

Rehabilitating Agent-Regret

Robert B. Tierney

University of Houston

I. INTRODUCTION

In this paper I will offer an analysis of Bernard Williams's concept of AGENT-REGRET that shows it to be a distinct element of our moral psychology.¹ I will focus specifically on cases of Agent-Regret where the agent, through voluntary action, has caused harms that he² could not have reasonably foreseen.³ I will then present R. Jay Wallace's recent attempt to show the contrary, i.e., that AGENT-REGRET is not a significant concept for *descriptive* moral psychology. Finally, I will show that Wallace's arguments are insufficient to defeat my account of Agent-Regret.

II. UNFORESEEABLE HARMS AND AGENT REGRET: THE PARADIGM CASE

Williams presents a paradigm case.

The lorry driver who, through no fault of his own, runs over a child, will feel differently from any spectator.... Doubtless, and rightly, people will try, in comforting him, to move the driver from this state of feeling, and move him indeed from where he is to something more like the place of a spectator, but it is important that this is seen as something that should need to be done, and indeed some doubt would be felt about a driver who too blandly or too readily moved to that position. We feel sorry for the lorry

driver, but that sentiment co-exists with, indeed presupposes, that there is something special about his relation to this happening, something which cannot merely be eliminated by the consideration that it was not his fault. (“Moral Luck” 28)⁴

Williams writes further.

[T]he discussion of agent-regret about ... involuntary [actions, i.e., involuntary through ignorance,]⁵ ... helps us to get away from the a dichotomy which is often relied on in these matters, expressed in such terms as *regret* and *remorse*, where ‘regret’ is identified as the regret of the spectator, while ‘remorse’ is what we have called ‘agent-regret,’ but under the restriction that it applies only to the voluntary. The fact that we have agent-regret about the involuntary, and would not readily recognize a life without it ..., shows already that there is something wrong with the dichotomy: such regret is neither mere spectator’s regret, nor (by this definition) remorse. (“Moral Luck” 30)

Having presented these evocative passages, we now proceed to examine Agent-Regret, in an analytic manner, as a kind of emotion.

III. AGENT REGRET AS AN EMOTION

A. Introduction

To begin, we can formally divide types of regret into three subcategories, with Regret-in-General being the overarching category within which they fall. These three subcategories are: (1) Agent-Regret, (2) Victim-Regret, and (3) Third-Party-Regret. For the moment, we can treat these as marking out merely formal distinctions. Substantive distinctions will emerge as we proceed.

In the passage last quoted, Williams compares Agent-Regret both to Regret-in-General and to remorse. Thus, it is an “emotion of retrospective assessment” (Wallace, sec. 2.2). In this section (i.e. §III), I will clarify the nature of that emotion. In so doing, I will use a widely shared framework which holds that prototypical episodes of emotion have a series of components (Scarantino and Sousa 6–7).⁶ For purposes of characterizing Agent-Regret, we will focus on the following components: (1) phenomenological, (2) evaluative, (3) behavioral, and (4) expressive (Scarantino and Sousa 6–7). However, as we shall see, the nature of Agent-Regret as an emotion of *retrospective* assessment, to some extent, entails the merger of the behavioral and expressive components.

B. The Phenomenological Component of Agent Regret

It seems that Agent-Regret would have a phenomenological character in that we

typically speak of *feelings* of regret and *feelings* of remorse. Indeed, Williams speaks of the “state of feeling” that the lorry driver is in. It seems clear that it is an unpleasant phenomenological quality, perhaps something like that suggested by the umbrella term “distress,” broadly construed. This naturally raises the question as to whether there is a single type of phenomenological state that is characteristic⁷ of Agent-Regret and sufficient to distinguish it from other emotions of retrospective assessment. In “Moral Luck,” Williams seems to intimate that there is.⁸ Yet, in later writings, Williams indicates that a wide variety of *emotions* may be instantiated in, or manifested through, Agent-Regret, such that there is neither a single emotion that is always present, nor a single emotion that is (at least sometimes) present in Agent-Regret but nowhere else. It may be, then, that there is no single *phenomenological emotion-component* that is so much as characteristic or prototypical of Agent-Regret. Thus, in *Shame and Necessity*, Williams argues that, at least in some cases, “Agent-Regret ... can be psychologically a manifestation of guilt” (93). He also holds that it may be manifested by shame (*Shame and Necessity*, ch. III, IV).⁹ Further, in discussing *Oedipus Tyrannus*, Williams recounts the “terror” Oedipus experiences upon realizing what he has done (69), and how, shortly before his death, he “reflects on the *horrors* of many years before” (60; emphasis added). In other relevantly similar cases, Williams speaks of *humiliation* (72-73) and *mortification* (92). Given this array of emotional manifestations, I doubt that there is any single type of phenomenological experience common to all, or even great majority, of cases of Agent-Regret.¹⁰

