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## Fritz Jahr's (1895-1953) European concept of bioethics and its application potential

In 1926, the protestant theologian Fritz Jahr (1895-1953)<sup>1</sup> from Halle defined the European concept of bioethics in a broad sense in his paper *Wissenschaft vom Leben und Sittenlehre* in the Journal *Die Mittelschule*.<sup>2</sup> He combined ethics and science by advocating the introduction of moral values to science education in school. In 1927, Jahr developed his concept in the Journal *Kosmos* as a moral obligation not only towards humans, but all living beings<sup>3</sup> and phrased it as an imperative: “Regard every living being in principle as an end in itself and treat it accordingly as far as possible.” With this formulation, Fritz Jahr achieved a much broader concept of bioethics in 1926 than the narrow interpretation that has been paradigmatic in the shift from a paternalistic to a cooperative approach in medical ethics in the USA

<sup>1</sup> See Florian Steger: Fritz Jahr (1895–1953). Eine biographische Skizze. In: Florian Steger, Jan C. Joerden, Maximilian Schochow (Hg.): 1926 – Die Geburt der Bioethik in Halle (Saale) durch den protestantischen Theologen Fritz Jahr (1895-1953) (Studien zur Ethik in Ostmitteleuropa, 15). Frankfurt/Main u.a. 2014, pp. 15-36.

<sup>2</sup> Fritz Jahr: *Wissenschaft vom Leben und Sittenlehre* (Alte Erkenntnis in neuem Gewande). In: Florian Steger (Hg.): *Fritz Jahr – Begründer der Bioethik* (1926). 22 Originalarbeiten des protestantischen Theologen aus Halle (Saale). Halle 2014, pp. 25–27 (first published in: *Die Mittelschule. Zeitschrift für das gesamte mittlere Schulwesen* 40 (1926), pp. 604–605).

<sup>3</sup> Fritz Jahr: *Bio-Ethik. Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze*. In: Florian Steger (Hg.): *Fritz Jahr – Begründer der Bioethik* (1926). 22 Originalarbeiten des protestantischen Theologen aus Halle (Saale). Halle 2014, pp. 29–33 (first published in: *Kosmos. Handweiser für Naturfreunde* 24 (1927), pp. 2–4).

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since the 1970s.<sup>4</sup> By defining bioethics as the *Science of Survival*, Van Rensselaer Potter did not explicitly focus on human medicine, but on an environmental context.<sup>5</sup> Going even further, Fritz Jahr's approach was to bridge the gap between ethics and science by describing man's uses and abuses of the living environment. By doing so, he blurred the boundaries between human and animal suffering, following the tradition of Charles Darwin (1809-1882). Jahr introduced his concept of bioethics in order to reevaluate human behavior in the context of scientific and technical progress. That means that contrary to an anthropocentric perspective, man with his highly developed brain and intellect is not to be seen as the pride of creation. Jahr rather suggests a physiocentric or biocentric point of view which allows for a broad range of application possibilities in the 21<sup>st</sup> century.

It can be said that Fritz Jahr represented an extensive concept of bioethics. In his 1926 paper *Wissenschaft vom Leben und Sittenlehre* he stressed the link between biology and philosophical or theological anthropology and its practical expression in medicine and psychology. Experimentation on animals, blood testing, and serum research are seen as indicators for the said relation.<sup>6</sup> This conclusion refers to the similarities of man and certain species of highly developed animals, such as primates, postulated by Darwin in *The Origin of Species* in 1859.<sup>7</sup> Based on this, the notion emerged that the increase in knowledge about nature must be accompanied by an awareness for the worthiness of protecting organic life.<sup>8</sup> Kant's concept of human

<sup>4</sup> For the "birth" of bioethics in Fritz Jahr see: Hans-Martin Sass, Fritz Jahr's Bioethischer Imperativ. 80 Jahre Bioethik in Deutschland von 1927 bis 2007, *Medizinethische Materialien*, Heft 175 (2007), pp. 1-33.; Hans-Martin Sass: Fritz Jahr's 1927 Concept of Bioethics, *Kennedy Institute of Ethics Journal*, 17 (2007), pp. 279-295; Goldim, José Roberto: Revisiting the Beginning of Bioethics: The Contribution of Fritz Jahr (1927), *Perspectives in Biology and Medicine*, 52 (2009), pp. 377-380; Amir Muzur, Iva Rinčić: Fritz Jahr (1895-1953) – the Man Who Invented Bioethics. In: *Synthesis philosophica* 51 (2011), pp. 133-139; Amir Muzur, Hans-Martin Sass: Fritz Jahr and the Foundations of Global Bioethics. *The Future of Integrative Bioethics*. Berlin 2012; Natacha S. Lima, Predrag Cicovacki: Bio-Ethics: Past, Present, and Future. In: *JAHR European Journal of Bioethics* 5/2 (2014), pp. 263-275; Florian Steger, Jan C. Joerden, Maximilian Schochow (Hg.): 1926 – Die Geburt der Bioethik in Halle (Saale) durch den protestantischen Theologen Fritz Jahr (1895-1953) (*Studien zur Ethik in Ostmitteleuropa*, 15). Frankfurt/Main u.a. 2014.

