should be expected from strengthening existing rights in the Convention, but some aspects of the Convention favour a development of cer-

tain rights. It is up to the Convention organs of control to determine the outline of these on a case-by-case basis, while distinguishing what is simply a new application of a positive right from the start of new rights.

- New instruments specific to the biomedical field

Within the Council of Europe, after the Parliamentary Assembly called for it, this task was mandated in 1993 to the steering committee on bioethics. The committee, which is a multidisciplinary committee, was however mandated with a regulatory objective: to propose principles that could be applied to regulate the different fields concerned with bioethics.

- - It spent a 7 year period in drafting recommendations, which although not binding, were accepted by Member States to implement and guide their domestic rules.

Genetics, human research, prenatal diagnosis, medical data and privacy, end of life, reproductive technologies and embryo research were the areas for which the Committee produced important works. Except the last two fields, all its recommendations were adopted by the Committee of Ministers and we can hope they have progressively inspired the different national legislations.

- - However, as all the scientific areas were not covered and as it became important to set up a link between the above recommendations and the European Convention of Human Rights, the Committee was entrusted in 1990 to prepare a draft European convention on biomedicine.

This instrument is a framework convention which means that it gathers in one text a set of fundamental principles that should be applied to all biomedical technologies: respect of human dignity, free informed consent, protection of the vulnerable, equal access to services, protection of medical privacy, ban on germ line gene therapy, right to be compensated from damages due to medical or scientific activities... This clearly shows the bridge existing between Human Rights and biomedical issues.

But to enforce the above mentioned principles, it was also agreed that annexed protocols to the Convention with detailed provisions for each technology would be elaborated. At present four protocols have been adopted (human cloning, biomedical research, organ transplants and genetics). This methodology is very flexible because it allows to add a new protocol each time it appears necessary. And in the meantime, it is always possible, if there is no specific protocol, to refer to the general principles encapsulated in the text of the Convention itself.

If such a methodology can permit reaching some kind of consensus on sub-

stantial issues - although conflicts of views are still existing and important - it raises more difficulties when the question of a following up procedure is raising. In fact, the Members States rejected the idea to have the Court of Human Rights as direct judiciary recourse but they also refused to create any *ad hoc* body to follow the implementation of the Convention. But as the convention is binding for member States, it may be used as a reference in court to support the recognition of new rights and to solve individual cases.

Conclusion

Bioethics is not only the ethics of life; it is the ethics of society

I believe that as responsible persons, we exercise our own autonomy but we also share with our co-citizens a common duty towards the community.

Consequently, we have to find the appropriate rules to regulate conflicts of interests but also to promote a common interest which should rely on the respect of human dignity, personal rights as well as social solidarity.

Therefore, the policy approach to bioethics is less difficult that it could appear. We do not need new values, new rules to govern those issues because there is no reason not to use the existing rules which govern democratic society. But I agree that they are still major difficulties in implementing those principles to the different technological fields. It will take time and will imply respect for the diversity of cultures and opinions. However, it should not lead to forgetting the political will to promote an open and non-authoritarian European legislative framework for biomedical sciences.

Eleni M. Kalokairinou *

Tracing the roots of European bioethics back to the Ancient Greek philosophers-physicians

ABSTRACT

Contrary to the usual claim that Bioethics is a contemporary discipline, I argue that its origins can be traced back to the Ancient Greek philosophers-healers. In classical antiquity philosophy was almost inseparable from medicine not only in the sense that philosophers like Empedocles, Plato and Aristotle contributed to its development, but also in that later philosophers conceived of moral principles and rules in order to prevent the physicians' malpractice and the patients' harassment. From this point of view, the philosophers-physicians Hippocrates, Galen and Celsus have laid the foundations of the science known under the name of "Bioethics".

Keywords: bioethics, ancient Greek medicine, philosophers-physicians, Hippocrates

If we look at the contemporary literature of medical ethics, we get the impression that Bioethics, an interdisciplinary science of about 35-40 years, has its origins in the United States. Gilbert Hottois, for instance, in his book, *Qu'est-ce que la Bioéthique?* argues that it was the American oncologist Van Rensselaer Potter who first used the term "Bioethics" in his article, "Bioethics, the science of survival", which was then included in his book, *Bioethics: Bridge to the Future* in 1971.¹ A number of publications following Potter's introduction of the term further support the idea that it was the American scientists' and philosophers' concern about the ethical dilemmas, raised by the development of medical sciences and technologies, which

¹ Gilbert Hottois, *Qu'est-ce que la Bioéthique?*, J. Vrin, Paris 2004, p. 10. See, also, Van Rensselaer Potter, *Bioethics: Bridge to the Future*, Prentice-Hall, 1971.

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gives rise to this new interdisciplinary science called Bioethics.² But if we leave the term aside and, instead, concentrate on the kind of ethical problems which the development of the contemporary biomedical sciences raise, we will realize that, long before Potter, philosophers – physicians like Hippocrates, Galen and Celsus, philosophers like Plato, Aristotle, Immanuel Kant, Friedrich Schleiermacher, Hans Jonas, Albert Schweitzer and, of course, the German theologian and philosopher Fritz Jahr (1895-1953) investigated and attempted to answer the same questions which contemporary American bioethicists contend to have dealt with first. Our contention therefore is that Bioethics is a European discipline and that we must trace it to its roots if we wish to verify this fact.

In studying the origins of the European Bioethics it would be a serious omission if we did not turn to people like Hippocrates, Galen and the Roman Celsus who admittedly laid the foundations of the modern discipline known under the name of Bioethics. For, apart from their strict medical treatises, Hippocrates, Galen and their contemporary physicians composed certain deontological treatises to which almost all the principles of contemporary Bioethics can be traced. However, before one examines the content of the Ancient Greek deontology and the way in which it has influenced contemporary Bioethics, one has to consider the medical art or "science" as it was conceived and practiced in antiquity.

Medicine, connected as it is to man and human nature, appears in a fairly advanced stage of human civilization.³ In antiquity, when we talk about medicine we do not refer so much to a body of theoretical knowledge, as we do today, but, instead, to certain therapeutic practices. Similarly, the physician is not a scientist who possesses a fair amount of theoretical knowledge which he applies in life, but he is the practical healer who applies certain accepted practices for the healing of a disease or the cure of a wound. To be more precise, we should mention that these medical practices had a divine character. Before we say anything about the practical healers, we should be reminded that it was the soothsayers and augurs who, from the signs of the weather or the intestines of sacrificial animals, could conclude which practice – in the wide sense - could be followed for the cure of the disease or the expiation of the plague which had befallen a community or a royal House. Consequently, it was more the soothsayers' and the augurs' job than that of the practical healers' to find ways to purify the profane action and to expiate the plague. However, the idea of

² See, for instance, T. Beauchamp, "Ethical Theory and Bioethics" in T. Beauchamp and L. Walters (eds.), *Contemporary Issues in Bioethics*, Wadsworth, Belmont 1999.

³ In this paragraph I draw pretty closely to what I am saying in, Eleni Kalokairinou, "Επίμετρο. Η επίδραση της αρχαίας ελληνικής σκέψης στη σύγχρονη Βιοηθική" in Mark G. Kuczewski and Ronald Polansky (επιμ.), *Βιοηθική: Αρχαία θέματα σε σύγχρονους προβληματισμούς*, μτφρ. Μιχ.Κατσιμίτσης, επιμ. και επίμετρο Ελένη Καλοκαιρινού, Travlos, Athens 2007, p. 528-529.

the divine origin of diseases began to give way. The Ancient Greeks soon realized that they were caught into an undesirable dualism and that they could not accept that all "normal phenomena were natural and all abnormal phenomena were divine".⁴ They gradually reached the conclusion that all phenomena are natural and divine and that there are always certain elements of a phenomenon which cannot be explained. In this way, philosophy in the end replaces religion, as it tries to provide explanations for diseases which religion itself could not account for.

The kind of relation which exists between ancient medicine and philosophy is one of the most important problems that has engaged and still engages classicists and philosophers. Even though they all admit that ancient medicine and philosophy are related in a rather complicated manner, a number of classicists argue that it was ancient medicine that influenced ancient Greek philosophical thought. However, the dominant view nowadays is that it was the ancient Greek philosophers who laid the foundations of ancient medicine.⁵ This view is mainly corroborated by the ancient Greek sources. Thus Aristotle writes in his treatise *On Sense and Sensible Objects*:

It is further the duty of the natural philosopher to study the first principles of disease and health; for neither health nor disease can be properties of things deprived of life. Hence one may say that most natural philosophers, and those physicians who take a scientific interest in their art, have this in common: the former end in studying medicine, and the latter base their medical theories on the principles of natural science.⁶

Similarly, in the 1st century A.D., the Roman philosopher-physician Celsus in the prooemium of his work, *De Medicina* says:

At first the science of healing was held to be part of philosophy, so that treatment of disease and contemplation of the nature of things began through the same authorities; clearly because healing was needed especially by those whose bodily strength had been weakened by restless thinking and night-watching. Hence we find that many who professed philosophy became expert

⁴ Hippocrates, transl. W. H. S. Jones, The Loeb Classical Library, Harvard University Press and William Heinemann, Cambridge Massachusetts, London 1984, vol. I, General Introduction, p. x-xi.

⁵ On this claim see, Michael Frede, "Philosophy and Medicine in Antiquity" in *Essays in Ancient Philosophy*, Clarendon Press, Oxford 1987, pp. 225-242.

⁶ Aristotle, On sense and sensible objects 436a19-b1 in *On the Soul, Parva Naturalia, On Breath*, transl. W. S. Hett, The Loeb Classical Library, Harvard University Press and William Heinemann Ltd, Cambridge Massachusetts, London 1986.

in medicine, the most celebrated being Pythagoras, Empedocles and Democritus.⁷

The Milesian philosophers Thales, Anaximander and Anaximenes were mostly concerned with physics and astronomy and not so much with anthropology and medicine. However, things change as soon as the Pythagoreans were established in Croton of Italy, where there was a medical tradition. Alcmaeon of Croton is a Pythagorean or, at least, belonged to the Pythagorean circle and was the first philosopher who attempted to lay the theoretical principles of medicine and, then, to adapt them to experience. He breaks away from the prevailing view of his time according to which disease was conceived in ontological terms and, instead, he considers it as part of nature. In the extant fragment of his work, *Περὶ φύσεως* (*On Nature*), he argues that the body consists of a number of opposite elements or forces, i.e. cold-hot, moist-dry, sweet-bitter etc.⁸ The harmonious mixing (κρᾶσις) and the balance (ἰσωνομία) between these opposite forces of the body constitutes health, whereas the supremacy (μοναρχία) of any of these over the others causes disease.

The theory of the opposite constituents which Alcmaeon of Croton introduces was prevailing throughout ancient medicine. But, as Cornford points out, the various medical schools differed on what each took these ultimate constituents to be.⁹ Alcmaeon, as we have seen, considered these elements to be opposite powers. But when his theory is accordingly adopted by the medical school of Cos, the powers are replaced by the "fluid substances, the *humours*".¹⁰ This development took place gradually and we can trace it if we study carefully Hippocrates' treatise *On Ancient Medicine* – a treatise in which, as we shall see, the writer complains intensely for the intrusion of philosophy into medicine.¹¹ He maintains that these opposites are not substances but powers of secondary importance. He further argues that the body is composed of certain opposite *humours* which have properties or powers that influence health more than temperature does. Thus, in the Hippocratic school health is the harmonious blending of these humours (κρᾶσις), whereas the dominance of the one over the others (μοναρχία) is the sign of disease. In the treatise *Nature of Man*

⁷ Aulus Cornelius Celsus, *De Medicina*, Prooemium 6-7, transl. W. G. Spencer, The Loeb Classical Library, William Heinemann Ltd and Harvard University Press, Cambridge Massachusetts, London 1971.

⁸ Diels, H. and W. Kranz, *Die Fragmente der Vorsokratiker*, Weidmann 1989, vol. I, 24, B4, [22].

⁹ Cornford, F.M., *Plato's Cosmology*, The *Timaeus* of Plato translated with a running commentary, Routledge, London (1937) 2000, p. 332.

¹⁰ Cornford, p. 333. See, also, Hippocrates, vol. I, General Introduction, p.xlvi-xlviii.

¹¹ See, below, notes 27 and 28.

which Aristotle attributes to Polybus, it is maintained that the humours are four: phlegm, blood, yellow bile and black bile.¹²

On the other hand, thinkers like Empedocles of Croton, who belonged to the Italian and the Sicilian school, followed a different line of thought. Empedocles, for instance, materialized these four ultimate constituents of the body, i.e. fire, air, water and earth, the ῥιζώματα, as he called them. These elements were taken to be the components of the body and of everything else. The analogies with which these different elements are mixed determine not only the different kinds of beings but also the different individual human natures.¹³ Given these four components, Philistion of Locri developed a theory of health and disease. Put briefly, there are as follows:

Philistion holds that we consist of four 'forms' (ἰδεῶν), that is elements: fire, air, water, earth. Each of these has its own power: fire the hot, air the cold, water the moist, earth the dry. Diseases arise in various ways, which fall roughly under three heads. (1) Some are due to the elements, when the hot or the cold comes to be in excess, or the hot becomes too weak and feeble. (2) Some are due to external causes of three kinds: (a) wounds; (b) excess of heat, cold, etc.; (c) change of hot to cold or cold to hot, or of nourishment to something inappropriate and corrupt. (3) Others are due to the condition of the body: thus, he says, 'when the whole body is breathing well and the breath is passing through without hindrance, there is health; for respiration takes place not only through mouth and nostrils, but all over the body...'¹⁴

Historians inform us that Philistion was practicing at Syracuse and it is almost certain that he influenced Diocles of Carystos in Euboea, who was later regarded as "a second Hippocrates". Diocles practised in Athens and wrote medical treatises on almost every topic between 400-350 B.C.¹⁵ Cornford observes that there is a lot of agreement on many issues between Diocles and Plato, something which leads us to conclude: (a) that they knew of each other's work, and (b) that they both had been influenced by Philistion's teaching.¹⁶ Cornford invokes Plato's *Second Letter* which,

¹² Hippocrates, vol. I, General Introduction, p. xlviii-xlix. See, also, Cornford, p. 333.

¹³ Diels, H. and W. Kranz, *Die Fragmente der Vorsokratiker*, vol. I, 31, B 110.

¹⁴ Cornford, p. 333.

¹⁵ Cornford, p. 334.

¹⁶ Cornford, p. 334.

in his opinion, suggests that Philistion attended Dionysius II – and Plato must have met him there during his trip to Italy.¹⁷

Plato is obviously influenced by Empedocles. In *Timaeus* he describes how the world was created, discusses the creation of man, presents the functions of the human body and the soul and, in the final part, offers an account of diseases. Following roughly Philistion's classification of diseases, he distinguishes three kinds of diseases. There are, first of all, the diseases that are due to the prevalence or the deficiency or even the misplacement of the ultimate constituents.¹⁸ As Plato puts it:

The origin of disease is plain, of course, to everybody. For seeing that there are four elements of which the body is compacted, – earth, fire, water and air – when, contrary to nature, there occurs either an excess or a deficiency of these elements, or a transference thereof from their native region to an alien region; or again, seeing that fire and the rest have each more than one variety, every time that the body admits an inappropriate variety, then these and all similar occurrences bring about internal disorders and disease.¹⁹

There are, secondly, "diseases of the secondary tissues", as Cornford calls them.²⁰ Plato has in mind here the tissues which are composed of some or of all the ultimate constituents. Such tissues are marrow, bone, sinew and flesh. This second type of disease appears when the normal process of nourishment is reversed. In this case, instead of building up in the tissues the appropriate substances which are in the blood in order to repair the waste and to fight corruption, the flesh breaks down and discharges the substances back into the blood. Poisonous kinds of humours may be secreted and the damage may further affect the bones and the marrow.²¹ Plato describes the second type of diseases as follows.

Again in the structures which are naturally secondary in order of construction, there is a second class of diseases to be noted... Now when each of these substances is produced in this order, health as a rule results; but if in the reverse order, disease. For whenever the flesh is decomposed and sends its decomposed matter back again into the veins, then, uniting with the air, the blood in the veins, which is large in volume and of every variety, is diversified

¹⁷ Cornford, p. 334, note 1.

¹⁸ Cornford, p. 334.

¹⁹ Plato, *Timaeus* 82 A in *Timaeus, Critias, Cleitophon, Menexenus, Epistles* transl. by R.G. Bury, The Loeb Classical Library, William Heinemann and Harvard University Press, London, Cambridge Massachusetts 1981.

²⁰ Cornford, p. 335.

²¹ Cornford, p. 335-6.

by colours and bitter flavours, as well as by sharp and saline properties, and contains bile and serum and phlegm of every sort. For when all the substances become reversed and corrupted, they begin by destroying the blood itself, and then they themselves cease to supply any nourishment to the body.²²

Thirdly, there are the diseases which are related to: (a) breath, (b) phlegm and (c) bile.²³ These are diseases which are mainly due to respiration problems, to the blockage of air inside the body. They are further due to the formation of noxious humours, such as phlegm and bile.

As may well be expected, Plato concludes his treatment of diseases in the *Timaeus* by discussing a further category, that of the diseases of the soul. These may be due either to the bad condition of the body or to the asymmetry which could exist between the soul and the body.²⁴ It is beyond our present purposes to examine the way Plato conceived of these diseases. However, it remains noteworthy that so long ago Plato was well aware of what we today would call mental illness.

Plato's pupil, Aristotle, though he did not follow his father's profession, esteemed medicine highly. Medicine is quite often employed by him as a model paradigm for developing his ethical and political ideas. The reader of the *Nicomachean Ethics* will soon realize the wide use of medical examples Aristotle makes in his discussion of ethical issues. Among his writings are included treatises which show his genuine interest in issues concerning man's physiology and pathology. Treatises like, *On the Soul*, *On Sense and Sensible Objects*, *On Memory and Recollection*, *On Sleep and Waking*, *On Dreams*, *On Prophecy in Sleep*, *On Length and Shortness of Life*, *On Youth and Old Age*, *On Life and Death*, *On Respiration* and others express his concern for medical and anthropological matters which he, as a philosopher, was in much more competent position to discuss than a mere physician. Aristotle's contribution to medicine has convinced almost everyone that philosophy and medicine were two inextricably related disciplines since neither philosophers can avoid studying medicine nor can physicians get their reasoning started unless they invoke the first principles of natural philosophy.²⁵ As he writes:

As for health and disease it is the business not only of the physician but also of the natural philosopher to discuss their causes up to a point. But the way in which these two classes of inquirers differ and consider different problems

²² Plato, *Timaeus*, 82 C - 83 A.

²³ Plato, *Timaeus*, 84 D; Cornford, p. 340.

²⁴ Plato, *Timaeus*, 86 B - 87 B and 87 B - 89 D; Cornford, p. 343-352.

²⁵ On the relations between ancient medicine and philosophy see my article, "Ancient Medicine and Philosophy: A philosopher's perspective" forthcoming in the proceedings of the conference, *Medicine in the Ancient Mediterranean world*, Nicosia 27-29 September 2008, ed. D. Michaelides, Oxbow Books, Oxford.

must not escape us, since the facts prove that up to a point their activities have the same scope; for those physicians who have subtle and inquiring minds have something to say about natural science, and claim to derive their principles therefrom, and the most accomplished of those who deal with natural science tend to conclude with medical principles.²⁶

Physicians and philosophers were very much convinced in the 4th century B.C. of the close relationship between philosophy and medicine. This relationship becomes even more obvious in the treatise attributed to Hippocrates. Hippocrates of Cos is a major physician of the 5th century B.C. to whom more than sixty extant medical treatises are attributed. Classicists disagree as to whether or not all these treatises have been written by the same person; instead they prefer to talk of the treatises of the *Corpus Hippocraticum*. Leaving aside the issue of authorship, what is interesting is that while in certain treatises Hippocrates explains certain medical phenomena by arguing from given hypotheses or axioms to conclusions, as philosophers do, in certain other treatises this method is criticized. Thus, in the treatise *On Ancient Medicine* Hippocrates first criticizes those who deduce medical conclusions from first principles and then he puts forward his own view. He writes:

All who, on attempting to speak or to write on medicine, have assumed for themselves a postulate as a basis for their discussion – heat, cold, moisture, dryness, or anything else that they may fancy - who narrow down the causal principle of diseases and of death among men, and make it the same in all cases postulating one thing or two, all these obviously blunder in many points even to their statements, but they are most open to censure because they blunder in what is an art, and one which all men use on the most important occasions, and give the greatest honours to the good craftsmen and practitioners in it.²⁷

And he adds:

But my view is, first, that all that philosophers or physicians have said or written on natural science no more pertains to medicine than to painting.²⁸

The first impression one gets from the above quotation is that in the treatise *On Ancient Medicine* Hippocrates attacks philosophy. This is how it was interpreted in antiq-

²⁶ Aristotle, *On Respiration*, 480 b 22-31 in *On the Soul, Parva Naturalia, On Breath*, transl. W. S. Hett, The Loeb Classical Library, Harvard University Press and William Heinemann Ltd, Cambridge Massachusetts, London 1986.

²⁷ Hippocrates, vol. I, *On Ancient Medicine*, I, 1-11.

²⁸ Hippocrates, vol. I, *On Ancient Medicine*, XX, 9-10.

uity. This interpretation was being held until recently. Celsus, for instance, in the proemium of his work *De Medicina* writes that it was Hippocrates, a man of philosophical skill and medical talent, "who separated this branch of learning from the study of philosophy".²⁹ In light of further research, however, classicists, philosophers and physicians have come to conclude that this is not necessarily what Hippocrates has been doing. G. E. R. Lloyd in his article "Who is attacked in *On Ancient Medicine?*" is raising the question, whether the author of the treatise is attacking all the thinkers who reduced medical questions to philosophical questions of first principles, whether he is attacking the whole medical school, or just a particular individual.³⁰ The conclusion which contemporary scholars and classicists tend to reach is that Hippocrates in the particular treatise is attacking a certain medical school, namely the Dogmatists, who behind the manifest symptoms of a disease, assumed the existence of the hidden causes of it, which to a great extent determined the kind of treatment to be applied to the particular patient. This does not mean that Hippocrates is combating philosophy as such, since the other medical schools of his days were also influenced by other philosophical schools. Thus the Empiricists, for instance, were influenced by the skeptic school, the Methodists were influenced by the atomic philosophers, whereas the fourth major school, the Pneumatists, were mainly eclectic and were equally influenced by the Stoic school and the theory of the four humours.³¹

It is no doubt that ancient Greek physicians turned to philosophy in order to ask its support in the theory of knowledge, logic and natural philosophy. However, in the 5th century B.C. the character of philosophy changes. From cosmos - and nature-orientated, which was so far, philosophy becomes man-orientated, it is focused on the study of man, it becomes primarily "anthropological". This is why in the 5th and 4th centuries B.C. philosophy's main object of research is man, and the branches of philosophy which mainly flourish then are moral and political philosophy. Philosophy influences medicine again but this time in a different manner.

We can find examples of the way philosophy influences medicine during this period in Hippocrates' deontological treatises, *The Oath* (*Ὁρκος*), *The Physician* (*Περὶ ἰητροῦ*), *Law* (*Νόμος*), *Decorum* (*Περὶ εὐσχημοσύνης*), *Precepts* (*Παραγγελίαι*) and *On Ancient Medicine* (*Περὶ ἀρχαίης ἰητρικῆς*), in Galen's brief treatise, *That the excellent physician is a philosopher* (*Ὅτι ὁ ἄριστος ἰητρὸς καὶ φιλόσοφος*) and in the Roman Celsus' treatises and in Sextus Empiricus' work.

²⁹ Celsus, *De Medicina*, Proemium, 7-8.

³⁰ G.E. R. Lloyd, "Who is attacked in *On Ancient Medicine?*", *Phronesis* 8 (1963), p. 108-126.

³¹ Paul Carrick, *Medical Ethics in the Ancient World*, Georgetown University Press, Washington 2001, p. 41.

If we study these treatises carefully, we will see that their author is not concerned so much with putting forward a theory of health and disease or a physiological theory of the functions of the human body. Instead, what interests him is to bring out the importance the physician's character has for the diagnosis and the cure of the disease. Put differently, the authors of these treatises do not see the physician merely as a mere "engineer", i.e. as a technocrat who knows how to apply specialized knowledge and practices in order to cure the disease. Instead, they see him as the good, wise man who cares for and respects the patient as a human being. It is worth recalling what Hippocrates says on this matter in the most ancient text of medical deontology, the *Oath*:

I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrong-doing.³²

And a few lines afterwards he adds:

Into whatsoever houses I enter, I will enter to help the sick, and I will abstain from all intentional wrong-doing and harm, especially from abusing the bodies of man or woman, bond or free.³³

The apprentice physician should not only be taught the medical art but he should also exercise his character so as to be well-disposed towards the patient. So, as the author of the *Oath* declares, the young physician swears to leave every injustice and harm aside (the contemporary principle of non-maleficence) and to enter the house of the patient with the aim to help the sick (the contemporary principle of beneficence).³⁴ And not only this. The young physician also swears to be trustworthy and never reveal what he sees or hears while practising his art, proving in this way to be the earliest initiator of what in contemporary medical deontology and bioethics we call the principle of confidentiality. Hippocrates writes in this respect:

And whatsoever I shall see or hear in the course of my profession, as well as outside my profession in the intercourse with men, if it be what should not be published abroad, I will never divulge, holding such things to be holy secrets.³⁵

³² Hippocrates, vol. I, *The Oath*, 16-18.

³³ Hippocrates, vol. I, *The Oath*, 24-28.

³⁴ Hippocrates, vol. I, *The Oath*, 24-28. It is interesting to point out that the contemporary bioethicists who support the four-principles approach to Bioethics, otherwise known as principlism, among their basic principles include the two bioethical principles stated above by Hippocrates. Thus, the American T.L. Beauchamp and J. F. Childress in their book, *Principles of Biomedical Ethics* put forward the principle of respect for autonomy, the principle of beneficence, the principle of non-maleficence and the principle of justice. Whereas the British Raanan Gillon in his own work entitled, *Philosophical Medical Ethics*, also includes these two Hippocratic principles among the other bioethical principles he propounds.

³⁵ Hippocrates, vol. I, *The Oath*, 29-32.

The physician will approach his patient with the required respect, he will consider his case carefully and he will appreciate the difficult circumstances he and his family are in, showing in this way that he deserves his patient's trust who puts into his hands the most sacred thing he has, his life. As Hippocrates writes in another, equally famous, deontological treatise, *The Physician*:

The intimacy also between physician and patient is close. Patients in fact put themselves into the hands of their physician, and at every moment he meets women, maidens and possessions very precious indeed. So towards all these self-control must be used.³⁶

In all these encounters with his patients and their families the physician should behave with continence and self-control. As Hippocrates puts it:

Such then should the physician be, both in body and in soul.³⁷

If what is of greatest importance is the patient's well being, then the physician should not try to exact his payment right from the start. Such a thing may lead the patient to believe that if the right agreement does not take place between the two, the physician will go away. On the contrary, the physician must be compassionate and must take into account the patient's financial situation. And if need be to offer his services for free, he should not hesitate to do it, bringing to mind the benefits he has already received, and his good name. He should not hesitate to offer his help to a stranger or to a needy. As he writes:

For where there is love of man, there is also love of the art.³⁸

Consequently, medical knowledge and skillfulness on their own do not contribute to the patient's cure, if the physician is not a good and charitable character. It is a happy coincidence if the physician is both good at his art as well as a good character. But where such a thing is not possible, then it is better if he is a good man and not particularly a good physician than the other way around. For, whereas the good character compensates for the deficient art, the bad character corrupts and damages the most perfect art.

It is becoming obvious now why, according to Galen, the man who was preparing to become a physician had to receive not only medical teaching and training, but he had also to study the liberal arts or what we would call today the humanities.³⁹ According to

³⁶ Hippocrates, vol. II, *The Physician*, 24-28.

³⁷ Hippocrates, vol. II, *The physician*, 28-29.

³⁸ Hippocrates, vol. I, *Precepts*, VI, 6-7: "Ἦν γὰρ παρῆ φιλανθρωπίη, πάρεστι καὶ φιλοτεχνίη".

³⁹ Galen, *On The therapeutic Method*, Books I and II, transl., introd. and comment. R. J. Hankinson, Clarendon Press, Oxford 1991, Book I, 1.4-5, 3.15, 4.1-3, Book II, 6.14.

the Ancient Greeks, the medical teaching and training provided the students with the necessary knowledge and experience for treating the disease, in the same way as the teaching of an art, i.e. shipbuilding or the art of war, equipped the young with the necessary knowledge for building ships or winning a war. The liberal arts or the humanities, on the other hand, did not teach him a particular art. On the contrary, they addressed the student's character and contributed to the cultivation of his feelings and the development of his abilities and his virtues. By arousing his self-consciousness and his good will, the liberal arts urged him to perform prudent, just and brave acts and, in this way, to become himself prudent, just and brave, in a word *wise*. But, as he became wise, he at the same time became a better physician. It is in this sense that Hippocrates argues that the physician who is a philosopher amounts to being a god. As he puts it:

For a physician who is a lover of wisdom is the equal of a god. Between wisdom and medicine there is no gulf fixed; in fact medicine possesses all the qualities that make for wisdom. It has disinterestedness, shamefastness, modesty, reserve, sound opinion, judgment, quiet, pugnacity, purity, sententious speech, knowledge of the things good and necessary for life, selling of that which cleanses, freedom from superstition, pre-excellence divine. What they have, they have in opposition to intemperance, vulgarity, greed, concupiscence, robbery, shamelessness.⁴⁰

Today things, to be sure, are much more complicated. The bioethical principles which the classical deontologists propounded had to be further supplemented with more elaborate principles and rules so as to handle efficiently the complex problems which contemporary medical science and technology creates. Furthermore, our crowded contemporary societies could not just rely upon the physician's good character, as was the case in antiquity. They had to establish all the right social structures and mechanisms for protecting the patients and their families. Be that as it may, the truth remains that the basic principles and rules which are often invoked in serious discussions of bioethical issues are not modern and recent as one may at first think. Even though the term "Bioethics" was introduced in the 20th century, nevertheless the actual discipline of Bioethics, under any name whatever, was first conceived and widely practised some twenty-five centuries ago.

⁴⁰ Hippocrates, vol. II, *Decorum*, V, 1-13: "ιητρὸς γὰρ φιλόσοφος ἰσόθεος: οὐ πολλὴ γὰρ διαφορὴ ἐπὶ τὰ ἕτερα: καὶ γὰρ ἐνὶ τὰ πρὸς σοφίην ἐν ιητρικῇ πάντα, ἀφίλαργυρή, ἐντροπή, ἐρυθρήσις, καταστολή, δόξα, κρίσις, ἡσυχίη, ἀπάντησις, καθαριότης, γνωμολογίη, εἶδησις τῶν πρὸς βίον χρηστῶν καὶ ἀναγκαίων, καθάρσιος ἀπεμπόλησις, ἀδεισιδαίμονιη, ὑπεροχὴ θεΐη. ἔχουσι γὰρ ἅ ἔχουσι πρὸς ἀκολασίην, πρὸς βαναυσίην, πρὸς ἀπληστίην, πρὸς ἐπιθυμίην, πρὸς ἀφαιρέσιν, πρὸς ἀναιδείην".

Igor Eterović*

Kant's categorical imperative and Jahr's bioethical imperative

ABSTRACT:

Immanuel Kant and Fritz Jahr have a similar cultural background, despite the almost two century's gap between their lifetimes. They were both raised in protestant tradition and lived their whole lives in towns with rich cultural heritage of the Prussian Kingdom.

In the light of these contextual circumstances, Jahr's inspiration by Kant is not so surprising. Jahr quotes Kant, but – what is more important – he takes terminology of Kant's practical philosophy in formulation of his own views. The most striking example is Jahr's formulation of his Bioethical Imperative which directly echoes Kant's (ethical) categorical imperative.

Those two imperatives are compared and some points about possible challenges and perspectives which Jahr's views pose to Kant's thought have been given.

Keywords: categorical imperative, Immanuel Kant, Bioethical Imperative, Fritz Jahr

Introduction: some points on the cultural background of two philosophers

Even though, especially to "an analytically minded philosopher, the biography of a thinker is simply irrelevant, since it says nothing about the truth of his position and adds nothing to the soundness of his arguments", we could hardly not be in agreement with the instructive consideration of Manfred Kuehn: "the lack of context – or perhaps better, the substitution of an anachronistic context – often stands in the

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way of appreciating what a philosopher wanted to say."¹ Having these thoughts in mind, at least some points on cultural background of Immanuel Kant and Fritz Jahr should be stressed before we investigate the relations between them. There are at least two similar points underlying their lives which should not be overlooked – protestant tradition and Prussian culture: both of them spent their whole lives in their birthplaces², towns with significant cultural heritage of the Prussian Kingdom and both were deeply connected with Protestantism.

Immanuel Kant was born in 1724, lived, and died in 1804 in Königsberg, a seaport in East Prussia, located where the River Pregel flows into the Baltic Sea. In Kant's time, the city was an isolated eastern outpost of German culture, and remains as such until the middle of the twentieth century.³ The city became the university centre and the seat of protestant learning very early. The University of Königsberg was founded by Duke Albrecht of Prussia in 1544 (the so-called Albertina) and became the centre of Protestant teachings. Martin Luther himself assisted Duke Albrecht with advice and some authors say that Wittenberg could be called the intellectual mother of Königsberg.⁴ The city has an important place in German history and culture. It "was originally the capital of East Prussia, the base of Prussian power before the acquisition of Brandenburg and the growth of Berlin, and in Kant's time it remained the administrative center of East Prussia and a leading Hanseatic mercantile city, the most important outlet east of Danzig for the vast Polish and Lithuanian hinterlands."⁵ Even though "it was never a capital of art and culture, in Kant's time", stresses Paul Guyer, the city "was a business, legal, military, and educational center with many connections to the rest of Europe."⁶ The city was extremely important in the time of the rising of Prussian state, and it was the crowning place of the first Prussian king – Frederick William I.⁷

¹ Kuehn, Manfred, *Kant: A Biography*, Cambridge University Press, Cambridge, 2001, p. 19.

² It is very interesting that both philosophers lived their whole lives in their birthplaces. Kant went outside Königsberg just during his practice as private teacher and even refused a few offers from prestigious universities in other towns (Erlangen, Jenna, Halle). Fritz Jahr lived his entire life even at the same address in Halle(!). (Cf. Kuehn, M., op. cit., passim and Sass, Hans-Martin, "Postscriptum and References", in: Sass, Hans-Martin (ed.), *Selected Essays in Bioethics 1927-1934: Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, 2010, p. 25.)

³ After the Second World War Königsberg "was ethnically cleansed of its German population, renamed Kaliningrad (after a thoroughly hateful Stalinist henchman), and became what it still is, an isolated western outpost of Russian culture." Wood, Allen W., *Kant*, Blackwell Publishing, Malden – Oxford – Carlton, 2005, p. 3.

⁴ Cf. Barnstorff, Hermann, "The Rise of the German Universities", *The Modern Language Journal*, Vol. 23, No. 4, Jan. 1939, p. 285, and Shennan, Margaret, *The Rise of Brandenburg Prussia*, Routledge, London – New York, 1995, p. 5.

⁵ Guyer, Paul, *Kant*, Routledge, London – New York, 2006, p. 16.

⁶ Ibid.

⁷ Cf. Shennan, M., op. cit., p. 43, and Gawthrop, Richard L., *Pietism and the Making of Eighteenth-Century Prussia*, Cambridge University Press, Cambridge, 1993, pp. 64–65.

Fritz Jahr was born in 1895, lived, and died in 1953 in Halle, a city in the south of Saxony-Anhalt and is located on the river Saale. As a new university place and protestant centre Halle got in direct rivalry with Königsberg. The University of Halle was founded in 1694, and was very successful: "the free spirit attracted the best teachers, of whom the philosopher and rationalist Christian Wolff⁸ became the center."⁹ With the tacit approval of the king Frederick himself "the first leader of the Pietists in Germany, Philipp Jacob Spener (1635–1705) (...) and his followers, August Hermann Francke (1663–1727), a theologian and orientalist, and the distinguished philosopher Christian Thomasius (1655–1728), established Pietism in the new university of Halle. Thomasius broke new ground by lecturing in German rather than Latin. In addition, by separating philosophy from theology he was to make Halle the leading centre for the new cultural thought in Protestant Germany."¹⁰

Königsberg and Halle are undoubtedly the two pillars of German culture, which is especially formed on the basis of Protestantism. Both towns were firm seats of pietism, a movement within Lutheranism (Protestantism), indeed they were rivals in creating the pietism's fundamentals of German culture.¹¹

Kant was raised in pietism and Jahr himself was a protestant pastor. Having in mind the tradition which connects these two thinkers, these facts are not of little importance. Some authors, despite the historical discontinuities and unsuspected continuities, argue for the idea of the "long story" of German philosophy inside the framework of possibility of a German "national history of philosophy"¹². Such framework connects Kant and Jahr, especially in terms of "characteristically Prussian ethos", which "first crystallized and gained wide spread acceptance during the reign of Frederick William I (1713-1740)"¹³, i.e. during the time of Kant's youth and maturation. This ethos "laid the basis for the subsequent influence of 'Prussianism' on the development of modern Germany"¹⁴, Germany of Fritz Jahr's time. It is important to bear in mind that this ethos "can be best understood in terms of the his-

⁸ On Leibniz's recommendation Christian Wolff (1679–1754) "was appointed Professor of Mathematics in 1707, a position he held for sixteen years. Wolff was known as an exponent of Rationalism and he became a leading figure in the German Enlightenment." Shennan, M., op. cit., p. 65.

⁹ Barnstorff, H., op. cit., p. 287.

¹⁰ Shennan, M., op. cit., pp. 63–65.

¹¹ This rivalry was especially prominent after the founding of the University of Halle, which could be seen "as a continuation of the rivalry between Saxony and Brandenburg-Prussia, initiated by Frederick William, for regional supremacy and for leadership within German Protestantism as a whole." (Gawthrop, R., op. cit., p. 61.)

¹² Cf. especially Beck, Lewis White, *Early German Philosophy: Kant and His Predecessors*, The Belknap Press of Harvard University Press, Cambridge, 1969, pp. 1–15.

¹³ Gawthrop, R., op. cit., p. i.

¹⁴ Ibid.

tory of German ascetic Protestantism, especially Lutheran Pietist movement", which "emphasized a 'bornagain' conversion, followed by a highly disciplined life centered around 'doing good for others'."¹⁵

Kant and Jahr are both deeply enrooted in German culture and protestant tradition. It is important to be aware of such cultural continuum between them if we want to understand Kant's influence present in Jahr's writings.¹⁶ Bearing this in mind, it is not so surprising that Jahr took the fundamental concept of Kant's ethics – the concept of imperative – to ground his vision of bioethics. The mentioned view based on "doing good for others" has perhaps had the greatest reflection and the most impressive formulation exactly in the concept of the imperative as the guiding law of human moral conduct.

Kant's categorical imperative

If we want to understand what is contained in the concept of categorical imperative it is always the best to follow the Kant himself. Kant's work *Groundwork of the Metaphysics of Morals* is "nothing more than the search for and establishment of the *supreme principle of morality*, which constitutes by itself a business that in its purpose is complete and to be kept apart from every other moral investigation." (4:392¹⁷). Thus, we should focus on the presentation of this "complete business" and our main reference should be the *Groundwork*¹⁸.

At the beginning of the First section of the *Groundwork* Kant asserts: "It is impossible to think of anything at all in the world, or indeed even beyond it, that would be considered good without limitation except a *good will*" (4:393). However, "without the basic principles of the good will they [affects and passions, added: I.E.] can become extremely evil" (4:394), and we need some *a priori* (which means necessary and universal) rule of reason which could guide our will in moral conduct. These thoughts bring us to the concept of duty, which "*is the necessity of an action from respect for law*" (4:400). Acting out of duty is "acting with inner rational moral constraint, motivated solely by the thought of following a moral principle. The crucial claim is that we think there is something uniquely worthy of esteem about a person

¹⁵ Ibid.

¹⁶ Jahr himself often quotes Kant and other thinkers, which is one of the marks of the influence of his predecessors on his thoughts.

¹⁷ Kant's writings are cited in the body of the text according to volume and page number in *Kants gesammelte Schriften*, edited by Königliche Preußische [now Deutsche] Akademie der Wissenschaften (Berlin, Georg Reimer [now Walter De Gruyter], 1902–). All translations are taken from Guyer, Paul – Wood, Allen W. (eds.), *The Cambridge Edition of the Works of Immanuel Kant*, Cambridge, Cambridge University Press, 1992ff.

¹⁸ I will use abbreviated title further in text.

who fulfils their duty in the absence of (or even in opposition to) all other inducements of inclination or self-interest, solely out of respect for the moral law."¹⁹ "But what kind of law can that be", asks Kant, "the representation of which must determine the will, even without regard for the effect expected from it, in order for the will to be called absolutely and without limitation?" (4:402). His answer is that the purely rational appeal of a universally valid practical principle is the only thing that could motivate us, and he gives the first formulation of what we may call the Formula of Universal Law²⁰: "*I ought never to act except in such a way that I could also will that my maxim²¹ should become a universal law*" (4:402). In this formulation there are implicitly contained all main ideas which he goes on to develop and it is the basis for his systematic exposition of the supreme principle of morality which takes place in the Second section of the *Groundwork*. In this section the crucial idea is the idea of categorical imperative as an articulation of the moral law.

