

# AGENT-REGRET AND THE SOCIAL PRACTICE OF MORAL LUCK

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**Abstract:** Agent-regret seems to give rise to a philosophical puzzle. If we grant that we are not morally responsible for consequences outside our control (the ‘Standard View’), then agent-regret—which involves self-reproach and a desire to make amends for consequences outside one’s control—appears rationally indefensible. But despite its apparent indefensibility, agent-regret still seems like a reasonable response to bad moral luck. I argue here that the puzzle can be resolved if we appreciate the role that agent-regret plays in a larger social practice that helps us deal with bad moral luck. That agent-regret is a component in a social practice limits the questions that we can reasonably ask about it. While we can ask whether an experience of agent-regret is rational given the norms of this practice, we cannot ask the question that motivates the puzzle of agent-regret, *viz.* whether agent-regret is rationally defensible according to the Standard View.

## 1 Introduction

In January 2006, Nick Flynn went to the Fitzwilliam Museum at Cambridge University. Nick had been to the museum many times before without incident, but this visit was different. On this occasion, Nick’s shoelace happened to come untied while he was walking down a flight of stairs. The untied shoelace was not the result of any gross negligence on Nick’s part; it was just bad luck. In an interview with BBC Radio 4, Nick described what happened next: “I snagged my shoelace, missed a step, and crash, bang wallop and there was a million pieces of high-quality Qing ceramics lying around underneath me.”<sup>1</sup>

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<sup>1</sup> “‘Windowsill’ Vases Stun Visitor” ([http://news.bbc.co.uk/2/hi/uk\\_news/england/cambridgeshire/4685130.stm](http://news.bbc.co.uk/2/hi/uk_news/england/cambridgeshire/4685130.stm)). Date accessed October 1, 2016. While Nick’s case is a real one, I do not mean to be reporting on his actual reaction to the broken vases. Nick, as he appears in this paper, is a fictional character.

We can easily imagine that, lying at the bottom of stairs, Nick felt both physical pain and an emotion<sup>2</sup> that Bernard Williams has called ‘agent-regret.’ We experience agent-regret when we find ourselves to be causally connected, but not morally responsible for the occurrence of some bad event.<sup>3</sup> Although we may judge ourselves to be morally blameless for the consequences of this bad event, we often can’t help but feel connected to them in a way that nobody else is. They are, after all, the bad consequences of *our* actions. This feeling of connection is often strongly motivational; agent-regret can move us to take responsibility, and to try to make amends to those whom we have inadvertently harmed.

Despite its psychological intuitiveness, it is difficult to rationally justify agent-regret. We fall short of such a justification because the view of moral responsibility to which many of us intuitively subscribe (‘the Standard View’) leaves us no room for agent-regret (e.g., Williams 1981; De Wijze 2005; Zeelenberg 1999; Nagel 1979). According to this view, we should not hold people responsible for bad consequences that are not under their control (Nagel 1979, 25). Nick is, presumably, not at fault for the broken vases. Had the vases not been left in a vulnerable position at the bottom of a flight of stairs, Nick would have been able to walk away from the incident with nothing more than a few bruises. Thus, the factor that made Nick’s fall so tragic was one that was squarely out of his control. Any feelings of self-reproach that Nick might have, then, are rationally indefensible according to the Standard View.

Agent-regret thus gives rise to a philosophical puzzle that is exemplified in our common third-person reactions to cases like Nick’s. Consider what we might say to Nick if we saw him experiencing agent-regret. We would likely tell him that his feelings of self-reproach are misplaced, that he did not do anything wrong, and that he is in no way morally required to try

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<sup>2</sup> In this paper, I will be following Goldie (2000), who defined an emotion as “typically *complex, episodic, dynamic and structured*. An emotion is complex in that it will typically involve many different elements: it involves episodes of emotional experience, including perceptions, thoughts, and feelings of various kinds, and bodily changes of various kinds; and it involves dispositions, including dispositions to experience further emotional, episodes, to have further thoughts and feelings, and to behave in certain ways” (12–13). I will be using the terms ‘emotion’ and ‘emotional reaction’ synonymously.

<sup>3</sup> The term ‘connected’ is intentionally vague. The paradigmatic case of agent-regret discussed in the literature is William’s (1981) ‘lorry driver’ case. In that case, a lorry driver, “through no fault of his,” hits and kills a child while driving his route (28). In this case, the connection that the lorry driver has to the bad outcome is one of causal responsibility. Recently, it has been suggested that we can feel agent-regret in situations wherein our causal link to the bad consequences is more remote. Enoch (2012), for instance, suggests that we often feel something akin to agent-regret when our country or our loved ones do something morally heinous. In this paper, I will be focusing primarily on more ‘paradigmatic’ cases of agent-regret, which involve causal, but not moral, responsibility, but will also briefly discuss cases that involve less direct causal connections.

to ‘make things right’ with the museum.<sup>4</sup> And yet, our reactions would be very different if we noticed that Nick *was not* feeling agent-regret after breaking the vases. If he felt no special sense of responsibility toward their destruction, we would likely think less of him. Such reactions should strike the reader as strange. If Nick *feels* agent-regret, then we will tell him that he shouldn’t. But if he doesn’t feel agent-regret, we will likely think less of him. We will think less of him, in other words, for having the exact reaction that we would tell him that he ought to have if he wasn’t, in fact, having it. Thus, as David Sussman (2013) aptly notes, we are left with the puzzling thought that, in cases of bad moral luck, “the virtuous response seems . . . to be one of confusion or irrationality” (2).

It is tempting to think that the puzzle can be solved by pointing out some feature of agent-regret that, *contra* initial experiences, actually renders it compatible with the Standard View.<sup>5</sup> In this paper, I suggest that we ought to try a different tactic. On my account, agent-regret should be understood not as an isolated emotional reaction, but rather as one component in a larger social practice that helps us navigate our way through bad moral luck. This limits the types of question that we can rationally ask about agent-regret. While we may reasonably question whether a specific experience of agent-regret is rational given the standards set by the practice of which it is a part, and whether this practice is, as a whole, rationally defensible, it is not reasonable to ask the very question that motivates the puzzle of agent-regret, *viz.* whether agent-regret is, in and of itself, rationally justified by the standard of moral responsibility set in the Standard View.

## 2 Can We Rationalize Agent-Regret?

Before moving on to the positive proposal, I want to briefly examine some of the obstacles encountered by previous solutions to the puzzle of agent-regret. There are, of course, several ways to resolve the puzzle. The first (and easiest) way would be to deny the rational defensibility of agent-regret altogether; if an emotional reaction fails to accord with our best theory of moral responsibility, then so much the worse for that reaction. But this resolution has enjoyed little popularity for a reason that Williams (1981) himself flags. “[I]t would be a kind of insanity,” he cautions, “never to experience sentiments of this kind towards anyone, and it would be an insane concept of rationality which insisted that a rational person never

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<sup>4</sup> This need for reparative gestures has played only a peripheral role in much of the agent-regret literature. Two notable exceptions to this are Sussman 2013 and Smith 1759 [1976].

