A Theory of Regret

Price, Brian

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How many details, how many pieces of evidence, are required for one to know regret? Can one be punctilious in regret? To be punctilious is to act correctly. How careful can I be in my evaluation, especially considering that what is at stake—if I am experiencing regret—is the lack of care I once demonstrated that now has me in an uneasy state of searching? What would lead me to conclude that I am now more capable of seeing what I could not see then? I say to myself what everyone knows already, or could have known, should they be gathering the same details. I can be wrong; I have been wrong: I regret that I am no longer in the right. I regret what is already known of me, what is known of me before I know it of myself. If I regret something, presumably I wish I could have done something otherwise; I wish that I could have done the, or even just that, right thing. But if doing otherwise was an option—if every action implies an otherwise—then how could I have been wrong?

Regret is a problem of recognition as it emerges in relation to opposed wills, which cannot be communicated—which have failed to communicate and now remain in a state of oblique willing that only appears blank, in and as silence. One intends to be punctilious in regret; one hopes that the cause of regret can be proven or refuted. But if signs change—or remain the same in muteness—then counting or matching becomes sheer treachery. One can be exposed as having tried to do so, even as we fail to verify the terms of the regret that we now, however tentatively, feel. To try is already to have made a confession: I should have done that differently. I have been seen, so I might just as well be heard.
Regret is a problem of calculation, especially if we suppose regret to be the mischievous relative of virtue. I can feel regret and not be wrong—or else, I can feel regret and not be evil, since regret implies some relation to virtue. It is just that we do not know how to measure the distance between what we have said or what we have done and what would otherwise leave us in the Good.

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THE HABIT OF VIRTUE

This is the problem of regret as Aristotle introduces it in *Nicomachean Ethics* as a question of virtue—that is, of what lies outside of the realm of virtue. For Aristotle, virtue is of two types: virtue of thought and virtue of character. Virtue of thought, Aristotle says, is something that does not come naturally. It has to be taught and it has to be learned.¹ We are “completed by habit.”² We have to build our capacities for virtue, which will become our character, which is also the character of virtue, since it will be possessed by more than one. What this means is that the pathways for some things can be changed in the course of habituation, where other things by nature—by essence—resist. Like the stone: “A stone, for instance, by nature moves downwards, and habituation could not make it move upwards, not even if you threw it up ten thousand times to habituate it; nor could habituation make fire move downwards, or bring anything that is by nature on one condition into another condition.”³ If the raw matter of the stone in gravity prevents it from tending upward of its own volition—no matter how many times we toss it in the air—then the human, no less composed of matter, is the being capable of changing course on the basis of what can be produced as thought in the act of habituation. Of course, we might have to make the same claim for domesticated animals, for whom acting well is also a result of habituation, of a thought learned by rote repetition. Having acquired the character of virtue, the domesticated animal now—and no less than the human—has the capacity to pursue a more virtuous course. It can, for instance, defecate outside instead of inside, and largely on the basis of another’s preference, presumably, rather than by inclination.

In this sense, the distinction on offer here between stone and being—whether man or animal—is obvious enough. But what it does, and rather importantly so, is to locate the question of virtue outside of a metaphysical
conception of morality. Virtue, for Aristotle, is something acquired, not necessary. We don’t fall to the ground no matter what. Nor do we arrive with, or because of, the virtue of character. And while it might be argued that virtue may, in metaphysical terms, remain indiscernibly present in the Good, it exists as a category for Aristotle precisely because there are things that are—without question and for everyone—wrong. If this is so, then virtue, we will have to say, flourishes in the realm of the not so easily decided. And I would wager that for most of us this is a fairly common understanding of the term. Very few of us, I suspect, find the refusal to kill another human being virtuous. If the decision to not kill meets the criteria of virtue, then the impulse to kill—in almost every encounter—must be appealing to us, in some measure, as a possibility, as something that could be enjoyed, understood by myself and by others as acceptable even though I now find myself resisting the impulse. And if acceptable, it is merely less than absolutely right; if unacceptable, it is absolutely wrong.

Aristotle made a list of acts and emotional states that he considered simply wrong, that admit of neither appeal nor complication. One would expect virtue, by contrast, to be equally determined. And yet, for Aristotle, virtue is not a necessary condition, as are the behaviors defined as wrong. Virtue is contingent, even though virtue of character once achieved will come to appear and behave as a necessary state and will do so by way of the work of moderation that everyone who moves from virtue in thought to virtue in character inevitably embraces in the process of habituation; this process involves finding a state of moderation—a mean between total excess and self-mortification. Aristotle’s list, then, includes only those acts and affects that admit of no mean.

For the names of some automatically include baseness—for instance, spite, shamelessness, envy, and adultery, theft, murder, among actions. For all of these and similar things are called by these names because they themselves, not their excesses or deficiencies, are base. Hence in doing these things we can never be correct, but must invariably be in error. We cannot do them well or not well—by committing adultery, for instance, with the right woman at the right time in the right way. On the contrary, it is true without qualification that to do any of them is to be in error. ⁴

If doing a base thing—even if we do it with great style, as Aristotle perhaps accidentally suggests that we can (the right woman at the right time
in the right way)—is true error without qualification, then we are left with an odd problem. Being correct is not the same thing as being virtuous, since having the character of virtue entails habituating ourselves to a mean somewhere between excessive vice and total self-mortification. If our participation in one of the base activities described by Aristotle were understood in relation to virtue, then we would be able cheat just a little bit (more than a glance, less than intercourse) so long as we don’t berate ourselves for it too strongly. But for Aristotle, such actions and affects do not admit of variation or a mean. And yet one would assume that doing any of these things or experiencing any of these emotions—murder, adultery, envy, shamelessness—would produce absolute regret. But this is not the case for Aristotle, since virtue is always a practice of moderation and the establishment of a mean. Regret, then, can only follow something related to virtue, which is not a necessary condition. What this means is that regret cannot follow from something wrong, that is, from a failure to remain on the right side of an absolute. Regret, for Aristotle, only follows from a failure to achieve moderation, which is understood to be a virtuous, if habituated, act.

This leads me to wonder about the relation between virtue and virtuosity. The virtuoso has special skills, is in possession of more than mere mastery. The virtuosic performer, even though he is more than mere master of the medium in which he works, nevertheless excels within the realm of technique. Virtuosity is an achievement of the possible, since the possible is determined by the outer limits of a medium or a technical form, which was theretofore unforeseen even if always present as an option and is rarely achievable even once the conditions of possibility are exposed in the moment of virtuosic performance. To be virtuous, in the Aristotelian sense, is to hold back; it is to do less than the virtuoso and more than the idler. And yet one finds in Aristotle’s list of the absolutely wrong—and thus the always-outside-of-virtue—an experience of virtuosity: the right woman at the right time in the right way. Perhaps we will have to say, following Aristotle, that virtuosity thrives in the realm of the wrong. One can do something with great aplomb—better than others before you, even though the options you see, the loopholes you find, have always been seeable—and simply be wrong and as inimitable, as such, as the virtuoso.

