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Fritz Jahr and his Bio-Ethical Imperative

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Fritz Jahr and his Bio-Ethical Imperative⁷

- Erick R. Valdes
Scholar-in-Residence, Center for Clinical Bioethics,
Georgetown University, USA
Email: erv7@georgetown.edu

Abstract

The main goals of this paper are: 1. To deepen in the Fritz Jahr's Bioethical Imperative, by analyzing its most relevant features, and stressing its absolute validity and contribution to the current bioethics, and 2. To demonstrate that Fritz Jahr should be considered the real father of bioethics since, in his absolutely pioneering work, is not only present the word – or the “sound” – bioethics, but also, and very especially, the first big lines of a brand new discipline.

The concept “bioethics” was not born either in 1970 with the Van Rensselaer Potter's paper “Bioethics: The Science of Survival,” or in 1971 with the establishment of the Kennedy Institute of Ethics at Georgetown University by Andre Hellegers, as many people think.⁸ Fritz Jahr, a German protestant pastor, philosopher and educator published, in 1927, an editorial entitled “Bio-Ethik. Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze,” (“Bio-Ethics. Reviewing the Ethical Relations of Humans towards Animals and Plants”) in a leading German natural science journal called *Kosmos*, which prestige, as Hans-Martin Sass has said, is only comparable to current *Nature* and *Science*.⁹ Thus, the origin of the concept bioethics must be placed 43 years before Potter published his famous work. In fact, we may consider the Potter's ideas about bioethics as a continuation of Jahr's seminal contribution even though Potter never quoted Jahr's writings either in his papers or books and Jahr's concept of bioethics is wider than Potter's since Jahr extends his concern towards all living beings.¹⁰ It is not clear if Potter ever knew about Jahr or simply neglected him. The fact is that Potter has unfairly been considered as the pioneer of bioethics while the man who actually introduced the idea and also

⁷ The importance of Fritz Jahr's Bioethical Imperative has been highlighted by Hans-Martin Sass in the Official Journal of the Asian Bioethics Association. See: “The Earth is a Living Being: We have to treat her as such!” *Eubios Journal of Asian and International Bioethics* (EJAIB), Vol. 21 (3), 2011.

⁸ Potter, Van Rensselaer “Bioethics: The Science of Survival,” *Persp. Biol. Med.* 1970, 14(1): 127-153. For learning similarities and differences between Potter, Hellegers and Jahr's concepts, see Sass, Hans-Martin, “Fritz Jahr's 1927 Concept of Bioethics,” *Kennedy Institute of Ethics Journal*, 2007, 17(4): 282.

⁹ *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissenschaftliche Bildungs und Sammelwesen*, Stuttgart, 1927, 24(1): 2-4. Also see, Sass, Hans-Martin, “Postscriptum and References,” in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 24.

¹⁰ When Potter published his paper he did not put a dash between “bio” and “ethics.” Nevertheless, the meaning that underlies Potter's term is virtually the same as Jahr's.

coined the term *bioethics* into philosophical and scientific fields has been forgotten.¹¹

Fritz Jahr's work cannot only be reduced to the short writing that I have mentioned already. He also published an overwhelming array of papers on bioethics and other related topics between 1927 and 1938 which had no massive repercussions due to the German political circumstances of those days and the advent of World War II.¹² It is important to clarify here that the concept of bioethics that Jahr conceived was yet far from how we currently understand it, especially from a procedural point of view. Nevertheless, since his relevant approaches to humans-animals-nature relationships, social and sexual ethics, basic moral problems of social life, freedom of thought, education, moral law, the duty of self-preservation, and very especially because of his Bio-Ethical Imperative (*bio-ethische Imperativ*), Jahr deserves to be considered as the "Father of Bioethics," even though the name "bioethics" should still go through many paths in order to become the discipline we know today. I will try to pay the debt we owe Jahr by showing how valid his ideas still are and stressing his main contributions to the current bioethics.

