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The Normative Justifications of Regret

DISSERTATION

submitted in partial satisfaction of the requirements  
for the degree of

DOCTOR OF PHILOSOPHY

in Philosophy

by

Aaron Briley

Dissertation Committee:  
Assistant Professor Jeffrey Helmreich, Chair  
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Professor Aaron James

2019



## **DEDICATION**

To my grandmother, Margaret Bennett  
*in memoriam*

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Finally, although I have benefitted from a wide network of thoughtful scholars, all of the errors contained herein are completely my own and should not be attributed to anyone else.

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# **ABSTRACT OF THE DISSERTATION**

The Normative Justifications of Regret

By

Aaron Briley

Doctor of Philosophy in Philosophy

University of California, Irvine, 2019

Assistant Professor Jeffrey Helmreich, Chair

Regret is a negative emotion that we generally experience after acting in ways contrary to our normative standards. Many scholars argue that this emotion has little, if any, practical or moral justification. As a result, it is on-balance unwarranted. Some scholars argue that regret is simply adding an additional pain to the first pain (when the regretful action was made) and is therefore impractical and unreasonable (Bittner 1992). Others argue that most of the regret we experience is inappropriate. If we regret what happens in the past from our current psychological and normative framework, it is inappropriate because we are no longer the same person, in the relevant way, who transgressed (McQueen 2017). However, little research has directly addressed the normative and practical justification of regret from the standpoint of one's current value system.

My project considers how regret should be viewed and why it is valuable. It also reorients the literature toward a more straightforward understanding of regret and regretting that most people appear to experience. In Chapter 1, I consider the regret skeptic and the common objections to regret. In Chapter 2, I consider how regret has been misunderstood and seek to consolidate a coherent and consistent definition. In Chapter 3, I

defend regret on the grounds that there is value in acknowledging the regretful act because of the way it activates and reorients us to what we value. I also show that there is value in learning from regret. This not only applies to making better choices in the future but also to improving our character as a result. In Chapter 4, I defend the view that being able to display regret is a social commodity because of its regulative and symbolic functions. The regulative and symbolic effects of regret are useful in our social and legal practices. It is only when we are in a position to consider the normative and practical benefits of regret that we are able to consider whether or not it is worth the pain.

## INTRODUCTION

Why regret? That is, why regret at all? If one were to consult popular culture and self-help books the advice would be against regret. Everything from YOLO (“you only live once”) to FOMO (“fear of missing out”) to the slightly less popular *carpe diem* works to prevent this feeling in the first place. Part of the reason, I suspect, is that regret is understood as being unduly hard on oneself, i.e. “beating oneself up,” and this does not seem desirable or reasonable. This sentiment is also echoed in the literature. Spinoza, and his intellectual successors, consider regret to be essentially a bad feeling after an event; an event we can no longer change. And, since past events are not open to revision, it would seem like a waste of time to be pained by them. Moreover, given this unmitigated pain, it could make sense to develop a pill to erase all regretful memories and the pain they induce, then of course to take the pill. Erasing bad memories is incredibly popular. Movies that play on this desire, such as *Eternal Sunshine of the Spotless Mind*, have cult followings.<sup>1</sup>

In response, I want to explore reasons we should regret. That is, I want to provide a justification for regret which will show it is reasonable to endure the attendant pain. There are three individually sufficient reasons in favor of feeling regret: value-in-recognition, value-in-recognition-learning, value-in-social display. Acknowledging one’s past misdeeds involves an assessment from one’s current point of view. As I explore in some detail, the process of bringing to bear our current normative standards on the events of the past helps to reaffirm our values. This, I argue, is valuable in itself. Second, what we gain from this painful exposure of acknowledging our misdeeds helps to fortify us against similar mistakes in the future. In

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<sup>1</sup> It is rated a top film of the 21<sup>st</sup> century by numerous organizations and many sites claim it to be a cult favorite. See: <https://www.joe.ie/uncategorized/cult-classic-eternal-sunshine-of-the-spotless-mind-33102>

addition, our characters are strengthened through this learning process and we become better, more virtuous agents because of it. Third, regret, specifically its display, communicates information about the agent who feels it. This information is valuable in all forms of interpersonal interaction where regretful feelings are appropriate. Displays of regret are useful to those members where regret should be displayed and where others want authentication. This is because the display of regret communicates our internalized normative conditions. Our relationships with others depend on the accessibility of this information.

The structure of my dissertation will consist of four parts:

Part 1: I respond to the skeptic. Spinoza and the neo-Spinozians claim that it is unreasonable to feel regret for various reasons. Here I outline their argument, then challenge the basic assumption on which it rests. Namely, I challenge their claim that moral facts are amenable to similar cognitive mechanisms as non-moral facts. Ultimately, I rely on Gary Watson's view, among similar others, to argue that recognizing moral facts is a non-contingent type of valuing.

Part 2: Here I set out my own view of regret while considering other prominent views in the literature. I show that at least one prominent theory of regret vindicates the skeptical concerns of the prior chapter. I end with what I take to be a promising account of regret not only to resist the skeptics but also to have explanatory power when encountering unusual cases in the literature, such as the well-meaning psychopath and the thorny issue of agent-regret.

Part 3: I argue, against the skeptics, why we should experience regret. Here my account is divided into two parts: value-in-recognition and value-in-recognitional learning. Recognition is a process where the agent recognizes the values or reasons on which he failed to act. As I explicate, through this process, he gains the values of clarity and self-reconciliation. These

values are explored through two fictional cases: a scene from the Iliad and the case of agent-regret.

Part 4: I argue for the social value of displaying regret. Here, I show that displaying regret in a social domain is akin to a performance and because of this differs in kind and not degree from regret's personal manifestations. By analogy to etiquette, I argue that regret has the values of regulating social interactions and symbolic representation. Both values are means to achieve more social harmony. I then address the potential objection of the well-behaved psychopath who seems insincere in his actions. This is because his life's purpose and his speech acts do not seem authentic. After discussing various responses, I conclude that the well-behaved psychopath does meet conditions for authenticity, both in his broader behavior and in his speech acts.

## Chapter 1: Skepticism: Regret, Who Needs It?

### I. Introduction

The value of regret is denied both in and out of academia. Many commentators hold that there are no adequate grounds to regret and therefore question the moral and practical legitimacy of the emotion. I will refer to them as “skeptics” in the sense that they deny regret has value. That is, they deny that there are adequate grounds on which one should regret.<sup>1</sup> In this chapter, my goal is to outline claims made against the value of regret and indicate why I find them unconvincing.<sup>2</sup> I consider three positions that deny the value of regret. They are: regret as impractical, regret as inappropriate and regret as inherently bad.

The first position claims that regret serves no practical function. Rudigar Bittner, Spinoza, Nietzsche et al. argue that regret is impractical and we are better off without it. The second position denies the appropriateness of regret. Here, I focus on Paddy McQueen who argues that regret is appropriate only in cases where the regretful feeling and its object have the right relation. If these relations are not maintained, then the emotion is inappropriate. The type of aberrant relation under consideration is what I call “act-value asynchronicity.” The final position is that regret is inherently bad. Given the choice, we should always prefer the good over the bad. Therefore, we should always choose not to regret instead of regretting.<sup>3</sup>

These positions are not intended to be exhaustive. Admittedly, there are many objections against regret one can make depending on the discipline and context in which it appears unsatisfactory. For example, the disciplines of economics, psychology and literature have much

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<sup>1</sup> This assumes that they are speaking about the same thing when using the word “regret.” I define regret in the following chapter.

<sup>2</sup> My full response, however, is presented in subsequent chapters where I argue that regret is justified on both prudential and normative grounds.

<sup>3</sup> This is to be differentiated from the first concern in that the first is impractical and therefore bad, while the other is bad whether or not it produces satisfying effects.

to say about the benefits and harms of regret but are not considered here. Instead I focus on what appears to be prominent in the philosophical literature.

One more point to be raised at the outset. There is a type of skepticism toward regret prevalent in the culture that seems to equate regret with the more extreme versions of self-blame, obsessive reflection, inordinate suffering and in some cases complete mental breakdown. While these conditions are possible, they represent something beyond the norm and will not be the focus of this chapter. I am concerned with the emotional experience that results from recognizing that a past action violates one's current values. Recognizing that this occurred, i.e. recognizing that one has acted in a way that is inconsistent with one's current self, causes a negative emotional response. The intensity of the response is undetermined. It is a mistake to equate this emotion with its extremes while undervaluing or ignoring the less extreme, standard instances. The less extreme versions are my target.

## II. Regret as Impractical

In "Is it Reasonable to Regret?" Rudigar Bittner argues that regret is unreasonable on the grounds that it is both bad and impractical.<sup>4</sup> First, it is bad because it is a negative emotion and we should not bring more negativity into the world.<sup>5</sup> Second, it has no practical value – although it may coexist with practical benefits, regret is not doing any of the heavy lifting, so to speak. Hence, regret is unreasonable on both accounts. In this section, I focus on the impracticality of regret.

To put his objection in context, Bittner presents an argument in favor of regret's usefulness. I will outline this argument, then show why Bittner rejects it. Regret is useful because it makes us more prone to behave better in the future: "To regret something bad that one did is

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<sup>4</sup> Rudiger Bittner. "Is It Reasonable to Regret Things One Did?" *The Journal of Philosophy* 89, no. 5 (May 1992).

<sup>5</sup> This is addressed in the latter section of this chapter.

reasonable because it makes it more probable that one will do better in the future.”<sup>6</sup> The argument in schematic form:

P1. Regret causes one to recognize mistakes (because the negative affect directs one’s attention to the misdeed)

P2. If one recognizes mistakes, one is more likely to learn from those mistakes

P3. If one is more likely to learn from those mistakes, then it is more probable that one will do better in the future

C. Regret makes it more probable that one will do better in the future

On its face, this argument seems sound. Moreover, something like this is claimed in the current psychological literature.<sup>7</sup> Regret seems to improve our future behavior because the pain we feel is uncomfortable and we act in ways to avoid its repetition.<sup>8</sup>

However, Bittner disagrees:

Regret does not in fact make doing better in the future more probable. The impression that it does arises from a confusion of...[a] reasonable person who does not regret with an immoral or heartless one. No doubt somebody who does not see anything wrong in what he did or has no sense for the suffering he caused is likely to do similar things again. That is not the case of the reasonable person who does not regret, however. He understands what he did, he knows that it was bad, it just does not pain him.<sup>9</sup>

Bittner resists P1 in the above argument because he disagrees that the negative affect necessarily directs one’s attention to the misdeed. It is a confusion to think that only people who regret care about their misdeeds – those who do not regret also care. Bittner’s point is that without regret one can still care about what happened, if one is reasonable, attend to it, learn from it and not repeat it in the future. All of the benefits of regret can occur without the negative feeling because that is not a necessary condition for recognizing a prior misdeed.

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<sup>6</sup> Bittner, “Is It Reasonable to Regret Things One Did?” 266.

<sup>7</sup> Claims like this are made in the psychological literature on regret. See: Marcel Zeelenberg. "Anticipated Regret, Expected Feedback and Behavioral Decision Making." *Journal of Behavioral Decision Making* 12, no. 2 (1999): 93-106. Regret theory in economics has also shown that people can seek ways to correct the regretted behavior after it has happened or they can affect their choices before the decision is made through anticipating the regret that would come if they make a particular choice. See: Graham Loomes and Robert Sugden. "Regret Theory: An Alternative Theory of Rational Choice Under Uncertainty." *The Economic Journal* 92, no. 368 (1982).

<sup>8</sup> However, whether it *is* the case does not imply that it *should* be the case, nor does it imply that it is the case necessarily.

<sup>9</sup> Bittner, 267.



However, this objection is problematic. It assumes that during an act of evaluating our past experiences it is possible to isolate (and disregard) the affective component. This assumption need not be true. Many have argued that this is not the case because any act of attending to normatively described states of affairs involves an attendant emotional response. If this is the more reasonable understanding, then Bittner's skepticism would be unjustified.<sup>10</sup>

Regret is also said to be practical because it helps to retain our sense of self.<sup>11</sup> In this way, regret is useful as a means to maintain our diachronic identity. In his discussion of agent regret, Bernard Williams states that not identifying with our past actions undermines our self in an important way.<sup>12</sup> Here, Williams is referring to unintended actions which result from intentional ones, e.g. intending to drive a truck but unintentionally hitting a boy who wanders in the street. All of our past actions are part of our identity because they contribute "to the sense of what one is in terms of what one has done and what in the world one is responsible for, one must accept much that makes its claim on that sense solely in virtue of its being actual."<sup>13</sup> The claim is that our choices and actions implicate our identity although it may be difficult for us to accept. And, according to Williams, this is appropriate because if we had not chosen and acted, the effects – even remote ones – would not exist.

Although Williams takes a controversial stance on the status of unintentional actions and whether or not these are constitutive of our personal identity, his thought about the relationship between what we do and who we take ourselves to be still stands. If we fail to affirm our past choices, and if we are a product of those choices, then we are failing to affirm aspects of our

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<sup>10</sup> I argue for this position in later chapters. My argument draws on the works of Gary Watson (1975) and Pamela Hieronymi (2001).

<sup>11</sup> This can also be seen as a moral reason insofar as character traits are virtues and virtues are moral. However, since virtues of character can have real world effects, I will consider them to be practical in this sense.

<sup>12</sup> Bernard Williams. *Moral Luck: Philosophical Papers 1973–1980*. (Cambridge: Cambridge University Press, 1981).

<sup>13</sup> Williams, *Moral Luck*, 125-126.

current identity. And failing to affirm unappealing past choices “suggest[s] a large falsehood: that we might if we conducted ourselves clear-headedly enough, entirely detach ourselves from the unintentional aspects of our actions...and yet still retain our identity and character as agents.”<sup>14</sup>

However, Bittner objects that regret is necessary to unify one’s identity. He agrees with Williams that losing one’s identity and character as an agent is too morally costly. And both seem to agree that one’s identity is connected to one’s past choices. The difference is seems to be on whether our identity is necessarily connected to our past choices. Bittner thinks that we are not confined to our past if we refuse to be. For him, our identity is rooted in agency and we can choose to be whoever we want irrespective of our rigid past.

He states:

If your identity and character as an agent is something you may retain or fail to retain, then the option of retaining cannot be recommended on the grounds that thereby you acknowledge the truth about you...If you are in the position to retain or not, then you are not in the position to stay true to yourself by either retaining or not retaining. "You must become who you are," Nietzsche said, but *the pathos of truth to oneself rests on an assumption, namely, that there is such a self to be true to, which it precisely undercuts, namely, by understanding truth to oneself as merely one option among others*. Thus, Williams's warning that by not regretting we fail to retain our identity and character as agents turns out to be another case of frightening the children (italics mine).<sup>15</sup>

There is some validity to the claim that the past events with which to identify is up to us and that our identity does not merely entail the blind aggregate of our choices or the circumstances into which we were thrust. There are some choices that do not resemble who we really are, yet under certain conditions we nevertheless make them. Those choices that are willful but made under adverse conditions would fall into this category.<sup>16</sup> If I value human life, yet kill a home-intruder

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<sup>14</sup> Williams, 125-126.

<sup>15</sup> Bittner, 270. The quote of Nietzsche is from *The Gay Science*, as quoted by Bittner.

<sup>16</sup> Aristotle called these “countervoluntary” as to be differentiated from “involuntary” and “voluntary.” Broadie, Sarah, Christopher J. Rowe, and Aristotle. *Aristotle, Nicomachean Ethics*. (Oxford: Oxford Univ. Press, 2002).

because I think he will harm my family, I have taken a life and I am a killer. Looking back, it may be reasonable to subtract this act from the ledger of my actions that constitute my identity because there is a sense in which this does not represent who I am. This is not what I would do under ordinary conditions.

However most regret does not fall into this category. Most choices we make are not the result of hostile circumstances. Rather they are the result of misbehaving under ordinary circumstances. The insight from Bittner and others is that we can learn how to grow from our past mistakes to form ourselves into our own image.<sup>17</sup> What we cannot do is rewrite our histories to change what we have already become. We can take the past and use it to mold the future. We cannot try to manipulate the past and use it to deny or reform the present. Contrary to Bittner, we are the inevitable result of the choices we made whether we refuse to identify with them or not.

Another related issue is that of minor mistakes. Perhaps, Bittner's insight is that small deviations from our values do not, and should not, factor significantly into our identity. This is because there is generally some latitude with respect to our normative principles – there is an acceptable range of behavior within which there is no cause for concern. Actions that are within this range but near enough to unacceptable behavior and actions that are beyond this range but close enough to acceptable behavior would be borderline regretful. But they are minor transgressions because the deviation from what is considered acceptable behavior is minor. Our identity should not be threatened by these transgressions (or near transgressions) because of their close proximity to the acceptable instantiations of the relevant normative principle. Such trivial errors are best dismissed because they do not reflect in a significant sense who we are.

However, this too is not definitive for dismissing all of our past decisions. It depends on what the minor fault is and whether it reflects a more significant character flaw. Insofar as it is

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<sup>17</sup> I am referring to the existentialists who hold this radical view of choosing to be what we want.

not reflective of who we are, it should not be (and in most cases is not) a part of our identity. This seems to be the insight at the core of Bitter's concern. But it does not mean that we can dismiss serious faults or that we can dismiss minor errors that are indicative or symptomatic of larger character defects. These should not be dismissed because they *are* integral to who we are.<sup>18</sup>

### III. Regret as Inappropriate

Another objection is that regret is ill-fitting or inapt in at least some circumstances. This line of criticism does not reject the emotion completely, it only rejects the emotion under certain conditions.<sup>19</sup> Paddy McQueen in "When Should we Regret?" argues that the appropriateness of regret is conditional.<sup>20</sup> McQueen suggests that we should use what he calls the "justified decision perspective" which considers our practical identity and epistemic context at the time of acting as a means to determine when regret is appropriate. He states:

[R]egret is inappropriate, and thus should be rejected, if the agent who is subject to regret about an action, A, was justified in undertaking the action at the time it was made, regardless of how she later feels about A. By 'justified' I mean supported by reasons grounded in an agent's practical identity that were epistemically available to her when she was deciding what to do."<sup>21</sup>

His view is that one needs coherence between one's actions and one's reasons for acting *at the time one acts* for appropriate regret. For example, suppose someone grew up with a particular political view and voted in ways consistent with that view which subsequently helped to create a certain legal and political climate. Now, 20 years later, he is ashamed of the legal and political effects of his prior actions and regrets what he did. McQueen claims that this type of regret is

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<sup>18</sup> I return to this point in chapter 2.

<sup>19</sup> There could be stronger versions of this type of "aptness" skepticism which could rule out any form of regret. Such radical views are those that attack the memories on which regret is based, asceticism, i.e. deliberate acts of self-denial, which denies the feeling of emotion, and perhaps any type of position opposed to the validity of the senses or opposed to realism about the external world.

<sup>20</sup> Paddy McQueen. "When Should We Regret?" *International Journal of Philosophical Studies* 25, no. 5 (2017): 608-23.

<sup>21</sup> McQueen, "When Should We Regret?" 611.

inappropriate because what matters is the consistency between an agent's actions and values at time of acting.

