

Lecture 06 : Moral Psychology

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1. Introduction to Part III: Could scientific discoveries undermine, or support, ethical principles?

In Part III of this course we aim to find out whether moral psychology really is the science of good and evil. Here we start by looking at a range of claims, positive and negative, that philosophers and scientists have made about whether discoveries about moral psychology could undermine, or support, ethical principles.

In Part III of this course we will consider whether discoveries about moral psychology could undermine, or support, ethical principles.

We will consider a variety of argument strategies in the lectures. These will draw on, and extend, the research on the psychological underpinnings of ethical abilities considered in Part I of the course.

1.1. Background

Kant famously answered our question negatively:

‘Hier sehen wir nun die Philosophie in der Tat auf einen mißlichen Standpunkt gestellt [...] Hier soll sie ihre Lauterkeit beweisen als Selbhalterin ihrer Gesetze [...] Alles also, was empirisch ist, ist als Zutat zum Princip der Sittlichkeit nicht allein dazu ganz untauglich, sondern der Lauterkeit der Sitten selbst höchst nachteilig [...] Wider diese Nachlässigkeit oder gar niedrige Denkungsart in Aufsuchung des Principis unter empirischen Bewegursachen und Gesetzen kann man auch nicht zu viel und zu oft Warnungen ergehen lassen, indem die menschliche Vernunft [...] gern [...] der Sittlichkeit einen aus Gliedern ganz verschiedener Abstammung zusammengeflickten Bastard unterschiebt, der allem ähnlich sieht [...], nur der Tugend nicht’ (Kant 1870, AK 4:425–6).¹

I was unable to identify an argument for this view. It may be best to start neutral and see whether there are ways in which moral psychology can inform ethics.

¹ ‘Here we see philosophy placed in a predicament. [...] It should prove its integrity as self-sustainer of its own laws [...] So everything empirical is, as a contribution to the principle of morality, not only entirely unfit for it, but even highly detrimental to the integrity of morals. [...] Against this careless, base way of thinking one cannot warn too often or too strongly: for human reason happily replaces morality with a bastard patched together from limbs of diverse ancestry which [...] looks nothing like virtue’ (loose translation adapted from Kant (2002, pp.43–4)).

1.2. Preview

We will consider a variety of claims according to which discoveries in moral psychology can:

1. inform some decisions about which intuitions to keep when considering particular cases (e.g. Kumar & Campbell 2012);²
2. show that any judgement about a particular moral scenario stands in need of justification (e.g. Sinnott-Armstrong 2008b);
3. enhance the ability of ethicists to abstract away from personal idiosyncrasies (e.g. Rini 2013);
4. show that judgements about unfamiliar moral scenarios are generally unreliable (e.g. Greene 2014);
5. undermine the project of reflective equilibrium (e.g. Singer 2005); or
6. eliminate objections to systematic normative ethical theories (e.g. Singer 2005 again).

To this end we will draw on, and extend, what we learned in Part I about humans' ethical abilities and the processes underpinning them.

2. Foot and Trolley Cases: Kant Was Wrong

Can discoveries in moral psychology play a role in undermining, or supporting, ethical principles? Much of the debate about this question is framed in terms of an opposition pitting moral psychologists against non-utilitarians (e.g. Singer 2005, Königs 2020,³ one notable exception is Kumar & Campbell 2012). The discoveries are supposed to either support utilitarians or else normatively insignificant. But considering Foot (1967) suggests that at least some non-utilitarians could make good use of discoveries in moral psychology within the kinds of argument they already offer.

Foot (1967) is famous not for its central argument but as the source of trolley cases (Hacker-Wright 2019). In fact Foot makes little use of the trolley

² Compare Kumar & Campbell (2012, p. 322): 'Empirical studies can indicate that what accounts for our divergent responses to apparently similar cases does not justify those responses, and therefore that we should withhold from drawing a moral distinction between the cases.'

³ See Singer (2005, p. 343): 'A dominant theme in normative ethics for the past century or more has been the debate between those who support a systematic normative ethical theory—utilitarianism and other forms of consequentialism have been the leading contenders—and those who ground their normative ethics on [...] intuitions.'

scenario, which is introduced only as a refinement of examples that were already widely discussed.⁴ But Foot's argument is highly relevant to our concern with moral psychology's ethical significance.

As we will see, if Foot's broad approach is not entirely misguided, there is a role for discoveries in moral psychology in undermining, and supporting, ethical principles.

2.1. Foot's Method of Trolley Cases

On 'the general question of what we may and may not do where the interests of human beings conflict' (p. 5), Foot (1967) argues against straightforward applications of the doctrine of double effect. To this end, she uses the method of trolley cases.

