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## Kant and His Significance for Current Bioethical Issues

### SUMMARY

In this contribution, I discuss some of Kant's impulses for modern bioethics based on his ethical standards, showing how they align with contemporary issues and how they help develop answers to new types of questions. First, I analyse the living environment and present Kant as a thinker about self-organising beings, attempting to show some perspectives for current debates on animal and environmental ethics. I then focus on the question of a human being as a dignified being. In this context, I discuss the question of whether a Neanderthal would count as a dignified being if it were possible to breed him in a research laboratory. Finally, by introducing cybrids and brain chimaeras, I discuss the project of creating human-animal mixtures.

**Keywords:** Kant, philosophy of organism, environmental ethics, human dignity, resurrection of Neanderthals, cybrids, hybrids, brain chimaeras, human-animal beings.

### INTRODUCTION

This contribution discusses some stimulations Kant might provide for modern bioethics. When speaking of “bioethics”, I do so in a wider sense and include man, animals, and even plants in my considerations. Thus, I am talking about more than just a biomedical kind of ethics. The body of Kant's writings does not know the term “bioethics”. This does not come as a surprise, as it is a recent term. Only in the past 20<sup>th</sup> century has bioethics succeeded in being established as an academic discipline. The first time the term appears in the German language is probably in 1926, in a short text by Protestant theologian Fritz Jahr (1926, pp. 604–605, as cited in Steger, 2014, pp. 25–27). However, this does not mean that there had not been bioethical considerations earlier. The opposite is true. For, insofar as it belongs to the tasks of bioethics to bring

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our way of dealing with the living to the forum of reason, we find many bioethical considerations in Kant. “Typically, bioethics are definitely not a discovery made only in the present”, Fritz Jahr (1935, pp. 183–187, here p. 186) stated.

Twenty years ago, in 2004, Peter Baumanns (2004), in an important monograph, emphasised some considerations by Kant, which are pioneering examples of bioethics. There, the relevance of Kant’s ethics is demonstrated particularly by the example of issues concerning the personal and moral status of the embryo. Among the numerous publications on Kant, here I would like to also refer to a lucid work by Thomas Sören Hoffmann, who works out the concept of dignity and autonomy in more detail and discusses it in view of some bioethical issues (Hoffmann, 2005). Still influential are the considerations by the unfortunately short-lived Reinhard Löw (1980) on how to understand the living. In addition, works by Angelica Nuzzo (2008) and Helge Svare (2006) take into account the connection between body and life in Kant, which is so important for bioethics.

The progress of medicine and today’s biotechnology raises quite a number of questions and challenges, which are new and demanding. I would like to dedicate myself to some of them. First, I will look at the living environment, present Kant as a thinker of self-organising beings, and attempt to point out some paths of thinking for current animal- and environment-ethical debates (I.). Second, I will shift the focus to the question of man as a being with dignity (II.). I will then discuss the question about the possibility of a staged protection of dignity (II.1). I intend to ask whether a Neanderthal, should we succeed in breeding one in a research laboratory, would be a being with dignity (II.2), finally moving, using the examples of cybrids and brain chimaeras, to the project of creating human-animal hybrids (II.3). We will start at the beginning, with the first step.

## I. PROSPECTS FOR ETHICS OF THE ORGANISM

Kant did not sketch any ethics for animals or the environment. However, he is somebody who includes not only man but also animals and plants in his thought. He draws our attention to an eminently important concept: the concept of the organism. Originating in the ideals of Newtonian physics, his thought moves towards explicitly taking the dimension of the organic into consideration.

In contemporary debates, prominent neuroscientists often reduce man to a shrunken mind-brain being while not sufficiently taking into account the organismic entirety in which the brain is embedded. The situation is similar to speculations from the field of trans- and post-humanism, whose most extreme versions assume that man’s mind

could be downloaded to a data medium. In this matter, Kant's considerations may be eminently helpful.<sup>1</sup>

Kant's early writing states the following: "Give me matter, I am going to make it into a world for you" (Kant, 1902, p. 239). Only what one is capable of imitating has been really understood, as, in the same vein, the physicist and Nobel Prize Winner Richard Feynman asserts still in the 20<sup>th</sup> century. This view of nature is also shared by representatives of synthetic biology.

