CHAPTER TWELVE

NATURAL-LAW JUDAISM?:
THE GENESIS OF BIOETHICS IN HANS JONAS,
LEO STRAUSS, AND LEON KASS

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The shadow of Martin Heidegger looms large over his most original Jewish students. Each offers a philosophical diagnosis of their mentor’s moral failings. Emmanuel Levinas follows Martin Buber’s criticism that Heidegger forgets “the Thou” or “Other” in his account of authenticity. Hannah Arendt and Leo Strauss accuse Heidegger’s “politics of Being” of distorting a more human politics. And Hans Jonas develops Karl Löwith’s charge that Heidegger fails to do justice to nature as what gives rise to life and the body as the medium of our existence.

The University of Chicago’s Leon Kass is the most important bioethicist writing out of the work of Hans Jonas today and, as immediate past chair of the President’s Council on Bioethics, the most politically powerful. Though Jonas has a Jewish theology that supplements his ontological vision of nature, his ethic does not depend on revelation. For Kass, on the other hand, a satisfactory account of human dignity must go beyond what “unaided reason” can tell us about human nature. He offers an interpretation of sexuality and reproduction based on Genesis to “correct” Jonas’s philosophy of nature. And given what Genesis teaches him about living “worthily in God’s image,” Kass adopts a far more broad-sweeping conservatism than the stance Jonas officially held.

Kass’s appropriation of Jonas is deeply influenced by the work of another Jewish thinker of University of Chicago fame, Leo Strauss. One

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gets a glimmer of this in Kass’s critique of “the post-moral ambience” of modern liberal democracies and his remark that because conservative moral views rooted in “natural hierarchy” will never be popular with more than a few, “we should put our trust neither in nature nor in philosophy but in our religious traditions.” For his part, Jonas did not want religious argument to be used in the service of public, ethical debates. In any case it is not clear that Jewish sources should be read as justifying the sort of “hierarchy” that Kass apparently thinks they do when he defends “patriarchy” as “the primary innovation of the new Israelite way.”

That Kass’s work has heretofore been of less interest to Jewish commentators than to the Bush administration should not conceal the fact that, by blending American-style neoconservatism with Judaism, Leon Kass has become the most influential public Jewish intellectual on matters bioethical. His understanding of Judaism, however, supports a position quite close to what William Galston has called the “Catholic-evangelical entente.” Halakhic Judaism, according to Galston, tends to be much more accommodating than the “Catholic-evangelical entente” on issues like stem-cell research, new reproductive technologies, abortion, and euthanasia. If this is correct, then Kass is really out of the Jewish mainstream, and we must ask whether he is a reliable transmitter of Jewish values on these matters. Or, to put it bluntly, is he driven by a natural-law perspective through which he filters his readings of Torah so that they end up supporting a position closer to the Pope’s or even Charles Colson’s than the rabbis’?

But before turning to Kass we need to consider the thinker Kass calls “my first real teacher in philosophical biology,” Hans Jonas.

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