In contrast, suppose:

David typically avoids alcohol because he does not like its taste and he reacts badly to it. He gets intoxicated quickly, is an annoying drunk and has terrible hangovers. He goes on a first date with someone he finds attractive. His date orders a very alcoholic cocktail as an aperitif. In a bid to make a good impression, and against his better judgement, David orders one too. Soon after drinking it he is making inappropriate jokes, telling boring stories too loudly and generally making a very poor first impression. Waking up the next morning with a throbbing head, David strongly regrets his decision and angrily rebukes himself.<sup>22</sup>

In this case, David's regret is warranted because he knew at the time of acting that drinking alcohol was a bad idea because he has a strong tendency to act badly when he drinks. At the time, his goal was to make a good impression on his date and it was known to him that there was a high probability that drinking would impair his judgment. Regardless of how David now feels about drinking, his regret is justified because his values at the time he drank were violated. McQueen's position seems to imply an asymmetrical relationship between feelings and the values which ground them. On his view, one can violate one's values at  $T_1$ , feel bad about violating one's values at  $T_2$ , acquire different values at  $T_3$  yet still feel bad about violating one's prior values at  $T_1$ . In other words, one's feeling of regret is diachronic while the values that ground the regret are not.

One difficulty with this view is that it is unclear why we would feel regret if our values and practical identity have changed. Why would I still regret an action in the past if I no longer care about it? The worry is that our feelings and evaluations would fall into distinct categories.

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<sup>22</sup> McQueen, 612.

When an agent thinks about a past misdeed given his current (and different) normative standard, this evaluative normative framework is inoperative with respect to his emotional response. He looks back to the past with indifference. The upshot is that one must generate the emotional response to a prior misdeed even in cases where one's current normative framework does not support such emotions. One must feel regretful based on values one held in the past, irrespective of what one's values are in the present. This scenario does not seem plausible. Rather, evaluative judgments and the feelings they generate are coextensive.<sup>23</sup>

Another difficulty with this view is the inability to use regret to inform future choices. If my current state (e.g. my values, practical identity, etc.) is irrelevant to my feeling regret of a past action, then my current state cannot be influenced by my regret. And if this is true, then I cannot act on the basis of this to improve my future choices. This is because the pain from my past mistake acts as a cue to assist me in avoiding that behavior in the future. I remember what happened, it pains me and I use this as an input for future decision-making. Furthermore, the concept of improvement, itself, seems to rely on a reference point in the past – a reference point that is underappreciated by McQueen. When we improve we are comparing where we are now to an initial condition. It is through this comparison of our current values with our past values that we are able to evaluate our current state as an improvement or degradation. The point seems to be a conceptual one regarding the term “improvement.” It is relational term and requires one thing to relate to another. The concept of improvement is unintelligible otherwise. McQueen's account denies both the ability of past regrets to inform future choices and our ability to improve from past regrets.

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<sup>23</sup> See: Pamela Hieronymi. "Articulating an Uncompromising Forgiveness." *Philosophy and Phenomenological Research* 62, no. 3 (2001): 529 and Gary Watson. "Free Agency." *The Journal of Philosophy* 72, no. 8 (1975): 205.

However, McQueen's account does have its virtues. In specific cases we can look back on prior actions, consider the context, and realize that we should not beat ourselves up because nothing could have been done differently. It is insightful to capture temporally contextualized value-choices – if this were not the case, we would be burdened with regret from much childhood behavior (e.g. saying something mean as a 5 year old, indulging in temper tantrums, etc.). This insight should be retained while broadening McQueen's view to encompass my account of regret; namely, that one should feel regret when a prior misdeed is identified and evaluated from one's *current* values. To highlight the differences of our views, consider the following examples.

#### Scenario 1:

Fred is in high school and learns to read signs of disrespect from facial expressions. He interprets these social cues as invitations to physical confrontation and routinely obliges. This reflects the honor-based community in which he lives.<sup>24</sup> He is congratulated by his peers and feels pride every time he defends his honor by threatening physical violence on those who appear to show disrespectful facial expressions. Fred, now 20 years older, reflects on his behavior and how it led him to physical injury and ultimately to jail. He regrets how he thought and behaved.

On McQueen's account, Fred upon looking back has no basis for regret. His values at the time he acted were consistent with his behavior which is all that matters. Although Fred now sees all of the destruction his prior worldview caused, he is not in a position to feel bad for what happened. Conversely, on my account, Fred should feel regret because his prior actions violate his current values and his view of his own personhood is diachronic. That is, Fred sees himself as

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<sup>24</sup> This happens to be the case of many inner-city youths. They live in what has been characterized as an honor-based system. See: Elijah Anderson. *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*. (New York: W.W. Norton & Company, 2000).

the same person in a significant sense across time. My account also makes sense of Fred's regret now. On McQueen's view, Fred could not feel regret for that event. If he did, it would be illegitimate and unjustified.

Scenario 2:

Mary has an affair on her husband and is devastated when she realizes what she has done. Although there were many reasons for her feeling alone, vulnerable and unappreciated, she nevertheless values trust and fidelity. She regrets letting herself down. Unfortunately, 20 years later, Mary is going through her fourth divorce and she has come to the realization that love is a battlefield and it is every man for himself, so to speak. Now she values her immediate interests above another's, is cynically disposed toward romance and shuns altruistic gestures that couples typically display.

On my view, Mary would no longer regret the affair she had with her first husband that caused much grief. Her values are different now and she endorses infidelity. This means that she would not feel the pain associated with her remembrance. Looking back on her past, with her current values, does not produce a painful phenomenological experience. McQueen, however, would say that Mary still retains the regret of her youth despite not having the same values she had then. This would presumably be contrary to her current phenomenological experience.

The virtue of McQueen's view is that one is not morally or emotionally burdened by every errant decision made in childhood. Mistakes of judgement will necessarily appear when considering the event from the perspective of an adult and this should not be regretful. The virtue of my account is that it appreciates and takes seriously the emotional and moral continuity we feel when we often have regretful feelings. Moreover, on my view, regret functions to inform our decision making process. We can improve from what we have done in the past and regret



facilitates this process. Together, both of these views are complementary and capture a broader phenomenon of regret.

#### IV. Regret as Bad

The final type of objection considered is the view that regret is bad. Not “bad” in the sense that regret is unreasonable – all of the skeptical positions would agree to that. They would agree that regret is unreasonable on the basis of it being impractical or inappropriate, and for this reason they would agree that regret is a bad thing. The objection here is that regret is bad because it adversely affects one’s character.

Paraphrasing Spinoza, Bittner states: “To regret what one did is to be twice miserable’ means: a person is first miserable because he did something bad, and he is miserable a second time because he is in pain over what he did.”<sup>25</sup> The idea is that pain is bad and bringing more of it into the world is worse because it affects our character regardless of the consequences that result from the pain. One way of understanding this objection is to think about the impact this pain and/or negativity has on our psychology. Specifically, the impact is has on our decision-making processes. On a virtue ethical account, our practical reasoning and our dispositions are good if they perform well under the right conditions, in the right way, for the right reason, etc.<sup>26</sup> However, when we regret, these capacities are comprised. This is a reason to deny the value of regret.

Such an idea is not far-fetched. Our contemporary understanding of how the mind works suggests that regret can impair our practical reasoning and character dispositions. Regarding the first, studies show that people engage in riskier behavior, i.e. their practical decision making is

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<sup>25</sup> Bittner, “Is It Reasonable to Regret Things One Did?”

<sup>26</sup> Aristotle frequently adds these types of specifications to stress the conditional nature of virtuous action. See: NE 1104b25-27.

more incautious, when they regret a missed opportunity.<sup>27</sup> Essentially, they attempt to “make-up” for missed opportunities by making choices where the perceived upside is bigger than it would normally be. This implies a greater downside and greater risk.<sup>28</sup> Regarding the second, studies have shown that negative psychological states can lead to coping mechanisms called negative distracters.<sup>29</sup> A distracter is a mental technique that redirects one’s attention from the negative thought believed to be responsible for the negative psychological state. Positive distracters are what agents consider positive distracting thoughts and negative distracters are negative distracting thoughts. With the use of negative distracters, a study found that:

[A]lthough depressed college students were initially successful in suppressing negative material, they eventually experienced a resurgence of unwanted negative thoughts. Analysis of subjects' stream-of-consciousness reports indicated that this resurgence was associated with the use of negative thoughts as distracters from the unwanted item.<sup>30</sup>

What the college students discovered was that negative psychological states led to negative distracters which in turn led to the resurgence of the negative state. It is a circle of negativity. Insofar as the inability to suppress negative psychological states affects the context in which one performs virtuous (or any other) actions, one’s character is impaired from continually being in a bad state. Regret, it can be argued, plays a significant role in bringing about this bad state.

In response to the suggestion that regret only serves to make us miserable, this is only plausible on a mischaracterization of regret. Regret is more than just a “miserable” feeling. If this feeling encompassed the totality of regret, then there would not be much in favor of the emotion. However, regret is not an emotional feeling that supervenes on the experience of looking back on

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<sup>27</sup> Aidan Feeney et al. “Knowing when to hold ‘em: regret and the relation between missed opportunities and risk taking in children, adolescents and adults,” *Cognition and Emotion*, 32:3, (2018): 608-615. Brassens et al. (2012) “showed that people take greater risks if they realise that previously cautious behaviour caused them to miss an opportunity to gain a larger reward, which they take to indicate regret responsibility in decision making.” “Regret responsibility” is the degree to which agents modify their future decision making in light of the regret they feel.

<sup>28</sup> Risk is being understood as the scope of potential loss. Hence, the bigger the potential loss, the bigger the risk.

<sup>29</sup> Wenzlaff, R. M. et al. “Depression and mental control: The resurgence of unwanted negative thoughts.” *Journal of Personality and Social Psychology*, 55(6), (1988): 882-892.

<sup>30</sup> Wenzlaff et al., “Depression and mental control,” 882.

what we did, learning from it and using it to guide future behavior. It is part of the very process itself. In all stages of the process, this emotional feeling is necessary. It is necessary to evaluate salient events in our lives, to learn from our experiences and to prevent us, on pain of repeating the experience, from choosing similar courses in the future. The error of this view is to reduce regret's multifaceted nature to just a painful feeling. A fuller treatment of how the cognitive and emotional aspects of regret interrelate are discussed in the chapter where I define regret.

In response to the claim that stated a.) regret distorts our practical-decision making capacity and b.) regret distorts our character by skewing our dispositional orientation, our virtues are actually strengthened in these two respects not weakened. The claim that regret distorts our practical-decision making capacity is accurate under certain conditions but not others. When one makes a suboptimal decision while regretting, one relies on other suboptimal or errant traits to carry out the decision. Hence, this is not a failure of regret but a failure of the entire network of character traits, e.g., prudence, moderation, etc., that condition how one's regret will be expressed. The context under which practical-decision making occurs is morally multifactorial. Agents are not confronted with one feeling (e.g. regret) which then results in one response (e.g. risky behavior). Instead, agents are confronted with the "complexity of the moral status of particular instances of risk-taking and [their] responsiveness to these contextual features."<sup>31</sup> How regret is assimilated into our preexisting moral and psychological framework will depend on the strength or weakness of that framework. If the framework is robust and virtuous, then regret will reinforce virtuous traits. If the framework is emaciated and weak, regret encourages vice. The full defense of this claim will unfold throughout the subsequent chapters.

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<sup>31</sup> N. Athanassoulis and Allison Ross. A virtue ethical account of making decisions about risk. *Journal of Risk Research* 13 no. 2 (2010): 217.

The claim that regret distorts our character by skewing our dispositional orientation also depends on our preexisting character. In a dispositional climate where negative feelings are counterbalanced with reflection, precaution, intensity or calm, the effects on one's character is not deleterious. For example, if one is impatient and disposed to rashness, then being regretful over a missed opportunity will serve to activate one's impatience and rashness in relation to one's future choice. A rash future decision is a likely result. On the other hand, if one is patient and circumspect, it is unlikely that regret over a missed opportunity will cause one to be rash and impatient in the future. The dispositional inertia of patience and circumspection will not be halted and reversed from a single misdeed. If one's character is permanent and enduring, then occasional miscalculations (resulting in regret) should not undermine the entire edifice.

#### IV. Conclusion

The skeptical objections considered in this chapter were not exhaustive. Instead, they were selected to highlight some central concerns. The first objection claimed that regret is impractical because it a.) does not improve future behavior and b.) does not help us to retain a sense of ourselves that is worth keeping. We saw that both objections fall short in trying to undermine the practicality of regret. The first because regret is conceptually connected to identifying a past event that one values. The second because our self-identity includes our past actions – we cannot pick and choose only the ones we approve. There are, however, times where we act “out of character” and perhaps these events can be deleted permanently from our regretful memory banks. These are exceptions and do not include most regretful choices which are indicative of who we are and comprise our self-identity.<sup>32</sup>

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<sup>32</sup> Major transgressions like murder might be an exception. Although it is out of character for most people until they do it, certainly this seems a worthy candidate for regretful out of character behavior. One way to think about this is to consider the feeling of regret to be on a continuum once a threshold is met. This threshold is a function of both

The second objection claimed that regret was inappropriate in cases where the agent acted in agreement with his practical identity and epistemic context. The criticism was that although an action might seem regrettable now (based on one's current values), one should not evaluate a prior action on considerations (or states) that were not available to one's former self. This view was insightful in certain contexts where one should evaluate a former action with the values one had at the time. However, on this view, it is unclear why one feels regret in the first place if one's values have changed. Moreover, regret loses its decision-guiding function when we can no longer use our past pain as a future deterrent.

Finally, we considered the view that regret is bad for our character and well-being. Here we considered two claims: 1.) regret impairs one's practical-decision making ability, and 2.) regret corrupts one's character apart from one's practical reason. Both objections were shown to be conditional on the agent's preexisting dispositional state. If the agent was previously disposed to prudent, circumspect and moderate behavior, the corrupting effect of regret on his decision-making or on his character are minimal. It is only when one's character is degraded through vice and immoderate forces that regret achieves the detrimental effect it is claimed to have. The purpose of this chapter was to sketch some prominent criticisms in the literature and to show that they are not conclusive. In the following chapters I will briefly revisit much of the material here. This chapter serves as the context for what is to come.

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how much of our character we think is implicated by the action and how extreme the transgression regardless of how much our character it expresses.

## Chapter 2: What Is Regret?

### I. Introduction

In the present chapter, I outline my account of regret while considering other prominent views in the literature. First, I state what I take to be the necessary and sufficient conditions of regret. Then, I clarify what this means through examples and through differentiating my view from plausible but less adequate accounts. Second, I explore the different accounts of regret in the literature which I categorize as: regret-as-feeling, regret-as-counterfactual and regret-as-loss. Here, I attempt to show the difficulties of the former two categories, and the virtues of the latter. The upshot is that the account I initially present is not only resistant to specific criticism but also has explanatory power when encountering unusual cases in the literature, such as the well-behaved psychopath and the thorny issue of agent-regret which I address in later chapters.

### II. What is Regret?

#### A. Other backward-looking emotions

My aim is to understand emotions as we generally use them in ordinary conversation. So I will be concerned with looking at what are generally known as emotions and emotional states for the basis of my investigation into regret. These terms are sometimes called “folk emotion concepts” which describe the manner in which regret is commonly used and the role it plays in our everyday lives.<sup>1</sup> It is in this context that our discussion takes place.

Regret belongs to a family of retrospective emotions. These emotions are often seen as overlapping, so it will be necessary to clarify my target at the outset. The phenomenon I seek to explicate concerns a bad feeling about a past action. However, it does not necessarily detract

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<sup>1</sup> Andrea Scarantino and Ronald de Sousa, "Emotion", *The Stanford Encyclopedia of Philosophy* (2018).

from one's confidence or impugn one's future choices in the way that shame does.<sup>2</sup> Remorse, too, is different from regret; it is a narrower concept that falls under regret but has a distinctive moral significance. Remorse, then, I will treat as moral regret and is accommodated on my account below. Guilt is also a painful feeling about a past action, but guilt seems to involve an attitude of condemnation and can be publically administered. Regret on my view is not something that is necessarily deserving of this kind of attitude nor does it seem apt to have regret publically administered.<sup>3</sup> It is also not self-reproach which involves resenting oneself because regret is not a "hostile feeling" aimed at "inflicting harm on the wrongdoer."<sup>4</sup> Since resentment seems to imply an object of resentment other than oneself, this will not be the phenomenon under discussion. I am interested in first-personal regret.<sup>5</sup> Nor will it be embarrassment which is the thought "that I have done something that will lower the regard in which I am held by others."<sup>6</sup> The type of regret that concerns us is not contingent on how we fare in another's estimation. It is principally how we view ourselves.

## B. Definition of Regret

What I attempt to explicate, and defend, is the following account of first-personal, normative regret:

To regret one's action is to recognize one's loss or lack of power to change the fact that one acted wrongly (or failed to act) by one's current values and to be disposed to feel

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<sup>2</sup> I take shame to be something like "the feeling that comes with the consciousness of faults, weaknesses, disadvantages – that is, of qualities deemed undesirable." They are reflected upon and the agent suffers "a constraint upon confidence and freedom of action." See: Arnold Isenberg. "Natural Pride and Natural Shame." *Philosophy and Phenomenological Research* 10, no. 1 (1949).

<sup>3</sup> Herbert Morris. "The Decline of Guilt." *Ethics* 99, no. 1 (1988): 62-76.

<sup>4</sup> Eve Garrard and David McNaughton. "In Defence of Unconditional Forgiveness." *Proceedings of the Aristotelian Society* 103, no. 1 (2002): 39-60.

<sup>5</sup> It is sufficient on my account that the present agent identifies with the prior agent in some respect. This account does not presuppose that the personal identity of the two agents remains identical in all respects across time.

<sup>6</sup> Mark Wynn. "Phenomenology of Religion." *The Stanford Encyclopedia of Philosophy*. Accessed March 9, 2019.

pain in self-alienation, i.e. in one's inability to reconcile oneself to what one and one's life has become.

Put schematically:

1. Historical judgment: an agent, himself, Ø-ed or not Ø-ed (in the past)
2. Evaluative judgment: Ø-ing or not Ø-ing is wrong by this agent's values and thus warrants consideration (i.e. what the agent takes to be correct) to be disposed to a negative emotion
3. Valuation: feeling pain in self-alienation, as presumed to be appropriate

First, to regret is to have a first-personal stance toward the actions of the past.<sup>7</sup> It is an action or inaction that we do not like because it reflects poorly on how we see ourselves.<sup>8</sup> This point is contentious. Bernard Williams, for example, makes a case for both first and third-personal regret.<sup>9</sup> For Williams, what is essential to regret is its constitutive thought, "how much better if it had been otherwise." And this thought can occur to the agent about his prior actions and also about other states of affairs that did not come about from him. For example, Williams' lorry driver hits a boy who runs into the street. The driver is regretful – according to him, it would be better if it had been otherwise. And, the same event viewed by spectators is also regretful – according to them, it would be better if it had been otherwise. In this sense, regret is both first and third-personal.

However, this characterization seems problematic. When one says that he regrets an event that did not arise from his agency, it is difficult to understand the evaluation. Specifically,

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<sup>7</sup> Regret is usually experienced temporally, so I have accounted for this by referring to past actions. However, strictly speaking, examples can be constructed where a time-traveler can regret the future. What is important is that the misdeed cannot be changed.

