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Fritz Jahr's Bioethical Imperative: Its Origin, Point, and Influence

ABSTRACT

In this article I attempt to interpret the particular sense in which Fritz Jahr employs his Bioethical Imperative. I explain not only the particular way in which it is related to Van Rensselaer Potter's notion of Bioethics but also the sense in which it has been influenced by Kant's Categorical Imperative. As it turns out, Jahr's Bioethical Imperative not only is not a reversal or a criticism of Kant's Categorical Imperative but, on the contrary, is an extension of it, something which brings out the deep similarities which underlie the views of the two thinkers.

Keywords: bioethics, rights, Categorical Imperative, Bioethical Imperative, struggle for survival.

In 1975 the American oncologist Van Rensselaer Potter introduced the "science of survival" for which he coined the term "Bioethics". In this way he set the beginnings of a new science whose aim was to protect all human beings, and by and large all living beings, from the dangers caused by the discoveries and the applications of the new medical sciences and technologies. In introducing the bioethical science, Potter's aim was to extend a protective shield from the human to all living beings, i.e. to the whole nature, against the risks and dangers which may arise from the tremendous development and the applications of the physical sciences upon the living world. His concern therefore was not strictly speaking anthropological. On the contrary, it was broader, since it included equally animals and plants, i.e. all living beings, even nature itself. From this point of view, his concern was, in modern terms, environmental.

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About half a century before Potter's days, in 1926, the German protestant theologian Fritz Jahr (1895-1953) employed for the first time the term "Bioethics" in a much wider sense. As we read in his essay, "Life sciences and the teaching of Ethics" (1926), Jahr introduces the term "Bioethics" in order to denote that particular human science whose object is to protect all living beings and nature itself from pointless damage and harm. His perspective is clearly environmental and not just anthropological. He writes that along with anthropology, the study of man, there is also the study of biology, which includes both zoology and botany.¹ He further claims that in an analogous manner modern psychology does not deal exclusively with man, but also makes comparisons between human and animal soul.² Moreover, he detects the origins of a psychology of plants in certain German writers, something that leads him to follow R. Eisler's suggestion and adopt the term "Bio-Psychics".³ He concludes, therefore, that the step from *Biology* to *Bio-Psychics* and from there to *Bio-Ethics* is very small.⁴ According to Jahr, Bioethics implies that we have ethical responsibilities towards all living nature and not just towards human beings.

From this point of view, Fritz Jahr anticipates all that is to follow in the late 20th century by Van Rensselaer Potter and the other environmental philosophers, but with one difference. Whereas Potter wants to protect man and all living creatures from the possible danger posed by the extraordinary development of the medical and genetic technologies, this is not the case with Fritz Jahr. In the first half of the 20th century, when Jahr wrote his essays, the genetic and the medical sciences had not been so successful. As a consequence, Jahr was not so much concerned to protect living beings from the possible dangers and harms that the genetic technologies may incur, as to safeguard all living nature from pointless destruction. He therefore introduces the bioethical science which studies the ethical obligations we have towards all living beings in order to protect them from any possible danger, and not from the particular risks and harms which arise from the application of medical and genetic technologies. Precisely this latter sense of protection has Potter in mind when he coins the term "Bioethics" in the 1970's. Consequently, even though both, Jahr and Potter, introduce the term "Bioethics" with a view to protecting all living beings, Jahr has in mind their protection from any danger whatever, whereas Potter means

1 Fritz Jahr, «Life sciences and the teaching of Ethics» (1926) in Fritz Jahr, *Essays in Bioethics, 1924 - 1948*, Lit, Berlin 2013, pp. 17 – 21.

2 Ibid., p. 17.

3 Ibid., p. 17.

4 Ibid., p. 17.

their protection from the harms incurred specifically by the application of medical and genetic technologies.⁵

It is also interesting to note that Jahr has a holistic approach to life, most probably because he is a theologian. He claims that we have ethical obligations towards all living beings, i.e. men, animals and plants. What unifies all beings is the fact that they are all creatures of God. In fact, God feels sorry even for the destruction and death of flowers. As he writes in the above essay:

And God held all flowers close to his heart; but the poor
dried-out wild flowers he kissed.⁶