Consider, for instance, the example of Herman Cain, a former aspirant to the Republican presidential candidacy in 2012, who was accused in
the middle of his campaign of carrying on a thirteen-year-long affair (a
virtuosic act that exceeded its limits) with a woman in Georgia—Ginger
White—who said of the affair, “It wasn’t complicated. I was aware that he
was married. And I was also aware I was involved in a very inappropriate
situation, relationship.” In other words, she was aware that what she was
doing was wrong. But if wrong, then she could—at least in Aristotle’s
terms—experience no regret. For Cain, by contrast, regret will not nec-
essarily follow from the affair itself but from its exposure, which forces
those signs to be understood outside of the context that made them possi-
ble as wrong and thus beyond, or perhaps it is better to say before, regret.
The question for Cain is not whether what he did was wrong, but how the
exposure of that wrong is to be understood in relation to his character.
Now that the signs have migrated and have no necessary and animating
limit, can he move from virtue of thought (from a recognition of the
mean to be reached) to virtue of character, where that mean will become
habituated as virtue? To do so is no simple task, since what such a move
requires is the establishment of a mean constituted by non-necessary states
and contingent signs; one has to move from a virtuosic performance in
the realm of the all-too-knowable (because wrong) to a realm beyond the
possible. Regret, then, will follow from the management (and thus from
the possible mismanagement) of signs—both what I display to others and
what I see, in turn, in the faces and discourses of others, knowing all the
while that those signs are, in no sense, grounded, even if sense is what
we rightly seek in them.

But before we go further into the question of the display of signs,
we should know what actually constitutes virtue for Aristotle. Which ac-
tions and affects, in other words, admit of a mean, precisely because they
are not absolute? Aristotle suggests a few, all of which are identified by
the two related yet opposed actions or affects, all of which demand an
experience of moderation that defines virtue in each case: pleasure and
pain (interestingly, to be completely incapable of pleasure, according to
Aristotle, is to be insensible—that is, incapable of sense), generosity and
ungenerosity (where money is concerned), honor and dishonor. Where
anger is considered, Aristotle makes a distinction between an irascible
and an inirascible person. And where truth is concerned, we are meant
to locate ourselves between self-deprecation and boastfulness: “In truth-
telling, then, let us call the intermediate person truthful, and the mean
truthfulness; pretense that overstates will be boastfulness, and the person
who has it boastful; pretense that understates will be self-deprecation, and
the person who has it self-deprecating.” One way of reading this proposal
is to suggest that truth is always present, with or without the achieve-
ment of virtue. Seen thus, to be boastful is to obscure what nevertheless
remains there amid the excess in any claim that may obscure it, however
partially. Self-deprecation, by contrast, minimizes a truth that should be
more properly exposed. Yet, since virtue is only ever a question of our
response to non-necessary actions and affects, we are left, potentially, with
a much more interesting prospect: namely, the idea that truthfulness does
not exist outside of the experience of a mean, which will in any case be
very difficult to agree upon. How will we find a mean if the set, by which
any mean can be derived, is itself not entirely closed or even closable? We
could, of course, imagine a contingent totality that makes signification
possible, but how would one begin to quantify—even if only for the sake
of a contingent formation—the distance between boastfulness and self-
deprecation? What would a three mean? Would a seven, in turn, imply a
tendency to boast but with the appearance of at least a slight inclination
toward truthfulness? We are already doing more than numbers must
when we begin to describe things this way.

NONVOLUNTARY AND IN VOLUNTARY RELA TIONS

Aristotle’s solution to the problem was not to introduce the problem of
data within a system of measurement, as I have—i.e., the idea that what
we need to measure is immeasurable because it is ungrounded—but to
introduce a distinction between nonvoluntary and involuntary relations,
as it regards the achievement of virtue, or the experience of regret that
follows from our inability to realize the mean. What concerns Aristotle
at this juncture is the status of ignorance with respect to the will. How,
in other words, can we deem an action to be lacking in virtue if the agent
does not understand what is at stake?

Everything caused by ignorance is nonvoluntary, but what is involun-
tary also causes pain and regret. For if someone’s action was caused
by ignorance, but he now has no objection to the action, he has done
it neither willingly, since he did not know what it was, nor unwillingly,
since he now feels no pain. Hence, among those who act because of
ignorance, the agent who now regrets his action seems to be unwilling, but the agent with no regrets may be called nonwilling, since he is another case—for since he is different, it is better if he has his own special name.¹⁰

“His own special name,” it should be emphasized, is ignorance. If, in Aristotle’s terms, I feel no regret about a particular action, then that action cannot be linked to a knowing use of my will. Whatever it is that I did, I did without the knowledge or information that I would have needed in order to intend to do whatever it is that I have done. Thus, whatever occurred was going to occur with or without my knowing, even if I exercise some degree of agency—if, that is, agency can be separated from the will. By contrast, if I now experience regret, at least in Aristotle’s terms, I do so because I am aware that in the face of what occurred I was unwilling. Hence, it is involuntary. If I was unwilling, then I was not in total ignorance of the potential causes of what occurred, nor was I ignorant of potential responses, each of which might blunt the cause of the event that now has me in a state of regret. An involuntary action is a failure of virtue precisely because I refuse to exercise my will in the achievement of a mean. If I saw that it was possible—and indeed preferable—to do otherwise and nevertheless refused to act, then I am likely to experience regret. And surely regret, in this instance, will have the salutary effect of making me more careful in the face of signs and decisions to come.

Likewise, Aristotle’s distinction between nonvoluntary and involuntary relations makes clear that regret can only be experienced in a situation where we are capable expressing our will, which we can only do if we are not in ignorance, that is, if we have before us information—signs that indicate possible causes and that can be described as possible because they are not necessary. These signs can be made to be otherwise if we see them as such and then redirect them. A nonvoluntary action, by contrast, implies that we could not have seen what was going to occur, nor do anything to prevent it, no matter what we do or do not do. In such cases, we might be sad about what has occurred, but our sadness can only imply sympathy or empathy, since regret implies a refusal of the will that now merits blame. In other words, a nonvoluntary act, at least in Aristotle’s terms, might yield an emotional response to what occurred, but whatever those emotions might be, they cannot contribute to virtue, to a better way of acting in a situation that we have experienced once before.
But what if, in an alleged nonvoluntary relation, the signs that comprise causes and events—which either bring us to grief (whether in sympathy or empathy) or leave us indifferent (as Aristotle supposed)—are concealed from us? For one, we might be better able to see that nonvoluntary relations—the moment when we are genuinely incapable of altering or even comprehending our relation to what appears before us, and thereby assume that no willful relation is possible—occur more rarely than we suppose. This is especially true if we assume, as Aristotle did, that regret follows from our interaction with others rather than with objects or, at the very least, nonsentient matter. For instance, if a volcano erupts and burns my house to the ground, I may feel devastated, but should I feel regret? The volcano is like Aristotle’s stone: it will do what it does no matter how hard we try to redirect it. I cannot regret the volcano, merely my decision to live near it. However, even this scenario is more complicated than it at first seems. For one, I might regret believing the realtor, who, eager to sell me the house, was all too willing to show me signs of confidence about the impossibility of an eruption. He might even have shown me data, produced evidence that it had been centuries since an eruption had last occurred, sensing all the while my eagerness to live with everything else that exists there: the trees, a view of the sea, my fantasies of solitude, whatever else I have revealed about myself in the hopes of becoming this other self that now seems only one more object away. But even so, it has to be said that I could have seen otherwise. There was, in fact, other information to consider. Concealment may forestall regret for some time, and also the response that my regret engenders, but it does not suffice as a mode by which an involuntary relation can be successfully converted to a nonvoluntary one.