<sup>8</sup> This which I will later describe as self-alienation is open to group agency where the individual acts as a member of a group and uses the first person plural, "we," to denote what actions were performed in the past.

<sup>9</sup> Bernard Williams. *Moral Luck: Philosophical Papers 1973–1980*. (Cambridge: Cambridge University Press, 1981).



it is difficult to understand how this is different from sadness, sorrow or compassionate wishful-thinking. Part of what is specific to regret, on my view, is that the agent is pained by a past action because it does not reflect who he takes himself to be. And since the opportunity has passed for him to act in a way consistent with who he is, he feels pain from this lack of power. It is crucial that there is a conflict between the two “agents” – the one in the past and the one in the present both with whom the agent identifies. On a third-personal account, we need to know how regret redounds to the agent in ways that sadness, sorrow and compassionate wishful-thinking do not, which seems unlikely.<sup>10</sup> Therefore, my account excludes third-personal regret.<sup>11</sup>

To be clear, first-personal regret can take the plural form. Group regret is also compatible on this view. Individuals who see themselves as constituting a broader whole and who identify with that whole in such a way that the group’s agency is seen as their own can have regretful experiences. This is from the recognition that, instead of the individual looking back and viewing himself in the past differently from his own currently accepted values, the group for which the individual is a member committed some past act that is contrary to how the group views itself now. Group agency when considered as “we” as opposed to “they” exhibits all of the necessary features of what I take to be in regret.<sup>12</sup>

It is also important to distinguish backward-looking from “forward-looking” regret.

“Forward-looking” regret is when an agent considers an action sometime in the future and

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<sup>10</sup> Interestingly enough, Williams, himself, seems to hint toward something first-personal as significant in regret. He states in *Moral Luck*, “The discussion is not in the first place directed to what we or others might say or think of these agents...but on what they can be expected coherently to think about themselves.” I take this last clause as indicative of the first-person perspective.

<sup>11</sup> Experimental results appear to support this intuition. “Self-caused” events increased feelings of regret more so than other agents or events. See: Ira J. Roseman. “Appraisal Determinants of Discrete Emotions.” *Cognition & Emotion* 5, no. 3 (1991): 181.

<sup>12</sup> There are psycho-biological issues concerning the nature of the pain that would accompany group agency. However, supposing the power of the mind to fully accept the activities of the group into which it identifies, it is not difficult to imagine genuine pain in all of the members from a prior misdeed (of the group) of which each of them individually may not have taken part.

imagines himself regretting that action after having made it. Regret in this case is from the point of view in the future beyond when the imagined action is made. For example, let us say that I am tempted to eat the fruit tart that my spouse put in the fridge. However, I am lactose intolerant and rich custard does not digest well. The regret I experience now, at the present time,  $T_1$ , anticipates how I will feel at a future time,  $T_3$ , after having eaten the tart and suffered digestive pain at an intermediate time,  $T_2$ . This anticipatory type of regret is a current emotion about the effects of an imagined future action.<sup>13</sup>

My account does not permit “anticipatory” regret – I am strictly concerned with looking to the past. This is because the pain of paradigmatic regret arises from a lack or loss of power in one’s ability to revise a past action (and ultimately become the agent with whom one identifies). With “anticipatory” regret, however, one retains the power to act in a way that is consistent with one’s self-conception because one has the ability to affect how the future will turn out. Therefore, the temporal restrictions of backward-looking regret, which provide the sense of powerlessness, do not apply to present or future actions.<sup>14</sup>

To regret, as I have described it, is to be sensitive to normative considerations. These are considerations that reflect the value set of the agent at the time of reflection. These values are both moral and non-moral. Non-moral values seems appropriate because one could regret prudential considerations. For example, I could regret buying shares of a stock that underperformed. The choice I made in retrospect did not go as planned. My hastiness and deluded self-confidence during the stock purchase is not how I currently view myself. Common cases such as these are accommodated on this view.

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<sup>13</sup> This is not to be confused with what one commentator calls “prospective” regret which is regret for a future choice when the situation presents *only* regretful options. See: Daniel Jacobson. “Regret, Agency, and Error.” *In Oxford Studies in Agency and Responsibility*. vol. 1. edited by David Shoemaker (2013): 120.

<sup>14</sup> Unless, of course, time-travel is assumed whereby a possible example could be constructed so that one acts in the future and cannot change what happens once he returns to the present.

The evaluation that occurs in regret is that a past action is inconsistent with one's current normative values. It is important to note that my account pertains to the actions of the agent, and not an event. By "event," I mean the situation in which the agent finds himself and within which he acts. Take the well-known example of a tourist in the jungle who is told he must kill one person to save many, or everyone dies. The event (i.e. situation) itself is tragic.<sup>15</sup> Although these scenarios are worthy of discussion, I do not take this to be paradigmatic regret. What an agent regrets are his unforced actions. He regrets making the wrong choice and doing the wrong thing when he possesses the power to do something else. Being in a situation where every possible choice is wrong relieves the agent of the burden of taking responsibility in the relevant way.

But there is also a sense in which the agent does not regret his action, but regrets the (unforeseen) consequences of his action.<sup>16</sup> In Williams' example, the lorry driver non-negligently hits the child. That is, the actions of the driver are not blameworthy. Nevertheless, the driver still feels regret. He feels regret in virtue of the consequences, although unforeseen, of his non-regrettable actions.

I do not agree with this interpretation. There could be various reasons for his regret other than regretting the event that resulted. Initially, the driver could think he was blameworthy. He would not be certain, however, until carrying out the process of scrutinizing his actions and inactions prior to the event. Arguably, he would have regret-like feelings until his final analysis is reached exonerating him from blameworthiness. Another possible reason for regretting the

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<sup>15</sup> Bernard Williams discusses a case where the foreigner, Jim, is given the honor of killing an Indian in order to save the rest from being killed. See: J. J. C. Smart and Bernard Williams. *Utilitarianism: For and against*. (Cambridge: Cambridge University Press, 1973).

Some interpret this to be "regretful" because they see it as an expression of sympathy, sorrow or grief. On this interpretation of regret, see: Miles Little. "The Role of Regret in Informed Consent." *Journal of Bioethical Inquiry* 6, no. 1 (2008): 49-59.

<sup>16</sup> Amelie Rorty states that "objects of regret have two components, an event... and the agent's action in bringing about that [event]." I disagree with this for the reasons above. See: Amélie O. Rorty. "Agent regret." in A. O. Rorty (ed.), *Explaining Emotions*. Univ of California Pr. (1980): 489-506.

event that resulted is to regret the actions that produced it. There is a transitive property at work which makes the event regretful in virtue of the agent's actions. And the agent's past actions are evaluated in comparison with how the agent sees himself in the present. The gap between these two corresponds to the intensity of regret the agent feels. However, if there is no gap, i.e. if the actions of the past correspond to how the agent currently views himself, there is no regret – even if they result in a bad event. In other words, if the agent were able to go back in time, and make the same decision (knowing what he knows now), then the action is not a regretful one. In the lorry driver case, I would not call this regret because the driver would not (perhaps, could not) do anything differently if the scenario were repeated. However, if the driver still felt regret, then on my view, he would be mistaken. He may feel sorrow or irrational guilt, but it would not constitute regret on the account presented.<sup>17</sup>

The evaluative judgment, that there is a normative inconsistency, warrants one's consideration and disposes one to experience negative emotions. One is justified to focus selectively on a given past action because it is wrong according to what one thinks is important. This disposes one to feel bad. Therefore, regret need not be an occurrent feeling on this view – it can be dispositional. It becomes occurrent when the relevant conditions obtain, i.e. when one recalls the past event in the relevant way.

The content of the emotion, the meaning of the negative feeling, is self-alienation. When we regret we understand that we can no longer make the decision that is better aligned with our values. The opportunity to make a better choice has passed. We are powerless to change it. The knowledge that we can no longer change who we have become is painful. We identify with our

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<sup>17</sup> I take guilt to be roughly an “attitude of condemnation and can be publically administered.” Since public condemnation of the lorry driver does not seem justified because he non-negligently hit the child, and if he nonetheless feels guilty, he seems to be mistaken. He acts (or feels) as though he were a valid object of public condemnation but he is not. Daniel Jacobson also argues this is irrational: “The lorry driver...can be expected to feel irrational but praiseworthy guilt,” in “Regret, Agency, and Error,” (2013).

self-conception (i.e. who we think we are), but from our past choices we are condemned to deny this. This is because our past presents a contradictory picture through the aggregation of our mistakes of who we think we really are. It is this self-alienation that is painful. The intensity of self-alienation corresponds to the degree in which we deviate from our self-conception.

One difficulty for my account might be that it is too restrictive. Since the pain on this view comes from self-alienation, and self-alienation is an inability to reconcile my prior actions with who I take myself to be in the present, it seems like trivial regrets and anomalous misdeeds would not be accommodated. This is because minor *faux pas* do not factor into who I am in the present. It would be a mistake, the objection goes, to entertain self-alienation for accidentally reaching for the salt, when I wanted sugar, to put into my grandmother's tea. Actions like this do not seem serious enough to count as self-alienating, yet they too seem regrettable.

A further and related difficulty is that there is a sense in which our past events shape all of who we are. If this is correct, then our current normative perspective from which we evaluate our past actions itself is shaped by the regrettable decision. Therefore, it is difficult to see how deep this self-alienation goes because my current self is the sum of all of the choices of my former selves.

Both objections are related to the same problem; namely, how to understand our personal identity over time with respect to our choices. Although a detailed discussion exploring the various relevant issues in the personal identity literature will take us too far afield, and thus will not be attempted, there are two points I can make in response.<sup>18</sup> First, with minor *faux pas*, it is correct to assume that these events can and do exist. There are numerous lapses in judgment or

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<sup>18</sup> Questions of identity, including whether or not we can preserve our identity over time, are interesting but thorny issues. The only presupposition in this work is that the agent recognizes himself (and his agency) enough in his past actions to warrant pain and feelings of alienation (if he does not like what he recognizes). I do not, however, take a position on the degree to which this similarity obtains.

careless mistakes with which I do not identify. And it would be odd to feel self-alienation from such minor errors. Minor errors that are not seen to be reflective of one's judgment would scarcely be remembered much less regretted. I would be able to have the historical judgment about what occurred, and I would evaluate it as being inconsistent with my current normative framework, but I do not think I would care. The conditions for valuing the event would not obtain and thus would not satisfy all of my conditions for regret.

Moreover, if this seemingly innocuous event does cause pain because it matters to the agent, then *ipso facto* this is not innocuous from the agent's perspective. Let us take the example of accidentally putting salt in my grandmother's tea. This one-off event may be innocuous to my brother. He is normally thoughtful and patient in his affairs and it was accidental, in virtue of his character, that he put salt in the tea. He would have no cause for regret – such mistakes are truly foreign to him. I, on the other hand, do not share his virtues of thoughtfulness and patience. Unfortunately, I am usually rash and impatient in my affairs, and have been since childhood. When this one-off event of putting salt in the tea happens to me, I see it as a manifestation of my vices. I now view this “innocuous” past event as being an essential part of my character because it was an expression of my rashness and impatience which I regret. Even with seemingly innocuous events, it matters whether or not they are expressions of something with which the agent identifies.

At this point, it can be argued that my account has a problematic implication. That only expressions of one's character are subject to my regret and those that fall outside of what one would characteristically do are not subject to regret. This would be a weakness for my view because many actions I regret are ones that do not reflect who I think I am. It is precisely because an action is out of character that I regret doing it. However, this is only an apparent problem

because regret can be understood as falling on a continuum. Those actions for which I identify would rank higher on the continuum and would be strongly felt because of how I see their connection with my current normative/moral identity. Other actions that fall outside of my characteristic behavior would be regretful but in a lesser sense. Actions that I take but nevertheless are completely beyond my character and even my volition (e.g. committing a crime while sleepwalking) would not rank at all on the regretful continuum. My account allows for this gradation of regret and attendant pain.

Second, in response to the objection that our prior misdeeds shape all of who we are and as a result undermine our current self-alienating perspective, I do not think this is always the case. That is, I do not think that it is inconsistent to view our prior misdeeds as foreign although they may be (and probably are) a part of our current identity. This is because our actions and values can come apart. Our actions may affect our biographical and psychological histories, but our normative perspective seems resistant to actions in ways that other aspects of our identities are not. I can view prior misdeeds as foreign if they do not reflect my current normative considerations. These misdeeds do not impact what I should think (i.e. my normative considerations), although they might impact what I do think or cannot prevent from thinking (i.e. my psychological predispositions).

For example, let us say that a soldier acted cowardly in the past and is now predisposed to feel cowardice on the battlefield. He currently feels afraid when he should not and knows this is blameworthy. In this way, his prior actions have made him who he is today. He is a coward. However, from his current normative viewpoint, he values courage. And although he regrets his past choices which have made him who he is today (psychologically), he still sees himself (normatively) as courageous and it pains him when he realizes he is not. In this sense, he feels

self-alienation. So although the soldier is cowardly and his psychological reality is consistent with this, he values courage and the recognition of this grounds his alienation.

### III. Different Views of Regret

There are various ways to understand the phenomenon of regret and numerous accounts have been suggested in the literature. Although these accounts do not always fit nicely into categories, I will use a tripartite categorization scheme to highlight what I see as the distinctive feature of each account. This is not an exhaustive taxonomy. My goal is to provide an interpretive framework from which to analyze different accounts of regret in a way that brings out what is important for this discussion. What is important is how the following accounts treat both what it means for the agent to evaluate a past event (i.e. evaluative judgment) and why he cares about the results of that evaluation (i.e. valuation). This specific goal precludes other interesting but unhelpful ways of categorizing regretful episodes, such as, psycho-somatic descriptions, affective intensity, dispositional/occurrent characteristics, rational/irrational expressions, and many others.

#### A. Regret-as-feeling

The three categories are: regret-as-feeling, regret-as-counterfactual and regret-as-loss. Let us start with regret understood as a feeling.<sup>19</sup> In characterizing regret as a feeling, I am not claiming that other views of regret lack an affective component. Rather, I am distinguishing the relative importance of the affective component on some accounts. There are two types of regret-as-feeling accounts. One that treats regret as an expression of how one feels, i.e. emotions just are the feelings. For example, in the *Principles of Psychology*, William James states that “bodily changes follow directly the perception of the exciting fact, and that our feeling of the same

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<sup>19</sup> Emotions understood as merely taking stock of our feelings, passions and other internal happenings has a long tradition, including Rene Descartes, David Hume, William James, and others. See: William Lyons. *Emotion*. (Cambridge: Cambridge University Press, 1980).



changes as they occur is the emotion.”<sup>20</sup> Regret, on this view, is perceiving the regretful event (i.e. the historical judgment) and noticing how our bodies react to it. Another regret-as-feeling view does not equate regret with feeling. Instead, this view has the advantage of having both a historical *and* evaluative component, in addition to the feeling. However, the feeling of regret is contingent and does not appear to follow from the evaluation. Ultimately, it is for this reason this view is untenable. This latter view will now be our focus.<sup>21</sup>

In “Is it Reasonable to Regret?” Rudiger Bittner calls regret as “a painful feeling one has when one does a bad thing.”<sup>22</sup> Bittner’s project is not to define regret. However, in attempting to show that regret is unreasonable, he lays out what a regretful episode would be.<sup>23</sup> The reasonable person who does *not* regret (i.e. who is not pained by the past deed), he states, “understands what he did, he knows that it was bad, it just does not pain him.” Does this person experience regret anyway? It is unclear. Bittner’s view could be that regret is only cognitive and evaluative. One recognizes the action one took in the past and evaluates it from one’s current normative framework. If one is dissatisfied with the result of this process, one regrets it. The question, “do you regret that decision? [e.g. to buy a car] is a question that requires me to think, and to think practically, about the decision, and not merely to inspect my feelings.”<sup>24</sup> Or he could mean that one does not regret, although one carries out the proper cognitive and evaluative processes, because a necessary condition of regret is to be pained. It is as though the regret resides in the

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<sup>20</sup> William James, *Principles of Psychology*, as quoted in Lyons (1980), 13.

<sup>21</sup> The former view of regret has no evaluative component. For this reason, it is open to serious criticism and is less plausible as an emotional theory than the latter view. See: Lyons. *Emotion*.

<sup>22</sup> Rudigar Bittner in “Is it Reasonable to Regret?” in *Reason, Emotion and Will* by R. Jay Wallace (1999).

<sup>23</sup> He states, “The object of the following is not to demarcate what it is to regret things one did, to describe how it feels, or to state the precise conditions under which regret does and does not appear,” in Bittner, *ibid.* 262.

<sup>24</sup> Stuart Hampshire. *Thought and Action*. (New York: Viking Press, 1967), 241.

feeling and if we can remove the bad feeling, we can remove the regret.<sup>25</sup> The feeling, in other words, is contingent and can be detached from the evaluation.<sup>26</sup>

If he means the latter (which I think he does), how are we to understand the evaluation involved? If one evaluates an event and is not pained by it, then it seems as though this evaluation is not about something one values. For example, accidentally veering into another lane would presumably cause distress to the drivers next to me. And, though I admit it was bad, I do not feel too bad about it. This is because I am not concerned. Accidentally veering into another lane is not normatively salient to me in the way that, say, unintentionally hurting someone close to me with an insensitive comment would be. Bittner's account seems to treat things we care about and things we do not care about as having a similar emotional valence. But this is questionable. It is from unimportant things that we can detach our feelings – it is they that have little or no emotional importance.

Perhaps the reason we feel bad in the first place is that we care about how we went wrong. It is the necessary connection of caring and feeling that Bittner appears to underappreciate. To disvalue something is to have feelings and desires about it. When we evaluate a past action that matters to us, our feelings are essentially connected to this experience. There is no other way to experience it.<sup>27</sup> Such detachments (as he advocates) can only occur in contexts that do not have normative significance, and in cases like this it is unclear why a negative emotion would be generated at all. That is, these cases are not the right sort of cases for which regret is appropriate.<sup>28</sup>

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<sup>25</sup> There are others who also agree with the detachment of the regretful feeling from the cognitive and evaluative processes, but maintain that regret exists without it. For example, Bedford (1956) states “I never feel the slightest *pang* of regret for what I did” (italics mine). I understand Bedford as recognizing and evaluating a mistake but not feeling bad about it.

<sup>26</sup> Presumably, after this detachment occurs, we no longer have regret.

<sup>27</sup> See Hieronymi (2007) and Watson (1975).

<sup>28</sup> I examine this in detail in Chapter 3.