Being the creation of God is what gives all living beings intrinsic value. And it is in virtue of this value that all living beings share that they “are equal in rights”.⁷ However, he is quick to add that, even though all living beings are equal in rights, they do not have the same rights.⁸ The rights are differentiated “according to the necessary requirements to reach their destination”.⁹ Obviously what he means is that the destination –or the end, in Aristotelian terms- of a flower or a plant is less complex than that of an animal. Its requirements, therefore, to achieve it are simpler. By the same token, the destination or the end of an animal is much simpler than the end of a human. From which it follows that the requirements which are necessary for man to achieve his end are much more complicated than those of an animal or a plant. The conclusion Jahr reaches is that even though all living beings have equal rights by virtue of their being creatures of God, these rights are nevertheless differentiated according to the particular end each kind or species of living beings is expected to accomplish. As Eve – Marie Engels puts it:

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.¹⁰

This is an ingenious claim on Jahr's part. Because even though he acknowledges the common origin of all beings to God, nevertheless he does not fail to notice the remarkable differences between the various kinds of living beings, i.e. plants,

5 This first part of this article has been submitted for publication in Amir Muzur and Hans – Martin Saas (eds.), *1926 – 2016 Fritz Jahr's Bioethics. A Global Discourse Ninety Years after its Invention*, forthcoming.

6 *Ibid.*, p. 19.

7 *Ibid.*, p. 18.

8 *Ibid.*, p. 18.

9 *Ibid.*, p. 18.

10 Eve – Marie Engels, “The importance of Charles Darwin's theory for Fritz Jahr's conception of Bioethics”, in Amir Muzur and Hans – Martin Saas (eds.), *Fritz Jahr and the Foundations of Global Bioethics. The Future of Integrative Bioethics*, Lit, Berlin 2012, pp. 97-120.

animals, humans. In this sense he echoes Aristotle who, in his attempt to distinguish the particular “*ergon*” or function of man, writes:

What then precisely can this function be? The mere act of living appears to be shared even by plants, whereas we are looking for the function peculiar to man; we must therefore set aside the vital activity of nutrition and growth. Next in the scale will come some form of sentient life; but this too appears to be shared by horses, oxen, and animals generally. There remains therefore what may be called the purposeful life of the rational part of man.¹¹

As a consequence, if I understand Jahr correctly, the ethical account he puts forward has closer affinities to Aristotle’s and Kant’s ethics, which presuppose a qualitative difference between the human and the non-human living beings, than to Charles Darwin’s theory according to which the differences between the different kinds of living beings are a matter of degree and not of kind.

As has become evident, in the bioethical theory he puts forward, Jahr presupposes and elaborates further Kant’s Categorical Imperative. Kant was Jahr’s predecessor and, as has been pointed out, “they were both deeply rooted in German culture and protestant tradition”.¹² According to Kant, human beings, to the extent that they are rational, possess autonomy. This enables them to legislate for themselves and to subject their will to moral law, which is categorical and takes the form of an imperative. In the *Groundwork of the Metaphysics of Morals* we can distinguish five formulations of the Categorical Imperative:

1. *The Formula of Universal Law.*

Act only on that maxim through which you can at the same time will that it should become a universal law.¹³

2. *The Formula of the Law of Nature.*

Act as if the maxim of your action were to become through your will a universal law of nature.¹⁴

3. *The Formula of the End in Itself.*

Act in such a way that you always treat humanity, whether in your

11 Aristotle, *Nicomachean Ethics*, transl. in English by H. Rackham, Loeb Classical Library, Harvard University Press, Cambridge: Massachusetts, London 1990, Book A, 1097 b 34 – 1098 a 4.

12 Igor Eterovic, “Kant’s Categorical Imperative and Jahr’s Bioethical Imperative” in Amir Muzur and Hans - Martin Saas (eds.), *Fritz Jahr and the Foundations of Global Bioethics*. The Future of Integrative Bioethics, Lit, Berlin 2012, pp. 81-95.

13 Immanuel Kant, *Groundwork of the Metaphysics of Morals*, transl. and analyzed by H. J. Paton, Harper and Row Publishers, London 1964, p. 88, paragraph 421.