This is the problem of describing a relation as nonvoluntary. Despite the fact that Aristotle makes the distinction between nonvoluntary and involuntary relations in the pursuit of virtue—and thus in the realm of contingency rather than necessity—the nonvoluntary relation takes on the appearance of a necessary state, much like the stone that will fall to the ground no matter how often we try to habituate it to upward movement. And it does so precisely as an aspectual endeavor, one that the realtor coordinates discursively and in a way that correlates the physical features of the home and its setting to an image, constituted by and as data, to the image of the home that I feature to and for myself. Because what is featured for me by the realtor is aspectual—and since the aspect
is correlated to what I also feature for myself—I simply take on, as true, an appearance that could be otherwise, even though the material basis of what is subject to decision or judgment in this case never changes. It is only because what I desire is coordinated to what appears as unwavering (i.e., this particular house and that dormant volcano) that I could understand my decision as following from, even acknowledging, a nonvoluntary relation. In that case, I will, presumably, feel no regret—nor assign any blame—if and when the volcano erupts and my house burns down. One reason for this has to do with the constancy of the object (house, volcano) that is subject to, or beneath, aspectual relations. We assume, in such cases, that the relative constancy of the object, its inertia (supposing, as I do, that inanimate objects have no will, or, for that matter, that objects are inanimate) is independent of the effects of any relation that follows from an aspect that, by definition, results from the object but does not inhere in the object.

In this way, I am in full agreement with Bishnupriya Ghosh’s critique, in “Governing by Wrong,” of the tendency within human rights discourses to attribute wrongs only to actions done to human beings, which supposes—she argues—that what happens to objects never bears any relation to human life, itself a major ontological error. If that bias is maintained, human rights discourses will do little to redress the wrongs done to human beings who cannot but be affected by the objects that constitute being in often poisonous ways and that remain unobstructed precisely because they are thought to be without rights because they are inanimate. My example of the volcano suggests one way of understanding the problem. If objects contribute to the constitution of being—and there is no reason to say otherwise, especially in the context of a theory of regret that bears a relation to virtue, which is, as we have already seen, a non-necessary state—then the idea of a nonvoluntary relation will be altogether appealing to both the one who wishes to deceive and the one who is all too eager to not know. If my house burns down, I shall only be able to blame the cosmos. I shall be able to hold no one responsible and also, by definition, I will feel no regret. If I were capable of feeling regret, I might be made more alert to future alternatives, even as I find myself in steady pursuit of a particular object or place and a particular understanding of that object or place. The absence of regret in the face of a supposed nonvoluntary relation can only, in this sense, fortify a perceptual habit that prevents me from seeing ahead of, or behind, what appears, which
is what I shall need to be able to do if I am going to make good—nay, any—use of my will. In such an instance, my refusal to see the aspect as an aspect and thereby conflate the aspect and the object as a given becomes the basis for what I wrongly perceive as a nonvoluntary relation. It is also how I prevent myself from seeing that my advisor (in this case, the realtor)—while not necessarily intent on doing me wrong, or at least wholly so—simply forecloses for him- or herself the possibility that they be recognized as also my adversary and be held accountable, as a result, for what they have merely failed to recognize, or else deliberately covered over in an effort to feature for me what it is that I featured for myself. The reason for this is that aspects can be coordinated and sustained in and as the same image by conflicting interests: profit, in the case of the realtor, and a desire for the perfect home, in the case of the buyer. We can say this is so largely because what “agrees” most visibly, in such instances, is the constancy of the object, whether in its independence from the aspect or as a result of the coordination of aspects on the basis of competing interests that depend on agreement.

That competing interests could constitute and also sustain the same aspect may seem strange to political theory, but one example of its ordinariness—that is to say, of its regularity in psychic and institutional existence—can be detected in film production. It is in no way uncommon for a producer of a film to have different reasons for wanting to produce, and indeed create the conditions for the actual production of, an image at odds with the reason that a director maintains in order to produce that very same image. For example, imagine a producer and director wanting to make yet one more Godzilla film. The producer’s reason for doing so is that there is a long history of profit following from the production of Godzilla films. So, for the producer, more of the same image is more money. Thus, said producer needs the new image of Godzilla to look significantly like the images of other Godzillas in order to secure a market for the film to come, likelihood of remuneration at a minimum, and profit. The director, on the other hand, agrees to the conditions of production—to the institution of “Hollywood” filmmaking as such—because films are expensive to make on that scale, and also because said director wants to be understood as making an intervention in the history of film. Of course, the latter concern is more a matter of art historical record and critical recognition than fiscal ingenuity, even if those things are also difficult, at times, to separate. But in order for both the producer and the director to
be satisfied, they will both need, at the level of the image, to share (and in this way, accomplish) the same thing: an image of Godzilla that looks like what we have come to recognize, aspectually, as Godzilla and not something else. This happens despite the fact that what they share (the image of Godzilla) is potentially different from why they share it: the producer wants profit; the director wants cinematic prestige, which includes the ability, always, to make yet another film. At one level, then, the motives of the producer and the director are importantly not so different, insofar as both participate in the same institution of commercial filmmaking. But it could also become the case that the producer demands aesthetic changes for the perceived purpose of a market (which is something that he cannot know but only predict on the basis of what came before), changes the director must accept and implement, even if those changes, in his view, threaten his critical recognition as an artist and potentially—if also for different reasons—his future participation in the institution of commercial film production. In terms of my argument, then, what matters most—or at least, first—is that the image of Godzilla exists and that it does so despite the different reasons for doing so. Both the producer and the director share an aspect—they feature a beast that we are intended to recognize as Godzilla—even if the director feels duped into this or that part of the image, comes to regret the working relationship with the producer, and vows to never do it again. He might even make another Godzilla film with someone else. What we can say about filmmaking and the conflict of interests that regularly happen there, we can also say about how we experience different reasons for sharing the same aspect in ordinary life, not to mention the ordinary life of institutions. It is also why I use “feature” as a verb and a noun, as a way of indicating how thinking always has a pictorial, aspectual quality—as something that we both participate in the shaping of and regard, in turn, as a picture that appears independent of us, even though it also cannot be so.13

Likewise, the previous example should indicate, in different terms, both the difficulty and the importance of telling a nonvoluntary relation from an involuntary one. For instance, in the face of criticism, the director could say that, while he does not like the final film any more than the critic does, he does not regret having made it, since what appeared did so against his will, in which case the indicators of the will are given strictly in aesthetic terms. Of course, these are not the only terms or reasons that matter; they are simply the ones that matter most to the director, who
enacts, in this very way, a preference ranking. They are also the effects that show as the result of an automation, since the camera records and projects (what is peculiar to this Godzilla alone) what it has no hand in shaping. But the director would not be particularly convincing with this line of appeal, since what shows as the film stems from an agreement to make an image of Godzilla, even if the reasons for doing so, on both sides, became quickly opposed. What did not get opposed—namely, an interest in producing an image of Godzilla—is what remains, is what is featured (is also a feature), even if its existence was constituted on the basis of otherwise incompatible reasons. It should be added that if the director tells the critic that he does not regret having made the film, he likely does so in order to continue participating in the institution of commercial filmmaking. And yet, as I stated at the outset, to claim that one has no regrets is to indicate that one had no potential—and certainly no necessary—relation to what occurred. It is also to indicate, more plainly, one’s inflexibility, or one’s incapacity to recognize that the reasons for carrying on in a particular institution (however broadly we conceive of any institution) might outweigh the relational purity of this one instance, which is nothing more than a preference ranking, or an inability to do something for someone without having a picture of their particularity, as I claimed in the introduction.