## B. Regret-as-counterfactual

By far, the most popular view of regret is one that wishes things had been otherwise or that one had acted differently.<sup>29</sup> Hence, Bernard Williams, Marcia Baron, Julie Tannenbaum, and Benjamin Matheson, think that “the constitutive thought of regret...is something like ‘how much better if it had been otherwise.’”<sup>30</sup> Carla Bagnoli considers regret to be “a kind of counterfactual reasoning, a thought experiment about what might have been instead.”<sup>31</sup> R. Jay Wallace believes that to regret is to have a “preference that the thing one regrets should have been otherwise.”<sup>32</sup> Janet Landman states that regret “is associated with counterfactual thought, or imagining states contrary to fact.”<sup>33</sup> And, economist Robert Sugden characterizes regret as “a painful sensation of recognizing that ‘what is’ compares unfavorably with ‘what might have been.’”<sup>34</sup>

On the regret-as-counterfactual view, an agent judges his past action to be bad because it led to a state of affairs that he currently finds objectionable and now wishes for a different state of affairs or wishes that he had made a different choice. We can take as the standard view Bernard Williams’ version: “The constitutive thought of regret in general is something like ‘how much better if it had been otherwise,’ and the feeling can in principle apply to anything of which one can form some conception of how it might have been otherwise.”<sup>35</sup>

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<sup>29</sup> In addition to the following accounts of the counterfactual view, see Hoerl and McCormack (2016) and Samuel Johnson, “No. 47. The Proper Means of Regulating Sorrow.” I take sorrow to function similar to regret in the latter article.

<sup>30</sup> See Williams, *Moral Luck*, Marcia Baron, “Remorse and Agent-Regret,” (1988), Julie Tannenbaum, “Emotional Expressions of Moral Value,” (2006), Benjamin Matheson, “More Than a Feeling: The Communicative Function of Regret” (2017).

<sup>31</sup> Carla Bagnoli, “Rooted in the Past, Hooked in the Present: Vulnerability to Contingency and Immunity to Regret.” *Philosophy and Phenomenological Research* 92, no. 3 (2016): 763-70.

<sup>32</sup> R. Jay Wallace, *The View From Here: On Attachment, Assessment and the Limits of Regret*. (Oxford: Oxford University Press, 2013): 69.

<sup>33</sup> Janet Landman, *Regret: The Persistence of the Possible*. New York: Oxford University Press, (1993): 37.

<sup>34</sup> Robert Sugden. “Regret, Recrimination and Rationality.” *Theory and Decision* 19, no. 1 (1985): 79.

<sup>35</sup> Williams, *Moral Luck*.

This standard view of regret-as-counterfactual is too broad. Applying the concept of regret to anything “of which one can form some conception of how it might have been otherwise” seems to allow too many other descriptions for the same phenomenon. As stated above, a range of mental states from sorrow to aesthetic dissatisfaction can be subsumed under this description. Moreover, it is unclear what activates the agent’s valuation. Once an agent judges that a given state of affairs would be better otherwise, we are still unsure why he would care. There are many events in the world for which I can evaluate as suboptimal, but not care enough to be pained by it.

A more robust view is one by R. Jay Wallace. For him, regret is the thought that:

It would have been better had things been otherwise in the past, because and insofar as the actual state of affairs that obtained involved a misfortune or a setback or a harm for something that one is attached to (an individual or project or ideal). This kind of effect is one that is normatively significant for the person who is so attached, giving that person (but not necessarily other persons) a reason for the complex of responses that are constitutive of regret.<sup>36</sup>

This view seems able to explain not only the content of the evaluation when one regrets (i.e. something is judged to be a misfortune or setback or harm) but also why one should care about it (i.e. it is significant with respect to one’s attachments). This version of the regret-as-counterfactual view seems able to handle the shortcomings of the first version. However, there are still two other problems for which it must deal.

First, and this is particular to Wallace’s account, his view of regret ultimately leads to an unacceptable conclusion. On Wallace’s account, if we value someone or something in the present, then we are committed to affirming all of its necessary antecedents. If I like something now, I am committed to liking or at least affirming all of the things responsible for its existence. To put it differently, if I love my spouse and discover that her parents met in the US after having fled Nazi Germany, I cannot regret and must affirm the Nazis or the problems they caused during

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<sup>36</sup> Wallace, *The View From Here*, 49.

the war. This is because they were a necessary causal factor responsible for the parents' meeting in the US, and without this meeting my spouse would not have been born.<sup>37</sup>

Wallace is able to reach this conclusion from his understanding of affirmation. But, his understanding of affirmation is defined with respect to regret. So, it starts with regret. I will explain how he arrives at his unacceptable conclusion, then how I think it can be blocked. His views of regret and affirmation are:

Regret: To experience all-in regret is to have an on-balance preference that the thing one regrets should have been otherwise.

Affirm: To prefer on balance that it should have been just as it was.

These are contrary attitudes that cannot be combined.<sup>38</sup>

(All-in) regret and (on balance) affirmation cannot be applied to the same phenomenon. This is straightforward: if I (on balance) affirm my dissertation topic, I cannot (all-in) regret it. The reason for the "on balance" and "all-in" is that it allows for cases where there might be particulars of a project that I regret, although overall I affirm it. Simply put, once everything is accounted for, I cannot both regret and affirm the same thing in the same respect.

Wallace also tells us that affirmations are "intention-like attitudes" because "to take an affirmative attitude toward a person or situation is to 'will' that the person should exist or the situation should have obtained."<sup>39</sup> It is also intention-like because affirmation is "a kind of achievement" that we can choose to apply to difficult situations which may not be easy to affirm.

One implication for affirming something is that we must also affirm the necessary or constitutive conditions that make it possible. This principle is the "affirmation dynamic."

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<sup>37</sup> His view seems to be this strong, as he states himself. See footnote 43.

<sup>38</sup> Wallace, 69.

<sup>39</sup> Wallace, 66.

Affirmation dynamic: If we are attached to an individual or to a project, then we will typically affirm the direct objects of our affirmation...this in turn commits us to affirming their necessary constitutive and historical and normative conditions...and precludes our regretting that those conditions obtained.<sup>40</sup>

Wallace appears not to provide a reason why we have to accept all of the antecedent necessary conditions for the object of our affirmation.<sup>41</sup> One may agree that to affirm something is to will it to exist, but reject the claim that we have to accept an indefinite chain of, perhaps, unacceptable prior events.

One commentator supplies a plausible explanation. Niko Kolodny believes that the principle of instrumental rationality justifies this move given the intention-like character of affirmation. He states:

Roughly, if one intends an end, then one is “committed,” as a matter of instrumental rationality, to intending the necessary means to it. For example, if I intend to smoke another cigarette, then I am committed to lighting another up.<sup>42</sup>

Therefore, on pain of being irrational, we are committed to intending or willing the events or people that produced what we currently affirm, even if they are historical atrocities.<sup>43</sup>

However, I think this grim conclusion can be blocked with a different understanding of regret. Regret, instead, can be viewed as a loss or lack of power to make a meaningful choice. On the one hand, given this understanding, it seems as though the contrary to regret is something like pride or self-satisfaction. One is proud in one’s agency to bring about a state of affairs.

Affirmation becomes something other than an intention-like attitude. If so, it blocks the implication that we cannot regret the causal antecedents of what we currently affirm. Instead, we

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<sup>40</sup> Wallace, 77.

<sup>41</sup> It is also unclear why he considers the way things happened to turn out to be necessary instead of contingent. I presume that although my parents met at a grocery store, they could have met at the gas station, if that grocery store did not exist. It is unclear that if the grocery store had not existed that my parents would *never* have met.

<sup>42</sup> Niko Kolodny. "Dynamics of Affirmation." *Philosophy and Phenomenological Research* 92, no. 3 (2016): 7.

<sup>43</sup> Wallace acknowledges this unacceptable consequence of his view: “We can ... readily imagine that somewhere along the line, the actual ancestors of those we love would not even have encountered each other if not for historical events that were momentarily disastrous: a catastrophic and pointless war, for instance, that forced a distant progenitor into the refugee camp where she met her future husband, or a natural calamity of some kind that had a similar effect. Under these conditions, our unconditional affirmation of the person we love will commit us to affirming the objectionable historical conditions that were necessary for the individual person’s existence.”

can characterize affirmation in terms of being satisfied with one's agency or being satisfied with having brought about a given state of affairs. On this view, there is no intention-like attitude, no preference being brought into existence and no transitivity from what one affirms to all of its antecedent conditions. For example, if one affirms one's marriage, one is simply satisfied with one's agency in bringing it about. This could be one's decision to propose or one's willingness to work through a particular marital difficulty. Any choice the agent made that contributed to what he currently affirms, in this case the marriage, could be the object of his satisfaction.

Second, another shortcoming with the regret-as-counterfactual view is that it could mischaracterize how we actually view alternatives. If it were better that things were otherwise, then the current situation can be seen as regretful without qualification. That is, the current situation can be seen as all bad, and the alternative as all good. Values, then, are understood as being concentrated in one alternative and not in another. For example, I may not want to eat vegetable soup and wish things were otherwise – it would be better if I were eating apple pie instead. One could interpret this as having the value concentrated in one of the two options, namely, the apple pie, with no value at all in the soup. And if I were to get the apple pie, I would have no regret for the vegetable soup.

Thomas Hurka calls the view where one option monopolizes all of the value the “concentration view.” In contrast, there is the “proportionality view” which distributes value among alternatives (if this represents more accurately where they belong). He states:

The concentration view says that, having chosen between two goods, you should direct all your feeling to the one that is greater...[and] feel only and entirely pleased; if you did not, you should feel only regret. The proportionality view says you should divide your feelings in proportion to the goods' relative values: more for the greater good, but still some for the lesser good.<sup>44</sup>

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<sup>44</sup> Thomas Hurka. "Monism, Pluralism, and Rational Regret." *Drawing Morals*, (2011) 556.

It is the proportionality view that is most accurate for some choices. One may choose the highest value yet still desire what was given up. In the food example, although I think it is better to have the apple pie, I also may regret not having the soup. It is simply that I find more value in the pie than in the soup, not that the soup is without any value.<sup>45</sup> It is the possibility that values can be distributed throughout the alternatives that the regret-as-counterfactual position underappreciates.

The proponent of the counterfactual view could object that his view *does* take into account proportionality. One should choose between alternatives, *all-things-considered*. It is only when one looks at the complete value-profile of the choices – including the values in the options one considers forgoing – that one is in the position to think it is better that things are otherwise. And, this counterfactual view of regret acknowledges that a state of affairs is regretful *all-things-considered*. So it is accurate to make a judgment that one option is better than another, and that one would not regret the forgone option, because implicit in this judgment is that all things have been considered, i.e. the values and disvalues of the regretful and preferred options have been accounted for.

However, there is a deeper problem concerning values even with this clarification. Comparing alternatives is only feasible when the values are commensurate. When values are incommensurate it becomes difficult, if not impossible, to choose the best of two options. For example, on what basis can we compare the pleasure of cycling with that of philosophy to an aficionado of both? There may not be a single commensurate criterion. In such cases, one can choose something *all-things-considered*, yet still desire the choices that were forgone because the values are of a different kind. If this is possible, then regret is more accurately described as

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<sup>45</sup> I am assuming that the value here is commensurate. It is something like units of culinary satisfaction, although trying to quantify this accurately is another matter.



missing out. And missing out is something one can feel although one does not want things to be otherwise. One can both regret and *not* think things would be better otherwise.

In discussing his choice to be a philosopher instead of a poet or doctor, Kieran Setiya notices that his choice to be a philosopher has precluded other possible careers. And, although, all things considered, he is pleased with his choice, there is something tragic about missing out on the other careers:

When push came to shove, I followed my muse, and applied to read philosophy...I don't regret my decision. I don't believe I would have lived a better life in poetry or medicine; most likely, worse. I have been very fortunate. I am very lucky to have a tenured position in philosophy...I am lucky to have wonderful colleagues and students...For in spite of everything, when I run the experiment, draw "doctor" or "poet" from the hat of personal history, trace a branch in the tree of possibilities now cut off, I feel a sense of loss that is not unlike regret. There are the poems I will never write, the lives I will not save. I see no path from where I am to those alternatives, no future in which I go to medical school or become a good enough poet...I look back with envy at my younger self, options open, choices not yet made. He could be anything. But I am condemned: course set, path fixed, doors closed.<sup>46</sup>

Missing out, as Setiya notes, recognizes "that we cannot have everything we want, and what we have does not subsume or compensate for what we don't [and] is a consequence of incommensurability." This idea of missing out is not accommodated on the regret-as-counterfactual view. It is because of this and the prior difficulties that make this perspective of regret problematic.

### C. Regret-as-loss

As Setiya's anecdote demonstrates, we can regret not getting all we value. We "miss out" on what is important to us and feel the pain of loss. And, for some commentators, this is how the agent sees regret. For example, referring to choosing judo over playing the violin, Stocker and O'Neill note, "I may choose judo because I see that...I now need physical development more than musical development. But I can none the less regret that I will miss out on the musical

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<sup>46</sup> Kieran Setiya. *Midlife: A Philosophical Account*. Princeton University Press, (2017): 56-57.

development.”<sup>47</sup> Daniel Jacobson says that, “regret can mean an error or a loss.”<sup>48</sup> Spinoza seems to suggest the same, “regret is...a pain...which arises from the absence of something we hate.”<sup>49</sup> As I later explain, the “absence” seems to be a loss. But what exactly does this loss consist of? It varies. On some accounts, the loss represents unrealized values in the options that are not chosen. On other accounts, the agent loses his ability to act in a way that is consistent with how he currently sees himself, i.e. with his self-image.<sup>50</sup>

That regret can be viewed as a loss seems to have precedent in the works of Baruch Spinoza.

In the *Ethics*, he states:

Regret is the desire or appetite to possess something, kept alive by the remembrance of the said thing, and at the same time constrained by the remembrance of other things which exclude the existence of it.

Explanation.--When we remember a thing, we are...disposed to contemplate it with the same emotion [pleasure] as if it were something present; but this disposition...is generally checked by the images of things which exclude the existence of that which we remember.

Wherefore regret is, strictly speaking, a pain opposed to that pleasure, which arises from the *absence of something we hate* (italics mine).<sup>51</sup>

What I take Spinoza to be saying is that during an episode of regret we first have a pleasant thought of an object. This would normally bring with it pleasure. However, we quickly notice that the thought of the object cannot be realized due to countervailing circumstances – the object was in the distant past and those circumstances cannot be replicated. For example, suppose I remember how great my relationship was right before I did the wrong thing to end it. This thought brings with it pleasure – the relationship was a significant value to me. It also brings to mind the action that was responsible for the relationship’s irrevocable termination: my

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<sup>47</sup> Onora O’Neill and Michael Stocker. “Plural and Conflicting Values.” *The Philosophical Quarterly* 41, no. 164 (1991): 174.

<sup>48</sup> Jacobson acknowledges this but nevertheless believes that viewing regret as a loss is irrational. In “Regret, Agency and Error.”

<sup>49</sup> Spinoza in *Ethics* as found in: Benedictus De Spinoza and John Daniel Wild. *Spinoza. Selections. Edited by John Wild*. New York: C. Scribners Sons, 1930.

<sup>50</sup> This is the account that I developed earlier and will return to later in this chapter.

<sup>51</sup> Spinoza in *Ethics*, E3: DOE. 32

wrongheaded decision to end it. With this in mind, I imagine not having the relationship, which is painful.

The problem, it seems, is a subtle one. I am not pained because I think about not having the relationship which resulted from my bad decision. Strictly speaking, I cannot think about a negation. Instead, Spinoza seems to suggest that I think about the good that I had, i.e. the relationship, and in relation to this I think about it not being there. I start with the existential thing, then imagine its removal. I do not think about the non-relationship on its own. And “the absence of something we hate” is the result of no longer entertaining the pleasurable thought because I realize it cannot be. It is the absence of my pleasurable thought that I hate. It is what pains me. While Spinoza neither explicitly identifies this pain as self-alienation nor makes reference to the agent’s current impotence over his prior choices, he does seem to characterize regret as an absence or loss that is associated with feeling regret.<sup>52</sup>

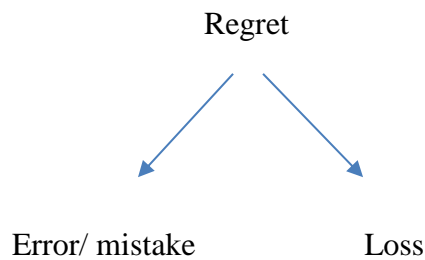
But, this is still unclear. We still need to know how to fit loss into a framework of regret. From what we have seen, first-personal regret seems to arise from two circumstances. The first is when an agent makes an error. This is the intuition that seems to be at the heart of the regret-as-feeling and regret-as-counterfactual views. Presumably, one would not regret had one acted differently by avoiding the error. The second pertains to a loss. These two categories – error and loss – seem difficult to sort out.

One way to conceptualize this distinction is to view both error and loss as species of regret where both are mutually exclusive. When one errs, one regrets what is done because it goes against one’s current normative values and another state of affairs is perceived to be better. When one loses or misses out on a value, it too is regrettable.

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<sup>52</sup> “Self-alienation” does not appear to have been in wide circulation in the mid-17<sup>th</sup> century during the time of Spinoza, although there is record of it being used in 1648 by W. Montagu in *Miscellanea Spiritualia*. See: “self-alienation, n.” OED Online. March 2019. Oxford University Press.

Here is the structure graphically:



This structure of regret seems unsatisfactory. Daniel Jacobson, in “Regret, Agency and Error,” presents this picture of regret.<sup>53</sup> On the one hand, we have errors which concern our decisions about what action to take. He argues that regretting our errors, which is the direct result of our agency, is rationally defensible. On the other hand, regretting our losses, which for him means “missing out,” is not a result of a decision we make. One can make correct or incorrect decisions and still miss out on something desirable. Loss involves outcomes and regretting these is not rationally defensible

One reason for this is that there is no rational way to differentiate losses that are trivial from those that are significant. Take these two scenarios: 1.) Having to choose between pursuing a career and pursuing a romantic relationship. Both cannot be fulfilled and either choice requires giving up an important value. 2.) Having to choose between being on time to a daughter’s wedding and listening to another song in the car. As both cannot be fulfilled, the agent chooses the more important value of being on time at the wedding. But, in this case, the agent regrets not hearing the song. There is definitely something wrong with person in scenario 2. The problem is trying to identify what it is. Jacobson notes:

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<sup>53</sup> Daniel Jacobson. “Regret, Agency, and Error.” *In Oxford Studies in Agency and Responsibility*. vol. 1. edited by David Shoemaker (2013): 97.

To be seriously dismayed over genuine losses of value is compatible with being an admirable person facing an uncooperative world that demands sacrifice; whereas to be dismayed over not getting everything you want, though a recognizably human tendency, falls into the sphere of vice. As Stocker has aptly put the point: it makes you a whiner.<sup>54</sup>

The idea seems to be that values are not quantifiable and so there is no basis for judging with accuracy why listening to another song (and no doubt receiving aesthetic pleasure) is less valuable than going to the wedding. The only basis for adjudicating between the two is aretaic, i.e. relating to what a virtuous person would do. And, on this basis, we can see that a virtuous person would attend the wedding with satisfaction, and a vicious one would whine about not hearing the song.<sup>55</sup>

On a different interpretation of the structure of regret, we do not fall into the same problems. As we discussed, the problems were 1.) the separation of agency (which was located in error) from loss (which was found in outcomes), and 2.) loss was understood as “missing out” and this is not amenable to a rational justification. The first correction is that the relationship between losses and errors is not one of species to species, as it was above. Instead, it is one of genus to species – errors are a type of loss.

When we fail to act correctly we lose the opportunity to act as we now think we should. And, on my view, it is this loss that pains us because we are aware of our failure to become the person we want to be. So it is misleading to separate loss from error because every error is a way in which we lose the opportunity to act. For this reason, error should be one category under loss. This category is further divided into moral and non-moral errors.