C. *The Evaluative Component of Agent Regret*¹¹

On Williams account, *the constitutive thoughts of regret* are “something like” the following combination: (a) “how much better if it had been otherwise”; (b) “some conception of how things might have been otherwise”; and (c) “consciousness of how things would then have been better” (“Moral Luck” 27). While perhaps sufficient for Regret-in-General, this characterization is insufficient for Agent-Regret. In Agent-Regret one prototypically thinks that “one might have acted otherwise, and the focus of the regret is on that possibility, the thought being formed in part by *first-personal* conceptions of how one might have acted otherwise” (27; emphasis added).¹² Thus, what we will call the “Constitutive Thoughts of Agent-Regret,” which are present in prototypical cases, must be something like the following.¹³

- CTAR₁:** (a) The thought that, given the nature or consequences of my action, how much better if I had done otherwise;
 (b) some conception of how I could have done otherwise such that the nature or consequences of my action would have been different; and
 (c) consciousness of how things would then have been better

had I done so.

In addition, Williams clearly thinks that Agent Regret involves taking oneself to be, in some sense, accountable for one's actions and their consequences. In the case of unforeseeable harm, at least, this accountability gets its initial grounding in the fact that one's action caused the harm. "Those who have been hurt need a response; simply what has happened to them might give them a right to seek it, and where can they look more appropriately than to you, the cause?" (*Shame and Necessity* 70).

Everywhere, human beings act, and their actions cause things to happen, and sometimes they intend those things, and sometimes they do not; everywhere, what is brought about is sometimes to be regretted or deplored, by the agent or by others who suffer from it or by both; and when that is so, there may be a demand for some response from that agent, a demand made by himself, by others or by both. (*Shame and Necessity* 55)

Thus, "in the story of one's life there is an authority exercised by what one has done, and not merely by what one has intentionally done" (69). "[T]he fact that you acted unintentionally does not, in itself, dissociate that action from yourself" (54). Moreover, "the significance of someone's life and its relations to society may be such that someone needs to recognize and express his responsibility for actions when no one else would have the right to make a claim for damages or be in a position to do so" (74).

None of this goes so far as to say that we are always and everywhere accountable for the consequences of our actions. Further, nothing in this account implies that we are *culpable*, in the full moral sense, for causing unforeseeable harms. However, aside from the discussion of what I call "the Reparative Response" in what follows, saying what it *does* involve would require a more extended analysis of Williams' critique of contemporary morality than can be given here.

D. The Behavioral/Expressive Component of Agent Regret

The behavioral component of an emotion concerns not only overt behavior but also its motivation. In Agent-Regret, both of these features manifest themselves in a way that is not characteristic of many other emotions in that it is an emotion of *retrospective* assessment. It is a response to what *has already been done*. Moreover, that which one has done, where it results in Agent-Regret, typically cannot be undone. However, verbal and behavioral manifestations of the *desire* to take some remedial *action* are characteristic *expressions* of Agent-Regret. Thus, in significant measure, the behavioral and expressive components of Agent-Regret merge.

To begin, Regret-in-General “necessarily involves a wish that things had been otherwise” (Williams, “Moral Luck” 31). For Agent-Regret this wish concerns, at least in part, one’s own actions, either in terms of their inherent nature or their consequences.¹⁴ Paradigmatically, it will take the form of wishing that one had not acted as one did (31).¹⁵ Given that one has *already* taken the harmful action, Agent-Regret will be manifested through apologizing and expressing sorrow and regret, as well as through expressing and enacting desires to make reparations to the harmed person or to their loved ones. One intends that these reparations have a significance other than mere compensation (28-29). Thus, the knowledge that the victim was receiving compensatory insurance payments would *not* alleviate the agent of the relevant desires (28-29). Where one cannot make suitable reparations, “the desire to make reparations remains, with the painful consciousness that nothing can be done about it; some other action, perhaps less directed to the victims, may come to express this” (29). This holds true even if no one has the right to demand recompense from the agent.¹⁶ We will refer to this entire syndrome of thoughts, feelings, motivations, expressions, and actions that includes and is connected with the desire to make reparations as the “Reparative Response.” The latter evidences and expresses the fact that, and something of the manner in which, one takes oneself to be *accountable* for such actions.¹⁷

IV. WALLACE’S ATTACK ON AGENT REGRET

A. Introduction

In his recent book, *The View from Here*, R. Jay Wallace has argued that there is no distinct phenomenon of Agent-Regret.¹⁸ We will consider each of his arguments in turn.

