

Peripheralized in America: Hans Jonas as Philosopher and Bioethicist

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I very deeply appreciate this opportunity to discuss the announced topic with you here at the University of Kyoto today. While in Tokyo in March 2005 to attend the XIX World Congress of the International Association for the History of Religions I realized that on that occasion there was an entire panel devoted to Japanese research on the work of Hans Jonas. And because my own interest in Jonas had grown, I contacted Professor Sugimura and he very kindly provided me with the papers presented and then later a list of the extensive recent publications on Jonas in Japanese. I was impressed with the amount and depth of research on Jonas here in Japan. Therefore, I am especially grateful for this opportunity to raise a few questions with you about current views of Jonas, especially in America. And, of course, I will be very grateful for your responses to and criticisms of what I have to say. I am also very grateful to have comments today from Professors Tetsuhiko Shinagawa and Yasunori Ando.

I wish to focus a bit on what could be called Jonas-Reception in North America and, since I am convinced that the importance of what Jonas wrote about matters of bioethics is largely still unrecognized in the United States although that is the country where he lived from 1955 until his death in 1993—that is, for a large portion of his life. My views on this topic have to some extent been reinforced by a long conversation I had on January 13 of this year with Lone Jonas, the philosopher's widow and someone keenly interested in how the world views the work of her late husband.

I ask your indulgence for the fact that I feel the best way for me to approach this topic is by giving you a short account of my own acquaintance with the work of Hans Jonas. Until a decade ago it was almost non-existent. Long ago as a graduate student at the University of Chicago I had read Jonas's *The Gnostic Religion*. But, not being involved in the direct study of the Hellenistic era or the history of Christianity, I went no further in my studies of Jonas.

This changed in 1999 while I was teaching for a year in Japan and also reading in Japanese sources on bioethical questions. I read *Baioeshikkusu to wa nanika* by Professor Hisatake Katô and for the first time realized through that book that Jonas had spent much of his later academic life working on the philosophy of biology and on matters central to bioethics. And he had even written an early critique of the notion of brain death as adequate for doing organ transplants from persons declared to be brain dead.

I read this at a time when these were matters of extensive public discussion in Japan. The opposition here in Japan to the notion of brain

death was, I knew, either ignored in North America or, when known, easily dismissed as an irrational holdover from the past, supposedly based on fear and religious superstition, and an anomaly in a society otherwise known for its embrace of technology. On this issue Japan was portrayed as simply out of step with nations that are modern in their acceptance and use of new medical technologies. It is true, as pointed out by Professor Susumu Shimazono (Shimazono, 2001, 110ff) that there had been an unnecessary amount of nationalist rhetoric in some of the early arguments given for Japan to resist the West in this area.

What surprised me, therefore, in 1999 was my discovery in reading the book by Professor Katô that Hans Jonas had very early articulated reason-based arguments against accepting brain death as death. It is there that I first read portions of Jonas's essay titled "Against the Stream" [*nagare ni kôshite*] (Katô, 1986, 61ff). Reading this released me from accepting the common American viewpoint that the problem of brain death was local to Japan. During that same year I tried to read as widely as possible in Japanese debates about this issue. And I saw many other references to Jonas and an extensive discussion of his importance for bioethics in a book by the late Seishi Ishii, a graduate of this university (Ishii, 1995)

I knew that Jonas had been a student of Heidegger but as a Jew he knew it would become impossible for him to continue to remain alive in a Germany rapidly becoming the Third Reich, especially after his own teacher became associated with that regime. His mother, he learned after the end of that war, had been murdered at Auschwitz. Jonas broke with Heidegger, joined the Jewish brigade of the British army, fought against

Germany, taught for a while in Palestine, and eventually went to Canada and from there to New York, where he was a professor of Philosophy until his retirement. Since you know the biographical details well I will not go into more detail.

Since in 1999 I had discovered that Jonas had important things to say about bioethics, I was eager to check on this with my colleagues at home. But in returning to Philadelphia and the University of Pennsylvania I realized that, with few exceptions, when I mentioned the name of Jonas it was not recognized. Even among scholars in Jewish studies, except for one very senior person, the name of Jonas was unknown. In 2001 I was invited to give a public lecture at my university and, although I was aware that it might not attract many to attend it, I decided that it's topic would be "Bioethics in Japan: Appreciation There of the Jewish Perspective of Hans Jonas." My expectation proved right; very few people came to the lecture on this topic on April 10, 2001.