<sup>5</sup> Rosebury (1995), for instance, treats agent-regret as a form of epistemic humility that we extend to actions that may or may not have been under our control. Tannenbaum (2007) suggests that we can morally assess actions independently of whether or not they constitute failures of moral obligation. Bagnoli (2000) describes agent-regret as a mode of valuing. Wolf (2001) treats agent-regret as a reaction motivated by an ‘unnamed virtue’ that consists in a sensitivity to the effect that one’s actions can unintentionally have on others.

would” (29). To adhere to such a concept of rationality, Williams warns, is to suggest falsely that we can detach ourselves from the unintentional consequences of our actions without losing sight of our identity as agents (29). Simply dismissing the phenomenon of agent-regret as irrational is thus tantamount to endorsing a moral system that is woefully at odds with our lived experiences.

Perhaps for this reason, philosophers have typically responded to the puzzle by trying to locate some hidden compatibility between agent-regret and the Standard View. Rosebury (1995) offers an example of this style of response. At the center of his account is an uncomfortable but undeniable truth about human beings, *viz.* that we aren’t always great at drawing epistemic conclusions about our moral innocence. We have a tendency to overestimate our virtues, underestimate our vices, and find rational justifications for the harms that we cause others (515). Agent-regret is a cognitive safeguard that keeps us from letting ourselves off the hook too easily for bad consequences that *could possibly* be our fault. As such, we don’t feel agent-regret because we bear a mysterious psychological connection to the unintended and unforeseeable consequences of actions. Rather, we feel it because we’re often in the dark about whether those consequences were *actually* unintended and unforeseen. This gives us a compelling virtue ethics explanation as to why we ought to feel agent-regret, and why we are justified in condemning those who never do. To feel agent-regret is to be sensitive to your epistemic limits, and to your propensity to overestimate your virtues and underestimate your vices. An absence of agent-regret, then, speaks to a morally condemnatory form of epistemic cockiness (515).

Note that there are limits to the types of agent-regret that will be rationally justified according to this view. Agent-regret will only be rational, according to this view, when there is a live possibility that an agent has actually done something wrong. When that ceases to be the case, agent-regret will cease to be morally justified.<sup>6</sup> But not all experiences of agent-regret leave room for moral self-doubt. Suppose, for instance, that the clam chowder that I make for you triggers a previously unknown allergy to shellfish that sends you into severe anaphylactic shock and leaves you hospitalized for a week. I am clearly not responsible for your allergic reaction—if you didn’t know you even had the allergy, how could I? —and yet, it would be understandable if I felt attached to your suffering in the way that Williams describes. There would, in fact, be something odd about me if I felt no need to apologize for the harm that I inadvertently caused you, or if I felt no worse than anyone else about your suffering.

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<sup>6</sup> Rosebury (1995) suggests that unhappiness at the harm that one has inadvertently caused is still intelligible, albeit not as a moral sentiment (515). So, while the lorry driver can reasonably express his unhappiness at killing the child, he cannot reasonably do so in a way that is ‘suggestive’ of other moral sentiments. This suggests, among other things, that the driver could not reasonably feel the need to make amends.

The connection between agent-regret and epistemic self-doubt becomes even more complicated when we consider cases involving what David Enoch has called ‘penumbral agency.’ We feel something akin to agent-regret in relation to the harmful actions of our country, friends, and ancestors.<sup>7</sup> If I find out that my ethnic group committed horrible abuses against yours, for instance, it will be understandable if I feel a need to apologize to you. My reaction is not reflective of epistemic self-doubt. I know, after all, that *I* did nothing wrong. Nevertheless, the very fact that I am connected to your suffering in a way that others are not is enough to inspire within me a feeling that is phenomenologically very close, and perhaps identical to agent-regret.

At the same time as it renders certain experiences of agent-regret rationally indefensible, Rosebury’s account also extends the class of cases that call for agent-regret. If what matters to our experiences of agent-regret is that we are able to raise reasonable doubts about our moral blamelessness, it is not clear why certain people who stand at a causal remove from some bad outcome shouldn’t also feel agent-regret. Nick, after all, isn’t the only person who ought to be uncertain about having done everything he could have done to prevent the destruction of the vase. Any number of patrons could reasonably ask themselves why they refrained from warning a docent about the precariously-placed vases, from pointing out to Nick that his shoelace was untied before he went up the stairs, or from jumping in front of him during his descent. Did they fail to intervene because they didn’t notice Nick and the vases, or because they didn’t care? And yet, the very fact that bystanders *can* be justifiably suspicious about their self-assessments is not enough to make us think that they should (or even could) feel the same way that Nick does. While they may have acted in ways that were morally less than ideal, they still weren’t the ones who broke the vase. Taken together, these considerations suggest that while agent-regret and epistemic humility might have some relationship to each other, the relationship is not so perfect as to be able to offer a full rational justification of agent-regret.

Tannenbaum (2007) offers a different approach to the puzzle. Rather than try to square agent-regret with the Standard View, she identifies an additional standard that we can use to assess our moral actions.<sup>8</sup> At the core of Tannenbaum’s account is the persuasive idea that we only count our actions as ‘unsuccessful’ when they fail to accomplish their intended ends or reflect our values. As such, just as it makes sense that we would

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<sup>7</sup> Enoch (2012) describes the first two types of cases as involving our penumbral agency. We are not, strictly speaking, in control of what our children or country do, but we can choose to take responsibility for their actions (102). I think historical atrocities fit a similar model. I am not responsible for the actions of my ancestors, but I can choose to take responsibility for their actions in an attempt to mitigate the harm that they continue to cause.

<sup>8</sup> Tannenbaum is not the only philosopher who has offered a rational justification for agent-regret by identifying an additional standard by which we rationally assess actions. For similar accounts, see Wallace 2013 and Bagnoli 2000.

feel a sort of non-moral agent-regret when we lose a tennis match due to inhospitable weather (to borrow one of her examples), so too does it make sense that we would feel agent-regret when we inadvertently cause harm to other human beings. In both cases, we have set an end for ourselves (to win the match, to do no harm) that we have failed to accomplish. Since the non-moral cases raises no special questions of rational justification, the moral case shouldn't either (54).