B. Claim: Agent-Regret Has No Paradigmatic Qualitatively-Distinct Phenomenological Component

Wallace first attacks the concept of AGENT-REGRET by arguing that it has no characteristic phenomenological component that distinguishes it from Third-Party-Regret (34–36). As we have seen, it is difficult to characterize this component of Agent-Regret, and Williams acknowledges that Agent-Regret can be manifested in terms of a number of emotions,¹⁹ so I will not contest this point.

C. Claim: Agent-Regret’s Phenomenological Component Has No Special Intensity

Next Wallace contends that Agent-Regret cannot be distinguished from Third-Party-Regret in terms of the intensity of the feeling involved. The parent of the child who was run over by the lorry driver, for instance, might experience regret with a deeper phenomenological intensity than does the lorry driver (34–36). This is true enough. However, it misses an important point. Holding everything else

constant, the intensity of the regret experienced by the agent of harm is likely to be more intense than would be that of a similarly situated third-party. Thus, if the child's parent were also the lorry driver, and not a third-party to the tragedy, we would expect the parent's regret to be all the more intense. Thus, everything else being equal, the agential relationship seems to heighten the intensity of the regret experienced.

To be fair, Wallace ultimately acknowledges that being the lorry driver is a factor likely to heighten regret. However, he construes agency as just another exacerbating factor, no different in kind from being involved by being an eye-witness or a loved one. Unfortunately, Wallace presents these claims as mere question-begging assertions. This is precisely the question at issue, and not an assumption to be made. Moreover, Wallace ignores the difference in the specific types of thoughts, memories, imagined alternative scenarios, and various types of reminders and environmental stimuli—largely centered around the fact that the one was, in fact, the agent of harm—that differentially trigger, exacerbate, and alleviate the phenomenological intensity of Agent-Regret as opposed to Third-Party-Regret. Thus, at the appropriate level of granularity, there is a difference in the intensity of the phenomenological component of Agent-Regret and Third-Party-Regret.²⁰

D. Claim: Agent-Regret Has No Significant Evaluative Component

Wallace goes on to argue that Agent-Regret cannot be carved out as a suitable category in terms of the thoughts that it characteristically involves. He does acknowledge that the lorry driver would have an indexical thought partially constituting his regret which would, in principle, be unavailable to third parties. However, he then asserts that “it isn't obvious that emotions of retrospective assessment that involve such indexical thoughts really constitute an interesting *natural kind* of psychological phenomenon” (36; emphasis added). This is an extraordinary claim to make without more. First, it is not clear that we should take seriously this concern about natural kinds given that it is doubtful that the emotions as such form a natural kind.²¹ As to whether Agent-Regret is an “interesting” kind, Williams' extensive writings about contemporary and Ancient Greek moral psychology shows it to be very interesting indeed (*Shame and Necessity*; “Moral Luck”; *Ethics and the Limits of Philosophy*). Of course, I cannot substantiate this claim in detail within this paper, so I invite you to read Williams' work and judge for yourselves.

Moreover, I think that Wallace grossly mischaracterizes the relevant thoughts. He asks, rhetorically, “Is it just the indexical thought that it was my agency that gave rise to the unfortunate event?” This, of course, is an absurd caricature. In the throes of regret, the lorry driver is not likely to think “It was my agency that gave rise to this unfortunate event of the child being run over.” First, this mischaracterizes the indexical. The driver is going to think “I did . . .,” not “It was my agency that gave rise to . . .” Moreover, we need to specify the “unfortunate

event” in its particularity and with the vivacity that it is likely have for the driver. “I ran over the child. I have killed the child.” are thoughts whose poignancy is not captured by Wallace’s characterization. Beyond that, Wallace simply misses the complexity of the evaluative component of Agent-Regret as set forth herein.²²

E. Claim: The Joint Operation of the Evaluative and Phenomenological Components Fails to Establish Agent-Regret as a Significant Category

Wallace then suggests—I think rightly—that Williams’ wants to distinguish Agent-Regret from Third-Party Regret in terms of the phenomenological and evaluative components operating in combination. He contends that Williams grounds his account of Agent-Regret in the fact that “[o]ne’s history as an agent is a web in which anything that is a product of the will is surrounded and held up and partly formed by things that are not” (Williams, “Moral Luck” 29; qtd. in Wallace 37). Wallace acknowledges this, but contends that a more adequate view would fully recognize that “[o]ur web-like history as persons . . . extends in two directions, involving nonvoluntary causal influences on us as well as nonvoluntary causal effects that are brought about through our agency” (37). Wallace then claims that “there ought to be a form of regret that is adequate to both of the ways in which we are linked to the larger network of events within which we operate” (38).