14 *Ibid.*, p. 89, paragraph 421.

own person or in the person of any other, never simply as a means, but always at the same time as an end.¹⁵

4. *The Formula of Autonomy.*

...the idea of the will of every rational being as a will which makes universal law.¹⁶

5. *The Formula of the Kingdom of Ends.*

...never to perform an action except on a maxim such as can also be a universal law, and consequently such that the will can regard itself as at the same time making universal law by means of its maxim.¹⁷

As we have seen, Jahr's Bioethical Imperative runs as follows:

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

If we compare Jahr's Bioethical Imperative with Kant's Categorical Imperative, in whatever formulation, we realize that there is a complex relation between the two. For, there are not only tremendous differences but also considerable similarities between the two. Starting with the similarities, Kant chooses to formulate the obligations we have to every human being as an imperative prescribed by moral law, that is by practical reason. In a similar manner, Jahr conceives of the obligations we have to all living beings in terms of an imperative. As a consequence, we may argue that both, Kant and Jahr, conceive the obligations we owe to one another and to other living beings in terms of an imperative which prescribes us to perform our duties. But this is where the similarities stop and the differences between the two kinds of Imperative begin.

In particular, as already mentioned, Kant founds his Categorical Imperative on practical reason, that is, his Imperative is purely *formal*. Jahr's Bioethical Imperative, on the other hand, is founded on love and compassion, it is based on certain facts of human psychology, it is *empirical*.¹⁸ The logical consequence of this difference is that, although Kant's Categorical Imperative is necessary, it does not admit of exceptions, nor can it be put off, Jahr's Bioethical Imperative is conditional and can admit of exceptions.

15 Ibid., pp. 95 – 96, paragraph 429.

16 Ibid., pp. 98 – 99, paragraph 431.

17 Ibid., pp. 100-101, paragraph 434.

18 Igor Eterovic, "Kant's Categorical Imperative and Jahr's Bioethical Imperative" where he presents Hans-Martin Sass' views on the issue, p. 91.

But apart from this substantial difference, as Hans-Martin Sass brings out, Jahr is “in close discussion with Kant, extending the formal Categorical Imperative towards a more encompassing content-based Bioethical Imperative”.¹⁹ When Kant prescribes us to act in such a way as to treat humanity and every other person not only as a means but also as an end, Jahr with his own Bioethical Imperative guides us to treat and respect every living being, not just human, as an end. To be sure, this is not a criticism of Kant’s ethical theory but an extension of his views.

It is true that Kant’s central claim is that moral agency is restricted to living beings, human and non-human, bearing reason. However, this should not be taken to imply that he underestimates or that he respects less non-human living beings, or organic and inorganic nature alike. As he writes in the *The Metaphysics of Morals*, we have duties *with regard to other objects* which we owe *to ourselves*.²⁰ A tendency, for instance, to destroy the inanimate nature violates, in Kant’s view, the duty we have to ourselves.²¹ For it weakens the feelings we have which, though not moral, are the presupposition of morality.²² Similarly, treating the animals in a cruel manner runs counter to the duties we have to ourselves. For such a violent behavior weakens the natural feeling we have to share and sympathize with the suffering of all beings.²³ It further uproots and destroys these natural predispositions which contribute greatly to building up our moral behavior with the other human beings.²⁴

Kant, in other words, considers that humans, by respecting the non-human beings and the inanimate nature, cultivate the natural feelings we have so as to become gradually predisposed to follow the moral law in our relations with the other human beings. He even speaks about respecting what lies beyond the boundaries of experience, which can be conceived in virtue of practical reason.²⁵ He calls such a duty “a duty of religion”, definitely not a duty to God, because such a thing would be inconceivable. What he means is that we have a duty to ourselves with regard to religion, i.e. to cultivate those natural feelings and dispositions which are fitting to religion, since they serve moral law and morality in our behavior towards other human beings.²⁶

19 Igor Eterovic, “Kant’s Categorical Imperative and Jahr’s Bioethical Imperative” where he quotes Hans-Martin Sass, pp. 89-90.

20 Immanuel Kant, *The Metaphysics of Morals*, transl. by Mary Gregor, introd. By Roger J. Sullivan, Cambridge University Press, Cambridge 1996, pp. 192 – 193, paragraphs 442 – 444. (MM).