<sup>5</sup> Van Rensselaer Potter: Bioethics – the Science of Survival. In: *Perspectives in Biology and Medicine* 14 (1970), pp. 127-153.

<sup>6</sup> „(...) und wie es eine vergleichende anatomisch-zootomische Forschung gibt, so werden auch höchst lehrreiche Vergleiche zwischen Menschen- und Tierseele angestellt. Ja, sogar die Anfänge einer Pflanzenpsychologie machen sich bemerkbar.“, Fritz Jahr: *Wissenschaft vom Leben und Sittenlehre* (Alte Erkenntnis in neuem Gewande). In: Florian Steger (Hg.): *Fritz Jahr – Begründer der Bioethik* (1926). 22 Originalarbeiten des protestantischen Theologen aus Halle (Saale). Halle 2014, pp. 25-27, p. 27 (first published in: *Die Mittelschule. Zeitschrift für das gesamte mittlere Schulwesen* 40 (1926), pp. 604-605).

<sup>7</sup> Charles Darwin: *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle of Life*. London 1859.

<sup>8</sup> Eve-Marie Engels: The importance of Charles Darwin's Theory for Fritz Jahr's conception of Bioethics. In: Amir Muzur, Hans-Martin Sass (Hg.): *Fritz Jahr and the Foundations of Global Bioethics. The Future of Integrative Bioethics*. Münster 2012, pp. 97-129.

dignity was of major importance to Jahr. This concept, which has become a core element of modern legislation, finds its expression in the third formulation of the categorical imperative: “Act in such a way that you treat humanity, whether in your own person or in that of another, always at the same time as an end and never merely as a means”.<sup>9</sup> Fritz Jahr adopted the categorical imperative in the third formulation and expanded it beyond humanity to all species in nature. In human biology alone, this approach has an enormous impact, especially regarding the complex issue of beginning life in prenatal diagnostics such as preimplantation diagnostics or prenatal therapy.<sup>10</sup> Fritz Jahr bases his concept of bioethics on a maxim that is to be applied to human moral action as such. At the same time, Jahr’s definition of bioethics contains a certain restriction as opposed to Kant which is crucial regarding the practical application. The bioethical imperative does not claim universal validity in every action situation. It is to be applied as far as the circumstances allow for it. All life forms including animals and plants should be treated as ends in themselves as far as possible and not at all times, as demanded by Kant apropos of human beings. With this claim, Fritz Jahr established a guideline for ethical and cultural attitudes as well as responsibilities regarding modern science but also people’s personal lives. At the same time, he created a new foundation for ethics, consisting of compassion, sympathy and empathy. This approach has been adopted later on. Think of the Mannheim-based philosopher Ursula Wolf’s book *Das Tier in der Moral* (1990) for example, which is central for animal ethics. Following Wolf, compassion is the residuum of a shared moral identity. Insofar as compassion requires the ability to suffer in the being which is the object of compassion, the pool of beings aimed at by moral awareness is limited to those capable of suffering. Universal rather than factual compassion provides the appropriate basis for a theory of morals. Therefore, from the perspective of universal compassion, every being capable of suffering is to be included directly into ethical considerations. Here lies an eminent intrinsic proximity between Wolf and Jahr. In his article *Wissenschaft vom Leben und Sittenlehre*, Fritz Jahr demanded the respect for nature by referring to the discovery auf divert similarities between humans and highly developed animals as well as to the increasing research in the field of “the human and animal soul”.

Fritz Jahr begins his *Kosmos*-article by claiming that until the end of the 18<sup>th</sup> century, the fundamental distinction between humans and animals was the dominant approach in European civilization. Kant attributed this distinction to the concept of dignity

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<sup>9</sup> Immanuel Kant: *Grundlegung zur Metaphysik der Sitten*. Stuttgart 2008, p. 65.

