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EUROPEAN BIOETHICS: A NEW HISTORY GUARANTEEING A NEW FUTURE

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Abstract

Within the last twenty or so years a lot has changed in bioethics that is worthy of a serious re-writing of its history. Namely, up to the end of the 20th century Anglo-American “biomedical ethics” (often borrowing the name “bioethics” coined by V. R. Potter but deliberately ignoring Potter’s concept), launched from Georgetown University and narrowed down to four principles, was a globally predominant doctrine, propagated by the Kennedy Institute of Ethics, its students, financial resources, and political power. Up to then, most of Europe had been very slowly accepting the notion of “bioethics”, perceiving it correctly as an unnecessary American “import”, while attempts to Europeanise the idea by revising the set of principles had not proven to be particularly successful. With the discovery of the work of Fritz Jahr in 1997, however, European bioethics regained its lost genealogy and found the courage to claim respect for values other than the American ones. Within the bioethics defined by the Jahrian “Imperative”, a place could have been found not only for the colourful, philosophical, religious and cultural legacy of Europe, but also for the newly evaluated Potter’s work. This “fusion”, a substantial and methodological deepening and broadening of the discipline, soon revealed its attractiveness to Latin-American and Asian centres and individuals also. Today we can talk with certainty about the end of “bioethics in Europe” and the beginning of “European bioethics” with all the complexity and interdependence of its variations – Mediterranean, German, French, Central and Eastern European, and others. By finding similarities among them, we might eliminate fear from “insurmountable” moral relativism, but also avoid the mistake of understanding global bioethics as a list of national bioethics. For the sake of constructing a more “universal bioethics”, this paper finds the ideas of Fritz Jahr, Van Rensselaer Potter, Diego Gracia Guillén, and integrative bioethics as promoted by several Southeast-European authors, as particularly useful.

Keywords: *European bioethics, Fritz Jahr, Van Rensselaer Potter*

1. INTRODUCTION

If one wishes to talk about “European bioethics”, they are faced with two crucial questions: what is it that characterises such a bioethics and why is it necessary to have one at all. European bioethics is not a matter of vanity or of a claim for originality, and it

certainly is not a disguised tool for a neo-colonialist comeback of the Old Continent. Rather it may be considered a kind of reaction to the aggressive and, more importantly, inadequate bioethics we have been witnessing for the last more than forty years. Not only because this bioethics was launched and is still being propagated mainly from the Kennedy Institute of Ethics at Georgetown, but also in its being based on American values, it has become quite usual to call it “American bioethics”.

Let us be frank: most of Europe has never been comfortable with it. If scholars in Britain, Denmark, and the Netherlands have accepted it, this probably happened because those scholars have been more oriented towards Anglo-American culture, language, and topics with Alasdair MacIntyre diagnosing this North-European culture as shaped by Protestantism and Enlightenment (MacIntyre, 1981:44). If some early institutions, like the *Borja* in Barcelona, accepted and followed the path of the Kennedy Institute, it has been because the founder Francesc Abel had for years been a student of André Hellegers (cf. Sgreccia, 2007:9). At first, the strongly Catholic momentum of Georgetown certainly helped stir up similar bioethical schools in Italy, Croatia, and Latin America. However, while in Italy the *bioetica cattolica* very soon found “competition” in the *bioetica laica*,¹ Catholic bioethics in Croatia dominated only for a very short while: the first mention in scientific literature was made by Bishop Valentin Pozaić in 1985, and a year later he founded the Centre of Bioethics at Philosophical and Theological Institute of the Society of Jesus in Zagreb. Later, Catholic intellectuals continued to participate in the life and development of bioethics in Croatia (Tonči Matulić and Luka Tomašević in particular), but far from shaping the field (Rinčić and Muzur, 2011a:406-419).

In France, the first inclusion of the term “bioethics” into the name of a public body occurred as late as 1985 (*Comité ad hoc d’experts pour la bioéthique*, CAHBI; since 1992, *Comité directeur pour la bioéthique*, CDBI), and the Germans even later continued to avoid the term in the names of centres (cf. *Zentrum für medizinische Ethik* in Bochum, 1986) or bodies (cf. *Deutscher Ethikrat*, with the function to produce “*Dokumente zu bioethischen Fragestellungen*”; <http://www.ethikrat.org/>). This aversion towards the term “bioethics” was quite logical since, if bioethics offered nothing more than the well-known medical ethics, the importing of new terminology seemed only to yield to one more American fashion. How did this “misunderstanding” happen?