In Kant's *First Critique*, we encounter a view of nature typical of the entire modern age, in which he tries to catch up with it in terms of transcendental philosophy. The kind of nature we encounter involves an understanding of nature, which is made subject to laws by reason. It is not capable of acquitting (adequately) itself. This means that it becomes part of man's space of accessibility. However, in this way, important aspects of the reality of our lives remain ignored.

By the *Third Critique*, things are put on a different track. It is conspicuous, for example, that now Kant extends his understanding of the power of judgement from a restricted view, making use of reason to one which opens up the view in totality. Here, the dimension of the organic comes into its own. The concept of the organism is then particularly present in the *opus postumum*. Kant (1913, p. 372 ff.) prefers speaking of "organised beings". Elsewhere, he makes a variation and sometimes speaks of "organic natural beings" (ibid. p. 429), "organised bodies" (Kant, 1913, p. 193 f.), or "organised beings" (Kant, 1913, p. 372).

By the organism, we encounter a causality which is different from the linear causality of reason; we might as well say (that) "which goes beyond". In short, this kind of causality evades any explanation by reason. This is indeed the reason why Kant makes the move to teleological concepts.<sup>2</sup> Kant reaches back to the term "natural purpose" to underline the argument that organisms evade any purely mechanistic explanation. He is perfectly aware that speaking of a "natural purpose" may raise one or more questions. He points out that this is a "regulative term for the reflecting power of judgement" (Kant, 1913, § 65, p. 375).

The philosopher from Königsberg particularly emphasises the idea of reciprocity in his view of organisms: the elements of the organism are related to mutuality. To put it even more clearly: the elements are *by* being related to the entirety. By this, he means

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<sup>1</sup> In the following, I will reach back to considerations from my work, Knaup, 2023.

<sup>2</sup> "Reason is only provided with mechanistic-causal determining and thus does never arrive at things whose particular nature suits us. Due to its nature, it will remain outside the specific unity of things and just determines how they are related" (Simon, 1991, p. 119).

that, on the one hand, the elements mutually create themselves and that, on the other hand, they depend on the organismic entirety, the integrated system.

Kant directs our attention to the fact that organismic beings are capable of self-organisation. He explains that with the organismic entirety, “everything is purpose and, conversely, also a means” (Kant, 1913, p. 376). The individual elements are related to each other. In manifold ways, Kant says, organisms are cause and effect of themselves (Kant, 1913, p. 371 f.).

Kant is in perfect agreement with Aristotle: With organisms, the idea of the whole precedes its elements. [...] If for once we compare Kant’s understanding of the organism and its way of being, i.e., life, with that of Aristotle, the congruence is astonishing. However, also the difference is obvious: the legitimization of teleological judgement. For Aristotle, it is problematic in detail, however, in general, it is constitutive for living beings: organisms *are* purpose-built, they *pursue* these purposes, they *are* built into purposeful contexts of living, after all, nature as a whole *is* one purposeful entirety. For Kant, such a judgement without any preceding critique of judgment would be dogmatism. (Löw, 1980, p. 195)

From there, it is possible also to formulate a bioethical perspective: given the other, non-human, organisms as well as given nature as a whole, humans have indirect obligations towards the whole, says the philosopher from Königsberg. Both man’s survival and his capability to act depend on the nature surrounding him, which must thus be preserved.

Insofar as, e.g., the most different ecological systems provide a foundation for human life, protecting them is an obligation because the preservation of the natural conditions also safeguards the lives of humans. [...] Our moral obligation towards rational beings – may it be towards oneself or towards other humans – gives indirect reason to an obligation to preserve non-human nature. (Breitenbach, 2009, p. 201 f.)

Given the fact that we are bodily structured, Kant states that “man’s first obligation towards himself [is] [...] the self-preservation” of the organismic conditions (Kant, 1907, p. 553). A moral way of life is only possible in the context of his organismic nature.