What is the method of trolley cases? It involves considering pairs of moral scenarios in which her readers are supposed to make apparently contradictory judgements. For instance:

'We are about to give a patient who needs it to save his life a massive dose of a certain drug in short supply. There arrive, however, five other patients each of whom could be saved by one-fifth of that dose. We say with regret that we cannot spare our whole supply of the drug for a single patient [...]. We feel bound to let one man die rather than many if that is our only choice. Why then do we not feel justified in killing people in the interests of cancer research or to obtain, let us say, spare parts for grafting on to those who need them?' (Foot 1967, p. 13).

The idea is then to consider which principle (or principles⁵) might justify the pattern of judgements, thereby removing the apparent contradiction.

Foot argues against straightforward applications of the doctrine of double effect by producing further cases:

'Suppose, for instance, that there are five patients in a hospital whose lives could be saved by the manufacture of a certain gas, but that this inevitably releases lethal fumes into the room of another patient whom for some reason we are unable to move. His death, being of no use to us, is clearly a side effect, and not

⁴ Compare Foot (1967, p. 10): 'the controversy has raged around examples such as the following [...] a pilot whose aeroplane is about to crash is deciding whether to steer from a more to a less inhabited area. To make the parallel as close as possible it may rather be supposed that he is the driver of a runaway tram which he can only steer from one narrow track on to another.'

⁵ See Foot (1967, p. 17): 'I have not, of course, argued that there are no other principles.'

directly intended. Why then is the case different from that of the scarce drug, if the point about that is that we foresaw but did not strictly intend the death of the single patient? Yet it surely is different' (Foot 1967, p. 17).

Foot concludes that it is not the doctrine of double effect but rather a contrast in the priority of duties not to harm over duties to help which explains the patterns of judgements in the pairs of moral scenarios she considers.⁶ This conclusion is based on the consideration that invoking the priority of duties not to harm over duties to help can make patterns of judgement consistent in all the cases covered by the doctrine of double effect⁷ and also in other cases in which that doctrine does not make the patterns of judgement consistent.

2.2. Foot's Use of Moral Psychology

There are some signs that Foot's argument relies on empirical claims in moral psychology. She describes herself as 'trying to discern some of the currents that are pulling us back and forth' (p. 10). This indicates that she treats the argument as depending on what actually explains why people make certain judgements.

Another sign is Foot's appeals to legal requirements in defending her view that it would be wrong to use a gas to save five lives if doing so would be lethal for a fifth:

'The relatives of the gassed patient would presumably be successful if they sued the hospital and the whole story came out' (Foot 1967, p. 17).

Finally, Foot makes claims about which factors determine 'what we say in these cases':

'My conclusion is that the distinction between direct and oblique intention plays only a quite subsidiary role in *determining what we say* in these cases, while the distinction between avoiding injury and bringing aid is very important indeed' (Foot 1967, p. 12, my emphasis).

⁶ See Foot (1967, p. 12): 'My conclusion is that the distinction between direct and oblique intention plays only a quite subsidiary role in determining what we say in these cases, while the distinction between avoiding injury and bringing aid is very important indeed.'

⁷ See Foot (1967, p. 12): 'the distinction of negative and positive duties explains why we see differently the action of the steering driver and that of the judge, of the doctors who withhold the scarce drug and those who obtain a body for medical purposes, of those who choose to rescue five men rather than one man from torture and those who are ready to torture the one man themselves in order to save five.'

If this is right, Foot depends on two kinds of empirical fact: facts about what people would judge when presented with particular scenarios, and facts about which factors determine why they make those judgements.

Foot's argument therefore appears to be continuous with moral psychology. Of course she used guesswork rather than repeatable observation to get at some of the facts. But there are some discoveries relevant to Foot's argument which suggest that guesswork, although useful, may not be sufficient.

2.3. What Have We Discovered about Trolley Cases?

In pairs of moral scenarios like those which Foot considers, what factors might sway people's judgements? Foot herself envisages that the judgements will be explained by moral principles (and that identifying which principles sway the judgements will provide support for the truth of those principles).

Waldmann et al. (2012, p. 288) offers a brief summary of some factors which have been considered to influence including:

- whether an agent is part of the danger (on the trolley) or a bystander;
- whether an action involves forceful contact with a victim;
- whether an action targets an object or the victim;
- how far the agent is from the victim;⁸ and
- how the victim is described.