But for me it had a most welcome and happy outcome. At the end of the lecture an older woman greeted me and said: "I am Lone Jonas, the widow of Hans Jonas. I came from New York to hear your lecture and wish to thank you for your attention to my late husband." Subsequently Mrs. Jonas moved from New York to a location not far from my own home and I have had the privilege of meeting and talking with her a number of times since then.

I think it was at approximately same time I met and began to have active professional conversations with Professor Renee Fox, the eminent sociologist whose collaborative studies of American organ transplantation practices constitute groundbreaking work and have provided some

disturbing accounts of this practice. Her work, including “Spare Parts”—translated by Naoki Morishita and others under the title “Zôki kôkan shakai” (Fox and Swazey, 1999) is well known in Japan. I was very pleased to realize that Professor Fox knew and has a deep respect for Hans Jonas as one of the most important, even if today largely neglected, figures in the field of medical ethics.

This had not always been the case. While a Professor of Philosophy at the New School in New York Jonas became a fellow at the Hastings Center, founded in 1969 as one of the world’s first institutions for the study of bioethics. During the 1970s, a time when he was writing extensively on the philosophy of biology and bioethical questions, he was active there and recognized for his significant role. And later, after his death in 1993, *The Hastings Center Report* in 1995 had a special issue on “The Legacy of Hans Jonas.” Importantly related to my topic here I can report that during a recent conversation with Mrs. Jonas, she stated that, to her knowledge, this 1995 issue of the *Hasting Center Report* is the only monograph in English on her husband focusing on him as a philosopher of biology and bioethicist (Interview with Lone Jonas, 13 January 2009). To my knowledge this is correct.

Jonas, I suggest, began not only to be neglected but also peripheralized in America during the 1990s and early 2000s. The reasons for this are multiple and one of them is that American bioethics, which provided a new field of research (and university positions) for the large number of philosophers trained in the analytic tradition, had little use for the kinds of questions deliberated to the depth they were explored by so

obviously a “continental” philosopher as Jonas. He himself was aware of this difference in the questions asked and the methods employed.

In addition, beginning with the 1995 *Hastings Center* publication and then even through much of the early years of the current decade the principal champion of Jonas in America was Leon Kass, the University of Chicago physician/ethicist who, appointed by former President George W. Bush, between 2002 and 2005 headed the President’s Council on Bioethics. Kass, deeply objectionable to American liberal and progressive bioethicists, even though himself also a Jew, appointed to that council many persons thought to be far too conservative—mostly opposed to stem-cell research and some even to legal abortion. Jonas himself, as told to me by his wife, was no opponent of legalized abortion and he in fact publicly criticized the Vatican for its stand against contraception. Yet it was the fact that it was Kass who was praising Jonas as the greatest philosophical influence on himself that apparently served as another reason for many bioethicists in America to simply ignore Jonas rather than try to differentiate his views from those expressed on the Council on Bioethics during the Bush Administration. It will be interesting to see if a re-constituted Council during the Obama administration will tilt entirely in the opposite direction or, unlike the one during the Bush years, include both what are called progressive and conservative viewpoints. If there is some balance, wider and more accurate attention to Jonas might return somehow.

■ Harvard’s Red Herring

One possible stumbling-block to that, however, would be Jonas's strong objection to accepting brain death as death. And this is because the supposed accuracy of this notion has long served as a *sine qua non* for cadaveric organ transplantation. Although he did not explicitly say so, I believe it was Jonas's perception of how during the Third Reich some medical experiments on living subjects were rationalized that prompted his suspicion that taking the organs from persons likely to be still in some sense alive was morally objectionable.

Thus, during the 1970s, precisely when organ transplants were being endorsed by American religious communities—both Christian and Jewish—and this new practice was gaining some, even if not total, public acceptance, his own views were, as he himself clearly realized, “against the stream.” The very title of his essay on brain death shows his awareness of being true to his own ethical sense even if the society would reject what he would say. This fits, I suggest, with something mentioned to me by Mrs. Jonas. In answer a question I was raising both because of my own interest and because Professor Sugiyama suggested it, she said that what was most “Jewish” in her husband was his deep admiration for the ethical stances of the ancient Jewish prophets (13 Jan, 2009). This may be why, even at the cost of peripheralization, he dared state that brain death does not equal death. In 1967 and 1968 Jonas began to construct his arguments against the use of human subjects in medical experiments, a topic that naturally developed into his concern for what he saw as unethical in organ transplants based on the flimsy basis of brain death. This was precisely a time when, because the so-called “miracle of Cape

Town” took place on 3 December 1967, this topic was much in the public domain. There was talk of a regularized “harvesting” of organs.