Seemingly without any knowledge of Fritz Jahr, Madison biochemist-oncologist Van Rensselaer Potter appeared in 1970 with a new word – “bioethics” – relating it to a new discipline that, according to Potter, was supposed to bring sciences and humanities closer and to ensure the survival of the jeopardised Planet. There is no doubt that Potter

1 In fact, a curious episode occurred in Italy. After Menico Torchio, then professor of biology at the University of Pavia, had received Potter’s book brought to him from the US by a colleague, he published a pamphlet on “The relations between men and nature according to the principles of Oriental metaphysics, their bioethical and ecological implications” (the title even reminding of Jahr’s crucial article) as early as January 1973 (Torchio, 1997). Throughout the 1970s and early 1980s, bioethics in Italy obviously strictly followed Potter’s broad concept; later on, however, “biomedical ethics” took over the lead with Elio Sgreccia and other prominent names (in his first textbook on bioethics, Sgreccia does not even mention Potter at all).

was the first to use the term “bioethics”, at least the first in the US (Reich, 1994; Reich, 1995). However, the catchiness and attractiveness of the new term, along with the always present competitiveness for financial resources and fame, resulted in claims for its invention by several other influential personalities. The result of this “struggle over the word” has been that Potter’s works were not only banned from libraries (like the one at the Kennedy Institute, which still does not possess any of the two Potter’s books on bioethics: the closest exemplars are in the Lauinger Library), but that no mention of Potter can be found in some of the major written histories of bioethics in the US, like those by Hugo Tristram Engelhardt (1986), Hans-Martin Sass (1988), or Tina Stevens (2000). One more “misunderstanding” occurred with Potter’s word: in using the abbreviation “bio-” for “biological sciences” (including medicine, but also a much broader spectrum of disciplines like evolutionary biology, ecology, etc.) and relating it to “ethics”, Potter, namely, misled his own public. Those who took over the term interpreted it as “bio-medical ethics”, thus significantly narrowing down its contents, interests, and impacts. That is how the seemingly new “bioethics” became the obviously old “medical ethics”. It is true that, in addition to all unresolved old dilemmas – related to brain death, abortion, euthanasia, etc. – some new issues started to burden medical and research practice, such as how to distribute a cure that was insufficient for all in need. The Georgetown Institute responded by formulating a set of four “principles” – autonomy, nonmaleficence, beneficence, and justice (Beauchamp and Childress, 1979). Combined with the dispersion of individual responsibility onto ethical committees, the “Georgetown Mantra” was expected to help in solving the practical problems faced primarily by physicians and hospital managers. However, since life is far from simple, another scholar of the Kennedy Institute, Robert Veatch, who even tried to expand the set to include six principles, had to recognise that “some case-by-case judgments of what is ethically required are necessary” (Veatch, 1981:310). More problems appeared when the “Mantra” began to be exported to the rest of the world, revealing that some values other than American ones existed. For instance, while autonomy has been crucial for the Anglo-American culture ever since Independence, in Europe the principle of solidarity is more important (Callahan and Symons, 2015). In Eastern-Asian bioethics, autonomy again happens to be interpreted in the Confucian sense, i.e. stressing the sovereignty of family instead of the individual (cf. Fan, 1997; Tai, 2008; Tai 2012) which is similar to what we can observe in some African cultures as well (Onuoha, 2007).

2. EUROPEAN ATTEMPTS AT ORIGINALITY

It is no wonder then that some Europeans tried to adjust the set of American principles to a new set of European ones. Diego Gracia Guillén of the Madrid Complutense University, the pioneer of “Mediterranean bioethics” – being formally educated both in medicine and philosophy – started the “re-philosophisation” of the American bioethics he had learned in the US and abandoned applied bioethics for the theoretical one. Gracia promoted the virtues of amity and compassion, as well as the method of dialogue

between the MacIntyrean North-European (and obviously American) ethics of duty, providing “solutions”, formalism, procedures, and principles on the one side, and the South-European ethics of virtues based much more on Classical and Catholic legacy (Spinsanti, 1995:100-110). By the end of the 1990s, Danes Jacob Dahl Rendtorff and Peter Kemp suggested to use a set of ethical principles including autonomy, dignity, integrity, and vulnerability (Rendtorff and Kemp, 2000). The concept of “European principles” has never gained ground: it has been perceived correctly as just one of several variations of hyperpragmatic and therefore necessarily hypersimplistic principlism.