They comment:

'A brief summary of the research of the past years is that it has been shown that almost all these confounding factors influence judgments, along with a number of others [...] it seems hopeless to look for the one and only explanation of moral intuitions in dilemmas. The research suggests that various moral and nonmoral factors interact in the generation of moral judgments about dilemmas' (Waldmann et al. 2012, pp. 288, 290).

How, if at all, is this relevant to Foot's argument?

⁸ After this review was published, Nagel & Waldmann (2013) provided substantial evidence that distance may not be a factor influencing moral intuitions after all (the impression that it does was based on confounding distance with factors typically associated with distance such as group membership and efficacy of action).

2.4. Consequences of Moral Psychology

One possibility is to see the scientific discoveries about trolley cases as relevant but of little importance. One of Foot's aims was to show that reflection on trolley cases did not provide strong justification for accepting the doctrine of double effect.⁹ This conclusion is not undermined, and may be strengthened, by the scientific discoveries.

Another possibility is to see the scientific discoveries about trolley cases as undermining Foot's argument. Foot appears to have taken the premise that the distinction between avoiding injury and bringing aid plays a role in explaining people's patterns of judgement in trolley cases to support the claim that we should make use of this distinction in thinking about abortion. Foot's argument for this premise is based on informal observation. Since the scientific discoveries imply that informal observation does not enable us to know the premise, they undermine her argument.

You might reasonably feel some tension here. Reading Foot (1967), it is hard not to feel compelled by her argument. And yet the findings summarised by Waldmann et al. (2012) (which we will consider in more detail later) reveal that this feeling may well be based on irrelevant factors.

This feeling of tension points us to a third possibility. Perhaps it is not just Foot's argument that should be rejected. Perhaps the scientific discoveries show that Foot's method of trolley cases is unreliable as it stands and should not be used without additional support. For Foot's method of trolley cases relies on two assumptions:

1. patterns of judgements about moral scenarios are determined by moral principles; and
2. the fact that one principle has more influence than another principle in determining a pattern of judgements about moral scenarios is a reason (but perhaps not a decisive reason) to prefer the truth of the first principle over the truth of the second.¹⁰

If Waldmann et al. (2012, p. 290) are right that 'various moral and nonmoral factors interact in the generation of moral judgments about dilemmas', it seems that both claims require qualification and should not be accepted without further evidence or argument.

⁹ Foot (1967, p. 14): 'even if we reject the doctrine of the double effect we are not forced to the conclusion that the size of the evil must always be our guide.'

¹⁰ There are some obvious counterexamples to this assumption (for one thing, some otherwise plausible principle may not be reflected in a set of trolley cases at all). My formulation of the assumption surely requires qualifying. But this does not affect the argument.

Note that none of these possibilities is incompatible with Foot's broad approach, given that we can replace guesswork with repeatable observation. For all the considerations offered so far show, it may be possible to discover morally-relevant differences between scenarios by observing people's judgements, and these discoveries may provide reasons for preferring the truth of one moral principle over another.

2.5. Conclusion

There is room for debate about how discoveries in moral psychology are relevant to Foot (1967)'s argument.

But Foot's interest in why people are disposed, on reflection, to make certain patterns of judgements is clearly one that discoveries in moral psychology can advance and have advanced. Reliance on guessing is not an essential feature of her method.

For this reason, unless Foot's broad approach is misguided, discoveries about moral psychology are relevant to ethics. They could play a role in undermining, or supporting, ethical principles.

3. Singer vs Kamm on Distance

Could facts about the spatial distance between you and someone else affect how bad it would be not to help them? Singer (1972) and many others assume not: distance is ethically irrelevant. Kamm (2008) opposes this view. Both arguments depend on a premise which, as Nagel & Waldmann (2013) have discovered, is false. Discoveries in moral psychology do undermine claims to know ethical principles unless Kamm (2008)'s broad approach is misguided.

3.1. An Argument from Singer

In a famous paper, Singer argues that 'our moral conceptual scheme' needs to be altered because it yields incorrect judgements.

'I shall argue that the way people in relatively affluent countries react to a situation [of avoidable suffering and death] like that in Bengal cannot be justified; indeed, the whole way we look at moral issues—our moral conceptual scheme—needs to be altered, and with it, the way of life that has come to be taken for granted in our society' (Singer 1972, p. 230).

What kind of argument could show that 'the whole way we look at moral issues should be altered'? One possibility is that Singer can identify internal inconsistency. Consider the famous example:

‘if I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out [...] It makes no moral difference whether the person I can help is a neighbor’s child ten yards from me or a Bengali whose name I shall never know, ten thousand miles away’ (Singer 1972, pp. 231–2).