21 Ibid..

22 Ibid..

23 Ibid..

24 Ibid..

25 Ibid., p. 193, paragraph 443 – 444.

26 Ibid., p. 193, paragraph 443 – 444.

If the way I understand Kant is correct, then it would seem that Jahr's Bioethical Imperative is entirely in the spirit of Kant's Categorical Imperative. In fact, I wish to claim that Jahr extends it even further. Where Kant speaks about having (direct) duties towards human beings, and *only* indirect duties towards animals and inanimate objects, Jahr prescribes that we ought to respect "every living being as an end in itself and treat it, if possible, as such". If all living beings are to be treated as ends, as he suggests, then it would seem to follow that Kant's distinction between direct and indirect duties collapses and that we therefore have duties towards every living being. Jahr is pretty straightforward when he puts across this claim. He does not need a whole philosophical system in order to found his Bioethical Imperative, in the way of Kant. He is a theologian and the basis of his Bioethical Imperative has to be sought and found in his theology. To remind, in the above mentioned essay Jahr writes, mentioning Herder, that humans should put themselves in the position of other creatures "in the image of the all-present feeling of the divine", to identify with them and feel and sympathize with them.²⁷

Sass points out that it is not sufficient, if we wish to understand "the close discussion" which has been going on between Jahr and Kant, to view Jahr's Bioethical Imperative as an extension of Kant's formal Categorical Imperative which encompasses a content-based principle.²⁸ In addition, we have to understand that, whereas "the sanctity of life is the foundation of Jahr's 1927 Bioethical Imperative", for Kant the foundation of his Categorical Imperative is "the sanctity of moral law".²⁹ "The moral law is *holy* (inviolable)", writes Kant.³⁰ The differences between the two are obvious but their similarities run deeper than one can imagine.

Jahr, therefore, takes Kant's rational morality, he works it out and turns it into a kind of theology. He extends Kant's Categorical Imperative and applies it to every living being. However, Jahr, like all theologians, is very much of a realist. In the Garden of Eden his theology would certainly apply. Every living being would be respected and treated unconditionally as an end in itself. However, we, ordinary people, do not live in the Garden of Eden, but instead in the real world in which it is not very easy to treat every living being as an end in itself in all circumstances. Jahr is aware of this actual fact. This is why he qualifies his initial – I imagine – Categorical Bioethical Imperative and turns it into a conditional one: "Treat every living being, if possible,

27 Fritz Jahr (footnote 1), p. 18.

28 Igor Eterovic, "Kant's Categorical Imperative and Jahr's Bioethical Imperative" where he presents Hans-Martin Sass' views on the issue, p. 91.

29 Igor Eterovic, "Kant's Categorical Imperative and Jahr's Bioethical Imperative" where he presents Hans-Martin Sass' views on the issue, p. 91-92.

30 Immanuel Kant, *Critique of Practical Reason*, edited by Mary Gregor, Cambridge University Press, Cambridge 1997, p. 74, paragraph 5:87.

as an end in itself". This does not mean that he rejects or undermines the necessary character of Kant's Categorical Imperative. On the contrary, it shows that he puts forward a Bioethical Imperative which can take into account the contingencies and the conflicts of real life.

One of these conflicts is the "struggle for survival" which Jahr mentions quite a few times in his essays.³¹ I believe that it would be wrong to give this expression the interpretation it has in the context of Charles Darwin's theory. On the contrary, in employing this idea Jahr wishes to give a concrete example of one of those conflicts of life which may oblige us to apply his Bioethical Principle in its conditional form. That is to say, a situation in which it will not be possible for us to treat every living being as an end in itself and we will have to give moral priority to certain living beings over some others. But applying Jahr's Bioethical Imperative in such a context says nothing against its conditional form. On the contrary, it shows that it is a situation-sensitive imperative and as such has a great relevance to the issues which arise in real life.

Bioetički imperativ Fritza Jahra: podrijetlo, smisao i utjecaj

SAŽETAK

U članku ću pokušati interpretirati određeni smisao koji Fritz Jahr pridaje svom bioetičkom imperativu. Objasniti ću ne samo određeni način na koji je povezan s Van Rensselaer Potterovim pojmom bioetike već i način na koji je bio pod utjecajem Kantovog kategoričkog imperativa. Kao što se ispostavilo, Jahrov bioetički imperativ ne samo da nije zaokret ili kritika Kantovog kategoričkog imperativa, već je njegovo proširenje i nešto što donosi duboke sličnosti koje se zasnivaju na stavovima dvojice mislilaca.

Ključne riječi: bioetika, prava, kategorički imperativ, bioetički imperativ, borba za opstanak.

31 See, for instance, Fritz Jahr, «Life sciences and the teaching of Ethics» (1926) in Fritz Jahr, *Essays in Bioethics, 1924 - 1948*, Lit, Berlin 2013, p. 20.