On the other hand, had the “American bioethics” followed the pathway traced by V. R. Potter, it would have never become so “boring”, to use the highly appropriate expression by Albert Jonsen (2000). After a phase of discouragement and frustration (1975-1987) caused by a boycott by his colleagues in Washington and New York (Muzur and Rinčić, 2015), Potter improved his own concept and re-shaped it into “Global Bioethics”. Potter’s idea was to cross the borders of the US, to form a network of students and followers who could further develop this type of bioethics – namely, a bioethics interested in biomedical-ethical matters, but also in all issues related to the threat human population and technological “progress” represented for the environment. A few other scholars actually took over Potter’s term “global bioethics” and tried to develop it: Brunetto Chiarelli, editor of the *Global Bioethics* journal, and, more recently, Henk ten Have, editor of the related *Handbook* (2014), *Introduction* (2016a), and *Encyclopaedia* (2016b). And while Chiarelli does seem to promote Potter’s basic concept, ten Have, as a former UNESCO official, acts more as a compiler of various national bioethics than as a constructor of a new, comprehensive value.

The seed of Potter’s global bioethics has certainly found good reception in Europe: colleagues from Germany, Spain, and other countries, together with Ivan Šegota from Rijeka, Croatia, are listed as Potter’s last correspondents. Potter’s last video-taped address, nevertheless, was the one presented at the 2001 Cres bioethical conference. All this, plus the fact that philosophers in Europe have always craved a more “re-philosophised” bioethics incorporating at least some of the rich European intellectual heritage, prepared the way for the discovery of the truly first use of the word “bioethics”, which occurred in Germany as early as 1926.

3. THE REAL HISTORY OF BIOETHICS

Today we know that the author of the concept of *Bio-Ethik* was German theologian and teacher Fritz Jahr (1895-1953) from Halle in the Sachsen-Anhalt region, who first exposed the idea of the new discipline in a December 1926 paper published in the *Mittelschule* journal (Jahr, 1926), and then, fifteen days later, in the far-more widely-read magazine *Kosmos* (Jahr, 1927). Among several ideas worthy of re-examination, certainly Jahr’s major intellectual contribution has been his “Bioethical Imperative”, a broadening of Kant’s “Categorical Imperative”, suggesting “*Respect every living being as an end in itself, and treat it, if possible, as such!*” During some twenty-five years (1924-

1948), Fritz Jahr altogether published only 22 short papers, out of which about 10 deal with bioethical issues (Muzur and Rinčić, 2011; Rinčić and Muzur, 2011b; Rinčić and Muzur, 2012), and his modest, quiet and stationary life certainly did not do much to contribute to his reputation either. Jahr's contemporaries do not quote him, and it was almost by chance that Berlin Professor Rolf Löther re-discovered Jahr's work from 1927 seventy years later, annoyed by the idea that "bioethics" had been invented in the 1970s in America (Löther, 1998). During the next 10-12 years, however, mostly thanks to the work of Eve-Marie Engels (1999), José-Roberto Goldim (2009), and in particular, Hans-Martin Sass (2007), the ideas of Fritz Jahr have found a way to be propagated all over the world (Muzur and Sass, 2012; Muzur and Rinčić, 2014).

Let us imagine what the discovery of Fritz Jahr's work must have meant for all those seeking a broader, more European-based concept of bioethics: in the last five years only, two new projects were approved by the Croatian Scientific Foundation and one by the University of Rijeka; a "Rijeka Declaration on the Future of Bioethics" was signed in 2011, translated into eight languages and published across the world (cf. Roa-Castellanos et al., 2011; Byk et al., 2011); at least 14 books and 70 papers were published in various journals;² five international conferences were held in Rijeka, São Paulo, and Halle (not to mention study trips and meetings, public lectures, and papers presented at other conferences). In 2010, the European Journal of Bioethics, named after *Jahr* (<http://hrcak.srce.hr/jahr>), began to be published twice a year in Rijeka; in 2013, the *Fritz Jahr* Documentation and Research Centre for European Bioethics was founded at the University of Rijeka; in 2016, the *Fritz Jahr* International Award for Research and Promotion of European Bioethics was established.

