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# *The Argument from Self-Defeating Beliefs Against Deontology*

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**ABSTRACT.** There is a tendency to use data from neuroscience, cognitive science and experimental psychology to rail against philosophical ethics. Recently, Joshua Greene has argued that deontological judgments tend to be supported by emotional responses to irrelevant features, whereas consequentialist judgments are more reliable because they tend to be supported by cognitive processes. In this article, I will analyse the evidence used by Greene to suggest a different kind of argument against deontology, which I will call the argument from self-defeating beliefs. The charge of this type of argument amounts to exposing a psychological nature of deontological judgements that is supposedly rejected by deontologists. I will argue that the alleged evidence is poorly understood, mixed and indeterminate, failing to endorse general conclusions about the psychological processes underlying deontological judgements.

**KEYWORDS.** Neuroscience, cognitive psychology, deontology, emotion, Joshua Greene

## I. INTRODUCTION

There is an increasing tendency to use empirical data to rail against philosophical ethics (Haidt 2001, Doris 2002). Recently, Joshua Greene has launched “an all-out assault on deontological philosophy”, as Mark Timmons puts it (2008). Greene claims that evidence from neuroimaging and experimental psychology indicates that “[...] deontological patterns of moral judgment are driven by emotional responses while consequentialist judgments are driven by ‘cognitive’ processes” (2008, 59). One of his most challenging arguments is that deontological judgements should be discarded because they track morally irrelevant features.<sup>1</sup> When Greene says that emotional reactions reflect the influence

of morally irrelevant factors, he assumes that emotions are morally irrelevant (2008, 70).

However, Selim Berker (2009) has shown that empirical data does not work against moral theory. Even if we accept that deontological intuitions are emotionally-driven, whereas consequentialist intuitions are more cognitive, it does not follow that consequentialism is superior. Obtaining data is a descriptive task that does not reflect relevant moral features. For this we need a substantive normative intuition or principle. Only in conjunction with a normative standard can empirical data pinpoint irrelevant features. As Frances Kamm explains, “[...] all the normative work is being done by a moral theory about what factors make acts right (e.g. impersonal versus personal factors) and also a theory about what factors a deontologist as opposed to a consequentialist thinks are morally relevant, not by neuroscience” (2009, 303).

Berker and Kamm are right to point out that we need an independent normative idea to interpret neuroscientific data, but there is another argument suggested by Greene’s work that avoids the requirement to prove the irrelevance of emotional reactions. Greene writes that deontologists “[...] can’t say that our emotional responses are the basis for the moral truth, however, because they are rationalists” (2008, 69). Here we have an additional meta-ethical assumption about what qualifies as a proper justification, which points to an interesting relationship between explanation and justification. If we can show that a set of beliefs is formed by an epistemically unreliable psychological process, then we can undercut the justificatory status of that set of beliefs. Deontologists believe, according to Greene, that emotional processes cannot be a justifying basis. Thus, if deontologists believe that emotional processes should not be the source of their specific judgements, then empirical research can show that their belief is self-defeating by discovering that emotions are systematically the source of deontological judgments. I will call this the argument from self-defeating beliefs because its upshot is to reveal a psychological basis of deontological judgments which is distrusted by deontologists.<sup>2</sup>

It should be noted that the scope of this argument is thus limited. It can only show that rational deontology is self-defeating, not that emotions are irrelevant in general or that other types of deontology are not reliable, such as a sentimentalist deontology.<sup>3</sup> While Greene speaks as if he intends to undermine deontological philosophy in general<sup>4</sup>, he sometimes admits that his target is, in fact, rational deontology: “I believe that one can make a pretty good case against rationalist versions of deontology such as Kant’s” (2008, 68).<sup>5</sup>

In the present article, I will focus on whether Greene’s evidence reveals an emotional ‘essence’ of deontological judgements because this is a pivotal claim upon which the argument from self-defeating beliefs hinges. Firstly, I will scrutinize what Greene means by deontological and consequentialist judgements. Then, I will argue that the evidence fails to support the emotivist thesis about the nature of deontological judgements.

## II. WHAT ARE DEONTOLOGICAL JUDGMENTS?

Greene’s usage of ‘deontological’ and ‘consequentialist’ is not fully compatible with philosophical practice. This explains why he introduces the qualifier ‘characteristically’, which refers to judgments that can be described as conforming to an ethical theory. People who make ‘characteristically’ deontological judgments do not need to fully commit to deontology or make judgments that are intentionally based on deontological reasons. ‘Characteristically’ deontological judgments, therefore, imply nothing about the reasons behind the judgment (Greene 2008, 2014).

For Greene, such judgments are easier to justify in terms of rights and duties and more difficult to justify in terms of outcomes (2014, 7). If someone judges it wrong to kill one person in order to save five, then this judgment can be described as conforming to the requirement that people have a right not be sacrificed, and it is in tension with the standard of maximizing overall wellbeing. Also, Greene defines ‘characteristically’

consequentialist judgments as those that are justified in terms of impartial cost-benefit reasoning and are more difficult to justify in terms of people's rights or duties (2014, 8). The judgment of approving the killing of one person in order to save five people conflicts with human rights requirements, making it difficult to justify in deontological terms. By contrast, it is much easier to describe it as conforming to the consequentialist standard of maximizing the best outcomes.<sup>6</sup> Therefore, judgments are consequentialist if they favour characteristically consequentialist conclusions (e.g. 'better to save more lives') and deontological if they favour characteristically deontological conclusions (e.g. 'it's wrong despite the benefits').

