

## CHAPTER 10

*Night Fight**Clare Mac Cumhail*

When the Romanian existentialist writer E. M. Cioran died in 1995, it was reputed that he had not slept for more than half a century. A ‘career insomniac’, Cioran claimed to have stopped sleeping at the age of seventeen, after which time, by his own account, everything he wrote – all his ‘divagations’ – issued from his insomnia. Regier remarks that the poet wore his pyjamas ‘like a hairshirt’ (2004: 994), insomnia a kind of blissful martyrdom which, despite the ‘heights of despair’ that his sleeplessness induced, brought its own ‘blessings’:

Just as ecstasy purifies you of the particular and the contingent, leaving nothing except light and darkness, so insomnia kills off the multiplicity and diversity of the world, leaving you prey to your private obsessions. What strangely enchanted tunes gush forth during those sleepless nights! Their flowing tones are bewitching, but there is a note of regret in this melodic surge which keeps it short of ecstasy. What kind of regret? It is hard to say, because insomnia is so complex that one cannot tell what the loss is. (Cioran 1992: 83)

In this chapter<sup>1</sup> I explore to what extent, and along what dimensions, a link between regret, wakefulness, and insomnia can be excavated – and, as I will show, Cioran’s lyric phenomenology speaks somewhat obliquely to this connection. But in doing so, I also aim to explicitly echo something of Cioran’s difficulty in finding it ‘hard to say’ just what the peculiar loss of regret is, or, cast differently, what its proper object is. It is striking that the philosophical literature on regret should be likewise undecided, variously

<sup>1</sup> Some of the ideas in this chapter arose out of discussion with Edoardo Zamuner and owe much to him. I am grateful too to the *thumos* research group, Geneva, from whose activities and support I have greatly benefitted. Work for this chapter was started while a post-doc on the Swiss National Science Foundation project ‘The Intentionality the Mark of the Mental’. I also thank participants of the ‘Dream, Sleep, Emotion’ workshop which I organised in September 2013 in Geneva, and Ralph Schmidt, whose work on the affective dimensions of insomnia prompted this exploration. I thank Hichem Naar and Fabrice Teroni for their thoughtful comments on a first draft.

offering, among other things, states of affairs (Williams 1976), blunders (Jacobson 2013), valuable unchosen alternatives supported by reasons (Bagnoli 2000), and objects of attachment, including one's own life (Wallace 2014). My dialectical strategy will be to try to show that such multiplicity can be read as speaking not just, or even primarily, to the potential variety of the objects of regret, but also to aspects of its ontology. In particular, my exploration will attempt to uncover regret's relationship to time through consideration of the nature of the wakeful state. Further, it will consider the extent to which the mental activities of thinking and imagining which intuitively accompany regret are partly constitutive of it. I will argue that such activities may sometimes be helpfully understood as *mental* expressive actions – a category of expressive action so far neglected in the literature.

A leading thread of my argument is to suggest that regret is an affective state of the wakeful. The puzzle that frames my 'divagation' is why the state of regret is not merely *incompatible* with sleep but precludes *falling* asleep – that is why regret may occasionally be, to coin a word, *insomniacal*. My conclusion is that those episodes of regretting that are *insomniacal* have a peculiarly self-reflexive character that reflection on the ontological character of occurrent regret helps make articulate: they bear a certain relation to the subject who is in that occurrent state.<sup>2</sup> To this extent, disputes over the proper object of regret, insofar as I engage with them, act only as a prism through which my primary concern can be brought into view – the link between regret, wakefulness, and, ultimately, insomnia. That regret may be variously theorised as having very different proper objects is, I explain, symptomatic of the fact that the state of wakeful consciousness is itself complex, a complexity that reflection on the nature of regret reveals and, I suggest, replicates.

The analysis I offer hinges fairly uncritically on the insight of Brian O'Shaughnessy, and in particular his 'Anatomy of Consciousness' in *Consciousness and the World*, which I detail in §§1–2.<sup>3</sup> For the most part, it cleaves closely to O'Shaughnessy's analysis, applying it to the case of regret. In this sense, this chapter is synthetic and expository, though along the way some novel claims are drawn, specifically regarding the link between regret and mental activity. We can get an early glimpse at this connection by noting what Janet Landman in her expansive *Regret* calls the 'occasions of regret'.

<sup>2</sup> For discussion of the ontological category of occurrent state, see Soteriou (2013).

<sup>3</sup> Some aspects of O'Shaughnessy's proposal require further defence or are questionable. For the purposes of this chapter, the idea is only to set out the general explanatory framework. See also Matthew Soteriou's chapter in this volume (Chapter 4). In various respects, I am also indebted to a reading of Soteriou (2013).

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Landman notes a link between the availability of time for thoughtful reflection and regret. Reflectiveness, she says, is typically enhanced when alone and unencumbered by daily tasks and hence ‘by far the single most frequently reported time for regret [is] evening or night-time’ (1993: 204).<sup>4</sup> Likewise, Schmidt and Van der Linden observe that ‘bedtime may often be the first quiet period in the course of the day available to review one’s own behaviour’ (2013: 873) and that ‘this time window might be particularly suitable for the emergence of feelings of regret, shame and guilt’ (873). But if regret typically emerges at the ‘first quiet period’ of the day, the link between bedtime and regretting is no surprise – it is a mere correlation. That regret may preclude sleep – as Schmidt and his collaborator also seek to establish – is more mysterious.<sup>5</sup> Why should regret induce insomnia?

Like other writers, Schmidt and Van der Linden take it that regret is a counterfactual emotion. Zeelenberg and Pieters gloss this as follows:

Feeling regret requires the ability to imagine other possibilities than the current state of the world. One has to reflect on one’s choices and the outcomes generated by these choices, but one also has to reflect on what other outcomes might have been obtained by making a different choice. Put differently, regret is a counterfactual emotion. (2007: 5)

Regret, then, involves mental activity. But in what sense is this mental activity *affective*? The authors do not say. They do, however, make a suggestive remark in passing: regret ‘both stems from, and produces, higher order cognitive processes’ (5). Part of my exploration will be to consider just how the higher-order processes of actively thinking and imagining may be involved in regretting in this dual sense. As I explain, however, while certain patterns of thought and imagining may well *produce* feelings of regret, and while regret may in turn *precipitate* further thoughts and imaginings, there is also reason to think that at least some thoughts and imaginings may be constitutively regretful in the sense that they may be understood not as productive of, nor as produced by regret, but rather as expressions of regret.

The chapter unfolds as follows: in §1, I sketch Brian O’Shaughnessy’s analysis of wakeful consciousness (readers familiar with O’Shaughnessy’s

<sup>4</sup> Jacobson implicitly notes a connection between regret and nocturnal wakefulness. In discussing an individual for whom feelings of regret would *not* be appropriate, he notes: ‘If any unwanted feeling keeps her up at night, it is more likely anxiety’ (2013: 101).

<sup>5</sup> Schmidt and Van der Linden (2011) provide empirical evidence showing a correlation between self-reported regret and insomnia.

work can skip this section). I explain that although on certain accounts of regret the proper object of the emotion lies in the past, the kind of temporal orientation that wakefulness enables cannot yet explain the link between regret, wakefulness, and, specifically, insomnia (§2). I then focus on the question framed earlier: assuming that regret involves mental activity, in what sense is that mental activity *affective*? In this part of my discussion, I draw on the illuminating work of Carla Bagnoli, and more narrowly on her divergence from Bernard Williams concerning the proper object of regret. I pick up her disagreement with Williams to motivate the claim that sometimes the mental activity that occurs in regret can be understood as *expressive*, in turn bringing work by Peter Goldie to bear on a number of suggestive comments that Williams makes when elucidating his celebrated conception of agent-regret in ‘Moral Luck’ (§§3–4). In particular, I bring two features of Williams’ characterisation of so-called agent-regret (in a sense to be made plain) into synchrony: the idea that agent-regret involves a particular *mode of expression*. And the thought that regret involves a wish. Linking these, I will suggest that the mental activity that attends and as I claim partly constitutes regret is in fact *expressive of a wish*: namely the wish that things were otherwise was satisfied *now*.

In closing, I return to the puzzle that Cioran’s despair makes striking: the puzzle as to why occurrent regret is not merely *incompatible* with sleep, but may preclude *falling* asleep. I offer a tentative response in closing, focusing on the self-conscious character of occurrent regret (§5).

## I O’Shaughnessy on the State of Wakeful Consciousness

For O’Shaughnessy, consciousness is ‘that vastly familiar light that appears in the head when a person surfaces from sleep or anaesthesia or dream. In other words with the state we call “waking”’ (2000: 68). The ‘problem of consciousness’, as he understands it, is not, then, what theorists have elsewhere referred to as the ‘hard problem’ of consciousness – after all, the hard problem arises as much for sensory experience in dream as it does for wakeful experience. Rather the problem O’Shaughnessy addresses is what the correct analysis of wakeful consciousness is, where he takes it that wakeful consciousness is only one among a variety of states of consciousness of which the wakeful state of consciousness is the ‘parent sub-variety’.<sup>6</sup> I spell out this peculiar taxonomic terminology.

<sup>6</sup> Somewhat confusingly, O’Shaughnessy refers to wakeful consciousness as *consciousness*. For clarity, I systematically refer to wakeful consciousness.

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As O'Shaughnessy explains, every living animal is in some state of consciousness. But, accordingly, consciousness does not relate to unconsciousness as life relates to death –

[w]hereas the paths to death lead to the monolithic state of death, the paths leading away from consciousness conduct one in different directions towards diverse states. (70)

– specifically, they lead one to the states of sleep or unconsciousness. And sometimes wakeful consciousness itself can be 'disordered', in a sense to be made plain.

In sorting among these states of consciousness and in insisting that wakeful consciousness is the 'parent sub-variety', O'Shaughnessy makes plain his methodology. We are not, he says, dealing with real essences or natural kinds. Rather, diverse states of consciousness can be individuated a priori:

Conceptually we begin with [properly formed wakeful] consciousness and privatively derive the others by denuding it of powers. The state of waking marshals our central mental powers – to experience, sense-perceive, think, and reason cogently and actively manipulate the environment with a view to fulfilling our needs – and all other states are noteworthy for the absence of some or even all of the above. (70)

His methodology, then, is to descriptively analyse diverse states of consciousness by considering what such 'denuded' states of consciousness fail to enable in their owner. For example, deepest unconsciousness involves the 'total suspension' (73) of psychological events – the subject is divested of the powers to imagine, sense-perceive, and reason – while light sleep permits dreaming. Likewise, drunkenness may inhibit or, occasionally, enhance certain powers (see Crowther forthcoming a, 2016 for discussion – curiously, O'Shaughnessy thinks that the drunk are not properly awake).

An important power that O'Shaughnessy discusses involves the ability to apply the indexical 'now'. A dreamless sleeper cannot entertain beliefs about the present instant picked out as 'now': '[i]f he fell asleep at 6.00 a.m., and awoke at 6.10 a.m., he cannot at 6.05 a.m. entertain a belief about the instant 6.05 a.m. singled out as "now"' (51). But since a non-experiencer cannot be conscious of an instant singled out as 'now', nor can such a subject be aware of a succession of 'nows' and, hence, of the passage of time. I revisit the import of time shortly.<sup>7</sup> For now let us remark in what sense wakeful consciousness is

<sup>7</sup> Interestingly, experience of the passage of time is less pertinent to an account of the phenomenology of regretting than temporal orientation is. Experience of passage does, however, seem to be central to the phenomenology of insomnia, but I leave this unexplored.

the ‘parent sub-variety’ of all other states of consciousness. It is the *parent* sub-variety since all other ‘sub-varieties’ are ‘denuded’ insofar as they involve privations of the powers or capacities that characterise the non-disordered wakeful state. To this extent, the non-disordered wakeful state is a perfection associated with a ‘syndrome’ of properties<sup>8</sup> (74), properties that, says O’Shaughnessy, ‘travel of necessity in groups’ (74).<sup>9</sup> For instance, when fully awake, one can perceive, think, imagine, make plans, and so on. Other sub-varieties of the conscious state are likewise ‘syndromes’ of powers or properties, but they are lacking insofar as they are ‘denuded’ of certain powers relative to the parent sub-variety: wakefulness.

Wakefulness, then, is a state that is associated with a syndrome of powers. Importantly, however, the state is more than a mere assembly or constellation of such powers or properties. O’Shaughnessy offers various considerations in support of this supposition. The most striking provocation offered is the following: in removing *the state* of consciousness, say, by using an anaesthetic, one removes all the properties or powers. But to this extent, the properties depend on the state, for the state *explains* their presence. However, this is not all. As O’Shaughnessy also insists, modifying the properties that realise the state also involves a modification of the state thereby realised. For example, consider the effect that meditation has on one’s wakeful experience. Or copious amounts of wine. Plainly, the character of one’s conscious state is modified. But, as such, even while the state explains the presence of the realising properties on which it depends (remove consciousness and you remove the powers), the properties that realise the state are also said to *constitute* it insofar as a modification of the powers involves a modification of the state. This holism will be of some import later. Before that O’Shaughnessy’s thinking must be detailed still further.

Most, if not all, of the capacities ‘marshalled’ in the state of wakeful consciousness involve what philosophers have designated, obscurely in my view, as ‘the will’. O’Shaughnessy is peculiar, however, in distinguishing *two* forms of willing – mental and bodily. The use of the will, says O’Shaughnessy, is *constitutive* of wakeful consciousness, though critically ‘no experience utilising the *bodily* will is essential to [wakeful] consciousness’ (88; my emphasis) – after all, we can be fully conscious ‘though supine in a hammock’ (226). But this suggests an essential role for the *mental* will

<sup>8</sup> This is not to say that one property of a state entails the other – some, though not all do. Rather properties necessarily occur in sets that realise unique states of consciousness (75).

<sup>9</sup> Note that properties of the state are powers *of the subject* in that state.

in constituting wakeful consciousness. O'Shaughnessy captures this with a necessity claim: 'The mind of one who is conscious is necessarily a mind actively governing the movement of its own attentive and thinking processes' (89). Let us understand by 'mental willing' this 'active governing'.

As might be supposed, the liminality of the 'bed-time window' is apt to throw such governance into disarray – at least when the subject is poised to surrender her will to sleep. The question is how we should understand the relation between mental activity and nocturnal regret. I begin to spell out that connection in §3. First, I explore two other features of wakeful consciousness – self-consciousness and temporal orientation – which, as I argue, may be relevant to our exploration. I then attempt an application of O'Shaughnessy's ontological reflections on the state of wakefulness to the case of regret.

## 2 Wakeful Consciousness: Self-Consciousness and Orientation in Time

As we have noted, for O'Shaughnessy, wakeful consciousness enables a cluster of capacities or powers in the subject, including the abilities to sense-perceive and to engage in wilful action with one's surroundings. However, not all wakefully conscious creatures are *self-conscious* – for O'Shaughnessy, a 'higher', 'more developed form' of consciousness (102). I focus here on only one feature of O'Shaughnessy's rich analysis of self-consciousness: the property of self-awareness. I will suggest that there are two broad respects in which self-awareness is explanatorily relevant to our analysis. First, regret involves awareness of the *mode* of one's cogitations – I spell this out shortly. Second, certain forms of nocturnal regretting, specifically those that are insomniacal, may be apt to have the 'self' or 'one's life' or 'occurrent existence' as one among their objects.

O'Shaughnessy supposes that the 'advent of self-awareness' brought with it a new realm of awareness and knowledge – awareness of 'the entire realm of the mental' (103). Unlike the ways in which the outer, non-mental realm comes to be known, however, the objects of the 'inner' realm are known immediately. 'Thus, I know that I am now thinking this, I know I now believe that, I know that I do so because I now observed such and such' (105).<sup>10</sup> What is the scope of such immediate self-knowledge? For one, the content of one's thoughts and experiences are immediately

<sup>10</sup> Though he also grants: 'very occasionally we discover what is here and now occurring in our own minds through inference and appeal to experience' (105).

known. Critically, one also knows their *mode* – that is, one knows that one is imagining rather than remembering, conjecturing rather than believing, and so on. O’Shaughnessy draws a comparison with the dreaming subject so as to make plain, or instruct, in what sense this is so.<sup>11</sup> The dreamer, says O’Shaughnessy, takes his imaginings *to be seeings* and is hence ignorant of their ultimate character – viz. that they are *imaginings*. A like failure is said to occur in mental illness (see also O’Shaughnessy 1972). A mentally ill subject may take her wakeful imaginings to be *real*. But, as such, her wakeful consciousness is thereby said to be ‘disordered’ or ill-formed. What is meant by this normative charge?

A subject that is self-aware of the contents of her mental states and occurrences is a subject that can encounter both the inner and outer world ‘*under the aspect of truth*’ (III). This notion is spelt out using the idiom of ‘comparison’:

(merely) animal consciousness, while it relates cognitively to the world, has nothing to do with truth. Or perhaps better expressed: animals know truths but not *their* truth. A dog knowing it is about to be fed, does not know it is true that it is about to be fed. It could do so only if it could *compare the thought* ‘I am about to be fed’ with the reality that makes it true (for truth arises out of the matching of thought and reality). And this in turn requires the knowledge that one has that thought, together with the capacity to contemplate its denial as a possibility that is here in fact not realised. (III; my emphasis)

This indicates the import of self-knowledge of the inner realm to the possibility of encountering the world under the aspect of truth. Those who mistake imaginings for reality are not in a position to encounter the world in this guise. Accordingly, the consciousness of such a subject is ‘disordered’. I return to this supposition in §5. In what remains of this section, another feature of wakeful consciousness is sketched: temporal orientation. Again, the dreaming subject illuminates. Dream, as O’Shaughnessy vividly notes, is a ‘Time Island’. The dream is created ‘anew in each instant’ (92), ‘in experiential mid-air’, ‘each instant [disengaging] in certain significant ways from its predecessor instants’ (91). But this being so, he insists, the dreamer cannot be genuinely cognitively orientated towards the dream past or future.

It might be asked what the status of this claim is. I take it that O’Shaughnessy means it to be a piece of descriptive phenomenology. I

<sup>11</sup> The dreaming subject often provides an important contrast case for O’Shaughnessy, and I use his contrastive expository method here.



hence leave to one side any kind of scepticism about the reality of dreams. My goal is only to excavate a contrast with wakeful experience and here the idea is that wakeful experience, if it is not disordered, does *not* have this character. That is to say, in wakeful experience each instant is not experienced as ‘disengaging in significant ways from its predecessors’. Further, and unlike the dreamer, the wakeful subject can entertain cognitive attitudes to future and past times, including, through episodic memory, attitudes to *particular* past times.<sup>12</sup> Such observations then suggest an initial way in which wakefulness and regret may be linked, namely, and perhaps unsurprisingly, through the past. For if what is regretted are past events or states of affairs, and if regretting involves entertaining those events *as past*, a dreaming subject is not in the cognitive position to experience regret. It does not know the mode of its cogitations.

As might be supposed, there are different ways in which the connection between regret and the past can be spelt out. Jacobson (2013), for instance, takes it that what is regretted are bad decisions and their consequences. On this view, at least part of what is regretted is past error in deliberation. Bernard Williams’ treatment of regret also makes special room for the past, albeit in a distinct way. For Williams, what are regretted are states of affairs, some of which may be past. However, the peculiar way in which the past bears on regret is not specifically due to the object of regret *being* past, rather what matters is how that past state of affairs is evaluated at the present time *when ‘looking back’*. We can get a sense of how to read this notion (as we will see, the perceptual analogy is not wholly coincidental) by reflecting on one of his paradigm cases in ‘Moral Luck’ – his reimagining of the life of the painter Gauguin.

Williams’ Gauguin deserts his family in Paris to realise his painterly ambitions on Tahiti. It might be supposed appropriate that Gauguin should regret his action, but, for Williams, this is not at all plain. He sorts among two species of regret that are relevant to a consideration of Gauguin’s affective response – *agent-regret* and *regret in general*. It is worth quoting in full the paragraph that distinguishes these two:

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, together with consciousness of how things would then have been better. In this *general* sense of regret, what are regretted are states of affairs,

<sup>12</sup> See Campbell (1994) for discussion of the distinction between temporal orientation with respect to phase and with respect to particular times.

and they can be regretted in principle by anyone who knows of them. But there is a particularly important species of regret, which I shall call ‘agent-regret’, which a person can only feel towards his own past actions (or, at most, actions in which he regards himself as a participant). In this case, the supposed possible difference is that one might have acted otherwise, and the focus of the regret is on that possibility, the thought being formed in part by first-personal conceptions of how one might have acted otherwise. ‘Agent-regret’ is not distinguished from regret in general solely or simply in virtue of its subject-matter. There can be cases of regret directed towards one’s own past actions which are not cases of agent-regret, because the past action is regarded purely externally, as one might regard anyone else’s action. Agent-regret requires not merely a first-personal subject-matter, nor yet merely a particular kind of psychological content, *but also a particular kind of expression*. (1976: 123)

Further,

regret *necessarily involves a wish that things had been otherwise*. But it does not necessarily involve the wish that, all things taken together, one had acted otherwise.

So, what kind of regret should we expect Gauguin to feel?

Presuming Gauguin had some awareness of the ‘claims’ (117) his family had on him and what neglecting them amounted to, we might suppose him prone to bouts of *general* regret. Here we might imagine him regarding his past action purely externally, and even wishing that things had been otherwise – say, that his desires had not conflicted so irrevocably. Still, he need not thereby wish that *he* had acted otherwise. In what circumstances would he wish that he had so done?

Notoriously, Williams argues that Gauguin will wish to have acted otherwise only in the event that he is unsuccessful in his ambitions as a painter. Of course, his failure as a painter might be a matter of bad luck – for example, he might have been injured on the way to Tahiti, in which case ‘his decision . . . was for nothing . . . there is nothing in the outcome to set against the other people’s loss’ (120). But although this kind of ‘external luck’ renders (retroactively, for Williams) his decision unjustified, it does not serve to ‘unjustify’ *him*, to show that he was wrong. Rather ‘what would prove him wrong in his project would not just be that it failed but that *he* failed.’ To wit: his failure as a painter would *also* reveal he failed at the time of deliberation, namely in letting the dream of artistic experimentation in Polynesia override the weight of his parental obligations. For Williams, such a recognition should induce ‘agent-regret’.

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On Williams' understanding, agent-regret can be only experienced from a perspective or 'standpoint of assessment' that regrets the events and actions – in this case Gauguin deserting his family – that shaped *the very possibility of occupying that standpoint*. For only by leaving his family in Paris could Gauguin actually come to occupy a standpoint from which an assessment, negative in this case, *is even so much as possible*. For Williams then, the way in which the past comes to be negatively evaluated as regretful is through a concomitant evaluation of the present, the contours of which have been constitutively shaped by those past events.<sup>13</sup>

It is worth comparing the dream. In dream, there is no such experiential orientation in time, nor is there any constitutive connection between the dream past and dream present – the dream, recall, is created 'anew in each instant' (O'Shaughnessy 2002: 92), 'in experiential mid-air'. Further, past dreamt events are only unified with present dreamt conditions *through the continuity of content that unifies the dream* – both sectors are part of the same dream. Gauguin's past experience in Paris, however, is not related to his present experience in Polynesia merely because they are part of the same life – his. Rather, Gauguin's present experience is such that it is partly shaped by things that he did as well by things that happened to him as a matter of luck.

This invites an early attempt at isolating a connection between regret, time, and, *inter alia*, wakefulness. If the objects of regret are past states of affairs or past errors in deliberation (Jacobson), or if regret involves any kind of temporal orientation, including 'looking back' from one's current standpoint of assessment (Williams), it is unsurprising that regret necessitates wakefulness and more particularly, as we shall later see, *self-conscious* wakefulness. Why so? Dream experience precludes such temporal orientation. Still, this leaves unexplained the link between regret and *insomnia*. Granted, the 'bedtime' window may precipitate reflection on the near and distant past, but it might be wondered: why should the mere remembering that regret sometimes involves *preclude* sleep? For instance, we know that recalling past events for which one is grateful, and that so induce *positive* affect, can bring on sleep (Emmons and McCullough 2003). But this being so, neither the relevant object of regret being past, nor one's temporal orientation, pass explanatory muster in trying to elucidate a link between regret and insomnia. I try a different tack.

<sup>13</sup> See Wallace 2014 for a deft analysis of the shortcomings of this view.

### 3 Mental Activity and Wakefulness

Although wakefulness allows for temporal orientation, the mere fact of the object of regret being past, and of constitutively shaping the current standpoint of evaluation, does not yet explain why regret should induce insomnia – this is what §2 sought to establish. There is, however, another explanation. Recall O’Shaughnessy’s insistence that properly formed wakeful consciousness necessitates *mental willing* – the active governance of one’s own mental acts. If acute, this gestures at a second link. Earlier I quoted Zeelenberg and Pieters: regret ‘both stems from and produces higher order cognitive processes’ (2007: 5). But that regret may stem from cognitive activity is largely unsurprising; at least certain episodes of regretting may be preceded by *active episodic recall*, namely to provide the episode with an object. There are, however, at least two other ways in which regret and cognitive activity may be linked. This is what I spell out in this section.

As we have noted, Jacobson (2013) pits deliberative error as the proper object of regret; Bagnoli (2000) disagrees, invoking tragedy. Agamemnon sacrifices Iphigenia at Aulis, but his decision is *not* mistaken; it is grounded in what he takes to be an overriding reason – to please the gods. So is Agamemnon thereby immune to regret? Surely, he is not. Bagnoli takes her cue from Williams in explicating her alternative analysis.

In ‘Ethical Consistency’, Williams considers ways in which conflicts in belief and desire differ. Where two beliefs are consistent but conflicting, the discovery that one of the beliefs is not true leads to its abandonment:

The rejected belief cannot substantially survive . . . to decide that a belief is untrue *is* to abandon, i.e. no longer to have that belief. (1973: 170)

Desires are different in this respect. When two desires conflict but where the conflict resides not merely in a contingent feature of the world, but essentially – viz. where the world is such that it is impossible that both be satisfied – the satisfaction of one desire does not always lead to an abandonment of the other as it does in the case of belief. Rather, a rejected desire may ‘reappear’ in another ‘guise’ – in particular, ‘the opportunity for satisfying that desire having irrevocably gone, it may reappear in the form of a *regret* for what was missed’ (170).<sup>14</sup>

<sup>14</sup> Compare the case of conflicting desires that may be contingently satisfied: someone who is lazy and thirsty may desire to remain seated while at the same time wanting to get up to get a drink. Were a drink suddenly placed in arm’s reach, the conflict would dissipate.

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Bagnoli is impressed by this insight. Regret, for Williams, is residual in the sense that, as Bagnoli puts it, it 'stands for a value' (174) – through the experience of regret, the subject values an opportunity forgone in deliberation. Regretting, then, is a mode of valuing. Even so, she maintains, Williams gets the moral phenomenology of regretting wrong. Specifically, he goes awry in seeing the peculiar *agency* that agent-regret involves as symptomatic of value pluralism. I explain what is meant by this charge.

For Williams, moral values are not supreme. When acting in the context of value pluralism, moral values may sometimes be overridden, precipitating regret. Consider Gauguin. In asking whether he was right to desert his family, there is, for Williams, more than one 'right' – aesthetic values may trump moral ones:

Perhaps fewer of us than is pretended care about the existence of Gauguin's paintings, but we are supposed to care . . . the fact is that if we believe in any other values at all, then it is likely that at some point we shall have reason to be glad that moral values . . . have been treated as one value among others, and not as unquestionably supreme. (133)

Bagnoli insists that for Williams 'regret . . . is elected as a significant element of the world of values, rather than as an attitude intelligible in the perspective of the agent' (175). Whether or not we agree with the first clause of her criticism, her appeal to the first-person perspective should surely resonate. Regret is an attitude that should be intelligible from that perspective. In particular, we might wonder whether there is a phenomenological dimension to emphasising that demand for intelligibility.

As it happens, Williams *does* grant that differences in regret in general and agent-regret shore up as 'differences in the thoughts and images that enter the sentiment' (124) – a certain recognition of the phenomenological dimensions of the first-person perspective are not then absent in his account. Still, Williams does not tell us *how* we should understand this *experiential* difference between regret and agent-regret. Bagnoli's work is instructive in this respect. Bagnoli submits that regret is an emotion<sup>15</sup> that involves counterfactual patterns of thinking and imagining. But what kinds of differences in the counterfactual thoughts and imaginings should we suppose regret in general and agent-regret supporting?

Her thought is the following.<sup>16</sup> Suppose a chorus were to fictively represent the alternatives that would have been available to Agamemnon

<sup>15</sup> As will, of course, be clear by now, I too assume that regret is an emotion.

<sup>16</sup> I have adapted her example for purposes of exposition.

at Aulis – perhaps by *performing* those alternatives. The representation is *descriptive* and the full range of alternatives available is determined, as Williams would have it, by the way the world is. In contrast, the range of alternatives that *Agamemnon* would have considered – presumably in thoughts and images – is *evaluative* and is determined by what for the agent were viable alternatives at the time of deliberation. Bagnoli's idea, drawing on Williams, is that, in regret, such thoughts and images may *reappear*. What they represent in such instances, however, is not opportunities missed due to how the world is or was, *pace* Williams, but rather what *for the agent* were potentially viable and valuable alternatives not taken up. This phenomenal 'reappearance' of reasons makes plain the practical significance of regret.<sup>17</sup> Regret 'reminds' the subject of reasons that were supported but were not overriding. It hence 'reminds' the subject that 'some more work has to be done' (185) – for example, reparation needs to be made, an excuse offered, or forgiveness asked for, say. But to this extent, as Bagnoli explains, 'regret may have a motivational force insofar as it provides the agent with a practical reason: it calls attention to a reason for action. In calling attention to a reason for action regret can *initiate a new deliberation*' (185).<sup>18</sup>

This indicates a wholly different way in which mental activity and regret can be linked – regret can *precipitate* new chains of thinking. But if so, as I think seems phenomenologically plausible, and if, too, O'Shaughnessy is correct in postulating a constitutive link between wakefulness and mental activity, it is hardly any wonder that regret induces sleeplessness. Why? *For it induces thinking and thinking necessitates wakefulness*. At the same time, however, there is no reason to think that regret is special in this respect. If we are awake, we are *bound* to think – says O'Shaughnessy 'the [wakeful] conscious find themselves in the grip of a necessity to freely choose their own occupations of thought and attention' (2002: 89). But, if so, the mere fact that regret may precipitate thinking does not yet explain why regret may induce *insomnia*. We can, however, find the resources in Bagnoli's account to excavate a third link, one which, as I explain in later sections, brings us closer to an explanation.

Though Bagnoli may have reason not to explicitly invoke Nico Frijda's conception of the 'action tendency', it seems natural to wonder whether

<sup>17</sup> To make sense of how reasons can 'phenomenally' reappear, see Soteriou (2013).

<sup>18</sup> For some sleepers, the relevant chains of deliberation are neither productive nor yield closure – such subjects perceive their *minds to be 'racing'* (Schmidt, Harvey, and Van der Linden 2011), they *ruminate*. Roese et al. (2009) identify a species of regret that they call 'repetitive regret' which involves rumination.

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the peculiar action tendency of regret might not simply be to so think and imagine. Jacobson's sentimentalist treatment of regret invites such speculation. Sentiments, for Jacobson, form a class of emotion types, the nature of which is open to empirical discovery. Like other emotions, sentiments are, for Jacobsen, best conceived as 'syndromes' of thought, feeling, and motivation – something that tallies with the O'Shaughnessy-inspired approach explored in this chapter (see also Soteriou, Chapter 4, this volume). Unlike other emotions, however, the sentiments are apt to display two further features. First, they exhibit stable recalcitrance – they tend not to be responsive to belief. Second, and critically, they issue in acting without thinking. In the case of regret, however, this sparks a further puzzle. For consider: if the peculiar action tendency of regret is just to counterfactually think and imagine, and if action tendencies are typically discharged *without thinking*, can we really make sense of those *mental* actions as action tendencies that can, as it were, be performed *without thinking*? Further, we might wonder: how do such putative 'mental action tendencies' compare with those of other sentiments? Someone in the grip of rage may 'lash out', stamp their feet, slam doors. Those who are fearful may tremble and flee. But in what sense could regret involve acting *without thinking* in any analogous sense, if at all?

Jacobson does not address this issue, suggesting only that regret prompts a 'policy change' for future action; it has practical significance insofar as it involves a motivation to act differently next time. It might be queried, however, just how acute this generalisation is. The notion of 'policy change' may have little traction in cases where the acts or outcomes regretted are highly idiosyncratic. Worse, it seems that regret is sometimes compatible with a complete failure of policy change, as in cases of *akrasia*. But if such motivation towards policy change is the peculiar 'action tendency of regret', and if sentiments are partly distinguished from emotions in having specific and even empirically discoverable action tendencies, are such episodes less 'sentimental' or less canonically episodes of 'regret' for all that? If anything, surely the regret that is experienced thereafter is even more bitterly felt?<sup>19</sup>

In the next section, I try to bring these twin observations into synchrony: the supposition that the peculiar action tendency of regret is to counterfactually think and imagine as well as the thought that regret can sometimes issue in 'thoughtless' thinking and imagining and so have a

<sup>19</sup> As Zeelenberg and Pieters (2007) report, 'inactions' – failures to act – are apt to generate even more regret than actions.

characteristic action tendency *even in cases of inaction* or where regret does not or cannot motivate ‘policy change’. Here my argument harnesses aspects of Williams’ account that remain unexplored in the literature but which I consider deserve further consideration – specifically his insight that agent-regret has a *peculiar mode of expression*, and that it involves a *wish*. I will claim that sometimes regret can issue in mental expressive actions that can be understood as *expressive of a wish*. And this in turn will allow me to reassert the significance of Williams’ connection between regret and one’s present occupation of a ‘standpoint of assessment’, one’s *self-conscious* occupation of which, as I will argue, can sometimes preclude sleep.

#### 4 Wishing, Reparation, and Inaction

Goldie (2000) distinguishes among expressions of emotion that are actions and those that are not – for instance, autonomic nervous responses like sweating and muscular reactions like flinching. These latter expressions are not something one *does*. Expressions of emotion that *are* actions, however, are distinguished from actions that are not expressions of emotion, and this is so even if emotion can sometimes precipitate actions that have all the hallmarks of being an emotional expressive action but that are not. For example, say in the presence of a bull, I decide to flee. Though I may feel fear in the presence of the bull, I flee *in order to* escape the bull’s presence. Let us say that my fleeing is a reasoned action *out of* emotion. Though I feel fear, I was cognitively and conatively, *and not affectively*, moved to act.

Compare the following case. I flee *in fear*. In this case, say, the action is not adequately explained by a belief/desire pair.<sup>20</sup> I do not any more flee with *the aim* of removing myself from the bull’s presence. I am moved by feeling. Actions that are performed *in* emotion are *genuine* expressions of emotion, says Goldie. And they are genuine since they are not done as a means to some further end. Compare a caress that is intended to demonstrate love, to one that unfolds spontaneously *in* an act of love.

We can apply this distinction to our earlier discussion. Although regret may sometimes precipitate actions that are reasoned actions performed *out of* emotion – new episodes of deliberation which may themselves involve counterfactual patterns of thinking or imagining, or even, as Williams insists, concrete acts of reparation – it may

<sup>20</sup> It might be queried whether the ‘standard’ story of action causation that appeals to belief/desire pairs is apt even to non-expressive action (see Hornsby 2010) – I assume it is, but only for expository purposes.



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also, or so I am suggesting, involve actions that are performed *in* emotion, specifically the mental actions of counterfactually thinking and imagining.

It is worth noting that Bagnoli's position seems to hybridise both these forms of action – actions performed both *in* and *out* of the experience of regret. For consider: reasons 'reappear' and call for attention *and* they have a motivating force, namely to initiate new deliberations. But those reappearing reasons and imaginings are not projects *undertaken by the subject* to achieve some end. Rather, in regret, as I am claiming, the subject just tends to counterfactually think and imagine.

Let us say, then, that *in* regret the subject may sometimes engage in mental expressive actions that are not merely produced by regret – that are not merely outputs of the state regret – but *are*, in part, *the regretting*. This claim requires further clarification and indeed justification – a task for elsewhere. For now, I raise two considerations that are pertinent to a more careful delineation of the notion of a mental expressive action. First, it might be supposed that if regret does involve mental expressive action, then there ought to be some way of showing that the kinds of mental expressive actions that regret involves are continuous in kind with those expressive actions that have so far been considered in the literature – so-called arational actions; those of the grieving for example, when they embrace the garments of a loved one who has died (Hursthouse 1991). Second, if this kind of analysis is vaguely on the right track and if regret is indeed a sentiment that sometimes issues in mentally acting without thinking, then it seems there needs to be some way of explaining why regret, like other sentiments, can nonetheless be stably recalcitrant. For *prima facie*, if regret involves counterfactual patterns of imagining and *thinking*, then regret, surely, ought *not* to be impervious to belief.

I suggest that two features of Williams' original account should be recovered so as to make conceptual space for, and accommodate, these considerations: first, Williams' insight that agent-regret has a particular *mode of expression* and, second, his emphasis not on reasons (like Bagnoli), but wishes.<sup>21</sup> Williams, in recruiting the concept of 'expression' seems to have had concrete expressive acts of reparation in mind. I will instead emphasise expressive *mental actions*. Further, while Williams insists that regret may involve a wish that things had been otherwise, I shall contend

<sup>21</sup> Note this is a difference of emphasis: one may after all claim that reasons play the role Bagnoli thinks they play only conditional on the presence of a wish. Thanks to Fabrice Teroni for emphasising this point.

that regret may involve the wish that things be different *now*. In this, I take my inspiration from Goldie.

For Goldie, wishes that are not idle desires (like the desire to be taller, say) involve not just desiring the thing or state of affairs wished for, but imagining or being disposed to imagine that *the desire is satisfied* (2000: 28). And this helps him spell out in what sense wishes are operative in expressive actions. Such actions are, says Goldie, the imaginative expression of a wish. When a grieving subject caresses the clothes of the loved one who has died, the clothes are imaginatively invested with symbolic significance – the subject imagines that she is *really* caressing the person who has died and her imaginative act is expressive of the wish that she *really be* caressing that person. Though she is aware of what she is doing – she does not believe that by caressing their garments she caresses them – she nonetheless *imagines her wish to be satisfied*. Accordingly, she wishes that things were different *now*. As Goldie explains, ‘the symbolic nature of the expression takes place as it does partly because the literal action, as it were, is not a realistic option’ (29). Compare Williams on agent-regret: the agent will act in some way ‘which he hopes will constitute or at least *symbolise* some kind of recompense or restitution and this will be an expression of his agent-regret (1973: 124; my emphasis).

Though Goldie considers expressive actions that involve imaginative relations to external objects – a cushion, for example, may be co-opted for the person one wants to pummel – it is not, I think, difficult to appreciate in what sense regret might involve wishes of a similar kind, and perhaps especially so in cases where the regretted situation is beyond mending or where, as Goldie puts it, ‘literal action . . . is not a realistic option’. In this case the suggestion is that one may counterfactually imagine not only how things might have been, but how things could have been *now*, where such imagining is *expressive of the wish that things really be that way*.<sup>22</sup>

My only defence of this claim is that it strikes me as phenomenologically plausible.<sup>23</sup> But there are explanatory advantages to the approach too. For example, while we can allow that valued reasons can sometimes ‘reappear’ in the guise of regret, we need not insist that this is all there is to the phenomenology of regretting. Since wishes need not track considered

<sup>22</sup> On this understanding, one may even find oneself surprised by one’s wishes – that is, one may be surprised to find oneself imagining as one does. To this extent, actions that are expressive of a wish need not always be intelligible from the perspective of the agent, *pace* Bagnoli. Instead, regret may provide an opportunity for insight, not just a *reminder* ‘that more work has to be done’.

<sup>23</sup> See Gordon 1992 for descriptive phenomenological reports of experienced regret based on dialogical interviews.

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reasons or desires that ‘reappear’, wholly hitherto unconsidered alternatives or visions of how things *now* could be may, for the first time, ‘appear’. Again, this strikes me as phenomenologically resonant. Further, since such expressive actions unfold *in* regret, they are not best thought of as projects that the subject *undertakes*, which in turn preserves Jacobson’s insight regarding the sentimentality of regret: since wishes are not always answerable to beliefs, such regret can be recalcitrant. In sum, this now suggests three distinct ways in which mental activity may be involved in occurrent regretting: through active episodic recall, through precipitating new chains of deliberation, or through the mental expressive actions of counterfactually imagining and thinking. But even if this much is granted – and naturally there is a great deal more to say – our original puzzle still stands. If regret and wakefulness are linked through mental action – be it reasoned action *out* of emotion or, as I am suggesting here, mental activity that is *expressive of* regret – why is it the case that regret is sometimes not merely incompatible with sleep, but may preclude falling asleep?

To get a sense of why we are left with a residual puzzle, it is instructive to consider a case that Bagnoli frames in furthering her claim that the object of regret is a valued alternative supported by good but not overriding reasons. She introduces us to Jackie. Jackie chose between two different life paths – to pursue architecture or modern dance. She chose the first and considers this decision the right one. Nonetheless, she regrets not being a dancer. As Bagnoli admits, Jackie’s regret might seem odd. On many accounts, it might even come out as inappropriate or irrational. Bagnoli’s account however, as well as mine, can divert this charge – through regret, Jackie may value that alternative, perhaps sometimes imagining her wish to be satisfied. Still, if Jackie’s regret keeps her awake at night, then it seems to me that we *might* be inclined to suspect that something is, after all, amiss with Jackie’s regretting. Specifically, it seems we might be disinclined to believe her when she says that she considers that she made the right decision in choosing to become an architect. So, what then is specific to those forms of nocturnal regret which are such that insomnia may result?