STUPIDITY AND AKRASIA

The examples I have just given—of a realty transaction that could go badly and a film that gets made despite the emergence of conflicting interests that nevertheless result in the production of what was agreed to, on an aspectual level—should begin to indicate the institutional dimension of my theory of regret. It should indicate equally well why the distinction between a nonvoluntary relation (in which case I believe, on the presumption of a state of necessity, that my will shall have no effect on what lies before me) and an involuntary relation (in which case I do not act when in fact what appears before does so in a state of contingency) is regularly collapsed in our ordinary experience of institutions. We saw that it is possible to share an aspect that features physical existence in the same way for parties that are nevertheless in possession of conflicting reasons for the existence of the very same relation, or aggregated aspect. And as I
what is regret?

hope both examples indicate, it is on the very basis of an assumption that what appears before us does so out of necessity—which follows from a further assumption of a nonvoluntary relation where there was, in fact, an involuntary one—that one forecloses the possibility of doing differently. That is to say, the assumption of the nonvoluntary relation where an involuntary one was at work—and despite the fact that we seem, in both cases, to be dealing with inanimate objects like film images and houses built next to volcanoes—leads, in the stated or simply notional absence of regret, to the declaration of a preference ranking. If the failure I endure leads me to take recourse to a preference ranking, instead of reflecting on what was available to my will in what has nevertheless passed, then I will only do what I have done before; thus I should expect either another fire (or bad real estate deal) or no more funding for my filmmaking career. Said failures are also likely to lead to stupid feeling, and to feeling stupid, which is where the question of bureaucracy emerges most plainly and also most importantly for my conception of the political potential of regret. We need, then, to understand what stupidity might mean in an institutional framework precisely as a way of indicating how regret might clarify political will.

What I take for granted here is that institutions involve the coordinated efforts of more than one person for the sake of members who cannot yet be named, since there will always be new and ongoing members of any institution. Thus, bureaucracies are implemented in order to tend to, or administer, the structure, rules, and concepts that were uniquely instituted by the institution as the institution. As a consequence, we can say (if also a bit too schematically, for reasons that will become clearer in chapter 3) that there is first an institution, then a bureaucracy—or an administration, the job of which is to maintain the institution—and then bureaucrats. It is important to emphasize that institution, bureaucracy, and bureaucrat all serve the same function—namely, the “life” of the institution. Yet these three levels do not stand as simple, transparent, and constant reflections of the unwavering truth of the other. As I indicated in the introduction, it is very difficult to quickly gauge the viability or value of a given institutional form or structure precisely because there is an administration, or bureaucracy, that stands for the institution but should not be understood as simply a structural inevitability of that institution, even if that also remains a possibility in many cases. For, among other reasons, there are many ways, as we know, to inhabit, interpret, and finesse the rules and concepts of any
institution, if we suspend our assumptions that we are in possession, negatively or positively, of the truth of the institution. Likewise, if bureaucracy and bureaucrat are related but not identical terms, then we are potentially at a further remove still from what we think the determining order or structurally isolable truth of any institution might be. A bureaucrat can work to serve an administrative order that is housed in, and tasked to protect, in turn, a given institution. If a bureaucrat agrees with the ambition of a particular administrative order, he or she can work to protect that order in any number of ways. This can include the all too familiar practice of obfuscation and evasion. The intent of the bureaucratic obfuscation is to distance the one who needs to redress a wrong done to them by and in an institution that is being interpreted and defended—at the time of said grievance—by an administrative order that cannot sustain itself nor its understanding of the institution, which it wants only to hegemonize, if such wrongs were addressed. It may also be the case that the bureaucrat simply takes as his or her job to mind his or her role and its adherence to the logic of administration in ways that take on the air of transparency, if by “transparent” we simply mean an orthodox, and necessarily limited, presentation of options that have been explained to this bureaucrat by the institution as the way of the institution. In this sense, transparency is never subject to epistemic verification, only to discursive authority. But just as importantly, one can find bureaucrats and administrators who recognize the capaciousness of the rules themselves and demonstrate that capaciousness precisely because it is an option within the structure of the institution. If institution, bureaucracy, and bureaucrat were all locked in a mutually determinate structural relation, such instances of finesse in signification—i.e., the way we could not see, which is at odds with the way we are told that things are—would not be possible.

What I want to emphasize most strongly is that it is precisely because of the contingent character of the relation that pertains between institution, bureaucracy, and bureaucrat—a relation that is never forged by, or founded in, necessity—that stupidity emerges as a central concern for institutional experience. Stupidity is, among other states, an affective dimension of institutional involvement that often stands in the way of the emancipatory potential of regret, especially since the feeling of stupidity that institutions can produce in the one who fails to navigate that institution leads us to redraw the lines around what we think we know, which might be nothing at all. It is the very opposite of the flexibility in
signs and signification that we might otherwise attempt to mobilize. That is to say, what we thought was true—which is just a way of naming the nature of our grievance more than it is anything essential, articulable as a principle—remains, for us, “true,” even though whatever principle guided our action seems to have found no correspondence in the place where correspondence is most expected. In such moments, if we feel our stupidity, we tend to rage against this or that bureaucrat; or else we rage against the bureaucracy itself, as if there were only ever just one kind. And yet our rage binds us in a terrible paradox, since what it most often does is to block our access to the flexibility of the institution to which, and in which, we make our appeal. In a state of rage we become inflexible in our demand for flexibility and foreclose, as a result, the gap between institution and bureaucracy, between bureaucracy and bureaucrat, as though all were related by necessity. We close the very gap that change requires and that marks an institution as an institution and not as an instance of natural law. Who would dare comply?