However, to the extent that this last claim involves a normative-rational ought, rather than a descriptive-predictive ought, it does nothing to make Wallace’s descriptive case. Construed as an argument for a descriptive claim, this seems little more than question-begging assertions. Moreover, Wallace offers an unconvincing account of our experience. The distinction between what merely happens, (which can produce Third-Party-Regret) and what we do (which can produce Agent-Regret) is perhaps the most fundamental categorical distinction moral psychology. We even make a major distinction between harms we have *done* to someone and harms we have *allowed* to happen to someone, and the more attenuated that sense of *allowing* the more the phenomenon is assimilated to the purely passive stance.

Of course, Wallace cannot really consistently maintain that agency plays no special role in regret, for he acknowledges that remorse is appropriate for some *intentional* actions whereby we inflict harm. He then presses the conventional distinction between culpability and remorse for intentional harm and non-culpability and the inappropriateness of remorse for harm that was unforeseeable.

Once again, Wallace makes a question-begging move. No one denies that there is an important distinction to be made here. But that does not entail that there isn’t also an important distinction between what I cause to happen (even unforeseeably), including harm, and what merely happens irrespective of what I do or don’t do, including harm. Consider cases of self-defense where the aggressor is not morally culpable. Perhaps he is suffering from involuntary intoxication or the unexpected and sudden onset of psychosis, or even seizures such that the movements of his

body are mere automatisms. Nonetheless, if such a person is about to harm another, we generally take it that the would-be victim, or a bystander, may use appropriate force, including lethal force, to protect the potential victim. By contrast, consider a case where an aggressor could only be prevented from committing homicide by a “kill shot” aimed at his “human shield,” in which case he could be made to surrender. We would find it much more morally troubling to use lethal force against the passive, morally-innocent human shield than we would against the active, morally-innocent aggressor. We hold the innocent aggressor liable in a way that we don’t the passive shield, and this liability is *not* purely compensatory. We don’t, for instance, require that force not be used against the innocent aggressor and that the victim or his heirs bring a law suit for monetary damages. As a matter of descriptive moral psychology, agency matters.

F. Claim: The Joint Operation of the Evaluative and Behavioral/Expressive Components Fails to Establish Agent-Regret as a Significant Category

Finally, Wallace acknowledges that Williams lays great stress on the Reparative Response in differentiating Agent-Regret from Regret-in-General. Here Wallace’s challenge is primarily to the normative appropriateness of Reparative Response *as such* in cases of unforeseeable harms. However, from the descriptive standpoint, with which we are concerned in this paper, it does seem to be a substantial part of our moral psychology. Moreover, as Williams writes, we would think poorly of the lorry driver were he, from the outset, to regard what has happened solely as *an unfortunate event*, rather than also *something he has done*, something that leads him to engage the Reparative Response.

V. CONCLUSION

I have argued that, contrary to Wallace’s contentions, Agent-Regret is a distinct, significant feature of our moral psychology. This distinctness comes largely through its evaluative component, which originates with its characteristic indexical thoughts, which thoughts play a large role in triggering, and modulating the intensity of, the phenomenal quality of emotional distress involved. Together these elements express themselves through the Reparative Response.

NOTES

1. Technical or formal terms are capitalized, even if they are not capitalized in the original text. When a term designates a concept, it will appear in SMALL CAPS. I will follow Williams’ convention of hyphenating “Agent-Regret.”

2. In order to more conveniently work with the quoted texts, I have used the masculine pronoun.

3. Although agents causing foreseeable, though not purposely inflicted, harms can suffer Agent-Regret (i.e., Agent-Regret that is not remorse), in this paper we will consider only unforeseeable harms.

4. Williams focuses on cases where the agent is clearly the proximate cause of a harm that is both obvious and grievous. (Williams uses the phrase “immediate cause,” rather than “proximate cause”) (*Shame and Necessity* 54). Further, he focuses on harm done by human agents to persons, though there may be other sorts of harm that are relevant. Specifically, he focuses on agents who bring harm to persons other than themselves. Finally, Williams focuses on the accountability of the agent, rather than on the victim. In some kinds of cases, one might take it that the victim is at least partially at fault for putting himself in harm’s way, so to speak.