And yet, there is a dis-analogy between moral and non-moral agent-regret. Recall that the puzzle of agent-regret does not simply concern the fact that we experience agent-regret, but that it seems like something that we *ought* to experience in certain situations involving bad moral luck. In the non-moral case, there is no similar requirement. It is understandable if I feel bad about losing my tennis match because the wind ruined my serve, but it is also understandable if I don't feel bad. Indeed, the latter reaction has a virtue to it that the former lacks. There is something impressively 'zen' about the person who doesn't get upset about things she can't control. But there is no parallel moral virtue. An absence of moral agent-regret is not a sign of admirable clear-headedness, but of condemnable indifference to others' suffering.

Perhaps we can explain this asymmetry by pointing out what exactly is at stake in both cases. It may be fine to be indifferent to the effect that bad luck can have on our tennis game, but it's not fine to be indifferent to the harm that our actions cause. To be indifferent in the latter case is to show an appalling lack of concern for other peoples' well-being. But distinguishing the moral from the non-moral in this way just raises additional questions about why agent-regret takes the form that it does. If what ultimately matters is that we live in a way that shows a concern for others, why should we be so concerned about our actions embodying our values, but not our omissions?<sup>9</sup> Or consider the reparative gestures that we often expect from people who inadvertently cause harm to others. One can interpret these gestures as a means of reaffirming the values that one's actions have undermined. But it is not clear why I would need to make such a reaffirmation in cases in which nobody could reasonably doubt my moral innocence.<sup>10</sup> Here, we might question whether the idea that the reparative

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<sup>9</sup> Tannenbaum (2007) argues that the asymmetry lies in the action-type being performed. Williams's lorry driver killed a child, whereas a bystander who watched the accident, or a driver who parked his car in a way that blocked the child from view, did not (54). I am not sure why this is the case. If I value living in a way that minimizes the harm that I cause to others, then presumably my failure to intervene should still be enough to inspire feelings of agent-regret. For instance, while I can't regret that my lack of intervention made me a killer (because it did not), I can regret that it made me into a person who watches tragedies occur instead of trying to stop them.

<sup>10</sup> Accounts that stress the valuing dimension of agent-regret tend to underplay this interpersonal dimension. Wallace (2013), for instance, suggests that it would be implausible to maintain that an agent's "retrospective attitudes towards what happened rightly include a felt need to make amends" in cases wherein he did nothing morally wrong (43). This position makes sense so long as one believes that our felt need to make amends ought to be rationally

gestures of agent-regret are meant to reaffirm our moral values seems open to a ‘one thought too many’ objection. If I had been wronged by Williams’s lorry driver, for instance, I would hope that he would want to make amends simply because he feels that an apology is owed, and not because he felt that my child’s death called into question his moral commitments. There is no similar oddness in the non-moral case. You could not accuse me of having one thought too many if I told you that I wanted a rematch of the tennis game because I want to reaffirm my tennis-playing prowess. These considerations suggest that, while there may be similarities between the standards that we use to assess our moral and non-moral actions, these standards cannot fully rationalize our experiences of agent-regret.

### 3 Agent-Regret, Embarrassment, and Social Practices

Where does this leave the puzzle of agent-regret? We can’t escape it by denying the rational defensibility of agent-regret, and yet it is difficult to provide a rational defense of the emotion that adequately tracks our pre-philosophical judgments about when it is appropriate, and what this emotion requires of us. Where do we go from here? I want to propose that the best way to proceed is to view agent-regret not as a distinct emotional reaction, but as one component in a larger social practice that governs how we respond to cases of bad moral luck. Conceiving of agent-regret in this way opens up another route out of the puzzle of agent-regret. Specifically, by focusing on the social dimension of agent-regret, we will be able to see that the question of whether agent-regret can be rationally justified according to the Standard View is not actually a question that we can reasonably ask.

Before I begin, I want to offer a quick note on terminology. By a ‘social practice,’ I have in mind any set of rules that helps to govern how we interact with each other. The various practices that make up our system of etiquette—our practice of offering condolences, behaving ourselves while eating, and so forth—are all social practices. Some social practices have explicitly articulated rules, while others have rules that are largely unarticulated. For instance, while there are clear and articulated rules governing how to tip at a restaurant, the rules governing how far away we ought to stand from each other while having a conversation are not as clear and rarely articulated. Typically, we only know when these latter rules have been broken when we find ourselves with a conversational partner who is standing uncomfortably close.<sup>11</sup>

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responsive to the Standard View. In this paper, however, I want to suggest that this is not the case.

<sup>11</sup> It is an open question as to how we ought to delineate social practices from one another. Does etiquette constitute a single social practice, or is it a set of interrelated, but ultimately distinct, social practices? For my present purposes, I assume that etiquette practices are made up of a number of intertwined, but nevertheless separable social practices related to the various sorts of situations within which we commonly interact with others.

Let's return to agent-regret. My claim that it is one component in a larger social practice should strike the reader as odd. Social practices, as we typically understand them, govern *behavior*. We have, for instance, a social practice that tells us how we ought to offer condolences. The death of your best friend's husband calls for attendance at the funeral, but such a gesture would be inappropriate if made in response to the death of a coworker's estranged aunt. And yet, the practice of offering condolences has no rules governing how we ought to *feel*. While I may be required to *act* somber at my best friend's husband's funeral, there is nothing in the social practice that forbids me from feeling gleeful about his demise. Indeed, it isn't even clear that emotional reactions are the sorts of things that *could* be governed by a social practice. How I feel about my best friend's husband's death may ultimately be out of my control, and it would be a strange and overly demanding social practice that required me to have control over the uncontrollable.

Agent-regret, in contrast, is an emotion that we automatically feel when we find ourselves, through bad moral luck, to be causally responsible for some bad consequences. For this reason, it is hard to imagine how agent-regret could be rule-governed in the same way that our condolence offering behavior is rule-governed.

I have two aims in this section, and I plan to accomplish both by offering an in-depth examination of embarrassment. Embarrassment is an emotional reaction that is, I believe, importantly analogous to agent-regret. First, I will show that it is in an emotional reaction that is deeply ingrained within the social practices that make up our system of etiquette (Keltner and Anderson 2000; Goffman 1956). Next, I will argue that, when we appreciate the role that embarrassment plays in these practices, we will be able to understand why it is wrong to ask 'all things considered' questions about its rational defensibility.

Etiquette practices are paradigmatic examples of social practices. They are composed of rules that are typically clearly defined, and that help us navigate our way through virtually every social situation. It would be a mistake, however, to talk about etiquette in purely behavioristic terms. Rather, there is a certain emotion that is central to our experiences of etiquette. This emotion, embarrassment, wears many different hats within our etiquette practices. It teaches us how to behave in public, and it gives us a way to police our own behavior once we have internalized these rules (Miller 1992). Our expressions of embarrassment, meanwhile, help to repair relationships that can be damaged by the violation of social norms (de Jong 1999; Parkinson and Manstead, S.R. 1993; Apsler 1975).