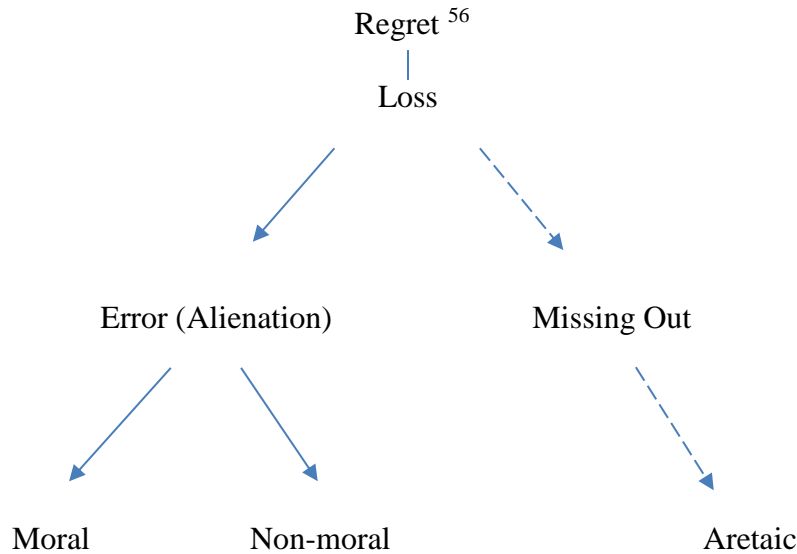
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<sup>54</sup> Jacobson, “Regret, Agency and Error,” 122.

<sup>55</sup> It is a further question why the virtuous person would act this way. The grounds that justify the virtuous person are beyond the ken of this chapter.

The second correction is that “missing out” is also a type of loss and represents a second category. There is not only one type of loss as the prior model presumed. Since this feeling is not as tightly connected with one’s agency as error, and since this seems to be grounded on aretaic instead of rational grounds, it is represented with a dotted line in the diagram below.

The new structure would resemble this instead:



For these reasons, describing regret fundamentally in terms of a loss appears to be better at accommodating our first-personal, normative regret. The feeling view underexplains the regretful action – there is no explanation of why regretful acts matter. The view that describes regret as a counterfactual thought was also found to be deficient. Wallace’s interpretation had an unacceptable implication. Other interpretations, which might also apply to Wallace’s, fail to accommodate the incommensurability of values inherent in alternatives. We also found Spinoza and Jacobson’s characterization of loss insufficient. In the latter case, this was partly the result of

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<sup>56</sup> Alienation occurs at both the moral and non-moral components. Alienation with respect to non-moral regret seems to be possible, e.g. in sports or games. The idea is that one did not perform as well as one now thinks one should have. The normative assessment is not from the current agent *qua* moral being. Instead, it is from the current agent *qua* calculating/ performance-maximizing being.

how regret was structured. The new structure situates loss as the fundamental genus with different ways regret can be instantiated. And, for these reasons, it is an improvement on the old model.

#### IV. Conclusion

I have tried to provide a characterization of regret that accounts for the cognition, evaluation and valuation that occur in a regretful episode. My discussion paid special attention to the evaluation and valuation components and I tried to explicate my account in a way to avoid possible misinterpretations. Specifically, a first-personal, normative regretful action represents a loss or lack of power to change the fact that one acted badly, from one's current values. It is neither merely a painful feeling nor a wish for a different state of affairs. Once the specific evaluative conditions obtain, our disposition to feel pain is realized. This dispositional regret allows for someone to have regret over long periods of time without feeling pained every moment in the interim. The pain represents a type of self-alienation. I believe this account is robust enough to handle the types of value that I later attribute to regret.

## Chapter 3: Personal Values of Regret

### I. Introduction

In the prior chapter, we considered arguments against the value of regret. Regret was to be disvalued on the basis of its impracticality, inappropriateness and unpleasantness.<sup>1</sup> I attempted to show that these claims were unconvincing and suggested reasons in favor of regret's value. However, reasons in favor were only suggested. I present a more complete case for regret's value in this and the following chapters. In this chapter, I discuss the value of recognition and recognitional-learning. Briefly, what I call "recognition" is the process of focusing one's attention on the contents of one's regret. The agent is recognizing the values and reasons on which he failed to act. This process leads to clarity about the regretful experience because it is a way to get at the truth. Recognitional-learning is using recognition in order to improve one's decision-making abilities in the future. The Aristotelian view is that we can habituate the process of optimizing our decision-making, and eventually become virtuous decision makers.<sup>2</sup>

After discussing these values, I respond to potential objections. First, in response to the claim that recognition is a value of regret, Rudigar Bittner argues that we can have the value of recognition without the pain of regret. I respond that the pain of regret is a necessary feature of recognition and thus cannot be separated. Second, in response to both recognition and recognitional-learning, some may argue that my account of regret is compatible with agent-regret. Agent-regret, however, does not permit the values of recognition and recognitional-learning. This suggests that some forms of regret do not have the values I claim. Against this, I

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<sup>1</sup> Rudigar Bittner in "Is It Reasonable to Regret Things One Did?" *The Journal of Philosophy* 89, no. 5 (1992) argues for regret's impracticality. Paddy McQueen in "When Should We Regret?" *International Journal of Philosophical Studies* 25, no. 5 (2017) argues that regret is inappropriate in certain contexts. Bittner, and others, also agree that regret is bad.

<sup>2</sup> The virtue concerned with deliberation about prudential matters is prudence. See section 1142a25-32 in: Aristotle, and Terence Irwin. *Nicomachean Ethics*. Indianapolis, IN: Hackett Pub., 1985.



argue that agent-regret does share some similarities with my view of regret and insofar as this is accurate the values of recognition and recognitional-learning obtain. However, I also show that the full values of regret cannot be realized in agent-regret because the agent is not blameworthy according to his normative standards. Finally, I provide a few closing remarks.

## II. Achilleus Regrets His Decision

I begin with a short vignette of a well-known event, then discuss recognition and recognitional-learning in reference to it.

From the *Iliad*:

Agamemnon:

I care nothing about you. I take no account of your anger. But here is my threat to you. Even as Phoibos Apollo is taking away my Chryseis. I shall...take the fair-cheeked Briseis, your prize, I myself going to your shelter, that you many learn well how much greater I am than you...<sup>3</sup>

Achilleus:

But I will tell you this and swear a great oath upon it: ...some day longing for Achilleus will come to the sons of the Achaians, all of them. Then stricken at heart though you be, you will be able to do nothing, when in their numbers before man-slaughtering Hektor they drop and die. And then you will eat out the heart within you in sorrow, that you did no honor to the best of the Achaians...give me no more commands, since I for my part have no intention to obey you.<sup>4</sup>

Here, Achilleus decides to withdraw from the fighting after being dishonored by Agamemnon. What follows is the utter destruction of Achilleus' fellow soldiers and, most important, of his dearest friend, Patroklos. Upon realizing that his excessive anger is ultimately responsible for the death of his companion, he confesses to his mother and agonizes over his decision.

Thetis:

Why then, child, do you lament? What sorrow has come to your heart now? Speak out, do not hide it.

Achilleus:

My mother, all these things the Olympian brought to accomplishment. But what pleasure is this to me, since my dear companion has perished. Patroklos, whom I loved beyond all other companions, as well as my own life...the spirit within me does not drive me to go on living and be among men...since I was not to stand by my companion when he was killed. And now...he has

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<sup>3</sup> Homer, and Richmond Lattimore. *The Iliad; Translated with an Introduction by Richmond Lattimore*. Chicago: University of Chicago Press (1951) 64.

<sup>4</sup> Homer, 66-67.

perished, and lacked my fighting strength to defend him... why, I wish that strife would vanish away from among gods and mortals, and gall, which makes a man grow angry for all his great mind, that gall of anger that swarms like smoke inside of a man's heart and becomes a thing sweeter to him by far than the dripping of honey.<sup>5</sup>

I take this to be a paradigmatic type of regret (although extreme in intensity). We have an agent pained from a prior choice, unable to choose differently and has to live with the consequences. Moreover, when he thinks back to the regretful decision it causes pain – pain seems to be a necessary condition when he thinks back to his role in causing his friend's death. I will return to this example throughout the chapter as a reference to highlight characteristics of regret and its value.

### III. The Value of Recognition

Although Achilles is distraught by the fact that he cannot amend his regretful choice, there is still value in his painful recognition. In the heat of his emotionally induced realization that he is responsible for his friend's death, Achilles discovers something valuable. He is understanding the truth of his past actions – his decision to withdraw from the battle was wrong (according to his current values), it caused the loss of an important value and he no longer identifies with what his former self did, i.e. the person who made the choice has violated values that the person now holds dear. Achilles now recognizes the values or reasons for which he failed to act. He sees that he should have been moved by his current reasons. In the process of recognition, he is more articulate about what the reasons are and why they are important.

The mechanism that Achilles uses to gain access to these facts is what I call “recognition.” Recognition is attending to both cognitive and non-cognitive aspects of the regretful episode. The cognitive aspects include those features of the regretful episode open to analysis. Both identifying the facts and evaluating whether or not they are significant fall under

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<sup>5</sup> Homer, 377-378.

this category. Remembering what happened, under what conditions the choice was made and whether or to what degree one has transgressed a normative principle are typical types of cognitive performances. The purpose of this type of recognition is to achieve intellectual clarity. The agent is better acquainted with the truth and his grasp of the facts is more secure.

The non-cognitive aspects are those features that are not open to analysis in the same way but need to be accepted on a sub-rational level. At this point in the recognition process, there is no more analysis to be performed – the facts are known, but they are difficult to accept. However, the agent must accept these facts because this is the person he has become. What is needed at this point is reconciliation, self-reconciliation – he needs to reestablish a sense of intrapersonal harmony.<sup>6</sup>

The process would look something like this: when looking back on one's behavior, one sees a track record of moral successes and failures. This is a record, in some sense, of one's current moral worth. In the event that one's moral worth on balance is unsatisfactory, it causes intrapersonal strife. The agent might say to himself, "This is not the person I am" or "I can't live like this anymore," both of which express self-alienation. However, this is a special kind of alienation. It is not being alienated from society or feeling alienated in a deep metaphysical way, say, from not feeling at peace with the world or with one's body. In the paradigmatic case, one has let oneself down and feels bad because of it. It is this type of alienation that needs to be reconciled. The agent needs to reconcile himself to the fact that he has *let himself down*, which is especially troubling because not letting himself down can be seen as his primary responsibility.<sup>7</sup>

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<sup>6</sup> The definition of reconciliation captures this self-acceptance of oneself through the concept of harmony. Reconciliation: restoring to friendship or harmony." "Reconcile." Merriam-Webster. Accessed March 10, 2019. <https://www.merriam-webster.com/dictionary/reconcile>.

<sup>7</sup> If this is not one's primary responsibility I presume it would rank somewhere near the top.

It is worth noting that during the moral reckoning process when the agent is taking stock of his prior actions he can also come across exonerating facts which would liberate him from self-blame. He would not regard himself as blameworthy in the same way and would accept what he did and who he is.<sup>8</sup> This is because he realizes that he has not let himself down after all. It is important to note that both clarity and self-acceptance are values that have a backward-looking focus. They are backward-looking because one gains clarity about a past event and self-acceptance involves reconciling oneself to prior choices.

One technique that facilitates the type of mental focus required for recognition is mindfulness.<sup>9</sup> Mindfulness has gained popularity in recent years and can be described as “a process of bringing a certain quality of attention to moment-by-moment experience.”<sup>10</sup> It is based on traditional Buddhist meditation and shares many of its meditative techniques. These techniques have shown to help overcome emotional and psychological distress by allowing subjects to access past events and emotions that are generally inaccessible.<sup>11</sup> Attention and awareness are two types of mental focus that facilitate this access. Attention is the ability to concentrate on discrete “ever changing [factors] of consciousness” and awareness is “a stable specific state of consciousness.”<sup>12</sup>

Given this distinction, the type of mental focus used to engage regretful decisions is closer to attention than awareness. Focusing on the relevant facts requires the ability to concentrate on discrete mental phenomena. The causal sequence of events, which features are

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<sup>8</sup> Exonerating facts would include different forms of acting in ignorance.

<sup>9</sup> Self-reflection has a long-standing philosophical precedent which could be another mode of recognizing one’s past actions. Mindfulness is one of many means to achieve recognition.

<sup>10</sup> As quoted from S. R. Bishop. “Mindfulness: A Proposed Operational Definition.” *Clinical Psychology: Science and Practice* 11, no. 3 (2004): 230.

<sup>11</sup> Mindfulness in contemporary psychology has been adopted as an approach for increasing awareness and responding skillfully to mental processes that contribute to emotional distress and maladaptive behavior. Bishop, “Mindfulness: A Proposed Operational Definition.”

<sup>12</sup> Bishop, “Mindfulness: A Proposed Operational Definition,” and Lobsang Rapgay and Alexander Bystrisky. “Classical Mindfulness.” *Annals of the New York Academy of Sciences* 1172, no. 1 (2009): 148-62.

most salient, which should be most salient, etc. all involve specific acts of mental differentiation and integration. On the other hand, reconciliation might involve awareness because managing one's emotional state might involve a stable form of awareness. Meditative practices of mindfulness might be necessary to put one into a state of emotional accessibility, especially when these emotions are uncomfortable to face.<sup>13</sup>

Recognition also has a non-backward looking focus. First, one can think about what is important about the action or value one failed to have. At this point, one is not planning anything about the future. One is simply recognizing the value of (e.g.) friendship or justice without any temporal restrictions. That is to say, one is thinking about values without reference to past, present or future. Although engaging in atemporal reflection, one is likely becoming more sensitive to recognizing these values in the future. In addition, recognition seems to have a forward-looking focus because the benefit can be prospective and can affect how we see future scenarios. The clarity acquired from a regretful event can be applied to normatively valent scenarios in the future. These scenarios are accessed through mental time travel which is "the faculty that allows humans to mentally project themselves backwards in time to re-live or forwards to pre-live, events."<sup>14</sup> It is through this imaginative projection that we gain a perspective on future scenarios that resemble similar ones in the past. It is a comparison of one to the other. This capacity for recognizing a potential regretful scenario is enhanced through the clarity of recognition.<sup>15</sup>

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<sup>13</sup> The difficulty of accessing uncomfortable emotions could conceivably be overcome with medication, therapy or other means.

<sup>14</sup> Thomas Suddendorf and Michael C. Corballis. "The Evolution of Foresight: What Is Mental Time Travel, and Is It Unique to Humans?" *Behavioral and Brain Sciences* 30, no. 3 (2007): 299.

<sup>15</sup> It is important to note that recognizing what happened in one's past or recognizing that scenario in the future is not necessarily a process of learning something new. What may feel like learning something new could be a re-acquiring of what was known at a prior time. A fact that was previously grasped but over time has diminished. The reacquisition of this fact and the clarity it provides is not learning something new although it may feel similar. This is distinct from recognitional-learning.

In our above example, Achilles derives value from the process of recognizing his mistake. Through mindfulness' meditative techniques he is able to attend to the contents of his regret. His attention is now on Agamemnon's remarks, how he felt at the moment and what his deliberative process entailed. This process gives him the clarity he now feels which is one step closer to reconciling himself with that dreadful choice. This clarity has also sharpened his moral awareness so that from now on Achilles will recognize situations in which his honor and reputation are undermined as potential traps that might lead to regret if he allows his emotions to distort his judgment.

Although recognition appears to be a legitimate value of regret, it can be denied on the grounds that regret is an unnecessary component. In question form, the objection is: Cannot one recognize a wrongdoing and reap the benefits without feeling regret? Rudigar Bittner in "Is it Reasonable to Regret?" answers in the affirmative.<sup>16</sup> He believes it is possible and even preferable because "[w]e can simply understand what we did wrong without the painful feeling of regret."<sup>17</sup> It is an interesting question what Bittner means by regret.<sup>18</sup> He seems to believe that regret is a contingent negative feeling. It is contingent because one can carry out the proper cognitive and evaluative processes without the attendant negative affect. If we want to understand what happened during a regretful occasion, then we should attend to the occasion without the bad feeling.

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<sup>16</sup> Bittner, "Is It Reasonable to Regret Things One Did?"

<sup>17</sup> *ibid.*

<sup>18</sup> I summarize his view in chapter 2.

Not only does Bittner argue that a negative feeling is unnecessary to the process (and any resultant values), but it also impairs the process (and any resultant values).<sup>19</sup> One's emotions can prevent one from grasping the facts:

It is not evident that one could not see, in full clarity but without grief, what one did wrong. In fact, the contrary might be true: that with grief one could not see in full clarity what one did wrong. After all, to see such a thing is itself an achievement and, hurt, torn, and dejected by regret, we may not be capable of doing it. However this may be, *the case for the necessity of regret for recognizing one's failing has not been made.*<sup>20</sup>

Regret therefore is a moral liability. If moral clarity is a value, and if regret diminishes clarity, then regret is morally damaging. Moreover, the above italicized sentence sums up the skeptic's challenge: the case has not been made for the necessary connection between regret and recognizing one's mistake. It is to this challenge that I now turn.

In one sense, Bittner identifies a valid concern. Our emotions can impair cognitive functioning. If we are generally less productive in cognitive tasks when we unnecessarily indulge our emotions, then he is right to worry about regret. After all, regretful experiences can inflict emotional trauma. The emotions which can guide our attention to what we value most become overactive in fits of passion. This distorts their normal function.<sup>21</sup> Instead of directing our awareness to meaningful facts and attributing an appropriate amount of time we spend on those facts, heightened emotions can cause us to focus on irrelevancies for far too long. For example, if I were overly emotional, say, with respect to a mistaken divorce, my analysis of what happened and what can be improved would be clouded by regret. I might get bogged down with irrelevant

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<sup>19</sup> The resultant values among others are clarity, reconciliation and learning. On Bittner's view, emotions can impair our access to the facts. The upshot is that if we cannot grasp the facts, we cannot derive value from knowing the facts.

<sup>20</sup> Bittner "Is It Reasonable to Regret Things One Did?" 272, italics mine.

<sup>21</sup> That passion distorts our judgment is so widely recognized as a social phenomenon that it has made it into the legal system. Crimes of passion are usually punished less severely than they would otherwise be, e.g. second degree vs. first degree murder.

factors. How my ex-spouse had the audacity to change the dog's name tag or the color of his bowl without discussing it with me will appear more important than focusing on the deeper compatibility issues. Not only would my focus be misguided but the time spent agonizing over these trivial disagreements would be excessive and unproductive. Insofar as Bittner recognizes the dangers of excessive emotions, he is correct. However, Bittner seems to take the further step to claim that even appropriate levels of regretful emotion are harmful, thereby putting excessive and appropriate levels of emotion on a par, which is unwarranted.