5. In Williams usage, the actions of the lorry driver fall within the ambit of the involuntary in that they are “involuntary through ignorance” (“Moral Luck” 28). We will follow the clearer and more common usage and say that the lorry driver’s action was voluntary, but that the relevant consequences were neither intended, foreseen, nor reasonably foreseeable.

6. There are differing views as to which of the commonly recognized components are essential to emotion.

7. I take it that a “characteristic” or prototypical phenomenological component of Agent-Regret is sufficient for our purposes. Hence, we needn’t maintain that there is a phenomenological quality that is either unique to Agent-Regret nor one that is a necessary component of any instance of Agent-Regret.

8. For instance, he writes that “sentiments of agent-regret are different from regret in general, such as might be *felt* by a spectator” (“Moral Luck” 28; emphasis added), and that Agent-Regret is something that “a person can *feel* only toward his own past actions” (“Moral Luck” 27; emphasis added). Unfortunately, Williams does not directly characterize—in *general terms*—the sort of phenomenological state that is present in Agent-Regret, other than by attempting to locate the concept in relation to the more familiar concepts of REGRET-IN-GENERAL and REMORSE. Otherwise, he uses evocative examples to try to make the relevant feeling or feelings clearer.

9. In the broader context of his analysis, he also contends that “[o]ne way in which we can be helped [is] by the [ancient] Greek conception that brings (something like) guilt under the wider conception of (something more than) shame” (*Shame and Necessity* 92).

10. While I do not take this argument to provide conclusive proof of its conclusion, it can do no injustice to Wallace in that it amounts to conceding the point to one of his criticisms of Williams.

11. This component has sometimes been conceptualized as a judgment or as some other form of cognitive evaluation (Scarantino and Sousa, secs. 2, 5, 6). This analysis falls within that broad tradition, without committing to a precise specification of the nature of this cognitive component. This cognitive evaluation has been held to be either a cause of the relevant emotion or constitutive of it. Based on Williams work, I take it that the cognitive elements described in this section are at least partially constitutive of prototypical cases of Agent-Regret.

12. This thought is *only* “prototypical” in that it is not necessary that the thought be that it would have been better, all things considered, if one had acted otherwise. One can have Agent Regret even when one has, all things considered, done what one ought. The

action need only have had some regrettable aspect or regrettable consequences. “Regret necessarily involves a wish that things had been otherwise, for instance that one had not had to act as one did. But it does not necessarily involve the wish, all things taken together, that one had acted otherwise” (Williams, “Moral Luck” 31). For instance, one may face a moral dilemma where one does that which is best, but that still involves doing something wrong (Williams, “Moral Luck” 31).

13. As to why this applies *only* to “prototypical” cases, see note 12. The “Constitutive Thoughts of Agent-Regret” for non-prototypical cases would be as follows.

- CTAR:** (a) The thought that, given the nature or consequences of my action, how much better if taking the action I ought to and did undertake did not have the regrettable aspects or consequences that it did;
(b) some conception of how the situation could have been different; and
(c) consciousness of how things would then have been better had the situation been different.

14. When specified generically, the content of this wish must be characterized in this disjunctive fashion. See notes 12 and 13 and accompanying text for an explanation.

15. This is *only* the *prototypical* content of the wish. See notes 12 and 13 and accompanying text for an explanation .

16. “[T]here is an aspect to responsibility, which comes out if we start on the question not from the response that the public or the state or the neighbors or the damaged parties demand of the agent, but from what the agent demands of himself” (*Shame and Necessity* 68). “[T]he significance of someone’s life and its relations to society may be such that someone needs to recognize and express his responsibility for actions when no one else would have the right to make a claim for damages or be in a position to do so” (*Shame and Necessity* 74).

17. The agent’s judgement of accountability was discussed in §III.C.

18. Wallace also claims that the phenomena typical of Agent-Regret, to the extent that they bespeak moral accountability, are normatively unwarranted. I will not engage with this claim in this paper. This paper analyzes Agent-Regret only in *descriptive* terms.

19. This is discussed in §III.B.

20. Wallace also expresses his argument in a manner that obscures the significance of agency as such. This is brought to light in §§IV.E, IV.E, and IV.F.

21. EMOTION is probably a family-resemblance concept (“Emotion” 259).

22. This is discussed in §III.C.

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