“Subjects of a Life, the Argument from Risk, and the significance of self-consciousness”

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Tom Regan’s criterion for inherent value is being the “experiencing subject of a life” (ESL). This involves more than just sentience, in Singer’s sense of the ability to feel, but requires some cognitive sophistication. An ESL has a welfare that has importance to it, wants and prefers things, believes and feels things, recalls and expects things, has ends of its own. All ESL’s have inherent value, and have it equally. It is highly unlikely that fetuses or newborn mammals (including humans) satisfy the requirements for being an ESL. It doesn’t follow, though, that we should treat fetuses and newborns as if they don’t have inherent value. Regan gives an argument from risk to the conclusion that we should treat these beings as if they have inherent value, even though it’s likely that they don’t have it. I critique this argument, and suggest that a combination of Regan’s subject of a life criterion and Singer’s sentience criterion might give a more satisfactory account of moral status. A (merely) sentient being is such that its suffering (and flourishing) should be considered equally with the like suffering of other sentient beings, while an ESL is such that its continued existence has both impersonal and personal moral significance.

In Tom Regan’s seminal work, The Case for Animal Rights, and elsewhere, he appeals to what he calls the “subject of a life” criterion for possessing inherent value. Here is his account of subjecthood:

To be the subject-of-a-life… involves more than merely being alive and more than merely being conscious… Individuals are subjects-of-a-life if they have beliefs and desires; perception, memory, and a sense of the future, including their own future; an
emotional life together with feelings of pleasure and pain; preference- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them. (243)

It is in virtue of being subjects-of-a-life that, for example, all mammals aged one or more have inherent value, and have it equally. Inherent value is distinguished from intrinsic value, and cannot be weighed against it. All creatures who possess inherent value have rights, in particular the kantian-style right not to be used as mere means for the benefit of others. The intrinsic value and disvalue that attaches in utilitarian style to the pleasures and pains of sentient creatures may make our treatment of them better or worse, but it cannot justify the violation of their rights. Inherent value underlies what Regan calls the “respect principle”: “We are to treat those individuals who have inherent value in ways that respect their inherent value.” (248) Although it is a complex matter what, exactly, this involves, for the purposes of distinguishing Regan’s view from utilitarianism the following is illustrative:

[W]e fail to treat individuals who have inherent value with the respect they are due… whenever we treat them as if they lacked inherent value.. whenever we treat them as if they were mere receptacles of valuable experiences.. or as if their value depended on their utility relative to the interests of others. In particular, therefore, we fail to display proper respect for those who have inherent value whenever we harm them so that we may bring about the best aggregate consequences for everyone affected by the outcome of such treatment. (248-9)
Regan’s rights-based approach is the main alternative to Singer’s utilitarian approach, when it comes to arguing against much of human mistreatment of animals. Although I favor the utilitarian approach, there is much to be said for Regan’s approach too, particularly if you are troubled by the clash between some of utilitarianism’s implications and “common sense” moral intuitions (I am not). I don’t have the space here to examine Regan’s approach with the thoroughness it deserves, but I would like to focus on one issue in particular—the question of marginal cases.

Regan makes good use of the problem of marginal cases in his arguments against views that employ a necessary condition of moral status that excludes animals, such as contractarian views that establish some version of rationality as the defining feature of the moral community. As is well known, such views cannot give a satisfactory answer to the problem of marginal cases. Permanently retarded human beings, for example, cannot be a party to the contract. Peter Carruthers’ attempt to ground direct moral status for such marginal humans through slippery slope and social stability arguments is singularly unsuccessful. On the other hand, neither Singer’s sentience criterion nor Regan’s subject-of-a-life criterion suffers from this problem. Even permanently retarded humans are both sentient and subjects-of-a-life, as are many animals. However, there is a version of the problem of marginal cases that does seem to affect Regan’s account. Given the degree of mental complexity required for being the subject-of-a-life, there are sentient creatures who are not subjects-of-a-life. Some of these creatures may only temporarily lack subjecthood, such as fetal and infant mammals, but others, perhaps fish and some crustaceans, may be sentient but not subjects-of-a-life throughout their lives. Do such cases pose a challenge for Regan’s view?
Regan considers the potential challenge poses by cases of fetal and infant mammals, both human and nonhuman:

[S]ince neither human fetuses nor newborn infants are subjects-of-a-life, it follows, so this objection urges, that neither fetuses nor infants have rights. [a]nd.. that the rights view implies that we may do anything we please to human fetuses and infants. (319)