However, Greene's definitions of what qualifies as a deontological or consequentialist judgment are problematic. It is well known that definitions of deontology are difficult because there does not seem to be a common currency, as might be said with respect to consequentialism.<sup>7</sup> Although deontology is presented as a duty-based ethical theory for pedagogical reasons, deontologists use a plurality of moral considerations, such as impartiality, universality, fairness, respect for autonomy, equality, prerogatives, constraints, ties and special relations, and even promoting beneficence. Kantians like David Ross (1930/2002) claim that maximizing the good is a moral requirement just as consequentialists do.<sup>8</sup> It is worth mentioning that deontological methodology also appeals to impartial weighing of reasons (Ross 1930/2002).

The same goes for consequentialism, which shares similar standards with deontology. The founding fathers of utilitarianism, Bentham and Mill, defended the famous dictum 'everybody to count for one, nobody for more than one' – which means it is difficult to describe the judgment of sacrificing one to save five as conforming to the utilitarian standard as Greene argues<sup>9</sup>. The standard of moral equality, defended by classical utilitarianism, requires *prima facie* that the interests of more people cannot outweigh the interests of one person.<sup>10</sup> Mill explains that a "[...] society between equals can only exist on the understanding that the interests of all are to be regarded equally" (1861/2003). The utilitarian dictum may

overlap with the Kantian standard of not using a person merely as means, which endorses the impermissibility of killing one to save five.

Greene wrongly assumes that impartial cost and benefit reasoning necessarily commits to maximizing the overall utility reasoning, which is the hallmark of utilitarianism.<sup>11</sup> In addition, some have dismissed the idea that consequentialism is not concerned with rules and reject such a portrayal on the grounds that it ignores the efforts of developing rule-consequentialism, as an alternative to simple act-consequentialism (Hooker 2000).

Greene seems to be aware that his terminology is not satisfactory, but states that in order to “[...] get sophisticated about moral psychology we must temporarily get unsophisticated about philosophical terminology” (2014, 9). Indeed, it might be reasonable to concede simplistic terminology for the sake of empirical testing and promising results. If functional definitions of deontological and consequentialist judgments facilitate empirical research, which aims to characterize the moral tendencies of distinct cognitive processes, then there might be reasons to accept them provisionally. I admit that it is difficult to assess in general how complex functional definitions should be, but we should also be aware of the possibility that ambiguous terminology can lead to ambiguous results. If we want to get sophisticated about moral psychology, we might also want to get sophisticated about terminology. That being said, I will accept Greene’s terminology, keeping in mind the underlined drawbacks, and focus on the evidence he offers for the emotional basis of characteristically deontological judgments.

### III. THE EVIDENCE AGAINST DEONTOLOGY

Greene uses practical disagreements to investigate the psychological processes underlying moral judgments. The rationale for using practical disagreements is that they are useful tools to contrast vividly competing moral judgements. He picks the following issues around which practical

disagreements are supposed to emerge between characteristically deontological judgments and characteristically consequentialist judgments: trolleyology, the famine problem, the problem of identifiable victims *versus* statistical victims, the justification of punishment, and the moral condemnation of harmless actions. For each practical issue, Greene contends that there is evidence to suggest an emotivist basis of deontological responses.

### *Trolleyology*

A runaway trolley heads for five people who will be killed. The only way to save these people is to hit a switch that will divert the trolley onto a side track, where it will run over and kill one person instead of five. Is it appropriate to turn the trolley in order to save five people while killing the one? Next, a runaway trolley heads for five people who will be killed, but this time a fat stranger is standing on a footbridge. The only way to save the five is to push the fat person onto the tracks, stopping the trolley from reaching the others. Is it appropriate to push the fat person to his death in order to save the five? In the trolley case most people endorse the consequentialist response: sacrifice the one in order to save the five, while in the footbridge case most people endorse the deontological response: refusing to sacrifice the one in order to save the five. Greene has proposed a dual-process model of moral judgment to explain the difference. The thought of pushing someone to his or her death in an ‘up close and personal’ manner (as in the footbridge dilemma) is more emotionally salient than the thought of bringing about similar consequences in a more impersonal way (e.g. by hitting a switch), thus, activating different psychological processes (Greene *et al.* 2001). The results revealed greater activity in emotion-related areas of the brain (the posterior cingulate cortex, the medial prefrontal cortex, and the amygdala) for personal dilemmas, whereas the contemplation of impersonal moral dilemmas produced relatively greater neural activity in cognitive brain areas (the

dorsolateral prefrontal cortex and inferior parietal lobe) (Greene *et al.* 2004; 2001). According to Greene, the results imply that deontological judgments are driven by emotional processes, whereas consequentialist judgments are produced by controlled cognitive processes.<sup>12</sup>