By analogy with our reason, which strives for unity, Kant says that non-human organisms must be considered purposeful entireties. It is possible, in a way, to read our purposeful rational activity into the book of nature and, in this way, discover ourselves there. “Nature and reason [...] appear as a mutually referring and mutually dependent pair when it comes to our attributions of value. Thus, nature proves to be the environment we humans are embedded in, not only as natural beings but also, *particularly*, as rational actors.” (Breitenbach, 2009, p. 223) Real animal and environmental protection requires that, indeed, we read some purposefulness into

nature. Violence and pain, protection and conservation make sense only if nature itself is imagined as being teleologically constituted. In a completely physicalised world, in a nature of naked facticity, there is no room for such phenomena.

Man is related to other natural beings, but he is the only being capable of living a life according to ethical criteria. An animal can neither become guilty when killing or tormenting another animal nor can it comply with obligations. Due to the reason that man is provided by virtue of being human, there exists an obligation of a different quality than the obligation he is involved in as an organism. He is a being of liberty, a liberty in which its worth is proved by moral behaviour: we are capable of taking distance from ourselves and adopting objective, trans-individual goals. Beyond the dimension of organic and natural, qua reason, man has an awareness of unconditional obligation. He is part of an intelligible community of rational beings. Man is capable of making his own laws insofar as he is capable of participating in a general kind of reason. This is what distinguishes man or, as Kant has it, what makes him a being of absolute value. Thus, we may meaningfully speak of animal and environmental protection only if man's particular status and responsibility for other natural beings becomes obvious. A bear does not care about the suffering of a cricket.

## II. MAN AS A DIGNIFIED BEING

### II.1 On the question of a staged understanding of dignity

Other than current animal ethics, which, in view of animals or even plants, speak of "dignity", Kant reserves this term for man to give expression to man's special status, which is grounded in the capability of being oriented in the moral law and being autonomous. After all, as we have seen, the relation to animals can be emphasised through the concept of the organism.

Human dignity is no outmoded concept but a concept of particular ethical, political-practical, and legal relevance. Human dignity is absolute and of incomparable value (Kant, 1911, p. 394, 428, 436). This means that man cannot be reduced to monetary value, and that man will avoid and resist such reduction. His dignity exceeds those things that are merely useful. Dignity is about recognising the other as a subject in principle, precisely as the other. Being autonomous and capable of determining purposes is an essential part of man.<sup>3</sup> Human dignity is precisely not tied to certain

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<sup>3</sup> One of man's particular features is that he is legally autonomous. He possesses autonomy not just like he may own an automobile. Very well, however, he may be autonomous. Autonomy is not about limitlessly managing things as one pleases. Man is capable of obeying causality in liberty. If we speak of man as an autonomous being, we should be aware that he is always embedded in a community. Any autonomy that disregards the autonomy of any other human is indeed no autonomy at all. To have it in positive terms: part of autonomy is observing,

qualities and skills of man. It can never be weighable but must be valid without any precondition. Otherwise, ways of exerting violence and power could be imagined, resulting only from personal ideas of what is appropriate or also from trends, rejecting the guidance of reason and dignity.

Dignity is something that refers to all humans. If dignity was based on being born or on the possession of particular skills, some humans would be left out. It is also not dependent on intellectual or physical skills, nor on nationality or belonging to a certain religion. Also, it is not capable of being granted by certain people, nor could it be withdrawn by them. Dignity is the connecting tie between *all those* belonging to the human family.

However, today, this position of Kant is not shared by everyone. For example, a publication on CRISPR-Cas9 on the issue of human dignity, states: “Whereas by the dignity of superfluous embryos living beings are protected which have no sentience or consciousness at all and thus have no needs of their own, the basic rights of individuals, such as the freedom of research, defend interests the violation of which is experienced as pain, suffering or otherwise negatively. From an independent, moral point of view, it could not be justified to place objective, abstract values above the feelings of vulnerable people. The dignity of embryos at early stages must not be taken to be absolute and cannot be generally given superiority over the freedom of research.” (Rütsche, 2017, p. 244)