While embarrassment is clearly an emotional reaction, there is nothing puzzling about the statement that it features heavily in our etiquette practices. Indeed, it is hard to imagine how these practices could become as entrenched as they are without the aid of embarrassment. Nor is there anything puzzling about the idea that the rules that make up our etiquette

practices to help shape our experiences of embarrassment. Chewing with an open mouth is not an intrinsically embarrassing behavior. Rather, it is an embarrassing behavior because we have a social rule that tells us that we shouldn't do it. While embarrassment indoctrinates us into our etiquette practices, and helps to enforce the rules of those practices, it is also itself shaped by those rules.

Is it reasonable to ask about the rational defensibility of embarrassment? I think it is, but only if we first clarify the question being asked. The question "Is embarrassment rational?" is, in fact, ambiguous between several different readings.<sup>12</sup> First, the question might mean something like "Is embarrassment rationally justifiable in light of the ends that our etiquette practices help us reach?" This is an 'external perspective question.' To answer it, we must appeal to a standard of rational justification that exists external to our etiquette practices, and it is easy to see what sort of standard this would be. First, we would have to understand what our etiquette practices help us accomplish and then determine whether embarrassment helps or hinders us in accomplishing those ends. If our etiquette practices all ultimately aim at facilitating smooth social interactions, for instance, and embarrassment turns out to be so psychologically damaging to a large subset of the population that it makes it impossible for them to participate in the social world, then the answer to this question will likely be 'no.'

Note that this question ultimately leads to a philosophically interesting question about whether our etiquette practices are, in and of themselves, rationally justified. Once again, this is an 'external perspective question.' We can't settle it by looking directly at these practices, but must instead answer it by determining what these practices help us accomplish, and what it would mean for etiquette practices to be 'rationally justified.' If a social practice is rationally justifiable if and only if it promotes utility, for instance, and if our etiquette practices all promote utility, then our etiquette practices will be rationally justified. Note that, whatever standard we use to determine whether a social practice is rationally justified, it will not be the same standard used to determine whether specific components of that

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<sup>12</sup> Here, I draw explicitly from Rawls (1955), who distinguished justifying a practice from justifying a particular action falling under that practice. This distinction rests on a prior distinction between two different conceptions of rules: the summary conception of rules, and the practice conception of rules. According to the summary conception, rules are "pictured as summaries of past decisions arrived at by the *direct* application" of some principle (in this case, the utilitarian principle) to individual cases (19). As such, under the summary conception, rules ought to be set aside in "extraordinary cases" wherein the general principle recommends a course of action contrary to that recommended by the rule (24). On the practice conception, in contrast, rules are not simply generalizations from past cases; they instead exist logically prior to particular cases (24). According to the practice conception, we can determine whether a particular action falling under the purview of a practice is justified by appealing to the rules of that practice. It is only when we want to consider whether the practice as a whole is justified that we are warranted in appealing to a higher order principle like the utilitarian principle.

practice are rationally justified. Embarrassment may very well turn out to decrease utility; it is, after all, unpleasant to experience. But the fact that embarrassment feels so dreadful may be the very reason that it features so heavily in our etiquette practices; without disincentives, our etiquette practices would likely fall apart.

Related to the question of whether etiquette is rationally justifiable according to some independent standard is a question concerning whether the actions and reactions of the participants within that practice are rationally justifiable and intelligible according to the norms of the practice itself. This question is an ‘internal perspective question’—it can be asked and answered, in other words, without having to appeal to any standard of justification that exists outside the practice. The hallmark of a social practice that meets this standard of ‘internal coherence’ is that it is one whose rules can be transparent and publicly acknowledged, and whose participants can act within it without being deceived or confused about the nature of their actions. If an agent can only perform the functions of a practice if she has failed to understand her actions or the nature of the practice, then the practice would, according to this internal standard, be rationally unjustifiable.<sup>13</sup>

The question “Is embarrassment rational?” might also be a question about whether or not embarrassment is a rational reaction. This question, once again, can only be answered once it has been clarified. Someone might ask it to determine whether a particular experience of embarrassment is rationally justified. This is another ‘internal perspective question.’ To answer it, we must consider what the social rules that govern our etiquette practice would have to say about that particular case. In some circumstances, our answer to this question might be ‘no.’ According to our etiquette practices, for instance, there is nothing embarrassing about paying for a movie ticket with a credit card. And so, if I feel embarrassed whenever I pull out my Visa to pay for my ticket to the latest Hollywood blockbuster, my emotional reaction will not be rationally justified according to the practices governing my social interactions.

Next, the question “Is embarrassment rational?” might be understood as a question about whether or not embarrassment is, in and of itself, a rational reaction. This is precisely the sort of question that can’t be answered and shouldn’t be asked. Why not? We can’t ask this question because embarrassment gets its standard of rational justification from the antecedent social practices within which it features. In the absence of those practices, embarrassment ceases to be rationally assessable. An example will help to illustrate this point. Suppose there was a caveman whose behavior was not governed by any etiquette practices, but who nevertheless felt a crushing sense of embarrassment whenever he saw blueberries. Is his

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<sup>13</sup> Thank you to an anonymous reviewer for pointing out this additional perspective from which we evaluate social practices.

reaction rational? On the one hand, it makes no sense that he would feel embarrassment in such situations, and it is hard to imagine a reason that he could produce to adequately justify his reaction. But it doesn't follow from this that his feelings of embarrassment are irrational. Just as it is hard to imagine a reason that the caveman might have to feel embarrassed about seeing blueberries, so too is it hard to imagine a reason that we could give *him* to not feel embarrassed about seeing blueberries. This is because there needs to be some standard in place with which to determine the rationality of the caveman's embarrassment. Without a background set of social practices, there is no such standard. For this reason, we cannot justifiably ask questions about the rationality of embarrassment in the absence of the social practices within which it features.

How does this discussion help us navigate our way out of the puzzle of agent-regret? To answer this question, consider a philosophical puzzle that can be generated when we attempt to square our feelings of embarrassment with a reasonable view about the responsibility that we bear toward etiquette breaches. Suppose somebody told you that it is only rational for you to feel embarrassed about etiquette breaches that were truly under your control. Call this position 'the Etiquette Control View' ('ECV'). ECV is not the view that best reflects our actual experiences of embarrassment. We often feel embarrassed about committing completely unavoidable social gaffes (Miller 1992), and we even sometimes feel embarrassed about *other peoples'* behavior (Goffman 1956; Miller 1987; Bennett and Dewberry 1989; Pursthouse 2001). Nevertheless, ECV exercises some intuitive philosophical pull. Embarrassment is unpleasant enough to be its own punishment, and it is often drives us to apologize for our misdeed. For the same reason that it seems appropriate to be embarrassed over behavior that was under our control, it seems appropriate to hold others morally responsible for the consequences of actions that were under their control. But perhaps it is too demanding to expect people to feel embarrassed for bad consequences that they could not have avoided or even foreseen. If Nick shouldn't feel guilty for inadvertently breaking the vase, then he also shouldn't feel embarrassed for inadvertently tripping and falling face-first into his niece's birthday cake. In other words, if the Standard View is right to suggest that it is irrational to feel guilt, self-reproach, or a desire to make amends for morally bad consequences that could not have been reasonably foreseen or prevented, then ECV will be similarly correct in saying that embarrassment is only an appropriate response to social gaffes that could have been plausibly avoided.