During the following summer on August 5 of 1968 the so-called “Beecher Report” (Report of the Ad Hoc Committee of the Harvard Medical School to Examine the Definition of Brain Death) defining death was made public in the *Journal of the American Medical Association* and many in America’s community of physicians were prepared to accept it. Jonas’s objections were known and discussed by some; they were published in *Daedalus* in the spring of the following year. He had praise for Dr. Beecher’s personal integrity but found something ominously suspicious in the report’s claim that it had somehow suddenly become necessary to provide a “new definition of death.” As the first part of this pressing need, the Report had claimed that “improvements in resuscitative and supportive measures” produce an individual “whose heart continues to beat but whose brain is irreversibly damaged.” This, it was claimed, puts an unnecessary burden on families and on needed hospital beds.

Jonas saw right through this. No new *definition* was, in fact, needed to stop futile treatment in such cases. Jonas noted that even the Catholic Church, which he cited as “for once eminently reasonable”, recognized that extraordinary means to maintain life in such cases are not obligatory. This Harvard rationale was no more than a “red herring” put in place to divert attention from the fact that the true aim of the Report lay in its second part—namely, to define brain death as death so as to circumvent controversy in *obtaining organs* for transplantation. Jonas did not mince words. The new definition was designed to allow a transplantation physician...

to *advance* the moment of declaring [a patient] dead: Permission not to turn off the respirator, but, on the contrary, to keep it on and thereby maintain the body in a state of what would have been ‘life’ by the older definition (but is only a ‘simulacrum’ of life by the new)—so as to get his organs and tissues under the ideal conditions of what would previously have been ‘vivisection’ (Jonas, 1969 [Daedalus], 243-4).

Jonas had publicly exposed precisely the problem that had been noticed earlier--and privately!--by a Harvard dean when vetting a prior draft of Beecher’s report. Beecher had been warned: “[This] suggests that you wish to redefine death in order to make viable organs more readily available to persons requiring transplants” (Rothman, 1991, 163).

In the *Memoirs* that he wrote late in life Jonas reports on the strong resistance to his resistance. What is striking is that the “response” to Jonas’s critique has been *no substantive response at all*. That is, the way that America’s medical establishment and the majority of bioethicists—both progressive and conservative—have until now responded to the points he was made has been by ignoring them.

■ Reception in Germany

Attention to Jonas in Germany, of course, has been much more extensive and continuous. His *Das Prinzip der Verantwortung*, published there in 1979 was an outstanding success, said to have sold 200,000 copies. And, as is known, in Germany Jonas became a philosophical hero of the

Green Party as well as for the wider movement for ecological concerns. And my impression is in today's Germany, in contrast with the United States, having an interest in conservation of the natural resources of our planet can more easily be intellectually allied with a prudentialist bioethics, one that sees importance in being relatively conservative vis-à-vis the adoption of what might be radical changes to the human body via biotechnology. In America one finds many progressive bioethicists who wish to "conserve the earth" but are sanguine, even optimistic, about what might be accomplished through genetics.

The relation between Jürgen Habermas and Jonas may be instructive. In his *Erinnerungen*, published in 2003 Jonas himself tells us that the members of the Frankfurt school regarded him as too conservative and that he was told by Habermas himself that he had blocked Jonas from receiving the Adorno Prize. But during a dinner at Habermas's house he told Jonas that he liked the notion that the latter might receive the Geschwister-Scholl-Preis and said: "Ja, das passt. Mit dem konservativen Geist, den Sie vertreten." (Jonas, 2003, 326).