A final objection urges that the rights view cannot have any principled objection to using mammalian animals for scientific purposes generally, or in research in particular, before these animals attain the degree of physical maturity that makes it reasonable to view them as subjects-of-life. (390)

In response, Regan points out, first, that subjecthood is advanced as a sufficient, as opposed to necessary, condition for inherent value. There may be other reasons why merely sentient, or indeed completely nonsentient, beings possess inherent value. There may be, but, as he says with respect to such things as trees or whole ecosystems, it is hard to see what they may be. More significantly, he gives two versions of an argument from risk for treating non-subjects as if they were subjects. First, there is the argument from epistemic risk:

It is not obviously true that the newly born or the soon-to-be-born have beliefs, desires, and the like, and neither is it obviously true that they lack these mental attributes. (319)
[W]here one draws the line, both as regards what species of animals contain members who are subjects-of-a-life and as regards when a given animal acquires the abilities necessary for being such a subject, is controversial. We simply do not know, with anything approaching certainty, exactly where to draw the line in either case. Precisely because we are so palpably ignorant about a matter so fraught with moral significance, we ought to err on the side of caution, not only in the case of humans but also in the case of animals. (391)

He also gives what we might call an argument from societal risk (or benefit):

The rights view advocates taking steps that foster the creation of a moral climate where the rights of the individual are taken seriously indeed… It is the importance of fostering an environment in which individual rights are respected… that underpins the serious moral protection extended to newly born and soon-to-be-born human beings. (319-320)

To allow the routine use of [newborn and soon-to-be-born mammalian] animals for scientific purposes would most likely foster the attitude that animals are just “models,” just “tools,” just “resources.” Better to root out at the source, than to allow to take root, attitudes that are inimical to fostering respect for the rights of animals… [T]he rights view favors policies that foster respect for the rights of the individual
animal, even if the creation of these attitudes requires that we treat some animals who may not have rights as if they have them. (391)

He also gives a similar argument concerning birds and fish:

Even assuming birds and fish are not subjects-of-a-life, to allow their recreational or economic exploitation is to encourage the formation of habits and practices that lead to the violation of the rights of animals who are subjects-of-a-life. (417, fn.)

What should we make of these arguments? I will first look at them in their own right, and then compare them, briefly, with similar arguments that can be (or are) given in other contexts. First, as with any argument from risk, there are at least two important questions to ask: (i) what are the chances of the risked consequences coming about, if we don’t take the recommended course of action? (ii) what, if anything, do we risk by taking the recommended course of action? Concerning the epistemic argument, the answer to (i) will vary, depending on just how far from the paradigm case of a mammal aged one or more is the creature in question. If we look carefully at the account of subjecthood, in particular the aspects concerning a sense of the future and psychophysical identity over time, it is very hard indeed to imagine that a fetus or newborn mammal, whether human or not, is a subject-of-a-life. The answer to (ii), for both the epistemic and societal risk arguments, is somewhat trickier. Depending on what one thinks of arguments such as Judy Thomson’s, treating a fetal human as if it were a subject of a life could pose significant risks to important human interests. Suppose we think that, if a fetus is a
subject-of-a-life, abortion is seriously immoral in all but a few exceptional cases (e.g. when the pregnancy threatens the mother’s life, or is the result of rape). If the fetus isn’t a subject-of-a-life, abortion is, other things being equal, generally permissible. Restrictive abortion laws have serious and well-known costs, in terms at least of the restriction of women’s autonomy, and the proliferation of dangerous back-alley abortions. Opponents of abortion don’t deny that these costs occur, but rather argue that the immorality of abortion outweighs or trumps them. Furthermore, if abortion isn’t really immoral (because the fetus isn’t really a subject-of-a-life), denying women abortions seems to violate a pretty serious right. So, treating fetal humans as if they are subjects of a life, when it comes to the permissibility of abortion, has certain costs, and risks others. Given the extremely low probability that human fetuses really are subjects-of-a-life, we would have to regard the unjustified killing of a subject-of-a-life as enormously, probably lexically, worse than the unjustified restriction of autonomy, and denial of rights. This is hardly plausible. The situation is different when it comes to animal experimentation, though. The risk involved with treating fetal or infant mammals as if they were subjects of a life is that we thereby forgo the potential benefits, both to humans and other animals, of experimenting on them. However, given the rather dubious nature of the supposed benefits from animal experimentation, and the considerable case against its benefits even to humans, it doesn’t appear that the risks of treating fetal and infant nonhuman mammals as if they were subjects-of-a-life pose a serious challenge to Regan’s case. The argument from societal risk is harder to assess, concerning question (i). However, in at least one respect the case seems to be similar to the argument from epistemic risk. The further from the paradigm case of a subject-of-a-life is the creature we treat as a non-subject, the less
likely is it that such treatment will “encourage the formation of habits and practices that lead to the violation of the rights of animals who are subjects-of-a-life.” Most importantly, though, the argument from societal risk will rest on highly contingent features of human psychology. Just how easy is it for human agents to distinguish reliably between subjects-of-a-life and those creatures who are merely sentient, or even those who are living but nonsentient? Even if it is easy so to distinguish, how likely is it that treating non-subjects as non-subjects poses risks for our treatment of genuine subjects-of-a-life? I don’t know the answers to these questions. However, even if it is, as a matter of fact, very difficult to distinguish between subjects and non-subjects, and difficult to treat non-subjects as non-subjects without risking mistreatment of subjects, it is surely possible that it is both easy and relatively safe to distinguish both cognitively and practically. If it were possible, wouldn’t there still be something morally troublesome in at least some of that treatment, the treatment of merely sentient creatures? Even if we were certain that some creatures, whether mammalian or not, were merely sentient, and that experimenting on them would pose no risks of mistreating subjects-of-a-life, wouldn’t their capacity to suffer provide them with the moral status of meriting equal consideration of their interests, including their important interest in not suffering? This is not to diminish the significance of the subject-of-a-life criterion, but rather to suggest that sentience is also highly morally significant.