To avoid some methodological issues, consider Kamm’s reformulation of the cases:

‘Near Alone Case: I am walking past a pond in a foreign country that I am visiting. I alone see many children drowning in it, and I alone can save one of them. To save the one, I must put the \$500 I have in my pocket into a machine that then triggers (via electric current) rescue machinery that will certainly scoop him out’ (Kamm 2008, p. 348)

‘Far Alone Case: I alone know that in a distant part of a foreign country that I am visiting, many children are drowning, and I alone can save one of them. To save the one, all I must do is put the \$500 I carry in my pocket into a machine that then triggers (via electric current) rescue machinery that will certainly scoop him out’ (Kamm 2008, p. 348)

We might then consider the following argument as a step in the direction of showing that ‘the whole way we look at moral issues should be altered’:

1. On reflection, many people judge that not acting in Near Alone is worse than not Acting in Far Alone.
2. The difference in judgements is due to the difference in distance between the agent and the victim.
3. The difference in distance is not morally relevant.
4. Therefore, it is possible to be convinced that there is a morally relevant difference between scenarios even when there is not.

There is much more going on in Singer (1972)’s paper; but the above argument has been influential.

3.2. Could Distance Be Morally Relevant?

Some philosophers assumed without any or much argument that differences in distance per se are not morally relevant, including Singer himself:

‘I do not think I need to say much in defense of the refusal to take proximity and distance into account [...] There would seem [...] to be no possible justification for discriminating on geographical

grounds' (Singer 1972, p. 232).¹¹

By contrast, Kamm (2008, p. 368) argues that 'proximity¹² can alter our obligation to aid.' That is, Kamm denies premise (3) of the above argument, thereby preventing it from establishing the conclusion (4).

What is Kamm's argument?

3.3. Kamm's Argument

Kamm's argument for the claim that distance is morally relevant starts with a (lengthy) argument for premise (2) of the above argument, which is about what explains why many people make different judgements about moral scenarios. She notes various potential obstacles to concluding that distance influences judgements,¹³ and considers various further scenarios. She then concludes the first phase of her argument:

'My claim is that when the Near Alone and Far Alone cases also both have salient need, it is nearness and not salience that gives rise to our intuition that we have a strong obligation to help in the Near Alone Case. [...] when we think we have a strong obligation to aid in the Near Alone Case and not in the Far Alone Case, it is the difference in distance represented by the cases rather than the difference in salience that is determinative of the sense of obligation' (Kamm 2008, p. 357).

Kamm's argument for premise (2) is an essential part of her argument for the claim that distance can alter our obligation to aid (which implies premise (3) of the above argument is false). She insists, however, that we should not accept a conclusion on the basis of moral scenarios without a theoretical basis for it too.¹⁴

¹¹ See Kumar & Campbell (2012, p. 323) for another example: 'Whether or not a moral patient is near or far, we are willing to venture, is not a morally relevant difference.'

¹² Kamm (2008) identifies an important distinction between the claim that some degree or kind of proximity is morally significant and the claim that any difference in distance is morally significant. I ignore her careful use of the terms 'proximity' and 'distance' in order to simplify as Nagel & Waldmann (2013) show that neither matter for explaining patterns of judgement about scenarios.

¹³ Kamm allows, initially, that 'the different judgments may not be due to distance, as there may still be important differences between these cases besides distance' (p.~348) and points out that there are some 'failures to equalize cases, and these factors might affect intuitive moral judgments' including a failure to equalise the salience of the need (p.~356).

¹⁴ See Kamm (2008, p. 346): 'We must find morally significant ideas underlying intuitions for the principle to be justified.' See also Kamm (2008, p. 379): 'We cannot, I think, truly justify the moral relevance of distance in some contexts without a theory explaining why this factor should have relevance.'

What is the theoretical basis for thinking that distance can alter our obligation to aid? According to Kamm:

‘one has a moral prerogative to give greater weight to one’s own interests and projects rather than giving equal weight to oneself and to others. This agent-centered prerogative allows us to give weight to things out of proportion to the weight they have from an impartial perspective. [...] But *possibly*, if one takes advantage of the option to give weight to things out of proportion to the weight they have from an impartial perspective, there is also a duty generated from the perspective on life from which one then acts, to take care of what is associated with the agent, for example, the area near her means’ (Kamm 2008, pp. 386–7, my emphasis).

As Kamm describes this as a possibility, this passage does not appear to contain a ‘a theory explaining why this factor should have relevance’ (Kamm 2008, p. 379). But I cannot find anything more like a theory, so I interpret Kamm as endorsing the claim she describes as a possibility.

For our purposes, an interesting feature of the debate is that Singer’s and Kamm’s arguments both rely on a premise about what explains why people make different judgements in response to particular moral scenarios (this premise is (2) in the argument above). As in the case of Foot’s method of trolley cases (see *Foot and Trolley Cases: Kant Was Wrong* (section §2)), this means that discoveries in moral psychology are directly relevant to their arguments.

3.4. Singer and Kamm Are Both Wrong

Nagel & Waldmann (2013) show that no differences in distance per se do not explain why many people make different judgements about pairs of scenarios like Near Alone and Far Alone.

This demonstration depends on a series of experiments, the most directly relevant of which involved Kamm’s own cases:

‘people might indeed share Kamm’s (2007) intuition that her Near Alone and Far Alone cases differ slightly in the degree of moral obligation they imply. However, [...] It does not seem to be the victim’s nearness which makes people feel slightly more obligated in Near Alone than in Far Alone, but rather the directness with which the victim’s suffering impinges on the agent. At constant levels of directness, distance ceases to be of moral relevance to people’ (Nagel & Waldmann 2013, p. 243).

But then why are even very careful philosophers like Kamm confident enough to base an argument on the claim that people's judgements are influenced by distance? On Kamm's key scenarios, Near Alone and Far Alone, Nagel & Waldmann comment:

'our findings suggest that this difference is not attributable to distance per se, which failed to affect obligation ratings despite considerable statistical power. Rather, the difference can be traced back to a confounded factor, namely informational directness' (Nagel & Waldmann 2013, p. 243).

More generally, Nagel & Waldmann noted that earlier studies have confounded distance with factors such as efficacy, the necessity to traverse a distance, salience and group membership. They found that, when confounding factors are accounted for, differences in distance do not explain differences in judgements about scenarios.

So premise (2) of the argument above is false. This prevents both Singer's and Kamm's application of the argument.

Why is this significant?

3.5. Significance and Conclusions

Nagel & Waldmann (2013)'s results have low significance on Singer's argument, at least taken in isolation. Singer's argument depends only on judgements being influenced by *some* morally irrelevant factors.

Nagel & Waldmann (2013)'s results undermine Kamm's argument, which explicitly depends on premise (2) of the above argument. Indeed, Kamm makes explicit that their results contradict her position:

'It may be suggested that proximity matters as a heuristic device that correlates with morally significant factors, though it itself is not morally significant. [...] But *I doubt that* these factors explain the apparent moral significance of distance' (Kamm 2008, p. 379, my emphasis).

A modest conclusion is therefore that discoveries in moral psychology do undermine claims to know ethical principles unless Kamm (2008)'s broad approach is misguided.

A bolder conclusion would be that we should not rely on ethical arguments that contain premises about why people make judgements unless we have evidence to support those premises. These claims can seem so obvious that

they may receive little scrutiny for four decades only then to be overturned.¹⁵

An even bolder conclusion would be that we should not trust philosophers' attempts to defend ethical principles using reasoning and informal reflection alone.¹⁶ Kamm was able to construct theoretical justification for a moral principle which, it turns out, the method she uses currently implies should not be accepted. This appears to be a case of providing post-hoc rationalization for a misunderstood distinction.

3.6. Postscript

Update: This postscript is a mysterious. I explain it in Question Session 06 (section §7). (Thank you Hannah!)

Not enough attention has been paid to the ways in which discoveries in moral psychology are directly involved in some ethical arguments, including those offered by Foot, Singer and Kamm. Recent philosophical discussion has tended to focus on the use of discoveries in moral psychology for supporting debunking arguments (for example, Königs 2020; Rini 2016; Kumar & Campbell 2012; Sandberg & Juth 2011), typically concluding that discoveries in moral psychology have little or no significance for ethics. It may be correct that the debunking arguments considered do not yield substantive new ethical knowledge. But examining particular ethical arguments shows that discoveries in moral psychology can be important, in a direct and straightforward way, to evaluating arguments in ethics.

4. Thomson's Other Method of Trolley Cases

The controversy over how, if at all, discoveries in moral psychology are relevant for ethics rages on without much attention to leading ethicists' arguments. (And many people taking this course may not be familiar with ethics.) We will therefore first consider an argument from Thomson and then attempt to find ways in which discoveries in moral psychology might be relevant.

¹⁵ As Nagel & Waldmann (2013) themselves note, it remains possible that further investigation will show that distance can influence judgements about moral scenarios. But this would be a further surprising discovery, not a vindication of relying on what seems obvious.

¹⁶ A related conclusion has been criticized as an unacceptable form of scepticism (Horne & Livengood 2017, p. 1206). This must be a mistake. The parallel claim about physical principles, far from being an endorsement of any unacceptable form of scepticism, is widely accepted as too obvious to mention. There is insufficient reason to suppose that unless reasoning and informal reflection alone can yield knowledge of ethical principles no such principles can be known.

It is harder to see how discoveries in moral psychology might be undermine or support ethical principles if we turn from Foot to Thomson.

Why bother? Those who, like Kant, deny that discoveries in moral psychology are relevant for ethics are unlikely to accept Foot's method of trolley cases (as outlined in *Foot and Trolley Cases: Kant Was Wrong* (section §2)) or Kamm's approach to arguing that distance can be ethically relevant (see *Singer vs Kamm on Distance* (section §3)). We can establish a stronger conclusion about moral psychology's relevance if we take Thomson's argument as our starting point.

4.1. Thomson against Foot

Thomson (1976) aims to show that Foot is wrong about the trolley problem. But what is this problem?

'why is it that Edward may turn that trolley to save his five, but David may not cut up his healthy specimen to save his five? I like to call this the trolley problem, in honor of Mrs. Foot's example' (Thomson 1976, p. 206).

Foot (1967) suggests that it is at least in part because duties not to harm rank above duties to help (see *Foot and Trolley Cases: Kant Was Wrong* (section §2)). To counter this suggestion, Thomson adds a further trolley case:

'Frank is a passenger on a trolley whose driver has just shouted that the trolley's brakes have failed, and who then died of the shock. On the track ahead are five people; the banks are so steep that they will not be able to get off the track in time. The track has a spur leading off to the right, and Frank can turn the trolley onto it. Unfortunately there is one person on the right-hand track. Frank can turn the trolley, killing the one; or he can refrain from turning the trolley, letting the five die' (Thomson 1976, p. 207).

Frank's case is constructed in such a way that (according to Thomson¹⁷) if he does nothing, he fails to help; whereas if turns the trolley, he harms one person in order to help five. His choice is between harming one or helping five. Thomson infers:

'By her [Foot's] principles, Frank may no more turn that trolley than David may cut up his healthy specimen' (Thomson 1976,

¹⁷ This qualification is necessary because there is a tricky issue about which, if any, omissions are actions. If Frank's refraining from turning the trolley is an action which harms the five, then Frank's choice is between harming one and harming five and so his case does not work against Foot in the way Thomson intends.

p. 207).¹⁸

Thomson responds by relying on what appears to be an empirical claim:

‘Yet I take it that anyone who thinks Edward may turn his trolley will also think that Frank may turn his’ (Thomson 1976, p. 207).

It is possible to interpret Thomson as offering this as a normative claim (anyone *must* take it to be so). Alternatively, she might consider her position as one that is relevant only to those who agree with her on this. So there is no obvious commitment to an empirical claim here.

In any case, Thomson takes the pattern of judgements about what David, Edward and Frank should do to justify rejecting Foot’s view¹⁹ in favour of her own:

‘what matters in these cases in which a threat is to be distributed is whether the agent distributes it by doing something to it, or whether he distributes it by doing something to a person’ (Thomson 1976, p. 216).²⁰

4.2. Distinguish Normative from Psychological Claims

We must be careful to distinguish two questions:

1. [normative] Why may Edward turn the trolley while David may not cut up the healthy human?
2. [psychological] What determines why some people judge, on reflection, that Edward turn the trolley while David may not cut up the healthy human?

As I understand Foot (1967), her method is to start from answers to the second, psychological question; use the answers to draw inferences about ethical principles; and then infer answers to the first, normative question using those principles (see *Foot and Trolley Cases: Kant Was Wrong* (section §2)).²¹

¹⁸ Here Thomson appears to misrepresent Foot’s position. Foot (1967, p. 17) stresses, ‘I have not, of course, argued that there are no other principles.’ But the key issue is not whether Foot is right but whether the principle that duties not to harm rank above duties to help can justify the pattern of judgements.

¹⁹ Note that Thomson is rejecting only Foot’s answer to the trolley problem. Thomson (1976, p. 217) concedes, ‘Mrs. Foot and others may be right to say that negative duties are more stringent than positive duties.’

²⁰ There is a little more on Thomson’s proposal in *Question Session 06* (section §7). (Thank you Hannah!)

²¹ While there are surely other ways of interpreting Foot, the method is coherent and defensible whether or not it is really what she had in mind.

By contrast, I can find no sign that Thomson regards the second, psychological question as relevant. She appears entirely focussed on the first, normative question.

4.3. What is Thomson's Method of Trolley Cases?

I interpret Thomson as offering an entirely different kind of argument to Foot. Thomson relies on premises including these two:

1. There is a morally relevant difference between David and Edward.
2. There is no morally relevant difference between Edward and Frank.

How can the reader know that these premises are true? Thomson appears unconcerned with this question. ('One's intuitions are, I think, fairly sharp on these matters' (Thomson 1976, p. 207).)²² The premises about particular cases appear obvious to her and those around her; so perhaps it was, in 1976 at least, reasonable to start from them. They are candidates for being self-evident.

Thomson then infers, from these and other premises about particular scenarios, that her principle is more likely to be true than Foot's principle.²³

4.4. How Could Moral Psychology Be Relevant?

If discoveries in moral psychology could undermine our grounds for accepting that Thomson's premises about particular scenarios (such as 1 and 2 above), then it would undermine or support ethical principles given that Thomson's argument could work.

There is further way in which moral psychology could be relevant. To see this, consider a line of objection to Thomson's argument:

Whether an agent distributes a threat by doing something to the threat or to a person is ethically irrelevant. Thomson's solution to the trolley problem is therefore incorrect.

²² Thomson also frequently relies on facts about how things seem to her (which are invoked four times in fourteen pages). Since facts about how things seem to her cannot provide a basis for argument, I interpret this as a stylistic variant of 'I assume everyone reading finds it obvious that ...'.

²³ Thomson concludes her essay with the thought that, even if her proposed principle is wrong, premises about particular scenarios will be required for any better argument: 'the thesis that killing is worse than letting die cannot be used in any simple, mechanical way in order to yield conclusions about abortion, euthanasia, and the distribution of scarce medical resources. The cases have to be looked at individually' (Thomson 1976, p. 217).

Note that this is a *line of objection* and but not actually an objection because the premise of the objection is unsupported. (An objection to an argument is not simply a statement contradicting its conclusion.²⁴)

As a reader, I am not emptied by this line of objection. Prior to reading Thomson, I assumed, wrongly, that everyone agreed with the premise of the objection. Should I be persuaded by Thomson's argument? This depends, among other things, on whether I have stronger grounds for holding that Thomson's proposed principle concerns an ethically irrelevant factor than for accepting her premises about moral differences between particular scenarios.²⁵

Why is this relevant? Reflection on how someone might get stuck on this line of objection highlights that Thomson's method of trolley cases relies not only on readers having grounds for accepting her premises about particular scenarios (such as 1 and 2 above) but also on these grounds not being outweighed by any grounds they have, prior to considering Thomson's arguments, for rejecting Thomson's conclusion.

So if discoveries in moral psychology could weaken our grounds for accepting Thomson's premises about particular scenarios (such as 1 and 2 above), and if this made those grounds weaker than your prior grounds for rejecting Thomson's conclusion, then it would undermine or support ethical principles given that Thomson's method of trolley cases could work.

4.5. Conclusion

Thomson's method of trolley cases, unlike Foot's, is not continuous with moral psychology. It is therefore harder to see how discoveries in moral psychology could be relevant.

But reflection on how a reader could use Thomson's argument to gain knowledge of ethical principles indicates that there are at least two possibilities.

Whether discoveries in moral psychology actually undermine or support ethical principles therefore depends on what the discoveries are and whether they can weaken someone's grounds for accepting Thomson's premises. Do any discoveries do this?

²⁴ Yes it is.

²⁵ As an aside (this is not relevant to the argument), since my grounds in both cases are simply that it seems obvious to me, I can find no way of using of Thomson's method of trolley cases to reach her conclusion. But perhaps I am missing something.

5. Framing Effects: Emotion and Order of Presentation

Rini (2013) and Sinnott-Armstrong (2008b) use evidence of framing effects to argue against relying on noninferentially justified judgements. These arguments appear attractive: if successful, they establish dramatic conclusion without requiring much understanding of the processes underpinning judgements. But are they successful?

5.1. Can Ethical Judgements be Noninferentially Justified?

Some philosophers rely on ethical premises for which there is no inferential justification (the premises are not inferred from known ethical principles, for example; nor from observations about patterns of judgements or theories about the causes of judgements). For instance, as we saw in *Thomson's Other Method of Trolley Cases* (section §4), Thomson (1976) relies without inferential justification on the premise that there is a morally relevant difference between David and Edward.

Sinnott-Armstrong attempts to use framing effects to establish that:

‘no moral intuitions are justified noninferentially’ (Sinnott-Armstrong 2008a, p. 74)

The core of his argument (as I understand it) is this:

‘Evidence of framing effects makes it reasonable for informed moral believers to assign a large probability of error to moral intuitions in general and then to apply that probability to a particular moral intuition until they have some special reason to believe that the particular moral intuition is in a different class with a smaller probability of error’ (Sinnott-Armstrong 2008b, p. 99).