Vittorio Hösle remarks that he was invariably puzzling "to those readers who always ask whether an author is a rightist or a leftist, which in Jonas's case, they were unable to discern" (Hösle, 2001, p. 32). Perhaps this was also what made things difficult for the Frankfurt school people. But it is worth noting that in the works of Habermas appearing since the early 21st century his concern for biotechnology shows a far more cautious and prudentialist viewpoint than American "progressive" bioethicists had expected from him. And his citations of Jonas as showing

the way in this domain have been becoming increasingly frequent (Habermas, 2002, 84 ff).

In returning to what I call the peripheralization of Jonas within contemporary American bioethics, I want to call attention to something that may tell us a great deal. As noted, my interest in Jonas developed in large part after seeing him cited in Japanese publications and, once I recognized Jonas's actual role in the early days of America's bioethical discussions, I was astonished to see how little attention was being given him in American now.

My curiosity about this deepened. It happens that I sometimes engage in symposia and conversations with persons among the large number of Jewish-american bioethicists who are explicitly interested in articulating a specifically Jewish perspective in this field. In such contexts I have sometimes brought up the name of Jonas and queried why even among Jewish bioethicists so little attention is given in America to this person who as a Jew fought for Jews against the Nazis. And on one such occasion I was told that the answer is simple: Jonas, who had studied with Heidegger, continued in his later writings to be a closet Heideggerean even though Heidegger himself had embraced the agenda of the Third Reich.

My hunch is that this impression was left in the minds of many by a 2001 publication, *Heidegger's Children: Hannah Arendt, Karl Löwith, Hans Jonas, and Herbert Marcuse* (Wolin, 2001) by Richard Wolin. This widely read book deals with the most illustrious among the Jewish students of Heidegger, persons who in varied ways reacted personally and philosophically to their famous teacher's time embracing the Nazi

agenda...and the horrible impact of that agenda on Europe's Jews. Wolin's chapter on Jonas begins by mentioning the 1964 public lecture by Jonas in America when he addressed American theologians quite receptive to Heideggerean existentialism. To their shock Jonas exposed his former teacher's public praise of Hitler and won the audience over with what he presented.

Both neither that book nor in a more recent essay (Wolin, 2008) does Wolin go very far in letting his readers know the depth and extent of Jonas's criticisms of Heidegger. This omission allows Wolin to present Jonas's philosophy as one still largely like that of his teacher. Wolin contrasts Jonas unfavorably to Marcuse. And his charge is that Jonas ultimately did not go far enough in seeing that the cultivation of truly autonomous individuals would be the only way to prevent society from falling into dictatorship—precisely the crucial flaw in Heidegger. Wolin's book includes a number of scattered charges against Jonas, including Hobbesean views of society, Germanic Vitalism, the absence of empirical data to back up his message about ecological preservation, disrespect for the is/ought distinction, etc. But the fundamental charge is that Jonas remained enchanted with authoritarian politics and to that degree was in his political philosophy still a child of his Doktor-Vater. Wolin's book makes no mention of Jonas's critique of easily rationalized research on human subjects and how *that*, in fact, may have been a direct response to the Nazi horror.

It should not be difficult to see how the implication that Jonas remained a "closeted" Heideggerean might have been enough, at least in

the eyes of some, to keep Jonas somewhere off on the farthest edge of thinkers worthy of serious attention by bioethicists in America.

■ *Sein/Sollen* and “Progressive” Biotech

I, however, wish to push this a bit further by picking up on Wolin’s criticism of Jonas for going against “another time-honored precept of Western ethical thought: the opposition between ‘facts’ and ‘values’” (Wolin, 2008, 11). It is *not* true that “is” and “ought” are now widely regarded as never permitted to touch one another; recently Solomon could cite many social scientists showing that in bioethics these two need to be connected (Solomon, 2005). Philosophers too keep the debate on this question open. But Wolin takes the is/ought (*Sein/Sollen*) distinction as patently non-controversial. And on this point too he casts Jonas as someone “following the later Heidegger, recast[ing] ethics in ontological terms” (2007, 11).

I have elsewhere (LaFleur, 2008, 461-480) analyzed Wolin on this point and defended Jonas’s attempt to show that what ought to be may not be simplistically divorced from what is. I do not wish to restate that argument here. But here I suggest that assuming a simple disjunction between *Sein* and *Sollen* makes it easier for “progressive” bioethicists to cast the present state of our human bodies as unacceptable and, by contrast, portray positively what we may achieve through biotechnology in getting for ourselves or our progeny the kind of bodies that really *ought* to be brought into being. In their scenarios the distinction between what “is” and

what “ought” to be is projected onto an implicit time-line, one in which the former takes shape as the past and the still-less-than desirable present whereas what ought-to-be is located in a projected future, one to which our biotech research will take us.

