

Three Studies on the Fifth Commandment

By Fritz Jahr

The 5th Commandment as an Expression of the Moral Law

How do we do good? – The so called 'Golden Rule' 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 already has brought such an insight, and in fact in a broader perspective than benefit or harm, namely under the perspective of sanctity of life and life's 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 everything as well 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.

The Duty of Self-Preservation

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'¹ – 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 1. 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 harm 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 is 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 and spiritually. Venereal diseases threaten as well. Weakness and disease cause the victim to be more and more 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.

¹ Cf. Luther's explanation of the 5th Commandment, German and Latin

Who, however, protects one's own life in this respect, fulfills his/her duty also towards the community. Similar with alcohol: Those, who are dependent on consuming alcohol, may eventually expose themselves to severest physical and spiritual dangers. And thus does not only harm himself/herself, but his/her family as well, his/her offspring, his/her country, his/her race². 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.

The Bioethical Imperative

'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 soul³. Yes, even the beginnings of plant psychology are recognizable – the most well-known among them are G. Th. Fechner⁴ in the past, DE. H. France⁵, and Ad. Wagner⁶ at present – thus modern psychology includes all living beings in its research. Given this, it is only consequent, that E. Eisler⁷, 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. Montaigne⁸ already grants - as the only early representative

² Alcohol is 'a mean enemy of our race', cf. the brochure with this title by Wilhelm John, reviewed in no. 2 of 'Ethik'.

³ Among recent publication in animal psychology especially recommendable are: Sommer, Tierpsychologie, Leipzig 1925. – Alverdes, Tierpsychologie, Leipzig 1925

⁴ G. Th. Fechner, Nanna oder das Seelenleben der Pflanze [1848; 5th ed. 1921]

⁵ R. H. France, Pflanzenpsychologie als Arbeitshypothese der Pflanzenphysiologie, Stuttgart 1909

⁶ Ad. Wagner, Die Vernunft der Pflanze, Dresden 1928

⁷ E. Eisler, Das Wirken der Seele, Stuttgart 1908

⁸ Montaigne, Essays

of modern ethics of sentiment - all living beings an entitlement of being treated based on moral principles: We owe justice to humans; mildness and mercy towards all living beings, capable of having a benefit from that. Similarly, Herder⁹ requires that humans - following the model of God in their sentiments - to 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 Schleiermacher¹⁰, 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 Krause¹¹, 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 alike humans, have an equal right; but not totally equal, each only as a precondition to reach its destiny. Schopenhauer¹² in particular refers to the Indian realm of reasoning, stressing compassion as the most important motive of his ethics, and requesting 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 become self-understanding for a long time¹³, at least in that 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 call 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 Hartmann¹⁴. 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

⁹ Herder, *Ideen zur Geschichte der Philosophie der Menschheit*

¹⁰ Schleiermacher, *Philosophische Sittenlehre*, Kirchmann 1870

¹¹ K. Chr. Fr. Krause, *Das System der Rechtsphilosophie*, Roeder, Leipzig 1874

¹² Schopenhauer, *Über das Fundament der Moral*

¹³ The most comprehensive book in this area still is Bregenzer, *Tierethik*, Bamberg 1894

¹⁴ Psychological preconditions are discussed in W. von Schnehen, *Ed. Von Hartmann und die Pflanzenpsychologie*, Stuttgart 1908

enough to not sense the unnatural death under the appearance of life¹⁵. 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 like 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 (if not conceptually, so nevertheless practically). Here also comes the principle of struggle for life into play, 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 nations¹⁶ give guidance in this regard. Confer in particular the new German Reich Animal 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!'

Postscript: Fritz Jahr 'Drei Studien zum fünften Gebot' in: Ethik. Sexual- und Gesellschaftsethik, hg. E. Abderhalden, 1933/34, Vol. 10, 184-187. – Reprint: Sass HM, Fritz Jahr's Bioethischer Imperativ. 80 Jahre Bioethik in Deutschland, Bochum: Zentrum für Medizinische Ethik, 3rd ed., 2007, Appendix. English translation Copyright: Hans-Martin Sass. – See also Sass HM, Fritz Jahr's Early 1927 Concept of Bio-Ethics, in: Kennedy Institute of Ethics Journal, 2008, 17(4):279-295.

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¹⁵ Ed. Von Hartmann, *Der Blumenluxus*, 1885

¹⁶ 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