### *The Famine Problem*

In defending the obligation to improve the lives of poor people from faraway countries, Peter Singer (1972) sets up the following thought experiment: imagine that somebody passes a shallow pond and notices a small child drowning. It is unproblematic that we have an obligation to save the child even if there are significant costs to bear such as wet clothes and missed appointments. Singer argues that if we all endorse an obligation to rescue the drowning child in front of us, then we should accept a similar obligation to save children who are in need and live elsewhere. Greene takes the pond case to be similar to the trolley dilemma. Saving the child from drowning is ‘up close and personal’ (like the footbridge dilemma), whereas donating is impersonal (like the trolley dilemma). According to his dual-process theory, in the pond case the sense of obligation is much stronger because it pushes our emotional buttons, while in cases of impersonal beneficence, cognitive controlled reasoning takes over (Greene *et al.* 2004; 2001). This practical disagreement is supposed to show a contrast between an emotional deontological response – that we have a much stronger obligation to save someone who is close by – and a more cognitive consequentialist response – that we have a comparable obligation to people who are poor and live further away.

### *Identifiable Victims versus Statistical Victims*

The third practical disagreement stems from the problem of identifiable victims *versus* statistical victims. The question is whether we have a stronger



obligation to help identifiable victims than we do to help unidentified victims who could be saved for less. *Caeteris paribus*, a consequentialist would deny that we have a stronger obligation to help, while most people would endorse it. Greene asserts that the duty to help somebody despite the costs and with no comparable duty to aid countless others using the same resources would probably be justified in deontological terms. To explain how one reaches this characteristically deontological judgement, he uses studies according to which there is a tendency to respond with greater urgency to identifiable victims, compared with indeterminate, ‘statistical’ victims. This tendency has been labelled the ‘identifiable victim effect’. It seems that identifiable victims elicit a more powerful emotional response than do statistical victims (Schelling 1968; Jenni and Loewenstein 1997; Small and Loewenstein 2003). Such an effect would drive most people to believe there is a stronger duty to help an identifiable victim. This is meant to show that deontological judgments are caused by strong emotional reactions to identifiable victims.

### *The Justification of Punishment*

The fourth disagreement regards the proper justification for punishment. Consequentialists would claim that punishment is justified by the prevention of future harm, while deontologists would argue that retribution is the primary justification. However, Greene specifies that in order to see the emotional basis of deontological judgments we have to consider more concrete choices for motives of punishment. Some studies show that people’s motives appear to be predominantly retributivist and emotionally driven by anger and outrage when confronted with particular cases of wrongdoing (Baron and Ritov 1993; Baron *et al.* 1993; Kahneman *et al.* 1998; Sanfey *et al.* 2003). As long as punishment choices are sufficiently concrete, consequentialist reasoning will have no major role in punishment justification, while common-sense punitive judgment will be retributivist.

*The Moral Condemnation of Harmless Actions*

The fifth disagreement regards the moral condemnation of harmless actions. According to Greene, consequentialists believe that actions are morally forbidden relative to the harm caused. In contrast, deontologists defend the view that actions can be morally wrong even if no actual harm has been caused. In one study, affirmative answers to the question ‘Would it bother you?’ were a better predictor of moral condemnation of harmless actions, such as the use of an old American or Brazilian flag to clean the bathroom or masturbation with a dead chicken before cooking and eating it (Haidt *et al.* 1993). This should be a sign that emotions drive moral condemnation in such scenarios. Greene admits that the connection between the tendency to condemn harmless actions and deontology is problematic, since it is not clear why deontologists are any more likely than consequentialists to condemn flag desecration. In addition, he presents a different study on the role of disgust in moral judgment in harmless action scenarios. Subjects were given a posthypnotic suggestion to feel disgust whenever they read an arbitrary word. When asked to rate moral violations that either did or did not include the cue word in their description, subjects made more severe moral judgments when the hypnotic disgust word was present (Wheatley and Haidt 2005). Greene takes these studies to suggest that emotions drive people to non-consequentialist conclusions.

## IV. SORTING OUT THE EVIDENCE

While Greene’s empirical hermeneutics are interesting and challenge the philosophical establishment, it is far from clear why the evidence points to an emotional essence of characteristically deontological judgments. Almost all the data is correlational, whereas the evidence for any causal role of emotion on type of judgment is quite weak. To produce such evidence one has to manipulate emotion or control reaction time, but

positive results of such experiments are difficult to replicate.<sup>13</sup> It is thus unclear whether emotions cause judgements, or judgements elicit emotions or something else could cause both. Surprisingly, Greene himself seems to undermine his hermeneutics of emotions and deontological judgements, when he says that “[...] it would be more accurate to call them non-consequentialist” (2008, 75). ‘Non-consequentialism’ is a much broader category than ‘deontology’, which can include virtue ethics, divine command theory, and even rule-utilitarianism (Meyers 2013). It is, therefore, possible that any other non-consequentialist theory may be correlated with emotions.

The evidence does indicate a role for emotions in common-sense moral judgments, but this is no news to deontologists. It is expected that common sense moral judgments are influenced by education, culture, and psychological predispositions. The problem is whether emotional reactions are indeed a systematic source of what can be properly characterized as deontological judgements. I will argue that the evidence is inconclusive for several reasons: it is irrelevant, not decisive enough to be described exclusively in deontological or consequentialist terms, one sided, and it does not conform to Greene’s functional definitions of contrasting deontological and consequentialist judgments.