Our emotions have a normal productive function in guiding our attention. Since our past is filled with innumerable occasions for self-praise or blame, and since all of our faults both large and small cannot be addressed, there needs to be a mechanism for identifying and prioritizing the most important issues *to us*. It is this guiding function that allows us to pick out relevant issues. We are also guided in how articulate in cognitive terms we need to be about a particular event. For example, in some cases, one might simply be guided to the judgment that "x was wrong." In other cases, one might need to be more articulate and specify why "x was wrong." The difference would depend on the relative emotional importance of the events. If I were to fail to hold the door open for someone with her hands full, my regret would only prompt the judgment that "I made a mistake and should be more aware in the future." However, if I fail to remember a significant family appointment, this would prompt not merely the judgment "I made a mistake and should be more aware in the future," but also the further judgments "I should have known better," "how does this keep happening?" and "I need to implement an appointment system to prevent this from happening again." One could even go further in articulating why this is wrong if, say, it recurs a 20th time and causes a divorce. The judgment, in this case, might take the form of a treatise on the ethics of marital responsibility. The upshot is that the treatment of the event



corresponds to how much it emotionally resonates with the agent. Moreover, we also need a sufficient amount of emotion to keep us invested in the problem long enough to solve it. Instead of spending too much time on a trivial issue as with an overactive emotion, or spending too little time on a serious issue as with an underactive emotion, the appropriate amount of emotional valence determines the correct amount of time to spend on an issue with respect to how it ranks in our value system. This is why regret is necessary to recognize facts that are meaningful to us.

Bittner's objection also mischaracterizes how we attend to moral facts. When we perceive non-moral facts, we are able to perform numerous dispassionate mental operations. If Achilles were to observe the construction of a chariot, he would be able to analyze how it was made. He would also be able to evaluate how well it was made by seeing it in a race or on the battlefield. And both of these functions could be performed without an occurrent affective response. Non-moral facts admit of this type of emotional distance.<sup>22</sup> Moral facts do not. When an agent recognizes a moral fact, he is seeing the scenario (or aspects of it) as in some way relevant to his system of values.<sup>23</sup> And when something is related to one's value system, it is being valued or disvalued. This seems to follow necessarily. If we compare facts to a standard, those facts are interpreted in light of the standard – regardless of what that standard is. If I lift weights and have been using the same weight every day, this becomes my reference point, my standard. If I pick up a different weight, it is interpreted by me not as (e.g.) 50lbs, but as light or heavy with respect to my reference point. I can intellectually understand that it is 50lbs, but that is inseparable from feeling it as light or heavy (or I suppose “normal” if it matches my current

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<sup>22</sup> An agent can have both positive and negative affective responses when attending to non-moral facts. My claim is merely that this is not a necessary connection.

<sup>23</sup> This seems to have support in the neuroscience literature. For example, researchers found that when participants evaluated moral sentences the regions of the brain associated with emotional processing showed more activity than with non-moral sentences. “Moll, Eslinger, and Oliveira-Souza (2001). See also Christoph Klebl, Isabel Dziobek & Rhett Diessner (2019) “The role of elevation in moral judgment,” *Journal of Moral Education*.

weight). Relating objects or facts to a standard is valuing or devaluing them. When one is recognizing moral facts, then one is morally valuing or devaluing them.<sup>24</sup>

In the case of Achilles, when he performs the act of recognition, he immediately thinks of Agamemnon and withdrawing from the battle. This act is value-laden because of what these facts mean to him. These particular facts rank very highly in his value hierarchy – they are relevant to the death of his friend whom he misses. One cannot imagine a world where Achilles thinks about this event – the genesis of his friend death – devoid of value, meaning or sadness. If he were able to detach himself so completely, it would call into question the value of his friendship.

#### IV. The Value of Recognitional-learning

More often than not our episodes of regret are chances for us to learn something about ourselves and to optimize our future behavior. In addition to the value in recognition, regret is valuable because it facilitates moral self-improvement. I call this type of value recognitional-learning instead of merely learning because one needs to recognize the facts before one can learn from them. Thus, every act of learning on my account presupposes the value of recognition. In this section, I only focus on the value of learning but the value of recognition is implicit throughout. I present two arguments for the claim that regret is a means to moral improvement. The first argument relies on the psychological reality of how negative emotions disincentivize behavior. This is presented from an Aristotelian framework. The second argument is deduced from our earlier conclusions.

In the *Nicomachean Ethics*, Aristotle devotes attention to the issue of moral education.<sup>25</sup> He is concerned with a certain type of moral education; specifically, he wants an account of how

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<sup>24</sup> My account is open to different accounts of moral value.

<sup>25</sup> Aristotle, and Terence Irwin. *Nicomachean Ethics*. Indianapolis, IN: Hackett Pub., 1985.

to inculcate virtue. One's character, involving psychological dispositional states, needs training. Knowing the right action and doing it are insufficient for virtuous behavior. One must also feel in the right way.<sup>26</sup> Virtues are character traits which regulate both how to act and how to feel.

This creates a minor puzzle. He states:

Someone might be puzzled, however, about what we mean by saying that we become just by doing just actions and temperate by doing temperate actions. For [one might suppose that] if we do grammatical or musical actions, we are grammarians or musicians, and similarly, if we do just or temperate actions, we are thereby just or temperate.<sup>27</sup>

The puzzle is that: a virtuous person is one who does the virtuous act virtuously. That is, the virtuous person does the virtuous act in conjunction with a virtuous disposition – both the internal state and external action must align. If someone needs to be taught virtue, it means they have not achieved a virtuous inner state. How is it possible then to teach someone to be virtuous by only teaching them what the virtuous person does, i.e. by only teaching them virtuous external actions? This will merely be a superficial performance which anyone can mimic. Clearly this is not enough. Virtuous actions need to be done from a stable and unchanging virtuous state. If one does not already have a virtuous state, it seems puzzling how one should acquire it.

Aristotle's response is that "the agent must also be in the right state when he does [the virtuous actions]." And he achieves this "by the frequent doing of just and temperate actions" for the right reasons.<sup>28</sup> For Aristotle, repeating this behavior in the right way, at the right time, for the right reasons, etc. shapes one's dispositional state, which allows one to feel and act uniformly in response to similar environmental conditions. The student who wants to be brave must practice what the brave man does until the student does a brave action bravely. This is relevant

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<sup>26</sup> As Aristotle states, referring to being good which is being dispositionally good, "the purpose of our examination is not to know what the virtue is, but to become good, since otherwise the inquiry would be of no benefit to us" (*NE* 1103b28-32).

<sup>27</sup> Aristotle, *NE* 1105a17-21.

<sup>28</sup> Aristotle, *NE* 1105a31-35, *NE* 1105b5.

for our discussion of regret because pain has a role in how we practice. It is the pain of regret that helps to prevent the recurrence of behavior we disvalue. Since this pain is associated with a prior bad action (i.e. an action or decision that violated a value), and that bad action will be habitually avoided, then at least some of our potential future bad actions will have a deterrent. Over time when we are presented with similar enough circumstances to activate our dispositional responses, e.g. when facing death on the battlefield, our bad habits of running away will diminish and our disinclination toward bad actions will be habituated. This is partly due to the pleasure we take in fine actions and partly due to pain we experience from bad ones.<sup>29</sup> What is noteworthy about the Aristotelian picture is that the pain and pleasure of moral habituation operates at the level of character traits and not solely, or perhaps predominately, at the level of rational processing. The Aristotelian method of habituation and various forms of behavioral modification are future-oriented benefits in the sense that they attempt to reconfigure our psycho-emotional states so that under the right conditions we will minimize erroneous action.

In a similar way, regret functions as an aid to cognitive and imaginative self-improvement. So far we have considered experiences of past pain that serve to disincentive future actions. The agent is morally underdeveloped and needs extensive moral training. But, is there any recourse to moral improvement when the agent is more or less aligned with her values? In this case, one might think regret would be unnecessary for self-improvement. After all, there is little to regret. Consider this scenario:

Jane has consistently worked on self-improvement. Over the years, she has used regret to align her actions closer to her values. She is not in perfect alignment but she is approaching it. However, now she discovers another problem which she did not have previously. Since her actions are rising closer to her ideal, she is becoming vulnerable to

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<sup>29</sup> Howard Rachlin, "Altruism and Selfishness." *Behavioral and Brain Sciences* 25, no. 2 (2002): 239-50.

more potentially regrettable actions. This is because the principles on which she acts were initially imprecise and permissive – there was more room for error while still acting within the principles’ purview. The boundaries could handle a range of deviation. But, as she continued acting within these fuzzy boundaries, she noticed that the actions closer to the boundaries caused regret. They are not as regretful as the actions clearly beyond it, but they are regretful nonetheless. Over time, the principles on which she acts become refined, the imprecise boundaries are reduced, i.e. the range of non-regretful behavior recedes, and she is left with a very precise principle and a small range of possible non-regretful behavior open to her. To make this a bit more concrete, let us say that the principle on which she acts is: “be nice to friends.” Initially, she successfully applies this principle to 100 out of 150 people she meets. This means that out of the 150 people she meets, she considers 100 of them friends and she is nice to them. However, she does not have a precise understanding of “friends” or “being nice.” So at this stage she rarely misses a potential friend to treat nicely. She treats far too many people nicely but given her imprecise understanding it is acceptable. However, as time passes, her definitions of “friends” and “being nice” become more precise and her principle more refined. She successfully applies this principle to 10 out of 150 people she meets. Although she has become more refined with her principle, the possibility of her missing a friend is greater. As she becomes better, the chance for error improves.

Let us call this “the case of normative perfection.” What this case illustrates is the paradoxical nature of improving one’s ability to act in accordance with one’s principles. This is interesting because I think regret still has a role to play in this type of person. Not only is regretting useful for those with serious transgressions or for those with numerous less serious

ones, regret is also appropriate for those who are already nearing the virtuous ideal.<sup>30</sup> Those who have little occasion for regret can still benefit from what can be called the virtue of self-scrutiny. Routinely auditing one's actions and values ensures one is on normative track. Since deviations are always possible,<sup>31</sup> and since self-delusion is a pervasive, omnipresent danger of the human condition, behavioral improvement requires this type of routine self-scrutiny. Critical self-reflection is well known to the ancient Greeks and Romans. Here, Seneca describes approvingly the nightly routine of a stoic he admired, Sextius:

When the day was spent and he had retired to his night's rest, [Sextius] asked his mind, "Which of your ills did you heal today? Which vice did you resist? In what aspect are you better?" Your anger will cease and become more controllable if it knows that every day it must come before a judge. Is there anything finer, then, than this habit of scrutinizing the entire day? What sort of sleep follows this self-examination—how peaceful, how deep and free, when the mind has been either praised or admonished, when the sentinel and secret censor of the self has conducted its inquiry into one's character! I exercise this jurisdiction daily and plead my case before myself. When the light has been removed and my wife has fallen silent, aware of this habit that's now mine, I examine my entire day and go back over what I've done and said, hiding nothing from myself, passing nothing by. For why should I fear any consequence from my mistakes, when I'm able to say, "See that you don't do it again, but now I forgive you."<sup>32</sup>

This type of self-scrutiny is suitable for anyone, even for those more perfected in their actions.

Regret seems to be related to self-scrutiny because it appears to be a necessary part of the process. One cannot take a balance of one's actions and inactions if one has nothing to balance.

There mere act of balancing presupposes having positives and negatives. The negatives, the deviations from one's values, are regrets. Even if they are not fully-fledged regrets, they are actions which can be improved. Regret, then, even in people who are relatively virtuous, like Jane and Sextius, is useful because it is a constituent of self-scrutiny.

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<sup>30</sup> Since my account of regret is neutral to the content of one's values, virtuous behavior is subject to the agent's understanding.

<sup>31</sup> This is possible in everyone except the morally perfect or the completely virtuous person. Hence, the virtue of self-scrutiny will be an aid to everyone except them.

<sup>32</sup> Lucius Annaeus Seneca, Robert A. Kaster, Martha Craven Nussbaum. *Anger, Mercy, Revenge*. Chicago: University of Chicago Press, (2012): 91.

In some sense, one could argue that self-scrutiny is akin to Aristotelian prudence. Prudence for Aristotle is a governing virtue – it is the virtue that regulates and makes possible all of the other virtues of character. Prudence belongs to the rationally calculating part of the soul and we use its correct deliberation as a basis for correct action.<sup>33</sup> Prudence is prescriptive because it guides action. This is relevant for our discussion because of how it relates to the virtues of character. Insofar as the different virtues of character are guides to action in their specific domain, they share a commonality. Each virtue brings with it a correct understanding of what should be done.<sup>34</sup> The understanding of what to do in any circumstance is prudence. Aristotle states “the decision will not be correct without prudence or without virtue – for [virtue] makes us achieve the end, whereas [prudence] makes us achieve the things that promote the end.”<sup>35</sup> Since virtues require prudential deliberation, prudence is involved every virtuous action.<sup>36</sup>

This relationship between prudence and virtues seems similar to that of self-scrutiny and regret. Self-scrutiny is a higher level activity than regret because the self-scrutinizing process identifies our errors and successes. Moreover, one’s errors, upon further reflection, might not be errors at all. The self-scrutinizing process is initiated on the basis of supposed wrong-doing and is applicable to the entire range of blameworthy action, from serious errors to less serious ones, and even to those actions which are not blameworthy but initially appeared to be so. This is another point Bittner underappreciates. Regret is involved in a range of experiences through the process of self-scrutiny.

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<sup>33</sup> Aristotle, *NE* 1143a9.

<sup>34</sup> Aristotle states, “[F]or one has all the virtues if and only if one has prudence.” *NE* 1143a9.

<sup>35</sup> *NE* 1145a5

<sup>36</sup> Aristotle, *Nicomachean Ethics*, 255.

Another form of improvement occurs from envisioning future pain and attempting to avoid it. That is, by mentally time traveling into the future, one can contemplate the pain one would experience if a current choice were made. The mechanism would involve projecting oneself into a future time,  $F$ , at which time one commits the hypothetical choice under consideration in the present.<sup>37</sup> At a later time,  $F_1$ , one anticipates the causal sequence of how the choice would unfold through a reasonable extrapolation from past experiences. At yet a later time,  $F_2$ , the agent feels a regret-like response to the action he took at  $F$ . The present self then decides to avoid the proposed action which functions as a means to obviate future pain at,  $F_2$ , if this future pain outweighs the current perceived pleasure of committing the choice. It is this speculative pain, on balance, from the future event that functions as a deterrent on the agent's current behavior. It is in this way that speculative reasoning about future pain encourages self-improvement.

The second argument for the claim that regret is a means to moral improvement can be deduced from what was stated earlier. We now understand that recognizing our past transgressions is an act of valuing or devaluing. This is because we cannot view moral facts – i.e. facts that are salient to our value system – from an emotionally agnostic perspective. These types of facts are bound up with how we feel. Insofar as one devalues, one feels pain. Through a process of behavioral modification – either through dispositions or speculative time-travel – it is pain that motivates us to avoid bad actions. Through this process of pain avoidance we are simultaneously optimizing our behavior. Since our pain results from bad actions, and these we intend to avoid, we are not making the same mistakes repeatedly. Our behavior progressively

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<sup>37</sup> This first stage could also occur in the present if the agent envisioned this instead.



reaches the point where our actions more accurately reflect our values. This behavioral improvement, or optimization, is a way of learning from our past mistakes.<sup>38</sup>

If we return to Achilles, we can surmise how he might morally improve. First, he would recognize his mistake of withdrawing from the battle after being dishonored. It was a mistake because his best friend, who is more important than withdrawing from battle to avenge Agamemnon, died as a result. The pain associated with this mistaken decision would incentivize him to avoid repeating it. In future circumstances similar enough to trigger his pain, Achilles would be more likely to avoid repeating the same mistake. Over time, he would habituate the regret-avoiding decision. That is, he will have learned which scenarios require him to avoid choosing similarly (to his prior mistake) in order to protect what matters to him, and he will have learned how to make the correct choice.

#### V. Similarity to Agent-Regret

Some might object that agent-regret is a counterexample to this account because a.) it is a form of regret, but b.) lacks any element worthy of recognition or recognitional-learning, insofar as it is a response to blameless behavior. In response, I argue that in fact agent-regret *is* consistent with elements of my account. Even with the blameless wrongs of agent-regret, there are reasons to recognize, learn and display regret about the action. However, this is not to say that blameless actions are *as* worthy of these values as the objects of paradigmatic regret; they merely have enough similarities to qualify for a lesser share. Hence, agent-regret is not a counterexample because it is inaccessible to the values in the same degree as the paradigmatic case and it is a deviant form of regret, with some key differences I examine.<sup>39</sup>

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<sup>38</sup> By “learning,” I simply mean recognizing certain facts and doing something further with those facts.

<sup>39</sup> I thank Jeffrey Helmreich for this characterization of the counterexample.

In *Moral Luck*, Bernard Williams describes a scenario where a driver accidentally hits a pedestrian.<sup>40</sup> Williams uses this scenario to help elucidate regret. While general regret is anything that suggests the thought “how much better it would have been otherwise” and can apply to events beyond those for which we are causally responsible, agent-regret is a response to the agent’s own actions.<sup>41</sup> Agent-regret “can extend far beyond what one intentionally did to almost anything for which one was causally responsible in virtue of something one intentionally did.”<sup>42</sup> What is interesting about agent-regret is that the feelings one has toward one’s own actions – whether voluntary or not – are distinct from those of an observer. This is true even in cases where neither the observer nor the agent voluntarily performed the action. Williams uses the example of a child being run over by a lorry driver to show that he is in a unique position, as the one who is causally responsible, and has a unique emotional response. He states:

The lorry driver who, through no fault of his, runs over a child, will feel differently from any spectator, even a spectator next to him in the cab...Doubtless...people will try, in comforting him, to move the driver from this state of feeling, move him indeed from where he is to something more like the place of a spectator... We feel sorry for the 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.<sup>43</sup>

This example and his preceding discussion illustrate that there are at least three types of scenarios where regret seems appropriate. First, there is general regret that applies to scenarios for which anyone would think it better if things had been otherwise. This includes events in which one is not causally responsible. For example, the child getting hit from a spectator’s point of view is worthy of general regret because things would be better in the world had they been otherwise. Second, there is regret that is the result of an agent’s blameworthy actions, e.g. if the

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<sup>40</sup> Bernard Williams. *Moral Luck: Philosophical Papers 1973–1980*. (Cambridge: Cambridge University Press, 1981).

<sup>41</sup> Williams, *Moral Luck*, 124.

<sup>42</sup> *ibid.*

<sup>43</sup> *ibid.*

lorry driver intended to hit the child, then he would feel this type of regret. Third, there is agent-regret that is the result of an agent's non-blameworthy actions, as in Williams' actual lorry driver example.

Some could argue that my account is compatible with agent-regret. It is plausible to assume that immediately after hitting the child, the driver would be unsure if he is blameworthy. We could picture him, immediately after the event, checking his brakes, remembering whether his car maintenance was up to date, wondering if the prior late night had played a role, rehearsing in his mind the moments before the impact to check if he was momentarily distracted, etc. The driver would be engaged in the recognition process that is constitutive of my account of regret. The difference, however, is that upon completing this process the driver would realize he is not at fault. He would neither gain clarity nor manage his self-conception – without being in error, these values do not obtain.<sup>44</sup> Moreover, this process is very similar to the self-scrutiny of recognitional-learning because there is a prompting of quasi-regret, this is not actual regret but potential regret, which initiates the process. There is also a social component to the display of regret that occurs in agent-regret that is similar to my view which is discussed in the following chapter.