Kant begins with the extensive theory of human agency. Shortly, for Kant we are "agents who are self-directing in the sense that we have the capacity to step back from our natural desires, reflect on them, consider whether and how we should satisfy them, and be moved by them only on the basis of such reflections. An inclination (or habitual desire we find in ourselves empirically) moves us to act only when we choose to set its object as an end for ourselves, and this choice then sets us the task of selecting or devising a means to that end."²² For Kant, setting an end is the basic normative act. Many acts command us to perform an action as a means to some wanted end. Such command is stated in the form of hypothetical imperative. Hypothetical, because it articulates the needed means for some particular end, and imperative, because it is the command of reason requiring the agent to do something (e.g. If you want to end hunger, take some food).

But the fundamental principle of morality should be unconditionally valid and necessary true, thus the form of hypothetical imperative is inappropriate for moral guidance. Kant claims that only rational beings (including humans) have "the capacity to act *in accordance with the representation* of laws, that is in accordance with principles", while "everything in nature works in accordance with laws" (4:412).

¹⁹ Wood, Allen W., "The supreme principle of morality", in: Guyer, Paul (ed.), *Cambridge Companion to Kant and Modern Philosophy*, Cambridge University Press, Cambridge, 2007, p. 347.

²⁰ Kant scholars use this designation widely. There are other abbreviations used in Kantian scholarship which will be introduced below. For such usage see for example Wood, Allen W., *Kantian Ethics*, Cambridge University Press, Cambridge, 2008, pp. 66–67., Guyer, P., op. cit., pp. 191–207.

²¹ Kant is very clear about the distinction between maxims, as the subjective principles of our volition, and laws, as the objective principles of it: "A *maxim* is the subjective principle of volition; the objective principle (i.e. that which would also serve as subjectively as the practical principle for all rational beings if reason had complete control over the faculty of desire) is the practical *law*." (4:402f)

²² Wood, A. W., "The Supreme...", p. 348.

With this claim Kant opens the door for his arguments about rational beings as simultaneously free beings. Rational beings could only act according to principles which are not present in nature, as natural laws. Such principles are part of special, moral realm. Thus, fundamental principle of morality is presented to us in the form of "categorical imperative", because only such imperative is not based on some contingent ends (as is the case with hypothetical imperative) and gives a basis for unconditional and necessary validity. Categorical imperative "tells you what you must do independent of any end you might have."²³ In other words, "a moral imperative is *categorical* because its function is not to advise us how to reach some prior end of ours that is based on what we happen to want but instead to command us how to act irrespective of our wants or our contingent ends. Its rational bindingness is therefore not conditional on our setting any prior end."²⁴

Kant then argues that:

When I think of a *categorical* imperative I know at once what it contains. For, since the imperative contains, beyond the law, only the necessity that the maxim be in conformity with this law, while the law contains no condition to which it would be limited, nothing is left with which the maxim of action is to conform but the universality of a law as such; and this conformity alone is what the imperative properly represents as necessary. (4:420–421)

And he further explicates the notions of "maxim" and "law" in a footnote:

A *maxim* is the subjective principle of acting and must be distinguished from the *objective* principle, namely the practical law. The former contains the practical rule determined by reason conformably with the conditions of the subject (often his ignorance or also his inclinations), and is therefore the principle in accordance with which the subject *acts*; but the law is objective principle valid for every rational being, and the principle in accordance with which he *ought to act*, i.e. an imperative. (4:420–421f)

To put it in a few words, Kant argues that human beings, as rational beings, are self-governing beings who should be guided by the moral law, and the only form of such law could be given in the form of categorical imperative. Such imperative articulates and expresses a universally valid moral law, on the basis of which we *ought to act*.

²³ Guyer, P., op. cit., p. 184.

²⁴ Wood, A. W., *Kantian Ethics...*, p. 67.

"Kant actually formulates the categorical imperative in five different ways²⁵, although he himself refers to only three."²⁶ For the purposes of this paper it is enough to follow these three main formulations. Allen Wood differentiates three main formulas of categorical imperative in *Groundwork* and various variants of them. Even though we shall focus on the three mentioned formulas, it is instructive to list all of them, with Wood's abbreviations and designation of each of them:

FIRST FORMULA:

FUL *The Formula of Universal Law*: "**Act only in accordance with that maxim through which you at the same time can will that it become a universal law**" (4:421; cf. 4:402); with its variant,
FLN *The Formula of the Law of Nature*: "So act, as if the maxim of your action were to become through your will a *universal law of nature*" (4:421; cf. 4:436).

SECOND FORMULA:

FH *The Formula of Humanity as End in Itself*: "**So act that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as a means**" (4:429; cf. 4:436).

THIRD FORMULA:

FA *Formula of Autonomy*: "the idea of the will of every rational being as a will giving universal law" (4:431; cf. 4:432), or "Not to choose otherwise than so that the maxims of one's choice are at the same time comprehended with it in the same volition as universal law" (4:440; cf. 4:432, 4:434, 4:438), with its variant,
FRE *The Formula of the Realm of Ends*: "**Act in accordance with maxims of a universally legislative member for a merely possible realm of ends**" (4:439; cf. 4:433, 4:437, 4:438).²⁷

I have emphasized three main formulas which could be taken as three standard formulations of categorical imperative. "Kant says that all three are formulations of 'the very same law,' but differ both 'subjectively' (in the way the law is presented to an agent)

²⁵ Cf. Wood, A. W., *Kantian Ethics...*, pp. 66–67., Guyer, P., op. cit., pp. 191–207., Wood, Allen W., "Kant's Formulations of the Moral Law", in: Bird, Graham (ed.), *A Companion to Kant*, Blackwell Publishing, Malden – Oxford – Carlton, 2006., pp. 291–292.

²⁶ Guyer, P., op. cit., p. 191.

²⁷ Cf. Wood, A. W., *Kantian Ethics...*, pp. 66–67; Wood, A. W., "Kant's Formulations...", pp. 291–292; Wood, A. W., "The Supreme Principle...", p. 358. Bold emphasis is mine.

and also in the aspect of the law that they present."²⁸ The mentioned aspects of categorical imperative are: "form", "matter" and "complete determination" (cf. 4:436-437).²⁹

The first formula of categorical imperative is related to "form" of practical law. It gives just a formal condition for the possibility of such law. It "was derived from the concept of a maxim that is compatible with this kind of imperative, and the general form that such a maxim would have to have."³⁰ In Kant's words, "a *form* (...) consists in universality; and in this respect the formula of the moral imperative is expressed thus: that maxims should be chosen as if they were to hold as universal laws of nature". (4:436) For Kant, FUL/FLN provides to agent a formal condition for evaluating his maxims. It gives the agent condition for detecting if his maxim is "without contradiction", which means it could be willed as a universal law of every rational beings' conduct (FUL) with adequate regularity as if it were a law of nature (FLN). The first formula provides a test for permissibility of agent's willing of maxims: if the maxim can be universalised it is permissible to follow it.³¹

The second formula is related to the "matter" of this law. It informs us about conditions of cognitive application of the moral law. It "was derived from the concept of the substantive value (or the end) that could give us a rational ground to follow a categorical imperative."³² In Kant's words: every maxim has also "a *matter*, namely an end, and in this respect formula says that a rational being, as an end by its nature and hence as an end in itself, must in every maxim serve as the limiting condition of all merely relative or arbitrary ends" (4:436). In FH Kant includes the most important feature of categorical imperative, i.e. the notion of "humanity" as an unconditional value which is the ground of his entire ethical enterprise. Thus, many scholars interpret this formula recently as the most significant one, from which all others derive their strength.³³ This formula is also the best answer to all of the so-called critics who object to Kant that his ethics is too formalistic. A. Wood provides the sharp answer to all such critics and it is important to bring in its fullness, because even to-

²⁸ Wood, A. W., "Kant's Formulations...", p. 294.

²⁹ Behind Kant's presentation of moral law through the aspects of form, matter and complete determination lies the Leibnizian doctrine of forming the concepts. For a fuller account of Kant's application of these logical assumptions to his concept of the moral law see Wood, A. W., "Kant's Formulations...", pp. 293-294, 303 and Wood, A. W., *Kantian Ethics...*, pp. 68-69.

³⁰ Wood, A. W., "Kant's Formulations...", p. 300.

³¹ For a fuller account of the meaning and scope of the First formula see Wood, A. W., "Kant's Formulations...", pp. 293-298 and Wood, A. W., *Kantian Ethics...*, pp. 69-74.

³² Wood, A. W., "Kant's Formulations...", p. 300.

³³ See for example Wood, A. W., "Kant's Formulations..." and Guyer, P., op. cit., Ch. 5.

day there are still critics who insist on this "formalistic" objection (even F. Jahr is taking this side, about which we will discuss below):

For example, Kant's entire approach to ethics has been (and still is) widely described as "formalistic". He has been criticized for not providing (or even for not allowing the possibility of) any substantive value lying behind the moral principle, or providing the rational will with any ground for being able to will one maxim, and not another, to be a universal law (or law of nature). The very concept of a categorical imperative has sometimes been rejected as nonsensical, on the ground that this concept precludes our having any substantive reason for obeying such an imperative. Schopenhauer, for instance, explained the alleged incoherence of Kant's thinking by attributing to him an ethics of divine command but without admitting a divine lawgiver to back up the command.

Such criticisms are obviated, however, at least in the form they are usually presented, as soon as we turn from Kant's first to his second formulation of the moral principle. For it deals explicitly with the "matter" of the principle, by which Kant means the "end" for the sake of which it is supposed to be rational to follow a categorical imperative. Kant's "formalism" applies only to the first stage of his development of the principle; it is complemented immediately by considering the principle from the opposite, "material" point of view, in which Kant inquires after our rational motive for obeying a categorical imperative, and locates this motive in the distinctive value that grounds morality, which he identifies with a kind of *end*.³⁴

The only end which could give the "matter" to the moral law but without jeopardizing the apodictic validity of the moral law is some of substantive values, which is an end in itself (it is not merely means for any other end). For Kant, the rational being is the only candidate for an end which has an "absolute worth" (4:428): "Now I say that the human being, and in general every rational being, *exists* as an end in itself, *not merely as a means* to be used by this or that will at its discretion" (4:428). Kant provides a brief argument for assertion that "only 'humanity', understood in the technical Kantian sense of rational nature regarded as the capacity to set ends, can qualify as an end in itself: we value our own existence as an end in itself, but we

³⁴ Wood, A. W., "The Supreme...", p. 352. At another place he stresses: "It is deplorably common to regard FUL and FLN (usually not clearly distinguished from each other) as the chief, if not the only, formulation of the moral law. Even some of Kant's most faithful defenders speak of them as 'The Categorical Imperative' (with capital letters) – as if there were no other, and no more adequate, formulations of the moral principle." (Wood, A. W., *Kantian Ethics...*, p. 69.)

do it so *rationaly* only insofar as we value the existence of other rational beings in precisely the same way."³⁵

The third formula is related to "complete determination". "The third formula combines the conception of a law valid universally for all rational beings (in FUL) with the conception of every rational nature as having absolute worth [in FHE, added: I.E.], to get the idea of the will of every rational being as the source of a universally valid legislation."³⁶ In Kant's words, the one thing left is "*a complete determination* of all maxims by means of that formula, namely that all maxims from one's own lawgiving are to harmonize with a possible kingdom of ends as with a kingdom of nature" (4:436). By "realm of ends" Kant means "a systematic combination of various rational beings through communal laws", or "whole of all ends in systematic connection" (4:433). The third formula brings stronger conclusion and "justifies a correspondingly stronger conclusion about maxims, telling us not merely which ones are permissible and which not, but also which ones we have a positive duty to adopt because they are part of a system of universal moral legislation given by our own rational will."³⁷ In other words Kant "completely determinates" the meaning and scope of moral law by the third formulation, which articulates universality and necessity of taking all rational beings as interconnected by the obligation of mutual respect of every one of them toward other ones by taking them always (also) as ends in themselves. This special realm of universal moral legislation is exactly the realm of morality, which differentiates all rational beings from other natural living and non-living beings.

Even though this is just a sketch of Kant's articulation of the moral law, it should be sufficient demonstration of powerfulness and strength of Kant's grounding of "supreme principle of morality". This justificatory power should be kept in mind during reflection on other attempts of grounding morality, among which the Jahr's concept of bioethical imperative is a specific and original one.

³⁵ Wood, A. W., "Kant's Formulation...", p. 299.

³⁶ Ibid., p. 301.

³⁷ Ibidem. By "realm of ends" Kant means "a systematic combination of various rational beings through communal laws", or "whole of all ends in systematic connection" (4:433).

Jahr's concept of bioethical imperative

We can turn to Jahr's concept of Bioethical Imperative³⁸ now. Jahr completely abandons Kant's criteria for forming a concept of practical law. He also does not speak in terms of universal and necessary validity. Instead, he makes a few short remarks on the idea of his Bioethical Imperative, without extensive theoretical justification (contrary to Kant's practice).

Hans-Martin Sass points out that Fritz Jahr in a few published articles is "in close discussion with Kant, extending the formal Categorical Imperative towards a more encompassing content-based Bioethical Imperative"³⁹. Jahr cites Kant in a few articles before the presentation of his Bioethical Imperative, which states:

Respect every living being on principle as an end in itself and treat it, if possible, as such!⁴⁰

The echo of Kant's second formula is obvious, but Jahr provides at least two very important changes. First, he calls for the extension of the application of practical law on *all living* beings. Second, he points out that following this law is an obligation whenever it is *possible* to follow it. Thus, the question is: can Jahr categorically demand such an imperative, and simultaneously keep the possibility of exceptions in following the law?

Jahr stands in critical relation to Kant, mostly looking on Kant's thoughts in negative light⁴¹, but he also appreciates some parts of his opus, especially his disapproval of unnecessary torturing of animals presented in *The Metaphysics of morals* (cf. 6:443). Jahr says about it further:

[S]enseless cruelty towards animals is an indication of an unrefined character becoming dangerous towards the human environment as well. Among other thinkers, philosopher Kant expressively has hinted at this fact of highest importance for social ethics, when in 'Metaphysische Anfangsgründe der

³⁸ Writing 'Bioethical Imperative' in capital letters I'm trying even on the linguistic level to keep the essence of Jahr's idea which will be explained below.

³⁹ Sass, Hans-Martin, "European Roots of Bioethics: Fritz Jahr's 1927 Definition and Vision of Bioethics", in: Čović, Ante – Gosić, Nada – Tomašević, Luka (eds.), *Od nove medicinske etike do integrativne bioetike/From New Medical Ethics to Integrative Bioethics*, Pergamena – Hrvatsko bioetičko društvo, Zagreb, 2009, p. 22.

⁴⁰ Jahr, Fritz, "Bioethics: Reviewing the Ethical Relations of Humans towards Animals and Plants", in: Sass, H.-M. (ed.), *Selected Essays...*, p. 4; Jahr, Fritz, "The Relationship of Animal Protection and Ethics", in: *ibid.*, p. 8; Jahr, Fritz, "Three Studies on the Fifth Commandment", in: *ibid.*, p. 23.

⁴¹ See for example Jahr, Fritz, "Egoism and Altruism: Two Basic Moral Problems, their Contradiction and Unification in Social Life", in: *ibid.*, pp. 12, 13; Jahr, E., "Three Studies...", p. 19.

Tugendlehre' ['Metaphysical first principles of the doctrine of virtue', added: I.E.] he calls the careful and compassionate treatment of animals a human obligation towards oneself.⁴²

But the most direct critical relation to Kant is presented by the extension of his moral imperative. Jahr "extends Kant's moral imperative to all forms of life; but he modifies the inflexible categorical structure of Kant's model into a pragmatic and situational model of balancing moral obligations, rights and visions"⁴³.

Jahr's thoughts concerning Bioethical Imperative are scattered through a few essays and he did not provide any systematic account of his Imperative. So it is very useful to use Hans-Martin Sass' attempt of providing a coherent reading and interpretation of Bioethical Imperative. He identifies at least six major points in Jahr's enterprise of expanding Kant's imperative:

- (1) *The Bioethical Imperative guides ethical and cultural attitudes and responsibilities in the life sciences and **towards all forms of life.*** (...)
- (2) *The Bioethical Imperative is **based on historical and other evidence** that 'compassion is an empirical established phenomenon of the human soul'. (...)*
- (3) *The Bioethical Imperative **strengthens and complements moral recognition and duties towards fellow humans in the Kantian context** and should be followed in respect of human culture and mutual moral obligations among humans. (...)*
- (4) *The Bioethical Imperative has to recognize, to steward, and to cultivate the struggle for life among forms of life and **natural and cultural living environments.*** (...)
- (5) *The Bioethical Imperative implements **compassion, love, and solidarity** with all forms of life as a **content-based principle** and virtue into the 'golden rule' and into the Kant's Categorical imperative, which are reciprocal and formal only. (...)*
- (6) *The Bioethical Imperative includes **obligations towards one's own body and soul as a living being.***⁴⁴

Bioethical Imperative with such a wide scope gives to Hans-Martin Sass a reason to state that "Jahr develops his vision of bioethics as a discipline, a principle, and a vir-

⁴² Jahr, F., "The Relationship...", p. 6.

⁴³ Sass, H.-M., "Postscriptum...", p. 24.

⁴⁴ Sass, H.-M., "European Roots...", pp. 22–25. Bold emphasis is mine.

ture". He stresses that the "Bioethical Imperative is a guide for ethical and cultural attitudes and responsibilities in the life sciences and towards all forms of life."⁴⁵

He further emphasises that Jahr's Bioethical Imperative, as extension of Kant's formal Categorical Imperative, is a more encompassing content-based imperative. He turns our attention to the fact that "the 'sanctity' of life is the foundation of Jahr's 1927 Bioethical Imperative, while 1788 Kant named 'sanctity of moral law'⁴⁶ as the foundation of the Categorical Imperative."⁴⁷ Taking in consideration Jahr's critical stand towards Kant he concludes that "Jahr's imperative is content-rich; Kant's imperative allows himself the luxury of formality only."⁴⁸ On another place Sass states more sharply: "While Kant reserved his moral imperative to humans only kept it formal, Jahr's imperative encompasses all living beings and their interactions in order to present a flexible and pragmatic imperative, which takes the struggle for life as an essential part of all life into account."⁴⁹

Even though Sass points out that Kant's imperative is unconditional and that Jahr's one is conditional, he is convinced that they have similar motivation:

But Jahr and Kant share the concept that ethics and bioethics are categorical in as far as they do not depend on reciprocity. For Kant the moral imperative is unconditional regardless of whether fellow persons reciprocate. For Jahr reciprocity cannot be expected from nonhuman forms of life, and unfortunately also not from every human person. For Kant and Jahr, it is human dignity, expressing itself in the dignity of the individual conscience, that calls for moral action and attitude, for compassion, and for integrating ethics and expertise.⁵⁰

If these thoughts are even partially true, the question is: how could a Kantian take into consideration Jahr's views seriously, but at the same time not to jeopardize the stability and coherence of his ethical system?

⁴⁵ Sass, Hans-Martin, "Asian and European Roots of Bioethics: Fritz Jahr's 1927 Definition and Vision of Bioethics", *Asian Bioethics Review*, Vol. 1, Issue 3, 2009, p. 188.

⁴⁶ Kant speaks about "holiness of the moral law" in his *Critique of practical reason*. (Cf. 5:82, 87.)

⁴⁷ Sass, H.-M., "Asian...", p. 188.

⁴⁸ Ibidem.

⁴⁹ Sass, H.-M., "Postscriptum...", p. 27.

⁵⁰ Sass, Hans-Martin, "Fritz Jahr's 1927 Concept of Bioethics", *Kennedy Institute for Ethics Journal*, 2008, Vol. 17, No. 4, p. 287.

Taking all these points into consideration, we could now ask: do these pose some challenges for Kant's ethical thought? We can ask further: if they do, which challenges are in question?

Is there a challenge for Kant?

Kant would have had straightforward answers to all considerations, but the final question would be: are these answers satisfactory? We should see which would be the Kantian answer to all six features of Bioethical Imperative listed above.

We can start with the last – sixth – consideration. Kant would agree with Jahr that there are obligations of beings toward themselves, but exclusively on the ground of rationality. For Kant, rational beings exclusively have obligations towards themselves, because they only can be moral agents. Ground for this claim is located in Kant's theory of rationality and freedom, where those two concepts are taken as two sides of the same coin.

This is closely related to the first point. Jahr demands extension of moral obligations on every living being. As said, Kant strongly argues for the thesis that just rational beings could be moral agents. Jahr's advocates should firmly justify this demand, which does not necessarily have to be in contradiction with Kant's imperative, but substantially upgrade it. The justification of non-anthropocentric, more precisely bio-centric ethics is still needed.⁵¹

Jahr is going further in the fourth point: he advocates for extension of moral obligations on all natural and cultural environment. This point is even harder to justify because although we can find some basis in arguing for obligations toward all living beings, there is much harder to find such basis for a non-living matter.

Jahr's guidelines for justification of mentioned extension of the ethical imperative are contained in the second and the fifth point. The second point suggests that empirical facts in various cultures (customs and practices) provide solid bases for the bioethical imperative. The fifth point indicates that many values should be included in the ethical imperative. Kant is clear about these two points. Against the first, he argues that there are no empirical sources for practical law, because it has its seat exclusively in reason and *a priori* reasoning. Against the second, Kant argues that there are only two absolute values, which can be the basis for categorical nature of practi-

⁵¹ For a one way of criticism of non-anthropocentric ethics, as the ones which lead in absurd positions see for example Čović, Ante, "Biotička zajednica kao temelj odgovornosti za ne-ljudska bića", in: Čović, A. – Gosić, N. – Tomašević, L., op. cit., pp. 33–46.

cal law: "The only things which are good in themselves and thus of absolute worth are a good will and a person."⁵²

The third point is the most interesting. It suggests that Jahr does not advocate for the cancellation of Kant's imperative, but just for its upgrading and extension of his scope. This claim, as a postulate, has legitimate position in calling every Kantian ethics to provide firm grounds of Bioethical Imperative in Jahr's sense.

At the end, three very important points should be noted. First, Kant's categorical imperative, as we have seen above, is not at all formal as Jahr and other critics assume. Kant provides a firm material basis for his moral law in the form of humanity as the substantive value. It is misleading to read Kant as a formalistic in the articulation of his moral imperative.

Second, Jahr is starting from the results of (empirical) sciences of his days⁵³ to give a basis for his arguments in favour of the Bioethical Imperative. Kant would never have accepted such methodology. For him, the "supreme principle of morality" can be determined exclusively *a priori*, because the practical law could not be based on the contingent empirical truths. Moral imperative should have its seat in reason alone, because this is the only way of securing its universality and necessity.

Third, Kant's categorical imperative is, as its name says, a categorical demand. When the practical law is in question, the only acceptable form is categorical imperative. Jahr's Bioethical Imperative leaves space for exceptions. It is hypothetical in its form.

These three final remarks are crucial in comparison of Kant's and Jahr's thought. They form sufficient reason to rule out, from Kantian standpoint, the Bioethical Imperative as a possible constitutive principle⁵⁴ of our morality. There is eventually some possibility for its justification as a regulative principle of our moral conduct.

Jahr does not provide thorough theoretical justification for his Bioethical Imperative, but he poses, on the basis of new cognitions about living world, reference to Eastern wisdom and some intuitions of his contemporaries, a challenging question for Kantian ethics: could Kantian ethics provide a justification for our responsible behaviour to other living beings? This challenge could be formulated differently: can we find some guidelines inside the Kantian philosophy to justify bioethical imperative?

⁵² Caygill, Howard, *A Kant Dictionary*, Blackwell Publishing, Malden – Oxford – Carlton, 2005, p. 411.

⁵³ Cf. Sass, H.-M., "Postscriptum...", pp. 25, 26.

⁵⁴ Kant's categorical imperative is constitutive in the sense that it defines moral agents as rational/free beings, and *vice versa*: rationality and freedom are conditions for morality. Thus, categorical imperative is in the essence of rational being as practical being.

Conclusion: possible Kantian answers to Jahr's objections

Kantian scholars could reject Jahr's Bioethical imperative on the basis of insufficient justification. But, Jahr's thought, although not precise and thorough as Kant's thought, could be a valuable guiding thread for a kind of bioethical re-reading of Kant's philosophy. Such bioethical re-reading of Kant is simply necessary today in the epoch of bioethics⁵⁵ and it is a challenge for every Kantian who tries to find a true place of Kant's thought in struggling with and answering to current bioethical issues. Having in mind the global environmental deterioration and endangering all life on earth⁵⁶ Jahr's ideas could be really seen as a "cultural and moral innovation for the 3rd millennium"⁵⁷.

I can identify one possible way of trying to accomplish such project of re-reading of Kant. It starts with Kant's philosophy of biology and on the grounds of teleological power of judgment tries to give *a priori* ground for establishing a kind of Kantian ecology⁵⁸, which could be guided with bioethical imperative as its main regulative principle. In such reading, Bioethical Imperative would perhaps never accomplish the strength of constitutive principle of reason, but could take place of regulative principle of reason which could be an excellent supplement to the constitutive force of the categorical imperative in determination of our moral conduct.

To conclude, I see the central strength of Jahr's thought, inside Kantian horizon, as a stimulator of a new bioethical re-reading of Kant's, not just ethical, but whole philosophical heritage.

⁵⁵ Cf. Čović, Ante, "Integrativna bioetika i pluriperspektivizam" ["Integrative bioethics and pluriperspectivism"], in: Valjan, Velimir (ed.), *Integrativna bioetika i izazovi suvremene civilizacije*, Bioetičko društvo u BiH, Sarajevo, 2007, p. 71–72; Čović, Ante, *Etika i bioetika: Razmišljanja na pragu bioetičke epohe*, Pergamena, Zagreb, 2004, passim.

⁵⁶ Cf. for example Cifrić, Ivan, *Bioetička ekumena: Odgovornost za život susvijeta*, Pergamena, Zagreb, 2007., passim (especially pp. 30–31).

⁵⁷ Sass, Hans Martin, "Bioethics as a European Innovation. Fritz Jahr's 1927 Concept of Bioethics", in: Gimmler, Antje – Holzinger, Markus – Knopp, Lothar (eds.), *Vernunft und Innovation: Über das alte Vorurteil für das Neue. Festschrift für Walther Ch- Zimmerli zum 65. Geburtstag*, Wilhelm Fink, Paderborn, 2010., p. 369.

⁵⁸ An attempt of providing such rereading of Kant is given in: Eterović, Igor, "Kantova teleologija kao podloga orijentiranju u ekologiji" ["Kant's Teleology as a Basis for Orientation in Ecology"], *Filozofska istraživanja* 122, Vol. 31, No. 2, 2011, pp. 299–309.

BIBLIOGRAPHY

1. Barnstorff, Hermann, "The Rise of the German Universities", *The Modern Language Journal*, Vol. 23, No. 4, Jan. 1939, pp. 282–290.
2. Beck, Lewis White, *Early German Philosophy: Kant and His Predecessors*, The Belknap Press of Harvard University Press, Cambridge, 1969.
3. Caygill, Howard, *A Kant Dictionary*, Blackwell Publishing, Malden – Oxford – Carlton, 2005.
4. Cifrić, Ivan, *Bioetička ekumena: Odgovornost za život susvijeta*, Pergamena, Zagreb, 2007.
5. Čović, Ante, "Biotička zajednica kao temelj odgovornosti za ne-ljudska bića", in: Čović, Ante - Gosić, Nada - Tomašević, Luka (eds.), *Od nove medicinske etike do integrativne bioetike/From New Medical Ethics to Integrative Bioethics*, Pergamena - Hrvatsko bioetičko društvo, Zagreb, 2009, pp. 33-46.
6. Čović, Ante, *Etika i bioetika: Razmišljanja na pragu bioetičke epohe*, Pergamena, Zagreb, 2004.
7. Čović, Ante, "Integrativna bioetika i pluriperspektivizam" ["Integrative bioethics and pluriperspectivism"], in: Valjan, Velimir (ed.), *Integrativna bioetika i izazovi suvremene civilizacije*, Bioetičko društvo u BiH, Sarajevo, 2007, pp. 65-75.
8. Gawthrop, Richard L., *Pietism and the Making of Eighteenth-Century Prussia*, Cambridge University Press, Cambridge, 1993.
9. Guyer, Paul, *Kant*, Routledge, London – New York, 2006.
10. Jahr, Fritz, "Bioethics: Reviewing the ethical relations of humans towards animals and plants", in: Sass, Hans-Martin (ed.), *Selected Essays in Bioethics 1927-1934: Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, 2010, pp. 1-4.
11. Jahr, Fritz, "Egoism and Altruism: Two Basic Moral Problems, their Contradiction and Unification in Social Life", in: Sass, Hans-Martin (ed.), *Selected Essays in Bioethics 1927-1934: Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, 2010, pp. 11-15.
12. Jahr, Fritz, "The Relationship of Animal Protection and Ethics", in: Sass, Hans-Martin (ed.), *Selected Essays in Bioethics 1927-1934: Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, 2010, pp. 5-8.
13. Jahr, Fritz, "Three Studies on the Fifth Commandment", in: Sass, Hans-Martin (ed.), *Selected Essays in Bioethics 1927-1934: Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, 2010, pp. 19-23.
14. Kant, Immanuel, *Groundwork of The Metaphysics of Morals*, in Kant, Immanuel, *Practical Philosophy*, edited by Mary J. Gregor and Allen W. Wood, Cambridge University Press, Cambridge, 1996, [part of the Guyer, Paul – Wood, Allen W. (eds.), *The Cambridge Edition of the Works of Immanuel Kant*, Cambridge University Press, Cambridge, 1992ff.], pp. 43-108.
15. Kant, Immanuel, *Critique of Practical Reason*, in Kant, Immanuel, *Practical Philosophy*, edited by Mary J. Gregor and Allen W. Wood, Cambridge University Press, Cambridge, 1996, [part of the Guyer, Paul – Wood, Allen W. (eds.), *The Cambridge Edition of the Works of Immanuel Kant*, Cambridge University Press, Cambridge, 1992ff.], pp. 137-271.
16. Kant, Immanuel, *The Metaphysics of Morals*, in Kant, Immanuel, *Practical Philosophy*, edited by Mary J. Gregor and Allen W. Wood, Cambridge University Press, Cambridge, 1996, [part of the Guyer, Paul – Wood, Allen W. (eds.), *The Cambridge Edition of the Works of Immanuel Kant*, Cambridge University Press, Cambridge, 1992ff.], pp. 363-603.
17. Kuehn, Manfred, *Kant: A Biography*, Cambridge University Press, Cambridge, 2001.
18. Sass, Hans-Martin, "Asian and European Roots of Bioethics: Fritz Jahr's 1927 Definition and Vision of Bioethics", *Asian Bioethics Review*, Vol. 1, Issue 3, 2009, pp. 187-193.
19. Sass, Hans-Martin, "European Roots of Bioethics: Fritz Jahr's 1927 Definition and Vision of Bioethics", in: Čović, Ante - Gosić, Nada - Tomašević, Luka (eds.), *Od nove medicinske etike do integrativne bioetike/From New Medical Ethics to Integrative Bioethics*, Pergamena - Hrvatsko bioetičko društvo, Zagreb, 2009, pp. 19-31.
20. Sass, Hans-Martin, "Fritz Jahr's 1927 Concept of Bioethics", *Kennedy Institute for Ethics Journal*, Vol. 17, No. 4, 2008, pp. 279-295.

21. Sass, Hans-Martin, "Postscriptum and References", in: Sass, Hans-Martin (ed.), *Selected Essays in Bioethics 1927-1934: Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, 2010, pp. 24-32.
22. Sass, Hans-Martin, "Bioethics as a European Innovation. Fritz Jahr's 1927 Concept of Bioethics", in: Gimmler, Antje – Holzinger, Markus – Knopp, Lothar (eds.), *Vernunft und Innovation: Über das alte Vorurteil für das Neue. Festschrift für Walther Ch. Zimmerli zum 65. Geburtstag*, Wilhelm Fink, Paderborn, 2010., pp. 369–377.
23. Shennan, Margaret, *The Rise of Brandenburg Prussia*, Routledge, London – New York, 1995.
24. Wood, Allen W., *Kant*, Blackwell Publishing, Malden – Oxford – Carlton, 2005.
25. Wood, Allen W., "Kant's Formulations of the Moral Law", in: Bird, Graham (ed.), *A Companion to Kant*, Blackwell Publishing, Malden – Oxford – Carlton, 2006, pp. 291-307.
26. Wood, Allen W., "The Supreme Principle of Morality", in: Guyer, Paul (ed.), *Cambridge Companion to Kant and Modern Philosophy*, Cambridge University Press, Cambridge, 2007, pp. 342–380.
27. Wood, Allen W., *Kantian Ethics*, Cambridge University Press, Cambridge, 2008.

Eve-Marie Engels*

The importance of Charles Darwin's theory for Fritz Jahr's conception of bioethics

"Man in his arrogance thinks himself a great work. worthy the interposition of a deity, more humble & I believe true to consider him created from animals."**

Charles Darwin, 1838

ABSTRACT

Fritz Jahr is a pioneer of bioethics. In this article I will present and outline Jahr's bioethical programme with a special emphasis on Charles Darwin's role in Jahr's ethics. According to Jahr, useful and efficient animal protection can only be practised well if we have enough knowledge of nature. Jahr refers to Darwin who revolutionised our view of life and of the relationship between the human being and the rest of living nature. In the first introductory section I will shortly present Jahr's overall perspective and his bioethical imperative. I will also give a very short sketch of today's bioethics. In the second and third section I will outline Darwin's revolutionary theory and its application to the human being. I will also present some of the reactions of his contemporaries which reflect Darwin's achievement for our understanding of living nature. In the fourth section I will go back to Fritz Jahr and will present and discuss different aspects of his approach in more detail. A final quotation from Hans Jonas about the dialectical character of Darwinism will trenchantly highlight Darwin's importance for Fritz Jahr's ethics.

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** The unusual punctuation is used by Darwin in his private notes.

1. Introduction

When reading Fritz Jahr's short article "Bioethics – A Survey of the Ethical Relations of the Human Being towards Animals and Plants"¹ published in 1927 one gets the impression that bioethics was invented once more in the 1970s. Bioethics is not identical to medical ethics and cannot be reduced to it, in fact, medical ethics is just one field of bioethics. Jahr's article does not only predate the "birth" of that branch of bioethics called "medical ethics" but also the discussions on a "global bioethics" including our ethical concern for the preservation of animals and plants, as it was particularly stimulated by Van Rensselaer Potter who introduced the term "bioethics" in the 1970s (Potter 1970, 1971, 1988) and who built on the legacy of Aldo Leopold, a famous founder of environmental ethics.² Most people are not even aware of Fritz Jahr's early usage of the term "Bio=Ethik" and of his sketch of a bioethical programme from 1927 on. To date we can consider Jahr as the first one who used and thus coined the term "Bio=Ethik".³

As a guiding principle for our action Jahr formulates the "bioethical postulate": "*Respect every living being in principle as an end in itself and treat it, whenever possible, as such.*"⁴ (Jahr 1927, 4). One year later he formulates this postulate again as a "bioethical imperative", specifying it: "*Respect every living being, therefore also the animals, as an end in itself, and treat it whenever possible as such.*"⁵ (Jahr 1928a, 102). Jahr includes in his imperative explicitly the protection of animals as well as plants, as his texts show. And he uses the terms "Tierethik" and "Pflanzenethik".

Bioethics as it has been practiced since the 1970s until today is an interdisciplinary and application oriented discipline which aims at a normative understanding about the range and limits of human action towards living nature including the human

¹ "Bio=Ethik – Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze" (Jahr 1927). If not stated otherwise the English translations of the quotations from Jahr are mine. A helpful support were the English translations of the selected essays by Jahr in bioethics and ethics (1927-1947) by Irene M. Miller and Hans Martin Sass (published as the *Medizinethische Materialien* 188 (2011), Zentrum für Medizinische Ethik, Bochum). There are similarities but also differences between these translations and mine. See also Sass 2007 as a good introduction into Jahr.

² Potter's work was overshadowed by the foundation of the "Joseph and Rose Kennedy Institute for the Study of Human Reproduction and Bioethics" at Georgetown University Washington by which the term "bioethics" was reduced to the meaning of biomedical ethics. For an overview see Callahan 1995, Reich 1995.

³ I came to know Fritz Jahr through a paper given by Prof. Dr. Rolf Löther in June 1997 at the 6th annual conference of the German Society for the History and Theory of Biology (DGGTB) organized by the Chair for Ethics in the Biosciences at the University of Tübingen. Löther mentioned Jahr in his paper very shortly (see Löther 1998).

⁴ Jahr's "bioethische Forderung": "*Achte jedes Lebewesen grundsätzlich als einen Selbstzweck, und behandle es nach Möglichkeit als solchen!*" (Jahr 1927, 4)

⁵ Jahr's "bio=ethischer Imperativ": "*Achte jedes Lebewesen, also auch die Tiere, als einen Selbstzweck, und behandle es nach Möglichkeit als solchen!*" (Jahr 1928a, 102)

being. Thus, bioethics is not anthropocentric concerning its objects or subject-matter. Human action encompasses our conduct towards nature in everyday life as well as in the theoretical and practical contexts of science and research. Two developments triggered the emergence of bioethics in the second part of the twentieth century: Firstly increasing environmental problems, i.e. particularly the damage and destruction of the natural environment, of animals and plants, in many countries up to a global problem which we all are facing now, and secondly scientific and biotechnological developments in quite different branches of the life sciences, in medicine as well as in biology, which confronted us with completely new questions and prompted discussions about the nature of humans, animals and plants, the meaning of life and death, the beginning and end of individual life. These developments challenged our traditional intuitions about the human being and nature, causing fear of unintended consequences and risks as well as hopes for overcoming severe diseases and extending the span of life. Confronted with, and often surprised by these new options, which called for ethical as well as legal decisions, bioethics became an inescapable necessity for scientists, physicians and scholars of quite different disciplines as well as politicians and the public.

Although bioethics is application oriented, it is not simply an "applied" ethics like a recipe or an instruction manual that is applied (Engels 2005). Bioethical problems are too complex to be solvable by a simple application of ethical principles and norms to cases. Many times one first has to clarify the objects and cases which are at stake, before one can apply principles and norms. As mentioned above, the described developments have challenged our traditional view of humans, animals and plants. Therefore *natural philosophy* as well as *philosophical anthropology* and *other philosophical disciplines* are essential elements of bioethics. Another indispensable element of bioethics is the *empirical and scientific knowledge* about the objects dealt with in our ethical considerations. It is crucial to know something about the specific constitution of plants and animals when we have to decide about the best way to treat and protect them. We have to know the biological status of an entity before we can judge what their moral status is, that is if they deserve moral consideration and which one or in which way. Last but not least, depending on the basic normative ethics one chooses, bioethical judgments and decisions can be founded on deontological, utilitarian, virtue ethical or other normative theories. Fritz Jahr anticipated these ideas in his short articles in an impressive way.

Fritz Jahr opens his short article of 1927 with the crucial statement that "The strict separation between animal and human, predominant since the beginning of our European culture until the end of the 18th century, today cannot be maintained any

more."⁶ (Jahr 1927, 2) He refers to the changing relationship between science, philosophy and religion and highlights the importance of the *natural sciences* for our understanding of nature. Until the French Revolution European thinkers have set their heart on the unity of the religious, philosophical and scientific world view. But this unity had to be abandoned under the pressure of the plethora of knowledge. Jahr describes the *dialectical impact* of the new scientific knowledge. On the one hand "it will always be the merit of modern natural sciences of having made possible in the first place an unbiased view of the events of nature." (Jahr 1927, 2) Jahr mentions successes of animal experiments, blood research etc. as examples which are indispensable to our search for truth.

"On the other hand we must not underrate the fact that exactly these scientific triumphs of the human mind have deprived the human being himself/herself of his/her dominant position in the cosmos. Philosophy which formerly used to prescribe its leading ideas to the natural sciences now had itself to found its systems on detailed scientific knowledge, and it was only a poetic-philosophical formulation of Darwin's insight, when Nietzsche considered the human being as a rather inferior transitory stage to a higher evolution, as a 'rope drawn between animal and superman [Übermensch]'."⁷ (ibid.)

Jahr acknowledges that it was Charles Darwin who laid the scientific foundation for bridging the presupposed gap between animals and humans by showing that there is a *real relationship* between animals and humans. Jahr justly describes this step as a "revolution" [Umwälzung].