In 1927 Jahr wrote, "*From Bio-Psychik it is only a step to Bio-Ethics, i.e. the assumption of moral obligations not only towards humans, but towards all forms of life. In reality, bio-ethics is not just a discovery of modern times. An especially attractive example from the past is the figure of St. Francis of Assisi (1182-1226) with his great love toward animals, his warm sympathy for all forms of life, centuries before Rousseau's romanticism for the entire nature.*"¹³

¹¹ It is interesting to observe how the name of Fritz Jahr has not only been neglected by Potter but also by the most of bioethicists.

¹² *Bio-Ethik. 1927 (Bio-Ethics); Der Tod und die Tiere. 1928; Tierschutz und Ethik. 1928 (Animal Protection and Ethics); Soziale und sexuelle Ethik in der Tageszeitung. 1928 (Social and Sexual Ethics in the Daily Press); Wege zum sexuellen Ethos. 1928; Zwei ethische Probleme in ihrem Gegensatz und in ihrer Vereinigung im sozialen Leben. 1928; Egoism and Altruism. 1929; Gesinnungsdiktatur oder Gedankenfreiheit? 1930 (Character Dictate or Freedom of Thought); Unsere Zweifel an Gott. 1933; Drei Studien zum 5. Gebot. 1934 (Three Studies on the Fifth Commandment); Jenseitsglaube und Ethik im Christentum. 1934; Die sittlich-soziale Bedeutung des Sonntags. 1934; Zweifel an Jesus? 1934; Ethische Betrachtungen zu innerkirchlichen Glaubenskämpfen. 1935; Glauben und Werke in ihrem Gegensatz und in ihrer Vereinigung. 1935; Drei Abschnitte des Lebens nach 2. Korinther. 1938.* I thank Dr. Hans-Martin Sass for having access to this comprehensive list of Jahr's writings as well as for sharing with me his precise and excellent analysis on Jahr's thought and his precise translations into English. (See, Sass, Hans-Martin, *The Earth is a Living Being: We Have to Treat it her as Such!*, EJAI, 21 (3), 2011; Aufsätze zur Bioethik 1927-1938 Fritz Jahr," Nachwort und Nachweise von Hans-Martin Sass, *Zentrum für Medizinische Ethik*, Bochum, Dezember, 2010; "Selected Essays in Bioethics 1927-1934 Fritz Jahr," *Zentrum für Medizinische Ethik*, Bochum, November 2010, Issue 186. Postscript and References by Hans-Martin Sass); and also, "Fritz Jahr's 1927 Concept of Bioethics," *Kennedy Institute of Ethics Journal*, 2007, 17(4): 279-295.

¹³ Jahr, Fritz, "Bio-Ethics. Reviewing the Ethical Relations of Humans towards Animals and Plants," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik,

This paragraph represents the first time Jahr referred formally to the concept of bioethics and, hence, it also means its origin. However, these phrases also deserve other important considerations.

Firstly, we can see that Jahr characterizes bioethics as a fundamental attitude; namely, as an *ethos*, or a way of living. In this sense, bioethics has to be developed as a part of the human character, as the affective disposition on which Aristotle writes in his *Nicomachean Ethics* when he addresses the concept of *héxis* which would be translated as *habitude* by the scholastics centuries later. The importance of this is not minor because if, according to Jahr, the concept of bioethics means a moral principle as well as a virtue, it is clear that he is talking about a new discipline which needs to be supported empirically and practically.

Secondly, Jahr redefines traditional moral obligations by extending their scope towards all extra-human nature. Thus, human beings' responsibility for their actions reaches a renewed expression that leaves the classical anthropocentrism of all previous ethics. This implies a fundamental shift in the traditional ethical conception which results absolutely premonitory for relevant ideas that would be developed more than 50 years later such as, the imperative of responsibility of Jonas and the animal ethics of Singer and Regan, among others. In this regard, Jahr adds, "*The fact of a close interrelationship between animals protection and ethics finally is based on the reality that we not only have moral obligations towards fellow humans, but also towards animals, even against plants – in short: towards all forms of life -, so that we can speak about Bio-Ethics.*"¹⁴

Thirdly, Jahr implicitly defines bioethics as a secular and pluralistic discipline. In other words, Jahr's bioethics is pointing towards two very important conditions of possibility for current bioethics. In fact, Jahr's bioethics requires a new type of moral deliberation in order to address the new moral problems that both the new science and the new technology have brought. In this sense, and already in 1927, Jahr conceived of bioethics as a new normative and practical epistemological field.¹⁵