In Germany, the freedom of research is guaranteed by the constitution: according to Article 5, Sect. 3 Basic Law, the sciences, research, and teaching are free. This basic right is historically rooted in the Revolution of 1848. In Europe, the freedom of research is regulated by Art. 13, Sentence 1 of the EU’s Fundamental Rights Charter. Typically, it is about being entitled to free research, drawing the appropriate conclusions from this research, and publishing the results. This basic right has its limits by the inviolability of human dignity and the protective task of the state guaranteed by Art. 1 Basic Law. If there are concerns that research projects might violate the dignity of man, such projects must be prohibited. The scientist at the laboratory enjoys “all freedom of research, however not of causing disadvantageous consequences for third parties” (Hoffmann-Riem, 2004, p. 65). The lives of humans cannot be put up for negotiation, not even if this way help can be provided for a larger group of humans.

Any “staged protection of dignity”, which is occasionally mentioned (see Hacker et al., 2009, p. 85), is no protection and contradicts the idea of the dignity of man. Man

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recognising the autonomy of other humans. Insofar, it is also a kind of self-limitation that explicitly agrees with the unavailability of other humans.

must be man's "end in itself", as Kant emphasises (Kant, 1911, p. 429). Due to this being an end in itself, all instrumental approaches – however noble they might look at first sight – are limited. Were man not an end as such, some purpose might be imagined through which those who set the purpose might engineer their own (and others') extinction.

## **II.2 Are Neanderthals provided with dignity?**

Currently, several laboratories are working on resurrecting mammoths and other beings from primaeval times through cloning and the possibilities of synthetic biology. Basically, one might imagine that even Neanderthal man might be brought into existence again.<sup>4</sup> Would he also be a dignified being?

Homo neanderthalensis existed with an upright posture, with manipulable hands, which allowed him various kinds of technical skills and activities. Amongst these activities may have occurred those termed religious and aesthetic (see Leroi-Gourhan, 1980, p. 35, 131, 145). Neanderthals did care for the weak and the injured and buried their dead. They took responsibility for others and lived moral values. There is a clear similarity here with what we otherwise know of "persons". Homo neanderthalensis should be recognised as moral subjects.

Now, one would probably have to situate Neanderthals as belonging to the same species as man. Neanderthals did not belong to the pan species (chimpanzee), which includes the two species of pan troglodytes (chimpanzee) and pan paniscus (Bonobo, pygmy chimpanzee). Thus, one could argue that through Neanderthal man, the idea of humankind is realised, and this must be identified and linked with our concerns regarding homo sapiens.<sup>5</sup>

Due to his human nature, the Neanderthal man – like you and me – can be a being of liberty. He belongs to humankind. Furthermore, homo neanderthalensis is provided with a body like ours. He would have to be recognised and treated as a physical subject; his unavailability would have to be respected. With Kant, we could now argue that belonging to the general category of humankind is sufficient for attributing and recognising dignity. Homo neanderthalensis would share the reason,

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<sup>4</sup> In this concern, I point out the works by: Pääbo, 2015.

<sup>5</sup> It may be imagined that some representatives would be demanded to show species-typical qualities (interests, plans for the future, memory, etc.) to support the protected status of Neanderthal men. In this case, however, morality would be reduced to the existence of interests, being a person would be made a bundle of interests. Basically, interests may as well be immoral, which is why not interests as such but only those aiming at the good are morally relevant. "Something must deserve a moral interest, must be worth such an interest. This, however, is not stated by interest alone." (Pöltner, 2015, p. 258). To this, there adds that being human as such is no quality; we are provided with certain qualities because we are human.

as such, be an “end in it(one)self” and could thus never be treated just as a means to any given end.

It remains that this genetic programme is something artificial, made by scientists at a research laboratory for heteronomous purposes. As Kant insisted, a member of the human species or humankind must always be treated as an *end in itself*. It would have to be respected for the sake of itself. Thus, for our Neanderthal man, the following could be true:

Now I say: man, and anyway any rational being, exists as an end in itself, not just as a means to be arbitrarily used for this or that intention, but it must, concerning all his actions both concerning himself and other rational beings, always at the same time be considered a purpose. (Kant, 1911, 429)

As far as this goes, any and all enterprises intending the recreation of Neanderthal man should be abstained from right from completely.