Regan’s arguments from risk bear some similarity to Peter Carruthers’ arguments concerning both marginal cases of rational humans and our treatment of nonhuman animals. Carruthers argues that rational contractors would grant direct moral status to nonrational humans because of the risks of not doing so. If we treat nonrational humans
as if they have a lower moral status than rational humans, we will embark on a slippery slope to treating rational humans disrespectfully. We also risk social instability, because of the deep feelings humans supposedly have for all other humans. Carruthers also argues that we should encourage kindness and discourage cruelty to animals, because such character traits will leak over into our treatment of humans. (Puzzlingly, Carruthers claims that these arguments support direct moral status for marginal humans, but only indirect moral status for animals.) I, and others, have criticized Carruthers’ arguments elsewhere. Carruthers’ psychological claims are simply not very convincing. Furthermore, if the world were different from how he imagines it to be, in the relevant respects, our mistreatment of sentient but nonrational creatures, whether human or not, wouldn’t be acceptable. The latter criticism applies, *mutatis mutandis*, as I argued above, to Regan’s argument from societal risk. The analog of the former criticism is less clear. Given their different criteria of moral standing, it may well be that Regan is on much firmer ground here.

Both an argument from epistemic risk and an argument from societal risk can also be deployed by utilitarians in response to some of Regan’s criticisms of them. In concert with other anti-consequentialists, Regan makes effective use of putative counterexamples to utilitarianism, arguing that the theory would allow, and even approve, intuitively repugnant behavior in some cases. He also argues that utilitarianism is at fault for even taking into consideration “evil” preferences, such as the preferences of rapists. It is fairly easy to see how an argument from epistemic risk could apply to many of the supposed counterexamples. They typically involve inflicting significant suffering on some for the supposed benefit of others. The utilitarian could say, with considerable justification, that,
given the certainty or near certainty of the suffering involved, and our typical inability both to predict the future accurately and to weigh interests objectively, the infliction of suffering involves an unacceptable risk. Likewise, the utilitarian could deploy an argument from societal risk. The infliction of suffering on some, even for the purposes of benefitting others, may encourage a climate in which the suffering, and other interests, of sentient creatures is not given adequate consideration. Similarly, the preferences of the rapist are precisely the sort of preferences that the utilitarian wants to discourage. To count such preferences as having equal weight with other preferences, in deciding what to do, risks encouraging a climate in which such preferences are fostered.