To the extent that the driver undergoes the processes of recognition and recognitional-learning, he gains the values of paradigmatic regret. Since the self-scrutinizing involved in agent-regret and paradigmatic regret is identical, the values inherent in the process would reward anyone who performs it. However, the agent feeling agent-regret does not receive all of the value of the paradigmatic case because values of the paradigmatic case include being clear about how one erred and improving from this recognition. In the case of agent-regret, since the agent has

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<sup>44</sup> Certain derivative values would be appropriate. He would gain clarity with respect to why he is not blameworthy and he would perhaps improve his value of himself. However, the values of clarity and self-reconciliation have different content when one is blameworthy.

not erred, he would not receive these values. My account is compatible with agent-regret insofar as some of the values overlap and this does not pose a threat to my account.

One could also argue that my account of regret is compatible with agent-regret because self-alienation is common to both. On my view, pain is associated with self-alienation which results from not being able to reconcile my current values with my prior self. And being irreconcilable is also a key feature of agent-regret. Perhaps, then, this type of pain is the relevant common denominator. Consider this case:

Achilleus after being dishonored by Agamemnon does not withdraw from the fighting. Instead, Achilleus continues to fight alongside his fellow soldiers, including his friend Patroklos. Through no moral fault of his own, and certainly not consciously, Achilleus kills his friend. He throws a spear at Hektor who avoids it at the last second by moving his head. The spear hits Patroklos and he is fatally wounded. Achilleus feels responsible. In this case, Achilleus feels regret. He is pained from being causally responsible by throwing the spear, because it led to his friend's death. There is a sense in which Achilleus does not identify with the killer of his friend. His prior actions are inconsistent with his current values and hence he feels the pain of alienation. This unique perspective of Achilleus is agent-regret because he caused the death accidentally. It also consistent with my account insofar as it generates a pain of self-alienation.

In response, my account is not similar to agent-regret to warrant this comparison because the self-alienation of agent-regret is not caused in the right way. The conditions appropriate for self-alienation are that the agent needs to play a role in what he does. The agent needs to contribute, and feel that he is contributing, to his self-determination. There is no sense in which the agent at the time of acting feels as though he is contributing to his life in a meaningful way.

He has not chosen the action (and its likely ramifications) in light of his wider values and life goals.<sup>45</sup>

If we consider our example of Achilles throwing the spear and killing his friend, Patroklos, we see that killing his friend was not part of the reasonably calculated outcomes that were envisioned at the time of acting. The envisioned outcomes were killing Hektor or perhaps hitting the ground. The killing of his friend did not factor into his decision-making process and was not an expression of his values. Though he ended up killing his friend, he did not intend to kill him. Achilles was causally responsible but not in the right way to be alienated from his projects, desires and deliberative faculty. This means that he is not alienated from himself in the relevant way to count as paradigmatic regret.

## VI. Conclusion

In this chapter, I argued that regret is worthwhile because it has value. First, regret is valuable because it allows us to access the regretful act through a process I call “recognition.” Recognition involves attending to all of the salient aspects of a regretful event given our current normative or moral framework. As we revisit the event, we are likely to become aware of heretofore unknown or unappreciated aspects. We gain clarity from this process. Recognition also puts in perspective our actions and might allow for self-acceptance, especially in cases where regret is difficult to overcome and negatively affects one’s quality of life.

Second, when we are able to take regretful experiences and use them to improve, we are engaged in a learning process. This I call “recognitional-learning” to reflect the fact that the value of recognition is still present. This process was shown through an Aristotelian framework where the pain of the regretful event is used to shape future decision-making behavior. Then one

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<sup>45</sup> This is not meant to be an unnecessarily burdensome moral outlook that informs every choice – many choices we make are not of this kind. However, there are outcomes of our actions which are accidental and this implies that they were not part of the reasonable outcomes which we envisioned at the time of acting.

becomes habituated to non-regretful behavior. I also explored the possibility of mentally projecting oneself into the future and acting in the present as to avoid the future imagined pain.

One objection that we considered was the similarity with agent-regret. We saw many similarities with agent-regret including the locus of pain in self-alienation. This was potentially problematic because agent-regret does not seem amenable to the values of recognition and recognitional-learning. This is because clarity, self-reconciliation and self-improvement only make sense when the agent feels as though he is involved in the decision-making process. The upshot was that either my account of regret needed to be amended or the values I attributed to regret are inadequate because they do not apply to all types of regret. However, this objection failed because it did not take into account the right kind of cause for self-alienation. Once this was addressed, we saw that agent-regret was not similar in the right way to share all of the values of clarity, self-reconciliation and self-improvement.

The purpose of this chapter was to argue for the personal value of regret. However, as I argue in the following chapter, the display of regret has a distinctive social value. The display of regret has meaning to members of a community because of what it communicates.

## Chapter 4: Social Values of Displaying Regret

### I. Introduction

Rudigar Bittner, in “Is It Reasonable to Regret?” argues that regret has little if any redeemable value and is therefore unreasonable.<sup>1</sup> For him, regret impairs an agent’s ability to learn from mistakes, negatively contributes to one’s character and unnecessarily multiplies pain. All of these charges against regret are ways in which the agent is impacted by his own regret. Regret in this context is being evaluated as a personal phenomenon. I met these challenges in the prior chapter where I argued that, contrary to Bittner et al., regret is valuable in the personal realm.<sup>2</sup> However, neither I nor Bittner discussed the social performance of regret and how this impacts our social practices.

The discussion in this chapter is on the social value of displaying regret. As I discuss later, feeling the actual emotion might not be necessary for this social value. If this is true then it is not, precisely speaking, a value of regret itself. It is, rather, a value of a regret-like display. However, I do not want to suggest that the connection between feeling regret and displaying it is merely a contingent one in all respects. They are conceptually linked in that the emergence of the display (and what we take as acceptable enactments of that display) is non-contingently connected to the private mental states of the emotion. We would not have the idea of displaying regret unless there was regret to display. So the paradigmatic case of displaying regret would appear to involve feeling the appropriate emotions. They may also be causally linked; it may be difficult to display regret in most cases without feeling it.<sup>3</sup> So although I will speak of instances

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<sup>1</sup> Rudigar Bittner. "Is It Reasonable to Regret Things One Did?" *The Journal of Philosophy* 89, no. 5 (1992).

<sup>2</sup> The values of regret to the agent I argue in the prior chapter are clarity and self-improvement.

<sup>3</sup> It is worth noting that the connection between emotions and display can also work in the opposite direction. Instead of the emotion being the precondition for the display, the display can lead to feeling the emotion. In the legal realm this is often a presupposition of certain rules and regulations. That, when enacted faithfully by the constituency, people will not only behave better but also become better people (with the right feelings).

where one can perform regret-like behavior, our ability to identify this behavior as regret-like is conditioned by its conceptual and perhaps causal links to a genuine mental state. And, it bears mention that cases of displaying regret without feeling it are deviations, acting “as if,” which is therefore parasitic on the standard “felt” cases.<sup>4</sup>

Displays of regret are valuable in what they communicate to others and how they regulate our interpersonal behavior. That is, displays of regret have social significance. Actions in the social realm not only communicate how we feel about one another and how we feel about the social practice in which we engage, they also communicate how we should reasonably be expected to behave in the future.

To argue for the claim that displaying regret has social value, I will briefly discuss behavior as a performance and how this relates to regret. Here, I draw on the work of Erving Goffman’s *The Presentation of Self in Everyday Life*. Then, by analogy to etiquette, I argue that displaying regret has two primary social functions: regulating interpersonal social behavior and providing commentary on social practices. Next, I address a concern about the nature of regret’s social function: does one need to feel regret for it have social value or is merely acting as if one feels it sufficient? I use the phenomenon of the well-behaved psychopath as an explanatory device to articulate different points of view. Well-behaved psychopaths, unlike paradigmatic psychopaths, often strive to understand and conform to social norms. They do this although they share similar psycho-emotional limitations with normal psychopaths. Ultimately, I argue against a requirement of genuine feeling by stating one does not need to be authentic as is commonly understood. Instead, I present an alternative understanding of what it means to be authentic and the conditions necessary for its satisfaction.

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<sup>4</sup> I thank Jeffrey Helmreich for this and other key formulations in this chapter.



## II. Behavior as Performance

In *The Presentation of the Self in Everyday Life*, Erving Goffman explains how our public behavior can be understood as a performance.<sup>5</sup> By “performance,” he means “all the activity of a given participant on a given occasion which serves to influence in any way any of the other participants.”<sup>6</sup> This broad characterization includes everything another person could find meaningful. Agents necessarily communicate something in the act of presenting themselves to an observer. This communication can be explicit when the agent intends to convey specific information or implicit when the agent conveys information that was unintended. Goffman notes:

It has been suggested that the performer can rely upon his audience to accept minor cues as a sign of something important about his performance. This convenient fact has an inconvenient implication. By virtue of the same sign-accepting tendency, the audience may misunderstand the meaning that a cue was designed to convey, or may read an embarrassing meaning into the gestures or events that were accidental, inadvertent, or incidental and not meant by the performer to carry any meaning whatsoever.<sup>7</sup>

The upshot is that when agents are involved in social interactions and are engaged in performances, their behavior – even that which is unintended – is meaningfully interpreted.

A performance is meaningfully interpreted in a context. The interpretation of an agent’s performance is conditioned by the type of social interaction or social practice in which it takes place. For instance, smirking and shrugging one’s shoulders on a basketball court in response to an insult or challenge could be interpreted as unwavering confidence. Here the relevant context is a competitive environment where threats are used to break one’s concentration and to secure a competitive advantage. Being impervious to these kinds of tactics is praiseworthy. Smirks and shrugs are signs of this imperviousness. However, if one smirks and shrugs one’s shoulders

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<sup>5</sup> Erving Goffman. *The Presentation of Self in Everyday Life*. New York: Anchor Books, 2008.

<sup>6</sup> Goffman, 15.

<sup>7</sup> Goffman, 51.

before a judge in a court of law, it is interpreted as contemptuous behavior.<sup>8</sup> These actions are blameworthy because they disrespect or degrade the legal process and the people engaged in administering it. The context of the social practice is useful in determining how a particular action should be interpreted. Given the nature of social behavior and the importance of context, we shall now see how the social manifestation of regret is meaningful.

### III. Regret as Performance

In the prior chapter, we saw regret function in the personal realm. Regret was an agent's emotional response of recognizing that his prior actions (or non-actions) transgressed his current values. The focus was on the agent's understanding of his own misdeeds irrespective of the awareness of others. The beneficiary was the agent himself – he gained clarity and self-improvement. On the other hand, regret as a social phenomenon results from an agent's presentation. Regret becomes a social phenomenon when the agent shows regret as part of his public performance. In this capacity, his emotional display communicates socially relevant information to those who observe it. It not only provides commentary on the social practice, but it also addresses those within it. It is this social feature of regret that makes it contextually significant.

This social feature of regret operates similarly to etiquette. Etiquette in the philosophical literature is a system of normative rules governing social behavior.<sup>9</sup> Judith Martin defines it as: “a complex system of contextually dependent judgments, in which competing obligations, motivations, and circumstances must be carefully weighed.”<sup>10</sup> This system of contextually

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<sup>8</sup> These seem like plausible candidates for contempt of court, especially when one juror was reprimanded and threatened with the same charge for yawning. Caitlin Liu. "Sleepy Juror Gets Rude Awakening." Los Angeles Times. April 20, 2005.

<sup>9</sup> Judith Martin and Gunther S. Stent. "I Think; Therefore I Thank: A Philosophy of Etiquette." *The American Scholar* 59, no. 2 (1990): 237-54.

<sup>10</sup> Judith Martin. "A Philosophy of Etiquette." *Proceedings of the American Philosophical Society* 137, no. 3 (1993): 351.

dependent judgments has a functional role in social practices. That role is to regulate behavior and communicate information through symbolic representation. Hence, the functions are regulative and symbolic. I will discuss these in turn.

The regulative function refers to the way etiquette maintains social cohesion by eliminating or minimizing interpersonal tensions between members. When agents act in ways that are understood to be polite or considerate, fewer social norms are transgressed and as a result fewer people are offended. And if fewer people are offended, communities will generally experience fewer incidents of social malfunction such as crime, over-burdened legal systems, societal polarization, etc.<sup>11</sup>

Regret has a similar regulative function. This is illustrated in Bernard Williams' *Moral Luck*. The example he gives is of a truck driver who accidentally, and through no fault of his own, hits a child. In this case, the driver feels regret although he is not morally responsible.<sup>12</sup> What is interesting is not what he feels, but what a hypothetical spectator would feel. Williams notes:

Doubtless, and rightly, people will try, in comforting him, to move the driver from this state of feeling, 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 readily moved to that position* (italics mine).<sup>13</sup>

Here we see that if the driver is “too blandly or readily” moved to that of a non-regretful spectator, others would likely disapprove. The reason is that such easily assuaged regret appears insincere or disturbingly shallow. And not feeling regret in the right way indicates a failure to recognize the harm that was done or the respect that was owed to the victim. Moreover, it

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<sup>11</sup> This is not the only form of regulating communities. Legal systems also provide a recourse to social waywardness. The difference is that the regulative function of regret is preventive and the legal function is largely retributive. When a grievance is no longer amenable to social pressure, legal measures take over are usually more severe.

<sup>12</sup> This is agent-regret which is a specific form of regret that Williams identifies.

<sup>13</sup> Bernard Williams. *Moral Luck: Philosophical Papers 1973–1980*. (Cambridge: Cambridge University Press, 1981.) 28.

violates social norms of acting in ways that are sensitive to the welfare of others. Observers who are sensitive to these violations of social norms are liable to feel offense. These types of transgressions encourage the breakdown of social harmony. The regulative function of regret maintains and reinforces it.

It is important to add that this regulative function is not only active in the behavior of others – those for whom the displays of regret are intended to reach – the agent herself is also subject to a course of expected future behavior. In the act of displaying regret, the speaker signals to others that this is how she views things, and is therefore answerable to them for remaining true to this display. That is, if the display is to be meaningful it implies that the person who regrets is observant of the harm or potential harm that happened *and* this observance will condition her future action. That one's future should change in light of one's regretful display is a natural consequence of regretting. If we return to the lorry driver who displayed regret after hitting a child, we understand from his regretful display that he is observant of the harm done to the child and those who care about the child. We also understand that the driver must act in certain ways to make good, so to speak, on his regret. His subsequent actions or inaction must reinforce the message that he understands the harm he caused. If not, the sincerity of his regret is undermined. For example, the driver might be obligated to show: a certain seriousness when discussing this incident in the future, a willingness to attend the funeral if the child dies, a concern for the parents' feelings, a willingness to cooperate with the police investigation although he believes himself to be free from moral blame, a certain resistance to be consoled (as Williams points out), etc. If subsequent events demand that one of the above actions be shown, and it is not shown, then the driver will be viewed as violating the obligations imposed on him by his display of regret. In short, the driver's regret will seem fraudulent. One could describe the

regulative behavior imposed on the agent like this: when one displays regret, one is opening oneself to be held to acting in ways consistent with this recognition in the future.

The symbolic function of etiquette is “a system of symbols whose semantic content provides for predictability in social relations, especially among strangers.”<sup>14</sup> Symbols give us information about how we are to understand one another and predict their attitude and behavior within a given social practice. Clothing, gestures, words, etc. can function symbolically. Perhaps the commonest symbolic gesture in the Anglosphere is one of good-will: an outstretched hand and a smile. In Japan, this might be the bowing of the head. Knowing the meaning of these signs, and their opposite, can be useful in interpreting another’s thoughts and intentions.

Regret also functions symbolically. Expressing regret, remorse, self-recrimination and other forms of post-decisional sadness is a way to show one’s emotional sincerity. In many cases, non-verbal symbols of regret are relied upon to confirm whether or not the agent is being truthful with what he presents himself as feeling. Facial expressions and other types of symbolic body language are less easily manipulated, and therefore more often seen as trusted messengers.<sup>15</sup> This is most notable in the courthouse. As mentioned earlier, displaying contemptuous behavior, such as smirking, shrugging one’s shoulders, making outbursts and yawning toward the judge is interpreted as disrespecting the legal process. On the other hand, showing sincere displays of regret and remorse toward the judge can lessen one’s sentencing.<sup>16</sup>

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<sup>14</sup> Martin, *Philosophy of Etiquette*, 354.

<sup>15</sup> Mind reading is primarily the ability to recognize facial expressions in order to “predict, explain, mold and manipulate each other’s behavior.” This ability is evolutionarily acquired. C. M. Heyes and C. D. Frith. “The Cultural Evolution of Mind Reading.” *Science* 344, no. 6190 (2014): 1243091.

<sup>16</sup> “Legal scholars and courts appreciate the significance of remorse in criminal law. Remorse is held to be an appropriate consideration, particularly during the sentencing phase of criminal proceedings.” from “So You’re Sorry? The Role of Remorse in Criminal Law.” *Journal of the American Academy of Psychiatry and the Law* Online Mar 2014, 42 (1) 39-48.

#### IV. Does Authenticity Matter?

It may be noticed that on the preceding argument, one has reason to display regret to others, quite apart from whether one is actually feeling it. The regulative and symbolic value of the performance stands independently of the internal psychology of the performer. Indeed, given that it has these values, it seems to follow that one should display regret regardless of whether one can muster the genuine, affective emotional state.

But such unfelt displays could be seen as insincere, or otherwise inauthentic. In other words, one may worry that it is wrong – at best unvirtuous – to display regret, whatever its social value, unless one is actually in the raw, emotional throes of feeling regretful. To explore this question, I will consider the case of the psychopath and, especially, the well-behaved psychopath.

Psychopaths are interesting because they do not have the same inner psycho-emotional life as the rest of us, and so lack that crucial reference point, but can still function successfully in our social practices. Although a significant percentage of prisoners are psychopaths, this represents a small fraction of the total number of psychopaths, most of whom are not incarcerated.<sup>17</sup> My primary focus will be on those who are not incarcerated. It is by looking at these psychopaths, how they function and what success they have, that we can better understand the ways in which expressions or displays of regret have social value. First, I will briefly explain psychopathy.

Psychopathy is subset of characteristics that constitute anti-personality disorder (APD). The most prominent symptoms include: “remorselessness, callousness, deceitfulness, egocentricity, failure to form close emotional bonds, low anxiety proneness, superficial charm, and

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<sup>17</sup> Psychopaths account for 1% of the population, but are 15-20% of the male prison population in North America. Most psychopaths are either on probation, parole or not in the criminal system. Kent A Kiehl and Morris B Hoffman. “The Criminal Psychopath: History, Neuroscience, Treatment, and Economics.” *Jurimetrics* vol. 51 (2011): 355-397.

externalization of blame.”<sup>18</sup> Assessments of psychopathy take the form of measuring an individual’s psychological traits against a checklist of recognized symptoms.<sup>19</sup> If the individual scores within range, they are diagnosed with psychopathy. This means that individuals are on a continuum – some may just reach the threshold of psychopathy while others may exceed it by a wide margin.