### II.3 On cybrids and brain chimeras

As a result of the progress of biotechnologies, animal-man hybrids, which once belonged to the world of myths and inspired our imagination, have become a bioethical challenge that must be addressed.

Cytoplasmic hybrids provide the possibility of making man-animal hybrids. In terms of technology, the method is similar to that once applied to clone sheep Dolly. That is, an ovum must be enucleated. In one case, cow ova was utilised into which human nuclear DNA is transferred.<sup>6</sup> The developing cell is not only provided with an almost complete human genome but is capable of developing further. Similar to the case of Dolly, when the mitochondria also came from the ovum (that is, they do not come from the donor animal), also in this case, the mitochondria are contributed from the cattle cells. Purely in mathematical terms, the genome in the mitochondria makes about 0.1 per cent. More than 99 per cent are human genome.<sup>7</sup> “It must be assumed that particularly if ova, embryonic stem cells or other embryonic tissular are involved, there may be uncontrollable effects of the genetic fusion or the transfer

<sup>6</sup> In 2006, this was reported by: Illmensee et al., 2006, pp. 1248–1260. These days, such interventions are legal, e.g., in Great Britain. Three years previously, this technique had been successfully implemented with enucleated rabbit cells, achieving as much as the blastocyst stage. One succeeded in taking out pluripotent stem cells: see Chen et al., 2003, pp. 251–264; The Danish Council of Ethics, 2007, p. 13.

<sup>7</sup> This research field aims at producing human stem cell lines. In this context, one also encounters the argument that this way, the problems of consuming embryo research can be avoided. One may indeed argue this way if one is ready to ignore the problems connected to this research branch. Due to the mitochondrial DNA, furthermore, it cannot be safely stated whether these embryonal stem cells could really be used for therapeutic purposes. From an ethical point of view, the focus must particularly be on the fact that for the making of animal-man hybrids, embryonic tissue and stem cells (both adult and embryonic) may be used.



of genes at various levels, that is at the level of the somatic cells, the stem cells or even the primordial germ cells. Indeed, interventions into the human germ line have been internationally banned and have thus, at least for the time being, not been developed. However, as a result of experiments with chimaeras or hybrids, not only new fusions of man and animal could be technologically created, but also undesired germ line effects might occur.” (ibid. p. 35 f.)

One can dispute whether or not these hybrids are human despite the presence of the human genome. If one argued yes, this would result in the consequence of recognising the hybrid as human. If, on the other hand, the answer is that such a being’s moral status cannot be localised at the same level as that of man, certain interventions would be easier. “If, e.g., the human embryo is considered a being created by the germination of a human ovum and a human sperm cell, a zygote created from the germination of an ovum and a sperm cell, one of which not being human, could not be considered a human embryo, with all the thus connected legal consequences” (Düwell, 2015, p. 227). It would not be possible to refer to constitutional basic rights such as the right to live and physical integrity (BL Art. 2 Sect. 1), as these basic rights only apply to humans.

It could be argued that these hybrids are human beings who have been polluted by animal components.<sup>8</sup> It is the nuclear DNA which contains the genome. And it is this nucleus that determines the phenotype (see Jaenisch, 2003, p. 233). If one accepts this, such a being would be human. Consequently, from the moral and the legal point of view, this being would have to be treated like any other human: it would be entitled to dignity, which is why, from an ethical point of view, its making and making it a purpose would have to be clearly rejected as such (see also Beck, 2009, p. 279).

If the nuclear DNA came from an animal but the ovum from a woman, the resulting organism would be an animal. Insofar as a human ovum is used for making an animal, it may be argued with Kant that such a project would be a violation of human dignity, which is why also research of this kind would have to be clearly rejected (see Beck, 2009, p. 281).

It might be argued that, due to man’s dignity, right from the beginning, it cannot be an option to combine human biological material with that of animals to create a hybrid. Then, the critical view would not only refer to the product but also to the origins and intent of research and whether such research was appropriate or condoned. As the status of any such organism is problematic, in my opinion from an ethical point of view, it would be advisable not to create such beings.