Jahr also assumes bioethics as a new moral obligation. This will imply the idea of a global bioethics whose main target should be to generate the necessary and sufficient conditions for humans to meet the moral compromise of respecting the life as a whole. In order to perform this purpose, Jahr formulates his Bioethical Imperative which

Bochum, November 2010, Issue 186, p. 1. Translation, Postscript and References by Hans-Martin Sass. "Bio-Ethik. Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze," in *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissenschaftliche Bildungs- und Sammelwesen*, Stuttgart, 1927, 24(1): p. 2.

¹⁴ Jahr, Fritz, "The Relationship of Animal Protection and Ethics, 1928," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 1. Translation, Postscript and References by Hans-Martin Sass.

¹⁵ In this regard, see: Sass, Hans-Martin, "Postscriptum and References," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 25.

says: "Respect every living being in principle as an end in itself and treat it, if possible, as such!"¹⁶

This formulation implies an epistemological and practical extension of Kantian Categorical Imperative. This does not only consider rational beings as subjects or rights but also animals and plants. Thus, the condition of possibility to be respected and considered as an end in oneself is not to be rational anymore but to be a living being.

Jahr finds the foundations for his new imperative in the Fifth Commandment "You shall not kill." He interprets this to mean not harming any kind of life, not only human life. So, there is a new moral obligation expressed in the Fifth Commandment which orders to preserve all living beings, "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' – in the first place means the life of our 'neighbor.'"¹⁷

Also, Jahr adds another argument to his imperative: human beings not only have the right to live but also they have the duty of Self-Preservation. Thus, we must care for ourselves by being responsible for our actions not only towards others but also to ourselves, "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."¹⁸

This paragraph deserves special attention since it stresses the importance of not hurting or harming others over the action of seeking the good. Therefore, the main idea that underlies this paragraph is nonmaleficence: first and foremost, not doing harm. Jahr's tacit principle is also based in the concept of the sanctity of all living beings because as Kantian moral law is inviolable, any kind of life is inviolable as well. In this sense, Jahr conceives of bioethics as a new ethics of virtues by redefining and extending the scope of the Golden Rule.¹⁹

In one of his thorough writings, Hans-Martin Sass has defined ten features of Jahr's bioethical imperative by

considering it: (1) a new discipline (the bioethical imperative "needs to develop, to educate and to steward personal and collective cultural and moral attitudes and calls for new respect and responsibilities towards all forms of life"); (2) a new basic virtue ethics ("the Bioethical Imperative is based on historical and other evidence that 'compassion is an empirical established phenomenon of the human soul'"); (3) a new Golden Rule principle (as the bioethical imperative implies and stresses moral obligations among human beings and is based on compassion and love, it "cannot allow itself the Kantian luxury of just being formal"); (4) a new personal health care rule and ethics ("the bioethical imperative includes obligations towards one's own body and soul as a living being"); (5) a new public health care rule and ethics ("...fulfilling obligations towards oneself is also a duty towards others and towards public health"); (6) a new global stewardship rule and ethics ("Jahr broadens the 5th commandment into a universal rule and ethics of positively and proactively caring for the health and life of this globe as a part of a living cosmos"); (7) a new management rule and corporate ethics (the Jahr's "bioethical model of interacting forms of life in a living environment [...] would include social institutions such as those for health care"); (8) a new terminology rule and terminological ethics ("a clear and precise terminology [...] is a priority and a precondition for clear conceptual and practical work, for communication and for cooperation and for further development"); (9) a new rule and ethics of differentiation (there must be 'different terms available for different subjects, fields, and issues' since "unclear terminology leads to unclear reasoning and acting; it is an expression of unclear thinking itself"); (10) a new interaction and integration rule and ethics ("according to Jahr, "animal ethics and social ethics are different fields, but they interact and integrate, bringing different shapes and shades of the Bioethical Imperative"). Finally, and as part of feature (10), Sass affirms that "a new field of geo-ethics is already visible" in Jahr's bioethical imperative, since his ethics implies not only a personal commitment but also a global responsibility in order to enable "a universal, prudent and reasonable application of the Bioethical Imperative."²⁰