### *Harmless Actions and Indirect Consequences*

Harmless action scenarios prompt people to disapprove of using a national flag to clean a bathroom or breaking a harmless promise to visit one’s mother’s grave. However, there are significant differences between these actions. A deontologist would definitely disapprove of breaking a harmless promise because, even if the son or daughter was busy, he or she might have made more of an effort to visit his or her mother’s grave. His or her behaviour can show a lack of respect for the memory of his or her mother, and possibly his or her inability to commit to all sorts of contracts in daily life. He or she could have shown more gratitude towards

the memory of his or her mother. Moreover, even consequentialists would condemn such moral failings by arguing that a strong commitment to keep promises is desirable because it maximizes the overall utility, despite the fact that the action does not cause direct harm. On the other hand, it is far from obvious that deontologists would condemn using a national flag to clean a bathroom or eating a dog after it has been killed accidentally by a car. The study is confusing because it mixes scenarios with relevant and irrelevant moral features.

Indeed, Greene admits that these results do not touch upon deontology, but he insists that they offer support for the claim that consequentialist reasoning is independent from emotional reactions. This is an overstatement. Consequentialists would not condemn direct harmless actions such as eating a dog after it has been killed accidentally by a car, but they would condemn harmless actions with indirect consequences that promise a potential for future harm through collective outrage and anger. Greene himself includes the notion of indirect consequences in his functional definition of consequentialism (2008, 37). Burning the Koran in public or cleaning shop windows with a national flag does not cause direct harm, but it causes collective anger, which might lead indirectly to harmful actions. Consequentialists cannot ignore such probable courses of action because outcomes are ultimately what matters. So, consequentialist judgments factor in fear of indirectly future harm. In contrast, deontologists could claim that our autonomy should be respected in performing such actions and that we are not responsible for the intentional harm caused by others. It might be the case that deontologists are more resistant to moral condemnation of harmless actions that elicit public disgust and collective outrage than consequentialists, who are committed to outcomes resulting from social dynamics, regardless of who initiates the action.

Note that the harmless action scenarios used in the experimental literature allow us to read between the lines or see the bigger picture, as we do in actual life. Take, for example, the incest scenario. While the scenario makes it clear that Julie and Mark are not emotionally hurt, we

feel somehow that future emotional harm is not ruled out. It is quite exceptional for a brother and sister to have sex and a great amount of psychological effort is required. Not everybody would be willing to go through this. The psychological state of mind after consensual incest does not seem to involve emotions that can be consumed on the spot or easily left behind, as the scenario supposes. This is why I suspect that people may take into consideration long term negative effects when they condemn the siblings' action. Or, as Peter Railton (2014) wittingly observes, the proviso that no emotional harm occurred does not change the fact that Julie and Mark's decision was highly risky and poorly motivated since they wanted to try incest just 'for fun'. It seems to me that we have a tendency to rate reckless decisions negatively, although the outcome is fortunate. In line with these reflections, recent studies have shown that subjects tended not to believe that the incest actions were in fact harmless and that harmless wrongs are perceived to have victims (Royzman *et al.* 2015; Gray *et al.* 2014). Thus, it is plausible to suggest that people may in fact condemn what they perceive as harmful actions. If this is true, then emotional reactions are to be correlated with condemnation of perceived harmful actions, a verdict that is justifiable in consequentialist terms.

### *Misunderstanding the Influence of Disgust*

As it happens, there have been several failures to replicate the influence of disgust on moral judgement. A recent meta-analysis conducted by Landy and Goodwin (2015) has found no clearly reliable effect that disgust amplifies the severity of moral condemnation.<sup>14</sup> The results of this meta-analysis imply, at the very least, that we should considerably weaken strong claims about the causal role of affect in moral judgment.

But what is striking is how badly Greene reads the empirical results. These studies only conclude that disgust influences the severity of moral judgments, not that emotions are intimately linked with deontological condemnation of harmless action. The nature of the scenario has nothing

to do with disgust since it is activated by hypnotic suggestion to an arbitrary word. Harmless action scenarios are chosen due to the methodological reason that the influence of disgust on moral judgments can be documented more robustly in situations in which no direct harm occurred and subjects are still morally suspicious under the posthypnotic suggestion to feel disgust. But if we were to choose harmful action scenarios, the disgust hypothesis would also have to imply that hypnotic suggestion influences the severity of consequentialist judgments. Imagine a harmful action scenario in which an adult molests a four year child. Subjects under the hypnotic suggestion condition might rate the harmful consequences more severely than control subjects. A proper understanding of disgust studies implies that strong negative emotions, such as disgust, drive people to make more severe moral judgments, regardless of their content (deontological or consequentialist).

Greene is misleading when he presents the disgust study as evidence that non-consequentialist conclusions are emotionally driven in harmless scenarios. Wheatley and Haidt (2005) used the following six experimental vignettes to test the hypothesis that disgust contributes to moral judgment: second cousins who had a sexual relationship, a man who ate his already dead dog, a congressman who took bribes, an ambulance-chasing lawyer, a shoplifter, and a student who stole library books. Although the vignettes do not involve direct physical harm, actions such as shoplifting, stealing library books and taking bribes involve losses to others. And material losses are a type of harm that makes these actions easily condemned in consequentialist terms.

### *Autonomy Impairment and Punishment*

Anger and revenge push people to punish in response to wrong doing. As Achilles famously said, revenge is “far sweeter than flowing honey wells up like smoke in the breasts of man”. Kantian oriented philosophers have rejected Greene’s interpretation, arguing that retributivism implies

institutions of justice and rational deliberation on facts in order to establish correct punishments, thus limiting revenge private justice (Dean 2010, 58). Kant himself explains that “[...] punishment is not an act that the injured party can undertake on his private authority but rather an act of a court distinct from him” (1996, 578). However, Greene could grant that retributivism presupposes institutions of justice, possibly replying that revenge is only tempered and not ruled out as a basis of justification. I find the idea that the presence of institutions somehow makes retributivism a proper framework of punishment unconvincing. It is rather the other way around. The fact that retributivism is a sound normative basis makes institutions a proper framework of punishment because we would rule out ill-grounded institutions.

In order to undermine Greene’s sweeping conclusion we have to point out that the issue of punishment justification presupposes a cluster of issues, which are not covered by the data presented. Deontologists resist being driven by anger when punishment of agents with impaired autonomy cannot be justified. Many criminal actions, caused by brain disorders, elicit outrage and revenge, but deontologists would be reserved to apply punishment since attributing responsibility is problematic. Despite the fact that a criminal action elicits extreme anger, if the agent’s autonomy is impaired to a large extent then punishment can hardly be justified. Green has no evidence for a correlation between emotions and deontological judgements in such cases. And even if he were to produce some evidence, it would probably not support an emotional basis of deontological responses because the case approximates his model of utilitarian reasoning. For example, Greene (2004) claims that utilitarian responses make use of cognitive control processes in order to overcome prepotent emotional reactions elicited by sacrificial dilemmas. Once we control our emotional reaction we are able to see other relevant features that provide reasons for actions that run counter to our initial reactions. The deontological response would have to exercise cognitive control over anger in order to see that because of autonomy impairment punishment

is no longer a justifiable option. It would not be surprising if future fMRI data showed a positive correlation between ‘cognitive’ brain areas and deontological judgements in cases of punishing individuals with impaired autonomy.

*Duties Against Duties and Costs Against Costs*

Greene takes the second and third practical disagreement to highlight similar emotional reactions, explained by his ‘up close and personal’ theory of emotional engagement. When we see a drowning child, or an identifiable victim, emotions push us to believe that we have a stringent duty of beneficence. But these two practical disagreements do not conform to Greene’s terminology of contrasting deontological and consequentialist judgments, i.e. judgments that can be justified in terms of duties and judgments that can be justified in terms of impartial cost and benefit analysis. The contrasting judgments are fit to be justified only in terms of more or less stringent obligations. Therefore, the obligation to aid victims that are far away and unknown, supported by controlled cognitive processes, can be easily justified in deontological terms. If that is the case, then Greene’s case of impersonal beneficence is also evidence that deontological judgments are supported by cognitive processes. It should be pointed out that Singer’s argument for impersonal beneficence does not even appeal to consequentialist concepts. His strategy is to show that if we accept an obligation to aid needy people, then by means of logic such an obligation must hold for morally equivalent situations.<sup>15</sup>

The assumption that a duty of impersonal beneficence is privileged by consequentialists and denied by deontologists is questionable. Kant defended the view that we should provide aid to every human being because the moral law “[...] is so extensive in its significance that it must hold not merely for human beings but for all *rational beings as such*, not merely under contingent conditions and with exceptions” (1996, 62). Ideally, what should motivate us is the representation of duty alone, not



contingent factors. Kant can explain the fact that people are not willing to provide impersonal aid as a failure of motivation to fulfil one's duty. There are many situations, especially impersonal ones, where the representation of duty alone cannot do the job. Here moral emotions come in handy. To quote an engaging passage from Kant's practical philosophy: "It is therefore a duty not to avoid the places where the poor who lack the most basic necessities are to be found but rather to seek them out, and not to shun sickrooms or debtors' prisons and so forth in order to avoid sharing painful feelings one may not be able to resist. For this is still one of the impulses that nature has implanted in us to do what the representation of duty alone might not accomplish" (1996, 575). Kant believed that even if we are not prone to provide impersonal aid, it does not follow that we do not have a duty of impersonal beneficence comparable with personal beneficence. The duty of beneficence applies equally in personal and impersonal settings because every rational being has dignity. Whether needy people are in proximity or not, whether they are strangers or not, the claim of duty holds equally. Kant is aware that our moral psychology may not support impersonal beneficence, but he argues that, when the representation of duty alone does not suffice, we should make the cases more personal in order to perform in fulfilling one's duty. We should actively inform ourselves about poverty and population health issues or any other social problem that is not publicly visible.

We saw that a comparative duty to impersonal beneficence can be easily justified in deontological terms, as Kant does. At the same time, there are deontologists like Francis Kamm who claim that faraway beneficence is weaker than up close beneficence. The founding father of utilitarianism claims something similar. Mill famously stated that "[...] a person would be more likely to be blamed than applauded for giving his family or friends no superiority in good offices over strangers" (1861/2003, 219). This quote makes emotional sense to many of us and it presupposes the utilitarian belief that impartiality is instrumental to some other end,

namely to maximize happiness. Similarly, Singer claims that to some degree we should put the interests of our family and friends ahead of those of strangers (2011, 213). Indeed, these utilitarian views do not touch the same problem of beneficence towards people who are close by *versus* faraway, but that of beneficence towards loved ones *versus* strangers. Despite such difference, my point is that utilitarianism endorses personal beneficence, which is likely driven by emotional investment in family ties and special relationships.

Greene draws unwarranted conclusions from studies of identifiable victim effects. The empirical results document behavioural reactions, not normative beliefs.<sup>16</sup> Unconscious factors influence people's willingness to expend greater resources to save the lives of identified victims than to save equal numbers of unidentified victims. In these studies, subjects are not asked if it is justified to have different reactions. At best, therefore, we have data about a psychological predisposition that might or might not be endorsed, and if it turns out to be endorsed then we have to look at how people react to the quality of proposed justifications.<sup>17</sup> One pair of reasons that has been documented to explain the powerful responses to identified victims and weaker responses to statistical victims is certainty *versus* probability (Jenni and Loewenstein 1997). This means the contrast between emotion based duties to help and cost benefit analysis is not the best way to frame the practical disagreement. Thus, the issue may not consist in an emotional rejection of cost benefit analysis, but in considering whether certain costs have priority over probable costs when the latter are higher than the former.<sup>18</sup> Balancing certain costs and probable costs is naturally tied to consequentialist reasoning. Non-probabilistic forms of consequentialism give priority to certain or actual outcomes, which implies that, from a consequentialist perspective, helping an identified victim may be more important than a statistical victim when the outcome is certain.

Note that Greene's criteria for 'up close and personal' in the identifiable victim case is loose enough to undermine some of his correla-

tions when we cross analyse the second and third practical disagreement.<sup>19</sup> The pond case involves personal beneficence because the agent is up close to the drowning child, while the identifiable victim case is personal only in the sense that we know the victim without being up close. The second interpretation of personalness overlaps with impersonal beneficence endorsed by consequentialist judgments from the faraway donation case. If we identify a needy victim from a faraway country, then the identifiable victim effect will push us to believe that we have a strong obligation to make a donation. But most probably people would still consider the duty to save the drowning child to be more stringent than the duty to save an identifiable victim from Africa. And if this is the case then the deontological judgment that there is a strong obligation to help an identifiable victim, but one which is not in proximity, may involve quite different psychological processes than the alleged deontological judgment from the pond case that there is no comparable obligation. What Greene identifies as a deontological judgment in the third practical disagreement is practically equivalent to the consequentialist judgment from the donation case. This implies that if the consequentialist judgment from the donation case is driven by cognitive processes then the deontological judgement that we are required to help an identified victim from a remote place may also be driven by similar cognitive processes.

### *Messy Data from Trolleyology*

Thus far, data from trolleyology can be considered Greene's best evidence. The results revealed that the level of neural activity in cognitive brain areas (the dorsolateral prefrontal cortex and inferior parietal lobe) correlated positively with the characteristically consequentialist judgment of sacrificing one to save five, while the level of activity in emotion related areas (the posterior cingulate cortex, the medial prefrontal cortex, and the amygdala) correlated positively with the characteristically deontological

judgment of refusing to sacrifice one to save five (Greene *et al.* 2004; 2001).

However, the results do not entail precise interpretations due to terminological vagueness. In Greene's experiments (2001; 2004), participants responded to each dilemma by indicating whether the actions proposed are 'appropriate' or 'inappropriate'. 'Appropriate' questions could be understood as asking about social norms. For example, in the crying baby dilemma people could be influenced by social norms of good parenting. The possibility of smothering your own child to death in order to save the whole group could be subject to a social norm, which says that sacrificing your own child is not what parents do even if it is the right thing.

More importantly, Kahane and Shackel (2010) point out that the question whether it is 'appropriate' to push the fat man to save five people fails to determine precisely people's moral judgments. It is not clear whether people endorse permissibility or requirement of sacrifice. If people judge that it is only permissible to push the fat man, then this is in line with a non-utilitarian view, namely prerogative based deontology, which denies that we are required to maximize impartial good (Kamm 2009; Kahane 2012; Scheffler 1994; McNaughton and Rawling 2007). If Greene wants to correlate unambiguously harm to save judgments with consequentialism, then people's judgments have to endorse a duty of maximizing the impartial good. Act utilitarianism is the view that we ought to maximize the impartial good, not that we are only permitted to do so.<sup>20</sup> In contrast, rule utilitarianism may find it difficult to justify a duty of harm to save. Rule consequentialism is the view that we should adopt the set of rules that brings about the best state of affairs. Stating publicly that there is an explicit rule that requires sacrificing people to maximize overall well-being would probably induce collective panic and social instability. Subsequent testing revealed that those who endorse harm to save judgements believe that it is merely permissible to push the fat man, not that it is required (Cushman *et al.* 2006). Therefore, it is equally plausible to correlate prerogatives based deontology with cognitive processes.

But what do cognitive processes reflect? I find the idea that somehow cognitive reflection pushes people to become ‘devoted’ maximizers suspicious. It is unlikely to reflect the simple calculation  $5 > 1$ , as if people who make deontological judgements do not know how to count (Kahane 2012). Intuitively, it seems that reflective people are resistant to simply taking a normative stance; they rather acknowledge the moral complexity of a particular case. They may dismiss claims that are clearly off track, but this does not seem to be the case with the footbridge dilemma. Claiming that we should not kill one to save five does not strike us as completely irrational. If this is so, then it is natural for reflective people to attribute some merit to the option of refusing to sacrifice a person. Such a conjecture seems to be confirmed by a recent study, which found that a greater capacity for cognitive reflection is significantly and positively correlated with a tendency of considering utility-optimizing acts as a matter of permissibility, both to perform and to refrain (Royzman *et al.* 2015).

The fact that emotion-related brain areas are activated when people judge not to push the fat man may, at best, challenge constraints based deontology, or more precisely absolutist constraints based deontology such as those of Kant.<sup>21</sup> Kant’s deontology is considered absolutist because it denies that it is morally permissible to lie in order to save a life, contrary to our moral intuition that it is permissible or even a duty.<sup>22</sup> Greene explains the absolutist character of deontology as a manifestation of non-negotiable alarm-like emotions, which are hard to overcome. In emotionally salient situations, prepotent affective buttons push us to believe that causing harm is absolutely forbidden. But absoluteness is not definitional to deontology<sup>23</sup> since consequentialism is also an absolutist view if it claims that we should always aim for the best states of affairs. Despite some contemporary defenders (Donagan 1977; Fried 1978), absolute deontology has lost its appeal. Rossian deontology (1930/2002) is more influential because it claims that moral duties hold only *prima facie*, that is they oblige us to act in a certain way with the proviso that they

can be overridden by competing normative considerations. And there are other alternatives. Some versions of deontology accept that constraints have thresholds beyond which they can be overridden (Kamm 2007). For example, most people believe that it is permissible to violate a moral rule when this avoids catastrophic consequences caused by the detonation of a biological bomb (Nichols and Mallon 2006).

I have argued thus far that it is not clear which type of judgements should be correlated with emotional reactions and that, even if we grant Greene's correlations, it seems that only some (absolutist) versions of deontology can be threatened, but ones that are not influential. However, Greene's emotivist claim has also been challenged by subsequent research. It seems that people's responses to multiple pairs of sacrificial moral dilemmas are influenced by distinctions between direct/indirect harm and intended/foreseeable harm (Royzman and Baron 2002; Cushman *et al.* 2006). The doctrine of double effect (DDE) claims that it is more permissible to cause harm as a side effect of a good outcome than to cause harm as a means to producing a good outcome. This implies that judgements of impermissibility may not be essentially driven by emotional reactions to irrelevant factors, e.g. being 'up close'. DDE can also explain why people's deontological judgments in trolley-like dilemmas were slower than consequentialist judgments.<sup>24</sup> It might reflect the special prerogative that causing death as a side effect for the sake of a good end is morally permissible (Manfrinati *et al.* 2013). Corroborating the evidence, it seems that people's judgments not to push the fat man are influenced by distinctions between types of harm, which can be mediated by emotions (Borg *et al.* 2006). Recently, even Greene has admitted "[...] that the DDE is an adequate descriptive account for at least some part of the moral distinction between the fat man and bystander cases" (Cushman *et al.* 2010).

Others found that brain areas associated with cognitive processes were activated when peoples' judgments were influenced by the deontological principle that doing harm is worse than allowing harm (Borg *et al.*

2006). Borg and his colleagues also found that emotion-related brain areas were activated when peoples' judgments were simultaneously influenced by the utilitarian intuitions to avoid the creation of a threat and to minimize harm.

These various associations between neural systems and moral judgements suggest that differences in content may not be fundamental for dual process explanations. Indeed, Kahane and his colleagues (2012) produced evidence that, irrespective of content (deontological/consequentialist), counterintuitive moral judgments were associated with high-level controlled processes (the rostral anterior cingulate cortex) and intuitive moral judgments were associated with activation in the visual and premotor cortex. Their findings indicate that in sacrificial dilemmas the neural differences in moral judgment are largely due to differences in intuitiveness. It is fair to say that because current data from trolleyology is still heterogeneous one should be discouraged to draw general conclusions about psychological processes underlying deontological judgements.

## V. CONCLUSION

It is not surprising that our moral judgments are influenced by emotions. However, what is striking about Greene's dual process theory is that deontological judgements hinge preferentially on emotional reactions, whereas consequentialist reasoning has more cognitive control over normative conclusions. In this article I have argued that a closer examination of Greene's evidence discards the emotivist hypothesis about the nature of deontological judgements because it is irrelevant and inconclusive when properly understood, it is not decisive enough to be described exclusively in deontological or consequentialist terms, it is one sided, and it does not conform to Greene's functional definitions of contrasting deontological and consequentialist judgments.<sup>25</sup>