These "scientific triumphs of the human mind" by which we have gained an "unbiased view of the events of nature" also include the disillusioning insight, that we humans are animals and that we have descended from other animals, as Darwin has shown us. Only a highly developed mind like ours, which raises us above the rest of nature, was capable of gaining this knowledge. But the finding of our search for

⁶ "Die scharfe Scheidung zwischen Tier und Mensch, die seit Beginn unserer europäischen Kultur bis zum Ende des 18. Jahrhunderts herrschend war, kann heute nicht mehr aufrecht erhalten werden". (Jahr 1927, 2)

⁷ "Es wird stets das Verdienst der modernen Naturwissenschaft bleiben, daß sie eine vorurteilslose Betrachtung des Weltgeschehens erst möglich gemacht hat. Wir würden uns heute als Wahrheitssucher aufgeben, wenn wir die Erfolge der Tierexperimente, Blutversuche, Serumforschung u.v.a. ablehnen wollten. Andererseits dürfen wir nicht verkennen, daß gerade diese wissenschaftlichen Triumphe des Menschengesistes dem Menschen selbst seine beherrschende Stellung im Weltganzen genommen haben. Die Philosophie, die früher der Naturwissenschaft ihre Leitgedanken vorschrieb, mußte nun selbst ihre Systeme auf naturwissenschaftlichen Einzelerkenntnissen aufbauen, und es war nur eine dichterphilosophische Formulierung der Erkenntnis Darwins, wenn Nietzsche den Menschen als ein recht minderwertiges Übergangsstadium zu einer höheren Entwicklung, als ein ‚Seil, gespannt zwischen Tier und Übermensch‘ ansah." (Jahr 1927, 2)

truth is the discovery that we are not the crown of creation, but just animals, even though special animals.

In his article "Death and the Animals. Contemplating the 5th Commandment" (Jahr 1928b) Jahr refers again to Darwin and his influence on "biology, the science of life", which particularly since Darwin has discovered many related characteristics between the human being and animals and which are now utilized in medicine. Besides the applications already mentioned, Jahr cites as an example the transplantation of animal tissues into humans, nowadays called "xenotransplantation". Again he points to the physiological as well as psychological affinities of humans and animals (Jahr 1928b, 5).

For Jahr a consequence of this revolution is also the "fundamental equality of man and animal" ["grundsätzliche Gleichstellung von Mensch und Tier"] as test objects of zoology, physiology and psychology. "Like in comparative anatomical-zoological research, most instructive comparisons are also drawn between human and animal soul."⁸ (Jahr 1927, 2)

I cannot discuss the question here whether Jahr's interpretation of Nietzsche as recipient of Darwin's idea of evolution is adequate. It may however be said that Darwin did not vindicate the idea of an evolutionary progress from animal through man to "superman". Compared to his contemporaries Herbert Spencer and Ernst Haeckel who ardently believed in evolutionary progress, Darwin was much more ambivalent and addressed many times the problem of defining objective criteria for "lower" and "higher" stages of evolution, although he himself used these traditional terms. Nevertheless he was sensitive to the problems connected with this terminology.

There are however two aspects which have to be highlighted in this context. This is firstly Jahr's conviction that scientific knowledge plays a crucial role for the protection of nature and thus, one can add, for bioethics:

"Useful and efficient animal protection can only be practised well if enough knowledge of nature and at least some understanding of nature is available. For, in fact, we will only come to a real protection of the animals, if we know to some degree their physiological and psychological traits and conditions of life. Therefore it is one of the main goals of the animal protection movement to arouse, spread and deepen such knowledge and such understanding of nature as far as possible. This interest in nature then will quite on its own not be restricted to animals but will have to include on the one hand plants, on

⁸ " [...] und wie es eine vergleichende anatomisch-zoologische Forschung gibt, so werden auch höchst lehrreiche Vergleiche zwischen Menschen= und Tierseele angestellt." (Jahr 1927, 2)

the other hand (and for us this is more important in this context) the human being."⁹ (Jahr 1928a, 101).

The second aspect is Jahr's recognition that we owe to Darwin the insights into the close relationship between humans and other living beings. Indeed, only a few years after the publication of Darwin's *Origin of Species* (1859) as well as its German translations several books with comparative reflections on animals and humans were published as well as innumerable articles on the impact of Darwin's new theory on our general view of the human being and nature.¹⁰ More important for comparative psychology were Darwin's works *Descent of Man* (1871), and *The Expression of the Emotions in Man and Animals* (1872).

Jahr does not only mention animal psychology but he also points to the beginnings of a plant psychology (G. Th. Fechner, R. H. Francé, A. Wagner and the Indian Bose). Therefore he considers it only as consistent that Rudolf Eisler uses the term "Bio-Psychik" ("soul study of all that lives"). From here there is only a small step to "*Bio-Ethik*, i.e. to the assumption of moral obligations not only towards the human being but towards all living beings." (Jahr 1927)

According to Jahr, bioethics has not been discovered in the present. In his articles he mentions several important predecessors of animal ethics, beginning with "a particularly attractive example from the past", Francis of Assisi (1182-1226). He also mentions Michel de Montaigne (1533-1592), Jean-Jacques Rousseau (1712-1778), Johann Gottfried Herder (1744-1803), Immanuel Kant (1724-1804), Friedrich Schleiermacher (1768-1834), Karl Christian Friedrich Krause (1781-1832) and Arthur Schopenhauer (1788-1860) who influenced Richard Wagner (1813-1883). An influential source of animal ethics is Indian philosophy, particularly the idea of reincarnation.

There are also forerunners of plant ethics. As examples Jahr mentions Richard Wagner, referring to his Parsifal, as well as the philosopher Eduard von Hartmann (1842-1906). My enumeration is not complete. For the protestant pastor also the bible was a rich source of bioethical insights. Jahr thus draws on secular as well as

⁹ "Nun ist jedoch ein zweckmäßiger, leistungsfähiger Tierschutz nur dann gut möglich, wenn genügende Naturerkenntnis und wenigstens einiges Naturverständnis vorhanden ist. Denn tatsächlich kann man die Tiere nur dann wirklich schützen, wenn man ihre physiologischen und psychologischen Eigenschaften und Lebensbedingungen einigermaßen kennt. Daher ist es mit ein Hauptziel der Tierschutzbewegung, solche Kenntnis und solches Verständnis der Natur nach Möglichkeit zu wecken, zu verbreiten und zu vertiefen. Solches Naturinteresse wird sich dann ganz von selbst nicht auf die Tiere beschränken, sondern nach der einen Seite die Pflanzen, nach der anderen Seite (und das ist für uns in diesem Zusammenhange das Wichtigere) den Menschen mit einbeziehen müssen." (Jahr 1928a, 101)

¹⁰ Haeckel 1863 (see Haeckel 1924), Haeckel 1868, Huxley 1863, Vogt 1863, Wundt 1863 (see Wundt 1990), Rolle 1865, Büchner 1868. See also the bibliography in Engels 1995, pp. 395-414.

biblical sources as bioethical references. And he can already point to a growing sensitivity towards animals and plants which manifests itself also at the legal level.

It is however surprising that Jahr did not know the writings of Albert Schweitzer and his "Ethics of Respect for Life" published in 1923 in his work *Philosophy of Culture* (Schweitzer 2007). Neither was Schweitzer familiar with Jahr's writings.

Jahr does not go into detail about Darwin's theory. Therefore I will describe the essential core of Darwin's theory and his scientific revolution which was also a philosophical revolution, because it changed our view on living nature and the relations between humans and all other living beings. After this I will present Darwin's arguments in *Descent of Man* which is the application of his general theory to the human being and other animals. Darwin's evolutionary anthropology was the beginning of a radical change of our image of the human being and his/her relationship with animals and the rest of living nature.

2. Charles Darwin's scientific and philosophical revolution

What does the "Umwälzung", the *revolution*, which Jahr mentions in his essay, consist in? Darwin's *scientific revolution* consists in explaining the origin of species within the framework of natural science, i.e. by drawing on *natural laws*.¹¹ Species come into being by the *transformation of other species*. Darwin does not claim to be able to explain the origin of life as such. Rather he wants to describe the mechanisms by which new species of plants and animals come into being when we presuppose the existence of a few or only one simple form of life. Thus Darwin rejects the idea of a special or separate creation of each species by the Creator as well as the idea of the fixity of species. Expressed in the language of the philosophical and theological tradition: Darwin has abandoned the physico-theological *argument from design* (William Paley etc.) and the idea of an intelligent designer as a primary cause. He only allows for *secondary causes*, i.e. for natural laws and causes. Thus he wants to raise natural history, botany and zoology to the same scientific level already reached in other natural sciences, in physics and astronomy. Darwin however does not claim to be able to refute the existence of God by his theory. Rather he claims to formulate a theory with greater explanatory power than the traditional doctrine of special creation and which avoids the difficulties of this doctrine.

¹¹ I have extensively presented Darwin's theory as well as his evolutionary anthropology and his theory of the moral sense in my monograph (Engels 2007) and other publications (e.g. Engels 2009) and cannot go into the details here.

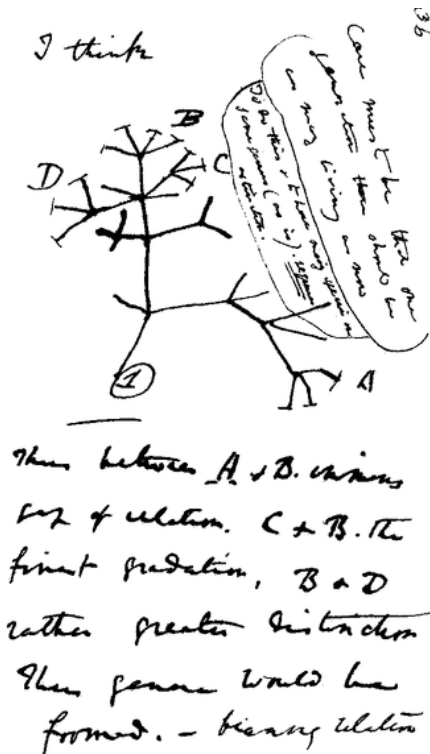
Darwin names his theory "theory of descent with modification through natural selection" (Darwin 1964, 459). He proceeds from the observation that two organisms of the same species are never completely identical. There are always *variations*, however small, and thus also differences in adaptation to an environment. Those organisms of a species whose traits are better adapted to their environment, that is, more purposively outfitted than their conspecifics, have a higher chance of survival and thus can more successfully reproduce than the others. This means that a *natural selection* of the better adapted takes place. Those traits which are advantageous for survival can accumulate during generations by inheritance and thus increasingly change, compared to the traits of the aboriginal stock. This gradual process leads to the emergence of new varieties and in the course of large periods of time to the origin of new species. Thus natural selection not only leads to the dying out of species but also fulfils the *constructive* function of bringing forth new species. The mechanism which exerts this selection in nature is what Darwin calls the "struggle for life" or "struggle for existence", drawing on Malthus' principle of population.

Darwin incorporated the critical reception of his work into the new editions. Particularly his metaphors "natural selection" and "struggle for existence" were subject to much misunderstanding. The term "struggle for life" or "struggle for existence" can have quite different meanings: 1. competition among individuals of the same species (intraspecific competition), 2. competition among individuals of different species (interspecific competition), 3. struggle for existence of an individual against environmental dangers (drought, coldness, wetness etc.). Darwin moreover emphasises another aspect and mentions more meanings of the term. He uses the term "Struggle for Existence in a large and metaphorical sense, including dependence of one being on another, and including (which is more important) not only the life of the individual, but success in leaving progeny." (Darwin 1964, 62). The phrase "struggle for existence" has often been interpreted as a bloody or deadly fight between individuals, races or species. Depending on the situation the *struggle for existence* can however be coped with by competition or cooperation. "Mutual aid" is a line of Darwin-reception which was pursued particularly in the Russian reception by Peter Kropotkin and others (Todes 1989, 2009). In his correspondence with the physiologist William Preyer of Jena, Darwin also thematises the problem of translating the term "struggle" into German by the word "Kampf":

"I suspect that the German term, Kampf etc., does not give quite the same idea. The words 'struggle for existence' express, I think, exactly what concurrency does. It is correct to say in English that two men struggle for existence, who may be hunting for the same food during a famine, and likewise when a single man is hunting for food; or again it may be said that a

man struggles for existence against the waves of the sea when shipwrecked."
(Darwin 1869, DAR 147)

Thus in the course of long periods of time, from individual variants hereditary varieties, subspecies and finally new species evolve. Darwin advocates a *gradualism* and draws on the *principle of continuity* of natural philosophy. The old principle "Natura non facit saltum" (nature makes no leaps) "is on this theory simply intelligible." (Darwin 1964, 471). However, the principle of continuity is not static any more, it becomes *dynamic* and it stands for a *real relationship* between species.



Charles Darwin's 1837 sketch, his first diagram of an evolutionary tree from his First Notebook on Transmutation of Species (1837) on view at the Museum of Natural History in Manhattan. Wikimedia Commons

Darwin adduces evidence from a variety of disciplines and compiles facts like homologies, examples from embryology, rudiments, the fossil record etc. Homologies are similarities between the bodily structure of animals of the same class, like dogs, cats and humans (mammals), as well as between animals belonging to different classes of the same phylum or clade, like fish, amphibians, reptiles, birds and mammals. The facts of embryology adduced by Darwin are the similarities between embryos of different species and even of different classes. They reflect a common descent. Rudiments are traits of organisms which have no function in these organisms. They can be ex-

plained as remains of former organisms in which they had functions. These facts as such have already been discovered by well-respected experts in different fields before Darwin and independently of his *theory of descent*. But the philosopher of science and scientist Darwin can make use of them to back up his theory by showing that they can be best explained by a *common descent* of the human being and other animals whereas the belief of the separate creation of each species cannot provide such an explanation and leaves many questions open.

To sum up, Darwin's theory contains four elements or theorems which are also important for understanding the relationship between the human being and other living beings. These are 1. the theorem of descent, 2. gradualism, 3. the theorem of natural selection and 4. the principle of divergence. The last one means, that under the pressure of natural selection not only one, but several species can evolve from one and the same stock in adaptation to different ecological niches. For the evolution of "divergence of characters", which presupposes the possibility of reproductive isolation, the Galapagos Archipelago was an exemplary laboratory.

These four elements are important for our understanding of the relationship between the human being and other living beings which will later lead us back to Fritz Jah's claim of a revolution in our view of living nature.

Already at the end of the first edition of *Origin of Species* Darwin alludes to the importance of his theory of descent for our understanding of the human being. "In the distant future I see open fields for far more important researches. Psychology will be based on a new foundation, that of the necessary acquirement of each mental power and capacity by gradation. Light will be thrown on the origin of man and his history." (Darwin 1964, 488). Although Darwin's conviction of the relationship between the human being and other animals can be traced back to his early *Notebooks* of 1837, Darwin did not publish his *Descent of Man* and *The Expression of the Emotions in Man and Animals* before 1871 and 1872 for fear of more prejudices against his views. These books are milestones in comparative ethology and comparative psychology.

Darwin's above mentioned four theorems have consequences for our understanding of the *human being*: 1. the theorem of descent means that the human species has ultimately descended from another, a nonhuman species 2. gradualism means that the human being has evolved from nonhuman animals by a process of gradual evolution. There are no leaps, no saltations in this process: *Natura non facit saltus*. 3. Natural selection was the important mechanism of the evolution of the human being and 4. The human species and other species have evolved from common progenitor species.

Children share their characters with their parents and their brothers and sisters. Due to the principle of descent and to that of divergence there is a *real direct kinship* between the human species and our apelike progenitors (our parent species) as well as with those apes that evolved as our sibling species from a common progenitor. The apes and we have a common ancestor. Today we know that bonobos are our closest relatives and that we have a common parent ape.

But the human being is not only related to its next relatives but also to remote relatives. *The whole of living nature is a unity and there is a real kinship between human beings and the rest of living nature.*

"There is grandeur in this view of life, with its several powers, having been originally breathed into a few forms or into one; and that, whilst this planet has gone cycling on according to the fixed law of gravity, from so simple a beginning endless forms most beautiful and most wonderful have been, and are being, evolved." (Darwin 1964, 459).

Already before Darwin there had been developments in medicine and biology showing the similarities between the plant and the animal kingdom. Remarkable similarities in structure, growth and development were discovered within as well as between the animal and plant kingdoms by comparative anatomy, embryology, morphology and cell theory. In 1839 Theodor Schwann (1810-1882) and Matthias Schleiden (1804-1881) developed a cell theory describing the general features of plant and animal cells. In the 20th century this scientific process of revealing the unity of nature was impressively continued by molecular genetics and its discovery of the universality of the genetic code. The "letters" of the genetic alphabet are the same in all living beings, and the diversity of living forms is due to the multiplicity of combinations of these "letters" to "words" and "texts".

Although scientific progress in the above mentioned disciplines of comparative anatomy, embryology, morphology and cell theory was impressive in the 19th century, the similarities within and between the animal and plant kingdom could not be explained scientifically without a unifying theory. This *unifying framework* was provided by *Darwin's theory of descent*. Already many of his contemporaries realized the revolutionary character of his insights and compared him with the great revolutionary thinkers in astronomy and physics, with Nicolaus Copernicus, Galileo Galilei and Isaac Newton. In Germany particularly this unifying merit of Darwin's theory was recognized by many readers of Darwin's work from all sorts of disciplines (Engels 2011). An important role was played by the first German translator of Darwin's *Origin of Species*, Heinrich Georg Bronn (1800-1862), a distinguished palaeontolo-

gist and zoologist and ordinary professor at the University of Heidelberg who very quickly translated Darwin's revolutionary work into German. This translation, already published in 1860, also had an impact on all countries where German rather than English was read or spoken. English was not a world language in the 19th century as it is today. And in many countries Darwin's work could not be read in the original English language but only in translations.

Bronn added to his translation a critical epilogue as chapter 15 "Closing Words of the Translator" in which he describes Darwin as "a genuine naturalist who regards in an ingenious and penetrating manner from a new perspective old facts that he has collected and considered for twenty years, over which he has incessantly been reflecting and brooding for twenty years."¹² (Bronn 1860, 495).

In spite of the difficulties of Darwin's theory which Bronn clearly addresses he admires it for methodological reasons, for its explanatory force, once its foundations have been stabilized:

"The possibility, under this theory, to connect all the phenomena in organic nature through *a single idea*, to view them from *a single point of view*, to derive them from *a single cause*, to take a lot of facts that previously stood separately and to connect them most intimately to the rest and show them to be necessary complements to those same facts, to strikingly explain* most problems without proving impossible with respect to the remaining ones, gives this theory a stamp of truth and justifies the expectation that the great difficulties that remain for this theory will be overcome at last."¹³ (Bronn 1860, 518)

It was particularly this aspect of *unification* and the *explanatory power* of Darwin's theory which fascinated many scientists and philosophers, among them the philosopher Jürgen Bona Meyer (1829-1897): Whereas former natural philosophy lapsed into a seemingly unity of things ignoring its differences, modern science makes the opposite mistake and splits nature into innumerable parts. Meyer considers Dar-

¹² "Es sind neue Gesichtspunkte, unter welchen ein gediegener Naturforscher in geistreicher und scharfsinniger Weise alte Thatsachen betrachtet, die er seit zwanzig Jahren gesammelt und gesichtet, über die er seit zwanzig Jahren unablässig gesonnen und gebrütet hat." (Bronn 1860, 495)

¹³ "Die Möglichkeit nach dieser Theorie alle Erscheinungen in der organischen Natur durch einen *einzigsten Gedanken* zu verbinden, aus einem *einzigsten Gesichtspunkt* zu betrachten, aus einer *einzigsten Ursache* abzuleiten, eine Menge bisher vereinzelt gestandener Thatsachen den übrigen auf's innigste anzuschliessen und als nothwendige Ergänzungen derselben darzulegen, die meisten Probleme auf's Schlagendste zu erklären, ohne sie in Bezug auf die andern als unmöglich zu erweisen, geben ihr einen *Stempel der Wahrheit* und berechtigen zur Erwartung auch die für diese Theorie noch vorhandenen grossen Schwierigkeiten endlich zu überwinden." (Bronn 1860, 518; emphasis by E.-M.E.) I am quoting the English translation by Gliboff 2008, 130. He here* translates "explains away". I dropped the word 'away', because the terms 'explain' and 'explain away' have a different meaning.

win's theory as an antidote against the danger of modern science's isolating division of nature, losing the "bond of unity pervading nature out of sight" ["das Band der Einheit aus den Augen zu verlieren, das die Natur durchzieht"]. The trend of our time is the "striving for *progress and unity*" [Fortschritt und Einheit]. Darwinism complies with the "urge for *unity of our knowledge*" ["Einheitstrieb des Erkennens"] and insofar Darwinism corresponds to an "existing silent urge" ["einem vorhandenen stillen Verlangen"] (Meyer 1866, 452; emphasis by E.-M.E.).

The physicist and philosopher Hermann von Helmholtz (1821-1894), who was a great admirer of Darwin, wrote:

"Besides we do not want to forget which clear understanding *Darwin's* grand idea brought into the until then so mysterious notions of natural relatedness, of the natural system and homology of organs of different animals [...] Formerly affinity appeared to be only a mysterious, but completely groundless similarity of forms; now it has become a real blood relationship. The natural system [...] now gains the meaning of a real phylogenetic tree of organisms. *Darwin* has raised all these isolated areas from a state of mysterious quaintness into the connection of a great evolution [...]." (von Helmholtz 1968, 53f).¹⁴

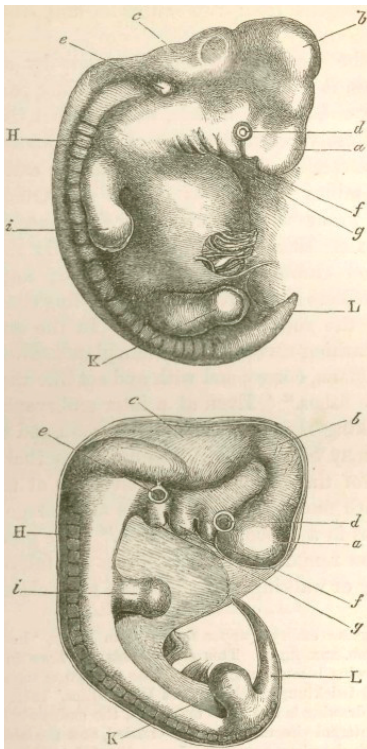
For many people Darwin's theory was attractive because it was estimated as a serious scientific attempt of explaining all phenomena of organic nature by one principle or law. Darwin's theory contains a *unifying principle*, it has *explanatory power* and it is *consistent with other natural explanations*. It provides the framework for connecting the otherwise isolated facts of the different biological disciplines to a consistent system of biological knowledge. This theory also allowed for integrating new scientific knowledge not yet available in Darwin's time, like modern genetics. And it was backed up by new findings and discoveries of other natural sciences, like geology and physics, concerning the age of the earth. It promoted the initiation of new research programmes, like comparative psychology (Wundt 1863) and comparative ethology.

¹⁴ "Daneben wollen wir nicht vergessen, welch' klares Verständniss *Darwin's* grosser Gedanke in die bis dahin so mysteriösen Begriffe der natürlichen Verwandtschaft, des natürlichen Systems und der Homologie der Organe bei verschiedenen Thieren gebracht hat; [...] Die natürliche Verwandtschaft erschien sonst nur als eine räthselhafte aber vollkommen grundlose Aehnlichkeit der Formen; jetzt ist sie zur wirklichen Blutsverwandtschaft geworden. [...] jetzt erhält es [das natürliche System] die Bedeutung eines wirklichen Stammbaums der Organismen. [...] *Darwin* hat alle diese vereinzelt Gebiete aus dem Zustande einer Anhäufung räthselhafter Wunderlichkeiten in den Zusammenhang einer grossen Entwicklung erhoben [...]." (von Helmholtz 1968, 53f.)

3. The descent of the human being from other animals

In his *Descent of Man* Darwin outlines his evolutionary anthropology, thus pursuing the programme which he already hinted at in his *Origin of Species*. Here I will only present those aspects of Darwin's ideas which are important for the overall subject of my article, Fritz Jahr and Charles Darwin.¹⁵

In his chapter "The evidence of the descent of man from some lower form" Darwin adduces "three great classes of facts" in order to substantiate his assumption that the human being has evolved from other animals. These are the already mentioned *homologies* as well as facts from *embryology* (see figure) and thirdly *rudiments*. They reflect the common descent of the human being and other animals.



Woodcut depicting the similar appearance of a human embryo (top) and a dog embryo (bottom), from Charles Darwin's *Descent of Man* (1871). Original caption: Fig. 1.—Upper figure human embryo, from Ecker. Lower figure that of a dog, from Bischoff.
Wikimedia Commons

In the next chapter Darwin presents his hypothesis "On the manner of development of man from some lower form". The evolution of bipedality, of an upright posture, was crucial for becoming a human being. In the course of time, the organs which now are our arms and hands, became free from the need of locomotion and

¹⁵ See the chapters IV and V in Engels 2007.

from climbing trees, the thumbs developed in opposition to the fingers, the sense of touch improved, and the hands thus could be used for making tools. Darwin quotes Sir Charles Bell: "The hand supplies all instruments, and by its correspondence with the intellect gives him [man] universal dominion." (Darwin 1989 I, 55). According to Darwin, the evolution of reasoning powers and of articulate speech have mutually influenced each other. He also thinks that there is a connection between the use of language and the evolution of the brain.

Darwin describes features which are unique for the human being but which can be explained by having gradually evolved from other animals. The "anthropomorphous apes" like the gorilla are in an "intermediate condition" because they can walk or run upright but also move in a quadrupedal way. Apes as well as monkeys can handle objects with the thumb in opposition to the fingers.

So Darwin shows many similarities between the human being and other animals in their bodily structure by which he supports his theory of a common descent of the human being and other animals. This may be true for bodily structures and traits, but does this also hold for the emotional and cognitive faculties? Yes: "Nevertheless the difference in mind between man and the higher animals, great as it is, certainly is one of degree and not of kind." (Darwin 1989 I, 130). Darwin wants to show "that there is no fundamental difference of this kind. We must also admit that there is a much wider interval in mental power between one of the lowest fishes, as a lamprey or lancelet, and one of the highest apes, than between an ape and man; yet this interval is filled up by numberless gradations." (Darwin 1989 I, 69f.).

Although Darwin uses the terms "higher" and "lower" as well as the traditional term "ascending organic scale" in accordance with the general language use he addresses the problems of this terminology and relativises the supreme position of the human being. Already in his early Notebooks from 1837 on, which were published posthumously (Barrett et al. 1987), Darwin writes:

"It is absurd to talk of one animal being higher than another.— We consider those, where the cerebral structure intellectual faculties most developed, as highest.— A bee doubtless would when the instincts were.— " (Barrett et al. 1987, 189, B 74).¹⁶

The expressions "cerebral structures" and "intellectual faculties" are written one above the other and bracketed.

¹⁶ Barrett et al. 1987, 189, B 74 means: Quotation from Darwin's Notebook B, his pagination p. 74 in Barrett et al 1987, p. 189.

"Man in his arrogance thinks himself a great work. worthy the interposition of a deity, more humble & I believe true to consider him created from animals.–" (Barrett et al. 1987, 300, C 196f.).

"Origin of man now proved.– Metaphysic must flourish.– He who understands baboon <will> would do more towards metaphysics than Locke." (Barrett et al. 1987, 539, M 84e).

"Plato [...] says in Phaedo that our "*necessary ideas*" arise from the preexistence of the soul, are not derivable from experience. – read monkeys for preexistence –" (Barrett et al. 1987, 551, M 128).

"If all men were dead then monkeys make men.– Men makes angels–" (*sic*) (Barrett et al. 1987, 213, B 169).

In the chapters on the mental powers of man and animals Darwin describes a broad range of emotional as well as cognitive faculties which can be found in humans as well as other animals (Darwin 1989 I, ch. III, IV). Darwin's elaborations on animals are remarkably up to date, he discusses all those faculties which are discussed today in the context of animal intelligence and feelings. Darwin draws on the results of internationally renowned scientists and authors, on the study of domestic animals as well as on the reports of his correspondents all over the world. He extensively presents and discusses the emotional and cognitive powers of quite different animals. The following list does not hold for all animals, since there is a large scale of mental powers among animals, there is no all or nothing.

Animals feel pleasure and pain, happiness and misery, joy and affection, jealousy, love as well as the desire to be loved, shame, fear, modesty, anger, rage. Also more intellectual emotions and faculties can be found in animals, like excitement and suffer from ennui, wonder, curiosity, suspicion, imitation. There is also a broad range of cognitive faculties. Depending on the species, animals display memory, attention, association, imagination, abstraction and reason, mental individuality and perhaps even self-consciousness. Animals use tools, they also communicate with each other, although articulate language is a specific faculty of the human being.

Darwin also describes the social life of animals. Animals of many kinds are social and feel miserable when separated from their companions. They render important services to each other, utter cries which express both danger as well as safety, and mutually defend each other. Orphan monkeys are adopted by other monkeys, who also adopt animals of other species. This is due to the social instincts. "Besides love and sympathy, animals, [*sic*] exhibit other qualities connected with the social instincts, which in us would be called moral." (Darwin 1989 I, 107).

In *The Expression of the Emotions in Man and Animals* (Darwin 1872) Darwin describes a rich variety of facial and bodily expressions of emotions in animals as well as the human being. Darwin pursues two main goals by this book. Firstly he wants to adduce evidence for the universality of facial expressions in humans thus showing the unity of mankind. For Darwin all the different so called human races belong to one human species. This was not at all taken for granted at Darwin's time, when a struggle between monogenists and polygenists was still going on. Darwin rejected biological racism and slavery which he had come in touch with during his Beagle-voyage. Like all other members of his family he detested slavery and considered it as a "great crime" (Darwin 1989 I, 121). Already his two famous grandfathers Erasmus Darwin and Josiah Wedgwood campaigned against slavery. Secondly he wants to adduce from the similarities in the expression of the emotions between humans and animals evidence for his theory of common descent and show that animals and humans have a common origin.

In spite of all these similarities between human beings and other animals described by Darwin the human being takes a special position in nature. "Man in the rudest state in which he now exists is the most dominant animal that has ever appeared on this earth. He has spread more widely than any other highly organized form: and all others have yielded before him. He manifestly owes this immense superiority to his intellectual faculties, to his social habits, which lead him to aid and defend his fellows, and to his corporeal structure. The supreme importance of these characters has been proved by the final arbitrament of the battle of life." (Darwin 1989 I, 52).

Moreover the human being has a unique character which no other animal possesses, a *moral sense* or *conscience* and thus the ability of being moral. "A moral being is one who is capable of comparing his past and future actions or motives, and of approving or disapproving of them. We have no reason to suppose that any of the lower animals have this capacity; therefore, when a Newfoundland dog drags a child out of the water, or a monkey faces danger to rescue its comrade, or takes charge of an orphan monkey, we do not call its conduct moral. But in the case of man, who alone can with certainty be ranked as a moral being, actions of a certain class are called moral [...]." (Darwin 1989 I, 115f.).

Humans are able to *evaluate* their thoughts and actions according to moral and ethical principles. Our moral capacity depends on instinctive social impulses which have their roots in our evolutionary past as animals – "A man who possessed no trace of such instincts would be an unnatural monster." (Darwin 1989 I, 116) – as well as on our increased intellectual capacities in connection with articulate language. Although the moral sense has its roots in the social instincts of animals, it is a new capacity unique for man. According to Darwin, morality is not blind behav-

our driven by social instincts but conscious judgment and action according to moral principles.¹⁷

Darwin also has a clear concept of moral progress in the course of history. Moral progress is the increasing enlargement of our sympathy towards members of other groups, nations and races, to the imbecile and maimed and finally to members of other species, to the animals (Darwin 1989 I, 127-129). The wellbeing of animals was near and dear to Darwin and became for him sort of a yardstick for progress in humanity. Darwin did not only advocate animal protection in the theoretical context of his *Descent of Man*, but also in practical life. In their village Downe, where Darwin and his wife Emma Darwin lived together for forty years until Darwin's death in 1882 Darwin fulfilled important social functions. In 1863 Emma and Charles Darwin jointly composed a four-page pamphlet which protested against the cruelty of steel vermin-traps. It was published in the local *Bromley Record* as well as in the national *Gardeners' Chronicle* (Burkhardt et al. 1999, 776-781). The couple also distributed the "Appeal" to their own acquaintances and others. As Darwin's son Francis Darwin writes, his father's "humanity to animals was well known in his own neighbourhood." (F. Darwin 1887 III, 200).

Darwin's theoretical as well as practical attitude towards animals is interesting for our bioethical context: Although animals are no moral beings because they are not capable of morality, they have to be treated with sympathy and moral consideration. They are "moral patients" and belong to the "moral community", although they cannot be "moral agents".¹⁸

From this presentation it should have become clear that Jahr has good reasons to refer to Darwin, although he does not go into details in his texts with respect to Darwin. But the Darwinian revolution was well known at his time, and particularly Germany had been a stronghold of Darwin-reception since the 19th century. So Jahr may have known more about Darwin than becomes apparent in his texts. Jahr's articles are generally very short, and also the other thinkers and authorities whom he mentions, are hardly dealt with more elaborately.

¹⁷ For new reflections on these questions see Benz-Schwarzburg, Knight 2011.

¹⁸ This is Tom Regan's terminology in his classic book *The Case for Animal Rights*, first published in 1983 (Regan 2004).

4. The foundations of Fritz Jahr's bioethics

Bioethics means for Jahr that we recognise our *moral obligations* not only towards humans, but also towards animals and plants. "The fact of the close connection between animal protection and ethics is ultimately based on the existence of our moral obligations not only towards our fellow human beings but also towards the animals, indeed even towards the plants – in short towards all living beings – so that we can really speak of a 'bioethics'."¹⁹ (Jahr 1928a, 101). And the "bioethical imperative" as guiding principle reads: "*Respect every living being, therefore also animals, as an end in itself, and treat it whenever possible as such.*"²⁰ (Jahr 1928a, 102). And he emphasizes that this imperative includes animals and plants.

Considering an entity as an "end in itself" usually implies that we have *direct duties* towards this entity. Thus Jahr's bioethical imperative implies that we have direct duties not only towards humans but also towards animals and plants. They are not just instruments for us humans, not just means for our manifold purposes, but have to be respected as beings that possess an inherent value, an "Selbstwert", as we say in German. This means that also in those situations, when we use animals and plants for our purposes, we must not lose their inherent value out of sight. That's what we postulate with regard to the treatment of humans. We all are means for others in various situations and roles. But we have to be respected *at the same time* as an end in itself, never as mere means for this or that will. Even Kant admits this in his ethics (Kant 1999 [1785] 53f.). This is the meaning of Kant's categorical imperative which he formulates in different versions.

What are Jahr's arguments for holding this ethical position? Four elements are important here: *Firstly* empirical scientific knowledge about the relationship between the human being and the rest of living nature, *secondly* a certain standpoint of normative ethics, supported by a variety of philosophers and theologians, *thirdly* a growing sensitivity towards animals which manifests itself in the existence of animal protection paragraphs, i.e. a legal practice which is improved in the course of time and *fourthly* a certain kind of realism, recognizing the fact that we humans are also living beings who have the right to life and to means of sustenance. I will elaborate on this in my following remarks.

¹⁹ "Die Tatsache des engen Zusammenhanges zwischen Tierschutz und Ethik beruht letztlich darauf, daß wir nicht nur gegen die Mitmenschen, sondern auch gegen die Tiere, ja, sogar gegen die Pflanzen – kurz gesagt gegen alle Lebewesen – ethische Verpflichtungen haben, so daß wir geradezu von einer ‚Bio=Ethik‘ sprechen können." (Jahr 1928a, 101)

²⁰ Jahrs "bio=ethischer Imperativ": "*Achte jedes Lebewesen, also auch die Tiere, als einen Selbstzweck, und behandle es nach Möglichkeit als solchen!*" (Jahr 1928a, 102)

The importance of scientific knowledge about the connection between humans and animals and ultimately plants was already demonstrated in our presentation of Darwin's theory and his evolutionary anthropology. Helmholtz summarised Darwin's position to the point by describing the relationship between humans and animals as a "real blood relationship". Although it is not possible to deduce directly and merely from the existence of a blood relationship and its scientific explanation moral obligations towards animals and plants – this would be a *naturalistic fallacy* –, such a relationship may well be ethically relevant when its statement is combined with other premises, with ethical premises. We will later see what is meant by this.

What is Jahr's foundation of bioethics and particularly of this kind of normative bioethics which claims that we also have moral obligations to animals and plants, not only to humans?

A prominent representative of duty ethics (deontology) is Immanuel Kant. He makes a distinction between *direct* and *indirect duties*. According to Kant only the human being and every being endowed with reason, self-consciousness, i.e. a *person*, has an "*absolute value*" [absoluter Wert] and thus exists as an *end in itself* [Zweck an sich selbst]. Beings without reason have only a "relative value" as means and are therefore called "things" ("*Sachen*"). For Kant we therefore have direct duties only towards persons. Only persons are able to reciprocally obligate themselves. Since animals and plants are no persons, they are no end in itself and therefore we have no direct duties towards them according to Kant. But animals are "an analogon of humanity" ["ein Analogon der Menschheit"] (Kant 1990, 256f.). Our meekness and mercy towards animals as well as our violence and cruelty towards them are conveyed to our attitude and behaviour towards humans. Therefore violence and cruelty towards animals infringe on the duty of the human being towards humanity, because our compassion with other humans is weakened and finally destroyed by this cruelty towards animals. Compassion, however, is a predisposition [Anlage] in the human being which is very conducive to our moral behaviour towards our fellow humans. Therefore Kant argues: "Even gratitude towards an old horse or dog for having provided their service for a long time (as if they were household members) belongs *indirectly* to the human being's duty, namely in relation to these animals [*in Ansehung dieser Tiere*], considered *directly* however it is always only a duty of man towards himself."²¹ (Kant 1993 [1797, A 108] § 17, 579).

Kant also argues for the protection of "beautiful crystals and the indescribable beauty of the plant kingdom"²² (Kant 1993 [1797, A 107] § 17, 578). The propensity

²¹ "Selbst Dankbarkeit für lang geleistete Dienste eines alten Pferdes oder Hundes (gleich als ob sie Hausgenossen wären) gehört *indirekt* zur Pflicht des Menschen, nämlich *in Ansehung* dieser Tiere, *direkt* aber betrachtet ist sie immer nur Pflicht des Menschen *gegen* sich selbst." (Kant 1993 [1797, A 108] § 17, 579)

²² "schöne Kristallisationen, das unbeschreiblich Schöne des Gewächsreichs". (Kant 1993 [1797, A 107] § 17, 578)

for mere destruction ("spiritus destructionis") violates the duty of the human being towards himself/herself, because it weakens and destroys a feeling in us which is not by itself moral but which has an important function for morality, because it prepares us for loving something without having its utility in mind (ibid.).

It would be a mistake – this is the message of Kant's section – to consider something which is a duty of the human being towards himself/herself as a duty towards others, in this case towards animals, plants and other natural objects like crystals. So we don't have any direct duties to them but only towards persons.

Arthur Schopenhauer who advocates an ethics of compassion, of pity [Mitleidsethik] formulates a sharp criticism of Kant's version of animal ethics. "Thus, one should only feel pity for animals for exercise, and they are so to speak the pathological phantom for the exercise of pity for humans."²³ (Schopenhauer 1977 [1840], 202). For Schopenhauer Kant's position means that our compassion towards animals and our humane treatment of them is only a means of training our moral sense towards humans. Schopenhauer confronts Kant's position with his "formula of morals" "*Neminem laede, imo omnes, quantum potes, juva*" (ibid. 199) [Don't hurt anyone, but help everybody as far as you can.] (ibid. 199)²⁴.

Jahr takes the part of Schopenhauer then, and not that of Kant. For Jahr the Golden Rule as well as Kant's categorical imperative only describe a formal criterion of a "good" way of action. "In spite of this criterion the motive could even be blatant egoism, a kind of reciprocal contract: Don't harm me, then I won't harm you either. (that's what Schopenhauer shows in his 'Grundlage der Moral')." ²⁵ (Jahr 1934, 183f.). And Jahr also refers to Schopenhauer for the "best concrete description of a moral way of conduct" and quotes the sentence "*Neminem laede, imo omnes, quantum potes, juva!*" (ibid., 184).

This means that Jahr's bioethical imperative is not founded on a deontological position like that of Kant. Since Jahr's bioethical imperative implies all living beings, plants, animals and humans as end in itself, reason, self-consciousness, personhood obviously are not the criteria or presupposition for deserving respect as "end in itself". Jahr's ethics is based on compassion which means that it includes all living be-

²³ "Also bloß zur Uebung soll man mit Thieren Mitleid haben, und sie sind gleichsam das pathologische Phantom zur Uebung des Mitleids mit Menschen." (Schopenhauer 1977 [1840], 202)

²⁴ "Verletze niemanden, vielmehr hilf allen, soweit du kannst". (ibid. 199) There is also a more generous interpretation of Kant's animal ethics than that of Schopenhauer. In short, it claims that Kant's ethics allows for a very demanding protection of animals because the ultimate goal, respect for humanity, is a very demanding imperative (see Baranzke 2002, 2005).