In this sense, according to Sass, "The Bioethical Imperative in its most universal and integrative form is a good instrument to not only respect and cultivate natural and social environments, microbes, plants and animals, but also the earth in its individuality, its seasons and ages, as a home and support of all forms of life, in its unpredictability and danger."²¹

I think it is practically impossible to refute the features of Jahr's bioethical imperative that Sass clearly shows

¹⁶ Jahr, Fritz, "Three Studies on the Fifth Commandment, 1934," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 23. Translation, Postscript and References by Hans-Martin Sass. "Drei Studien zum 5. Gebot" in *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissenschaftliche Bildungs und Sammelwesen*, Stuttgart, 1934, 10(1): p. 187.

¹⁷ *Ibid.*, pp. 19-20; 10(1): p. 184.

¹⁸ *Ibid.*, p. 20; 10(1): p. 184.

¹⁹ In this regard, see: Sass, Hans-Martin, "Postscriptum and References," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 29.

²⁰ Sass, Hans-Martin, "The Earth is a Living Being: We have to treat her as such!" *Eubios Journal of Asian and International Bioethics* (EJAIB), Vol. 21 (3), 2011, p. 77.

²¹ Sass defines these features as "the many faces and colors of the Bioethical Imperative." See: Sass, Hans-Martin, "Postscriptum and References," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, pp. 28-32. Another precise analysis of Jahr's bioethical imperative can be found in Sass, Hans-Martin, "Fritz Jahr's 1927 Concept of Bioethics," *Kennedy Institute of Ethics Journal* 17.4 (2007) pp. 279-295.

us. The scope of Jahr's ideas is undoubtedly immense and represents the starting point of a new applied ethics concerned with life, health and environment based in the fact that both scientific and technological development require a new ethics, new moral deliberation, new rules and procedures, and new and clear terminology in order to define and differentiate diverse fields in the realm of humanities.

Beyond the excellent analysis of Sass, I think Jahr's bioethical imperative also implies:

1. The first modern formulation of a non-maleficence principle. Jahr's imperative implies a duty of self-preservation and, in this sense, it also entails the obligation of not harming or hurting anyone under any circumstance, "*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: Who fulfills one's duties towards oneself, avoids many forms of harm to other people.*"²²

Jahr starts from an analysis of the Fifth Commandment by dealing with philosophical and religious tradition and, as Sass has already said, elaborating a hermeneutic "of classical old texts of various traditions and cultures" in order to base his ideas.²³ He runs a long road since the old golden rule and gospels of the New Testament until Luther, Kant and Schopenhauer's philosophies, by stressing the importance of the sanctity of life and life's manifestations and clarifying the human duty of respecting, protecting and promoting life as a whole.

2. A prudential ethics characterized by a *phronesis* as an intellectual virtue that has to be learned with education and cultural and moral attitudes by developing the character, attitudes and dispositions of the person.²⁴ This point shows how Jahr's proposal is stressing a diverse and original concept of practical rationality unlike formal or intellectual ones. In this sense, Jahr thinks that his bioethics can be able to address the challenge of thinking about foundations and procedures to face the new moral issues that have emerged by virtue of new science and technology. Jahr realized the Enlightenment's failure in creating a scientific ethics. Neither Kant, with his

Categorical Imperative, nor Spinoza, with his geometric ethics, were able to consolidate an ethics like physics or mathematics. However, Jahr knew that to sacrifice rationality is a luxury that ethics cannot afford. But not any rationality. According to Jahr, ethics needs a practical rationality which considers the possible consequences of human actions; namely, a practical wisdom that has to be learned by education. This emphasizes the disciplinary character of Jahr's bioethics; namely, the first feature that Sass has already highlighted.