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<sup>8</sup> The situation is different with the amalgamation of animal and human stem cells. This would result in a completely new kind of being.

In this context, let us also examine the issue of brain chimaeras! In these cases, human cells are transferred to animals. For the implementation of this procedure, one also utilises stem cells. The intended goal is to bring medicine forward and to be able to better treat grave illnesses such as Alzheimer's and also Parkinson's.

In March 2019, Chinese scientists reported they had modified macaques with human genomes, resulting in an increased performance of the short-term memory of the animals. Insofar as primates are more closely related to us than other animals, this field of research is particularly sensitive. They are close to us in terms of genetics and morphology; their facial expressions and sounds demonstrate a reaction to pain, which is not unlike ours. It is ethically dubious to consider animals as legitimate subjects of human exploitation. The objectification of the animal – as we might argue with Kant – will, in the long run, not leave man unharmed and does not increase human stature but rather reduces it.

Insofar as the brain is considered to play particular roles both for animal and human organisms when it comes to being capable of certain life manifestations, one might also argue that other organs should be likewise regarded. In addition, the issue of kinship carries weight. Apes are closer to us than rodents. In this regard, the transplantation of human cells into the encephalon of an ape would happen in a significantly different manner than that of a rodent. And, of course, the question of when the transplantation happens is equally significant. For, if the intervention happens with an embryo, we would have good reason to assume that the implanted cells will integrate into the overall organism.

One single genome implanted into an animal is no bearer of human dignity, but a human individual certainly is. Because of this, it would be possible to make use of human cells and human nuclear DNA for the creation of hybrids without any violation of human dignity. We must consider that the animal should not suffer from inappropriate damage and pain. The philosopher from Königsberg would speak of obligations “in view of” nonrational beings. His reason for this would be “compassion with their suffering” (Kant, 1907, p. 443). Any treatment which would make the animals suffer would not remain without consequences for the man himself, as it would come along with the danger that man himself becomes brutalised, that his feelings of compassion would be deadened. After all, our “view” of these animals—we would probably speak of species-appropriate treatment—would be an obligation towards ourselves (see *ibid.*). Animals are subject to the responsibility of the human obligation to love. Our self-esteem makes it an obligation not to make them suffer.

## CONCLUSION

I now turn to my conclusion. This contribution has revealed important contributions by Kant concerning selected current bioethical issues and challenges. Following in his footsteps, it has been possible to ask some critical questions concerning bioethical developments and

social-political matters of our time. I have argued that on the basis of the ethical milestones Kant set, it is possible to formulate solutions for completely new and currently urgent problems that he probably did not even dream of. Contrary to the existing trends in mainstream bioethics, I point out approaches that intend liberal and freedom-sustaining perspectives and that challenge existing biases and assumptions. Thus, even three hundred years after his birthday, it is worthwhile to take the books written by this giant of the history of philosophy into our hands. With him, philosophy can also solve its task of appearing as a critic of our times if it is about fundamental issues of being human and of our living together.

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## Kant i njegov značaj za aktualna bioetička pitanja

### SAŽETAK

U prilogu raspravljam o nekim od Kantovih poticaja za modernu bioetiku koji se temelje na njegovim etičkim standardima, pokazujući kako se oni usklađuju sa suvremenim problemima i kako pomažu u pronalaženju odgovora na nove vrste pitanja. Prvo analiziram životni okoliš, a Kanta predstavljam kao mislioca o samoorganizirajućim bićima, nastojeći pokazati određene perspektive za aktualne rasprave o životinjskoj i ekološkoj etici. Zatim se usredotočujem na pitanje o čovjeku kao dostojanstvenom biću. U ovom kontekstu raspravljam o pitanju bi li se neandertalac smatrao dostojanstvenim bićem kada bi ga bilo moguće uzgojiti u istraživačkom laboratoriju. Naposljetku, predstavljanjem kibrida i moždanih himera raspravljam o projektu kreiranja mješavine čovjeka i životinje.

**Ključne riječi:** Kant, filozofija organizma, etika zaštite okoliša, ljudsko dostojanstvo, uskrnuće neandertalca, kibridi, hibridi, moždane himere, ljudsko-životinjska bića.