I do not wish to indicate that there is never any reason to subject bureaucrats or bureaucracies to the anger or the demands for a wrong they or it may have done. Nor am I trying to defend the justness of institutions per se, any more than I am intent to refuse or resist institutions anywhere they appear simply because the presence of one institution gone bad means that every other, by definition, will also go bad in time. For the sake of clarity, then, let us consider two recent and sharply opposed conceptions of institution and bureaucracy. The first belongs to John Searle, the second to David Graeber. Searle is concerned to defend institutions as a fact of human existence, if not nature, despite the constraints that institutions might be said to impose on the human and on nature. At its most basic level, for Searle, the human’s capacity for language already indicates the presence of an institution, which leads him to say, and in a way that I take to be important to any conception of an institution, “If by ‘state of nature’ is meant a state in which there are no human institutions, then for language speaking animals, there is no such thing as a state of nature.” Explicit in this suggestion, then, is an idea that institutions are human constructs as natural as the humans that build and sustain them—and more importantly, that institution building is a particularly elevated way of being human. Searle is quite clear on the point that institutions cannot be separated from nature any more than can language, to the extent that he understands institutions as involved in the largely benevolent increase of human power.
There is a common element that runs through all (or nearly all) institutions, and that is that they are enabling structures that increase human power in many different ways. Think what life would be like if we did not have schools, property rights, and above all, language. Some social theorists have seen institutional facts as essentially constraining. [Searle cites Durkheim’s *The Rules of Sociological Method* as his example of constraint.] That is a very big mistake. There is indeed an element of constraint in social institutions. For example, you cannot be president unless you get elected, you cannot spend money you do not have, and in baseball, you cannot have four strikes. But the very institutions of money and baseball increase our powers.16

Searle is obviously concerned to distinguish constraint from repression, terms that are regularly conflated in the critique of institutions.17 Constraint, as his example suggests, is what protects democracy, insofar as one observes the rule that \( x \) amount of votes must be achieved in order for someone to be elected president; the obvious alternative would be that political authority be founded strictly on the basis of violence and self-interest. Likewise, in his baseball example, the constraint of three strikes instead of four indicates that one must learn to do more with less—that one must be more attentive, more resourceful, than one would need to be if four strikes were allowed.

It is, perhaps, the example of money that is more difficult to accept whole. Money does, of course, increase human power, and that power might simply have to do with an allocation of goods and services made possible by the representational dimension of money. I can use what I make from what I do to acquire something I need but cannot produce on my own. Why deny this? But then, as we know, money as an institution that creates human power can also produce radical inequality, in which case “power” takes on a much more pernicious aspect than it does as a description of the human’s capacity to satisfy a need other than, and in addition to, one’s own. That is to say, we know that institutions can be administered in ways that assure and facilitate radical inequality.

This is the idea of institutional constraint as fundamentally oppressive, which is what the anthropologist David Graeber pursues in *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy*. For Graeber, “institution” and “bureaucracy” are largely conflated terms—where I prefer to indicate them as related but separable—and are addressed
under the heading of bureaucracy. For Graeber, bureaucracies are meant to produce stupidity in the ones they manage and do so, in his view, on the basis of a utopianism that each bureaucracy assumes:

Bureaucracies public and private appear—for whatever historical reasons—to be organized in such a way as to guarantee that a significant proportion of actors will not be able to perform their tasks as expected. It’s in this sense that I’ve said one can fairly say that bureaucracies are utopian forms of organization. After all, is this not what we always say of utopians: that they have a naïve faith in the perfectibility of human nature and refuse to deal with humans as they actually are? Which is, are we not also told, what leads them to set impossible standards and then blame the individuals for not living up to them? But in fact all bureaucracies do this, insofar as they set demands they insist are reasonable, and then, on discovering that they are not reasonable (since a significant number of people will always be unable to perform as expected), conclude that the problem is not with the demands themselves but with the individual inadequacy of each particular human being who fails to live up to them.18

Graeber goes further and suggests that the effect of this bureaucratic utopianism is that we take on our inadequacy as a feeling of stupidity—indeed, that the aim of bureaucratic organization is to produce stupefaction as a response to any potentially irritable demand made. Graeber continues: “To put it crudely: it is not so much that bureaucratic procedures are inherently stupid, or even that they produce behavior that they themselves define as stupid—though they do do that—but rather, that they are invariably ways of managing social situations that are already stupid because they are founded on structural violence.”19 For Graeber, then, stupidity indicates at least two things. There is the stupidity of the structure in structural violence, by which he seems to mean any institution that produces radical inequality and real violence as a result. I don’t dispute the idea of structural violence in the least, merely the idea that it would be stupid, in the sense that the ones capable of producing that violence—by way of an institutional structure—lack intelligence, are incapable of thinking. In order to accept this we would have to presume for the perpetrator of violence and also the victim of that violence a nonvoluntary relation to what occurs. That is, we assume that the stupidity of the one doing the structuring is made stupid by the structure he effects and
upholds, in which case both the bureaucrat and the one affected violently by said structure are both situated in ways that could only be described as nonvoluntary, since “structure” stands in place of a reflective use of the will in both cases. Or to put it more simply, if structures makes us stupid where once we were smart, then there is no room for human agency, responsiveness, or responsibility. The presumption then—and in stark contrast to Searle—is that the only way out of structural violence is to abandon every institution. And while it is very compelling, for a lot of us, to imagine the end of the money system, it is important to remember that things like Bitcoin (to name just one alternative currency that produces quite a lot of stupefaction for the sake of gross accumulation) share that same interest for entirely non-altruistic reasons.

The point is not to say that one understanding of institutional constraint—either as productive or as entirely repressive—is necessarily better than the other. Though I do wish to emphasize, in a way that agrees with Searle, that institutions take as their goal the enabling of ways of doing and being that are greater than any of the ways available to one person alone, even if that means that one might also sacrifice some dimension of what one desires strictly for or as oneself. It is simply that nothing is guaranteed of an institution, positively or negatively, since institutions emerge on the basis of contingency and never necessity. If the opposite were true, what we would have is not an institution but a law of nature. What I am most concerned to indicate, then, is how in both instances there is, or at least can be (in the case of Graeber), more flexibility in an institution than one supposes. So even if one wants to say that Searle’s vision is entirely utopian and in ignorance of the deceptive features of human motive—in light of his claim that the goal of most institutions is to enable human power—we can still imagine ways in which certain figures in government (say, the ones who favor and implement tax breaks for the wealthiest) can be removed from office, rather than spending our time imagining a world without a need for taxation itself. Likewise, in the case of Graeber, if we say that the representational system of money can only ever produce radical inequality, we would also need to note that alternatives to it, like bitcoins, in developing their own obfuscatory networks, are simply replacing one institution with another institution. 20 The point I want to make is, in fact, much smaller. In noting the capacity of institutions (in the case of Searle) and the difficulty of ever leaving one behind (in the case of Graeber), I want only to indicate that one effect of the stu-
pidity that bureaucratic administrations produce for the supposed sake of the institutions they serve (and sometimes the logic they are desperately concerned to protect) is that it can lead, most productively, to regret. That is to say, we can begin to see, if stupid feeling gives way to regret in the place of stubborn preference rankings and the angry trumpeting of first principles, that most relations within an institution are better perceived as involuntary ones rather than nonvoluntary ones. If stupidity gives way to rage, then we assume that what keeps appearing will only ever appear as it does, which could only lead to nihilism.