3. A new ethics that considers both ends and duties as criteria of moral deliberation. We have a duty to perform: to respect all living beings as an end in itself and treat it as such, but we also have to consider further elements in order to perform that duty, "*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 'needs' (Herder), respectively to its 'destiny' (Krause).*"²⁵

Therefore, we can deduce that Jahr's bioethics represents a complementation between teleology and deontology because it enshrines a duty to perform but also implies the evaluation of consequences. Thereby, neither a tyranny of immovable principles nor an abuse of casuistry is present in Jahr's bioethical model. As Sass has said, "*The Bioethical Imperative is content-rich and balances values and life goals of living entities in their struggle for life and their need for food and space and development.*"²⁶

4. To consider seriously the concept of responsibility as a condition of possibility of any ethics. According to Jahr, bioethics is a moral attitude which implies respect and responsibilities towards all living entities. In this sense, Jahr thinks that it is no longer possible to understand the path that existence is following if people ignore the possible and also unpredictable consequences of human action which has been modified by new science and technology. Thus, Jahr is introducing the concept of responsibility in the ethical discussion long before Hans Jonas and also, with an absolutely premonitory view, he is advertising about the progress of science, especially in experimental physiology and psychology, and the necessity of ethically regulating its power in order to avoid a tyranny of humans over other living entities, "*It will always be the merit of modern natural sciences to finally have made possible an unbiased study of the world. We would not be truth-seekers today, if we would have given up the results of animal experimentation,*

²² Jahr, Fritz, "Three Studies on the Fifth Commandment, 1934," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 20. Translation, Postscript and References by Hans-Martin Sass. ("Drei Studien zum 5. Gebot" in *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissenschaftliche Bildungs und Sammelwesen*, Stuttgart, 1934, 10(1): p. 185).

²³ See, Sass, Hans-Martin, "Postscriptum and References," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 28.

²⁴ According to Aristotle, *phronesis* means a practical wisdom; namely, the knowledge that guides the human actions with criteria of morality, excellence and perfection. In this way, not all humans have *phronesis* since this has to be acquired through education because it belongs to the group of *dianoethical* or intellectual virtues and not to the group of ethical ones which are developed by practice. See, Aristotle, *Ethica Nicomachea (Nicomachean Ethics)*, in Mc Keon, Richard (Ed.) *The Basic Works of Aristotle*, New York, Random House, 1941, pp. 1026-1027; 1140a 24 – 1140b 30.

²⁵ Jahr, Fritz, "Three Studies on the Fifth Commandment, 1934," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 22. Translation, Postscript and References by Hans-Martin Sass. ("Drei Studien zum 5. Gebot" in *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissenschaftliche Bildungs und Sammelwesen*, Stuttgart, 1934, 10(1): p. 187).

²⁶ Sass, Hans-Martin, "Postscriptum and References," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 26.

blood research etc. On the other hand, we cannot deny that precisely these scientific triumphs of the human spirit have taken away the dominant position of the human being in the world in general.²⁷

5. A sympathetic model of ethics which entails a moral and social obligation not only towards other humans but also animals and plants. Humans have the duty of extending their moral considerations to the realm of extra-human creatures, because all living beings are in constant and reciprocal interaction by establishing an interdependent relationship among each other. Also, human responsibility for animals and plants demonstrates the greatness of the human heart and it is a proof of a real moral sense that implies the presence of some of the main moral virtues such as, respect for life, benevolence, justice and compassion, among others, "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."²⁸

This point certainly reinforces Jahr's figure as a pioneer not only of bioethics but also of animal and environmental ethics. His imperative also entails an extension of Kantian moral duty by transcending the anthropocentric frontiers of traditional ethics since every living entity on the earth is worthy of respect and moral consideration.

6. To recognize all living beings as worthy of respect:

The fact of close interrelationship between animal protection and ethics finally is based on the reality that we not only have moral obligations towards fellow humans, but also towards animals, even against plants – in short: towards all forms of life – , so that we can speak about 'Bio-Ethics'.²⁹

Even though Jahr never mentioned it explicitly, he is tacitly talking about extending the human right to be

respected to animals and plants, "[...] They all, plants and animals, also humans, have similar rights, but not Equal Right, depending on the requirements for reaching their specific destiny."³⁰

However, I have to emphasize that this extension is not complete. Jahr is not proposing to treat animals and plants as humans. He thinks that we should respect any kind of life by distinguishing their ontological nature: "We owe justice to humans; mildness and mercy towards all living beings, capable of having a benefit from that."³¹ This can be considered as a first argument to sustain the concept of *sentience* which Peter Singer addresses in his famous book *Animal Liberation* in 1975.