When such a progress-driven scenario takes on religio-mythic form it becomes the Jewish bio-theology of Laurie Zoloth, one in which the meaning of Jahweh’s decision in *Genesis* to “rest” tells us of God’s intention that, since what He had created was still less than perfect, His mandate to humans is to bring the human body to perfection. Even today’s enhancement technologies are, then, adumbrated in God’s mandate for circumcision because, unless that part of the male body is surgically “improved,” the human penis will be less than perfect, less than it “ought” to be. See Zoloth, 2008 and my critique (LaFleur, 2008). Although not carried to this extreme, some American Protestant bioethicists embrace the notion of humans as “co-creators” with God and, therefore, ethically obligated to improve the existing human body through technology.

Although I have enjoyed lively interchanges with Professor Zoloth on various occasions, I believe such a view deserves both close scrutiny and rejection. (The argument about circumcision, for instance, has a repulsive result if applied to females.) Even though aiming to locate its sources within the Jewish tradition, Zoloth’s theology of divinely mandated perfectionism divides things very sharply into a very unsatisfactory world we currently have (*Sein*) from a world wherein we will be perfected and, thus, a world we ought (*Sollen*) to bring into existence.

Is there a whiff of Gnosticism in this? I suspect that Jonas might have detected an element of it here. About something else, however, I think we can be even more certain. It is that Jonas would have strongly warned against being captivated by such a vision of bio-perfection. One corollary of wanting to keep what-ought-to-be in touch with what-is comes out in Jonas's warning that contemporary societies not be lured into ethically compromised behavior by what he called "the bait of utopia." In his view the two social forms that for a while comprised such utopian bait during the 20th century had been those of the fascism and Marxist-leninism.

But what about the 21st century?

Of course, Jonas, who died in 1993, did not live to see it. But his concerns about where technology might go in our century were deep. And from what he wrote we can also see that he worried about what might be called the bait of bio-utopianism, one most likely to thrive within a laissez-faire capitalism pursued in the American mode. And, given free rein by progressive theologies and philosophies, it might be dangling before us the newest bait of utopia—at least for persons most able to afford it. And it would be the bio and pharmaceutical industries that would most profit within an intellectual ethos celebrating the autonomy of choice and unconcerned about harm *to society* because of belief (never anything more solid than a belief!) in the workings of the "invisible hand" imagined by the theories of Adam Smith.

■ The Missing Item

Within the past 5 years even within America Jonas has been getting attention—but far more for how what he derived or did not derive from his Judaism than for the relevance of his views for bioethics. In a recent conversation about this Mrs. Jonas expressed her concern, because her husband's views should have wide relevance, that he not be captured within the domain of Jewish studies. She has a decided preference for the description of her husband recently provided by Nirenberg 2008. "Wolin," she said, "makes Hans out to be a Heideggerian and, although I am very grateful to Wiese, he makes my husband out to be more of a 'Jewish thinker' than he really was. Nirenberg gets it right." (Conversation with L. Jonas, 13 January 2009).

On this point I want to return to where I began—namely first becoming aware through writings in Japanese that Jonas and Japan's critics of the notion of brain death are in great agreement. But, although today the scientific challenges to the concept of brain death are more substantive than ever before, a continuous refusal to notice this, precisely because defining brain death as real death had such a large role in modern progressive bioethics, is in play. In the West but especially in America Japan's extensive discussions of this matter have to-date been largely dismissed as idiosyncratic, due to cultural peculiarities and leftover pre-modern religious viewpoints still functioning within this otherwise technologically advanced society. This has been one way in which the American medical establishment and most American bioethicists have insulated themselves against the real issues raised within the Japanese discussions.

And there must be a similar insulation then against the points raised by Jonas about brain death. I suspect that this is the reason why, even today when Jonas as a Jewish thinker is gaining some recognition in the United States, within the more than 500 pages of the 2008 volume on Jonas recently published in English, there is only one mention of him as having given attention to the notion of brain death (Wiese, 2008, 437) and no mention at all of the fact that this was a notion, crucially important in the early development of bioethics, that he, in fact, found to be flawed and unable to support the new technology, cadaveric organ transfer, based on it.