²⁵ "Das Motiv könnte trotz dieses Kennzeichens sogar krasser Eigennutz sein, nämlich eine Art Vertrag auf Gegenseitigkeit: Tue mir nichts, dann tue ich dir auch nichts. (Das zeigt Schopenhauer in seiner 'Grundlage der Moral'.) (Jahr 1934, 183f.)

ings that are capable of feeling pleasure and pain and that can be an object of welfare and harm.²⁶

"But are the animals really so close to us that we have to regard and treat them sort of as our neighbours? – Without doubt there are huge differences between the human being and animals, and also modern natural science only confirms this fact." (Jahr 1928b, 5)²⁷ This by no means excludes many similarities between animals and humans which have been discovered particularly since Darwin, as Jahr emphasises. As already mentioned at the beginning, Jahr points to the results of modern natural science where we find the principle equality of man and animal as test objects of anatomy, physiology as well as psychology.

Here we can come back to the fact that animals are our "blood relatives" and expand on this idea. We may ask on what basis we humans claim for ourselves to be treated as an end in itself, not to be tortured and killed but to be treated in a way which is beneficial for our well being. The answer is that we are living beings who have needs and desires regarding the present and the future and who can feel pleasure and pain. Veracity and consistency call for an equally respectful treatment of humans and animals. Even if perhaps most animals have no self-consciousness like we have they are nevertheless aware of their pain and pleasure, they have a self-awareness. If animals have a choice they chose the environment which is conducive to their wellbeing and they avoid less comfortable and harmful situations. This is already true for insects, or how else could we interpret the behaviour of a fly that tries to escape through a closed window? The fly's will to escape is the best explanation of its behavior. Drawing upon the relationship between animals and us for claiming animal protection does not imply a naturalistic fallacy if we combine the statement of kinship with normative premises about our own right to protection and the demand for consistency and veracity.

This leads us to a further question: If animals are so similar to humans that they are used in physiological and psychological experiments with the aim of gaining knowledge about humans, do we not have the moral obligation to treat animals with respect and avoid their pain and discomfort as far as possible by reducing, replacing

²⁶ In today's animal ethics the members of certain species of animals are also called "persons". An example is the practical ethics of Peter Singer (Singer 1998). For Singer some non-human animals like the great apes are persons, because they are endowed with reason, self consciousness and a sense of time. And if other animals are also endowed with these traits they are as well persons. However this does not at all mean that in Singer's system all other animals are regarded as instruments or means and only persons included certain animals have an intrinsic value. For Singer it means however that the prohibition of killing persons is stricter than that of killing non-person animals and non-person humans.

²⁷ "Stehen uns die Tiere aber wirklich so nahe, daß wir sie gleichsam als unsere ‚Nächsten‘ einschätzen und behandeln müßten? – Ohne Zweifel sind ganz gewaltige Unterschiede zwischen dem Menschen und den Tieren vorhanden, und auch die moderne Naturwissenschaft bestätigt diese Tatsache nur." (Jahr 1928b, 5)

and refining animal experiments? This is exactly the development prompted by William M.S. Russell and Rex L. Burch with their "3 Rs" which have set standards for research on animals and have become guiding principles in many civilized countries in the ethical and legal frameworks for organizing animal experiments (Russell, Burch 1959).

But can this conception of bioethics and its imperative "Respect every living being principally as an end in itself and treat it, whenever possible, as such!" be realized in practice? Is it not utopian, asks Jahr. He presents several arguments for refuting this possible objection, drawing on Herder, Schleiermacher and Krause.

First of all, our moral obligations towards a living being practically conform to the "needs" (Herder) or to the "destiny" ["Bestimmung"] (Krause) of that living being. Plants, animals and humans have equal rights ["gleichberechtigt"], however not to "equal things but each of them only to that which is a necessary prerequisite for the attainment of its/his/her destiny."²⁸ (Jahr 1927, 3; 1928a, 101). This means that the specific features of a living being have to be taken into account in our treatment of this being, features which are species specific but also dependent on the individual situation of an organism. The claim of equal rights for plants, animals and humans means an equal consideration of their specific kind and needs and does not mean an equal treatment in every sense and way. Peter Singer expresses something similar by using the term "equal consideration of interests" as distinct from an equal treatment (Singer 1998). Gotthard M. Teutsch refers to the principle of equality which is a principle of justice. It means that we have to treat equal entities equally and different entities differently (Teutsch 1987). Thus justice may call for a different treatment of entities for the purpose of the equal consideration of their interests.

Jahr thinks that animals have fewer and less complicated needs than humans and that we have therefore fewer practical moral obligations towards animals. This holds the more with respect to plants. These differences of needs between humans, animals and plants facilitate our compliance with the bioethical imperative (Jahr 1934, 187). It may well be true that we humans can appropriately satisfy the needs of animals and plants. But in the light of our immense increase of knowledge about the emotional, cognitive and behavioural faculties of nonhuman animals we have to be careful not to underestimate the complexity of animals' needs. Here we have to remember Jahr's own statement quoted at the beginning: "Useful and efficient animal protection can only be practised well if enough knowledge of nature and at least some understanding of nature is available. For, in fact, we will only come to a real

²⁸ "allerdings nicht zu gleichem, sondern ein jedes nur zu dem, was ein notwendiges Erfordernis zur Erreichung seiner Bestimmung ist." (Jahr 1927, 3; 1928a, 101)

protection of animals, if we know to some degree their physiological and psychological traits and conditions of life." (Jahr 1928a, 101). Particularly in the tradition of Charles Darwin cognitive ethology has made much progress.²⁹

Does our bioethical imperative also imply the prohibition of killing animals? The 5th Commandment, "Thou shalt not kill!" does not explicitly forbid only the killing of humans. Should it not be valid for our behaviour towards animals and plants as well? The extension of the 5th Commandment to our treatment of animals at first sight seems to be utopian, "for slaughter and killing of animals are virtually unavoidable, even if the last one only happens collaterally by depriving animals of their necessary conditions of life, which is a consequence of the distribution [Ausbreitung] of the human species. It is the struggle for life which inflicts this necessity on us."³⁰ (Jahr 1928b, 5). There is a struggle for life between humans and animals, which seems to render the extension of the 5th Commandment to our treatment of animals and thus the application of the bioethical imperative impossible.

Jahr invalidates this critique by pointing to a similar situation in the relation among humans themselves. The principle of the struggle for life ["Prinzip des Kampfes ums Dasein"] is influential in everyday life and influences as well as "modifies our moral obligations towards our fellow humans, much as we may regret this." (Jahr 1928a, 101). According to Jahr, in all branches of our life and in all professions (politics, business, laboratory, workshop, in the field etc.) our entire life and activity is in the first place not focused on love, but frequently, however, on struggle with our competitors.

"Mostly we are not quite aware of this, as long as the struggle does not breach the limits of the law. In such struggle for life we humans deliberately and consciously use human power, human health, human life, not only in times of war, but also in 'peaceful' life such as in cultural development, especially in some of the industries. In spite of all this no one considers the 5th commandment a utopian charge. As our attitude towards animals – as determined by struggle for life – basically does not fall outside our attitude towards man, the commandment can and must be valid here as well, an ideal and a point of reference for our moral strife." (Jahr 1928b, 6.; transl. by I. A. Miller in Miller, Sass 2011, 5f.)³¹

²⁹ See the new *Journal of Animal Ethics* 2011.

³⁰ "[...] denn das Schlachten und Töten der Tiere, möge dieses letztere auch nur mittelbar geschehen durch Entziehung der notwendigen Lebensbedingungen infolge der Ausbreitung des Menschengeschlechtes, ist schlechterdings unvermeidlich. Der Kampf ums Dasein ist es, der uns diese Notwendigkeit auferlegt." (Jahr 1928b, 5)

³¹ "Wir werden uns dessen meist nur nicht bewusst, solange dieser Kampf in gesetzlich erlaubter Weise geführt wird. In diesem Kampfe der Menschen ums Dasein wird auch mit vollem Bewußtsein Menschenkraft,

Jahr calls for consistency of argumentation: The discrepancy between ideal norms and practice which does not keep us from maintaining moral obligations among humans as well is no reason to discard the bioethical imperative regarding animals.

Although Jahr considers "slaughter and killing of animals as virtually unavoidable", it would be nevertheless in accordance with his line of argumentation to plead for vegetarianism. For it is not necessary for humans to live on meat, the slaughter of animals is avoidable. Particularly in numerous highly industrialized countries since the 1960s Jahr's principle to respect animals as an end in itself is violated by mass (intensive) animal keeping, by the breeding of high-performance animals to the point of what may be called "tormentive breeding", by cruel animal transport, and by feeding in ways inappropriate to a given species. All such practices derive from the desire to maximize profit and to accommodate the excessive consumption of animals and their products. For Jahr "the moral postulate also to protect animal-life is absolutely valid, without any consideration, if it is advantageous for us, as ethics in general does not and must not ask these questions."³² (Jahr 1928b, 6). This however means that people in the industrialized countries have at least to reduce their meat consumption, which would not only be in accordance with our obligation towards animals but also towards humans as well as the environment. For only then we could break the cycle of producing food for feeding animals, destroying the environment, causing hunger in third world countries and torturing animals.

Nevertheless we live in many ways at the expense of other living beings, of animals and plants. Which practical influence can the application of the 5th Commandment for the protection of animals and plants have, considering these restrictions? We must not kill or destroy animals and plants without a "reasonable purpose" ["vernünftiger Zweck"] for doing so (Schleiermacher, Krause) (Jahr 1927, 3; 1928a, 101). In the first paragraph of the recent German Animal Protection Law we find a similar formulation: "The purpose of this law is the protection of the life and well-being of the animal, based on the human being's responsibility for the animal as fel-

Menschengesundheit und Menschenleben verbraucht, und das gilt nicht etwa nur für Kriegszeiten, sondern auch für das ‚friedliche‘ Leben der fortschreitenden Kulturentwicklung, besonders in manchen Industriezweigen. Trotz alledem wird niemand das 5. Gebot als eine utopische Forderung ansehen. Und da das Verhalten gegen die Tiere, wenn es durch den Kampf ums Dasein bestimmt wird, grundsätzlich nicht aus dem Rahmen unseres Verhaltens gegen die Menschen herausfällt, so kann und muß das Gebot als Ideal, als Richtungspunkt unseres sittlichen Vorwärtstrebens, auch hier seine Geltung behalten." (Jahr 1928b, 6)

³² "Die Forderung, auch das tierische Leben zu schonen, hat absolute Geltung, ohne jede Rücksicht darauf, ob uns ein äußerer Vorteil daraus erwächst, wie denn überhaupt die Ethik nach solchen Dingen nicht fragt und nicht fragen darf." (Jahr 1928b, 6)

low creature. Nobody must inflict pain, suffering or damage to an animal without reasonable purpose [ohne vernünftigen Grund]."³³

Jahr also points to animal-protection paragraphs for further orientation how we can take pity on animals.

Jahr however does not defend exaggerated practices of protection of nature like the "fanatic self-harm of the school of yoga" which allows the eating of plants only under certain circumstances. Jahr's wording is interesting here. "The possession not to harm any living being in its self-preservation even today leads certain Indian penitents to live of horse manure."³⁴ (Jahr 1927, 2) Not only animals and plants have the right to live but also humans. It would be inconsistent to defend animal and plant protection at the expense of humans, because we too are living beings. And we have duties towards ourselves, particularly the duty of self maintenance (Jahr 1934).

According to Jahr the bioethical imperative has become self-evident as far as the protection of animals is concerned. Although Jahr formulates a bioethical imperative and not just an animal ethical imperative and although he explicitly includes plants in his claim, in his examples he more often refers to animals than to plants. He rejects the malicious destruction of flowers and the wilful damage of trees. Intuitively we agree with him. Watching this kind of vandalism causes outrage and anger in us. But what is the argumentative basis for considering a plant or species of plants as an end in itself and for protecting them not just for esthetical, environmental and ecological reasons but in the first place with respect for themselves? With respect to "plant ethics" Jahr refers to our intuitions [das Gefühl] which during a walk keep us from "beheading" plants by our cane or from picking flowers and discard them carelessly after a short time (Jahr 1927, 4). It is more difficult to give a foundation for biocentrism in the sense of admitting the inherent value of plants than to give a foundation of sentientism or zoocentrism. The question of how biocentrism can be founded is a central issue in today's bioethical debates.

We might ask if it is not also in this context a question of consistency and veracity to respect plants for their own sake and not just as means for our or other animals' ends. Our species is a very late product of evolution, whereas the first life forms came into being to our estimation about 3.5 billions [Milliarden] years ago. Humans are only one single species of thousands and thousands other species, and we owe our existence a long line of ancestors, and without them and the very first living

³³ Tierschutzgesetz (TierSchG) "§ 1 Zweck dieses Gesetzes ist es, aus der Verantwortung des Menschen für das Tier als Mitgeschöpf dessen Leben und Wohlbefinden zu schützen. Niemand darf einem Tier ohne vernünftigen Grund Schmerzen, Leiden oder Schäden zufügen." (Emphasis by E.-M.E.)

³⁴ "Die Sucht, keinem Lebewesen bei der Selbsterhaltung zu schaden, führt auch noch heute gewisse indische Büsser dazu, sich von Pferdemit zu nähren." (Jahr 1927, 2)

organisms on this planet we wouldn't exist. Plants and animals have a common origin and are siblings. So we are not only the relatives of other animals but also of plants. Perhaps it is possible to base on our kinship with the other living beings a new solidarity with living nature (Engels 2007, 205f.).

Jahr finally faces the question: "What is the impact of the extension of our moral obligations beyond our fellow humans to animals on our relationship towards other humans? Don't we have to fear that our attention is diverted from our fellow humans' misery when we focus on animals?" (Jahr 1928b, 6)³⁵ For Jahr the opposite is the case, and here he draws on Immanuel Kant's claim that the protective and merciful treatment of animals is a duty of the human being towards himself/herself. It can be of highest importance for an "ethics of society" ["Gesellschaftsethik"] (Jahr 1928a, 101).

"Respect every living being, therefore also the animals, as an end in itself, and treat it whenever possible as such! And if one cannot recognize the *absolute validity* of this principle insofar as it refers to the animals and plants, one may, as I already said, nevertheless follow it out of consideration for the moral obligations towards the whole human society."³⁶ (Jahr 1928a, 102)

Thus Jahr tries to give a double normative foundation of his bioethical theory, one which includes direct duties not only towards humans but also towards animals and plants, the other one which accepts direct duties only to humans and which nevertheless can lead to a strict and effective animal and plant protection.³⁷ The imperative of the protection of living nature has entered legal and regulatory frameworks at the national and international level. The protection of the natural basis of existence and of the animals [Schutz der natürlichen Lebensgrundlagen und der Tiere] has become a special article in the German Basic Law (Art. 20a), and "the dignity of the creature" [die "Würde der Kreatur"] is protected by the Swiss constitution since 1992.

I will finish with a quotation from Hans Jonas, an impressive philosopher of biology as well as bioethicist. Long before Jonas published his famous book *The Imperative*

³⁵ "Welche Wirkung hat die Ausdehnung unserer sittlichen Verpflichtungen über den Menschen hinaus auf die Tiere auf unser Verhältnis zu unseren Mitmenschen? Ist nicht zu befürchten, dass unsere Aufmerksamkeit von der Not der letzteren abgelenkt wird, wenn wir unser Augenmerk auf die ersteren richten?" (Jahr 1928b, 6)

³⁶ Emphasis on "absolute validity" by E.-M.E. "Achte jedes Lebewesen, also auch die Tiere, als einen Selbstzweck, und behandle es nach Möglichkeit als solchen! Und wenn man die absolute Geltung dieses Grundsatzes, soweit er sich eben auf die Tiere und Pflanzen bezieht, nicht anerkennen will, so möge man ihn, um schon Gesagtes zu wiederholen, mit Rücksicht auf die sittlichen Verpflichtungen gegen die gesamte menschliche Gesellschaft dennoch befolgen." (Jahr 1928a, 102)

³⁷ This reminds us of Bryan Norton's "convergence hypothesis", meaning, that when we pursue practical goals of environmental protection policy, anthropocentrists and nonanthropocentrists can act in concert in spite of the differences in their basic premises (Norton 1991). Nevertheless the question remains which position provides a more stable protection of nature throughout all the changing practical and political situations.

of Responsibility (*Das Prinzip Verantwortung*) he presented results of his philosophical biology. This leads us back to the importance of Charles Darwin for our understanding of nature and for bioethics:

"In the hue and cry over the indignity done to man's metaphysical status in the doctrine of his animal descent, it was overlooked that by the same token some dignity had been restored to the realm of life as a whole. If man was the relative of animals, then animals were the relatives of man and in degrees bearers of that inwardness of which man, the most advanced of their kin, is conscious in himself [...] So it happened that in the hour of the final triumph of materialism, the very instrument of it, 'evolution', implicitly transcended the terms of materialism and posed the ontological question anew – when it just seemed settled. And Darwinism, more than any other doctrine responsible for the now dominant evolutionary vision of all reality, turns out to have been a thoroughly dialectical event." (Jonas 2001, 57f.)³⁸

REFERENCES

1. Baranzke, Heike (2002): *Würde der Kreatur? Die Idee der Würde im Horizont der Bioethik*. Würzburg: Königshausen & Neumann.
2. - (2005): "Tierethik, Tiernatur und Moralanthropologie im Kontext von § 17 Tugendlehre", in: *Kant-Studien*. 96, 336-363.
3. Barrett, Paul H., Gautrey, Peter J., Herbert, Sandra, Kohn, David, Smith, Sydney (eds.) (1987): *Charles Darwin's Notebooks, 1836-1844*. Ithaca, New York 1987.
4. Benz-Schwarzburg, Judith, Knight, Andrew (2011): "Cognitive Relatives yet Moral Strangers?", in: *Journal of Animal Ethics*. 1 (1), 9-36.
5. Bronn, Heinrich Georg (1860): "Schlusswort des Übersetzers", in *Charles Darwin, über die Entstehung der Arten im Thier- und Pflanzen-Reich durch natürliche Züchtung, oder Erhaltung der vervollkommenen Rassen im Kampfe um's Daseyn*. Transl. by Heinrich Georg Bronn. Stuttgart: E. Schweizerbart'sche Verlagshandlung und Druckerei, Reprint ed. with an intro. by Thomas Junker, Darmstadt: Wissenschaftliche Buchgesellschaft 2008, 495-520.
6. Büchner, Ludwig (1868): *Die Stellung des Menschen in der Natur in Vergangenheit, Gegenwart und Zukunft*. Leipzig: Theodor Thomas.

³⁸ "In der lauten Entrüstung über den Schimpf, den die Lehre von der tierischen Abstammung der metaphysischen Würde des Menschen angetan habe, wurde übersehen, daß nach dem gleichen Prinzip dem Gesamtreich des Lebens etwas von seiner Würde zurückgegeben wurde. Ist der Mensch mit den Tieren verwandt, dann sind auch die Tiere mit dem Menschen verwandt und in Graden Träger jener Innerlichkeit, deren sich der Mensch, der vorgeschrittenste ihrer Gattung, in sich selbst bewußt ist. [...] So geschah es, daß in dem Augenblick, da der Materialismus seinen vollen Sieg gewann, das eigentliche Mittel dieses Sieges, die ‚Evolution‘, nach seiner inneren Konsequenz die Grenzen des Materialismus sprengte und die ontologische Frage neu aufwarf – als sie gerade entschieden schien. Und es stellt sich heraus, daß der Darwinismus, der mehr als jede andere Lehre für die nunmehr dominierende evolutionäre Schau aller Wirklichkeit verantwortlich ist, ein von Grund auf dialektisches Ereignis war." (Jonas 1973,84f.)

7. Burkhardt, Frederick et al. (1999): *The Correspondence of Charles Darwin*. Vol 11, 1863, Cambridge: Cambridge University Press.
8. Callahan, Daniel (1995): "Bioethics", in: Warren Th. Reich (ed.): *Encyclopedia of Bioethics*. Revised Edition, Vol. I, 247-255.
9. *Convention on Biological Diversity* (CBD), Rio de Janeiro, 5 June 1992.
10. Darwin, Charles (1869): Letter to William Preyer, March 29, 1869. Cambridge University Library, Cambridge, England, Darwin Correspondence Project (DAR 147).
11. - (1964): *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life*. Facsimile of the First Edition of 1859 with an Introduction by Ernst Mayr. Cambridge, Mass, London, England: The Balknap Press of Harvard University Press (1st ed. London 1859).
12. - (1989): *The Descent of Man, and Selection in Relation to Sex*, 2nd ed. 1874, rev. augm. 1877. Ed. Paul H. Barrett, R. B. Freeman, *The Works of Charles Darwin*, Vols. 21, 22. London: William Pickering (1st ed. London 1871).
13. - (1998): *The Expression of the Emotions in Man and Animals*. Introd., Afterword, Commentaries by Paul Ekman. London: ParperCollins Publishers (1st ed. London 1872).
14. Darwin, Francis (ed.) (1887) *The Life and Letters of Charles Darwin*. 3 Vols. London: John Murray.
15. Engels, Eve-Marie (ed.) (1995): *Die Rezeption von Evolutionstheorien im 19. Jahrhundert*. Frankfurt am Main: Suhrkamp.
16. - (2005): "Ethik in den Biowissenschaften", in: Matthias Maring (ed.): *Ethisch-Philosophisches Grundlagenstudium 2. Ein Projektbuch*. Münster: LIT, 135-166.
17. - (2007): *Charles Darwin*. München : C. H. Beck.
18. - (ed.) (2009): *Charles Darwin und seine Wirkung*. Frankfurt am Main: Suhrkamp.
19. - (2011): "Darwin, der ‚bedeutendste Pfadfinder der Wissenschaft‘ des 19. Jahrhunderts", in: Samida, Stefanie (ed.): *Inzenierte Wissenschaft. Zur Popularisierung von Wissen im 19. Jahrhundert*. Bielefeld: transcript, 213-243.
20. Gliboff, Sander (2008): *H. G. Bronn, Ernst Haeckel. And the Origins of German Darwinism*. Cambridge, Mass., London, England: The MIT Press.
21. *Grundgesetz*. 42th ed., 1st November 2009. München: Deutscher Taschenbuch Verlag.
22. Haeckel, Ernst (1868): *Natürliche Schöpfungsgeschichte*. Berlin: Georg Reimer.
23. - (1924): "Über die Entwicklungstheorie Darwins" (1863), in: Haeckel, Ernst: *Gemeinverständliche Werke*. Vol. V. Leipzig: Alfred Kröner, Berlin: Carl Henschel, 3-32.
24. Helmholtz, Hermann von (1968): "Über das Ziel und die Fortschritte der Naturwissenschaft." Eröffnungsrede für die Naturforscherversammlung zu Innsbruck (1869), in: von Helmholtz, Hermann: *Das Denken in der Naturwissenschaft*. Darmstadt: Wissenschaftliche Buchgesellschaft, 31-61.
25. Huxley, Thomas Henry (1863): *Evidence as to Man's Place in Nature*. London: Williams & Norgate.
26. - (1863): *Zeugnisse für die Stellung des Menschen in der Natur*. Transl. from the English by J. Victor Carus. Braunschweig: Friedrich Vieweg und Sohn.
27. Jahr, Fritz (1927): "Bio=Ethik – Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze", in: *Kosmos. Handweiser für Naturfreunde*. 24 (1), 2-4.
28. - (1928a): "Tierschutz und Ethik in ihren Beziehungen zueinander", in: *Ethik. Sexual= und Gesellschafts=Ethik*. 4 (6/7), 100-102.
29. - (1928b): "Der Tod und die Tiere. Eine Betrachtung über das 5. Gebot", in: *Mut und Kraft*. 1928, 5 (1), 5-6.
30. - (1934): "Drei Studien zum 5. Gebot", in: *Ethik. Sexual= und Gesellschafts=Ethik*. 11, 183-187.
31. - (2011): "Death and the Animals. Contemplating the 5th Commandment", transl. by Irene M. Miller, in: Miller, Irene M., Sass, Hans-Martin (eds.): *Essays in Bioethics and Ethics 1927-1947 Fritz Jahr*. Translated by I. M. Miller and H.-M. Sass. Bochum: Medizinethische Materialien Heft 188, 4-6. First published in German in *Mut und Kraft*. 1928, 5 (1), 5-6.
32. Jonas, Hans (1973): *Organismus und Freiheit. Ansätze zu einer philosophischen Biologie*. Göttingen: Vandenhoeck & Ruprecht.

33. - (2001): *The Phenomenon of Life. Toward a Philosophical Biology*. Evanston, Illinois: Northwestern University Press. (1st ed. New York 1966).
34. Kant, Immanuel (1990): *Eine Vorlesung über Ethik*. Ed. Gerd Gerhardt. Frankfurt am Main: Fischer.
35. - (1993): *Die Metaphysik der Sitten*. Werkausgabe Band VIII. Ed. Wilhelm Weischedel. 10. Aufl. Frankfurt am Main: Suhrkamp. (1st ed. Königsberg 1797).
36. - (1999): *Grundlegung zur Metaphysik der Sitten*. Ed. Bernd Kraft, Dieter Schönecker. Hamburg: Felix Meiner. (1st ed. Riga 1785).
37. Löther, Rolf (1998): "Evolution der Biosphäre und Ethik", in: Engels, Eve-Marie, Junker, Thomas, Weingarten, Michael (eds.): *Ethik der Biowissenschaften, Geschichte und Theorie. Verhandlungen zur Geschichte und Theorie der Biologie*. Bd. 1. Berlin: Verlag für Wissenschaft und Bildung, 61-68.
38. Meyer, Jürgen Bona (1866): "Der Darwinismus", in: *Preussische Jahrbücher*. 17, 1. pp. 272-302, 2. pp. 404-453.
39. Miller, Irene M., Sass, Hans-Martin (eds.) (2011): *Essays in Bioethics and Ethics 1927-1947 Fritz Jahr*. Translated by I. M. Miller and H.-M. Sass. Bochum: Medizinethische Materialien Heft 188.
40. Norton, Bryan G. (1991): *Toward Unity among Environmentalists*. New York, Oxford: Oxford University Press.
41. Potter, Van Rensselaer (1970): "Bioethics, the Science of Survival", in: *Perspectives in Biology and Medicine*. 14, 127-153.
42. - (1971): *Bioethics. Bridge to the Future*. Englewood Cliffs, New Jersey: Prentice-Hall.
43. - (1988): *Global Bioethics: Building on the Leopold Legacy*. East Lansing, Michigan: Michigan State University Press.
44. Regan, Tom (2004): *The Case for Animal Rights*. Updated with a new Preface. Berkeley, Los Angeles: University of California Press (1st ed. Berkeley, Los Angeles 1983).
45. Reich, Warren Th. (1995): "The Word 'Bioethics': The Struggle over its Earliest Meanings", in: *Kennedy Institute of Ethics Journal*. 5, 19-34.
46. Rolle, Friedrich (1866): *Der Mensch, seine Abstammung und Gesittung, im Lichte der Darwinischen Lehre von der Art-Entstehung und auf Grundlage der neuern geologischen Entdeckung dargestellt*. Frankfurt am Main: Joh. Christ. Hermann'sche Verlagsbuchhandlung.
47. Russell, William M.S., Burch, Rex L. (1992): *The Principles of Humane Experimental Technique*. Potters Bar, Herts: Universities Federation of Animal Welfare (1st ed. London 1959).
48. Sass, Hans-Martin (2007): *Fritz Jahr's bioethischer Imperativ. 80 Jahre Bioethik in Deutschland von 1927 bis 2007*. Bochum: Medizinethische Materialien Heft 175.
49. - (ed.) (2010): *Aufsätze zur Bioethik 1927-1938 Fritz Jahr*. Bochum: Medizinethische Materialien Heft 187.
50. Schopenhauer, Arthur (1977): *Über die Freiheit des menschlichen Willens* (1839). *Über die Grundlage der Moral* (1840). Kleinere Schriften II. Zürcher Ausgabe. Werke in zehn Bänden. Band VI. Zürich: Diogenes.
51. Schweitzer, Albert (2007): *Kulturphilosophie. Vol. 1 Verfall und Wiederaufbau der Kultur, vol. 2 Kultur und Ethik*. München: C. H. Beck (1st ed. 1923).
52. Teutsch, Gotthard M. (1987): *Lexikon der Tierschutzethik*. Göttingen: Vandenhoeck & Ruprecht.
53. Singer, Peter (1993): *Practical Ethics*. Cambridge: Cambridge University Press (1st ed. 1979).
54. *Tierschutzgesetz (TierSchG)* (German Animal Protection Law) 24.07.1972, last change by Art. 20 G v. 9.12.2010 I 1934. <http://bundesrecht.juris.de/bundesrecht/tierschgl/gesamt.pdf> (last check by E.-M.E. 1st July 2011).
55. Todes, Daniel (1989): *Darwin without Malthus. The Struggle for Existence in Russian Evolutionary Thought*. New York, Oxford: Oxford University Press.
56. - (2009): "Darwins malthusische Metapher und russische Evolutionsvorstellungen", in: Engels, Eve-Marie (ed.): *Charles Darwin und seine Wirkung*. Frankfurt am Main: Suhrkamp, pp. 203-230.
57. Vogt, Carl (1863): *Vorlesungen über den Menschen seine Stellung in der Schöpfung und in der Geschichte der Erde*. 2 vols. Gießen: Ricker'sche Buchhandlung.
58. Wundt, Wilhelm (1990): *Vorlesungen über die Menschen- und Thierseele*. Ed. Wolfgang Nitzsche. 2 vols. Berlin et al.: Springer. Reprint of the 1st. ed. 1863.

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From reverence for life to bioethics: Albert Schweitzer, a bioethics precursor

ABSTRACT

Precursor only exists, as a precursor, when related to recognized and posterior author. In terms of thoughts, a precursor didn't precede, he coexist. One marvelous example of coexistence is Albert Schweitzer and Fritz Jahr. Jahr is not a Potter precursor; he coined Bioethics as a word. Jahr is the founder. He made a rupture in the history of Ethics, when he proposed the Bioethics Imperative. I will present some highlights related to Bioethics, in the vast and diverse intellectual production of Albert Schweitzer. The Ethics of the Reverence for Life, first coined in a sermon in 1919, is based in Virtue Ethics. Reverence for Life is another kind of love, as a virtue. Reverence for Life is beyond self-sacrifice, self-fulfillment and self-improvement, is a creative force related to civilization. In 1923, in a magnificent book is – Civilization and Ethics – Albert Schweitzer described his proposal in details. In an article, published in 1936 he consolidated his thoughts about humanity, civilization, ethics, life and living. We must recognize the importance of Albert Schweitzer in the history of Bioethics.

An introduction to Albert Schweitzer

Bioethics is a new field of knowledge, it is a meeting ground to share knowledge between disciplines. Bioethics, possibly, is one of the most successful interdisciplinary experiences in our time.

Since the beginning, the founder fathers - Van Rensselaer Potter and Fritz Jahr - proposed Bioethics as this. Even Aldo Leopold, that uses Land Ethics concept in-

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stead of Bioethics, used this approach. Interdisciplinarity is a core characteristic of Bioethics.

Many other thinkers made significant contributions to the bioethical theoretical framework, even without using this word. Albert Schweitzer is one of them. He is a precursor of Bioethics reflections, as we know them in present. Many of his writings resemble the ideas of Potter, Leopold and Jahr.

It is important to remember that Albert Schweitzer, as a person and as a thinker, made important contributions to Theology, Philosophy, Music and Medicine in his long life (1875-1965). He integrates Humanities and Medicine. His healthcare practice in Africa was assembled in a humanistic perspective (1).

The aim of this paper is to compare citations of Albert Schweitzer, Fritz Jahr, Aldo Leopold and Van Reseller Potter in order to demonstrate some similar thoughts.

From reverence for life to bioethics

Reverence for Life (Ehrfurcht vor dem Leben) is the main theoretical contribution of Albert Schweitzer to Philosophy and Bioethics. This concept emerges as an insight in 1915, when he was in Africa. In one of his biographical notes he describes:

Late on the third day (September, 1915), at the very moment when, at sunset, we were making our way through a herd of hippopotamuses, there flashed upon my mind, unforeseen and unsought the phrase, "Reverence for Life". Now I knew that the ethical acceptance of the world and of life, together with ideals of civilization contained in this concept, has a foundation in thought.
(1)

This insight was the beginning of a very brilliant thought. Reverence for Life evolved along his long and creative life. He explained and used Reverence for Life in terms of theoretical and practical approach.

The first time he publicly shared this concept was on February 19, 1919 at St. Nicolai's Church, in Strasbourg, during a Sunday morning service. He said that:

Reverence for the infinity of life means removal of the alienation, restoration of empathy, compassion, sympathy. (2)

Schweitzer not only proposed, but he really lived with compassion. In the same 1919 sermon, Schweitzer enlarges his concept, saying that:

Life is feeling, experience, suffering. If you study life deeply, looking with perceptive eyes into the vast animated chaos of this creation, its profundity will seize you suddenly with dizziness. In everything you recognize yourself. (2)

Fritz Jahr, in his foundation article, published in 1927, used the same comprehensive approach to compassion, when he says:

Philosopher Schopenhauer, openly invoking the Indian ideas, considered, as a special quality of his Ethics, the fact of having claimed also to animals the feeling of compassion. (4)

Aldo Leopold, in his Land Ethics proposal, in 1930s, made a very similar assumption:

Land Ethics simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land. (3)

Schweitzer re-affirms, in his book *Civilization and Ethics*, written in 1923, the wide view, when he said:

A man is ethical only when life, as such, is sacred to him, and that of plants and animals as that of his fellow men... Only the universal ethic of the feeling of responsibility in an ever-widening sphere for all that lives - only that ethic can be founded in thought. (5)

Jahr made the same assumption:

From Biopsychology to Bioethics just one step is required, the acceptance of moral obligations to all living beings, not only in relation to humans. (4)

Reverence for life is a commitment to preserve life, to avoid harms, not only to humans, but also to all other living beings. Schweitzer and Jahr had the same thought about the assumption that Ethics could be extended to plants. In another part of the same Sermon, Schweitzer said:

Reverence concerning all life in the greatest commandment in its most elementary form. We take this prohibition ("Thou shalt not kill") so lightly, thoughtlessly plucking a flower. (2)

Coherently, Fritz Jahr made a very similar reflection when he said:

Most people are naturally not so sensitive as Ed. von Hartmann. Everyone knows that plants are also living beings that are injured when the flower is cut, but the idea that it also feels resentful at that is not familiar to us. (4)

Expanding Ethics to all living beings – humans, animals and plants – was a very creative and a vivacious proposal even in contemporary Bioethics. It is important to remember that Francis of Assisi, cited by Fritz Jahr, extends compassion to the whole nature.

Albert Schweitzer understood that Ethics is intrinsically related to life and deals with good and evil. He linked these concepts when he proposed:

That is what gives me the fundamental principle of morality, namely, that good consists in maintaining, promoting, and enhancing life, and that destroying, injuring, and limiting life are evil. (5)

Potter, in 1971, justifying Bioethics, in the same way, enhanced this point of view by saying:

We must plead not for a moratorium on new knowledge, but a coupling of biological knowledge and human values. (6)

Potter, when proposed Deep Bioethics, instead of a shallow Ethics approach to health and science issues says:

Bioethics as a new ethics science that combine humbleness, responsibility and an interdisciplinary competence, intercultural, that potential our sense of humanity. (7)

From bioethics to reverence to life

Nowadays, is important to know, to understand and to have commitment to all of these primeval concepts of Bioethics. Eve Marie Engels, who was the first author that refers to Fritz Jahr's Bioethics approach in a published text, assumes followgin:

Bioethics as an ethical reflection about living beings, including human beings, such as those living beings are presented in everyday relationships in the living world and in theoretical and practical contexts in science and research. (8)

This approach to Bioethics, including human beings as moral partners of all living beings, sharing ethical reflections, in a practical and theoretical framework, is a challenge to our society. Bioethics, these days, could be defined as a complex, shared and interdisciplinary reflection about the adequacy of actions related to Life and Living. (9)

Understanding Albert Schweitzer contributions is fundamental to understanding Bioethics as a whole. Schweitzer is a Bioethics precursor because he anticipates Jahr's bioethical thinking (10). Schweitzer made a contemporary contribution when he said:

Life demands that we see through to the solidarity of all life which we can in any degree recognize as having some similarity to the life that is in us. (1)

In conclusion, Reverence for Life is a basilar concept to Bioethics. Albert Schweitzer wrote that:

Just as the screw which churns its way through the water drives the ship along, so does reverence for life drive the man. (1)

REFERENCES

1. Schweitzer A. *Out of my life and thought*. New York: Mentor; 1949.
2. Schweitzer A. *Reverence for life: Sermons 1900-1919*. New York: Irvington; 1993.
3. Leopold A. *Sand County Almanac and sketches here and there* New York: Oxford; 1989.
4. Jahr F. *Bio-Ethik: eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze*. Kosmos. 1927;24:2-4.
5. Schweitzer A. *Civilization and Ethics*: A&C Black; 1946.
6. Potter VR. *Bioethics. Bridge to the future*. Englewood Cliffs: Prentice Hall; 1971.
7. Potter VR. *Bioética Profunda*. *O Mundo da Saúde*. 1998;22(6):370-4.
8. Engels EM. *O desafio das biotécnicas para a Ética e a Antropologia*. *Veritas* 2004;50(2):205-28.
9. Goldim JR. *Bioética: origens e complexidade*. *Revista HCPA*. 2006;26:86-92.
10. Goldim JR. *Revisiting the beginning of bioethics: the contribution of Fritz Jahr (1927)*. *Perspect Biol Med*. 2009 Summer;52(3):377-80.

Hrvoje Jurić*

Hans Jonas' integrative philosophy of life as a foothold for integrative bioethics

ABSTRACT

European approach to bioethical problems emphasizes, among others, a need for the widened and deepened consideration of the very notion of *life*, which should be taken in account when speaking about ethical dimensions of manipulation with the life at different levels. This tendency could be traced in the works of Fritz Jahr, Albert Schweitzer, Georg Picht, Klaus Michael Meyer-Abich and especially Hans Jonas (1903–1993). In that sense, we should take into consideration not only Jonas' *ethics of responsibility*, developed in the late phase of his life, but also his long-term *research of Gnostic religion and thought*, as well as his attempt to establish the *philosophical biology* as a new philosophy of the human, nature and life. Jonas developed the *integrative philosophy of life* in which centre stands ethically connotated philosophy of nature, based both on the results of contemporary natural sciences and theological speculations. It shows us clearly what pluriperspectivity and integrativity in bioethics actually mean, because it is far from any reductionism and tries to include different scientific and non-scientific perspectives, offering at the same time a platform for their dialogical mediation.

Key words: Hans Jonas, integrative bioethics, life, nature, human, responsibility, philosophy, ethics, biology, theology

European bioethics and integrative bioethics

If we extract some basic features from "European bioethics" and "integrative bioethics", in order to consider what they are and what they ought to be, we could realize that these two concepts could be used almost synonymously. Namely, one of the basic features of European bioethics is that it is in a permanent dialogical relationship with or even rooted in philosophy, i.e. European philosophical tradition. In

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other words, if we try to distinguish European bioethics from "mainstream bioethics" as an Anglo-American "product", it would be easiest to do this by following the line of productive interlacement of bioethical reflection with philosophy. There are two tasks that arise from this fact. The first of them could be called the *philosophization of bioethics*. It does not mean that philosophy has "appropriated" bioethics, that bioethics is now to be treated as a mere sub-discipline of philosophical ethics, which would benefit neither philosophy nor bioethics. "Philosophization of bioethics" refers to the activation of the potentials of the Euro-continental ethical or philosophical thought within the bioethical framework, for bioethics to be able to fulfil its original ("Potterian", according to Van Rensselaer Potter, "the father of bioethics") mission that cannot be achieved exclusively with the help of an approach that rests on a reduced understanding of bioethics either in terms of its problems and topics or in terms of its methodology. The second task could be called the *bioethicization of philosophy*. This means bioethically reading the leading authors and works of the Euro-continental philosophical tradition for the purpose of identifying both the footholds of establishing and developing dialogue between bioethics and philosophy, and the incentives to reflect on bioethical problems in partnership. Both tasks imply the demand for *Europeanization of bioethics*, as well as the *wider concept of bioethics* which we call *integrative bioethics*. Integrative bioethics could be defined as an interdisciplinary and pluriperspective consideration of moral dilemmas arising from the new techno-scientific possibilities of manipulation with life: human and non-human life, living beings and life conditions; in other words, life as a whole and each of its parts, life in all its forms, shapes, degrees, stages and manifestations.¹

For this purpose, integrative bioethics emphasizes a need for the widened and deepened consideration of the very notion of *life*, which should be taken in account when speaking about ethical dimensions of manipulation with the life at different levels. The same demand and approach – which was developed before or parallel to the "official emergence" of bioethics in 1960s and 1970s – could be traced in the works of "founding fathers" of European bioethics such as Fritz Jahr and Albert Schweitzer, as well as in the works of very important European authors such as Georg Picht, Klaus Michael Meyer-Abich, and especially German-American philosopher Hans Jonas (1903–1993).

Before focusing on the main topic of this article – Hans Jonas' philosophy of life – I will say few words on the very notion of life, i.e. different approaches to it.