7. A public ethics because Jahr not only emphasizes the binding character of not doing harm but also its larger scope, "Who, however, protects one's own life in this respect, fulfills one's duty also towards the community. [...] And thus does not only harm oneself, but one's family as well, one's offsprings, one's country, one's race. 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."³²

According to this paragraph, the global meaning of Jahr's bioethics as well as its civic and public character is clear. We are in front of a dialogical ethics where moral truth is not the privilege of an individual consciousness but an argumentative community whose decisions might affect the whole of society. This systemic feature of Jahr's bioethics was absolutely visionary for the current discipline and it would be very helpful and useful for its further development and better understanding if bioethicists would seriously consider Jahr's work which was absolutely original and has undoubtedly inaugurated the discipline that we know today as bioethics.

The historical neglect of Jahr's figure has been as unfair as it has been baffling. It is practically impossible to find references to Jahr in bioethical literature, even in books authored by bioethicists of recognized prestige and reputation, and it is also really disappointing to read books on the history and origins of bioethics that do not consider its real founder at all. In this sense, the work of

²⁷ Jahr, Fritz, "Bio-Ethics. Reviewing the Ethical Relations of Humans towards Animals and Plants," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 1. Translation, Postscript and References by Hans-Martin Sass. ("Bio-Ethik. Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze," in *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissen-schaftliche Bildungs und Sammelwesen*, Stuttgart, 1927, 24(1): p. 2).

²⁸ Jahr, Fritz, "The Relationship of Animal Protection and Ethics, 1928," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 5. Translation, Postscript and References by Hans-Martin Sass. ("Tierschutz und Ethik," in *Aufsätze zur Bioethik 1927-1928 Fritz Jahr*. Nachwort und Nachweise von Hans-Martin Sass, Zentrum für Medizinische Ethik, Bochum, Dezember 2010, Issue 187, p. 9).

²⁹ *Ibid.*, p. 6.

³⁰ Jahr, Fritz, "Bio-Ethics. Reviewing the Ethical Relations of Humans towards Animals and Plants," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 2. Translation, Postscript and References by Hans-Martin Sass. ("Bio-Ethik. Eine Umschau über die ethischen Beziehungen des Menschen zu Tier und Pflanze," in *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissen-schaftliche Bildungs und Sammelwesen*, Stuttgart, 1927, 24(1): p. 3).

³¹ Jahr, Fritz, "Three Studies on the Fifth Commandment, 1934," in *Selected Essays in Bioethics 1927-1934 Fritz Jahr*, Zentrum für Medizinische Ethik, Bochum, November 2010, Issue 186, p. 21. Translation, Postscript and References by Hans-Martin Sass. "Drei Studien zum 5. Gebot" in *Kosmos. Handweiser für Naturfreunde und Zentralblatt für das naturwissen-schaftliche Bildungs und Sammelwesen*, Stuttgart, 1934, 10(1): p. 186.

³² *Ibid.*, p. 20; 10(1): p. 185.

Hans-Martin Sass for recuperating Jahr's ideas constitutes an extremely valuable enterprise.³³

Obviously, Jahr's bioethics is not the same as that which we know today. My goal has just been to demonstrate that his ideas represent the first guidelines of bioethics and bioethical principlism. Indeed, Jahr tacitly includes in his concept of bioethics some important principles such as autonomy, social justice and, at that time, a completely new idea of nonmaleficence. In this sense, Jahr, beyond being the creator of the term and concept "bioethics," has designed the first foundations and keys of this discipline, by substantially collaborating with its theoretical configuration. For all these reasons, and due to his brilliant, advanced and precursory thoughts, Jahr deserves a prominent place in the history of bioethics.

Will humans never be cloned because of God, biology or language?

- Oana Iftime, Ph.D.