Surprisingly, or maybe not, Jahr's ideas have also encountered good reception in Latin America – the first papers on Fritz Jahr's work were published in Brazil, Chile, Argentina, and Venezuela; the Rijeka *Jahr* journal began to appear in an abridged Spanish version, and the major part of Fritz Jahr's opus, translated into Spanish, has appeared on the Internet. With its strong Catholic influence, dissatisfaction with the first phase of importing the "Georgetown Bioethics" (by José Alberto Mainetti, José Roberto Goldim, etc.), and the final enthusiastic acceptance of the discovery of Fritz Jahr (José Roberto Goldim, Leo Pessini, Fernando Lolas Stepke, Natacha Salomé Lima, etc.), Latin-American culture has once again appeared to be very similar to Southern Europe.

4. CONCLUSION

Nonetheless, there are some caveats to this general enthusiasm. Besides the danger that someone interprets "European Bioethics" as a threat to other cultures, as aggressive as the "American Bioethics", the major question is: Will it be possible to use Jahr's work as a common ground for a "Universal Bioethics" or will Tristram Engelhardt's dire

2 For the most recent list, see: Muzur and Sass, in press.

prognosis on the insurmountability of moral relativism prove true? Being a German Protestant – that is, close to MacIntyre’s North-European culture – but at the same time of a Classical education and favouring virtue ethics (typical for South-European tradition); quoting English, French, Russian, and a broad range of other authors; introducing Far-Eastern perspectives such as Yoga, Samkhya, and Buddhism; and, last but not least, being realistic (“if possible” in the Imperative), Fritz Jahr may have a better chance than any other “bioethicist” at achieving reconciliation of various European and non-European value systems.

Diego Gracia used to view European bioethics as a bioethics of a minimal consensus: Gracia’s (and later Sicilian) Mediterranean bioethics started such an endeavour exploiting the long history of Mediterranean religious and cultural intertwinings (Matulić, 2009). Building a platform of “orientational knowledge” without the pressure of producing immediate solutions has also been suggested by integrative bioethics – a particular discipline that has been developing in Croatia since about 2004, integrating scientific and non-scientific perspectives in the bioethical dialogue (Kukoč, 2012). This kind of approach is not only close to the philosophy and practice of the Precautionary Principle, but also pays better respect to the huge corpus of European intellectual history (cf. Čović, 2007; Jurić, 2007). Thus, the broadest formula yet for a mutual bioethical understanding seems to be the integrative bioethics based on those of Mediterranean and Jahr’s concepts.

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EUROPSKA BIOETIKA: NOVA POVIJEST ZA NOVU BUDUĆNOST

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Sažetak

Mnoge promjene koje su se u bioetici dogodile posljednjih dvadesetak godina zahtijevaju ponovno ozbiljno razmatranje njene povijesti. Naime, sve do kraja 20. stoljeća anglo-saksonska „biomedicinska etika“ (koja je nerijetko posuđivala pojam „bioetike“ od V. R. Pottera, pri čemu je namjerno zanemarivala Potterovu definiciju tog pojma), nastala na Sveučilištu u Georgetownu, i sastavljena od četiri glavna principa, postala je globalno poznata doktrina, koju je promicao Kennedy Institute of Ethics (Kennedyjev institut za etiku), uz pomoć svojih studenata, financijskih resursa i političke moći. Do tada, većina Europe vrlo je sporo prihvaćala pojam „bioetike“ kojeg je, s pravom, smatrala nepotrebnim američkim „uvoznim proizvodom“, dok se pokušaji da se ta ideja europeizira kroz reviziju njenih principa nisu pokazali posebno uspješnima. Međutim, otkrićem radova Fritza Jahra 1997. godine, europska bioetika pronašla je svoju izgubljenу genealogiju, a kroz nju i opravdanost zastupanja poštovanja prema vrijednostima koje nisu nužno morale biti američke. Tako je u sklopu bioetike koju odlikuje jahrovski „imperativ“, svoje mjesto pronašla i raznoliko, filozofsko, religijsko i kulturno europsko naslijeđe, dok je Potterov rad ponovno valoriziran. Ova „fuzija“, te supstancijalno i metodološko produbljivanje i širenje discipline, uskoro je postalo privlačno i središtima i pojedincima u Latinskoj Americi i Aziji. Danas možemo sa sigurnošću govoriti o kraju „bioetike u Europi“ i početku „europske bioetike“, sa svim složenostima i međuovisnostima njezinih varijacija – mediteranske, njemačke, francuske, srednjo- i istočno-europske, i drugih. Njihove sličnosti nam pomažu da prevladamo strah od „nepremostivog“ moralnog relativizma, ali i da izbjegnemo pogrešno razumijevanje globalne bioetike kao pukog popisa nacionalnih bioetika. U svrhu oblikovanja „univerzalnije bioetike“, u ovom su nam se radu posebno korisne pokazale ideje Fritza Jahra, Van Rensselaera Pottera, Diega Gracie Guilléna, te integrativne bioetike koju promiče nekolicina jugoistočno-europskih autora.