¹ For more detailed consideration of the topic presented in the first paragraph see Hrvoje Jurić, "Stützpunkte für eine integrative Bioethik im Werk Van Rensselaer Potters", in: Ante Čović and Thomas Sören Hoffmann (eds.), *Integrative Bioethik / Integrative Bioethics*, Academia Verlag, Sankt Augustin 2005, pp. 68-92.

Notion of life and different approaches to it

What do we think when we say "life"? Do we all think the same? Hardly. Therefore, one of the main tasks of bioethics is to re-think itself and its fundamental notion. The notion of life should not be used undifferentiatedly, especially in ethical discussions.

Hans Werner Ingensiep, in his article "Was ist Leben?" (What Is Life?), states the following:

"It is a fact that ambiguous and diverse notions of life are in use, be it on the purely descriptive or the evaluative level (...). There are divided discourses on life within these discussion areas. Meanings are often ripped out from context and transferred from one area to another, almost drowned between different metaphors, so that the philosophers (...) hold, with good reason, that the notion of life is 'unclear'. But in general we can live with that. Only within the bioethics we are dealing with a particular problem situation, if, for example, the terms 'life' and 'person' should be distinguished. However, the 'persons' also are living beings. Not only because of that, the biological notion of life must be connectable to bioethics. As the examples make clear, the question 'What is life?', which was posed more theoretically up to now, is highly controversial. Although we are dealing with different issues of life, we need the notion of life as a bridge between the separate discussion fields, as well as its integration and communication power, especially if there should be a continuous and constructive dialogue about the 'life' between scientists from natural sciences and humanities."²

The complexity of life, as well as complexity of dilemmas connected to it, requires therefore an equally complex approach. Discourse on life demands both inclusion of different approaches and dialogical mediation between them, because neither the multidimensionality nor the entirety of life can be embraced from the reductionist point of view.

There are three main traditional approaches to the phenomenon of life and the concept of life: *natural-scientific* approach, *philosophical* approach, and *theological* approach. Each of those approaches could be considered as reductionist if it is exclusive or practiced without taking other approaches into consideration.

Natural-scientific approach relies primarily on a biochemical understanding of life, understanding of life as a chemical and physiological structure or process, so that the natural-scientific definition of life offers only the list of separate characteristics

² Hans Werner Ingensiep, "Was ist Leben? – Grundfragen der Biophilosophie", in: *Jahrbuch Ökologie 2002*, Wissenschaftszentrum Berlin, Berlin 2002, pp. 92-93.

that differs living beings and systems from the non-living ones (e.g. organization, metabolism, growth, irritability, adaptation, reproduction, etc.). Due to these features, this approach could also be called a *materialistic* and *mechanistic* and it could be regarded as a reductionist, because it captures only what can be explored by the methods and apparatus of natural sciences, and expressed in terms of natural sciences. In other words, it captures only what fits in predetermined scientific and methodological framework of natural sciences, and thus can be objectified, explored and expressed exactly.

The second approach is the *philosophical approach*. I am not referring to various forms of "natural philosophy" or the philosophical trends such as vitalism or Diltheyian philosophy of life, but the approach which is dominant in modern philosophy and has subjectivist and existentialist features. It is also, in a sense, reductionist. Namely, such a philosophy deals with anthropo-logic of life, plunges into the depths of the human and insists on the specificities resulting from the rational structure of the human subject, and thus in a greater or lesser extent ignores human rootedness in the world of the living.

The third is the *theological approach*. The main features of this conception of life can be read out from the concept of "sanctity of life", whose primary horizon is the religious worldview and different theological conceptions. Life is a creation of divine instance, the godlike creation and reflection of god's existence, so that it implies the dignity of life, which, of course, primarily concerns human life. Therefore we can say that the biocentrism specific to the doctrine of the "sanctity of life" – witnessed by the religious myths and legends, as well as theological speculations – is on the one hand based on postulates of theocentrism, while it is on the other hand anthropocentrically founded. In this case we can also speak about a kind of reductionism, since the theological approach also abstracts from non-human life and the natural facts related to human existence.³

Anyway, a kind of reconciliation of these three approaches, or transcending their mutual confrontations and imperfections, we could find in the philosophy of Hans Jonas, which tried to embrace wide spectrum of topics relevant for the discussion on the notion of life, as well as bio-ethical problems.

³ Of course, the above made division and definitions are, like every other division and definition, imperfect. Namely, there are also many examples of "reflexive natural science", "holistic philosophy" or "biophilic theology".

Hans Jonas' philosophy of life

When talking about Jonas' contribution to bioethical discussions and the very foundation of bioethics, it is expected to take into consideration primarily his *ethics of responsibility*, developed in the late phase of his life and formulated in the philosophical bestseller *Das Prinzip Verantwortung* (or, in English translation, *The Imperative of Responsibility*),⁴ whose intention was to develop an "ethics for the technological age". Nevertheless, Jonas' contribution to bioethics should be explored in other phases of his work, as well. In his long-term *research of late-ancient and early-Christian Gnostic religion and thought* we can find the very roots of world-views that have marked our Western tradition, including Western concepts of life and relationship to it.⁵ But it seems that, in the context of bioethical discussion, the most important part of his philosophy is his attempt to establish the *philosophical biology* as a new philosophy of the human, nature and life. In his work *The Phenomenon of Life* (or, in German translation, *Organismus und Freiheit*),⁶ Jonas tried to establish and develop "philosophical biology" as an *integrative philosophy of life* in whose centre stands ethically connotated philosophy of nature, based both on the results of contemporary natural sciences and theological speculations.

Jonas' intention was to establish the *philosophical biology* as an "'existential' reading of biological facts", or as "a new reading of biological record",⁷ i.e. a new *philosophical* reading of *biological* record. Its main scope is to abolish the "artificial split between spheres of the external and the internal, body and mind, the nature and the human".⁸ This kind of dualism seems to be unsustainable, first and foremost, in the case of *organism*. Organism "is the whole not only in the sense of functioning (...), but also in the sense of body-mind unity", which means that "the inner aspect or the subjectivity of organism is inevitable for the biological understanding as equally

⁴ Hans Jonas, *Das Prinzip Verantwortung. Versuch einer Ethik für die technologische Zivilisation*, Suhrkamp, Frankfurt a/M 1979; Hans Jonas, *The Imperative of Responsibility. In Search of Ethics for the Technological Age*, The University of Chicago Press, Chicago 1984. Here I am referring to the latter.

⁵ See for example: Hans Jonas, *Gnosis und spätantiker Geist*, Part 1: *Die mythologische Gnosis*, Vandenhoeck & Ruprecht, Göttingen 1934, Part 2: *Von der Mythologie zur mystischen Philosophie*, Vandenhoeck & Ruprecht, Göttingen 1954; Hans Jonas, "Gnosis, Existenzialismus und Nihilismus", in: Hans Jonas, *Zwischen Nichts und Ewigkeit. Drei Aufsätze zur Lehre vom Menschen*, Vandenhoeck & Ruprecht, Göttingen 1987, pp. 5-25; Hans Jonas, *The Gnostic Religion. The Message of the Alien God and the Beginnings of Christianity*, Beacon Press, Boston 1958.

⁶ Hans Jonas, *The Phenomenon of Life. Toward a Philosophical Biology*, Harper & Row, New York 1966; Hans Jonas, *Organismus und Freiheit. Ansätze zu einer philosophischen Biologie*, Vandenhoeck & Ruprecht, Göttingen 1973. Here I am referring to later English edition: Hans Jonas, *The Phenomenon of Life. Toward a Philosophical Biology*, Northwestern University Press, Evanston 2001.

⁷ H. Jonas, *The Phenomenon of Life*, p. xxiii.

⁸ Hans Jonas, *Erkenntnis und Verantwortung. Gespräch mit Ingo Hermann in der Reihe "Zeugen des Jahrhunderts"*, Lamuv, Göttingen 1991, p. 105.

as the objectivity of organism".⁹ His anti-dualistic enterprise has been made in order "to break through the anthropocentric confines of idealist and existentialist philosophy as well as through materialist confines of natural science".¹⁰ Of course, Jonas promotes, at the same time, the dialogue between natural sciences and humanities, which are today complementary to each other, because none of them can comprise the phenomenon of life in its entirety.

Therefore, a new philosophy of life should embrace in its subject-field both "philosophy of the organism" and "philosophy of mind". According to Jonas, philosophy of the organism starts with the thesis that "the organic even in its lowest forms prefigures mind", while on the other hand, philosophy of mind starts with the thesis that "mind even on its highest reaches remains part of the organic".¹¹

Jonas thinks that everything we find in human has its "rudimentary traces in even the most primitive forms of life".¹² Key concept of Jonas' teleological philosophy of nature is the concept of *freedom*. Since the mind is, from the beginning, prefigured in the organic, this is also the case with the freedom. Freedom exists already at the basic level of organic existence, i.e. in the primal metabolism. Moreover, as Jonas says, metabolism itself is the "first form of freedom", which means that the principle of freedom can be found already in the "dark stirrings of primeval organic substance".¹³

The other key concept of Jonas' philosophy of life is *mediacy* in the relation of organism to environment, i.e. the distance between living being and its environment. It describes the progressive scale of the organic on whose peak stands the human. In addition to the principle of metabolism and the more advanced aspects of mediacy in the relation of living being to environment, in humans there is a wide range of specific human characteristics, in short: the mind. However, this does not imply that the human should be observed in the "metaphysical isolation" from the rest of the living world.

Jonas clearly indicates the ethical implications of his doctrine of life. In that sense, the aim of his philosophy of life is the *affirmation of inherent self-purpose and value of being, life and all living beings*. It is the task which asks for foundation of an explicitly non-anthropocentric ethics. Such an ethical conception has been presented in Jonas' ethics of responsibility, but it has been announced already in his philosophi-

⁹ Ibid., p. 105-106.

¹⁰ H. Jonas, *The Phenomenon of Life*, p. xxiii.

¹¹ Ibid., p. 1.

¹² Ibid., p. xxiii.

¹³ See *ibid.*, p. 3.

cal biology. It implies the following: all living beings and the nature, too, are not only the objects of our moral duties, which means that they deserve moral consideration not only on the basis of "human mercifulness". Our ethical "Ought" arises from the ontological "Is" of the living beings. The nature and the life establish the purposes and the values by themselves. Our moral duty is to recognize and to respect those purposes and values. The ethical formulation of it is – *the imperative of responsibility*. Whatever (or whoever) is exposed to our *power* should be embraced by our *responsibility*, because it is *entrusted* to us. It is the "ontological responsibility". The life itself delivers the purposes and values, which should be only recognized and respected by the human, because the human is "the executor of a trust which only he can see, but did not create".¹⁴

Gertrude Hirsch Hadorn briefly presents what the "ontological foundation of ethics" and "ontological ethics" actually means. There is the threefold connection between the *being* and *responsibility*: ability for responsibility as a characteristics of human way of being; being of the human as an object of responsibility; the whole of the being as an instance of responsibility, as well as an instance which makes the responsibility inevitable.¹⁵

The newly gained insight into the vulnerability of nature results with the new ethical demand. Jonas speaks about the "right of the nature", which is far more than anthropocentric and utilitarian interest of the human and humankind.¹⁶ Unlike in earlier epochs of humankind, we discover today that the nature is totally exposed to our (techno-scientific) power. Therefore, we should act according to this insight, i.e. we should respect nature's right to be sustained in this state and promote the duty to ensure a future, which both also imply the future existence of the human and humankind. Jonas' categorical imperative – "Act so that the effects of your action are compatible with the permanence of genuine human life"¹⁷ – is not an anthropocentric one. However, "no previous ethics", says Jonas, "has prepared us for such a role of stewardship".¹⁸ That is the reason why we need a new ethics, which would be based on the principle of responsibility. Neither traditional scientific worldview nor traditional ethics can tell us what we should do in order to protect the nature as a basis of human existence, as well as future existence of life in general. Moreover,

¹⁴ Ibid., p. 283.

¹⁵ See Gertrude Hirsch Hadorn, "Verantwortungsbegriff und kategorischer Imperativ der Zukunftsethik von Hans Jonas", in: Wolfgang Erich Müller (ed.), *Hans Jonas – von der Gnosisforschung zur Verantwortungsethik*, Kohlhammer, Stuttgart 2003, pp. 109-110.

¹⁶ See H. Jonas, *The Imperative of Responsibility*, p. 8.

¹⁷ Ibid., p. 11.

¹⁸ Ibid., p. 8.

both traditional and current scientific worldview, which made the ethics extremely anthropocentric and short-sighted, "emphatically denies us all conceptual means to think of Nature as something to be honored".¹⁹ Jonas says, consequently, that "we should keep ourselves open to the thought that natural science may not tell the whole story about Nature".²⁰ We can find the similar statement in *The Notion of Nature and Its History* (Der Begriff der Natur und seine Geschichte) by Georg Picht: "The modern natural science destroys the nature",²¹ so that "the science which destroys the nature cannot be the true knowledge on nature".²²

Besides the above sketched biological-scientific and ethical-philosophical way of thinking about the life, there is the third perspective which should be taken into account – the metaphysical and theological one.

The question of life is not only the question about the *development* of life, about its evolution. It is also the question about its *beginning*, which comprises both its biological evolution and successive ontological revolutions. However, there is also a question about the "first cause", which could be helpful while answering questions on purpose and meaning of the great cosmic adventure of life.

Trying to come to the "first cause", as well as to the "final answers" in this field, Jonas included into his philosophy of life the "metaphysical speculations", too, which are certainly inspired by his earlier studies of Gnosticism. Sometimes he did it by using strictly philosophical categories, sometimes he used theological concepts, but sometimes he dared to propose his own cosmogony or even theogony. Jonas explains his "metaphysical speculations" as "an ontological revisioning, fulfilling the concept of 'matter'", i.e. "a meta-physics of the world-substance".²³

On the other hand, we cannot say that Jonas was the "creationist", although his theory is close to Judeo-Christian creationism, neither can we say that he was "evolutionist", although his theory is close to the Darwinist evolutionism. His philosophy of life presupposes the spontaneity of life and nature, but he does not deny the concept of "mind in nature" or the "prime mover". However, it should be noted that this weakens both the metaphysical-dogmatic images of "divine plan" and "god-mathematician", and the concept of "pointless and meaningless evolution".

¹⁹ Ibid.

²⁰ Ibid.

²¹ Georg Picht, *Der Begriff der Natur und seine Geschichte*, Klett-Cotta, Stuttgart 1993, p. 12.

²² Ibid., p. 15.

²³ Hans Jonas, *Materie, Geist und Schöpfung. Kosmologischer Befund und kosmogonische Vermutung*, Suhrkamp, Frankfurt a/M 1988, p. 20.

Anyhow, there are strong ethical demands arising from this viewpoint, and Jonas develops them following the logic of responsibility.

Conclusion

In brief, Jonas' "philosophical biology" could be explained as an attempt of both "biologization of philosophy" and "philosophization of biology", including "ethicization of the question of life". In its center stands the ethically connotated philosophy of human, nature and life, which respects the results of natural sciences, but also opens the door to the metaphysical speculations, that means theological or even mythological speculations.

If we follow Jonas, we could show how the synergy of evolutionist-biological, teleological-philosophical and religious-theological approach contributes to answering the question of life. Only such an integratively structured notion of life can be the starting point of *integrative ethics of life*, or *integrative bioethics*, which implies respect and responsibility for the nature and life in general. Only such an integrative philosophy and ethics of life can show us what pluriperspectivity and integrativity in bioethics actually mean, because it is far from any reductionism and tries to include different scientific and non-scientific perspectives, offering at the same time a platform for their dialogical mediation.

By emphasizing philosophical approach to the phenomenon of life, I did not want to devaluate other approaches. The point is that the philosophical approach to the life – which we can find in Jonas' works – is characterized by exceptional integrativity. On the one hand, it activates all the potentials of philosophy (from metaphysics, ontology and anthropology, over ethics, to cultural and political philosophy), while on the other hand, it transcends the boundaries of philosophy as a discipline, because it enables (or even demands) broadening of the perspective on the natural sciences and theology. Philosophy – as a model of integrative thought – presupposes an attempt to embrace and dialogically intermediate empirical-scientific, rational-speculative and psychological-emotional dimensions of the approach to the world and life. This means that philosophy and, especially, philosophical ethics – first and foremost owing to their inherent integrative features – do play a major role in integrative bioethics, which is not in disagreement with the methodological principle of interdisciplinarity and pluriperspectivism. Anyway, neither philosophy nor any other science, neither religious nor non-religious approaches – if they are isolated from other approaches – can have the monopoly on the truth of life. The only ban which is implied by the pluriperspective approach is the ban of monoperspectivism.

"The phenomenon of life itself negates the boundaries that customarily divide our disciplines and fields",²⁴ says Hans Jonas. It is up to us to respect or disrespect this fact. But we should keep in mind that monoperspectivism makes us short-sighted or even blind, while pluriperspectivism enables us to look at the phenomenon of life both through microscope and telescope, as well as with our inner theoretical eye, in order to approach an integrative understanding of and knowledge on life, as well as an integrative ethics of life.

²⁴ H. Jonas, *The Phenomenon of Life*, p. xxiv.

Fernando Lolas*

Ethics and the anthropological medicine of the Heidelberg School: reciprocity and solidarity¹

As attested by different sources, the period between WWI and WWII was fertile in proposals regarding science, society, and humankind all over Europe. The field of medicine was characterized by the perception of a crisis in its theoretical and practical fundamentals and the emergence of numerous movements oriented towards their reformulation. Most of them were confined to the realm of specialized groups while others were linked to the political changes that characterized the period. It is the time of the Fascist movement in Italy, of the Weimar Republic and the birth of Nazism in Germany, of the Revolution in Russia and of the collapse of the Ottoman Empire.

In this time, ripe for substantive reorientations of the sciences and the arts, medicine underwent the influence of important discoveries affecting its social, psychological, and biological foundations that modified its relations with other social activities.

The so-called clinical general medicine and anthropological medicine of the Heidelberg School grew out from a series of approaches owed to clinicians and thinkers, starting with Ludolf von Krehl at the beginning of the XXth century and culminating in the work and ideas of Viktor von Weizsäcker (1886-1957). A prolific author, he wrote extensively on the philosophical analysis of medical thinking inspired by a Christian protestant outlook, and influenced a group of physicians who presented

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ideas and insights that merit consideration in the present time. While the impact of this line of thinking on institutions and practices was scarce, its re-analysis against the background of developments in bioethics, professional ethics, institutional practices, and changes in research regulations may provide an interesting contrast to current practices in these fields.

The main theoretical contribution of this medical movement resides in the consequent application of the biographical method (beyond the mere clinical history) and the (re)introduction of the subject into medical discourse. Although similar ideas were current in other quarters, the particular form of holism developed in Heidelberg differed from others in the analysis of psychosomatic interactions beyond the causal thinking hegemonic in the natural sciences. With the concept of *Gestaltkreis*, or the circular articulation of movement and perception, which as a metaphor could be expanded to the bipersonal interaction within the doctor-patient dyad, the causal chains soma-psyche and psyche-soma were reformulated in a synthesis considering time and with no implications of a naïve influence of the mind on the body or vice versa. In addition to the contributions to theoretical medicine, the Heidelberg School (and particularly Viktor von Weizsäcker) made suggestions for the field of social medicine that deserve re-appraisal and analysis²

A neglected aspect of the work of the members of the anthropological medicine movement concerns the ethical underpinnings of medicine and the sciences. It has been argued that the writings of von Weizsäcker do not contain an explicit analysis of ethics, or that no vision of an ethical nature arises from his contributions. However, on closer inspection, the reason for this apparent silence on explicit ethical considerations may be considered to reside in the particular conception of medicine that was put forward in his work. Already in the paper on euthanasia and human experiments, which is a statement in relation to the Nürnberg trial of Nazi doctors (1947)³, his main proposal was that dissociation between medicine (or science) and ethics was responsible for the unethical behavior of some members of the profession. A purely natural-scientific medicine lacked the capacity to judge what is wrong or right and had to resort to ideas and conceptions from beyond its limits. The human medicine proposed should be a "moral science" (*sittliche Wissenschaft*), meaning to imply a form of science that did not fall prey to the "division of reason" (*Spaltung der Vernunft*) that had created an ignorant morality and an immoral science. Getting back to the fundamental relation (doctor-patient) that gives rise to medicine as a social discourse, the existential analysis reveals the possibility of a system of

² Von Weizsäcker, V. *Gesammelte Schriften*, Suhrkamp Verlag, Frankfurt/Main 1987

³ Lolás, F. *La medicina antropológica y el juicio de Nürnberg. El aporte de Viktor von Weizsäcker*. CIEB, Santiago de Chile, 2010

thought that finds within its own boundaries the fundament for moral action. The implications of this view for education and research are evident. They have not been systematically pursued in the training of researchers, mostly due to the difficulties posed by its implementation.

In this context, the main ethical concept propounded by Weizsäcker and the Heidelberg School is that of **reciprocity** (*Gegenseitigkeit*). Irrespective of the asymmetries in knowledge that may exist between doctor and patient, or between researcher and subject, the common aim expressed in the constitution of a working alliance, a bipersonal entity, discloses a deep understanding and the sense of belonging that turns humane what might be seen as purely technical⁴. The related concept of **solidarity** (*Solidarität*) adds a dimension that is also relevant from an ethical perspective. One can argue that solidarity is a complex construct, and that at least two forms can be discerned: the horizontal solidarity concerns peers; the vertical solidarity links people with their leaders. This is the notion of *homo duplex* proposed by Emil Durkheim, which in some of its variants might be construed as supporting totalitarian thinking which gives pre-eminence to the collective over the individual.

The heritage of the Heidelberg School in the field of theoretical medicine still lacks adequate treatment. Its ethical foundations have not been adequately dealt with. It might constitute a useful line of research to explore further the implications of the concepts of reciprocity and solidarity in relation to principalist bioethics and also to the seminal work of Fritz Jahr⁵, hitherto unacknowledged creator of the discipline of bioethics but a thinker who shared with von Weizsäcker a similar *Zeitgeist* and a profound interest in human affairs.

⁴ Gahl, K., Achilles, P., Jacobi, R.M. (editors) *Gegenseitigkeit. Grundfragen medizinischer Ethik*. Königshausen & Neumann, Würzburg, 2008

⁵ Lolas, F. El "imperativo bioético" de Fritz Jahr y la neobioética estadounidense. *JANO* (Barcelona), No. 1710, pp.10- 16 octubre 2008.

Lolas, F. Bioethics and animal research. A personal perspective and a note on the contribution of Fritz Jahr. *Biological Research* (Santiago) 41: 119-123, 2008.

Marija Selak*

Philosophy of the world and philosophy of Karl Löwith as a precursor and incentive to the idea of integrative bioethics

ABSTRACT

Traditional cosmology, once used to explain the world, was suppressed by the domination of science over philosophy which happened after their separation. Nowadays, scientific (in terms of natural sciences) cosmology is given the advantage in answering the question what is the world, while the "non-empirical" catholicity (the basic characteristic of traditional cosmology) became useless. Encouragement of one's effort to re-establish the category of catholicity can be found in the idea of integrative bioethics on one side and in the philosophy of the world on the other. In this paper the relation between the idea of integrative bioethics and the philosophy of the world will be established through philosophical discussions which were held in Augsburg and in Zagreb (1988, 1990, 1993) and also with reliance on understanding the world in philosophy of Karl Löwith.

Key words: Philosophy of the world, Karl Löwith, integrative bioethics, philosophy of history

Introduction. The notion of the world and the philosophy of the world

"We speak about the world in philosophy, as in common discourse, in many different ways, implying under that notion variety of things. It is customary to use expressions such as objective world and subjective world, interior world and exterior world, mental world and the world of objects, macro-world and micro-world, living

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world and the world of artificial nature, realistic world and the world of fantasy, the world of art and the world of science, the world of good and the world of evil, old world and new world, developed world and poor world, existing world and possible world, etc. If we also say that we all live in the same world or that every one of us has his own world, we can see that the boundaries of the notion of the world are elastic. Once it can be a whole *Kosmos* but, on the other hand, looking in the framework of these astronomic dimensions, man-particle has his own inner world. By all that something that should be the solid groundwork of our existence (based on which we should be able to define our place in the world) is being distributed on numerous significations and avoiding unique meaning."¹

As in the Greek comprehension, the question about the *Kosmos* was suppressed by the question about the Being, accordingly, by further ontologisation, the notion of the world became subordinated to the notion of the Being. Therefore, the crucial idea of the philosophy of the world is to reverse this relation by understanding the world as a necessary groundwork on which epistemological relation can be established. Cognition is not done by penetration (penetration of a subject into the object or vice versa), it is done by construction, equally it is not revealing of 'it is' by which only reduced notion of the world can be expressed. With this, the impossibility of metaphysics and ontology to comprehend the notion of the world² in its comprehensive character is expressed and philosophy of the world is constructed to correct hierarchical inversion in which the notion of the world came with the notion of the Being.³ Therefore, the Augsburg-Zagreb discussions (1988, 1990, and 1993) took the notion of the world in the centre of philosophical thinking. The comprehension of the notion of the world in Augsburg-Zagreb discussions was reasoned in German idealism, but also within contemporary philosophy. Although, as above mentioned quotation states, it is very hard, or almost impossible, to define the notion of the world and accordingly to establish any kind of division that is covering all spectrum of meanings, in this paper two comprehensions of the notion of the

¹ Zdravko Radman: "Simboli i svjetovi. O nekim aspektima filozofije E. Cassirera i N. Goodmana", *Filozofska istraživanja* 20 (1/1987), p.155-166. (translation M. S.)

² Milan Kangrga in his philosophy also denies the possibility of metaphysics to comprehend the notion of the world. The reasoning of the world as something that is given and therefore cannot be changed, understanding of the world as a solid object that is independent of subject in active (creative) sense, and only dependent in theoretical (penetrating) sense Kangrga is equalising with metaphysical (ontological, which is the same for Kangrga) understanding of the world as something that is given and which finds its accomplishment in science: "Metaphysics is here (as the one that is non-historical) being presented as a positivism and a historical confrontation between positivism and metaphysics is only an illusion and epochal confusion. The only thing that is happening here is consequent finalisation of important presumptions of metaphysics done by positivism and particular sciences. Therefore science itself is just a finalisation of metaphysics." (Milan Kangrga, *Čovjek i svijet: povijesni svijet i njegova mogućnost*, Razlog, Zagreb 1975, p. 26. (translation M. S.)

³ Ante Čović: " Uz temu", *Filozofska istraživanja* 20 (1/1987), p. 3.

world are of exceptional importance. First is the anthropocentric understanding of the notion of the world and second is cosmological understanding of the notion of the world.

Anthropocentric and cosmological understanding of the notion of the world

Zdravko Radman in his paper *Symbols and Worlds. About some aspects of philosophy of Ernst Cassirer and Nelson Goodman*⁴, which is one of proceedings of Augsburg-Zagreb discussions, explains when the notion of the world started to be understood in philosophy as man's creation. When traditional philosophy asked the question what the world is, it perceived the world by itself and its essence independent of conditions and possibilities by which it exists for us. Not before the appearance of Kant this neutral and indifferent world vanishes and basic becomes the question of how is the cognition of the world possible. In the framework of this question the well known turn will happen: the appearance of the world becomes dependent on the conscious, or, as Kant stated, objects must adjust to the capacity of our cognition. By that the cognitive subject was given the creative role by which the reality became dependent on subject's creative potential.⁵

"The world that is being discussed here is overcoming the experience of senses, and also the boundaries of environment. World characterised as human is becoming real only when transcendence of what is directly present is done. That is done not by interaction with the fragments of nature with which the world is coming into touch. It is done by coming into touch with symbolic forms which have made this transcendence possible. That kind of world is a product of our creative practice which is realised in symbolical languages and represents the result of cognitive effort of these actions."⁶

No matter whether we are talking about the notion of the world in relation with art, symbol or technique, practice or production as human essence, or, as another example, self-consciousness as a scientific fundament:

"According to philosophical beliefs of The Modern Age the fact that the existence of self-consciousness is obvious must represent absolute fundament of knowledge, a

⁴ Zdravko Radman: "Simboli i svjetovi. O nekim aspektima filozofije E. Cassirera i N. Goodmana", *Filozofska istraživanja* 20 (1/1987).

⁵ For further research see *ibid.* p.155-166.

⁶ Zdravko Radman: "'Korijenske metafore' i spoznaja svijeta", *Filozofska istraživanja* 38-39 (5-6/1990), p. 1382. (translation M. S.)

critical instance, constitutive substrate on which all sciences must be built or measure their results."⁷ we are discoursing the world which, after Kant, is by human.⁸ That kind of understanding of the notion of the world will be defined as anthropocentric. On the other hand, we have cosmological understanding of the notion of the world.

"The world is eternal possibility and actuality. It is actualising its eternal possibility in determinative possibility of actuality... The world is in its beginning unchanged and unchangeable. The only thing that is being changed is worlds as historical realisations of this original experience of the world in its beginning of its possibility. Which of this world has been or will be close to this actual world depends on how much did one of these worlds overcome the idea of itself, its inner fixation."⁹

Every philosophical cosmology, doctrine about the world, relies on the basis of one definition of the world in a sense of some coherence of totality of the being, hierarchically articulated according to the order of a range of the Being.¹⁰

"Opposed to individual frames-notions which are being accomplished in the framework of physiological mechanisms, the image (or the notion) of the world is transcending physiological mechanisms and is being represented as a kind of an over-shape which is being formatted on a level of totality of life experience. Having in mind that the totality of life experience has a universal character of transcendental value – it is avoiding time-space quantification. That means that neither the notion of totality of life experience, nor the notion of the world are forms, although they are subordinated to the laws of forming. They are over-forms, in a sense that they are making possible and comprehend every concrete forming."¹¹

Interesting example of understanding the notion of the world as *Kosmos* is Eugen Fink's comprehension of the world as Cosmo-ontology. For him the world is the place of all places, time of all times and if the Being would originally be the world, it would not be in its substance joint but un-joint. Also, as Fink emphasises, the notion of the world has the primacy over the notion of the Being because it is, as a part of a concrete life, directly present. In this, as he calls it, confrontation of the world,

⁷ Darko Polšek, "'Diskonekcija svijeta' – nužni korak fenomenološkog zasnivanja ontologije?", *Filozofska istraživanja* 20 (1/1987), p. 23. (translation M. S.)

⁸ Milan Kangrga in his philosophy also comprehends historical understanding of the world and is concluding that the world is a modern notion that has its historical origin in the French revolution and his philosophical origin in Kant's *Critique of pure reason*.

⁹ Željko Pavić: "Povijesnost i izvanpovijesnost svijeta", *Filozofska istraživanja* 20 (1/1987), p. 50.

¹⁰ For further research see: Damir Barbarić: "Igra svijeta. Uz Finkov pokušaj novog određenja pojma svijeta", *Filozofska istraživanja* 38-39 (5-6/1990), p. 1303.

¹¹ Josip Užarević: "Svijet i oblik", *Filozofska istraživanja* 20 (1/1987), p. 120. (translation M. S.)

human, which is positioned between the sky and the ground is a co-fighter, co-player, he is the mediator, he is *ens cosmologicum*. In original experience of the world implicitly lies the new interpretation of the Being where the substance of the Being finds its place and time in the circulation of the world.

Karl Löwith and philosophy of the world

This cosmological comprehension of the notion of the world can also find reliance in philosophy of Karl Löwith¹². Löwith sees history as a history of men's falling into anthropocentrism:

"It is obvious that Löwith was disturbed by the philosophy of history, eschatology, historical conciseness which penetrated into the core of scientific (in terms of natural sciences) reasoning."¹³

What he claims for is the return of ancient Greek understanding of the origin. He sees history as oblivion of nature in ancient understanding of *physis*. He understands the world opposed to anthropocentric orientation of philosophy, the one which represents the apology of subject, subjectiveness, which ends in western rationalism in a definition of a man as a being with reason. What he opposes to this understanding of the world is the idea that there always has been and will be one world for a man and that is the world of nature, ever existing catholic world in which man by nature lives and dies.

"Löwith is trying to persuade us that man is above all *homo naturalis*, he is nature, he has it as a man and his nature is therefore human from the beginning. It is logical to say that this idea has certain truth inside itself which is starting to be of a providential importance in the time when we are questioning ourselves about the conditions and possibilities of one new, ecological civilisation, whose principles are expressed in a multitude of individual motives and differences precisely by Karl Löwith."¹⁴

In order to explain and therefore to reveal or, it is maybe better to say, to criticise contemporary scientific (in terms of natural sciences) reasoning, Karl Löwith questions philosophy of history and takes the notion of the world as a central issue of his phi-

¹² Karl Löwith (January 9, 1897 – May 26, 1973) was a German philosopher and a student of Heidegger. His best known works include two books: *From Hegel to Nietzsche*, which describes the decline of German classical philosophy, and *Meaning in History*, which discusses the problematic relationship between theology and history.

¹³ Karl Löwith, *Svjetska povijest i događanje spasa*, August Cesarec Zagreb/ Svjetlost, Sarajevo 1990, p. 15.

¹⁴ Karl Löwith, *Svjetska povijest i događanje spasa*, August Cesarec, Zagreb/ Svjetlost, Sarajevo 1990, p. 21.

losophy.¹⁵ According to Löwith, world can be comprehended only in relation with God and man, while the world history is just a manifestation of changes in that relation. Karl Löwith divides stages in world history on theism, deism and atheism.¹⁶ In the God-world-man trinity hierarchy is not propound, but the world history appears as result of hierarchical changes in that relation. First stage of the world history is ancient world of Greek *cosmotheology*, where God is in the world, meaning he cannot be separated from the world. God and world are the one, while the man himself is subordinated to the world and therefore God. In the second, *anthropotheological stage*, God is personalised and placed above the world, while the world is redundant and seen as an obstacle in men-God relationship, so it could be said that the world is now subordinated to God and man. In the third, *anthropocosmological*¹⁷ stage, God is pushed out of the God-world-man trinity, argues Löwith. Although this is a stage of atheism, taking into consideration the rise of man's power of creation (i.e. penetrating and being able to change the nature of all living beings including himself), God is now inside a man. This is not in the harmonic sense as God pervaded all world in the *anthropotheological stage*, but in a sense that man deems himself God:

"Ancient times believed in prophecy, the Church believed in predestination while the modern man, unless he is superstitious, believes neither in destiny nor in providence. He believes he can create the future himself. From great conceptions of ancient times and Christianity – cyclical moving and eschatological accomplishment – we are now coming to the turning point in the history of the world in which man appears on the horizon as soon the only creator of himself and therefore the future."¹⁸

It can be seen that Karl Löwith's epochs were framed in a sense of a history of oblivion, estrangement from primordial history, from Greek-Roman notion of *Kosmos* and nature. History of nature and physical world have only been metaphorically spoken about. They have been included in one philosophy of the world history, in a

¹⁵ What Löwith sees as doubtful are dramatic divisions of the world of nature and the world of spirit (history). Although it could look as the world of history is the only world, more powerful and more meaningful than the world of nature, which is by itself absolutely self-relevant (od quod substat), the one that moves from itself, we are staying a part of nature even when we are changing it into the dangerous artificial world through science and technology. (Ibid., p. 11-12.) (translation M. S.)

¹⁶ For further research see: Karl Löwith: *Gott, Mensch und Welt in der Methaphysik von Decartes bis zu Nietzsche*, Vandenhoeck & Ruprecht, Göttingen 1967.

¹⁷ "Anthropological attribute which philosophy is accepting in the third stage should not be related to the philosophical anthropology or seen as its predominance. What is being demonstrated here is the foundation of the whole philosophy of human who is establishing his world and is becoming its subject, in a Heidegger's understanding of the Modern Age metaphysics as 'ontology of subject'. But to accomplish symmetry in denoting and linguistic equivalence term anthropocosmology will be used for the third stage. By doing that, the logic of Löwith's thought will be followed." (Ante Čović: "Aporije Löwithova povratka 'prirodnom svijetu'", *Filozofska istraživanja* 51 (4/1993), p. 955-965.) (translation M. S.)

¹⁸ Karl Löwith, *Svjetska povijest i dogadanje spasa*, August Cesarec, Zagreb/ Svjetlost, Sarajevo 1990, p. 36.

perspective of one eschatology – history of salvation. What happens in that case is something that is fateful for all history and also for the present. That is ignoring and unexponentiation of the world of nature, its mystery and order, the world which is not man's act and artificial creation.¹⁹

In the contemporary *anthropotheological* stage, scientific (in terms of natural sciences) understanding and consequentially exploitation of the world is dominating. The reason for that lies in the fact that the world is perceived as man's creation, something that can and should be empirically explained. On the other hand, cosmological understanding of the notion of the world can be seen as encouragement to contemplate the world otherwise:

"By placing analogy with Greek or Roman cosmology we are just pointing out one philosophical/historical benchmark which never got real chance."²⁰

Bioethics and philosophy of the world

This cosmological understanding of the world for which we can find incentive in philosophy of the world on one hand and which is being used in the philosophy of Karl Löwith as an alternative to anthropocentric reasoning of the world, also shares some similarities with contemporary 'movement' of integrative bioethics.

To explain this statement furthermore, it is essential to see when bioethics appears. Bioethics rises in the climax of contemporary *anthropocosmological stage* and precisely in men's encounter with himself in the field of medicine²¹. Gradually bioethical horizon has been widened, from medical ethics and principlism to ethical pluralism and interdisciplinary approach. Finally, bioethics extends its framework to the notion of a life as a whole with corresponding pluriperspectivism and integrative approach.²²

Both, integrative approach and cosmological understanding of the notion of the world can be seen as an alternative to anthropocentric tradition of modern philosophy, meaning that human is here comprehended and positioned only in co-existence. As a

¹⁹ Ibid., p. 13-14.

²⁰ Ibid., p. 15.

²¹ Here it is referred to Seattle case in 1962 where it was realised that man cannot be simply seen as a scientific fact or mathematically as a count of defined parts – meaning that scientists were not able to decide who shall live and who should die, therefore we could say that the catholicism of a man was awoken.

²² For further research see: Hrvoje Jurić, Ivana Zagorac: "Bioetika u Hrvatskoj", *Filozofska istraživanja* 111 (3/2008), p. 601-611.

result of integrative approach we can see the rise of bioethical sensibility²³ in a concern for non-human living beings and responsibility for maintenance of all conditions of preserving life in general. Also, methodologically speaking, in ancient thinking mesh of the man, world and God was implied, and in contemporary scientific rationality we still cannot find an obverse to it. But we can see modern reflection of ancient non-divided rationality in pluriperspective approach of integrative bioethics. Since integrative reasoning²⁴ was developed as a resistance to hierarchy of truth and knowledge and as a resistance to exclusiveness of scientific understanding of the world, it can be said that, with its pluriperspective approach which includes non-scientific views on contemporary problems, it also assimilates catholic character.

While in the framework of philosophy of the world we start from the notion of the world and by deduction come to the man as its integral part, in the framework of bioethics, which through integrative understanding widens its horizon from man (medical ethics), from *bios* to *Kosmos*, by induction we come to the notion of the world. Remembering that the aim of integrative bioethics approach is to give a specific kind of knowledge which is supposed to provide orientation in the world, it can be said that integrative bioethics also takes the notion of the world as a central notion in its reasoning and with broadening its activity on life as a whole catholicism as its basic quality. Therefore, we can say that bioethics enforced itself as a 'natural' response to the philosophy of the world. If we see history as a history of man's falling into anthropocentrism (K. Löwith) and take into consideration the appearance of bioethics as an attempt of overstepping narrow anthropocentric perspective the question rises whether that kind of integrative bioethics approach leads us to a threshold of a new epoch where, in Löwith's words, *Kosmos* is once more taking over the priority over *Anthropos*.

²³ "In bioethical discourse the notion of sensibility describes emphasised delicacy towards environment. It is implying morally reflected referring towards human existence and the existence of other living beings. It is containing enlightened affection towards those who are weak and unprotected, but it is also opening new horizons in 'old' notions of respect, love and sympathy. Bioethical sensibility appears as an important integral element of humanity with a high level of respect, finding again its place alongside cold rationality." (Ibid., p. 608). (translation M. S.)

²⁴ For further research see: Ante Čović: "Pluralizam i pluriperspektivizam", *Filozofska istraživanja* 101 (1/2006), p. 7-12.

Ricardo Andrés Roa-Castellanos*

Bioethical common factors amidst Krause masonry and Saint Francis of Assisi systems of thought appeal to respectful dialogue, nature and understanding: the Jahr's dialogue beyond the age of "enlightenment" and the metadisciplinary "dark" ages

ABSTRACT

It has been known that the first reference of the word *Bioethics* in the twentieth century was due to German theologian Fritz Jahr in 1927. In that surprising paper Jahr, a protestant Lutheran university professor, proposes humble catholic deacon, Saint Francis of Assisi (1181-1226), as the first discoverer of Bioethics in Western Civilization. At the same time, Jahr quotes K.C.F Krause, a Masonic mathematics and philosophy doctor, who is referred within this manuscript because of his ideas on Life respect regarding also any given species. Saint Francis, a medieval icon who prevails as the devoted saint of ecologists and peacemakers, was the rebuildler of the catholic faith during those chaotic and excessively philosophical / theological times, when Life got under human siege. Krause was expelled from the Masonic movement (1810) while Saint Francis was advised to become an isolated hermit (1209) to be kept aside from the community due to his, somehow, rebellious strict observance of the original gospel in times when richness and vanity were becoming a sign of social success. They represent different methods regarding the same concern: That is to say, Life protection and peaceful stability. While the saint appeals to Love, the academic one trusts the Law as basic strategy. Historical and Philosophical contexts and controversies are also analyzed. Beliefs, knowledge, bias, prejudices, intellectual fights define the way many people live and assume their own and others' lives.