Faculty of Biology, University of Bucharest, Aleea Portocalelor
1-3 sector 5 060101 București Romania
Email: oiftime@gmail.com

Abstract

Every bioethicist is familiar with the so-called cloning debate, dragging its tentacles over society while unceasingly feeding with philosophy and theology and to a lesser extent with science. The paper aims to resume this debate into a few essentials. From a religious perspective, considering the precedent of IVF and animal cloning, one cannot exclude human cloning as opposing God's will. From a scientific perspective, human cloning is particularly difficult because of elements pertaining to the biology of our species but again success cannot be excluded. The most intriguing and elusive aspect turns out to be the accuracy of language and precision of terms related to cloning as it might not be as simple as it might seem to answer to apparently simple questions such as "Should humans be considered cloned if therapeutic cloning is achieved?"

Keywords: human therapeutic cloning, human reproductive cloning, progress in cloning, accuracy of scientific language.

Every bioethicist is familiar with the so-called cloning debate, dragging its tentacles over society while unceasingly feeding with philosophy and theology and to a lesser extent with science, otherwise a perfectly normal situation since ethical/moral landmarks are not to be found in science but in the other domains named above.

For some people, cloning humans equates with an usurpation of God's attributes. This perspective is nevertheless self-contradictory. After all, God is...God. If He is the only one who masters life and death then the

life of a clone would be as much His gift and an expression of His will as the life of any other being. Man may try to force perpetuation of life but if life perpetuates or not continues to be God's decision. And sometimes He decides in favor in spite of the fact that human action originating the occasion for life perpetuation happen in the frame of a bigger event that is bad (e.g. intercourse is not morally wrong *per se* but sometimes occurs under bad circumstances such as adultery or rape; yet, children can be begotten).

From a Christian perspective, for instance, there are other more solid theological grounds for opposition to human cloning. The main reason for opposition to cloning in Orthodox Christianity (also shared by Catholicism) that preserved unaltered the original Christian perspective upon human life from its beginning to its end is that cloning (similar to IVF) attempts waste embryos, whilst embryos are as human as any of us, the born people, reason for which destruction of the embryo was and continues to be strongly condemned by the Church. The common instance of embryo destruction is abortion.

The oldest Christian document of authority that condemns abortion is the "Didache" or "The Teaching of the Twelve Apostles", a document of the primitive Church dating back to at least the late First Century. Other similar condemnations of the practice are found in Canon 63 of the Council of Elvira (306AD); Cannon 21 of the Council of Ankara (314AD); but it is in Cannon 91 of the Quinsext Ecumenical Council (Trullo, 692AD) that the Church's teaching on abortion took its final expression and was formally codified in the document The Photian Collection in 883AD, which remains unaltered to this day. As clearly delineated in the canons, the Orthodox Church considers abortion as premeditated murder, and considers the abortionist, the one who procures the abortion, and the woman who terminates her pregnancy as a murderers (*The Orthodox Christians for Life ProLife Handbook: The Basics*, 2002).

Still, opposition to cloning as morally wrong because of the morally wrong sub-actions it encompasses is one thing and the potential result of cloning as shaped by God's will (as well as in the case of rape, adultery) is another thing. God's decision for or against perpetuating human life through cloning is out of our reach. Will humans never be cloned because God does not approve of human cloning? We cannot answer to that.

Let us move to the relation between human biology and cloning. What can the science of cloning bring to this discussion? Can it contribute anything concrete? At this point some might think about the illegitimate human cloning claims from recent years involving the Raelians, dr. Antinori, dr. Zavos and maybe the most spectacular case of all, that of Prof. Hwang. All these may be interesting, but in essence irrelevant for the state of the art in the science of human cloning. There are other (reliable) references in the field. And they are showing that cloning might be particularly difficult in humans (Heindryckx et al., 2007). The rate of success of cloning by SNCT in animals is very low and "embryos" obtained by SCNT show large abnormalities due to failure in reprogramming of the genome in the false zygote they develop from as well as to defects following manipulation of the biological material during the cloning procedure

³³ At this point, the initiative of AJEIB by allowing readers to know Fritz Jahr's work and figure constitutes an extremely interesting contribution to bioethical literature.