<sup>10</sup> Natacha S. Lima, Predrag Cicovacki: *Bio-Ethics: Past, Present, and Future*. In: *JAHN European Journal of Bioethics* 5/2 (2014), pp.271 passim.

which is rooted in the moral autonomy of every rational being. This distinction, Jahr argues, cannot be maintained any longer. Due to scientific discoveries and the improvement of empirical research, the distinction between humans and animals is outdated. The development in science leads towards “bio-psychology” – the psychology of life itself – and furthermore directly to “bio-ethics”.<sup>11</sup> According to Jahr, a new kind of ethics is needed which expands beyond the protection of human dignity and also includes other living beings. This argument is very similar to the argument in *Wissenschaft vom Leben und Sittenlehre*. Religious traditions in Christianity, Buddhism and Hinduism, as well as the scientific and technological progress have suspended the postulated distinction between humans and animals and acknowledged animals as living beings worthy of protection in addition to humans. Based on this, principles of action will have to be established in the future which allow for their application in scientific as well as ethical practice. The bioethical imperative, intended by Fritz Jahr as being just such a principle, reflected on these developments. In this concept, moral obligations exist not only towards humans, but towards all living beings. There are cases, Jahr claims, where these obligations are codified as laws, but this happens only when there are too few specimens left of a certain species so that later generations are not able to enjoy it. Fritz Jahr knew that his formulation of the bioethical imperative was not a genuine innovation, but a consequence from preceding developments in the history of ideas like St. Paul, Richard Wagner (1813–1883) or Arthur Schopenhauer (1788–1860). The changes Jahr demanded concerning the aims and motivations of actions are to be considered as resulting from the scientific developments of his time. Jahr considered the fact that plants are not included in moral considerations whereas animals are, not only as irresponsible, but as immoral regarding the various traditions in the history of ideas. This becomes evident when Jahr, writing about how humans treat plants, explicitly quotes his predecessors in order to stress this abuse. In this context he referred to the theologian Friedrich Daniel Ernst Schleiermacher (1768–1834), who in his moral philosophy had considered it unethical that “live and design where they already exist, thus also regarding animal and plant, are destroyed without any reasonable purpose.” It becomes apparent that Fritz Jahr’s bioethical imperative included not only animals, but plants as well. Jahr states that when it comes to plants, the majority of people is not as sensitive as the philosopher Karl Robert Eduard von Hartmann (1842–1906). Most humans are not cognizant of the fact that Plants can feel pain. It is unclear whether Jahr himself assumed a pain perception in plants. He merely writes that it is not yet common sense to attribute soul and the capability to

<sup>11</sup> Concerning the terminology, Fritz Jahr clearly followed Rudolf Eisler (1873–1926), who coined the term “Bio-Psychik” (“biopsychics”) and used it to describe “Psychischen als biologischen Faktor” (“the psyche as a biological factor”). Rudolf Eisler: Biopsychik. In: Rudolf Eisler (Hg.): Wörterbuch der Philosophischen Begriffe. Bd. 1 (A–K). Berlin 1910, p. 190.

feel pain to plants as Hartmann had done. Given that the protection of plants has been part of religious traditions for thousands of years and in regard of the fact that one can observe negative feelings on oneself in cases where plants are destroyed, there has to be an increasing ethical awareness of plants. Fritz Jahr provides one of the key elements of the debates in the 21<sup>st</sup> century here. Modern plant ethics aims at the moral relation of humans and vegetable life, excluding the issue of the moral status of plants and the consequences for the behavior towards them. In short: Should plants be taken into moral consideration for their own sake?

Jahr provides a similar argumentation when treating moral and responsible action towards animals. He argues that the protection of animals is limited by their utility for humans. He claims that the protection of animals is acknowledged, but for the wrong reasons. Animals are not regarded as being protect worthy as living beings capable of feeling pain like humans and plants. In addition to that, Jahr makes it very clear in *Tierschutz und Ethik in ihren Beziehungen zueinander* (1928) that his approach is not about animals and plants as isolated entities, but about the way they are treated by society. By that he provided yet another rationale for his bioethical imperative. This formulation shows the proximity to Kant's categorical imperative by expressing the moral obligation of all mankind to follow the bioethical imperative. Furthermore, ethics and morals are not only about animals or plants, but about man himself and his social and ethical civilization as well. Jahr saw his imperative as an opposition to the Kantian model insofar as he didn't understand ethics as exclusively based on human dignity. In his further writing, Jahr modified neither his bioethical imperative nor his substantial argumentation.

Jahrs idea of respect for life respectively sanctity of life was revived by Albert Schweitzer (1875–1965) and Peter Singer (\*1946).<sup>12</sup> In stating respect for all life or awe of life, Albert Schweitzer represented a biocentric approach.<sup>13</sup> In *Animal Liberation* (1975), Singer formulated his critique of speciesism by arguing that the principle of equal considerations of interests applies to all living beings capable of having preferences. This position was attacked in 1983 by Tom Regan in his *The case for animal rights*, claiming that painful and harmful actions towards animals can be justified by preference utilitarianism insofar as a greater good can be defined. Instead of a harm-benefit analysis, Regan demands a total ban on painful and harmful actions towards animals. Paul Taylor is also to be mentioned here. In *Respect for Nature* (1986) he

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<sup>12</sup> Siegwart-Horst Günther, Gerald Götting: Was heißt Ehrfurcht vor dem Leben? Begegnungen mit Albert Schweitzer. Berlin 2005; Cicovacki, Predrag: Albert Schweitzer's Ethical Vision: A Source Book. Oxford 2009.