My purpose in comparing a utilitarian’s use of arguments from risk with Regan’s use of similar arguments is not to impugn the latter. Quite the opposite. The arguments are quite effective, up to a point, in both cases. Perhaps, then, the utilitarian and rights theorist could join forces. Consider both the criterion of sentience and the criterion of subjecthood. What does the latter add to the former? Most significantly, what is added is a form of cross-temporal psychophysical identity. This connects with what Peter Singer says about the different significance of death for self-conscious creatures:

For preference utilitarians, taking the life of a person will normally be worse than taking the life of some other being, since a being which cannot see itself as an entity with a future cannot have a preference about its own future existence. (Singer 1979, 81)

Singer’s argument, though, is too brief. It’s not clear why the additional preferences of self-conscious beings make it worse to take their lives, on a preference utilitarian account. For a self-conscious being, death (usually) frustrates a desire for continued
existence. A non self-conscious being doesn’t have a desire for continued existence, so death can’t frustrate that desire. But this difference doesn’t get us very far, certainly not as far as Singer seems to want. Even for a preference utilitarian, the significance of an event can’t be exhausted by what contemporary desires are satisfied or frustrated by the event. In fact, that would seem to be, at most, a small part of the story. Consider a familiar example, a trip to the dentist. Franny Forethoughtful realizes that she needs a filling in order to prevent future pain. She really doesn’t want to experience pain now or in the future. When the dentist’s massive needle pierces her gum to inject novocaine, her desire not to experience present pain is frustrated. Of course, among the effects of the injection are future preventions of frustration of her desire not to experience pain. She knows this, and consequently desires to have the injection and the subsequent dental work. Clearly, the overall significance of this event for Franny is positive. Thelma Thoughtless is also at the dentist to have her tooth filled. She also desires not to experience pain now. However, she doesn’t currently have any desires concerning future pain, because she simply never considers the future. She doesn’t desire to have the injection or the subsequent dental work, even though their effects on future desire satisfactions are the same as the corresponding events for Franny. If contemporary desire satisfaction or frustration were all that mattered for assessing the significance of events for subjects, Thelma’s dental procedures would be negative for her, even though the same procedures would be positive for Franny. But clearly Thelma’s dental procedures are positive for her, as they are for Franny. The most we could say is that Thelma’s procedures are not quite as positive for her as they are for Thelma, because she lacks the current desire to undergo the procedures. However, the fact that the dental procedures
prevent so much future desire frustration is more than enough to outweigh the current
desire frustration. It is irrelevant that Thelma currently lacks future-oriented desires. She
will have desires in the future not to experience pain. If she doesn’t have the dental
procedure now, many of those desires will be frustrated. That is what matters.

So, why would death be worse for a self-conscious animal than for a merely
sentient one? Presumably, we would have to say that an animal with a self-conscious
desire for continued future existence has more to lose from a premature death than an
animal without such a desire. But why is that? Let’s consider two cases. Charles the chimp
is self-conscious. Charles desires, among other things (such as bananas) to continue to
exist in the future. Harold the hamster is not self-conscious. Harold has plenty of desires.
He desires to run on a wheel, to eat pellets of food, to drink from an upside-down bottle,
to sleep. But he has no conception of himself as an independently and continually
existing creature, so he has no desire for future continued existence. Now suppose both
Charles and Harold die prematurely (they are struck by the same tornado). Is Charles’
death worse for Charles than Harold’s death is for Harold? Does Charles lose out on
more well-being? Well, chimps usually live longer than hamsters, so he would lose out
on more time. But suppose that Charles is fairly old, and only has the same remaining life
expectancy as Harold. In this case, how does the fact that Charles, while alive, had a
desire for continued future existence affect the magnitude of his loss, compared with
Harold’s loss? Suppose they both would have lived for a further two years, if they hadn’t
been killed by the tornado. Suppose further that, had they lived, the vast majority of their
desires would have been satisfied. Harold’s various bodily desires would have been
satisfied. So would Charles’ bodily desires. In addition, Charles’ desire for continued
future existence would have been satisfied (for another two years). So, there’s at least one desire that Charles would have had satisfied that Harold would not even have had, let alone have had satisfied. But is this enough to say that their losses are *qualitatively* distinct, as Singer certainly seems to think? How do we compare the contribution to well-being of the satisfaction of the various desires of Charles and Harold? We clearly can’t count *instances* of desire satisfaction. Many desires, such as the desire not to be in pain, and the desire for continued existence, are satisfied continuously over a period of time, rather than discreetly. Besides, even if the contribution to well-being of the satisfaction of Charles’ desire for continued existence could somehow be compared with the contribution to well-being of the satisfaction of Harold’s desire for, say, food, why think that the former would be greater in any way than the latter? Suppose that Harold has really intense desires for food, but Charles has much less intense desires for food and for continued existence. What could it be about the desire for continued existence that would render its satisfaction a greater and/or qualitatively distinct contribution to well-being?