To grant ECV is to accept simultaneously that many of common experiences of embarrassment are rationally indefensible. Consider the following scenario:

John is flying in from out of state to attend his best friend's black-tie wedding. John's work schedule prohibited him

from flying in the day before the wedding, so he took the earliest day-of flight that he could get. Unfortunately, that flight experienced multiple delays, leaving John with barely enough time to make it to the chapel. Although he tried to bring his tuxedo in his carry-on luggage, the flight was overbooked and he was forced to check his bag at the gate. As luck would have it, the airline loses John's checked luggage. This leaves him in a predicament: his best friend's wedding is a black tie affair, and John is dressed in jeans and a ratty t-shirt. Further, because his flight has arrived so late, John has absolutely no time to go and buy a new suit. Thus, his only real options are either to miss the wedding or to attend wearing jeans and a ripped Hootie and the Blowfish t-shirt.

John would likely feel embarrassed about the situation. He might spend the entire wedding trying to dodge other people's stares and explain to strangers why he is so oddly dressed. At some point in the festivities, he would probably try to apologize to his best friend for his garb. It is easy to imagine how John's friend would react to the apology. His friend would, in all likelihood, tell him that he has no reason to feel embarrassed or to apologize. And why *should* John feel embarrassed or think that he ought to apologize? He didn't do anything wrong—his odd wedding attire was the last link in a long chain of bad luck. Nevertheless, both his apologetic behavior and his effort to seek forgiveness seem perfectly reasonable. In fact, many people would probably think a little less of John if he felt no embarrassment, or if he wasn't moved to apologize to the bride and groom.

While these imagined reactions will strike many people as reasonable, they are nevertheless rationally unjustifiable according to the ECV. It is here that we can locate the 'puzzle of embarrassment': if we want to maintain that these sorts of reactions are reasonable, then we must find some way of squaring them with the ECV. How might we go about doing this? We could say that John's embarrassment is rationally justified because he is epistemically limited when it comes to assessing the extent to which he bears responsibility for being underdressed. Given that he can't be certain that he actually did all that he could have done to prevent the embarrassing situation, then John's feelings of embarrassment reflect an admirable, and rationally justified, epistemic humility.

But this explanation, I think, falls short of fully capturing John's embarrassment, along with our third-person reactions to it. In the case as I have constructed it, John knows that he didn't do everything he could have done to ensure that his attire arrived with him. He could have missed a day of work, taken a smaller carry-on bag, or even just worn the suit on the plane. But the fact that he *could* have done more does not take away from the fact that he *did*, in fact, take adequate precautions to ensure that he arrived at

the wedding with appropriate attire. And this latter fact, I think, is all that we need to say that John isn't really responsible for his improper attire.

It is worth questioning whether the 'puzzle of embarrassment' is truly that puzzling. There are, after all, straightforward answers to the questions of why John and his newly married friends should feel and act as they do. John should feel embarrassed because showing up severely underdressed to a wedding is embarrassing. He should apologize because he committed an etiquette faux pas. The newlyweds should tell him that he has no reason to apologize because that is what is expected of *them* in such situations, and they can feel justifiably miffed if John didn't apologize or feel embarrassed for the same reason that we can be justifiably miffed at people who flagrantly violate our etiquette practices. In other words, John and the newlyweds should react the way they do simply because those are the reactions that participants within their system of etiquette would have in such a situation.<sup>14</sup> These simple answers are all we need, I think, because they occur at the correct level of explanation. We don't need an all-things-considered explanation when an appeal to the rules of John's etiquette practice will suffice.

With that being said, the epistemic solution to the 'puzzle of embarrassment' still has its place. Our etiquette practices facilitate smooth social interactions. Violations of the rules that make up these practices, whether intentional or not, have the effect of disrupting these interactions. Given that expressing embarrassment and offering an apology can help to smooth out social disruptions, it is probably a good thing that our etiquette practices do not distinguish between intentional and unintentional social gaffes. Likewise, given that impolite behavior can reasonably be interpreted as proof of one's indifference to maintaining comfortable social interactions, it is a good thing that we have a way to communicate to others that *our* impolite behavior does not in fact reflect such indifference. But these explanations should not be taken as descriptions of why John and the married couple feel and act the way they do. Instead, the explanation of their reactions is much simpler: John and the married couple are reacting in this way simply because that's the way that participants in their system of etiquette react to situations like the one in which they have found themselves. And they can perform all these functions with a clear-eyed view of their actions as they relate to their practice of etiquette. That John believes that he should make amends to the newlyweds, for instance, is not a sign that he mistakenly views himself as morally blameworthy; rather, to explain his belief, we need only make reference to the fact that his etiquette practice marks out his social gaffe as something that calls for apology. These observations reflect an important truth about social practices: once we find ourselves within

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<sup>14</sup> Why can we feel justifiably miffed when people violate the rules of our etiquette practices? Simon Blackburn (2014) describes good manners as "small and constant adjustment[s] to the reasonable expectations or needs of others" (25). To display bad manners, then, is often tantamount to showing an unwillingness to making reasonable social adjustments.

them, we no longer need to appeal to the functions that they serve in order to assess our emotional and behavioral reactions (Rawls 1955, 27).

The ‘puzzle of embarrassment’ only gets off the ground when we ask the wrong sort of question. It is motivated by the question of whether embarrassment, in isolation from its background social practice, is rationally defensible according to the standard of rational behavior set by the ECV. But embarrassment gets its standard of rational justification from the system of etiquette to which it belongs. To expect our experiences of embarrassment to line up with the standard of rational justification suggested by the ECV, then, is to hold those experiences to an inappropriate standard. And to expect it to be rationally assessable outside the social practices that govern it is to misunderstand the source of its rational justifiability.

Two results fall out of this analogy. First, the connection between embarrassment and etiquette demonstrates that emotions can feature heavily within social practices. Second, this analogy helps to clarify what sorts of questions can be reasonably asked regarding the rational justifiability of specific components of social practices. While it is reasonable to ask whether embarrassment is rationally defensible in a particular situation, or in light of the ends at which our etiquette practice aims, it is not reasonable to ask whether embarrassment is, all things considered, rationally defensible in light of our background philosophical beliefs about responsibility.