Key words: Fritz Jahr, Prime Bioethics, Metadiscipline, Saint Francis of Assisi, Bioethical Dialogue, Enlightenment, Dark Ages, Beliefs, Dual Nature

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1. Introduction to a metadisciplinary approach for bioethics

*"Before man are Life and Death, whichever he chooses shall be given him.
Immense is the wisdom of the Lord; he is mighty in power, and all-seeing."*

Book of Sirach 15, 17

Fritz Jahr (1927) invokes unusual relationships among diverse fields of knowledge, as well as important personalities to support in his writing the prime definition of "*Bio=Ethics*" and *Bio-Psyche*. The sole idea, since this very beginning, implies *dialogue* and a real *interdisciplinary consensus* – to say the less - for professional advising in Ethics, and so, life decision-taking processes.

Development of American Bioethics also led to similar methodological principles, either in V.R. Potter's (1971) branch, the Kennedy Institute of Ethics comprehension, or even The Hastings Institute influence: many visions and previous understandings have to come undone at the same time to create a new, still long ago reminiscent, pro-Life system of thought. Paraphrasing analytic philosopher W. V. Quine (1990) these efforts ought to lead to the *pursuit of Truth* as well.

More important, a semiotic instrument is present in the first appearing of the neologism. Jahr, consciously or unconsciously, equals the root "*Bio*", a realm in Life sciences, to "*Ethics*", a domain of Social sciences, or in other words, humanistic knowledge headed to *survival and communitarian principles*. Thus, Jahr subtly wrote in his 1927 manuscript what may be seen as one equation since the article's title: "*Bio=Ethik*". Therefore, first presentation in which the word Bioethics sprouts to the world covers so much as mathematical language.

This feature sends the reader -by the same token that Aristotle did in his work *Metaphysics*-, to a primordial notion: the word (*Logos*) –also meaning language, truth, wisdom (*sophia*) or law- allows understanding on the duality vocation inside opposites.

According to Aristotle, pythagorean scholars -following mathematical language- understood the world is composed in a dual way. *Metaphysics* deals with the study of causes and principles of the *beings qua beings*¹. Just like the dual nature of *particle-wave* in photons has been demonstrated, essences may tend throughout intrinsically developed processes to one way or another. However, one nature prevails and de-

¹ Available in <http://plato.stanford.edu/entries/aristotle-metaphysics/> (Consulted, May 1, 2011).

finer the subject. A rapid *glance at reality* will visualize how antagonistic relationships work out offering a whole range of possibilities in between.

So, ethics dilemmas and other type of "*strictu-sensu*" dichotomous thinking evidence lack of creativity. It may represent as well failures in understanding when finding solutions considering an overall perspective.

On one hand, *Life and Death* -for instance- can be understood as opposites; however, they can also be realized as consecutive stages in physical, emotional and spiritual terms. It is important to notice that *-right now-* the reader, however, is alive. He or she is at least at a part of a living state. Notwithstanding the fact that one can be dying, he or she is alive. In parallel, Bioethics is the *Science of Survival*, analyzed as the exercise of guaranteeing Life persistence.

That fact is enough to understand that correct assumptions in Bioethics lead to an Ontological type of Ethics based on Respect: Live and let live by accepting the way every subject (including oneself) *IS*. Ergo, love (as a bonding force) flourishes and producing forms of fear may decrease.

For Viktor Frankl (2009), Austrian psychiatrist, also the father of the *Logotherapy*, this is the only way to thwart Neurosis -a wrong state of being that complicates own and other's life-. Knowing one's qualities and defects and peacefully accepting the others' (keeping the hope of improvement) permits what he calls "*sense of life*" to be found.

1.1 Bioethics as a sensor of life convenient behaviors

Going back to *Physics*, like the particle that may become wave, its *state of being* is defined at an exact point in time. Change possibility is not good or bad *per se*. It is an inner tool to achieve survival, and happiness - from a *virtuous-eudemonic* ethical perspective-. This integral perspective may have importance in ethics domains, because:

On the other hand, *Good* in a naturalistic system of ethics will not be the usefulness or pleasure the act represents as it does from a utilitarian viewpoint. Among living beings, to practice the so-called "*Good*" implies behaviors (actions and reactions) that are a kind of "*Life protection*" through positive *and* negative feed-back systems (in hormonal, social, physical or any kind of event that produce a "reaction"). The idea, indeed, reflects a principle in Classical Physics, as Newton's Third law:

"For every action force there is an equal and opposite reaction force"

Good, from there on, is what protracts and protects properties of life (*Pro-Life system*); a virtuous system. One *virtuous action* (Etymologic root "Vir" in *virtue*, comes from the Indo-European "wei"- which means *Vital Force*) that can be represented as someone saving other's life by physical, clinical, political, emotional, intellectual or any other type of maneuvers. It is understandable how Medicine became an emancipator from the decadent (collective *death-prone*) Greek philosophy known as Sophism. This interaction gave birth to Philosophy, understood as love for Truth and wisdom, not only *knowledge* as sophists used to practice. This is a thin frontier line built on ways of solving real problems instead of behaving as demagogic leaders.

Evil, in contrast, may be summarized as the acts that put life in peril, or directly causes *death* (in the spirit of being an entity characterized as life's adversary). The meaning of the word *vice* (derived from Indo-European "wi-tio" in turn from "wi", a defective form of "wei", means a custom or habit that cause harm. Latin word "vitium" meant not only a defect but also "guilt" [Gómez de Silva, 2005: 719 y 722]), which is a "moral defect that jeopardize own or other's life"². Good and evil, thus, are defined based on their impact on living beings.

It follows that persons have a chance to redeem themselves listening to the Truth (not to usual unconscious prejudices, meaning virtue as an act of self-renouncement). How is that possible? Under the circumstances, in every event the individual and the communities can exert his/her potential to do good or evil acts specifically in every moment. Under Jahr's (1934) quoted divine "golden rule", there is always an opportunity to rectify one's path, until the last moment.

A perfect person may fail at the end of his life, spoiling the previous route, as much as a self-considered "evil one" can save hundreds of lives and/or his or her own life at the end in a virtuous action, and correct his/her way. This corrective change in theology, psychology or even rhetoric is known as *Metanoia*.

A famous sentence pronounced in John's gospel (8, 11) gives the necessary light. It has to be understood that the notion "sin" implies a bad (evil) choice or wrongdoing; a risky mistake, plenty of unseen own arrogance, meaning love to oneself that attempts to the reason (*Truth*), solidarity (*Global community*), and the eternal –self-replicating- law (*Life*).

² Definition extracted from DRAE: Diccionario de la Real Academia Española (Royal Academy Dictionary of the Spanish Language).

1.2. Respectful dialogue, nature and understanding

Each adult person has psychosomatic burdens from his/her past. Prejudices are the result of experiences or cultural contexts (education). Own discontent is reflected on judgments, etymologically known as "criticisms" and attacks on "neighbor's" lives. One's own dialogue avoidance mechanisms work as follows: What I do not like about myself is usually verbally unloaded on other's life. When affection to Truth blossoms, as in quoted John's excerpt, in a sense of awareness, no criticism is professed:

"I do not condemn you, either. Go. From now on sin no more."

So then, it's a fault against the Truth to stigmatize a person by saying he/she is a hopeless case. Life is characterized by movement. To think a situation is going to be static is nothing but a misunderstanding. It only aggravates general understanding, impressions, situations, and also self-imaging for the rejected. Below, some physical analogies will be seen. Curiously, *Love, Faith and Hope* are called the *3 Theological Virtues*. Those spiritual qualities smooth one's own and other's paths of life based on a possibility of moving on.

A second level of analysis deals with more extended collective interactions. The Good of mine might not be yours, or theirs, so that an extended analysis of *case scenarios* has to be developed with the longest expectancy possible if accuracy is the goal.

Likewise, matter also obeys to a dual nature. Electrons and atoms were initially only considered as *corpuscles*. As a *matter of fact*, french philosopher and physicist Gaston Bachelard (1980), who denounces, in his work <<*Epistemology*>>, human bias and prejudices as "*epistemological obstacles*" for understanding, also uses the figure of *corpuscles* as a part of his knowledge theory. Nevertheless, in quantum mechanics *matter-wave* interpretation give rise to the physical *Uncertainty principle*. A poor reading of it, utilizes this principle to undermine Truth as a whole: the strongest generalized sophism in contemporary history.

That signifies a sophism defended by 20th century strictly-disciplinary "philosophers": They were a type of new abstract Philosophers and ethicists who did not want to know about the Greek "*Physis*" (Nature, an important component of the real world) such as G.E. Moore (1903) in *Principia Ethica*, source work for the unreal "*Naturalistic fallacy*". Together with the idea of biological "Reductionism" Life Sciences became a field to be forgotten for social and technological advances. Mankind is feeling the consequences today after a century of practicing this ideology.

1.3. Duality as unifying full landscape between extremes

The whole set of mounted up anti-natural ideas have changed the cultures. Homogenizing –*totalitarian* - theories obviate particular phenomena *and/or* singular levels in analysis for specific happenings. This writing, consequently, from a methodological Hegelian approach means a middle way (*Synthesis*) among initial philosophical natural metanarratives (*Thesis*) and its *Antithesis* known as Postmodern Pluralism built upon technoscience.

For example, not because it was discovered that an amount of electrons deviates its course in lab tests (i.e. *quantum mechanics fundamentals*) did it mean that the gravity and speed principles would not rule the flight of an airplane (classic physics). Proven facts are the evidence for each analytic level. Every factual situation and its correct assumption imply a *vehicle of truth* following Quine's terminology.

What is more, not because quantum physics was proven to have different rules than classic physics, the values of gravity on earth (9.81 m/s² or 32.2 feet/s²) abandoned their exact validity. *Relativism* as a generalized translation for all levels of life from physics to morals is barely but a scheme. Particularity (closer to ontology) differs from Relativity. In 1929 P.L. Victor de Broglie was awarded a Nobel Prize due to his "*Discovery of the wave nature of electrons*". Moreover, based on Niels Bohr's background studies related to *Theory of Atoms*, he said:

"It thus seems that light is at once a wave motion and a stream of corpuscles. Some of its properties are explained by the former supposition, others by the second. Both must be true."

De Broglie matter-wave refers to an evaluation of property: The more precise the position, the less accurate the momentum, and vice versa. Until 1965 with the *Quantum Electro-Dynamics* (QED) theory, dual nature was expressed in mathematical language under the concept of "*Path integral*"; a feature combination in a dual nature: *Bio=Ethics*. What is located at one side of the equation means the other side.

So an analogy can be made, photons and electrons properties (behavior) were specific to a space-time trajectory development: a state of being in their becoming (Fr. *Dévenir* –somehow Heraclites/Deleuze's concept). The being is the same but is constantly changing (quietness-movement duality). This characteristic even influences geometrical optics as explained by Richard Feynmann in his summary work of 1985

"QED. *The Strange Theory of Light and Matter*"³, that is to say, the way in which the beholder perceives the forms.

Once again -recovering pythagorean thinking from the Aristotelian treatises (called *Metaphysics*, Book I, Chapter V)-, there are 10 principles to summarize world interactions from numbers.

1. Finite and Infinite.
2. Odd and Even.
3. Plurality and Unity.
4. Left and Right.
5. Female and Male.
6. Movement and Quietness.
7. Rectilinear and Curved.
8. Square and Irregular Quadrilateral.
9. Evil and Good.
10. *Light and Dark*.

Now, we are arriving to concepts used sociologically as propaganda. Self proclaimed good ones will say they hold the lightness while the rivals are the dark bad guys ignoring any possible good in them. There is no good at all if chances for surviving are *a priori* denied.

For the most advanced spiritual characters as long as there is Life and the others are alive there is a chance to improve. Appearances usually are deceitful in a world of ranges among extremes. Alcmaeon of Croton, pythagorean philosopher *and* physician, is quoted by Aristotle because he knew about the necessary dual composing of the majority of things in the world [*Metaphysics*, 1, v, 30, 986a]. The image recalls the scales in equilibrium: Cosmos instead of unbalanced Chaos. Justice does not talk about extremes but the exact judgment.

To be considered, over a spherical planet extremes are ordinarily condemned to touch each other. This is another reason to follow Aristotelian "*Middle path*". Dichotomycal pythagorean classification of reality demands "*wisdom*" because reality is most often tricky. That is exactly the subject of Plato's mature dialogue "*Parmenides*". Understanding may take the *Way of Truth* or the *Way of Opinion* (Cornford, 1977). It all depends on subject's tuning to reality and his or her love towards Truth, in conjunction with accuracy, closeness and deep observance by the beholder.

³ Available in: http://nobelprize.org/nobel_prizes/physics/articles/ekspong/ (Consulted, May 1, 2011).

For example, in terms of levels and particularities, land Surface may appear to be plane at sea level. A dish of food in a microwave can be considered as still matter. Nonetheless, from another perspective what seems to be rectilinear, distantly is, in fact, curved; and the dish under the hit of microwaves got the inside food molecules moving vigorously, precisely, like the placid earth seen from the outer space (convulsed with activity if looked closer). The beholder is able to generalize in a wrong (mere opinion) or right (opinion coincident with the Truth) way. *Adaequatio rei et intellectus*. Autonomy *per se*, therefore, is not a virtue. Autonomous judgment can be wrong, putting in risk individual and/or collective Life.

Materialists (such as Atomists Leucippus and Democritus –in ancient Greek times– or Marx and Oparín in contemporary history) say that Life depends on material (physical, social, historical and chemical) reactions. However, science alone is still insufficient to explain how a living body at minute 1 is inevitably dead by minute 2, despite the fact that the whole material machinery (organic and biochemical) is still there. It is not clear why death is a general rule for all sorts of living beings. Once a body is dead, physical breath ("*De anima*", spirit) ceases. Aristotelian Vitalism was a necessity to understand life and its phenomena. Life does not count only on matter to be developed.

A general rule nevertheless can be inferred from life phenomena. Life is present as a consequence of unifying acts by particles, atoms, molecules, tissues, organs, organisms, individual, groups, and so on. Death is a phenomenon characterized by separation of these living bonds and mutual cooperation towards a teleological end of survival.

Conceptually, natural –*true*– light might not be easily seen. De facto, that inquiry is the bottom line of Plato's *Myth of Cave*. Written in 360 BC in his work *The Republic* (Book 7, section 7), the story differentiates the enlightened from the unenlightened by talking about prisoners in a cave who misrepresent/misunderstand reality. Not for granted, this philosopher of the so-called *World of Ideas* (genesis of the forms) and *Physis (Nature) philosophy*, writes this Dialogue after the *Metaphor of the Sun*, genuine wellspring of Truth and Good definition: True Illumination.

Consequently, it shows a divine guarantee for life development proved to be true by science through mechanisms such as *Photosynthesis*, together with evolution and geological history, that is to say the biochemical (*phototropic*) process that allows life since the Earth atmosphere was created by means of chlorophyllic algae, cyanobacteria and plant existence when capturing CO₂ and producing the oxy-

gen animals and other living beings consume⁴. Living matter grows up from real light: A miracle!

Soul, spirit, anima, come from the same etymological Indo-European meaning in its root: "breathe". *Ruah*, - a Hebrew term and property of living beings created by God- is based on the same principle of respiratory exchange as well: A proof of Life.

* * *

The vast majority of people think their cultural understanding is right. In platonic *myth of cave* there is an artificial (men-made) fire that the chained firmly believe is the true light. It has been created by the ones who leashed them. *Shadows* for the restrained are the "real objects". Nowadays, society, sequestered in modern caves called cities - looking at mass media virtual reality -, fails to recognize nature dynamics and their importance to preserve even its own life.

Insiders in the Greek myth give other versions –mere interpretations of reality-, represented in new forms (ideas) made by themselves –figures of men and animals- that confuse perceptions on reality. Object's representing reality is not the real object. Represented things are not the things represented.

What the locked up people do not know is that those concepts may have been guided in a conscious way for others converting them in puppets from marionette players on the intellectual theatre. Then, shadows become what the deceived ones believe is real. Artificial systems –man created artifacts such as *technique-derived* objects- are developing into a source of subtle idolatry to follow.

M. Foucault (1977/1978) in his work *Sécurité, Territoire, Population* (15th February Class) remembers Saint Gregory Naciancense in his *Discours* and *Apollogetica* once talking about the government: "*Techne techmon, episteme epistemon*" (*Technique out of techniques, Knowledge out of knowledges*); "*Ars est artium regimen animarum*" (Art of arts is the governing of souls). Freedom is nothing but a natural (divine) gift. Artifacts are fun but may increase wrong perceptions. From a neovitalist perspective, a government that puts in risk of death the population is a bad government. Biopolitics therefore lays on Public policies evaluation of life effects.

Feelings (passions), interests and emotions are the tools to move the mass will. Spinoza's Ethics was based on the fact that the Truth itself does not change any passionate conduct but the love towards Truth (Hirschman, 1999: 47). For instance, today millions of children and persons suffer and laugh at the completely unreal story of

⁴ Available in: <http://media.iupac.org/publications/pac/1961/pdf/0203x0383.pdf> (Consulted May 3 2011).

the films "Ice Age" or "Wall'e", yet reality of Climate Change, Hunger and Violence - real populations suffering of people, plants and animals - are undervalued for the mass in everyday's life.

Once an unchained man discovers true (*sun*) light, when getting out of the cave, this human being can be ignored, avoided, rejected, *the butt of everyone's jokes* and/or persecuted in case he/she tries to lead up his/her former partners towards the real light. That is the basis of Plato's myth.

Anyhow, Jahr's intuition of founding Bioethics on the realm of wisdom and knowledge, as Potter's *science of survival*, does not circumscribe intellectual progress neither to philosophy nor to theology. What is more, Jahr also comprehends that positive-experimental science *per se* does not have all the answers for the sake of Life... either.

It is necessary to take over an integrative approach beyond strict modern disciplinary knowledge if survival is the purpose.

1.4. Metadiscipline

Disciplines are the result in present days of formal education. University (college) knowledge is the systemic tool to produce and acquire it. In this manner, disciplinary rationalities –for instance- have forgotten that anti-inflammatory, anti-clotting, cancer preventive painkiller *acetylsalicylic acid* (Aspirin®), for example, has been obtained from the willow tree cortex either since the case of old Greeks (Asimov, 1990) or actual peasants and indigenous worldwide.

Along these lines, non-university knowledge is also priceless. Besides, it has been much more sustainable from a humanitarian, economical and ecological perspective. Anti-cancer drug, paclitaxel (Taxol®), is derived from the bark of the pacific yew tree (*Taxus brevifolia*)⁵. The meaning of the aforementioned is not only that mankind finds in plants (its evolutionary ancestors in Darwinian terms) the cure for its illnesses, and biochemically, even the remedy for Climate Change (by means of angiosperm plants), but also that native knowledge possesses a value by itself everywhere.

Metadisciplinary knowledge (beyond disciplines) for Bioethics therefore has a dialogical value *per se*. Ancestral, peasant, and spiritual-millenary knowledge highly counts in a global community for its survival. In a classical fashion love for a naturalistic truth is taught orally in these communities as a part of tradition. There is no

⁵ Available in: aprk.psk.or.kr/storage/journal/APR/28_4/1383/articlefile/article.pdf (Consulted by May 4 2011).

greed involved. For the record: demagogic sophist puts a price on knowledge. Actual educative college reforms, worldwide, want to turn education in a profitable eagerly earning-pursing business.

By returning to the consciously discarded spiritual knowledge and wisdom -because of modern formal rationalism- Jahr's writing resembles Potter's call to "*survival as a goal*" for reaching integrative thinking as a formula concluding in Wisdom. Agreeing V. R. Potter (1971: 184), for the same reason, indicates:

"We have elsewhere referred to the new wisdom that respects the delicate balance of Nature as a kind of humility that is equivalent to the ancient admonition <<The fear of the Lord is the beginning of wisdom>> (Psalms 111:10), but neither the original version nor the paraphrasing seems accepted at this time..."

2. Antagonistic and thinking genealogy as a possible Hegelian synthesis of opposites for bioethics

"Here, then, I have today set before you life and prosperity, death and doom."

Book of Deuteronomy 30, 15

When author Jahr in 1927 notes, from an implicit *supra-ethnic* and *biodiverse* perspective that *Life* goes beyond human existence -early forsaking philosophical anthropocentrism-, he distinguishes Italian catholic Saint Francis of Assisi (1181-1226), amidst his chronological references, as the discoverer of *Bio=Ethics*: The author considers through himself the earliest chronological expression of a Bioethical conduct the saint develops during his converted life.

Assisi was not an idolater of animals or Nature. In other words, he was not a pantheist. He saw other living and non-living creatures as brothers and sisters, that is to say, sharing the same *father-creator* principle for all things. Belonging to a *continuum* in perennial change, creatures have a beginning (*alpha* [α]) and an end (*omega* [ω]). One of the few common factors for all living creatures is justly the fact of having a physical birth and a death. Existence, in the meanwhile, for all of them is mediated by respiratory exchange at varied levels: molecular or physiological; direct or indirect.

Thus, all of the living species become invested with special dignity (Life), because all of them are siblings, and must be treated with love, "*as such!*" (The aforementioned idea along Jahr's Bioethics Imperative resembles and widens ancient-Greek *Agape*

type of love, and also evokes indigenous *Gaia Theory comprehension* for many ethnic groups). In this fashion –*through the Italian saint example-* Kantian *Categorical Imperative* founds, accordingly, a practical –*still spiritual and eco-friendly-* antecedent to be real and practiced.

On the other hand, in his 1934 writing, Jahr summarizes and creates the so-called *Bioethical Imperative*. Its support is given by the Old (5th commandment: "*Thou shall not kill*", and excerpts from the Sirach book) and New Testament (*Golden rule* –Mt 7, 12; Luke 6, 31-, and biblical St. Paul letters)⁶.

Moreover, Jahr adds another key character in that system of thinking. His name was *Karl Christian Friederich Krause* (1781-1832): A Kantian philosopher who reconciles Kant's and Fichte's subjective idealism with well known absolute idealism from Schelling and Hegel (Jimenez, 1992: 42). Author Jahr comes directly from this academic genealogy, briefly suggested by Jahr in his manuscript.

Assisi represents Catholicism, an institution constantly slandered as "dark" under the self-called enlightened Masonry that counted on the important participation of Krause. Both social movements wanted an international influence. Both repel each other. Both follow rituals, hierarchies, special books and guides.

Kant (1724-1804) and Hegel (1770-1831) are idealists. However, they meant a remarkable return to: a) *Ontology (the study of the being)*, as well as the spiritual notion (*Geist –spirit-*), and b) Metaphysics into Philosophy. A Kant's disciple, friend of also quoted Goethe: J.G. Herder –another believer-, is relevant for Jahr due to his will of being behaviorally guided by God's example, and comprehending any other creature's right from *its necessities* (Jahr, 1927).

⁶ Available in: <http://www.saocamilo-sp.br/pdf/bioethikos/71/158-170.pdf> (Consulted by June 15/2011)

Parenthesis: For Aristotle (Metaphysics Book XI, Chapters V-VII) if any good is present -agreeing with Jahr-, it is because it is determined by a necessity. So far, these Ethics typologies (Ontological and Necessity-based type) are perfect for achieving eco-centric Leopold's Land Ethics.

This step allows understanding that human-land relationship can no longer be "*strictly economic, entailing privileges but no obligations*" (Leopold, 1949: 238). Contrary to enlightenment economical principles given by David Ricardo and Adam Smith characterized by indulgent conducts -absorbed in anthropocentrism- on nature exploitation, Leopold throughout the chapter "The Land Ethics" points out "*Ethics are possibly a kind of community instinct in-the making*".

His system once again appeals to the Ten Commandments and the Christian Golden Rule. He also mentions scientific facts to build the notion: conservation. The vast majority of species are not economically important. Therefore, materialistic economics-minded foresters showed disrespect towards non-profitable tree species. In spite of it, the land and territories need them for ecological balance. Physis is not understood by these rent seekers. As a result, all types of territories today have been destroyed under sophist conducts, public policies and discourses.

Results of philosophical prejudices such as *Biological Reductionism*, *Spiritual Oblivion* and the arrogant *Naturalistic Fallacy*, have been the 6th Mega-extinction ongoing process all around the globe, Climate Change, Pollution, Massive living suffering and scholar unsuitability to understand Ethical Leopold's (1949) premise:

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

This and Jahr's were very different approaches to that of strict Kantian anthropocentric duty-type of ethics primarily based on rules instead of necessities. In contrast, *necessity-based type of ethics* requires dialogue and sensitive knowledge for understanding the other being (*even non-human beings*, whose needs can be discovered through science and sensibility).

Posterior materialistic/sophist theories during the end of the XIX, and beginning of the XX century will interpret and separate the religious meaning from concept "*Spirit*" up to a reduced, only cultural and philosophical, viewpoint. Nevertheless, that was not necessarily the intention of these founders and philosophical believers who even had admirable works on Jesus' life and Christianity (*Leben Jesu*, *Die Positivität der Christlichen Religion*, *Der Geist der Chriatetums*, at least in the case of the Father of Law Philosophy: G.W.F Hegel)...

J.G. Herder (1744-1803), will define *Kultur* as the spirit of *people* (*Volksgeist*) [Cuche, 1996: 15]. Herder, disciple of Kant, exalts the role of that living and civic element: people. For contemporary persons, ironically, *Kultur* may also signify civilization (as in German word *Kulturländern*) a time-dependent concept.

In contrast, vital understanding of *kultur*, always defined by acts and people, differs from the abiotic impulse "*Zeitgeist*", *spirit of time* –a close secular concept that symbolically resembles Greek divinity *Cronus, son of Gaia*, also the filicide father (eventually defeated) of Zeus -God of Love-, in whose context Hegel announces an atheist paroxysm: the misinterpreted sentence "*God is dead*", originally said by the philosopher in the special context of John's Gospel analysis when from the death, triumphal, comes the resurrected God of Love and Truth (Hirschberger, 2000: 245), a previously promised new life.

Even more, Hegel declares philosophical *Good Friday* is the moment in which he got inserted into the philosophical movement of time to resurrect God to a new philosophical life.

Krause receives all of these influences. Being young, he went to Jena and became Fichte and Schelling direct student. Young as he was, he witnessed a struggle between believers and non-believers. He admired Fichte who was expelled from Jena because of his activist atheism and for that reason was replaced by Schelling, the popular thinker of Nature Philosophy that –*however*- Krause did not like that much (Ureña, 1991: 30-33).

To continue Jahr's genealogy: Schleiermacher (1768-1834), a Schelling's follower, who in Jahr's paper rejects animal and vegetable destruction, had exiled God from philosophy as science object (Hirschberger, 2000: 263). Jahr recalls Good Friday as illustration of cultural compassion even towards Nature during the Holy Week when the sorrow makes people carefully step on plants trying not to inflict harm.

But, Nietzsche (1844-1900) brought a wholly unlike meaning of the expression "*God is dead*" in his works *Thus Spoke Zarathustra* (Sections 108 –New Struggles- & 125 –The Madman-) and *The Gay Science* (Section 125). His reference is oriented to enhance an act of human apostasy when refusing to accept the meaningless comprehension of God and Christianity principles as pattern for morals.

Division and expulsion of divine comprehension from the materialistic world is a tale the Age of Enlightenment elaborates, but Jahr (1927) simply does not buy it. Moreover, in the beginning of his text Jahr observing French revolution –headed by appealing Masonic republican principles: *Fraternity, Equality, Freedom* (France and Haiti national slogans)- shows how this was the end of integrative efforts in knowl-

edge considering previous religious, philosophical and scientific unifying awareness attempts.

For Kant, in his work "*Beantwortung der Frage: Was ist Aufklärung?*" ("*Answer the Question: What is Enlightenment?*"), Enlightenment was "*Mankind's final coming of age, the emancipation of the human consciousness from an immature state of ignorance and error.*" However, historically, these sets of self-called enlighten ideas were not convincing by themselves. They were imposed with terror and beheading of opponents.

2.1. Manichaeism as science of deceitfulness: enlightenment-good and dark age-bad?

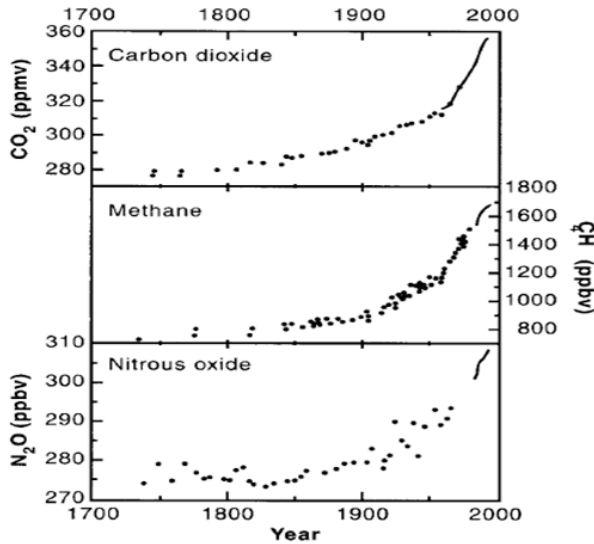
If provided the chance, ¿Who would like to choose darkness? ¿Who would rather stay in the light? Discursively, this was the popular argument to tell apart the medieval from the enlightenment times, but favoring the new anthropocentric ideology. Irony -the Socratic way to face incomprehension-, can point out through an excerpt of Shakespeare's *Merchant of Venice* (II, vii) the words of Death itself: "*All that glitters is not gold*".

1750 is the starting point of a number of phenomena yet in course:

1) the *Enlightenment* (with D'Alembert & Diderot *Encyclopedia* published in 1751), 2) the *Industrial Revolution* (e.g. water steam power machines fuelled primarily with pollutant coal, having the first machine patented in 1769 [Asthon, 1997]), 3) the American & European *urbanization based on hardening of public surfaces* that removes nature (flora & fauna) from massive territories (UNFPA, 2007: 7), 4) Free Market (*Laissez faire*) [Foucault, 2008: 38], and 5) the artificial phenomenon known by these days as *Climate Change*, whose worst greenhouse emission gases are precisely water vapor and carbon oxides (Houghton, 2009).

Human interaction with Nature commenced to be askew because of philosophical changes. Aristotelian/Christian naturalistic ethics began to be replaced by utilitarian ethics in western civilization (like it was said before, useful and pleasant became to mean *good*). As empirical Sir Francis Bacon denominates in his *Novum Organum*, "*Idola fori*" (*Idols of the Market place*) that entered fiercely into the scene.

Figure 1: Changes in Atmospheric Concentrations of Greenhouse (Climate Change) gases Methane (CH₄), N₂O (Nitrous Oxygen) and Carbon Dioxide (CO₂) that start to increase since 1750 with the Industrial Revolution. Source IGBP Series (2005)



If the reader considers the medical terminology and his biological analysis of the social phenomena detailed by H. Maturana (1996), it is possible to understand Culture is a *self-poietic* (self-generator) event. It reproduces and maintains itself from the *milieu* that keeps it alive.

For instance, a progressive evil environment will spread disease and death-risk while an increasing good set of elements and relationships will endure hard circumstances, structuring a *pro-life* system of interactions promoting protection and stability until consolidating Negentropy (negative entropy). Negentropy is a life characteristic that fights against a universe where death prevails. This is an understanding present in the concept *reverence of life* given by the mystic Jewish Nobel Peace Prize winner A. Schweitzer. The concept structured on organic analogies also finds resemblance in Rousseau's "*Social Contract*" (Book III, Chapter IX): "*The political body carries in itself, as man's body does, the cause of its destruction*".

The latest concepts imply the effort of Life and Love (Unity principles) to fight Chaos and Death in a free will media. To understand such a level of freedom, certainly, demands from thinkers much more than only human knowledge. It demands contemplation of Nature which means discovering of how life works out. Contemplation according to J.J. Bachofen is the cradle of religions.

Jahr's quoted Krause was not only an academic, but also a member of the Masonic fraternity in Germany. The masonry creed has been increasingly opposed to the catholic religion because of Masonic materialistic objective of universal hegemony through law and geopolitical order.

Krause himself was the ideologist inside the masonry of the *Worldwide State* subordination to the so-called *Mankind Allianz* by means of law, economy and secular education. The type of global hegemony sought by Krause (1808) was inspired by Napoleon (Ureña, 1991: 166).

However, by that time the free masons have had a contrasting set of ideas to present times. They believe in God in a Theist⁷ mode as described in Krause's (1811) first point of the 23 "*Humanity Commandments*" (*Tagblatt des Menschheitelbens*). Afterwards, agnosticism and atheism have been a leading route in masonry.

Regarding the issue, it must be said that Grand Oriental Lodge of France has widened its influence all around the world getting into conflict with others' creeds such as Catholicism. Agnosticism and Atheism are the actual trend for masonry.

Krause wrote about the need for opening the lodge books and forget the secrecy if an adult person wanted to be reached for the movement. Several lodges protested. *The 3 Oldest Documents of the Masonic Brotherhood* was the work that originated all oppositions to these ideas. Krause was expelled by December 17th (1810) in a ballot vote. Krause was almost unanimously expelled having 40 black ballots out of 44 voters (Ureña, 1991: 132-134). No freedom, equality or fraternity was seen until Krause was dead. Posthumous rehabilitation was approved years later.

Goethe and Fichte had obtained copies of the book. O. Ph. Neumann wrote that Krause was not a "free-mason hero such as Goethe, Herder, Lessing or Wieland. His greatness relies on his idea: Mankind Allianz" (Ureña, 1991: 143).

It is important to note, Greek word *Catholic* (Gr. *Katholikós*, comes from the root *kata*: "according to"; *hólou*: "all") which in consequence means "according to all" [Gomez de Silva, 2005]. Seemingly, -however- taking into account the New Testament (gospel or doctrine contents do not always fit into institutional practice), culture in early Christianity is respected by allowing people to preserve local customs and traditions.

In words of Fort Newton (1927-2003) there are people "*who regard Masonry as a sufficiently organized system of spiritual thought and practice to be entitled to be called a reli-*

⁷ Classical or traditional *theism* (according to the Stanford Encyclopedia of Philosophy): Understanding that ultimate reality is God, a being which is distinct from the world and any other reality. This distinction involves a separation between God and the world that makes any interaction between God and the world problematic.

gion. By a religion they mean a definite creed and certain distinctive rites expressing its faith and spirit, and both of these they find in Masonry (...) French Masonry with the Bible off the altar and the name of God omitted from the ritual, does justify such a description."

2.2 Reason, faith and survival

<<**Jake Sully:**

"*Tsu'tey, son of Atheyo (Atheist?), I stand before you ready to serve the Omaticya people.*

You are Olo'eyctan, and you are a great warrior. I can't do this without you."

Tsu'tey:

"*Toruk Macto, I will fly with you.*">>

Avatar film dialogue, representing the moment in which union is the only way to save the World and the Tree of Life from lethal nonsense technology and greed.

Krause also brought to the reader senses of a concept referred to as Panentheism. It is time to clarify definitions. Pantheism is a belief that worships all objects and living creatures and takes them over directly as divinity. Krause was accused of this. God is identified with the material universe. The tendency of idolatry and/or fetishism is high. Clever as he was, Krause develops Panentheism.

In Catholicism probably there is not a comparable, purest and holistic figure among saints as Saint Francis is. Saint Francis was not a priest but a deacon. As Jesus, he did not receive formal education on religion. "*No one but the Almighty taught me what to do*" he said once. He was a man of action and community. When he was organizing his fraternity, initially called Frates minores, he went to Rome to obtain permission. A cardinal, Juan Colonna, advised him to enter into a monastery. Gospel, poverty and humbleness were a hard path to persuade *well-to-do* authorities. Assisi did not really appreciate academic excesses and their rich lifestyle. But, he had respect for theologians, quite busy brothers combating heresy at this time (Spoto, 2007: 143).

So, explicit mentioning of these antagonist figures signifies a positive (+) example of valuing seeming enemies *and/or* opposite views of the world. Humans can learn from other creatures to be better beings.

According to this view, even opponents favor personal spiritual growing. However, it does not mean God is part of everything even though he rules everything.

In comparison, according the *Stanford Encyclopedia of Philosophy*:

"Panentheism understands God and the world to be inter-related with the world being in God and God being in the world. It gives a popular alternative to traditional theism and pantheism. Panentheism seeks to avoid both isolating God from the world as traditional theism usually does and identifying God with the world as pantheism does. Conventional theism stresses the difference between God and the world while panentheism focuses on God's active presence in the world. Pantheism emphasizes God's presence in the world but panentheism maintains the identity and significance of the non-sacred."

Stanford Compendium continues:

"Schelling's understanding of God as personal, provided the basis for the unity of the diversity wider range than Hegel's understanding. Schelling emphasized the freedom of the creatures in relation to the necessity of God's nature as love. This relationship resulted in a vitality and on-going development. Hartshorne classifies this as a dipolar understanding of God in that God is both necessary and developing (1953: 234). Cooper describes Schelling's thought as dynamic cooperative panentheism (2006: 95). Hegel found Schelling inadequate and sought a greater unity for the diversity. This led Hegel to a more comprehensive and consistent system still based upon change in God. God as well as nature is characterized by dialectical development. In his rejection of pantheism, Hegel understood the infinite as including the finite by absorbing the finite into its own fuller nature. This retained divine transcendence in the sense of the divine surpassing its parts although not separate from the parts (Whittemore, 1960: 141–142). The divine transcendence provided unity through the development of the Absolute through history. Cooper describes Hegel's panentheism as dialectical historical panentheism (2006: 107). Karl Krause (1781–1832) in 1828 labeled Schelling's and Hegel's position as "panentheism" in order to emphasize its difference from (Jew) Spinoza's identification of God with the world (Reese, 2008: 1)".

Aristotle, Assisi, Hegel, Schelling, Jahr, Krause, Schleiermacher and Schweitzer. One way or another, the European heritage used in structuring the bioethical sense is evident and integrative.

Krause, quoted by Jahr (1927), as a matter of fact, mentions that -in practice- every living creature must be respected and should not be killed when having no thoughtful reasons.

Krause and Assisi understood that *true* enlightening messages and teachings can never be contained in restricted canonic books neither for the Masonic nor for the Catholic believers in need. God and the Truth have to be accessible for all.

Assisi biography (Spoto, 2007: 117) demonstrates, by 1208 a curious detail. First Franciscan brothers self-called *Frates minores*: Francis, Bernard and Peter, looked up for a group conducting rule in the scriptures. However, as lay persons upon those times they *did not have access to the entire Holy Bible*. They had to go to the church and read the Missal (book of texts used in catholic mass). That was enough, 3 readings from the gospel confirmed the preliminary vocation of the saint and his initial order⁸.

The Italian deacon highly appreciated theologians, however, the habit of piling up books was for him a sign of scholar arrogance; a preposterous insult in front of the hungry poor. He clearly indicates that erudition was not equivalent to sanctity.

Academician Krause makes evident in his criticism similar behaviors kept by the freemasons. The statement was published in his 1810 work "*Ankündigung*" (Ureña, 1991). Keeping knowledge in secrecy through book seclusion is acceptable neither for masonry lodges nor for Christian believers willing to learn.

Together with Free-Masons and self-denominated "enlightened men" Krause shared rejection toward ecclesiastic directions. He believed masonry was the unique social Institution that carries on the "*pure and harmonic humanity*" (Ureña, 1991: 155). The "*Purely Humanity Education*" is a concept that is poured into the pedagogic system that a sector of Spanish philosophers –Masonic as a genealogy- nested in their educative system.

Famous Spanish humanist M. Menéndez y Pelayo (1856-1912) respected Spaniard krausists. However, he had to dialectically oppose Gumersindo de Azcárate and the krausism in Spain as a whole. It was not understandable for him to choose Krause instead of Hegel in this new kind of academics. The leftist krausists said Spain did not have a national thinking. Many Spanish thinkers were quoted in response; they were classified as Renaissance thinkers, and by no means were they obscurantists.

Menéndez Pelayo had a direct reference regarding the rivalry: Menéndez was hindered for taking a test in *Metaphysics* due to krausist and "free" institutionist N. Salmerón express order. In a letter to his parents young Menéndez, who was converted to the Neo-Catholics, said about the incident (Sánchez Reyes, 1974):

⁸ Marc 10,21: Looking at him, Jesus felt a love for him and said to him, "One thing you lack: go and sell all you possess and give to the poor, and you will have treasure in heaven; and come, follow Me."; Luke 9,3: And He said to them, "Take nothing for your journey, neither a staff, nor a bag, nor bread, nor money; and do not even have two tunics apiece; Matthew 16, 24: Then Jesus said to His disciples, "If anyone wishes to come after Me, he must deny himself, and take up his cross and follow Me." (New American Standard Bible).