Perhaps there is another route to the conclusion that death is worse for self-conscious animals. Imagine that you are dying and are offered the following two treatment options:\footnote{1} 

(i) Procedure A will extend your life by two years and relieve any pain associated with the disease. (ii) Procedure B will extend 'your' life by twenty years, but will permanently sever all psychological connections between you now and whoever inhabits your body when 'you' wake up after the procedure. Whoever that is will have a valuable twenty years at roughly the same level of momentary well-being as you would have for two years if you choose procedure A. I think it is intuitively obvious that it is in your self-

\footnote{1} I was first introduced to a version of this example by Michael Tooley, who has been using it for many years. A version of it also appears in McMahan 2003.
interest to choose A over B. Whether you still exist after B is, I think, irrelevant. It makes no difference whether we say that you exist but your future self has no psychological connection to your present self, or that you don't exist, because the psychological connections are necessary for personal identity. Either way, it would be rational for you now to choose A (though, if you choose B, future 'you' will be glad you did). From your perspective, B is no different from your death combined with the creation of a physically similar, but psychologically unconnected, adult. From the perspective of objective value, B is the better choice. But from the perspective of what it makes sense for you to care about when thinking purely selfishly, A is the better choice. Perhaps this shows that the psychological connections are necessary to personal identity, as opposed to the identity of the organism. If so, it shows that what is significant about our deaths to us, and the deaths of other creatures who maintain personal identity over time, is the effect of the death on the well-being of the person, as opposed to the well-being of the organism.

This has obvious implications for approaches to the morality of abortion that focus on the putative wrong done to the fetus by depriving it of a valuable future. For example, Don Marquis claims that the wrong done to an adult human victim in a standard case of killing is the wrong of being deprived of a valuable future. He then argues that most abortions similarly deprive the fetus of a valuable future, and thus that they wrong the fetus in the same way that murder wrongs an adult. But if, as seems likely, a fetus does not have significant psychological connections with the later person, the significance of death to the fetus is more like the significance to you of the failure of procedure B as opposed to the failure of procedure A. If you opt for procedure A, you will hope for your

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2 See Marquis 1989.
own sake that it succeeds. But if you opt for procedure B, its success or failure doesn’t affect you personally. Suppose that there is no procedure A. There is only B. Furthermore, B has a 50% chance of success, with the results described above, and a 50% chance of failure, resulting in physical death. When faced with procedure B, it might make sense to hope it succeeds, rather than fails. But it makes sense in the same way it makes sense to hope that your organs will be successfully transplanted into another’s body after you die, resulting in continued life for that other person. To the extent that you care about others, you want your organs to help others live. But it will make no difference to your well-being whether your organs help others live after you die. (I know there are those who claim that the posthumous satisfaction or frustration of your desires can positively or negatively affect your well-being, even though you no longer exist at the time. I don’t know what to say about this position, except that I find it inordinately silly.) Likewise, an abortion may have an effect on the total amount of well-being in the world, but it doesn’t personally deprive the fetus of well-being in the same way that murder personally deprives an adult victim of well-being. If you hear of a friend contemplating abortion, it might make sense to hope they don’t go through with it, but only in the same way it might make sense to hope that another friend forgets to use contraception, or that their contraception fails. Marquis’s mistake (one of them at least) is to assume that he doesn’t need to explore the question of the personhood of the fetus. The significance of the deprivation of a future to a victim clearly differs between persons and non-persons.

The comparison with abortion has clear implications for the claim that the significance of death is different for different animals. Singer places much emphasis on a self-conscious animal’s ability to conceive of itself as a continually existing being with a
past and a future. Such animals, including most humans, are persons. Non self-conscious animals, including some humans, are, as he puts it, “in a sense, ‘impersonal’”. Compare this with Regan’s subject-of-a-life criterion. Here, again, is the relevant passage:

To be the subject-of-a-life… involves more than merely being alive and more than merely being conscious… Individuals are subjects-of-a-life if they have beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them. (Regan 1983, 243)

Sentience, in particular the ability to experience pleasure and pain, is both necessary and sufficient for moral considerability. Singer is clearly right about that. He also seems to be right that sentience is not sufficient for personhood. His account of what is added to sentience by self-consciousness seems quite similar to Regan’s account of being the subject-of-a-life. Consider both the criterion of sentience and the criterion of subjecthood. What does the latter add to the former? Most significantly, what is added is a form of cross-temporal psychophysical identity. Merely sentient creatures can suffer and enjoy, and such sufferings and enjoyments are clearly significant. Subjects-of-a-life also have lives that are important to them. It is possible for more to matter to them than merely avoiding pain and experiencing pleasure. Their lives matter to them.