Did Jonas, perhaps, change his mind and later in life abandon his view that the notion of brain death is wrong-headed? When I recently asked Mrs. Jonas about that she replied that he definitely did not. And she then retrieved from her own library a 1994 book in German titled *Wann ist der Mensch tot? Organverpflanzung und Hirntotkriterium*. The opening sentence of this book of essays refers to what in 1970 Jonas had written on this subject, the essay titled “Gegen den Strom” when published in German in 1985. And this book’s first item is a letter which Jonas less than three months before his death in 1993 wrote to the two editors of the new book in support of their project of keeping the public aware that this issue had never been satisfactorily solved. In December of 1993 Jonas provided them with a copy of a letter he had written a month earlier in German to an old friend, Hans-Bernard Würmeling, a physician who had been part of the committee in the city of Erlangen at the time when the decision at a hospital there had been in favor of continuing “life support” to a pregnant woman who had, due to a tragic accident, been declared

brain dead. The committee's hope was that through this technology the woman, though technically dead, could be assisted to deliver a live child many months later. This was the famous or infamous "Erlangen Fall," something widely discussed and debated in the German public media at the time. Jonas, as could be expected, deemed that decision to be in error and wrote out his opposition in detail (Hoff and In der Schmitten, 1994). From this it is clear that Jonas not only did not alter his position but also continued to think of the issue as one of ongoing ethical importance, one that should not be put on the intellectual and social "back shelf" and forgotten.

In my view many in contemporary society, perhaps especially in North American, are interested in regarding this as solved long ago and no longer a problem. Therefore, although there may be attention now to Jonas and a focused presentation of him as a Jewish "thinker," it is regrettable that something so important to him as what ought to be of concern in our biotechnology and what he had to say about this are things that remain in the shadows.

There are hints of a change in process. The degree to which Habermas is citing Jonas may eventually even have an impact in America. A questioning of the scientific reliability of the brain death notion—by Shewmon, Truog, and others—may be seen as corroborating the points made nearly forty years ago by Jonas. A 1997 book by McKenny brings forward the importance of Jonas anew and a recent book by Lizza, a philosopher, shows the validity of his core arguments about brain death (Lizza, 2006).

In my own view, because it was a way in which he expressed his deep connection to the ethical concerns in the prophetic tradition of ancient Judaism, Jonas's close and critical attention to questions of biotechnology in our era were not ancillary but central to what being a contemporary Jew meant to him. In a more narrow and particularized sense he may not have been what some would recognize as a Jewish "thinker." But—and here I think what is told us by Mrs. Jonas is very important—as a Jew who translates the ethical concern of the ancient prophets into some of the most important moral questions of our own time, he has universal, not particular, significance. And as I see it, this is what is shown by the attention to him given in Japan.

The future of this particular bit of biotechnology—transplants based on a notion of brain death—is unknown. Its strongest proponents in Japan, the problematic figure of Dr. Jurô Wada for instance, insist that only by accepting this notion and implementing it readily for society, will Japan be a truly "advanced" society. I recognize the power of such rhetoric but I do not think we can view what is "advanced" and what is "behind" in such a simplistic fashion. Perhaps at times the important criterion will be in locating what is *morally* advanced. And in this I find special relevance in something written by Seishi Ishii, a philosophically trained bioethicist who had studied Jonas closely. And, thanking you for your attention to the above, I wish to close with a quotation from Professor Ishii. He wrote:

Is the transplantation of organs from corpses morally right or morally wrong? In American and Europe the extraction of organs from the brain-dead was something that people started to do already quite a long time ago and many persons have been given a new

lease on life through it. Therefore, since Japan is usually positioned with America and the European countries as an “advanced” nation—both in terms of international perceptions and social consciousness—it is downright strange that transplants are not done here. But there is another way of looking at this whole matter of being “advanced.” That is, in terms of tackling the matter of how to exercise prudence in these things Japan can be viewed as having been out ahead of the others. A hundred years from now what will people be saying about transplants being done today? Is it not possible that they may come to regard it as a long rejected practice and a rather barbarous one at that? Maybe they will come to regard it as a kind of barbarian practice of the past (Ishii, 1995, 128).

Thank you.

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