#### 4 The Social Practice of Moral Luck

If embarrassment and agent-regret are analogous in the way that I believe them to be, then there will be identical limits placed on the sorts of questions that can reasonably be asked about the rational justifiability of agent-regret. Specifically, we can reasonably ask whether a particular experience of agent-regret is rationally defensible in light of its background social practice, whether agent-regret positively contributes to the ends at which this practice aims, and whether this practice as a whole is rationally defensible relative to some background normative standard. But what we cannot ask is the very question that drives the puzzle of agent-regret, *viz.* whether agent-regret is, by itself, rationally justifiable according to the standards set by the Standard View.

Does the analogy hold? The discussion of etiquette practices and embarrassment at least shows that there is no conceptual problem with the claim that social practices can have emotional components.<sup>15</sup> But etiquette practices are clearly social practices; they typically have sharply delineated rules that help to facilitate smooth social interactions. The social practice that governs agent-regret, if it exists at all, has no name and no clearly articulated rules.

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<sup>15</sup> For a detailed and compatible discussion on the role that norms play in our experience of other moral emotions such as anger and resentment, see Gibbard 1990.

That this practice lacks a name and clearly articulated rules does not mean that it doesn't exist. There also isn't a name for the practice that governs how we 'take turns' in conversation, and it would be difficult to clearly articulate any of the rules of this practice, but the fact that we *know* when someone hasn't given us our turn suggests that we have such a practice.

To be sure, it is clear why we need a social practice governing 'conversational turn-taking.' Conversation flows when its participants adhere to the same turn-taking norms, and it falters when one or more parties don't. It is not as clear why there needs to be a social practice governing agent-regret. I want to suggest that we need such a practice, which I will call the 'social practice of moral luck,' to navigate through the tragedies that result from bad moral luck. Bad moral luck is, in other words, an intractable force in our lives, and we need unarticulated social mechanisms in place to deal with the consequences of it. In this section, I will offer a few tentative answers to the external question of whether the practice of moral luck, as a whole, is rationally justifiable given the value of the ends that it helps us achieve.

To begin, consider a variation on Williams's famous lorry driver case. In the original case, the lorry driver was doing nothing horribly wrong when he inadvertently hit and killed a child. In this variation, our lorry driver *was* doing something wrong. He was driving erratically, after a few beers and without his prescription glasses. Had he been paying attention, this lorry driver would have had no problem avoiding the child. In this variation of Williams's case, there is no doubt about whether the lorry driver is to blame. What follows from this? The lorry driver's undeniable guilt, to start, helps to solve a number of compensatory issues. For instance, because he is clearly at fault, there is no question about whose insurance ought to pay for the damages. More importantly, I think, his guilt, gives the child's parents a clear target at which to direct their grief and rage. They have someone that they can, without a shred of moral conflict, despise. And later on, when their grief is less fresh, they have someone whom they can forgive.

Why is it so valuable to have a 'bad guy' in tragic cases like the one described above? Let's return to Williams's original case. In that case, there is no bad guy: the lorry driver killed the child, but is not morally responsible for the child's death. According to the Standard View, the parents will have nobody whom they can justifiably despise or from whom they can reasonably demand an apology or compensation. The absence of a 'bad guy' comes at a psychological cost. It is difficult to reckon with the role that luck plays in our lives at the best of times; to reckon with this fact in the midst of a personal tragedy is even more difficult. As such, it is likely much easier to move through these tragedies by assigning roles to its participants. The grieving mother can assign to the lorry driver the role of the 'bad guy,' even if such a role would, outside the context of bad moral luck, be inappropriate. In doing so, she will have a person whom she can

resent and perhaps, in the process of seeking closure, forgive. Hating this person may help us cope, and forgiving them may provide us with a much needed catharsis at the end of a period of grieving.

The victims of bad moral luck aren't the only people who derive benefit from the presence of a 'bad guy.' Rather, the causally responsible agent also has something to gain by casting himself in this role.<sup>16</sup> It is through accepting this role that we are able to restore our standing within our moral community following cases of bad moral luck. How does this happen? To return to a less tragic case, consider what happened when Nick broke the vases. By falling down the stairs, Nick inadvertently destroyed some artifacts that people valued. This, in and of itself, reveals nothing in particular about his moral character. And yet, his reactions to the event *can* be morally revelatory. As Smith observed, when it comes to cases of moral luck, "To make no apology, to offer no atonement, is regarded as the highest brutality" (TMS II.iii.II.10).<sup>17</sup> We can make sense of this brutality when we appreciate the unique normative powers that Nick's unfortunate collision grants him. Nick has destroyed something that many people valued, and he has inadvertently placed a great financial burden on a university museum. This makes him a 'bad guy' to them, and also gives him the unique power to lessen the psychological burden of the loss through offering an apology. What sort of person would he be if he were unwilling to exercise that power? Presumably, if Nick was unwilling to apologize, we could conclude from his taciturnity that he's the sort of person who is more concerned with saving face than helping others. This might not give us reason to chastise Nick or stop talking to him, but it at very least should make us wary about him in the future.

Having a practice of bad moral luck thus gives us the ability to show others that we aren't *really* the sorts of people who would willingly destroy a Qing vase or take a life.<sup>18</sup> Further, our feelings and expressions of agent-regret communicate that we are the sort of people who are willing to step into an unsavory and unwarranted role in order to provide comfort to

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<sup>16</sup> Enoch (2012) makes a similar point when discussing what is involved in 'taking responsibility' for an action at the penumbra of one's agency (123). When you take responsibility for your child's destructive behavior, you do not thereby become blameworthy for that behavior. Nevertheless, you do become responsible for it—you may, for instance, end up owing an apology or financial compensation. The power to take responsibility for your child's behavior is a constitutive part of what it means to be a parent. Absent that power, parenthood would be a very different institution. By the same token, if you refuse to take responsibility for your child's actions, you fail to live up to your duty to see yourself as a parent (124–126).

<sup>17</sup> Citations to *The Theory of Moral Sentiments* (Smith 1759 [1976]) are to "TMS," followed by part, section, chapter, and paragraph number in the Cambridge Texts in the History of Philosophy edition of the work.