For this reason, I understand stupidity, here, to refer to one of two possible states, neither of which is essential or permanently binding. In the first sense, stupidity names an inability to hold together in thought incommensurables, whether such states indicate incommensurable demands or seemingly incommensurable phenomena. In the second case—which is not unrelated to the first—stupidity merely indicates whatever it is that I do not understand and feel shame or rage for not knowing, whether or not that shame or rage is reasonable. All that matters, in this case, is that I have perceived some aspect of my own stupidity, gone silent at the moment in which that gap reveals itself, and stood behind that silence as polite disagreement, even if I perform the mute signs of having been irretrievably wronged. In a more skeptical vein, we could say that this is precisely what the bureaucrat asks of us: that we hide our ignorance, leave it concealed by the outward expression of signs of the nonvoluntary relation he has produced for us. This is why the bureaucrat can bare the complaints about his own stupidity, knowing as he surely does, that our complaints do nothing less than register our own, so long as we remain incapable of recognizing the oblique relations that are in no sense nonvoluntary, and thus are in every instance a possible source of regret. Regret is, as we all know, the risk of engagement, but the risk is much less than we regularly suppose it to be, since regret only emerges in the realm of contingency and never necessity.

If I am lingering on the logic of bureaucracy, it is because this is the realm where a conception of regret is both most viable or useful and also the most challenging, especially when we assume that the bureaucrat is lacking in virtue, and even more so when, in fact, he is. I have in mind here the cases when a bureaucrat cannot think in terms of, nor feature in honesty, a mean. Moreover, if the bureaucrat regularly shows us signs and causes—signs set forth as causes—that are to be understood in terms
of a nonvoluntary relation, regret may well follow after rage and in the place of perpetual stupidity and stupefaction. The consequence of our regret is that in place of belief—i.e., that what was shown to me was the truth of the institution, whether what was featured for me was done so as deception or transparency—we will begin to perceive oblique relations, in which case we may begin to see an opening for a more productive use of our will. In this sense, I am sympathetic to Aristotle’s distinction between nonvoluntary and involuntary relations insofar as regret emerges in the recognition of our own involuntary response. It is just that we will need to be able to recognize that a nonvoluntary relation is more likely an involuntary one. If we are capable of breaking with the perceptual habits bequeathed to us by the recurrent signs willed by another with an intention to deceive, or else breaking those habits that remain with us in ignorance, many so-called nonvoluntary relations can be exposed as the dissimulations of obfuscations that they truly are, rather than as evidence of our own stupidity.

Regret, I think we can now say, comes by way of the recognition that we have misused our will, that we acted in accordance with signs that were featured for us as beyond the reach of the will, and thus nonvoluntary. Regret is therefore what prevents us from either utopianism or nihilism. If we feel regret, it means that we can recognize the difference between a nonvoluntary relation and an involuntary one. We can see that the involuntary relation—which appeals to our ignorance at the very moment in which a knowing use of our will is in order—is nested in the appearance of a nonvoluntary relation, this thing that I think I can do nothing about, and regardless of how I feel about what has happened. And if we can see this, then what we can see in any instance is the potential to do otherwise, which will depend on our ability to perceive oblique and spontaneous relations. It is, perhaps, not so redundant after all to say that if we become less stupid—if, that is, we become more capable of the oblique relation, or holding together in thought incommensurable signs or logics—we will be held much less often in ignorance. It may be that this requires us to learn to anticipate without precedent, and precisely because the bureaucrat—if in thrall to the logic of a bureaucracy that is indeed concerned to defuse the demand we make—is himself someone who is skilled in thinking obliquely, in a discontinuous relation to what appears. Otherwise, we would never have fallen prey to a deception. I pursue this more directly in chapter 3. Likewise, it might be the case
that what regret allows us to see is our own perceptual habits, which are born of first principles, or at least behave as though they were. Regret may very well open a gap between what I think a bureaucrat does, or a bureaucracy is, and what the institution actually has the capacity for. Thus, if regret is related to virtue, virtue should no longer be understood as the achievement of a mean, since acting virtuously in the face of bureaucracy implies that our thoughts and our actions are to be severed from habit. And it is conceivable to act this way since the habits of perception that precede a virtuous act owe their occurrence to the contingency of signs in being.

In this sense, regret should be distinguished from akrasia, which was of paramount importance to Aristotle in *Nicomachean Ethics* and describes our capacity to make decisions that run counter to what we normally think of as best. As Amelie Rorty—an influential theorist of akrasia—has put it, “A person believes akratically when he believes that $p$, being implicitly aware that $p$ conflicts with the preponderance of serious evidence or with a range of principles to which he is committed.”\(^{21}\) Akrasia, then, defines a use of the will, but toward an end that is other than what we might otherwise believe to be good—much like when we carry on with the task set before us by the bureaucrat, even though we curse him for setting before us something we know to be of no use. But it does not indicate a weakness of will. Just the opposite: “Akrasia is a disease that only the strong can suffer. To be capable of it, a person must not only be able to note his failures, but also be capable of voluntary intervention in his thought patterns, directing attention and inferences by the principle to which they commit themselves.”\(^{22}\) It is tempting to see in Rorty's suggestion that akratic thought—and the action that follows from it—involves an ability to intervene in one's own thought patterns, which is an experience similar to the one I am describing in terms of regret. Regret emerges in the recognition that a nonvoluntary relation is better understood as involuntary, such that I will now be better prepared to perceive oblique relations that cannot be predicted. And akrasia does indeed imply a strong will and an ability to think otherwise. But in such moments, we do what we do expressly to act in a non-virtuous manner. Likewise, for Rorty, akratic thought can lead to melancholia, our ability to persist in a state of mind, or worldview, that runs counter to our principles.\(^{23}\) In this sense, regret is small change to the melancholic who can see the alternative but refuses to release his will from an akratic thought, even though
he should be capable of doing so. Moreover, since, in an akratic state, our thought and our will are directed expressly against a set of principles that constitute virtue as a habit of perception, the deviation from those principles will always be recognizable by way of those principles. Or as Amelie Rorty puts it, the very “conditions of akrasia assure the possibility of its reform.” And reform is, for Rorty—just as it was for Aristotle—the goal. But it need not be. We would be better served by the idea that thinking is what happens after or without respect to habituated perception, even if that implies that the actions we regard as lacking in virtue are owed to the very same capacity for thinking otherwise. An akratic thought/action merely mirrors, in inverse proportion, the moral logic of virtue and its habits. An akratic thought—or what appears to us as an akratic thought—might go further than the proportionally inverse limits of virtue allow, but if our perception remains grounded in habit, then we will not be capable of seeing what exceeds that limit.