"You cannot understand some of these things, because you do not know Salmerón. You do not know either that krausism is some type of Masonry in which they protect one each other and the one who enters late or never gets out"

By 1875, Ramón de Campoamor, was suspicious about the truth involved in *Panentheism*. Considered as a word puzzle, *panentheism* was the weakest and ashamed pantheism to his understanding, poorly developed taken into account it was a central element to explain life and universe (Jimenez Garcia, 1992: 175). Sanz Del Río had written *The 1857 Discourse* and *The Humanity Ideal*. Menéndez Pelayo, at the end, was recognized as the most important Spaniard *historian of the Ideas* (Ferrater Mora, 2003).

The last decade of the XIX century in Spain was politically chaotic. What is more, anarchists killed catholic and pro-monarchic President Antonio Canovas Del Castillo on 8th August (1897)⁹. Well-educated revolutionaries from overseas were identified as the intellectual authors of the assassination.

E. Ureña (1990: 56), the most profound writer of Krause's biography, in the Article "*Krausfröbelism and Masonry Origins*" correlates the *purely human education* with education as a *kind of liturgy* the *Mankind Alliance* counts on to educate humanity. This was an exclusive phenomenon of German masonry: the merger between Masonic philosophy with social and historical philosophy which actually is the link among masonry and krausofröbelism.

Friederich Fröebel (1782-1852) –Krause's disciple and friend- was one of the founders of the *Free Teaching Institution* after Francisco Giner (1839-1915) who finished his pedagogic labor in 1875. Three strong promotions followed the movement. In the third promotion there were well known names such as Ortega Y Gasset and Juan Ramón Jimenez, born between 1880 and 1890 (Jimenez, 1992: 151-160).

For Hegel dialectic procedures were divided into Thesis, Antithesis and Synthesis. Krause, who said about himself that he was the real legatee of Kant's philosophy instead of Hegel, had different categories: Unit, Opposition and Harmony (Jimenez, 1992: 51).

2.3 Other topics: convenient or inconvenient seed of globalization?

Krause, accordingly, had dedicated all of his efforts in metaphysical thinking to ethics and law philosophy. He rejects the absolutist theory on the State (element of central significance in Hegelian thinking), emphasizing the importance of universal-end-associations, such as family or Nation over limited associations such as State and Church. For him, true morality was founded in family and Nation. Ironically, in history of all

⁹ Available in: <http://www.fdomingor.jazztel.es/asesinato%20canovas.html> (Consulted by May 30, 2011)

nations, Masonic efforts in law always claimed for divorce in many nations since the XIX century. Within a Masonic way of thinking, even though church and State fulfill moral and law as institutions, "*Humanity Ideal for Life*" had to be achieved throughout a *universal federal association* (Ferrater Mora, 2009: 2032).

Those local federations, a trait of Masonic system of government (federal system), had to be united under a worldwide federation. Citizens and towns had to be homogenized on the basis of a supreme reason and good established by means of education (Free Teaching Institution), economy (Free Trade Agreements) and homogenizing universal laws (Worldwide Alliance for the Law) and political bodies (*Mankind Alliance and the Masonic Brotherhood*).

His Spanish follower, Julian Sanz Del Río (1814-1869), imported to Spain this ideology/methodology after having a glance at it throughout Ahrens writings in Law Philosophy at Madrid's Central University. It was nothing but a decided secular system against theocratic values:

A Spanish School was founded. Its name was the "*International School*". Its first principal Nicolas Salmerón (1869), for instance, declared about any previous Christian teaching as "Servile theocratic education" (Jimenez Garcia, 1992: 139). Those patterns were transferred to Latin American education throughout rich intellectual Masons in the XIX century. Many presidents and government officials were Masons during the XX century in Latin America.

2.4 "Dark" effective actions & procedures

So, in separate ways Assisi and Krause started to diffuse altruistic doctrines based on public pacific revolutions, respect for life, productive dialogue on differences, and brotherhood (Franciscan order original name, by way of *illustration*, was "*Frates Minores*" freemasons slogan "*Freedom, Equality, Fraternity* (Fr. *Liberté, Égalité, Fraternité*)" – still in force for Haiti and France – is, like it was oriented initially during the French Revolution, a republican principle from the Masonry). Was that the only method of achieving those social ideals? The answer is no.

Krause ideas and fellows had a profound network influence on the European (Heinrich Ahrens –German Mason disciple of Krause, was professor in Brussels (Belgium) and translator of Krause into French- & Guillaume Tiberghien, Ahrens' disciple, Belgian professor who tried to reconcile Krause thinking with Christianity, but the dogmatic free-mason scholars say about him that he was a deformer of Krause's ideas) and also krausism has a sway in Latin American liberal education.

This genealogic trait does not have anything strange. Fichte himself, Krause's teacher was a free-mason and lodge-mate as well. An important number of famous people have been: collective support is a trait of any brotherhood.

Krause was an open-minded individual. In his 23 points from the *Human Commandments* (*Tagblatt des Menschheitens* de 1811), his anti-utilitarian points were compatible with faith, love and defense of nature. He was not exclusive with Christians as some followers became. This work was posterior to the unpublished work *The Human Alliance and the Masonic Brotherhood*, in which attitudes towards the church were noted. Masonry bias such as making equal the catholic faith with darkness in knowledge is still perceptible.

Remarkably, Catholics have also been involved in the major Science breakthroughs. As a case in point, father of Genetics the Austrian monk *Gregory Mendel* (1822-1884) is the father of Genetics.

Furthermore, catholic priest and astrophysicist, *Georges Henri Joseph Édouard Lemaître* (1894- 1966), was one of the fathers of the Big Bang Theory, published in 1927, when the concept *Bio=Ethics* appeared as well. He demonstrated with mathematical language how the Universe is expanding from a primordial atom explosion or "*hylém*" (following Aristotelian terminology [*ύλη* -*hylé*-= *matter*]).

In addition, Jesuit Priest *Pierre Theilard de Chardin* (1881-1955) as a scientist was one of the builders of the Theory of Evolution. After dealing with geology, botany and zoology studies in Eocene events at the Sorbonne University, he even was a member of the discovery team in the *Pekin Man* (a type of Pithecanthropus) exploration. He became a member of the French Academy of Sciences. Those are a few stories, but perhaps unusually important for knowledge.

3. Knowledge and faith

"I took a drive today. Time to emancipate.

I guess it was the beating made me wise, but I'm not about to give thanks or apologize"

Rearview mirror. Versus (1993). Pearl Jam.

As the medieval Anglo-Saxon catholic bishop of Chartres, well-aimed John of Salisbury (1159), wrote in his work *Metalogycon*, regarding the advice of Bernard of Chartres, the historical approach to knowledge issues has to be taken up "*like dwarfs on the shoulders of giants, so that we can see more than they, and things at a greater distance, not by virtue of any sharpness of sight on our part, or any physical distinction,*

but because we are carried high and raised up by their giant size." In contrast, arrogance considers no other concepts but its own points of view.

That is probably what Fritz Jahr (1927) avoided by mentioning plural, complementary and colossal thinkers in his essays and what actual readers have to contrast to present times deaf methodologies.

This concept follows the fourth point from the *Declaration of Rijeka (2011) on the Future of Bioethics*.

On March 12th 2011, coincidences – "*God's pseudonym*" according to A. Schweitzer's famous sentence - were written in history. While the nuclear disaster of Fukushima, a techno-scientific one, was taking place in Japan after a natural tsunami, the first reunion of European roots for Bioethics was held in Rijeka, Croatia. Declaration of Rijeka was signed that very same day. An appeal to classic thinkers, to other more-including systems of thinking, and a criticism towards an insufficient and self-called North American "*Principlism*" was pronounced.

Hippocrates has to be important again considering deleterious practices in Medicine and a hunger for profit have destroyed health care not only in the USA, but also all around the world. Economic interests cannot undermine Life protection in animal, plant and human health fields. From Aristotelian treatises it is clear that Wisdom has to subjugate Politics, and in turn Politics ought to rule Economics. The type of richness that induces the death of other members of the community is not richness at all but chrematistic actions for Aristotle in *The Republic*.

Never before centaur's Chiron inheritance was so necessary. His genealogy, contemplated in Hippocrates Oath comprised Panacea, Asclepius and Hygieia. All of the aforementioned are icons of Medicine. Love for wisdom is headed to solve real problems. Medicine was developed to heal illnesses, as a science of survival. Making money has been the new concern that has spoiled Medical Practice.

2011 Japanese geological and nuclear disaster points out *Money (Richness), Science and Technology, and Comfort (Pleasure)* –those modern world bets for fulfilling "*Development and Progress*" paradigms given under an *in force* Utilitarian system of ethics- *are not enough* to achieve happiness (previous Eudaemonic/naturalistic ethics) in solid stability.

Moreover, this sort of anthropocentric "*new*" trinity does not solve the problems contemporary mankind is facing nowadays. Omniscience is just not possible for human beings according to reality. For human knowledge, there always are missing pieces in foreseeing future or present facts. Several factors are usually ignored in planning, even for an interdisciplinary perspective.

Admitting *interdependence*, for all living beings –including all types of humans- is true humbleness, a forgotten virtue, a path for integrative wisdom: A "robust" and classical absence in *high-handed* and what appears to be, self sufficient, disciplinary knowledge.

Perhaps, that is why Jahr includes excerpts from a whole variety of human knowledge when defining "**Bio=Ethics**" for the first time. Likely, that is also the reason because the icon of humbleness¹⁰ (St F. of Assisi) is his chosen, oldest, western key-stone for Bioethics. Assisi *did not exclude* from his thoughtful care any subject/object conceding distinct importance to the idea of creation.

Animals and other living creatures, heavenly bodies (i.e. *Brother Sun, Sister Moon*), states (i.e. *Sister Death*) or ill individuals (i.e. leprosy afflicted patients) were worthy subjects of his *agape love* towards God creatures, following Christ example (a merciful divinity understood as father and brother of all human beings).

Metadiscipline also considers *Art* as an instrument with plenty of sense for feeling expression. In Jahr's paper, Wagner's *Parsifal* in music is quoted, as well as segments of universal poetry, Goethe's conflicted character *Faust*, well-known and obscure philosophers, but also spiritual figures -from all around the world- and also scientists in fields related to evolution, blood, botanical and animal science, are showed by Jahr in order to build a solid piece of work defending the *Holy Spirit of Life*.

Hence, Albert Schweitzer (1947) "Reverence for Life" (***Ehrfurcht vor dem Leben*** – *Tr*: In the awe of the mystery of Life-) is meaningful as universal principle for Ethics. The author explicitly mentions in his book "Civilization and Ethics": <<*Ethics is nothing other than reverence for life*>>.

Reading carefully for the first time Jahr's 1927 paper, the reader finds a bountiful paper, but at the same time, a hard test for accepting his/her own levels of ignorance and dogmatic prejudice to avoid it, only if wisdom is a serious goal to be considered.

For Jahr, Bioethics is understood as a path that comprises wisdom, dialogue, and in fact, a concept related to a *Metadisciplinary* effort (action to appreciate knowledge beyond disciplines). Besides, it integrates Science amid each situation analysis. Therefore, Science is also allusively revealed as a dual entity composed by both *social and positive-experimental approaches*. There is no possible exclusion regarding human activities for that *Truth-seeking* system. It, in accordance, fits with broader concepts

¹⁰ Humbleness comes from the etymological Latin root "*Humilis*" referred to fertile soil, down to earth, low, ground (Gomez de Silva, 2005).

from Potter's (1971) mere *interdisciplinary optic* comprised in his *Bioethics, Bridge to the future* proposal.

Metadiscipline implies, for this reason, the common building of an epistemological infrastructure based on including appreciation of non-academic knowledge, such as spiritual, peasant and indigenous *awareness, contemplation and values*. Spiritual knowledge that kept in harmony *human-nature* relationships for thousands of years, as an outgrowth, also has to be taken into account for holistic analysis in Bioethics.

4. The mother of dialogues: a transdisciplinary medieval treaty still in force

Assisi helped to restore a middle age-decadent Catholic Church. In a mystic experience he had the mission of rebuilding his church. Actually, he tried to do it by remodeling Saint Damian's church building, by getting enrolled at a crusade and finally he obtained it just by living peacefully according to the gospel, having a merciful attitude towards all kinds of creatures. During the very period of the 3rd crusade, when Assisi was young, another convergent point had united opposite's leaderships in a real bioethical attitude.

As suggested at the beginning, Bioethics core is composed of different perspectives. Dialogue, Life respect, profound understanding counting on different knowledge, would be common factors for a bioethical attitude.

This state was accomplished by confrontational enemies. Interacting in written Dialogues (curiously, never face to face) – in this case, despite counterpart deadly differences- Saladin and Richard the Lionheart did it. This feature was important for the *Military Ethos of Chivalry*, based on honor, mercy and courage, whose icons in western and eastern medieval history got together in a milestone event.

Three key historical, political and theological figures of the 3 monotheist religions are the main characters of this difficult scene. All of them were characterized by their unifying spirit. Kurdish Sultan Saladin (1138-1193) – Sunni Muslim - English King Richard I the Lionheart (1157-1199) –Catholic- and Spaniard Physician Rabbi Moshe ben Maimon "Rambam" (1135-1204)–Jew- all of them were also characterized by their interdisciplinary education and their condition as important believers, being involved through mesmerizing dialogues that teach modern mankind how to solve conflicts without losing the particular essence.

When in Fustat (Egypt), Maimonides treated as a physician Saladin's family. During those years he wrote not only religious books, but also *The Guide of the Perplexed*

(meaning *The Guide for the Undecided*) in which he builds a bridge between science and faith. This treatise originally written in *Arabic*, built the bridge between Philosophy (Aristotelian/Averroes reasoning) and Faith. His thinking influenced Thomas Aquinas and Duns Scotus (Franciscan Scholastic theologian that developed the thesis according to which human knowledge needs God's guidance to scope certainty).

Saladin was capable enough to unite the Middle East. His realm covered Egypt, Syria, actual Iran & Iraq, Hejaz, Jerusalem, and Yemen. Kurds, Arabs and Jews have favorable feelings towards this figure that also unite Islam. Briefly his personal physician was Moshe Ben Maimon according to C. Vidal (2005: 190-195). Other authors have different versions. However, tolerance and acceptance, appreciation of the counterparts' qualities is the main lesson of this story.

The Lionhearted was a bold character that united Europe (France, Great Britain and even Spain -when getting married to Berengaria of Navarre-). During the Third crusade he took the only action to be called as success.

After fighting Saladin's troops and having two strong victories (Acre and Arsuf) and a following preposterous massacre of Muslims negotiations reached an achievement: to regain access for Christian pilgrimage to Jerusalem.

Once again, limits, mutual recognition, eventual fight against violence, courtesy, respect based on diversity and weighting of Merciful God, Love and friendship as supreme forces in Nature and Life, allowed the sake of Life. Balance. Cosmos. By *the Treaty of Ramla* (1192), the presence of the three religions in Jerusalem was guaranteed for 3 years.

This agreement wisely still exists today in collective balanced benefit. Franciscan friars are in charge of the Christian places in Jerusalem nowadays. Krause wanted a New World Order through a Worldwide Humanitarian Alliance for the Law. Messages are pertinent today in askew times.

* * *

Let us open a short ending paragraph here on the discussion of the false dichotomy Modern = good, past = evil regarding Medicine. By coincidence, when a society is falling into decline, Medicine is *not* governed by physicians. That happened during the ancient sophist Greek times. The same is happening nowadays. Today (Human or Veterinary) Medicine is mainly ruled by economic interests and philosophers.

For instance, in America Oaths are parts of a decreasing practice (for MD graduates) that concurs with elevated legal and cultural complaints towards medical practice. Sacred commitment with Life implied in an oath has been easily discarded. It

does matter, because there are more Ethics Institutions, stronger laws, specialized branches in Medical Ethics, but a question remains... Why bad practice lawsuit casuistry is growing up against medical practitioners?

Two points for comparison:

Table 1. Number of School of Medicine practicing Medical Oaths in 1958. Source: Irish DP, McMurray, DW. "Professional Oaths in American Medical Colleges." J. Chron Dis 18 (1965):175-89.

| Number of Schools of Medicine | Oath |
|-------------------------------|--------------------------|
| 7 | Hippocratic |
| 14 | Modernized Hippocratic |
| 11 | Declaration of Geneva |
| 26 | Other |
| 4 | Various and Undesignated |

The image just 35 years later shows diminishing of the use of genuine commitment, having some schools that do not care about oaths at all:

Table 2. Number of School of Medicine practicing Medical Oaths in 1993. Source: Orr, Robert D., Norman Pang, Edmund D. Pellegrino, and Mark Siegler. "Use of the Hippocratic Oath: A Review of Twentieth Century Practice and a Content Analysis of Oath Administered in Medical Schools in the U.S. and Canada in 1993." Journal of Clinical Ethics 8 (1997):377-88.

| Number of Schools of Medicine | Oath |
|-------------------------------|----------------------------|
| 1 | Classical Hippocratic Oath |
| 68 | Modified Hippocratic Oath |
| 34 | Declaration of Geneva |
| 15 | Osteopathic Oath |
| 5 | Oath of Louis Lasagna |
| 4 | Prayer of Maimonides |
| 20 | Other oath |
| 3 | No oath |

5. Conclusion

According to worldwide phenomena integration is an urgent need. Integrative Bioethics with stronger fundamentals in science and classical thinking has to be developed. Declaration of Rijeka contains points to be considered in order to nurture Bioethics, widen its meaning for the sake of all types of life. History and science are remarkable instruments to analyze customs and acts.

Dedicatory: To my celestial mother, Virgin Mary. The one who is represented by white and blue clothes just the way the Mother Earth looks like from the Universe...

Annex 1. Hippocratic oath

I swear by Apollo the physician, and Asclepius, and Hygieia and Panacea and all the gods and goddesses as my witnesses, that, according to my ability and judgment, I will keep this Oath and this contract:

To hold him who taught me this art equally dear to me as my parents, to be a partner in life with him, and to fulfill his needs when required; to look upon his offspring as equals to my own siblings, and to teach them this art, if they shall wish to learn it, without fee or contract; and that by the set rules, lectures, and every other mode of instruction, I will impart a knowledge of the art to my own sons, and those of my teachers, and to students bound by this contract and having sworn this Oath to the law of medicine, but to no others.

I will use those dietary regimens which will benefit my patients according to my greatest ability and judgement, and I will do no harm or injustice to them.

I will not give a lethal drug to anyone if I am asked, nor will I advise such a plan; and similarly I will not give a woman a pessary to cause an abortion.

In purity and according to divine law will I carry out my life and my art.

I will not use the knife, even upon those suffering from stones, but I will leave this to those who are trained in this craft.

Into whatever homes I go, I will enter them for the benefit of the sick, avoiding any voluntary act of impropriety or corruption, including the seduction of women or men, whether they are free men or slaves.

Whatever I see or hear in the lives of my patients, whether in connection with my professional practice or not, which ought not to be spoken of outside, I will keep secret, as considering all such things to be private.

So long as I maintain this Oath faithfully and without corruption, may it be granted to me to partake of life fully and the practice of my art, gaining the respect of all men for all time. However, should I transgress this Oath and violate it, may the opposite be my fate.

Annex 2. Maimonides Prayer.

The Oath of Maimonides

The eternal providence has appointed me to watch over the life and health of Thy creatures. May the love for my art actuate me at all time; may neither avarice nor miserliness, nor thirst for glory or for a great reputation engage my mind; for the enemies of truth and philanthropy could easily deceive me and make me forgetful of my lofty aim of doing good to Thy children.

May I never see in the patient anything but a fellow creature in pain.

Grant me the strength, time and opportunity always to correct what I have acquired, always to extend its domain; for knowledge is immense and the spirit of man can extend indefinitely to enrich itself daily with new requirements.

Today he can discover his errors of yesterday and tomorrow he can obtain a new light on what he thinks himself sure of today. Oh, God, Thou has appointed me to watch over the life and death of Thy creatures; here am I ready for my vocation and now I turn unto my calling.

The prayer of Maimonides

Almighty God, Thou has created the human body with infinite wisdom. Ten thousand times ten thousand organs hast Thou combined in it that act unceasingly and harmoniously to preserve the whole in all its beauty the body which is the envelope of the immortal soul. They are ever acting in perfect order, agreement and accord. Yet, when the frailty of matter or the unbridling of passions deranges this order or interrupts this accord, then forces clash and the body crumbles into the primal dust from which it came. Thou sendest to man diseases as beneficent messengers to foretell approaching danger and to urge him to avert it.

Thou has blest Thine earth, Thy rivers and Thy mountains with healing substances; they enable Thy creatures to alleviate their sufferings and to heal their illnesses. Thou hast endowed man with the wisdom to relieve the suffering of his brother, to recognize his disorders, to extract the healing substances, to discover their powers and to prepare and to apply them to suit every ill. In Thine Eternal Providence

Thou hast chosen me to watch over the life and health of Thy creatures. I am now about to apply myself to the duties of my profession. Support me, Almighty God, in these great labors that they may benefit mankind, for without Thy help not even the least thing will succeed.

Inspire me with love for my art and for Thy creatures. Do not allow thirst for profit, ambition for renown and admiration, to interfere with my profession, for these are the enemies of truth and of love for mankind and they can lead astray in the great task of attending to the welfare of Thy creatures. Preserve the

strength of my body and of my soul that they ever be ready to cheerfully help and support rich and poor, good and bad, enemy as well as friend. In the sufferer let me see only the human being. Illumine my mind that it recognize what presents itself and that it may comprehend what is absent or hidden. Let it not fail to see what is visible, but do not permit it to arrogate to itself the power to see what cannot be seen, for delicate and indefinite are the bounds of the great art of caring for the lives and health of Thy creatures. Let me never be absent-minded. May no strange thoughts divert my attention at the bedside of the sick, or disturb my mind in its silent labors, for great and sacred are the thoughtful deliberations required to preserve the lives and health of Thy creatures.

Grant that my patients have confidence in me and my art and follow my directions and my counsel. Remove from their midst all charlatans and the whole host of of fictitious relatives and know-all nurses, cruel people who arrogantly frustrate the wisest purposes of our art and often lead Thy creatures to their death.

Should those who are wiser than I wish to improve and instruct me, let my soul gratefully follow their guidance; for vast is the extent of our art. Should conceited fools, however, censure me, then let love for my profession steel me against them, so that I remain steadfast without regard for age, for reputation, or for honor, because surrender would bring to Thy creatures sickness and death.

Imbue my soul with gentleness and calmness when older colleagues, proud of their age, wish to displace me or to scorn me or disdainfully to teach me. May even this be of advantage to me, for they know many things of which I am ignorant, but let not their arrogance give me pain. For they are old and old age is not master of the passions. I also hope to attain old age upon this earth, before Thee, Almighty God!

Let me be contented in everything except in the great science of my profession. Never allow the thought to arise in me that I have attained to sufficient knowledge, but vouchsafe to me the strength, the leisure and the ambition ever to extend my knowledge. For art is great, but the mind of man is ever expanding.

Almighty God! Thou hast chosen me in Thy mercy to watch over the life and death of Thy creatures. I now apply myself to my profession. Support me in this great task so that it may benefit mankind, for without Thy help not even the least thing will succeed.

Translated by Harry Friedenwald, *Bulletin of the Johns Hopkins Hospital* 28: 260-261, (1917)

BIBLIOGRAPHIC REFERENCES.

1. Aristotle. *Methaphysics*. Madrid: Espasa-Calpe, 2007.
2. Ashton, T.S. *The Industrial Revolution, 1760-1830*. Oxford: Oxford University Press, 1997.
3. Asimov, I. *Asimov's Chronology of Science and Discovery*. Barcelona: Harper Collins-Hurope Publishers, 1992.
4. Bachelard, G. *Epistemología*. Barcelona: Anagrama, 1980.
5. Cooper, J.W., *Panentheism The Other God of the Philosophers: From Plato to the Present*, Grand Rapids, MI: Baker Academic, 2006
6. Cornford, FM. *Plato and Parmenides. Parmenides' way of Truth and Plato's Parmenides*. London: Routledge & Keagan Paul Ltd, 1939/1977.
7. Fort Newton, J. *Religion of Masonry: An Interpretation*. Montana: Kessinger Publishing, 2003.
8. Foucault, M. *El Nacimiento de la Biopolítica*. México DF: FCE, 2008.
9. Frankl, V. *Psicoanálisis y Existencialismo*. México: FCE, 2009.
10. Gómez de Silva, G. *Breve Diccionario Etimológico*. México DF: FCE, 2005.
11. Hartshorne, C&, Reese W.L. (eds.). *Philosophers Speak of God*. Chicago: University of Chicago Press, 1953
12. Hirschman, AO. *The Passions and the Interests: Political Arguments for Capitalism before its Triumph*. Barcelona: Península, 1999.
13. Houghton, J.. *Global Warming*. New York: Cambridge University Press, 2009.
14. IGBP. *Global Change and the Earth System*. New York: Springer, 2005
15. Jiménez, A. *El Krausismo y la Institución de la Libre Enseñanza*. Madrid: Cincel, 1992.
16. Leopold, A. *A Sand County Almanac*. Oxford: Oxford University Press, 1949
17. Maturana, H. *Desde la Biología a la Psicología*. Santiago de Chile: Editorial Universitaria; 1996.
18. Potter, VR. *Bioethics, bridge to the future*. Englewood Cliffs; NJ: Prentice-Hall; 1971.
19. Quine, W. *La Búsqueda de la Verdad*. Barcelona: Crítica, 1990.
20. Sánchez Reyes, E. (1974) *Biografía de Menéndez Pelayo*. SSIC. Santander: España, 1974.
21. Spoto, D. *Francisco de Asís*. Barcelona: Byblos, 2007.
22. UNFPA.. *State of the World Population: Unleashing the Potential of Urban Growth*. New York: United Nations Publishing, 2007.
23. Ureña, E. *Krause, Educador de la Humanidad*. Madrid: Universidad de Comillas, 1991.
24. Whittenmore, Robert C. "Hegel As Panentheist", *Studies in Hegel Series: Tulane Studies in Philosophy*. (9): 134–164, 1960.

Natacha Salomé Lima* and Juan Jorge Michel Fariña

Fritz Jahr's bioethical concept and its influence in Latin America: an approach from aesthetics¹

ABSTRACT

Fritz Jahr, creator of the concept of bioethics, would have been happy to go to the cinema to see the film *Avatar*. He would have enthusiastically donned the darkened 3D glasses and enjoyed this movie that he had, in a way, already had a glimpse of over seventy years ago. Because when in 1927 he published his article "Bio-Ethik: Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze" ("Bioethics: A Review of the Ethical relationships of Humans to Animals and Plants") he was ahead of his time and he bequeathed us with what is rightly called *a vision*. This article is written as an acknowledgement of his work and dedicated to his memory.

The influence of the European philosophical and aesthetic thinking has been very important on Latin America and especially on our River Plate basin. The European approach, more than any, could be deeply verified in the fields of psychology, psychiatry and related medical humanities. In particular, French and German authors such as Wilhelm Wundt, Theodor Fechner, Rudolf Eisler, Friedrich Ernst, Daniel Schleiermacher, Arthur Schopenhauer and Richard Wagner among others, have had strong influence on Jahr's work.

The discovery of Jahr's work by Hans Martin Sass and its initial Spanish disclosure by Fernando Lolas Stepke has become a truly epistemological event. Fritz Jahr's

¹ The ideas included in this paper are product of the work of a research group at the Science and Technique Program, University of Buenos Aires, under the coordination of Juan Jorge Michel Fariña (Director) and Natacha Salomé Lima (PhD Candidate), and integrated by Carlos Gutiérrez, Elizabeth Ormart, Gabriela Salomone, Eduardo Laso, Andrea Hellemeier, Armando Kletnicki, Haydée Montesano, María Elena Domínguez, Alejandra Tomas Maier and Irene Cambra Badii. Invited Professor: Jan Helge Solbakk (University of Oslo).

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Zeitgeist, which contains the philosophical and theological background, and also the esthetic and scientific spirit of his time, has become crucial to the bioethical concept it coins. Looking back, this idea is, nowadays a *supplement* to the medical and biological context which saw the rebirth of Bioethics in the 70s, by Helleger and Potter.

The discovery of the Fritz Jahr's text and its very detailed analysis by Sass, is essential to our perspective in that it establishes a connection between the concept of bioethics and traditional European philosophy which dominated in the period between the two world wars. Three interesting points which were raised in Jahr's text are: (1) The precursory analysis of ethical premises for experimentation with animals. (2) Raising the issues of an ecological agenda in the field of bioethics— issues which also integrate contemporary priorities, (3) the birth of bioethics linked to the great transformations of the first quarter of the 20th century.

With regards to the latter, certain events contemporary to the publication in 1927 of Fritz Jahr's pioneer article should be pointed out. Some of them include the advance made in science and technology: the enunciation of the principle of uncertainty and the birth of quantum physics - Bohr, Heisemberg, 1927-; the first long distance television transmission (1925) and the premiere of the first sound movie (1927). Furthermore, the European political context, with the consolidation of fascism, was an important influence of this life and work (Sass, 2011). Finally, the contemporaneity of Jahr's article and two crucial texts written by Sigmund Freud: "Inhibition, Symptom and Anxiety" (1925) and most especially "The Future of Illusion" (1927) that became an important reference for concerns regarding ethics in relation to scientific-technological development.

***Pathos* and bioethics: the *Parsifal*, by Richard Wagner and beyond**

It's interesting that both references to Wagner in Jahr's work come from the opera *Parsifal*. Its first act represents the touching scene of a white swan being killed by a boy who would then become Parsifal to redeem man from its original sin.

Let us remember the scene: Gurnemanz is saying his prayers and suddenly something terrible happens. Someone has killed a beautiful white swan. It was killed by an arrow in full flight. They bring the culprit who was barely a boy and they asked him why he had done that. He simply said that he shot his bow and arrow at anything that flew... Gurnemanz speaks in defense of the swan and begs the boy "Do you see the look!"

*An unheard-of act!
Could you murder, here, in the holy forest,
Whose quiet peace embraced you?
Did not the beasts of the thicket approach you tamely?
With greetings both friendly and true?
What sang the birds from the branches to you?
How did the good swan harm you?
Seeking his mate, he flew aloft,
To circle with her above the lake,
Which thus he made a consecrated bath.
Did you not wonder at it?
Were you tempted only to a wild and childish shot?
It was our friend: what is it to you?
Come! Look! Here you struck it,
The blood still thickens,
Dully hang its wings,
Its snowy plumage darkly stained,
Dimmed its eye - do you see the look?*

Parsifal has listened to Gurnemanz with growing emotion: now he snaps his bow and hurls the arrow from him.

*Are you conscious of your sinful deed?
Speak, boy! Do you realize your great guilt?
How could you do it?*

This particular passage and the opera's denouement have surely had a strong influence in Jahr when he had to draw up his recommendations about the treatment that animals should receive, especially when they are objects of scientific investigations. (Lolas Stepke, 2008). The swan's lifeless look questions not only the terms of our relationship with animals, but also what we can perceive of our human condition through them.

This is the issue: If we have a compassionate heart towards animals, then we will not withhold our compassion and help towards suffering humans. If someone's love is great enough to go beyond the borders of human-only and sees the sanctity even in the most miserable creature, he or she will find this sanctity as well in the most poor and lowest fellow human, will hold it high and will not reduce it to class of society, interest group, one party or what else may be considered. On the other

hand, senseless cruelty towards animals is an indication of an unrefined character becoming dangerous towards the human environment as well.

Fritz Jahr, *Tierschutz und Ethik in ihren Beziehungen zueinander. Ethik. Sexual- und Gesellschaftsethik. Organ des ‚Ethikbundes‘* 1928, 4(6/7): 100-102 (translated by Sass, 2010)

We could hold that esthetic inspiration -such as the argument of an opera- promoted in Jahr the opportunity to think through the relationship between humans and the rest of the species which inhabited the earth. This example is just useful to show the cultural sources heritage in the foundation of bioethics concept. At the same time, it shows Jahr as pioneer in the use of audiovisual resources in the art of teaching bioethics, which is nowadays a well-known tendency.²

Logos, ethos, pathos

Music, paintings, literature and cinema offer an extraordinary scenario for bioethical exercises in thought (Cattorini, 2006; Muzur & Rincic, 2010). The articulation of language with ideas and passions had already been studied in classical Greece (Lain Entralgo, 1958).

For Plato, and especially for Aristotle, the strategy of transmitting knowledge originated from the power of rhetoric. Rhetoric, in this case, should not be confused with mere oratory, and it has three dimensions:

- Ethos: This concept refers to the establishment of trust between teacher and audience. (According to Aristotle, ethos does not belong to the speaker, but to the audience).
- Pathos: This concept refers to the use of emotional appeals to alter the audience's judgment. This can be done through metaphor, amplification, storytelling, or presenting the topic in a way that evokes strong emotions in the audience.
- Logos: The use of reasoning, either inductive or deductive, to construct an argument.

Through cinematic resources, the idea and its argumentative development (logos) is strengthened by evoking passions and sentiments (pathos) using music, images,

² For a more detailed analysis of this articulation between Puccini's *Turandot* and Amenabar's film, see Michel Fariña, J. "La opera y el final de la vida a través del cine: una perspectiva ética" [Opera and End of Life through Movies: an Ethical approach]", CeFI CD ROM, Defensoría del Pueblo de la Ciudad de Buenos Aires, 2008. See also the analysis of the film "The life of David Gale" by Michel Fariña, J. & Lima, N. (2009) *Entre zoe y bios: El derecho a desear la propia muerte* [unpublished manuscript].

movement, and poetry through the framework of a process of genuine transmission from teacher to audience (ethos).

The power of images and the existential experience of the spectator have, therefore, a strength that goes beyond the verbal experience. This is especially made clear when ethical issues in health practices are linked with violent and controversial situations in the area of bioethics and Human Rights (Solbakk, 2006).

European and Latin American contributions to the articulation of (bio)ethics and movies

Since its origins, the world of cinema has promoted awareness of ethical problems. Hence all the great thinkers of the 20th century like Jorge Luis Borges, Alain Badiou, Jacques Lacan, Gilles Deleuze, Alejandro Ariel, Giorgio Agamben, Italo Calvino, Ignacio Lewkowicz, Slavoj Zizek, among others, have been concerned with its power of thought.

With the expansion of the film industry, ethical issues have reached wider audiences, promoting interesting discussions inside and outside the academic world. Furthermore, with the creation of digital technology, many people are participating in a renewed wave of cinematographic passion. The ability to film and project in high quality at low cost, along with the ability to access wide size screens and sophisticated audio systems are all factors that have extended the cinematic experience far beyond the constraints of commercial theatres. The excellence and affordability of technology allows access to different kinds of sources, thus expanding creativity and including a wider audience.

Meanwhile, studies on explicit ethical subjects related to Science and Technology have increased, as has attention to Bioethics and Human Rights problems. Finally, the ethical issues raised in films have exceeded the merely academic realm and has become an important tool for social change.

Ethical problems appear in cinema productions in at least two ways. On the one hand, films explicitly present contemporary ethical dilemmas. On the other hand, audiences and critics often find in film the opportunity to discuss moral or ethical issues that the director did not intend to present, often surprising the director himself. In both cases, the result is an extraordinary experience of thought and real or potential action.

Alain Badiou, the most important living French philosopher, gave a series of conferences on "Thinking the cinema" (Bbadiou, 2004), in which he develops an interest-

ing hypothesis: cinema differs from the rest of the arts in that, unlike painting or sculpture, it is not contemplative; within the experience of viewing a film, the spectator participates in the act of creation itself. Cinema is not, therefore, a mere "illustration" of ethical subjects, but a matrix in which the actual ethical/aesthetical action takes place.

In the same line of thought, Slavoj Žižek, a Slovenian academic, has dedicated a great part of his vast work to articulating films with the theoretical categories extracted from psychoanalysis, ideology and politics. In his most recent works – "The Ticklish Subject" (2004), "The Political Suspension of the Ethical" (2005) and "How to read Lacan" (2007) – this tendency to explore these subjects is sustained, accompanied by a more sophisticated methodology, all in all presenting an original model for the study of complex ethical cases.

This line of academic work is not only characteristic of the Northern Hemisphere, however. The well known Argentine writer Jorge Luis Borges wrote a whole series of articles based on the study of films, some of which, like "Dr. Jeckyl and Mr. Hyde, transformed" have become canonical texts for those seeking to approach ethical problems through artistic production.

The stimulus of European philosophical and psychoanalytical thought has led many Latin American authors to once again take up these lines of thought, thus generating a permanent production of reading material on ethical matters as presented through cinema.

A bioethical thesis on *Avatar*

Let us introduce a short example, taken from the well known film *Avatar* (James Cameron, 2009). How to read this movie under a bioethical view? We are going to propose a short thesis that surprises the spectators, especially those who went to the cinema to see a film about marines and interplanetary battles. We shall not reveal the turn of events but shall suggest some of its coordinates.

It has to do with complexity and about what is still *unthinkable*. Grace, the scientist played by Sigourney Weaver, openly recognizes her ignorance on the Pandora's world: *Alright, look...I don't have answers yet, I'm just now starting to even frame the questions.* Why does nature defend itself? *What we think we know is that there's some kind of electrochemical communication between the roots of the trees. Like the synapses between neurons. Each tree has ten to the fourth connections to the trees around it, and there are ten to the twelfth trees on Pandora. That's more connections than the human brain...*

New meaning is then given to Neytiri's soft, caring manner with which she teaches Jack Sully how to take care of plants and animals, even on how to kill them when this becomes an inevitable necessity. Let us remember again Fritz Jahr's words: *If our heart is sensitive towards animals and plants, we will not deny compassion and care to human beings who suffer*. He glimpsed at ethics that knotted our acts to the cosmic destiny of mankind. He wanted to give a non-metaphysical character to his intuition and leaned on the science of the time, which was still insufficient to render an explanation for such complexity. A century later and we are still in diapers, although we have profited from this ignorance. We know that we do not know, and this new narcissistic wound transforms itself, we hope, into an engine of thought. At least this seems to be happening if we see the more serious ecological initiatives and the surprising work being done with animals –zootherapy for example- or the more recent findings on the complexity of dolphin brains.

On the other side of sensitivity, Selfridge, the politician who is in charge of the interplanetary mission of *Avatar*, pragmatically says "*they are only trees*". In this manner devastation is justified, reminding us of Adorno's words, when he suggested that Auschwitz started when somebody, standing in front of a slaughter house, says "they are only animals".

Euthanasia, assisted suicide and film

In the classical definitions for euthanasia, either by commission or omission, euthanasia means the medical decision to cause the death of a person with the aim of putting an end to suffering. Active euthanasia is when death is caused by means of an act such as the administration of a lethal injection; passive euthanasia on the other hand, is when death occurs by the non-administration of the essential care such as food, water, etc. These methods must be differentiated from palliative/terminal sedation which consists of providing sedatives to make terminal patients in agony fall into a deep sleep while they await death. Until here, the definition works.

But what happens when the person undergoes unbearable pain, one which is not truly life threatening? In this case medical intervention is not authorized and the decision lies solely in hands of the patient. But once again, what happens when, due to their illness, the person is not in condition to take the initiative to put an end to their suffering?

A last example is the film *Mar Adentro* (*The Sea Inside*, Alejandro Amenábar, 2008), which seems to be predictable in that it explicitly opens the debate on euthanasia. Based on the true story of Ramón Sampedro, a quadriplegic who asks that his long

suffering be put to an end, spectators are put in the position of having to take sides either *for* or *against* the patient's right to "die with dignity". However, when the ethical-sanitary debate seems to be exhausted, Amenabar introduces a scene that will change the normal run of events.² The character is lying in bed and "Nessun Dorma", an aria from the final act of Puccini's opera *Turandot* is heard, the beauty and pathos transports Ramón Sanpedro away from his irreparable disability. And although the story continues along the path of morality over life and death, from that moment onwards nothing will ever be the same for Ramon. And it is this new perspective we wish to point out. During his flight through *Nessun Dorma* (*None shall sleep*), for an instant, the subject escapes from his disability and he accesses a new knowledge, a new understanding, about himself.

Discussion

Two important conclusions could be deduced from Jahr's references (1927 and 1928) of Richard Wagner's *Parsifal*. The first one is that philosophy, mythology and art have been key issues in the birth of bioethics concept, working us a *supplement* of the medical and biological reappearance of the concept in 70s. Second, that ethical deliberation could find in esthetic - especially in films as massive art by excellence - a *via reggia* to accede to the complexity of our actual bioethics dilemmas.

The use of cinema and other audiovisual resources is of great important because it puts into play the Greek notion of *pathos*, that is, the category that Aristotle considered, along with *reason* (*logos*) and *ethos*, to be essential for the development of a genuine connection in communication. The fragments used to teach Bioethics and Human Rights are paradigmatic of this process, because they put into practice the tragic dimension of each ethical decision. Frequently doctors and psychologist, especially when they work in situations of extreme violence and social bereavement, are confronted with conflictive situations in which there are often no "good" choices. The dramatization of such situations – similar to a Modern Greek play – confronts them with the anguish facing a vital experience which promotes a cathartic process and generates new understanding in the educator.