The upshot is that some psychopaths can function well in society. One commentator describes these patients as:

highly functioning businessmen—men of the world...scientists, physicians and even psychiatrists. These people were able to navigate the demands of modern society, despite having the same clinical constellations as their less-functioning brethren, including grandiosity, impulsivity, remorselessness and shallow affect. These functioning psychopaths have become the objects of much recent attention.<sup>20</sup>

These are known as the well-behaved or successful psychopaths.<sup>21</sup> By “well-behaved” and “successful,” I mean that these individuals are able to function in social settings with a substantial degree of achievement in addition to staying out of jail. Well-behaved psychopaths are functional despite not feeling empathetic emotions in the same way we ordinarily think one should.<sup>22</sup> They lack much or all of the capacity that allows empathetic moral promptings to dissuade them from acting in ways hurtful to others. Yet, they are able to act in ways consistent with a sincere regretful display. This may seem puzzling but their proficiency at displaying the appropriate emotional response – even without completely feeling it – is convincing. They use

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<sup>18</sup> Jennifer L. Skeem et al. "Psychopathic Personality or Personalities? Exploring Potential Variants of Psychopathy and Their Implications for Risk Assessment." *Aggression and Violent Behavior* 8, no. 5 (2003): 513-46.

<sup>19</sup> The gold standard for psychopathy diagnosis is the Psychopathy Checklist-Revised (Hare, 1991) developed by Robert Hare which includes twenty psychological traits. Gregory W. Stevens et al. "Successful Psychopaths: Are They Unethical Decision-Makers and Why?" *Journal of Business Ethics* 105, no. 2 (2011): 140.

<sup>20</sup> Kiehl and Hoffman, "The Criminal Psychopath."

<sup>21</sup> Sometimes referred to as the “the *adaptive* or *subclinical* psychopath: an individual who displays many of the core features of psychopathic personality (psychopathy) while achieving success.” Scott Lilienfeld et al. “Successful Psychopathy: A Scientific Status Report.” *Current Directions in Psychological Science* 24, no. 4 (August 2015): 298.

<sup>22</sup> I am referring to both those who feel no empathetic pangs and those who feel it moderately but not as much as the average person would.

this to their advantage and are more disposed than the average person to climb the corporate ladder or other tier-based systems.<sup>23</sup>

There have been numerous proposals regarding the likely professions into which these types of individuals populate.<sup>24</sup> *The Atlantic* describes the story of how a neuroscientist, James Fallon, inadvertently discovered his psychopathy while researching psychopaths:

A neuroscientist is working in his laboratory one day when he thinks he has stumbled upon a big mistake. He is researching Alzheimer's and using his healthy family members' brain scans as a control, while simultaneously reviewing the fMRIs of murderous psychopaths for a side project. It appears, though, that one of the killers' scans has been shuffled into the wrong batch... But no mistake has been made: The brain scan that mirrors those of the psychopaths is his own.<sup>25</sup>

This high-functioning neurologist has learned how to interact in his professional and personal life although he is emotionally deficient. The innumerable daily social scenarios that are navigated depend on how well Fallon produces the right kinds of emotional responses at the right times. It also depends on others believing that Fallon is acting and responding appropriately to social cues. Although he is able to function successfully in these environments, he is only acting *as if* he feels these emotions. In fact, he does not or does not as strongly as his behavior would suggest.

Now we can explore the question: Is the well-behaved psychopath justified when he communicates regret or is he doing something objectionable?

Although the well-behaved psychopath can display regret, displaying might not be enough to be socially valuable if such displays violate the requirements of authenticity. Being

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<sup>23</sup> Paul Babiak and Robert D. Hare. *Snakes in Suits: Understanding and Surviving the Psychopaths in Your Office*. New York: Harper Business, 2018.

<sup>24</sup> "Several authors have conjectured that psychopathic individuals are overrepresented in certain vocations, including politics, business, military combat, law enforcement, firefighting, and risky sports (Babiak & Hare, 2006; Fowles & Dindo, 2006; Stevens, Deuling, & Armenakis, 2012)." in "Successful Psychopathy: A Scientific Status Report."

<sup>25</sup> Judith Ohikuare. "Life as a Nonviolent Psychopath." *The Atlantic*. March 10, 2018.



“authentic” is the view that one should live a life, in all of its manifestations, that in some way corresponds to one’s true self. “True self” is taken to mean an accurate reflection of who one is. Let us call this the “authenticity view.” I will present two versions of this view. Version one pertains to how an agent lives his life. This version has two parts. Part one characterizes one’s true self as something relatively stable in one’s being, e.g. this would include one’s values, personality, core beliefs, etc. Part two characterizes one’s true self as a function of one’s freedom. Version two pertains to the agent’s speech acts. Being authentic on this view is a kind of sincerity; it amounts to performing speech acts that accurately convey what the speaker is indeed feeling or undergoing, and speech acts are felicitous when they sincerely match the emotional state of the agent. Both versions of authenticity will be challenged. That is, I do not believe that agents, in this case psychopaths, need to be authentic by these rigid characterizations. Instead, psychopaths can retain what authenticity is attempting to capture, which is sincerity, through a different set of conditions. In the end, I argue that agents can be sincere in their behavior even if they are “inauthentic” according to the authenticity view.

In the *Ethics of Authenticity*, Charles Taylor identifies what he takes to be the source of the two ways one can be authentic.<sup>26</sup> The first begins with Jean Jacques Rousseau who replaces our connection with god with being connected to something special within us.<sup>27</sup> Rousseau does this by presenting “the issue of morality as that of our following a voice of nature within us.”<sup>28</sup> And recognizing that our “salvation comes from recovering authentic moral contact with ourselves.”<sup>29</sup> To be consistent with one’s true self is to discover one’s core set of beliefs, traits and values and act in ways consistent with them.

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<sup>26</sup> Charles Taylor. *The Ethics of Authenticity*. (Cambridge, MA: Harvard Univ. Press, 1999).

<sup>27</sup> Whether this connection to god is located somewhere in the world or somewhere within us does not make a difference for our purposes.

<sup>28</sup> Taylor, *Ethics of Authenticity*, 27.

<sup>29</sup> *ibid.*

Taylor notes that Rousseau also advocates the view that authenticity is being free to choose the direction of one's own life; it is an act of self-determination. "It is the idea that I am free when I decide for myself what concerns me, rather than being shaped by external influences."<sup>30</sup> Rousseau has apparently presented dichotomous views of being authentic. On the one hand, authenticity is related to discovering and being grateful for what is within. On the other hand, authenticity is concerned with self-creating through the freedom of choice. This dichotomy is sometimes referred to as a "self-discovery and self-creation" or a "gratitude and creativity" framework."<sup>31</sup>

Whether or not the psychopath is being authentic depends on which conception of authenticity is operative. The straightforward case to make is that the psychopath is authentic when viewed from the creativity framework. When the well-behaved psychopath is learning social behavior, he is expressing freedom and functioning from a creativity framework. Quite frequently psychopaths seek help because they want to overcome their social ineptitude.<sup>32</sup> The reasons for this are not entirely clear to me. Perhaps, there is an underdeveloped sense of empathy and the psychopathic agent wants this part to be more active. Or, maybe, the impetus to change is the recognition that modifying social behavior will ultimately be in the psychopath's best interest – he will, on average, get more of what he wants and less of what he does not. In any event, the exercising of his freedom to seek counseling is an expression of the creativity

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<sup>30</sup> *ibid.*

<sup>31</sup> These are the terms used by Neil Levy (2011), Adam Kadlac (2018), and Erik Parens (2005).

<sup>32</sup> As successful psychopath, James Fallon states, "I started with simple things of how I interact with my wife, my sister, and my mother. Even though they've always been close to me, I don't treat them all that well. I treat strangers pretty well—really well, and people tend to like me when they meet me—but I treat my family the same way, like they're just somebody at a bar. I treat them well, but I don't treat them in a special way. That's the big problem." From, Ohikuare. "Life as a Nonviolent Psychopath."

view of authenticity. If this were the only condition to authenticity, well-behaved (and perhaps ill-behaved) psychopaths would seem to satisfy it.<sup>33</sup>

However, this is not the only claim to authenticity. The other view, that one should discover their “true self” and act in light of that, seems troublesome for the well-behaved psychopath. His deepest feelings are not concerned with a consideration of others. Commentators have tried to reconcile issues similar to this in the enhancement debate. The debate is whether or not technological enhancements, e.g. anti-anxiety medication, anti-depressants, Adderall, steroids, etc., allow us to be more of who we are or if they militate against it. That is, do these enhancements increase authenticity or diminish it? Proponents of enhancements “view these same technologies...not as a threat to authenticity, but rather as tools that can facilitate our authentic efforts at self-discovery and self-creation.”<sup>34</sup> If enhancements can be aids to self-discovery, then psychopaths might be able to use their social awareness training to access their true self.

The central claim for suggesting enhancements aid self-discovery is that they put us in touch with parts of ourselves that were previously inaccessible. An example will illustrate the point:

Suppose Mary in her childhood was outgoing, resilient, carefree and optimistic.

However, it has been many years since then and she has become a bitter pessimist. In addition, she spent time in jail for tax evasion. Her time behind bars was traumatic and now she is on anti-depressants. For the first time in years, as a result of anti-depressant medication, she feels like her true self – she feels like a kid again.

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<sup>33</sup> Ill-behaved psychopaths would be acting authentically because they also express creativity.

<sup>34</sup> Erik Parens. "Authenticity and Ambivalence: Toward Understanding the Enhancement Debate." *The Hastings Center Report* 35, no. 3 (2005).

The anti-depressants in this case are instrumental in removing the obstacles between the agent and herself, so to speak. The years of hard living combined with difficult trauma has barricaded the part of her character with which she most identifies. Medical enhancements are a means to access this inner self. Examples of this kind are ubiquitous. Gender reassignment procedures, weight-loss surgeries, plastic surgeries, psychological medication, etc. are ways in which technology allows individuals to get in touch with their true selves. As Levy notes:

The inner voice to which we listen, and which tells us what being human is for us, may not whisper of acceptance. Instead, its message might be that we should change, to bring inner and outer into harmony. Self-discovery might *require* change from us, and to that extent it is entirely compatible with the use of various enhancements. Just as the person suffering from Gender Identity Disorder might come to be who they...*really* are by means of an intervention, so the depressed person might become who they are by means of Prozac.<sup>35</sup>

Well-behaved psychopaths are similarly using enhancements in the form of rehabilitative treatments. However, they are not attempting to live up to their authentic personal self. This is what they are trying to avoid insofar as that authentic self is someone more callous and less empathetic. They do not want to be a social misfit but instead want to integrate better into their community. Instead, what the well-behaved psychopath is seeking from this type of behavioral enhancement is living in a way that is consistent with his authentic *social* self. He is a member of a social practice and identifies with a social role. The attributes of his social self are what he actively works to obtain. He is consciously acquiring the skills to respond in appropriate and empathetic ways even if he lacks the full empathy to back it up. The closer he can bring these two together – his social self and his actions – the less alienation he experiences. The well-behaved psychopath is no longer acting *qua* individual or private agent. He is acting *qua* socially aware agent or *qua* regretful agent. By choosing to adopt a social role, he is using creative elements of authenticity. And by identifying with that social role, he is using elements of self-

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<sup>35</sup> Neil Levy. "Enhancing Authenticity." *Journal of Applied Philosophy* 28, no. 3 (2011): 316.

discovery. Well-behaved psychopaths, then, appear to meet both conditions of the first version of the authenticity view.

The second version of the authenticity view concerns speech acts. Specifically, the claim is that psychopaths are not being felicitous in their regretful utterances because their emotions at the time of utterance do not match what that utterance is commonly thought to express. First, I will explain the “authenticity view” of speech acts which are called “expressives” and how psychopaths seem to fall short of their satisfying conditions. Then, I will give an account of how a well-behaved psychopath’s utterance can be authentic through a position called “stance-taking.” The upshot is that well-behaved psychopaths have a claim to authenticity which legitimates their regretful speech acts.

A problem with speech is deception, or insincerity. Sincerity conditions are conditions that require the speaker’s utterance to reflect his psychological state. “A speech act is sincere only if the speaker is in the psychological state that her speech act expresses.”<sup>36</sup> The assumption here is that speech acts actually express psychological states. Indeed, some do. A common example is “ouch” which expresses the psychological state of pain. Speech acts that express one’s psychological state are called “expressives.” This is the default view for apologies or utterances of regret. Regretful utterances are seen as expressives and if they do not express the agent’s psychological state, on this view, they are insincere.<sup>37</sup>

Well-behaved psychopaths cannot meet these conditions. As was previously discussed, the psychopath is incapable of feeling the types of empathetic emotions we usually associate with regret. If they were to make a regretful utterance, it would clearly be insincere as an expressive because there is no psychological state or not the right sort of psychological state being

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<sup>36</sup> Mitchell Green, Edward N. Zalta (ed.). "Speech Acts", *The Stanford Encyclopedia of Philosophy* (2017).

<sup>37</sup> John Searle, “A Taxonomy of Illocutionary Acts,” in Searle, *Expression and Meaning*. Cambridge. (1985): 15.

expressed. One could even argue that the well-behaved psychopath who might feel a low-intensity regretful emotion is also insincere because they do not meet the emotional threshold for the utterance to qualify as a sincere expressive. This would be plausible if the emotional standard of expressives is that of a psychologically normal adult.

However, on an alternative position, well-behaved psychopaths can meet the standards of sincerity. First, let us review what phenomenon we are attempting to characterize. The well-behaved psychopath wants to be a better member of the community. He is aware of his emotional and psychological deficits and seeks out behavioral therapy. He is now aware of previously unknown social norms and tries to live up to them. Our task is to characterize this scenario as sincere or insincere. On its face, the well-behaved psychopath is doing everything in his power to behave correctly. Although he is not satisfying the sincerity condition for an expressive when he utters a regretful speech act, he is satisfying the condition for stance-taking. “A stance,” as Jeffrey Helmreich notes, is “a way we are disposed to act toward others in light of some normative claim, or position, that we accept.”<sup>38</sup> This means that stance-taking involves two components: accepting a position and being disposed to act in light of it.

Accepting a position is not merely believing it to be true. Believing x (i.e. believing a position or normative claim) is not a necessary and sufficient condition for accepting x. Not only must one believe x, but one must also treat this belief as a fully integrated unit of one’s reasons for acting. Helmreich calls this “internalizing” the normative claim. Internalizing a normative claim involves “taking a normative claim as one’s own, adopting it as something that bears on one’s reasons for action.”<sup>39</sup> This is contrasted with simply agreeing with a normative claim and not having it function as a consideration when actually deciding to take action. For example, I

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<sup>38</sup> Jeffrey S. Helmreich, “Taking a Stance: an Account for Persons and Institutions,” in A. Capone, M. Carapezza, and F. Lo Piparo, *Further Advances in Pragmatics and Philosophy, Part 2* (Springer: 2019): 513-528.

<sup>39</sup> Helmreich, “Taking a Stance.”

may understand that I should quit smoking. Smoking increases my chances of contracting various types of lung disease, such as emphysema, chronic bronchitis and lung cancer. I agree that these are reasons for me to quit. But it is still plausible for a smoker to say, as he lights up another cigarette, “Yes, I know I should quit smoking because I want to live a long life.” On Helmreich’s view, the smoker agrees with the normative claim that he should quit smoking but has not internalized this as a reason to quit. It is not internalized as a reason to quit because a.) he does not quit and b.) he does not seem disposed to quit, i.e. there does not seem to be a possible world in which he would quit even if the perfect quitting conditions obtained. So even if the smoker consents to the normative claim, he is not stance-taking because the normative claim is not internalized.<sup>40</sup>

We are now in a position to evaluate the well-behaved psychopath. He is someone who actively seeks to understand the rules governing a particular social practice because he wants to be a productive, contributing member of that practice. Although he is insincere with respect to regretful expressives, he is stance-taking with respect to the normative claims of his desired social practice which includes regretful utterances. We can say that the well-behaved psychopath has substituted internalized normative claims for the lack of internal emotion. Since he is agreeing with the ways in which regretful speech acts are performed and has internalized these speech acts so that he will do them when the occasion permits, he is satisfying an alternative condition of sincerity which is that of stance-taking. Well-behaved psychopaths, then, seem to meet the conditions of the second version of the authenticity view.

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<sup>40</sup> Helmreich, “Taking a Stance”: “Of course, one may not be motivated at all by a normative claim one takes oneself to have accepted; such a person would then not be in a stance, for a stance is essentially constituted by a disposition to act in certain ways for the right reasons. It involves both accepting the normative claim, together with being disposed to act in light of it.”

One could object to this account of stance-taking on the grounds that it does not differentiate between the paradigmatic and well-behaved psychopath. Consider this case:

Bundy, a paradigmatic psychopath, endeavors to smuggle a Tibetan Mastiff puppy from his neighbor's home. Bundy has just learned that similar breed sold for two million dollars, so he is sufficiently motivated to make what he considers "easy money."<sup>41</sup> For two weeks, Bundy learns more about the neighborhood's regular events and internalizes them so that he can act on them to impress his neighbor. It works. After seeing Bundy contributing to the welfare of the neighborhood and appearing to be the personification of neighborly spirit, Bundy's neighbor asks if Bundy can look after the puppy while he, the neighbor, is away on business. Bundy agrees, then steals it.

It seems like Bundy has satisfied all of the conditions of stance-taking but he is insincere with respect to his internalized normative considerations. He acts on these considerations but for all of the wrong reasons. This is different from the well-behaved psychopath who, in the same situation, would be moved to act for all of the right reasons. But, what is the relevant difference? In our example, the normative considerations are ways one should behave to be a good neighbor. This includes the *means* necessary to bring it about, such as: showing up to neighborhood gatherings, volunteering to help move furniture, baking cookies for the kids, etc. It also includes being aware of the *end*, which in this case is communal harmony or an atmosphere of ideal neighborliness. Whether the end is explicitly stated or not, it is implied and should be understood when internalizing the normative considerations. The paradigmatic psychopath conveniently dismisses this implied normative consideration of communal harmony while the well-behaved psychopath does not. The well-behaved psychopath, therefore, can sincerely express regret.

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<sup>41</sup> Apparently, in 2014, this was the most expensive dog breed in the world. Jenny Cosgrave. "World's Most Expensive Dog? Pup Sold for \$2 Million." CNBC. March 19, 2014.



## V. Conclusion

This chapter was focused on showing that displays of regret can be socially valuable. Regret in the social realm can be understood as a performance. From this view, acts of regret are meaningful to those taking part in the social practice and serve as commentary on what the agent thinks and feels in respect to the regretful event. Regret was also shown to have a regulative and symbolic function similar to that of etiquette. The benefit of the regulative function is that regret can ease and obviate social tension. The symbolic function allows others to know how the agent evaluates the social practice in which he engages. This is beneficial to all involved. We also discussed the problematic case of the well-behaved psychopath who is able to follow social rules but nevertheless appears inauthentic. We saw two versions of how the well-behaved psychopath could be considered authentic. First, he is authentic because he acts in a way that expresses his creativity and he also acts in a way that corresponds to his inner social self. We concluded that he is being authentic when he chooses and acts in accordance with a social role. Second, he is authentic because he is able to utter regretful expressions sincerely. He does this because displaying regret is a form of stance-taking, whose sincerity conditions he can meet despite his lack of genuine regretful feeling. Consequently, the benefit of socially displaying regret extends beyond normal moral agents to abnormal ones, as is the case with well-behaved psychopaths.

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