The concept of akrasia is useful for beginning to understand how it is that administrations or bureaucracies or bureaucrats can act in a way that they consciously know to be at odds with what they otherwise believe. And an akratic thought may very well give way to regret. However, if the “conditions of akrasia assure the possibility of its reform,” as Amelie Rorty suggests, then reform means only a return to principles, which stand in the way of what is most productive about regret. Even more troubling, in my view and also increasingly familiar, has to do with how akratic thought can be intensified in the form of euphemism, in which case we quite cheerily perceive a gap between what we know to be wrong and what we carry on doing anyway. I have in mind Alexander García Düttmann’s incisive critique, in “Euphemism, the University, and Disobedience,” of the status of euphemism in the administrative life of the contemporary university. As García Düttmann sees it, the zeal for euphemism is strongly related to the corporatization of what was once the unconditional university. Or as he puts it, “an unconditional university is, inherently, a university open to risk, to the risk of being subverted, while a university dominated by power, charlatanry, and euphemistic speech is a university that has ceased to expose itself or that seeks to minimize such exposure.” The unconditional university, it should be said, is still an institution; it is just one in which its “administration makes itself imperceptible, not because it has become ubiquitous but because is almost superfluous.” That is to say, the separation between institution, administration, and bu-
reaucrat still holds. What uniquely shows in the case of the unconditional university, however, is no particular principle, condition, or content but the very absence of principles, conditions, or form-determining content, which is what an administration alone can “provide.” Most importantly, “in the unconditional university there can be no euphemism because the idea is not separated from reality by a gap.”27 It should be said that the gap indicated here in critical terms by García Düttmann is not the same gap that I’ve suggested is necessary to keep open between an institution, an administration, and a bureaucrat. Rather, “the gap” between an idea and reality indicated by García Düttmann is what prevents change from occurring, since euphemism anesthetizes the very gap that an administration produces and features for itself and for everyone else in it. García Düttmann puts it this way:

That euphemism is the linguistic condition of contemporary society means that those who live in this condition know about the reality of their lives without actually confronting it; deception and belief in some magical power merge in euphemistic speech, and the ability to deceive oneself and others collapses into self-deception as fate. When speaking, writing and thinking, euphemists actively contribute to the suppression of their awareness, and are therefore aware of what they try to conjure away, as well as of the repelling conjuration itself. They produce an ambiguity in which they install themselves. Using a euphemism always signals a resistance that stems from a fundamental acceptance.28

The akratic dimension of euphemism, then, is precisely this “resistance that stems from a fundamental acceptance.” But worse than akratic thought, in which case I simply decide against something that I know to be at odds with what I actually believe or otherwise value, it is the cheeriness of euphemism itself that “protects” akratic thought from the possibility of reformation—though I hope to have indicated the kind of reformation akrasia makes possible is a return to first principles, even if that may be better than the situation created by euphemism. Put differently still, we can say that euphemism—as the name of the sustainability of gap that has been opened between an idea and reality—is melancholy’s twin. In place of a mourning-without-end, we have instead a euphoria-without-end, the effect of which, in both cases, is that what appears before us remains entirely unchanged and unchangeable. In the case of euphemism,
regret will be even harder to come by, since what keeps going wrong only ever feels good. For the one in thrall to a euphemism, the question is not “what has gone wrong in what I’ve done?” but “why do I feel so good about what only goes worse and worse?”

Perhaps it could be argued, instead, that regret follows from a weakness of the will, which shares certain, but not all, of the characteristics of akrasia and euphemism, and does to some extent explain our inability to see that what the bureaucrat displays for us as a nonvoluntary relation might very well be the dawning of a recognition that what we have experienced, instead, is an involuntary one. In “Intention and Weakness of Will,” Richard Holton defines weakness of will in a manner that distinguishes it from akrasia: “Central cases of weakness of will are best characterized not as cases in which people act against their better judgment, but as cases in which they fail to act on their intentions.”

To draw the distinction, Holton cites a passage from Kingsley Amis’s novel *Lucky Jim*—the moment in which Dixon, an untenured junior colleague, wakes up after a night of drinking in the home of his head of department, Professor Welch, only to find that he has cigarette burns all over his bedclothes. Holton cites the following passage from the novel: “Had he done all this himself? Or had a wayfarer, a burglar, camped out in his room? Or was he the victim of some Horla fond of tobacco? He thought that on the whole he must have done it himself, and wished he hadn’t. Surely this would mean the loss of his job, especially if he failed to go to Mrs. Welch and confess what he’d done, and he knew already that he wouldn’t be able to do that.” For Holton, this is not a case of weakness of will precisely because Dixon never intends to confess what he’s done. As Holton explains, “It is because he knows that he is someone with a tendency to weakness of will that he acts as he does. So, on the account given here, his weakness of will explains his action (or rather his inaction).” If his weakness of will explains his action, Holton’s account goes, then Dixon does not act against what he otherwise intends, since he has no intention to be truthful. His action is weak, but since Dixon knows that he is weak-willed, he does not actually break with an intention to be honest. If, however, Dixon had vowed the day before never to drink again, then the next morning would be proof of weakness of will, since his actions ran counter to his intentions. He would have proven himself too weak in will to remain sober, to see his intention through to the end. Likewise, in Holton’s account, this episode could not qualify as akrasia since he does not willingly act
against his better judgment. As Dixon sees it, it would be bad to confess this to his boss’s wife, so he doesn’t.

The trouble here is that weakness of will cannot account for the specificity of Dixon’s thought—the range of possible signs, possible events—which await him on the other side of decision. It is too simple to describe him as weak-willed. It would be better to say that Dixon is trying to think ahead of the administrator. The situation cannot be defined by reason. He has to think politically. He needs to anticipate the possible ways of being read, and by the very one who has indulged with him in a night of heavy drinking—which involves the loosening of signs in the moment of intoxication and in memory. The choice, in other words, is not so simple. Nor is it a matter of virtue. There is no mean. Signs float and show multiple aspects at once. Perhaps Welch wanted to know if his young colleague was a good drinker and thus worthy of promotion. Perhaps he is a reader of Maupassant and would welcome the very idea of “some Horla” with a taste for tobacco. None of this is rational, but a “proper” use of the will cannot be restricted to reason, to the pursuit of truth as a stable set of signs that can be seen in just one way. What if Dixon gives away the wrong sign? That is, what if he shows too much? What if his head of department actually loathes Maupassant and is searching for a sign of Dixon’s own irrationality? His imbecility? Sometimes we speak too soon; sometimes we show the wrong thing.

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WHEN TO SPEAK?

If I have avoided, up to this point, naming what likely seems to be obvious—that regret is a problem of decision—it is because decision is most often understood, in political terms, as a problem of time, of knowing when to speak. This is surely Dixon’s problem. Not just what but when, knowing all the while that one can wait too long. And to wait too long is to have things decided for you. But it is also the case that one can speak too soon, in which case one decides against oneself at the very moment that a judgment of the other is made. However, in this case the decision will be made less on the basis of what we know from or about the other, or an institution, than from the limits of our understanding, which, in a state of rage, comes to us as first principles. Or as Peter Sloterdijk puts it, “The deep simplicity of rage satisfies the all-too-human desire for strong motivations.”
The paradigmatic instance of this problem remains Kafka’s *The Trial*—perhaps the book that has defined bureaucratic alienation for the last century. How it has done so is most succinctly described by Walter Benjamin. Claiming that Kafka’s work “is an ellipse with foci that are far apart and are determined, on the one hand, by mystical experience (in particular, the experience of tradition) and, on the other, by the experience of the modern big-city dweller,” Benjamin goes on to describe the big-city dweller: “One the one hand, I think of the modern citizen who knows that he is at the mercy of a vast machinery of officialdom whose functioning is directed by authorities that remain nebulous to the executive organs, let alone the people they deal with. (It is known that one level of meaning in the novels, particularly in *The Trial*, is encompassed by this.)”