REFERENCES

1. Badiou, A. (2004) El cine como experimentación filosófica [Cinema as a Philosophical Experience]. In *Pensar el Cine* [Thinking Cinema], Gomal, G. (Ed.). Buenos Aires: Ediciones Manantial. P. 24-25
2. Cattorini, P. (2006). *Bioetica e Cinema* [Bioethics and Cinema]. Franco Angeli: Milano. P. 7-9
3. Brabeck, M. et al (2000): Increasing Ethical Sensitivity to Racial and Gender intolerance in Schools: Development of the Racial Ethical Sensitivity Test. *Ethics & Behavior* 10(2). P. 119-137.
4. Jahr, Fritz: (1927) Bio-Ethik: Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze. *Kosmos: Handweiser für Naturfreunde* 24 (1): 2-4. [Bio-ética: una perspectiva de la relación ética de los seres humanos con los animales y las plantas]
5. Jahr, Fritz: (1928). Tierschutz und Ethik in ihren Beziehungen zueinander. *Ethik: Sexual- und Gesellschaftsethik: Organ des "Ethikbundes"* 4 (6/7): 100-102. [La íntima relación entre la ética y el cuidado de los animales]
6. Lolas, Fernando: (2008) Bioethics and animal research. A personal perspective and a note on the contribution of Fritz Jahr. *Biol. Res.* 41: 119-123.
7. Laín Entralgo, P. (1958). *The Therapy of the Word in Classical Antiquity*. New Haven and London: Yale University Press.
8. Lima, N. (2009). Fritz Jahr y el Zeitgeist de la bioética. [Fritz Jahr and bioethics Zeitgeist] *Aesthetika. International Journal on Subjectivity, Politics and the Arts*. Volume 5, Issue 2
9. Michel Fariña, J. & Gutierrez, C. (2001). *Ética y Cine*. [Ethics and Movies] Eudeba: Buenos Aires. P. 9-12
10. Michel Fariña, J. (2009): A Model for Teaching Bioethics and Human Rights Through Cinema and Popular TV Series: A Methodological Approach. *Counselling Psychology Quarterly*, Special Issue: Models of Mental Health and Human Rights: in celebration of the 60th Anniversary of the United Nations Declaration of Human Rights for All. Co-Editors: Judy Kuriansky and Waseem Alladin. Vol. 22, No.1, pp. 105-117
11. Muzur, A. & Rincic, I. (2010). Ethics and film: from identification to moral education in film art. *Jahr. Annual of the Department of Social Sciences and Medical Humanities*. P. 143-152
12. Sass, Hans-Martin: (2007) Fritz Jahr's bioethischer Imperativ. 80 Jahre Bioethick in Deutschland von 1927 bis 2007. Bochum: Zentrum für medizinische Ethik, Medizinethische Materialien Heft 175.
13. Sass, Hans-Martin: (2008) Fritz Jahr's 1927 Concept of Bioethics. *Kennedy Institute of Ethics Journal* Vol. 17, No. 4. P. 279-295.
14. Solbakk, J. (2006) Catharsis and moral therapy II: an Aristotelian Account. *Medicine, Health Care and Philosophy* 9: P. 141-153.
15. UNESCO (2005): Universal Declaration of Bioethics and Human Rights.

Rijeka Declaration

Rijeka Declaration on the Future of Bioethics

Fritz Jahr used the term "bioethics" ("*Bio=Ethik*") as early as 1927. His "bioethical imperative" (*Respect every living being as an end in itself, and treat it, if possible, as such!*) should guide personal, professional, cultural, social, and political life, as well as the development and application of science and technology. In order to promote the Bioethical Imperative and the future of integrative bioethics, the participants of the Rijeka symposium "Fritz Jahr and European roots of bioethics: Establishing an international scholars' network (EuroBioNethics)", wish to highlight the following:

1. Contemporary bioethics quite often has been narrowed down to issues of informed consent and liability in medical ethics, whereas the practical impact of general ethical principles has been minimal.
2. It is necessary that bioethics be substantially broadened and conceptually and methodologically transformed so that it may consider different cultural, scientific, philosophical, and ethical perspectives (*pluriperspective approach*), integrating those perspectives into orientational knowledge and practical action (*integrative approach*).
3. Such *Integrative Bioethics* will have to harmonize, respect, and learn from the rich plurality of individual and communal perspectives and cultures of the global community.
4. Recognising the inexhaustible source of relevant perspectives for *Integrative Bioethics* in the works of authors and teachings using the term and the concept of bioethics, but also of the other "precursors" of integrative bioethical and deontological ideas since antiquity, we strongly call upon the study of classical works and teachings.
5. Respect for life, the considerate treatment of all life forms, need to be supported by all citizens, public discourse and the media, and by educational programs at all levels.
6. If these ideas are successful, bioethics will become a truly open field of meeting and dialogue of various sciences and professions, visions and worldviews, that have been gathered to articulate, to discuss, and to solve ethical issues related to life as a whole and each of its parts, life in all its forms, shapes, stages, and manifestations, as well as to life conditions in general.

7. If these ideas are successful, bioethics will become the basis for the development and implementation of law, nationally and internationally.
8. If these ideas are successful, the recognition and implementation of bioethics will become the "bridge to the future", a "science of survival" and wisdom as "knowledge of how to use knowledge" (as Van Rensselaer Potter defined it in the 1970s) of modern medicine and technology.

The EuroBio/Nethics International Scholars' Network, promoting the above ideas, will organise further conferences and establish a website to improve global intercultural communication and cooperation. A Fritz-Jahr Award for the Research and Promotion of European Roots of Bioethics will soon be announced. The Network invites scientists and ethicists for communication and cooperation in implementing these ideas of the *Rijeka Declaration*.

Signed in Rijeka/Opatija (Croatia), on March 12, 2011, by:

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Rijeka Deklaration zur Zukunft der Bioethik

Fritz Jahr prägte den Begriff BIOETHIK bereits 1927. Der von ihm formulierte *Bioethische Imperativ* sollte Richtlinie für das persönliche, berufliche, kulturelle, gesellschaftliche und politische Leben und für die Entwicklung und Anwendung von Wissenschaft und Technik sein: "Achte jedes Lebewesen grundsätzlich als einen Selbstzweck, und behandle es nach Möglichkeit als einen solchen!" Die Teilnehmer des Rijeka Symposiums "Fritz Jahr und die Europäischen Wurzeln der Bioethik: Aufbau eines internationalen Forschungsverbundes (EuroBio/Nethics)" bekräftigen:

1. Bioethik befasst sich heute leider oft vorwiegend nur mit Fragen der informierten Zustimmung und mit Haftungsfragen in der Medizin und vernachlässigt den praktischen Einfluss ethischer Prinzipien.
2. Bioethik muss inhaltlich erweitert und konzeptionell und methodisch so umgebaut werden, so dass sie unterschiedliche kulturelle, wissenschaftliche, philosophische und ethische Ansätze (pluriperspektiver Ansatz) berücksichtigt und diese in Orientierungswissen und praktische Arbeit integriert (integrativer Ansatz).
3. Die *Integrative Bioethik* muss die reiche Vielfalt individueller und gesellschaftlicher Perspektiven und die Kulturen einer globalen Gemeinschaft harmonisieren, respektieren und von ihnen lernen.
4. Angesichts von schier unerschöpflichen Quellen für Ansätze zu einer *Integrativen Bioethik* bei Autoren in Bioethik, aber auch bei "Vorläufern" integrativer Bioethik und deontologischer Positionen, rufen wir eindringlich zum Studium solcher klassischen Werke und Lehren auf.
5. Ehrfurcht vor dem Leben und rücksichtsvoller Umgang mit allen Formen von Leben sollte von allen Bürgern erwartet werden, auch im öffentlichen Diskurs, in den Medien und überall in Ausbildung und Erziehung.
6. Wenn sich diese Ideen durchsetzen, dann wird Bioethik ein weites Feld für Austausch und Dialog zwischen unterschiedlichen Wissenschaften und Berufen, zwischen Ideen und Weltanschauungen, - zur Formulierung, Diskussion und Lösung von ethischen Herausforderungen dem Leben gegenüber: dem Leben als ganzem und in allen seinen Teilen, Formen, Gliederungen, Entwicklungsstufen und Erscheinungen, auch gegenüber den Voraussetzungen für Leben überhaupt.

7. Wenn sich diese Ideen durchsetzen, dann wird Bioethik Grundlage für die Entwicklung und Einführung von nationalen und internationalen Gesetzgebungen.
8. Wenn sich diese Ideen durchsetzen, dann werden Akzeptanz und Einführung von Bioethik eine "Brücke für die Zukunft", eine "Wissenschaft zum Überleben" und ein "Wissen zur Nutzung von Wissen" in Medizin und Technik, wie Van Rensselaer Potter es 1970 formulierte.

Der internationale Forschungsverbund "EuroBioNethics" beabsichtigt in Konferenzen und in einer Website, diese Ideen in globaler Kommunikation und Kooperation umzusetzen. Die Stiftung eines Fritz-Jahr-Preises für Forschung und Entwicklung der Wurzeln europäischer Bioethik wird in Kürze bekannt gegeben. Der Forschungsverbund lädt Wissenschaftler und Ethiker zu Gedankenaustausch und Zusammenarbeit bei der Verwirklichung der Ideen dieser Rijeka Deklaration ein.

Translated by: **Hans-Martin Sass**

Riječka Deklaracija o budućnosti bioetike

Fritz Jahr je termin "bioetika" ("*Bio=Ethik*") upotrijebio još 1927. Njegov "bioetički imperativ" (*Poštuj svako živo biće kao svrhu samu po sebi i, ako je moguće, odnosi se prema njemu kao takvome!*) trebao bi biti putokazom osobnog, profesionalnog, kulturnog, društvenog i političkog života, kao i razvitka i primjene znanosti i tehnologije. Zalažući se za promicanje bioetičkog imperativa i budućnosti integrativne bioetike, sudionici riječkog skupa "Fritz Jahr i europski korijeni bioetike: uspostavljanje međunarodne mreže znanstvenika (EuroBio/Ethics)", žele naglasiti sljedeće:

1. Suvremena je bioetika nerijetko sužena na pitanja obaviještenog pristanka i odgovornosti u medicinskoj etici, pri čemu je praktični doseg općih etičkih načela minimalan.
2. Bioetiku treba bitno proširiti te konceptualno i metodološki transformirati kako bi bila u stanju sagledavati različite kulturne, znanstvene, filozofske i etičke perspektive (pluriperspektivni pristup), integrirajući ih u orijentacijsko znanje i praktičnu akciju (integrativni pristup).
3. Takva, integrativna bioetika morat će osigurati harmoniju, poštovanje i učenje iz bogate palete pojedinačnih i kolektivnih perspektiva i kultura globalne zajednice.
4. Prepoznajući nepresušno vrelo relevantnih perspektiva za integrativnu bioetiku u djelima mislilaca i učenja koji rabe koncept bioetike, ali i drugih "preteča" integrativnobioetičkih i deontologijskih ideja od antike naovamo, snažno se zalažemo za proučavanje klasičnih djela i učenja.
5. Poštovanje prema životu i obazrivo postupanje prema svim oblicima života moraju uživati potporu svih ljudi, javnosti i medija, kao i obrazovnih programa na svim razinama.
6. Ako ove ideje zažive, bioetika će postati doista područje otvorenog susreta i dijaloga različitih znanosti i struka, vizija i svjetonazora, koji se okupljaju radi artikuliranja, rasprave i rješavanja etičkih pitanja koja se odnose na život u cijelosti i svakom svom dijelu, život u svim svojim oblicima, pojavnostima i stupnjevima, kao i životne uvjete općenito.
7. Ako ove ideje zažive, bioetika će postati osnov za razvoj i implementaciju zakona na nacionalnoj i međunarodnoj razini.

8. Ako ove ideje zažive, priznavanje i implementacija bioetike postat će "most za budućnost", "znanost opstanka" i mudrost "znanja kako koristiti znanje" (kao što je to definirao Van Rensselaer Potter 1970-ih) moderne medicine i tehnologije.

Međunarodna mreža znanstvenika "EuroBio/Nethics" će, radi promicanja navedenih ideja, organizirati daljnje konferencije i uspostaviti mrežne stranice kako bi unaprijedila komunikaciju i suradnju među različitim kulturama. Uskoro će biti objavljeno i ustanovljenje Nagrade "Fritz Jahr" za istraživanje i promicanje europskih korijena bioetike. Mreža "EuroBio/Nethics" poziva znanstvenike i bioetičare na komunikaciju i suradnju u implementaciji ideja *Riječke deklaracije*.

Translated by: **Amir Muzur**

Η Διακήρυξη της Rijeka για το μέλλον της Βιοηθικής

Ο Fritz Jahr χρησιμοποίησε τον όρο "βιοηθική" από το 1927. Η "βιοηθική προστακτική" του (*Να σέβεσαι κάθε ζωντανό ον ως σκοπό καθ' εαυτό και να του συμπεριφέρεσαι, εάν είναι δυνατόν, ως τέτοιο!*) πρέπει να καθοδηγεί την προσωπική, επαγγελματική, πολιτιστική, κοινωνική και πολιτική ζωή, καθώς επίσης και την εξέλιξη και την εφαρμογή της επιστήμης και της τεχνολογίας. Για να προαγάγουν τη Βιοηθική Προστακτική και το μέλλον της *Συνολικής Βιοηθικής*, όσοι συμμετείχαν στο συμπόσιο της Rijeka με θέμα "Ο Fritz Jahr και οι ευρωπαϊκές ρίζες της βιοηθικής: Θεμελίωση ενός διεθνούς δικτύου ειδικών στη Βιοηθική (EuroBioNethics)" επιθυμούν να υπογραμμίσουν τα ακόλουθα:

1. Η σύγχρονη βιοηθική έχει σε ορισμένες περιπτώσεις συρρικνωθεί σε θέματα όπως είναι η συγκατάθεση μετά από πλήρη ενημέρωση και η ευθύνη στην ιατρική ηθική, ενώ το αποτέλεσμα το οποίο έχουν στην πράξη οι ηθικές αρχές είναι ελάχιστο.
2. Η Βιοηθική πρέπει να διευρυνθεί ουσιαστικά και να μετασχηματισθεί ως προς τη σύλληψη και τη μέθοδο, έτσι ώστε να μπορεί να εξετάζει τις διαφορετικές πολιτιστικές, επιστημονικές, φιλοσοφικές και ηθικές προοπτικές (προσέγγιση από πολλές οπτικές γωνίες) ενοποιώντας όλες αυτές τις προοπτικές σε κατευθυντήρια γνώση και πρακτική συμπεριφορά (*συνολική προσέγγιση*).
3. Μια τέτοια *Συνολική Βιοηθική* θα πρέπει να εναρμονίζει, να σέβεται και να μαθαίνει από τον πλουραλισμό των ατομικών και κοινωνικών προοπτικών και πολιτισμών της παγκόσμιας κοινωνίας.
4. Αναγνωρίζοντας την ανεξάντλητη πηγή των σχετικών προοπτικών για την *Συνολική Βιοηθική* στα έργα και τη διδασκαλία των συγγραφέων που χρησιμοποιούν τον όρο και την ιδέα της βιοηθικής αλλά επίσης και των άλλων "προδρόμων" της συνολικής βιοηθικής και της δεοντολογίας από την αρχαιότητα μέχρι σήμερα επιδιώκουμε με έμφαση τη μελέτη των έργων και της διδασκαλίας των κλασικών συγγραφέων.
5. Ο σεβασμός για τη ζωή και η διακριτική μεταχείριση όλων των μορφών της ζωής πρέπει να υποστηριχθούν από όλους τους πολίτες, τον δημόσιο λόγο και τα μέσα, και από όλα τα εκπαιδευτικά προγράμματα σε όλα τα επίπεδα.

6. Εάν οι ιδέες αυτές αποδειχθούν επιτυχείς, τότε η βιοηθική θα καταστεί ένα πραγματικά ανοικτό πεδίο συνάντησης και διαλόγου των ποικίλων επιστημών και επαγγελματικών χώρων, οραμάτων και κοσμοθεωριών, που έχουν ως στόχο να διατυπώσουν, να συζητήσουν και να επιλύσουν ηθικά θέματα που σχετίζονται με τη ζωή ως όλο και μέρη της, τη ζωή σε όλες τις μορφές της, τα σχήματα, τα στάδια και τις εκδηλώσεις, καθώς επίσης και με τους όρους ζωής γενικότερα.
7. Εάν οι ιδέες αυτές επιτύχουν, η βιοηθική θα γίνει η βάση της εξέλιξης και της εφαρμογής του νόμου, σε εθνικό και διεθνές επίπεδο.
8. Εάν οι ιδέες είναι επιτυχείς, τότε η αναγνώριση και η εφαρμογή της βιοηθικής θα καταστεί "η γέφυρα στο μέλλον", "μια επιστήμη της επιβίωσης" και μια σοφία ως "γνώση του πώς να χρησιμοποιούμε τη γνώση" στη σύγχρονη ιατρική και την τεχνολογία, όπως ο Van Rensselaer Potter την όρισε στη δεκαετία του '70.

Το Διεθνές Δίκτυο ειδικών EuroBioNethics στην προσπάθειά του να προαγάγει τις ανωτέρω ιδέες θα οργανώσει περαιτέρω συνέδρια και θα θέσει σε λειτουργία ιστοσελίδα για να βελτιώσει την παγκόσμια διαπολιτισμική επικοινωνία και συνεργασία. Σύντομα θα αναγγελθεί το "Βραβείο Fritz-Jahr για την Έρευνα και την προαγωγή των ευρωπαϊκών ριζών της Βιοηθικής". Το δίκτυο προσκαλεί τους επιστήμονες και τους ειδικούς της Βιοηθικής να επικοινωνήσουν και να συνεργασθούν στην εφαρμογή των ιδεών αυτών της *Διακήρυξης της Rijeka*.

Translated by: **Eleni Kalokairinou**

Declaração de Rijeka sobre o futuro da bioética

Fritz Jahr já utilizou o termo "bioética" ("Bio = Ethik") em 1927. Seu "imperativo bioético" (Respeite todos os seres vivos como um fim em si mesmo, e tratá-os, se possível, como tal!) deve orientar a vida pessoal, profissional, cultural, social e política, bem como o desenvolvimento e a aplicação da ciência e da tecnologia. Com a finalidade de promover o Imperativo de Bioética e do futuro da bioética integrativa, os participantes do simpósio ocorrido em Rijeka: "Fritz Jahr e raízes europeias da bioética: o estabelecimento de uma rede de estudiosos internacionais (EuroBioNethics)", desejam destacar o seguinte:

1. A Bioética contemporânea, muitas vezes tem sido reduzida às questões de consentimento informado e da responsabilidade em ética médica, ao passo que o impacto prático de princípios éticos gerais tem sido mínimo.
2. É necessário que a bioética seja substancialmente ampliada e transformada conceitual e metodologicamente, para que possa considerar as diferentes perspectivas culturais, científicas, filosóficas e éticas (abordagem pluralista), integrando estas perspectivas em termos de conhecimentos que orientem e de ações práticas (abordagem integrativa).
3. Esta Bioética Integrativa terá que harmonizar, respeitar e aprender com a rica pluralidade de perspectivas individuais e coletivas, e com as culturas da comunidade global.
4. Reconhecendo a fonte inesgotável de perspectivas relevantes para a Bioética Integrativa nas obras de autores e ensinamentos que utilizam o termo eo conceito de bioética, mas também dos outros "precursores" de idéias deontológicas e integrativas da bioética desde a antiguidade, nós recomendamos fortemente o estudo da obras e ensinamentos clássicos.
5. O respeito pela vida, uma abordagem ponderada para com todas as formas de vida, precisa ser apoiado por todos os cidadãos, pelo discurso público e pela mídia, e por programas educacionais em todos os níveis.
6. Se essas idéias forem bem sucedidas, a bioética irá se tornar em um campo verdadeiramente aberto de encontro e diálogo de várias ciências e profissões, visões e perspectivas de mundo, que foram reunidas para articular, para discutir e para resolver questões éticas relacionadas à vida como um todo e em cada de

suas partes, a vida em todos os seus tipos, formas, estágios e manifestações, bem como às condições de vida em geral.

7. Se essas idéias forem bem sucedidas, a bioética se tornará a base para o desenvolvimento e aplicação da lei, nacionalmente e internacionalmente.
8. Se essas idéias forem bem sucedidas, o reconhecimento e a implementação da bioética se tornará a "ponte para o futuro", uma "ciência da sobrevivência", uma sabedoria como "conhecimento de como utilizar o conhecimento" (como Van Rensselaer Potter definiu na década de 1970) da medicina e da tecnologia modernas.

A Rede de Estudiosos Internacional EuroBioNethics, promovendo estas idéias anteriores, irá organizar outras conferências e estabelecerá um espaço na Internet para ampliar a comunicação global intercultural e a cooperação. Um Prêmio Fritz-Jahr para a Pesquisa e Promoção da Raízes Europeias da Bioética em breve serão anunciados. A Rede convida cientistas e especialistas em ética para se comunicarem e cooperarem visando a implementação das idéias da Declaração de Rijeka.

Translated by: **José-Robeto Goldim**

Declaración de Rijeka Hacia el futuro de la bioética

Fritz Jahr utiliza por primera vez el término "bioética" (Bio-Ethik) en 1927. Su "imperativo bioético" (*Respetar a cada ser viviente como un fin en sí mismo, y tratarlo, de ser posible, como tal*) debería guiar nuestro quehacer personal, profesional, cultural, social y político, como así también el desarrollo y aplicación de la ciencia y la tecnología. Con el objetivo de promover dicho Imperativo Bioético y el futuro de una bioética integrativa, los participantes del simposio de Rijeka "Fritz Jahr y las raíces europeas de la bioética: estableciendo una red de estudios internacionales (EuroBio-Nethics)" desean destacar lo siguiente:

1. La bioética contemporánea a menudo ha sido restringida a cuestiones atinentes al consentimiento informado y demás responsabilidades de la deontología médica, mientras que su impacto práctico en cuanto a principios éticos ha sido minimizado;
2. Es necesario que la bioética sea sustancialmente enriquecida, conceptual y metodológicamente transformada, para que pueda tomar en cuenta los diferentes aspectos culturales, científicos, filosóficos y éticos (abordaje pluriperspectivo), integrando estas perspectivas en un conocimiento orientado hacia la acción práctica (abordaje integrativo).
3. *Esta Bioética Integrativa* tendrá que armonizar, respetar y aprender de la rica pluralidad individual y de perspectivas comunitarias y culturales de la sociedad global;
4. Reconociendo las inagotables fuentes que componen la bioética integrativa, a través de las obras y enseñanzas de autores que utilizan la terminología y la concepción bioética, pero también de otros "precursores" de la bioética integrativa vigentes desde la antigüedad, alentamos enfáticamente el estudio de las obras clásicas y de sus enseñanzas;
5. El "respeto por la vida", el tratamiento cuidadoso de todas las formas de vida, debe ser apoyado por todos los ciudadanos, por el discurso público y por los medios de comunicación, como así también formar parte de programas educativos accesibles a todos los niveles de enseñanza;
6. Si estas ideas tienen éxito, la bioética se convertirá en un verdadero campo abierto al encuentro y al diálogo de las diferentes ciencias y profesiones, visiones y

cosmovisiones, que han sido convocadas para articularse, discutir, y resolver las cuestiones éticas relacionadas a la vida en general, y en cada una de sus expresiones, conformaciones, estados y manifestaciones.

7. Si estas ideas prosperan, la bioética se convertirá en la base para el desarrollo y la implementación de una legislación de alcance nacional e internacional.
8. Si estas ideas prosperan, el reconocimiento y la implementación de la bioética se convertirá en un "puente hacia el futuro", en una "ciencia de la supervivencia", y en la sabiduría del "saber hacer con el conocimiento" de la tecnología y de la medicina moderna (como Van Rensselaer Pottter la definió en los años '70).

La red Internacional de Académicos *EuroBioNethics*, promotora de estas ideas, organizará nuevas conferencias y creará un sitio web para mejorar la comunicación y cooperación intercultural global. En breve será anunciado el lanzamiento de un "Premio Fritz-Jahr" para la investigación y la promoción de las raíces europeas de la Bioética. Esta red invita a científicos y eticistas a la comunicación y cooperación en la implementación de estas ideas contenidas en la *Declaración de Rijeka*.

Translated by: **Natacha Salomé Lima**

Déclaration de Rijeka sur le futur de la Bioéthique

Fritz Jahr a employé le terme bioéthique (Bio-Éthique) depuis 1927. Son "Imperative Bioethics" (*Respecte chaque être vivant comme une fin en soi, et traite-le dans la mesure du possible comme tel*) devrait guider la vie en ses aspects personnels, professionnels, culturels, sociaux et politiques, ainsi que le développement et application du point de vue scientifique et technologique. Afin de divulguer l'Imperative Bioethics et la future Bioéthique Intégrale, les speakers de la Conférence de Rijeka, dénommée "Fritz Jahr et les racines européennes de la Bioéthique : mettant en place un réseau d'académiciens internationaux (Groupe EuroBio-N-Ethics)", nous souhaitons souligner les points suivants :

1. La Bioéthique contemporaine, fréquemment, a été limitée à des questions de consentement informé et responsabilité dans l'Éthique Médicale alors que l'impact des principes de l'Éthique générale ont été minimum.
2. Il est nécessaire que la Bioéthique soit substantiellement élargie et transformée en ses aspects conceptuels et méthodologiques de telle manière qu'elle puisse considérer différentes perspectives culturelles, scientifiques, philosophiques et éthiques (en guise d'un abordage pluri-perspectif), intégrant ces perspectives dans un savoir guide d'action pratique (comme approximation intégrale).
3. Telle Bioéthique Intégrale devra harmoniser, respecter et apprendre de la richesse plurielle propre des perspectives individuelles et collectives de la communauté globale.
4. En reconnaissant l'interminable source de perspectives significatives pour une Bioéthique Intégrale dans les travaux des auteurs et enseignements qui emploient le terme et concept *Bioéthique* à l'égal d'autres précurseurs d'idées déontologiques et bioéthiques intégrales depuis l'antiquité, les signataires faisons un appel à l'étude d'œuvres et enseignements classiques.
5. Le respect pour la vie, le traitement à toutes les créatures vivantes, a besoin de l'appui de tous les citoyens, discours publics, masses média et programmes éducatifs de tous les niveaux.
6. Si ces idées triomphent en leurs fins et moyens, la Bioéthique se convertira en un champ véritablement ouvert à la rencontre et au dialogue pour diverses sciences et professions, visions et cosmovisions, qui ont été réunies pour articuler,

discuter et résoudre des questions éthiques en relation avec la vie comme un phénomène total et en chacune de ses parties, considérant la vie en toutes ses formes, types, étapes et manifestations, à l'égal des conditions nécessaires pour celle-ci en général.

7. Si ces idées triomphent, la Bioéthique se convertira en une base pour le développement et l'introduction de la Loi, à niveau national et international.
8. Si ces idées triomphent, la reconnaissance et l'implantation de la Bioéthique deviendra "le pont vers le futur", une "science pour la survivance" et la sagesse vue comme "connaissance de comment employer la connaissance" (tel comme l'a définie Van Rensselaer Potter dans les années soixante-dix) concernant la médecine moderne et la technologie.

Le Réseau International d'Académiciens Eurobio-N-Ethics, en divulguant les idées susmentionnées, organisera avec son appui des réunions futures et établira une page web afin d'optimiser les communications interculturelles et la coopération. Un prix "Fritz Jahr pour la Recherche et Promotion des Racines Européennes de la Bioéthique" sera prochainement annoncé. Le Réseau invite des scientifiques et experts en éthique à communiquer et coopérer dans l'effort pour implanter ces idées consignées dans la Déclaration de Rijeka.

Translated by: **André de Chalem**
Official translator of the
Pontificia Universidad Javeriana

Partner institutions

Kennedy Institute of Ethics, Washington D.C., USA

The Kennedy Institute of Ethics (<http://kennedyinstitute.georgetown.edu>) was founded by Dutch physician Andree Hellegers in 1971 as one of the first and internationally leading research centers in Bioethics and Medical Ethics. It hosts the largest library and archives in bioethics in the world. Members of the Kennedy Institute have served in many capacities as advisors in public policy in the USA and worldwide; members Edmund Pellegrino and Hans-Martin Sass have been with the Bioethics Committee at UNESCO; Pellegrino had been President of the US President's Council on Bioethics. From 1989 to 1999 over 100 European scholars of various disciplines attended the Extended European Bioethics Course, associated with the annual IBC (Intensive Bioethics Course) at the KIE; this was the most influential instrument to introduce American bioethics principles and style into European media and academia. Early international programs included an Asian Bioethics Program directed by Rihito Kimura and a European Professional Ethics Program directed by Hans-Martin Sass. Today the KIE is one of the internationally leading bioethics centers in research, teaching and consulting. The Kennedy Institute of Ethics was a coordinating partner for the 1st International Conference "Fritz Jahr and European Roots of Bioethics. Establishing an International Scholar's Network" in Rijeka, March 2011.

Center for Medical Ethics / Zentrum für Medizinische Ethik, Bochum, Germany

The Center for Medical Ethics (<http://www.medizinethik-bochum.de>) is a non-profit organization hosted on the campus of Ruhr University in Bochum (RUB), Germany. It was founded 1986 by Herbert Viefhues, Dean of the Bochum University Medical School, and Hans-Martin Sass, Professor of Philosophy at RUB and Research Scholar at the Kennedy Institute of Ethics in Washington DC. It was the first of its kind in Germany 25 years ago and via conferences and a series of ad-hoc brochures *Medizinethische Materialien* (over 189 different topics) had a great influence in introducing bioethics and medical ethics in Germany and Europe. Today it has close to 30 scholars of various fields at RUB involved in research and consulting in fields of medical ethics, public health and clinical ethics. The "Bochum Questionnaire", 1987, a clinical checklist for patient oriented clinical treatment has been translated into a dozen languages and serves in teaching clinical ethics, long before the term 'clinical ethics' become known. The Zentrum fuer Medizinische Ethik was also an early leader in introducing workable "Advance Directives" into German culture and hospitals. The Bochum Center for Medical Ethics was a partner institution in preparing for the 1rst International Conference "Fritz Jahr and European Roots of Bioethics. Establishing an International Scholar's Network" in Rijeka, March 2011.

Bioethics calendar

International conference: "(New) Perspectives in Bioethics "

Venue & time:

Institute for Philosophy and Social Theory

Kraljice Natalije 45, Belgrade, Serbia

October, 13-15, 2011

Organizers:

University of Belgrade - Institute for Philosophy and Social Theory

Center for Ethics, Law and Applied Philosophy, Belgrade

Mount Sinai School of Medicine, New York

Official language:

English

Conference Purpose and Overview:

Advances in biomedical science and development of scientific technology have given rise to a new domain in philosophy: bioethics. This fledgling new branch of ethics is interdisciplinary. Bioethics covers areas of medicine, natural and social science, philosophy, and law; and it aims to produce systematic reflections about ethical issues that arise as science and medicine impact human life. Although bioethics is still a nascent field, it has, in recent years, gathered significant prominence in academic departments, medical centers, and popular media. Topics debated in bioethics include the ethics of reproductive technology, the ethics of various types of cloning (embryonic, therapeutic, reproductive), the ethics of the "recreational" use of neuro-pharmacology and the possibilities of a similar use of Deep Brain Stimulation

(DBS), end-of-life care, just allocation of resources, conflicts of interests, the application of novel technology in treatment, and ethical conduct of physicians. In research ethics topics often discussed include responsible conduct of research, informed consent, recruitment of participants, and protection of vulnerable participants in research.

This conference is to gather internationally prominent experts in the field of bioethics, as well as local experts both from the humanities and science. Furthermore, the conference is envisioned to provide an opportunity to foster academic debate in Serbia, and to draw upon international experience in the development of guidelines and policies for the ethical conduct of clinical medicine and scientific research.

Conference topics:

The ethics of pre-implantation screening

Cloning – therapeutic, embryonic, reproductive

The ethics of cognitive enhancement

The ethics of the "recreational" use of neuro-pharmacology and DBS

End-of-life care

The application of novel technology in treatment

Responsible conduct of research

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1. international symposia:
"BIOETHICS – THE SIGN OF NEW ERA:
Bioethics, media and law"

Venue & time:

City of Ohrid, Republic of Macedonia

October, 22-23, 2011

Organizers:

University Ss. Cyril and Methodius, Faculty of Law "Justinianus Primus", Skopje

Institute for journalism, media and communication, Skopje

Centre for integrative bioethics, Skopje

Official languages:

English

Balkan languages

Contact person:

Dejan Donev (d_donev@yahoo.com)

Deadline for application:

September, 10, 2001 (Abstract, 300 words)

Reviews

Leo Pessini, Christian de Paul de Barchifontaine,
Fernando Lolas Stepke (Eds.):

Ibero-American Bioethics: History and Perspectives

Springer, Dordrecht; Heidelberg; London; New York, 2010
xx + 397 pp; Index

Even though bioethics seems to be dealing with issues that have universal characteristics, the rise of bioethical thought and, even more importantly, its development, has been influenced by social factors, including the specificities of historical and cultural heritage.

This volume, under the editorial supervision of Leo Pessini, Christian de Paul de Barchifontaine and Fernando Lolas Stepke, addresses the topics of the development of bioethics on the territory of Latin America (including the role of Portugal and Spain in it, as these European cultures played a major part in the creation of the Latin American cultures), main features of bioethics, and guidelines for future achievements. The names of the *editors* speak for themselves: all are esteemed bioethicists, while L. Pessini and F. L. Stepke are considered to be the pioneers of bioethics in Latin America.

The volume consists of 30 essays divided into five sections: Reflections from the Latin American Context (5 chapters), Reflections from Pioneering Voices (16 chapters), Special Topics in Bioethics (5 chapters), The Future of Ibero-American Bioethics (3 chapters) and Postscript.

The *first section of the book* gives a brief survey of the history of Latin American civilizations, with a focus on the development of bioethical thought (D. G. Guillén, Spain), and it has made an influence on the shaping Ibero-American bioethics (J. A. Mainetti, Argentina). J. Drane (U.S.A.) discusses the role he has played in promoting bioethics in Latin America, while A. L. Escobar, S. J. (Colombia), delineates its main characteristics and includes a list of its founders from across Central and South America. The last essay of the first section is devoted to the impact of the Pan-Amer-

ican Health Organization (PAHO) in spreading bioethical thought and practice in the countries of Latin America (F. L. Stepke, Chile).

The second part of the book provides an overview of the progress of bioethics and its effects in the societies known under the common name of "Ibero-America": Argentina (J. A. Mainetti and M. L. Perez), Bolivia (J. L. O. Eduardo), Brazil (L. Pessini and C. de Paul de Barchifontaine), Chile (M. Kottow), Costa Rica (D. Bustos-Montero), Cuba (J. R. A. Sariego), Dominican Republic (M. A. Suazo), Ecuador (K. Rodríguez), Mexico (G. Jiménez-Sánchez, C. F. Lara-Álvarez and A. Arellano-Méndez), Panama (C. Vergès), Paraguay (M. Ascurra), Peru (R. L. Zuloaga), Portugal (J. Biscaia and W. Osswald), Puerto Rico (L. Santos y Vargas), Spain (F. Abel and N. Terribas), and Venezuela (L. Schmidt H.). The fact that the current status of bioethics is discussed here by local pioneers of bioethical thought and leading bioethicists, involved in its promotion and spread in the area, gives even more credibility to these reports.

The specific topics in bioethics are addressed in the third section of the volume. M. F. dos Anjos (Brazil) discusses the relationship between bioethics and religion, while D. Diniz (Brazil) and D. Guilhem (Brazil) expound on the role of women in Ibero-American bioethics. J. R. Junges (Brazil) and L. Selli (Brazil) talk about the context of Brazilian environmental bioethics, whereas J. E. de Siqueria (Brazil) and M. Segre (Brazil) are interested in the approach to human vulnerability through bioethics. The last essay in this section addresses research ethics related to biomedical experimentation on human beings, viewed through Brazilian experience (W. S. Hossne (Brazil) and C. B. D. de Freitas (Brazil)).

The following section of the book attempts to provide guidelines for the future development of Ibero-American bioethics. To this end, it is pointed out that the historical context of Latin America should be taken into account (H. Lepargneur, Brazil). In addition to that, a critical review of the main settings of Latin American bioethics is presented (G. C. Legarda, Colombia), and the requirement that the discussion of bioethics in the new millennium should include multi- and transcultural dialogue (L. Pessini (Brazil) and C. de Paul de Barchifontaine (Brazil) supported).

In the last part of the volume, J. A. Bulcock (U. S. A.) stresses the differences between North American and Ibero-American bioethics by analyzing four main aspects of it: communitarian vs. individualistic ethics, establishment, development path, and determination of the content.

While the main aim of this volume of essays is to provide the reader with an opportunity to learn about the history, current status and perspectives of bioethics in Latin America, in fact, it has a wider impact. It also provides the reader with the possi-

bility to get acquainted with the kind of bioethical perspective that differs quite a lot from the dominant Anglophone, North American and European, bioethics. In terms of the development of global bioethics, this volume aptly shows that bioethics cannot be separated from the social and historical context, as well as the natural environment, and emphasizes the necessity for the respect toward regional and cultural differences, regardless of what part of the world is talked about.

Robert Doričić

Instructions for the Authors:

Jahr - Annual of the Department of Social Sciences and Medical Humanities publishes previously unpublished papers. It is the aim of the editorial board to publish articles covering a wide span of topics (including ethics, bioethics, history, medical and scientific history, sociology, cultural anthropology, theology, law, etc.). The journal publishes reviewed articles as well as articles which are not subject to the reviewing procedure. The reviewed articles are accepted to be published after having received two anonymous positive reviews.

Reviewed articles are categorized as following:

- original scientific papers that contain new, previously unpublished results of scientific research (Original Scientific Articles, Short Communications)
- scientific articles that contain original, concise and critical presentation of a particular field or its part, in which the author himself has an active role (Review Articles). The role of authors direct contribution to the particular field in relation to already published papers needs to be emphasized, as well as the overview of those papers
- Professional Articles that contain useful contributions from and for the profession, and they do not have to be based on original research
- Letters to the editor

The Annual also publishes uncategorized papers, i.e. overviews of bioethics and other relevant publications published in the past three years in and outside Croatia, as well as reports and announcements of upcoming bioethics events (public lectures, book promotions, scientific conferences, etc.). By giving their consent to be published, the authors give journal the right for the paper to be published for the first time in its printed or electronic format. Authors can publish their works in other publications where there must cite the data about articles first publication.

Layout and manuscripts

Original (scientific) articles should consist max 32 pages, short communications and review articles should consist of 8 – 16 pages while reviews and overviews should consist of 2 – 4 pages.

Page means 1800 characters with spaces, i.e. 30 lines each consisting of 60 characters.

Manuscript, in layout, must contain following elements:

- authors name and surname,
- name and address of affiliation,
- authors contact address (if different from affiliation),
- authors e-mail address,
- full title of the article (and subtitle in necessary),
- abstract (not longer than 900 characters with spaces) and keywords (not more than 10), in English and another language of choice (Croatian, German, French, Italian, Spanish).

If complete bibliographical information regarding cited works is not stated in footnotes, the author must provide a reference list at the end of the article, containing complete information on cited works. Manuscripts are to be sent by mail in three copies to the editorial board:

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or in an e-mail attachment to: igor.eterovic@medri.hr

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The editorial board recommends using footnotes as a method of citation. When a work is cited for the first time (regardless of the language the work has been published in), it should look as following:

[for book] Tristram H. Engelhardt, *The Foundations of Bioethics*, University Press, New York 1986, p. 72.

[for proceedings] Jacob D. Rendtorf and Peter Kemp (ed.), *Basic Ethical Principles in Bioethics and Biolaw, Vol. I. Autonomy, Dignity, Integrity and Vulnerability*, Center for Ethics and Law, Institut Borja de Bioetica, Copenhagen, Barcelona 2000.

[**for journal article**] Roberto Andorno, »The Oviedo Convention: A European Legal Framework at the Intersection of Human Rights and Health Law«, *Journal of International Biotechnology Law*, 2 (4/2005.), p. 135.

[**for proceedings article or book chapter**] Diego Gracia, »History of medical ethics«, in: Henk Ten Have and Bert Gordijn (ed.), *Bioethics in European Perspective*, Kluwer, Dordrecht 2001., p. 34.

[**for electronic works of reference**] <http://www.legalhelpmate.com/health-care-directive-patient-act.aspx> (16 June 2009)

In the second and further citations, notes should contain only the initial of author's first name and surname, title of the work (book or article) and a page number:

T. Engelhardt, *The Foundations of Bioethics*, p. 113.

R. Andorno, »The Oviedo Convention: A European Legal Framework at the Intersection of Human Rights and Health Law«, p. 138.

When work is cited consecutively, the note should contain only the abbreviation *Ibid* and a page number

Ibid, p. 150.

The editorial board, naturally, accepts other methods of citation as well, under the condition they are used consistently within a particular text.

