

What it Means to be Human: The Case for the Body in Public Bioethics

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The purpose of laws is to protect people's rights and freedoms, thus promoting human flourishing. Because they reflect societal values, laws are based on society's anthropology—its concept of what it means to be human, and the goods, virtues, and practices that ensure prosperity for its citizens. Therefore, for human beings to flourish, laws should be grounded in an understanding of the human condition as it is actually lived. In *What It Means to Be Human: The Case for the Body in Public Bioethics*, O. Carter Snead delivers a devastating critique of the anthropological foundations of current laws and policies in public bioethics. His goal is not to propose specific changes, but to defend a more robust vision of the human experience and to offer an alternative to the contemporary paradigm.

Drawing on the work of Robert Bellah and Alasdair McIntyre, Snead identifies today's reigning anthropology as *expressive individualism*. On this view, human flourishing is best envisioned as an individual person, untethered from social and familial connections, expressing his core beliefs and desires. He does this by following a destiny based on his personal values and preferences. Personhood, by this definition, is simply the capacity to choose, giving preeminence to the mind and will. The body is important only as an instrument to pursue life goals, and other human beings are either collaborators or adversaries in that pursuit.

Expressive individualism is severely flawed, Snead argues, because it does not account for the "whole truth of who we are and how we stand in relation to one another as vulnerable, mutually dependent, finite, and embodied beings" (p. 4). From the moment of conception, and at various times throughout our lives, we are limited and vulnerable, dependent on the unconditional and self-sacrificial giving of others for life and growth. To deal with this flaw, writes Snead, we must apply an "anthropological corrective" that acknowledges the limitations we face as embodied beings, our dependence throughout life on the beneficence of others, and the need to inculcate virtues and practices that will ensure the flourishing of human beings beyond our lifetimes.

Snead begins his argument by describing the rise of public bioethics in this country in the early 1970s as a reaction to the abuses occurring in human subjects research. Shocked by reports of reprehensible treatment of human subjects, the US Congress, supported by the courts and the public, created laws, protocols, and regulatory agencies to govern research and define public bioethics today. The prevailing arguments that inspired these efforts focused on promoting autonomy and informed consent. But this approach only offers protection to a select group of individuals who are free of the incapacitating effects of disability, pain and suffering, immaturity, cognitive deficits, or low intelligence. The lived reality for most people, however, is a struggle with the weakness, vulnerability, and dependence that characterizes embodied persons. So the current framework to address public bioethics is inadequate and ineffective to truly resolve current bioethical dilemmas.

Snead applies his critique of the current anthropology to an exploration of three major bioethical issues: abortion, assisted reproduction, and end-of-life decision making. First, he shows how the past fifty years of abortion law assume that individual rights are primary, even if that requires destroying unborn life. The courts do not recognize the special nature of the mother and child relationship or the common experience of every person as a newly-conceived, absolutely dependent human being who needs support from others. Instead, mother and child appear as isolated entities pitted against each other as

strangers and enemies. The developing human being is a non-person, and the woman is left to fight her battles alone.

Second, Snead tackles the complex issue of assisted reproduction, noting the surprising absence of laws to regulate and monitor the technologies involved. According to expressive individualism, a person has an almost unlimited right to pursue procreation, and the government should not interfere. The law does not protect gamete donors, gestating mothers, surrogates, developing children, or the millions of embryos destined for destruction. Nor does the law promote the expression of virtues such as just generosity, hospitality, “openness to the unbidden,” and compassion necessary for the flourishing of children. The law exists, almost exclusively, to support the choices of individuals who desire to reproduce.

Third, regarding end-of-life decision making, the law appropriately supports the rights of competent individuals, but fails to consider the unique experiences of those who have lost decision-making capacity. The law assumes that those incapacitated by disease and disability still desire to assert their wills. But Snead points out that many people at the end of life prefer to allow loved ones to make their decisions. For those with a diminished quality of life, the law should encourage compassion and empathy and protect against abuse and abandonment. Instead, many states are adopting legislation that promotes suicide with the aid of physicians and other clinicians. Summarizing he notes, “At a time when the person is most fragile and dependent on the care of others for basic needs, the law elevates freedom and self-determination as its animating goods” (p. 248).

In each of these arenas, Snead demonstrates that expressive individualism fails as an adequate description of our anthropology. In fact, we are not atomized wills, but interdependent, vulnerable, and embodied beings, indebted to others for the self-sacrificial and uncalculated care extended to us from the very beginning. The strength of this thesis is that it resonates with our actual lived experience. Even those who disagree with Snead’s positions on abortion, assisted reproduction, and end-of-life decision-making will find it hard to challenge his call for a new paradigm for resolving bioethics controversies.

Each of us knows that we have not made it on our own. We cannot flourish in a society where life has degenerated into a competition between isolated, self-interested individuals. Snead reminds us that “human flourishing is most profoundly achieved through love and friendship” (p. 222). In gratitude to those who cared for us in our deepest need, we must follow their example of unconditional beneficence. Only by inculcating the virtues of generosity, hospitality, compassion, and humility will we nurture and protect the “robust and expansive networks of uncalculated giving and receiving” (p. 269) necessary for creating a humane, wise, and just society.

Reviewed by Dr. Onarecker, MD, MA, who is the Program Director of St. Anthony Family Medicine Residency in Oklahoma City, Oklahoma. After graduating from medical school at Oral Roberts University, he completed a family medicine residency at Carswell Air Force Base and a fellowship in academic medicine in Waco, Texas. Dr. Onarecker obtained an MA in Bioethics from Trinity International University and teaches clinical ethics, as an adjunct professor, at Trinity.