<sup>18</sup> In this respect, my account incorporates an insight from Tannenbaum 2007, Bagnoli 2000 and Wallace 2013, *viz.* that our expressions of agent-regret communicate our moral values to others.

others. It may be bad moral luck that made us uniquely fitted to that role, but it is our good moral character that prompts us to step into it.<sup>19</sup>

The social practice that I am describing may have other roles to play. Most likely, as Rosebury contends, it helps us respond appropriately to situations wherein our genuine moral culpability is up for debate. Given that something as important as moral responsibility is at stake, it makes sense for us to have an overly broad, rather than narrow, practice of offering reparations. Or, as Smith suggested, holding people responsible for the consequences of their actions, rather than the intentions behind those actions, allows us to guard against our propensity to praise ourselves for “indolent benevolence” and empty wishes, and moves us to take extra precautions to ensure that our actions “produce those ends which it is in the purpose of [our] being to advance” (II.iii.III.3). But whatever considerations ultimately justify the practice as a whole, they will not be the same considerations that motivate its participants to behave as they do. The lorry driver doesn’t step into the ‘bad guy’ role because he grasps the psychological benefits that accompany such a role, and Nick doesn’t justify his desire to apologize by appealing to the value of epistemic humility. Rather, one benefit of understanding agent-regret as a component in a larger social practice is that it allows to make good sense of it phenomenologically. To be truly immersed within a social practice is to perform it without appeal to the external considerations that ultimately justify it. And this is exactly what happens when we, as participants in a particular social practice of moral luck, find ourselves in situations like Nick’s or the lorry driver’s. The lorry driver steps into the ‘bad guy’ role simply because that’s what one does in cases such as his, and Nick feels a desire to apologize because that’s what one does when one inadvertently destroys priceless artifacts. And, just as we cannot help but feel embarrassed when our cellphone rings during a funeral, so too can we not help but feel agent-regret when we find ourselves to be inadvertently responsible for some very bad consequences.

Appreciating agent-regret in this way also helps us to settle various questions about why our reactions to moral luck take the particular form that they do. Consider, for instance, the question of why there is no strong positive parallel to the feeling of agent-regret. While Williams (1981) wrote in a way that suggested that we feel emotionally invested in all the unintended consequences of our actions (29), our experiences tell a different story. We feel much less attached to unintended consequences when they are *good* than when they are *bad*. I may feel great relief if I inadvertently manage to save someone from oncoming traffic, but it would be understandable if I felt no more relief than a bystander. There is no

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<sup>19</sup> That these roles are distributed by luck lends a certain egalitarianism to the practice. It’s bad luck that the lorry driver happened to be given the role of the bad guy. If circumstances were different, he might have found himself in the role of the person who needs a bad guy. While the social practice in this instance may harm him, having such a practice in place can still be to his benefit.

strong positive parallel to agent-regret,<sup>20</sup> I think, because good moral luck doesn't create problems that require socially coordinated solutions. Absent this need, there will be no social practice.

Thus far, I have talked about the practice of bad moral luck as though it were composed solely of rules governing the behavior of people like Nick and the lorry driver. In reality, the practice is more broad. Consider, for instance, the song and dance that we perform when trying to console people in the grips of agent-regret. We often reassure them that they have no reason to feel bad, and that they shouldn't blame themselves for a tragedy that they couldn't have prevented. We provide them with this sort of consolation even though we would probably think less of them if they *didn't* feel agent-regret. This is similar to the consolation we offer to people when they embarrass themselves: you might tell your friend that she shouldn't feel embarrassed about drinking too much at her office party, while still being glad that she's not the sort of person who feels nonplussed about public inebriation. By reacting in this way, we help others keep their feelings in check. While a certain amount of agent-regret or embarrassment is beneficial and understandable, too much can be self-indulgent and emotionally paralyzing. When you remind your friend that she did nothing wrong, you help to prevent her from becoming trapped in her experience of bad moral luck.

The above considerations shed light on the sort of questions that we can reasonably ask about agent-regret. In addition to asking about its external justifiability, we can also, I noted, ask 'internal questions' about the rational justifiability of specific experiences of agent-regret in light of the norms of the background practice. To ask "Is agent-regret rational?" as an internal question is to ask whether, given the rules of the practice that govern it, agent-regret is justifiable in a specific instance. People who find themselves experiencing agent-regret often ask internal questions. They might wonder how they could try to make amends for the damage they have caused. Should they send a card, or simply offer a verbal apology? Years later, if they still feel agent-regret, they might wonder if they should try to move on from their past trauma. To answer these sorts of questions, we must appeal to the unarticulated rules that govern our social practice.<sup>21</sup>

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<sup>20</sup> This is not to say that people never feel attached to the good consequences of their actions. Some level of attachment is intelligible in the same way that it is intelligible to feel glee when your preferred sports team wins the championship. But this attachment does not raise any special moral puzzles. It would be morally fine if I didn't feel it, and if I felt it too acutely, it would actually make sense for people to think less of my moral character. This is a case in which the Standard View adequately explains our third-person reactions. Just as we generally shouldn't blame ourselves for things outside our control, so too should we not praise ourselves for consequences that we didn't mean to cause.

<sup>21</sup> Williams (1981) expresses a similar sentiment when he notes that "[w]hat degree of such feeling is appropriate, and what attempts at reparative action or substitutes for it, are questions for particular cases, and that there is room in the area for irrational and self-punitive excess, no one is likely to deny" (29).

We would be doing something wrong, however, if we attempted to use the standards that justify the practice as a whole to determine whether a particular experience of agent-regret is rationally defensible. Were Nick to justify his feelings by saying “I want people to know that I’m not the sort of person who breaks priceless artifacts for fun,” he would be improperly appealing to an external standard of rational justification to answer an internal question about the practice of bad moral luck.

A social practice account can also help to explain why agent-regret can be appropriate even in cases when questions about one’s blamelessness and moral values are not. Our social practice of moral luck may, as a whole, help us guard against our propensity to let ourselves off the hook too easily and give us a way of publicly affirming our moral values when they are called into question. But this doesn’t mean that every instance of agent-regret serves this function. Our practice gives us the means to navigate our way through the psychological horrors of bad moral luck. Even if some cases of bad moral luck provide us with no room to doubt our moral innocence or values, they nevertheless leave us with a pressing need to heal emotionally and to repair our interpersonal relationships. Similarly, this account helps to explain why our experiences of penumbral agent-regret are so phenomenologically similar to our experiences of agent-regret. In both sorts of cases, we need a social practice in place to mitigate the harm that has been done, even if that harm wasn’t done by us. While you may not be able to blame me for the actions of my ancestors or my country, you can still justifiably blame me for my unwillingness to participate in a social practice meant to mitigate the harm that they have caused you.

## 5 Is the Practice of Agent-Regret Internally Incoherent?

So far, I have discussed the rational justifiability of the practice of agent-regret and the rational justifiability of particular cases of agent-regret. I have not, however, said anything about whether agent-regret, in and of itself, can be rationally justified according to the Standard View. This omission can be intentional. Like embarrassment, agent-regret gets its justificatory standards from the practice of which it is a part. To assess it rationally outside of its social practice is to submit it to an inappropriate standard of rational justification.<sup>22</sup>

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<sup>22</sup> This observation probably goes some of the way to explaining why, out of all the examples of agent-regret that Williams (1981) discusses, the example of Oedipus has received the least amount of attention in the secondary literature. Oedipus’s extreme reaction to the news that he has married his mother and killed his father occurred within in a social world that was vastly different from our own. The Ancient Greeks believed that miasma attached itself to an individual who had violated sacred laws, thus giving others a reason to shun him until he has been purified. (Parker 1996, 18–31). Given the gap between our world and Oedipus’s, it is unclear whether we are justified in interpreting his reactions through the lens of our modern concepts of agent-regret and moral luck.

There is still, however, one question of rational justifiability that has not yet been answered. Specifically, I have not yet considered whether the practice as a whole is internally coherent. Recall that for a practice to be rationally justifiable in this way, its rules must be such that participants can follow them without being deceived or confused about the nature of their actions. One could worry that the practice of moral luck fails this final test.<sup>23</sup> We might think, for instance, that the bereaved mother can only make sense of her anger if she believes that the lorry driver is at least minimally morally responsible for her child's death. If she were to view the situation objectively, with full awareness of the lorry driver's innocence, she would be forced to acknowledge that he isn't really the 'bad guy' she makes him out to be. Or if the museum patrons grasp Nick's action for what it really was—a completely blameless accident—it wouldn't occur to them to question his moral character.

I think that two responses could be given here. The first points to one of the limits of my account. The primary aim of this paper is to determine what sorts of the questions we, as philosophers, ought to be asking about agent-regret's rational justifiability. It is thus possible on my account that the practice of moral luck will fail to be rationally justifiable in one of the senses outlined previously. But this response, by itself, is unsatisfying; just as our feelings of agent-regret are typically seen as a deep feature of our psychology, so too are our broader reactions to cases of bad moral luck perceived to be central features of our social world. It would be great loss to this social world if our reactions to moral luck turn out to require conceptual confusion or self-deception.

And so, the social practice account of agent-regret ought to be able to speak to these worries about internal incoherence. What exactly can be said? To start, we must first appreciate the power that social practices have to create new meanings for the objects and activities that they govern. A five-dollar bill, as Searle observed (1995), only has the value it has because we have a social practice that assigns it that value, and we only view the guitar with which Elvis recorded "Hound Dog" as more than 'just' a guitar because we have a social practice of assigning special value to historically significant objects.<sup>24</sup> A similar transformation of meaning that occurs in cases of moral luck. Without the practice in place, the lorry driver *just is* the lorry driver. But within the practice, he becomes something more. Specifically, he becomes the 'bad guy' who killed a beloved child. This changes the role that the lorry driver occupies in regard to those whom he has inadvertently impacted. Since he now occupies the role of the 'bad guy,' he becomes someone at whom the child's loved ones can justifiably feel anger and contempt, and whom they can ultimately forgive. The mother need not be self-deceived or confused about the nature of the lorry driver's

<sup>23</sup> Thank you to an anonymous reviewer for raising this objection.

<sup>24</sup> Thank you to an anonymous reviewer for drawing my attention to the social practice we have for assigning special value to inanimate objects.

actions in order to make sense of her anger toward him. Rather, she can be justified at being angry at him for killing her child because that fact, within the context of the norms of this practice at least, is enough to justify her anger. The lorry driver, meanwhile, need not be mistaken about his blamelessness in order to see himself as owing an apology; rather, he can recognize that he owes an apology simply because he's done something that, according to the practice of moral luck, requires some sort of reparative gesture.

This is not to say that the practice of moral luck has the power to make the lorry driver (or any other causally responsible agent) *morally* blameworthy for his role in the child's death. Rather, the practice merely extends the domain within which we can justifiably feel contempt and anger, demand apologies, and attempt to make amends. This extension is not unique to the practice of moral luck. While concepts like anger and forgiveness belong paradigmatically within the domain of moral responsibility, they nevertheless also make appearances within our etiquette practices. John, the underdressed wedding guest, should offer the bride and groom an apology even though he is not to be blamed for his attire. And the newlyweds, likewise, need not be mistaken about the facts of the situation to rightfully believe that they deserve an apology from him. If there is nothing controversial about the idea that etiquette can sometimes require people to apologize for norm violations that were outside of their control, or allow us to feel justifiably miffed when such apologies are not forthcoming, then it should be equally uncontroversial that the range of circumstances that can justifiably provoke anger, condemnation, and forgiveness are broader than those describable by appeal to the Standard View.

That etiquette, the practice of moral luck, and our practice of assigning moral blame share in common many of the same moralistic concepts and emotions should be unsurprising. All three practices fundamentally govern how we relate to other people, and it is plausible to think that they may, at an earlier stage of social development, have been closer to each other than they presently are. By the same token, it is very possible that the emotions of agent-regret, guilt, and embarrassment are all primitive emotional reactions that existed within the human psyche long before our modern social practices came into being. But even if agent-regret existed long before we ever had a practice of moral luck, it is still likely the case that the two have had a reciprocal relationship through history, with our experiences of agent-regret shaping the norms that govern our responses to moral luck, and the practice of moral luck shaping our understanding of what circumstances engender agent-regret. This reciprocity limits the questions that can reasonably be asked about agent-regret. Since agent-regret, like embarrassment, becomes rationally assessable via its inclusion within a social practice, we must appeal to the rules of that practice (rather

than the rules associated with the Standard View) to determine its rational justifiability.<sup>25</sup>

## 6 The Puzzle of Agent-Regret, Revisited

We can now turn back to the puzzle that motivated this paper. How can we justifiably think less of people for not feeling or being motivated by an emotion that is, according to our most plausible theory of moral responsibility, rationally indefensible? We can justifiably think less of such people for the same reason that we can justifiably think less of people who feel no embarrassment about showing up to a black-tie wedding in a ripped t-shirt. We have a social practice that provides us with rules to govern our social interactions in cases of bad moral luck. Given that this practice has a valuable social function to play, and given that we are participants within it, we have good reason to care that their rules are followed. As such, we can justifiably react badly to people who feel nothing when they violate those rules, even if the emotion that typically accompanies such violations is, absent a background social practice, rationally indefensible or unassessable. When we judge someone harshly for not feeling agent-regret, we are not expressing any views about the nature of moral responsibility, or assigning culpability where in reality there is none. Rather, we are condemning that person for failing to properly engage in a practice of which they (and we) are a part.

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<sup>25</sup> Similarly, this account does not suggest that the practice of moral luck only exists *in order* to fulfill the various functions that it presently fulfills. Social practices arise organically and may over time perform different and sometimes contradictory social functions. Nevertheless, if our practice turns out not to help us achieve socially valuable ends, then we would have reason to reassess and perhaps try to modify some of its constitutive norms. For a similar point about our practices of punishment and moral responsibility, see [Strawson 2008](#), 27.

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