<sup>13</sup> Albert Schweitzer: Ehrfurcht vor dem Leben. Grundtexte aus fünf Jahrhunderten. Herausgegeben von Hans Walter Bähr. 10. Auflage, München 2013.

demands the acknowledgment of the inherent value of all living beings as well as their protection and the promotion of their well-being as a prima facie-obligation.

In contemporary animal ethics similar guidelines are demanded based on the 3R-approach (Replacement, Refinement, Reduction) by William Russel and Rex Burch in *The Principles of Humane Experimental Technique* (1959). This concept of animal protection has been codified in directive 2010/63/EU on the protection of animals used for scientific purposes, adopted by the European Parliament and the European Council on September 22<sup>nd</sup>, 2010. In the end, the justifiability of an animal experiment results from a weighing of anthropocentric and physiocentric or biocentric arguments. Let me say a few words about the application aspect in the 21st century: In 2012, when asked for my expert opinion by the administrative court Gera on the educational model of preclinical emergency medicine using narcotized pigs, I have opposed this model by explicitly referring to Jahr's bioethical imperative and thus to a biocentric argument.

In his lifetime, Fritz Jahr's conceptual and substantial foundation of bioethics and his formulation of the bioethical imperative have not been influential, neither on the church nor on academics. It is only in our century that Fritz Jahr's work receives its appropriate analysis and appraisal. Today Jahr's approach is considered a fundamental paradigm shift in science and a ground-breaking contribution to bioethics. Many contemporary approaches in ecological ethics can be understood in holistic or individualistic terms, depending on the object of moral considerateness. Concrete applications to contemporary debates can be identified here. One important application could be xenotransplantation. Engels<sup>14</sup> has already pointed out that Jahr reflected on this topic in his essay *Der Tod und die Tiere. Eine Betrachtung über das 5. Gebot*.<sup>15</sup> In this essay, Jahr combines philosophical ethics and theological positions (from Assisi to Luther) with scientific findings, drawing heavily on Darwin. His main argument is that the closeness of humans and animals, which is stated in both theology and biology, has to be taken into consideration when reflecting on topics like xenotransplantation. The fundamental respect for animal life has to be the guideline for the considerations of how we make use of animals or animal tissue for our own benefit. Jahr bridges the gap between philosophical and theological ethics as well as science. This approach can be understood as the starting

<sup>14</sup> Eve-Marie Engels: The Importance of Charles Darwin's Theory for Fritz Jahr's Conception of Bioethics. In: Amir Muzur, Hans-Martin Sass (eds.): *Fritz Jahr and the Foundations of Global Bioethics. The Future of Integrative Bioethics*. Münster 2012, pp. 97–129, p. 101.

<sup>15</sup> Fritz Jahr: *Der Tod und die Tiere. Eine Betrachtung über das 5. Gebot*. In: Florian Steger (Hg.): *Fritz Jahr – Begründer der Bioethik* (1926). 22 Originalarbeiten des protestantischen Theologen aus Halle (Saale). Halle 2014, pp. 35–38 (first published in: *Mut und Kraft* 5 (1928), pp. 5–6).

point in establishing an interdisciplinary ethical reasoning on the topic on xenotransplantation and other related issues.

In the early 20th century, Jahr already conceived the idea of an interdisciplinary science and a modified ethics which focusses on man's actions towards nature. To apply this moral philosophy to the challenges of the 21st century is a productive and convincing enterprise that should motivate to an increased application in practice.

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## Europski koncept bioetike Fritza Jahra (1895. – 1953.) i potencijal njegove primjene

SAŽETAK

Protestantski teolog iz Hallea Fritz Jahr (1895. – 1953.) u svom članku *Wissenschaft vom Leben und Sittenlehre* u časopisu *Die Mittelschule* 1926. godine definirao je koncept europske bioetike u širem smislu. On je kombinirao etiku i znanost zastupajući uvođenje moralnih vrijednosti u znanstveno obrazovanje u školama. Jahr je 1927. godine razvio svoj koncept u časopisu *Kosmos* kao moralnu obvezu ne samo prema ljudima, već prema svim živim bićima i formulirao ga kao imperativ: „Poštuj u načelu svako živo biće kao svrhu po sebi i, ako je moguće, odnosi se prema njemu kao takvome.“ Ovom formulacijom Fritz Jahr postigao je mnogo širi koncept bioetike 1926. godine negoli je uska interpretacija koja je bila paradigmatička prilikom zamjene paternalističkog pristupa suradničkim u medicinskoj etici od 1970-ih godina u SAD-u.