Nested in Benjamin’s account of the bureaucratic universe of Kafka’s fiction is an important distinction between authorities and executive organs. Benjamin notices, in his own way, that institutions, administrations, and bureaucrats are related entities but are related as separate. Otherwise, the authorities would simply know and do what the executive organ demands. And in turn, what the sufferers in Kafka’s universe do is to try to conflate the authorities with the executive organs. Benjamin is also careful to quote, in another essay on Kafka, a passage from *The Castle* that defines for him the strange elusiveness of authority, a passage that only heightens the absurd humor of the ones in Kafka who feel they are in possession of an understanding: “In Kafka’s works, the conditions in offices and in families have multifarious points of contact. In the village at the foot of Castle Hill people use an illuminating saying: ‘We have a saying here that you may be familiar with: official decisions are as shy as young girls.’” The question, then, in Kafka’s work concerns the secrecy of institutions and what it means to gain access to the secret. But in Kafka’s world, access is also opposed by certainty, which is nearly always louder than these “shy young girls.”

Consider, briefly, the lot of Josef K. in *The Trial*. Given what happens to K., and the novel’s reputation more generally as a parable of bureaucratic terror, it is easy to forget the very trouble that K.’s own certainty causes him, especially since that trouble is at least coincident with his outrage. For what is it that first happens to K. when he awakes to find himself in his room surrounded by the strange men who are there to detain him, to notify him of his arrest? He is as galled by the actual arrest as he is by
an arrest that is introduced in the realm of habit—of the image he keeps of his own moral purity and also of the breakfast that he expects to be brought to him every day by 8 A.M. On K.’s initial trips to the courtroom, which he makes in an effort to discover what it is, exactly, that he’s been charged with, the injury he perceives to his moral standing comes quickly into focus. On his second trip, K. encounters a young woman who lives with her husband in the building that houses the courtrooms and magistrates’ and students’ offices. K. is attracted to this woman; he finds himself in a fit of rage as a young student takes her in his arms and leads her away, while K. is himself in the middle of trying to get information from her about where to go. Despite the young woman’s plea to K. that it is not what he thinks, that the young student is just doing what was asked of him by the magistrate, K. accounts for his failure differently:

Of course, there was no reason to let that worry him, he had suffered defeat only because he chose to do battle. If he stayed home and led his normal life he was infinitely superior to any of these people, and could kick any of them out of his path. And he pictured how funny it would be, for example, to see this miserable student, this puffed-up child, this bandy-legged, bearded fellow, kneeling at Elsa’s bedside, clutching his hands and begging for mercy. This vision pleased K. so greatly that he decided if the opportunity ever arose, to take this student along to Elsa one day.35

K. presumes only that the young woman’s relation to the man carrying her away—who is also not her husband—is nonvoluntary, precisely because the image he keeps of himself organizes his own visual and auditory field in such a way that seemingly prevents him from seeing the kinds of complications that would, at the very least, render the relation as involuntary and subject, as a consequence, to regret. She may, for instance, be choosing not to act for the sake of a decision or a relation to which K. has no access and will carry on having no access.

For K., regret never registers even in the moment in which he indicates it. For instance, just before the young man takes the woman away, both K. and the young woman confess to one another that they find each other attractive. K., however, quickly assumes that her confession of attraction is proof of her belonging to the very institution that is set on his ruin, and he tells her, triumphantly,
Keep your present relationship with these people, it seems to me you really can't do without it. I say that with some regret, because, to return to your compliment at least in part, I like you, too, especially when you look at me as sadly as you do right now, although you really have no reason to. You're part of the group I have to fight, but you're quite comfortable among them; you even love the student, or even if you don't love you at least prefer him to your husband. That was easy to tell from what you said.\textsuperscript{36}

If K. feels “some regret” and gives up on that regret, on the idea that she really is attracted to him, in favor of the image of institutional complicity, then what shows in the description is a dawning of the aspect. It is a choice he quite deliberately makes to perceive her in the image of administrative complicity, when the sign of sadness might indicate instead someone with a more complex relation to the institution in which she is nevertheless, and also quite literally, housed. What makes him say so, since he does not in fact know her, can only be predicated on an image—or a discourse—about the institution itself, so much so that the very person who might help K. to find his way becomes folded into what he can only see in just one way. That is to say, K. assumes that since she lives in the space of legal administration she is that administration, even though her pleadings to him indicate the awareness that Benjamin offers about Kafka's world. Namely, she, like him, may very well be “at the mercy of a vast machinery of officialdom whose functioning is directed by authorities that remain nebulous to the executive organs, let alone the people they deal with.”

Perhaps the trouble for K., or at least a part of it, is that he speaks too soon, and in a way that cancels out the emancipatory potential of regret by virtue of the certainty that he brings to bear on the institutions that nevertheless confound and destroy him. He confuses the simplicity of rage with the clarity of signs. This is indicated rather forcefully in K.'s first visit to the courthouse, a trip he makes—somehow—without any definite indication of where he is meant to go and at what time he is to be there. Upon his arrival, the narrator describes K.'s state: “He was annoyed that they hadn't described the location of the room more precisely; he was certainly being treated with carelessness or indifference, a point he intended to make loudly and clearly. Then he went up the first set of stairs after all, his mind playing with the memory of the remark the guard Willem had
made that the court was attracted by guilt, from which it actually followed that the room for inquiry would have to be located off whatever stairway K. chanced to choose.” What we have in this astonishing passage, then, is an important link between rage, certainty, and time. If the court is attracted by guilt, then the court cannot be cleanly told apart from the one who is attracted there. K., as the narrator suggests, cannot but go where he belongs, since where he “belongs” is the place he has only ever imagined. So any door will do. What he can see in just one way, so much so that any door will be the right door, is bolstered by his eagerness to set things straight before having a clearer picture of what “things” are. This is also one way of thinking (in no sense the only way) about how K. manages to find himself ensnared. K. begins his search on day one, you will recall, by inventing a name of a carpenter, Lanz—a name he intends to use simply as a pretext for asking people if they know what apartment “Lanz” lives in. K. believes that this pretext, this imaginary Lanz, will give him an opportunity to see into many apartments on the very idea that he might detect, in one of them, the site where the commission of inquiry might actually be located. As he is taken from room to room, floor to floor, K. grows weary and the narrator tells us, “He regretted his plan, which at first had seemed so practical.” However, as soon as he counterenances his regret—which would, presumably, have afforded him the chance to rethink his strategy and just go home, since he remains free to do so—someone answers the question about the carpenter affirmatively and leads him in. In attempting to show one thing for the sake of doing another, which is what we often say about the bureaucrat, K. encounters someone who is prepared to participate with K. in the image that K. has nevertheless fabricated for very different reasons. In his haste for justice, K. behaves in the very way that he expects the bureaucrat to behave. They can agree on an image of how things are, but do so, we can only assume, for very different reasons. Or perhaps it is better to say that what fails K. are his reasons, that his failure cannot be separated from the reasons he takes as the ground of his liberation.