A merely sentient animal’s life contains well-being. Its enjoyments contribute positively and its sufferings negatively to its well-being. The death of such an animal may prevent future enjoyments or future suffering. It may thus make a negative or
positive difference to the net amount of well-being in the world. In this sense, the death of any merely sentient animal has significance. But it’s not clear that it has significance to the animal. Whether a merely sentient animal lives or dies has, to the animal, the same kind of significance as whether procedure B succeeds or fails has to me. If a merely sentient animal continues to live, there will be more of whatever well-being that animal experiences, but there won’t be personally significant connections between the animal now and the animal later. Likewise, if procedure B succeeds, there will be more of whatever well-being that later person experiences, but there won’t be any personally significant connections between me and that person.

It is possible that, in addition to the personal significance involved in the death of a person, as opposed to a merely sentient being, there is also a greater loss of value in the world. Perhaps the kinds of psychological connections between different parts of the life of a person give greater value to the life overall. Consider the central character in the movie Memento. He has lost his short-term memory, and so has lost the psychological connections between the different episodes in the movie, relying instead on notes he has written to himself. It is at least plausible to conjecture that his life, at least the part of it during which his short-term memory has failed, would have contained more value, if he had retained the usual psychological connections. In this case, though, even though many of the psychological connections between his later conscious states were missing, they all retained the usual connections with his much earlier states. Consider now a life consisting of very many conscious episodes of no more than a few seconds, between which there are none of the usual psychological connections characteristic of a normal human life. Even if such a life contained a large preponderance of pleasure over pain, it is at least plausible
that it would contain less overall value than a life with the same preponderance of
pleasure over pain and all the usual psychological connections. Perhaps it would contain
less overall value, because it would contain less well-being, and well-being is affected by
psychological connectedness. Or perhaps the psychological connections in question are
valuable in themselves, quite apart from their contribution to well-being. I am inclined to
favor the former explanation, but both deserve to be explored. If something like this is
ture, it would vindicate something like Singer’s position that there is greater impersonal
moral significance in the death of a self-conscious being than in the death of a merely
sentient being.

Notice that the kinds of psychological connections involved in Regan’s account of
subjecthood or Singer’s account of self-consciousness could well come in degrees. If so,
it is implausible to suggest that there is a sharp cutoff point at which subjecthood, or
personhood, is fully acquired. It seems far more likely that personhood is a matter of
degree. This could happen in at least two ways. First, consider again the central character
from *Memento*. Some of the usual connections remain just as firmly as in a normal
person. His psychological connections to the person he was before the accident that
damaged his short-term memory remain in place. But he lacks the usual psychological
connections between recent states. We can also imagine a case in which the various
connections are all considerably weaker than in the normal case. Recall the choice
between medical procedures discussed earlier. Suppose we add to the choice between
procedures A and B a third procedure, C. C will extend ‘your’ life by 5 years, but will
also sever most, but not all, of the psychological connections between you now and the
person who exists after the procedure. That person will have some vague memories, that
are similar to some of yours. She will also share a few of your personality traits. I suggest that, with this third choice added to the original two, it is much less clear what it makes sense for you to choose, if you are only concerned with your own well-being. If personhood really can come in degrees, that is exactly what we would expect. This topic clearly deserves a much fuller investigation than I can give it here.

Merely sentient creatures can suffer and enjoy, and such sufferings and enjoyments are clearly significant. Subjects-of-a-life also have lives that are important to them. It is possible for more to matter to them than merely avoiding pain and experiencing pleasure. Their lives matter to them. While the pleasures and pains of all sentient creatures should be considered equally, the extra significance that the lives of subjects-of-a-life have for them can ground a preference for them over the merely sentient when it comes to decisions of life and death. My suggestion, then, is that both Singer and Regan are at least partly right. The significance of death to a self-conscious animal is different from the significance of death to a merely sentient animal. The death of a merely sentient animal may prevent the existence of well-being, and is thus morally significant. The death of a self-conscious animal is, in addition, personally significant.

References: