

## Agent-Regret, Moral Luck, and Moral Cognisance

*Agent regret* is a distinct feeling to offer restitution following one's causing of some regrettable state of affairs, even when this causing was non-culpable. The lorry driver who is not at fault for having hit and killed a child ought to feel differently about the situation than a bystander (Williams, 1981). If the lorry driver were to shrug their shoulders, regretting that the accident happened but not feeling any connection to the event, something would be amiss. For many, an agent's failure to experience and display agent-regret in relevant circumstances reflects poorly on that agent (Enoch, 2012).

These observations about agent regret appear to be problematic for those who subscribe to *anti-luckism*, according to which agents can be morally assessed differently if, and only if, that which they are assessed for differs due to voluntary control (Lang, 2021, 36–39). This position has a strong intuitive pull, and appears to be fundamental to our understanding of morality (Williams, 1981; Nagel, 1979). That said, if it is true that our lorry driver is no more blameworthy than a driver who is more fortunate and doesn't hit anyone, why is the lorry driver required to feel a special kind of regret about the child's death?

The challenge for the Anti-Luckist, then, is either to explain how agent-regret is consistent with their commitments, or else explain away agent-regret. Enoch (2012) has offered a promising suggestion, focusing on the normative power of *taking responsibility*. This paper will investigate this potential strategy and, although ultimately reject the taking responsibility account, provide a novel account of agent-regret which is both plausible in its own right and consistent with the anti-luckist stance

Enoch argues that agents can, and are sometimes obligated to, take responsibility for events outside of their sphere of agential control, including for the uncontrolled consequences

of their actions. In doing so, agents can become responsible—and blameworthy—for these events.

Interestingly, this is perfectly compatible with the Anti-Luckist position: If the lorry driver takes responsibility for having killed the child, thereby placing himself on the hook, that is the result of their voluntary control. But what if the lorry driver fails to take responsibility? It could then be suggested the lorry driver acts wrongly *by voluntarily failing to take responsibility*. It is this which may explain the phenomena of agent-regret. Agents are sometimes obligated to take responsibility for certain events outside of their agency. This obligation is breached by the lorry driver who shrugs their shoulders—leading to our negative assessment of them. Given that this account of taking responsibility can explain the phenomena of agent-regret whilst maintaining the anti-luckist commitment it is a position worth taking seriously. While I suggest this is a promising proposal, I argue there are two damning problems with it.

First, according to what I call the *Duty-Bound Principle*, when one is obligated to take responsibility for  $\Phi$ -ing, one would be more blameworthy by not taking responsibility for  $\Phi$ -ing than one would be by accepting responsibility for  $\Phi$ -ing. In fulfilling their obligation to take responsibility, the lorry driver becomes responsible for the killing of the child. Since it is implausible to claim that failing to take responsibility for killing the child is morally worse than being responsible for killing the child, the taking responsibility account requires us to reject the Duty-Bound Principle.

Second, this account fails to provide space for the *Principle of Avoidable Blame*, according to which 'one is blameworthy for performing an act of a given type only if one could instead have behaved in a manner for which one would have been entirely blameless' (Otsuka, 1998, 688). It is intuitively appealing that one cannot find themselves morally *Dutch*

*booked*, except perhaps where they created such situations (for example, by making contradicting promises). Agents must have an available blameless action. However, if we accept the taking responsibility account as true, the lorry driver has no available blameless options. They must either fail in their obligation to take responsibility, and become blameworthy for this failure, or take responsibility for killing the child, and become blameworthy for this wrongdoing.

Provided that the anti-luckist takes these principles as sufficient justification to reject the taking responsibility account of agent-regret, an alternative must be found. I take this as motivation to present a novel approach based upon the concept of *cognisance*. Cognisance, in its use here, refers to the act of noticing and being responsive to the morally relevant features of one's situation. This account is two-fold. Firstly, one is morally required to refrain from expressing true statements where that expression risks causing unnecessary harm. This unnecessary harm constraint allows for harmful truth-telling only when the risk of harm is justified (such as the expression of distaste for a dictator or informing a student that they are failing a class). This prohibits the lorry driver from shrugging his shoulders in moral indifference as well as informing the child's family that they are blameless (a problem noted by Salomone-Sehr [2025]). Secondly, one ought to offer apologetic utterances in cases where one has caused harm, even if the agent is blameless. Importantly, these apologetic utterances need not be apologies in their ordinary philosophical sense, sometimes (in cases of non-culpable harms) *quasi-apologies* suffice (Sussman, 2018). This requires the lorry driver to apologise to the family of the child, though they are not required to accept blameworthiness.

The cognisance account, I submit, has several attractions: (a) it captures a phenomenon that is pre-theoretically familiar, (b) it provides an explanation of the basis of agent-regret, and (c) it offers anti-luckists a solution to their problem, one that does not commit them to unintuitive or unwieldy moral positions.