## 5 Self-Conscious Regret

In the course of this chapter, I have appealed to different properties of the wakeful state, and so properties of the subject in that state so as to motivate a link between regret and wakefulness. Since wakefulness enables in its subject the power to experience the passage of time and to relate, through episodic memory, to particular past times, and since regret constitutively

involves mental activity of various sorts, including, as I have suggested, mental action that is expressive of a wish, it should be plain that regret is an affective state of the wakeful. In closing, I suggest that these twin features can be united through a further dimension of the wakeful state, one that finally allows us to resolve the difficulty of seeing how it is that occurrent regret may sometimes preclude falling asleep.

I have suggested that sometimes the regretful subject may imagine that her wish that things be otherwise is satisfied *now*. Earlier, I set out O'Shaughnessy thought that only the wakeful subject can apply the indexical 'now'. So, what capacities are involved in a subject's imagining that her wish is satisfied now?

As we have noted, only a *self-conscious*, wakeful subject can encounter the world under the aspect 'truth' – that is, only a self-conscious, wakeful subject can compare the thought 'p' with the reality that makes p true, where 'this in turn requires the knowledge that one has that thought, together with the capacity to contemplate its denial as a possibility that is here in fact not realised' (O' Shaughnessy 2002: 111). But regret, surely, involves a like capacity. The regretful subject, even while imagining that her wish is satisfied now, *is aware that she is imagining* – she is self-aware of the proper *mode* of her cogitations. But, as such, she is aware too that *what* she is now imagining is *not* now realised. This is why her imagining is an expression of her *regret*.

Return to Jackie. Suppose that Jackie's regret keeps her awake. Why might we be inclined to suppose that there is something awry with Jackie's regretting? Jackie claims that she is happy with her life as an architect and what she, on one understanding, thereby is: an architect. But surely her nocturnal regret speaks against this. Anthony Kenny expresses a similar doubt:

If a man says that he is afraid of winning £10,000 in the pools, we want to ask him more: does he believe that money corrupts, or does he expect to lose his friends, or to be annoyed by begging letters, or what? If we can elicit from him only descriptions of the good aspects of the situation then we cannot understand why he reports his emotion as fear and not as hope. (1963: 134)

My claim is not that the case of Jackie is incoherent, but only that if her regret induces insomnia, we might have reason to query the extent to which Jackie knows her own mind. Perhaps she would prefer to dance after all. But if so, then it is plausible that the object of Jackie's regret is (some variation on) the standpoint of assessment that she now occupies, perhaps the life she now leads, or maybe the person who leads that life: herself. So why should such regretting, which has such objects, preclude sleep?

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In reflecting earlier on the ‘holism’ that characterises states of consciousness and their properties, we noted that in removing the state of wakeful consciousness, say, by the use of anaesthesia, one removes the properties. In contrast, modifying the properties involves modifying the state. Applying this to the state of regret, itself a modification of wakeful consciousness, we might therefore expect two distinct therapeutic approaches to resolving regret-induced insomnia: those aimed at modifying the properties that constitute the state of regret (and that thereby modify the state), and those aimed at removing the state of regret directly.

There is at least some evidence for such a twofold approach. Davis and colleagues (1995) contend that those who experience regret either tend to overestimate the extent to which the alternatively imagined scenarios were possible, or the degree to which they had genuine control over the outcome of a given situation.<sup>24</sup> Resolving such regret involves downplaying the sense in which the relevant alternative was genuinely possible. But if what I have suggested is right, such an intervention may not resolve regret that is expressive of a wish. For such regrets may be more recalcitrant to reason.

A distinct approach aims at rationalising a discrepancy between one’s values and actions, where the experience of regret may be regarded as expressive of one’s evaluative perspective (see also Betzler 2004). But to this extent, the experience of regret may in fact *reassure* – despite what one has done, one’s values are intact and hence, to a certain extent, oneself. Thus reassured the subject can seek to rationalise, if not justify or excuse, regretful action on other grounds.

For other subjects, however, it is clear that the experience of regret seems not to reassure at all – it may *not* ‘remind’ the subject of who they are precisely because who-they-are *is* the object of their regret. As Fisher and Exline explain:

Regret can involve a sense of damage or loss focused on a person’s core identity, as suggested by such statements as, ‘I used to be a conscientious person before I did this act’ or ‘I could have been a brilliant musician if I would have made better choices.’ (2010: 556)

Such may be Jackie’s difficulty. But if this is so, then to resolve such regret it seems that one must remove, not the properties or powers that constitute the state – for instance, it is not merely enough to stem the flow of counterfactual thinking and imagining – but the state itself. Since,

<sup>24</sup> On Williams’ approach, this would not preclude regret, but might allow for a transmutation of agent-regret into regret in general.

however, the *object* of regret – the subject – is *in the state*, to remove the state, one must deprive the state of its object. But how? Therapeutic approaches that focus on acceptance and self-forgiveness seem to focus on resolving regret along these lines, so that one's self, or, simply, the person one takes oneself to be, is no longer an object of regret.

This finally suggests a way in which regret may not merely be incompatible with sleep, but may preclude falling asleep. If the object of one's regret is oneself or, more minimally, one's standpoint of assessment, it is not just the case that one is awake *because* one is regretting, but rather to regret *what* one regrets – oneself and perhaps even (aspects of) one's existence – one cannot fall asleep. For what one regrets can *only* be wakefully 'given' to one: oneself.

### Conclusion

I have appealed to different properties of the wakeful state so as to motivate a link between regret and wakefulness. If correct, regret is essentially an affective state of the wakeful. In particular, I have tried to motivate a position on which the cognitive activity that attends regret may sometimes occur *in* emotion and be expressive of a wish – a 'strangely enchanted' expressive mental action. Finally, I have attempted to forge a link between regret and insomnia, not just by appeal to temporal orientation or cognitive activity, which, if O'Shaughnessy is correct necessitate wakefulness, but to the self-conscious subject, something that is lost in sleep and dream.