Ključne riječi: europska bioetika, Fritz Jahr, Van Rensselaer Potter

EUROPÄISCHE BIOETHIK: NEUE GESCHICHTE FÜR NEUE ZUKUNFT

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Zusammenfassung

Viele Veränderungen, zu denen es in den letzten zwanzig Jahren im Bereich der Bioethik gekommen ist, bedürfen einer erneuten seriösen Betrachtung ihrer Geschichte. Bis zum Ende des 20. Jahrhunderts entstand nämlich an der Universität in Georgetown die angelsächsische „biomedizinische Ethik“ (die sich nicht selten den Begriff der „Bioethik“ von V. R. Potter geliehen hat, wobei sie absichtlich die Pottersche Definition dieses Begriffs vernachlässigte) und bestehend aus vier Hauptprinzipien wurde sie zu einer global bekannten Doktrin, die Kennedy Institute of Ethics (Kennedys Institut für Ethik), mit Hilfe seiner Studenten, Finanzressourcen und der politischen Macht promovierte. Bisher eignete sich der größte Teil Europas nur langsam den Begriff „Bioethik“ an, den man mit Recht für ein unnötiges amerikanisches „Importprodukt“ hielt, während die Versuche, diese Idee durch eine Revision ihrer Prinzipien zu europäisieren sich nicht als besonders erfolgreich erwiesen haben. Durch die Entdeckung der Arbeiten von Fritz Jahr 1997 hat die Bioethik jedoch ihre verlorene Genealogie wiedergefunden, dadurch wurde die Achtung der Werte gerechtfertigt, die nicht unbedingt amerikanisch sein müssen. Im Rahmen der Bioethik, die durch den Jahrschen Imperativ gekennzeichnet ist, hat eine Vielfalt vom europäischen Philosophie-, Religions- und Kulturerbe ihren Platz gefunden, während die Arbeit Potters aufs Neue bewertet wurde. Diese „Fusion“, sowie eine substantielle und methodologische Vertiefung und Verbreitung der Disziplin ist bald für Zentren und Ein-

zelle in Lateinamerika und Asien anziehend geworden. Heute können wir mit Sicherheit vom Ende der „Bioethik in Europa“ und vom Anfang einer „Europäischen Bioethik“ sprechen, mit allen Komplexitäten und gegenseitigen Abhängigkeiten ihrer Variationen – der mediterranen, der deutschen, der französischen, der mitteleuropäischen und anderen. Ihre Ähnlichkeiten helfen uns, die Angst vor dem „unüberbrückbaren“ moralischen Relativismus zu überwinden, aber auch ein falsches Verständnis der globalen Bioethik, als eine bloße Liste nationaler Bioethiken zu vermeiden. Zum Zwecke der Gestaltung einer „univeselleren Bioethik“, haben sich in dieser Arbeit als besonders nützlich die Ideen von Fritz Jahr, Van Rensselaer Potter, Diego Garcia Guillén erwiesen, sowie die integrative Bioethik, die einige mitteleuropäische Autoren promovieren.

Schlüsselwörter: *Europäische Bioethik, Fritz Jahr, Van Rensselaer Potter*