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## NOTES

1. See Timmons (2008) and Berker (2009) for types of arguments that can be found in Greene's work.
2. Along similar lines, Mark Timmons points out that Greene suggests what can be called the misunderstanding argument against deontology, according to which deontologists have misunderstood the 'real essence' of deontology (2008). However, it can be misleading to frame Greene's objection as an understanding problem. It is not the case that deontologists have had the available data and missed the correct interpretation, but rather that new data debunks traditional beliefs.
3. Mark Timmons argues that, although many versions of deontology are backed up by a rationalist meta-ethic, it is conceptually possible to elaborate a sentimentalist deontology. Sentimentalism is a meta-ethical account about the nature of moral judgment and deontology is a normative theory about the right and the good. Therefore, they are not mutually exclusive. For example, at the normative level one can defend rules against maximizing the good, but at the meta-ethical level acknowledge the emotivist nature of these rules (see Nichols 2004).
4. For example, Greene writes that his empirical arguments "[...] may have normative implications, casting doubt on deontology as a school of normative moral thought" (2008, 36).
5. In his reply to Timmons, Greene rejects a sentimentalist deontology, objecting that emotions are 'fickle and contingent' (2008). But this way of replying backslides into the Berker-Kamm conundrum that empirical facts do not have normative implications if we do not complement them with a substantive intuition about what is morally reliable.
6. 'Easier to justify' and 'hard to justify' are highly ambiguous terms because they imply indeterminate comparisons. For example, it is not clear if in non-dilemmatic contexts the moral

conclusion ‘it is wrong to injure an innocent bystander’ is easier to justify in terms of breaching people’s rights or in terms of minimizing pain.

7. All forms of consequentialism presuppose the requirement to maximize best outcomes. However, differences emerge in defining ‘best outcomes’.

8. However, Ross’s view is different from consequentialism because the duty to maximize the good is only one among many other *prima facie* duties.

9. See Mill (1861/2003, 233). Bentham’s initial wording is “[...] every individual in the country tells for one; no individual for more than one” (1827, book 9, chapter 29, 475).

10. Mill and Bentham would probably have accepted that it is at least permissible to sacrifice one person for the greater good, but it is not clear in which situations.

11. Consider two scenarios of goods distribution. In the first scenario, most people are needy but only a few have extremely large amounts of goods. In the second scenario, the total amount of goods is slightly less but everyone has roughly the same amount of goods. Impartial cost and benefit reasoning does not necessarily find the second scenario to be morally preferable, whereas maximizing reasoning does.

12. A more extensive survey of the evidence can be found in Greene (2014). Greene claims that reaction time data also confirm his dual-process model, since consequentialist judgments took longer than deontological judgments because a prepotent emotional reaction had to be overridden when there was a compelling consequentialist rationale.

13. Studies that replicated Greene’s experiments on reaction time found no significant difference between deontological and consequentialist judgements (McGuire *et al.* 2009). Even Greene’s study on cognitive load manipulation does not show a causal role of emotions in deontological judgements, but a causal role of cognitive processes in utilitarian judgement (Greene *et al.* 2008).

14. For a reply to Landy and Goodwin (2015) see Schnall *et al.* (2015).

15. Kantian philosophers who objected to Singer’s argument did not question his utilitarian outlook, but argued that the pond and the faraway cases are not morally equivalent (see Kamm 1999).

16. Note also that Greene’s reference to Schelling (1968) is misleading because he does not specify that Schelling did not conducted empirical studies, but proposed instead a thought experiment.

17. This can be tested by using Haidt’s paradigm to document moral dumbfounding.

18. Due to the fact that the case of identifiable victims is indeterminate enough to allow more interpretations than Greene suggests, the case can favour a correlation between emotions and consequentialism. The consequentialist judgment that resources should be carefully allocated to help more people is not necessarily a mark of emotional coolness. Jonathan Baron (2011) points out that anger associated with an aversion to waste is specific to utilitarian judgments. There are cases in which “the low-hanging fruit is not being picked”, such as mass vaccination or cheap immigrant labour, activating frustration among card-carrying utilitarians because of wasted opportunities. Moreover, there may be cases in which it is hard to tell when resource allocation becomes wasteful. Due to their aversion to waste, card-carrying utilitarians may be too quick to judge something as thrown-away.

19. For trolley dilemma cases, Greene has changed his concept of personalness from “being up close to action” to “exerting personal force” (Greene *et al.* 2009).

20. At least on the assumption that “ought” implies ‘can’. Thus, ‘ought to’ is qualified as “ought to, if you can bring yourself to do it”.

21. Baron and Ritov (2009) found that emotional reactions are correlated with attitudes of endorsing absolute values, but they also argue that emotions are not the only cause of such attitudes.

22. Kant’s absolutist stance in the dilemma posed by Benjamin Constant can hardly be explained by appealing to alarm-like emotions. Refusing to lie even if it saves somebody’s life may indicate a lack of sympathetic concern. An alternative explanation for Kant’s absolutism might be some sort of rule-fetishism, rather than ‘point and shoot’ emotions.

23. Greene takes deontology to be an emphasis on absolute, inviolable prohibitions against certain actions (Cushman and Greene 2012). Unfortunately, it is customary for standard presentations of deontology to describe it as a vindication of absolute constraints (see, for example, Davis 1991).

24. High reaction time data is taken by Greene to indicate controlled cognitive processes (Greene *et al.* 2004).

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