Here ‘moral intuitions’ are supposed to include Thomson’s carefully considered judgement that there is a morally relevant difference between David and Edward (so they are not moral intuition in the sense we considered earlier in this course). I take the target of the argument to be reflective judgements for which there is no inferential justification.

Further support for the claim that ‘no moral intuitions are justified noninferentially’ comes from Rini (2013). She describes her conclusion as ‘very similar’ (p.~266) to Sinnott-Armstrong (2008b)’s. But whereas Sinnott-Armstrong argues that framing effects prevent us from knowing ethical judgements which are not inferentially justified, Rini argues that framing

effects prevent philosophers from knowing whether their noninferentially justified judgements are sensitive only to ethically relevant factors.²⁶

Is Sinnott-Armstrong (2008a)'s or Rini (2013)'s argument successful?

Does the evidence of framing effects successfully undermine the view that, as things stand, philosophers' noninferentially justified moral judgements can yield knowledge?

5.2. What Is a Framing Effect?

Suppose you are asked to judge whether an object is near or far from you. You might be surprised to discover that your judgements can be influenced by whether another person is in the scene and able to interact with the object (Fini et al. 2015). After all, the judgement you are making is supposed to be about the distance between you and an object; the distance from another person and that person's ability to interact with the object are irrelevant considerations.

This an example of a framing effect: task-irrelevant features of a situation systematically influence your performance.

5.3. Are Philosophers Subject To Framing Effects When Considering Ethical Scenarios?

Schwitzgebel & Cushman (2015) show that they are subject to order-of-presentation effects (they make different judgements depending on which order trolley scenarios are presented).

Wiegmann et al. (2020) show that they are subject to irrelevant additional options: like lay people, philosophers will more readily endorsing killing one person to save nine when given five alternatives than when given six alternatives. (These authors also demonstrate order-of-presentation effects.)

Wiegmann & Horvath (2020) show that they philosophers are subject to the 'Asian disease' framing used in a famous earlier study (Tversky & Kahneman 1981). (They also find an indication that philosophers, although susceptible to other framing effects, may be less susceptible than lay people to four other framing effects, including whether an outcome is presented as a loss or a gain (which they term 'Focus').)

²⁶ See Rini (2013, p. 265): 'Our moral judgments are apparently sensitive to idiosyncratic factors, which cannot plausibly appear as the basis of an interpersonal normative standard. [...] we are not in a position to introspectively isolate and abstract away from these factors. Worse yet, even when we think that we have achieved normative abstraction, we may only erroneously conclude that we have succeeded.'

5.4. Emotion

The emotional state of a philosopher making a moral judgement is surely a morally irrelevant factor. That is, how morally bad an action is cannot plausibly depend on how you, as a bystander with narrowly philosophical concerns, feel about it.

There is evidence that your feelings can influence your judgements (as we saw in *PS: Does emotion influence moral judgment or merely motivate morally relevant action?* in Lecture 02).

Does this evidence support Rini's and Sinnott-Armstrong's challenge to the view that, as things stand, philosophers' noninferentially justified moral judgements can yield knowledge?

Suppose you discovered that your emotions can influence your judgements about how far away something was. The sadder you feel, the further rewards seem and the closer threats seem.²⁷ Under what circumstances would this imply that you could not gain knowledge on the basis of noninferentially justified judgements concerning distance?

Or, alternatively, suppose that you discovered that your judgements about an object's market value were strongly influenced by your feelings about the object, irrespective of where these feelings had any bearing on its market value. Under what circumstances would this imply that you could not gain knowledge on the basis of noninferentially justified judgements concerning market value?

These are difficult questions to answer. More information is needed. We need to know, for instance, how strong the effects on judgement are; how the emotions interact with other factors affecting judgements; and whether emotions sometimes or never play a role in improving the accuracy of judgements.

According to Kahneman (2013), there are *some instances* in which

‘there is no underlying preference that is masked or distorted by the frame. Our preferences are about framed problems, and our moral intuitions are about descriptions, not about substance’
(Kahneman 2013).

If also true in cases of moral judgement, this would clearly support Rini's and Sinnott-Armstrong's challenge to the view that, as things stand, philosophers' noninferentially justified moral judgements can yield knowledge.²⁸

²⁷ Although this is untrue, as far as I know, there are framing effects on judgements of distance; for example, Fini et al. 2015.

²⁸ I am not suggesting that this is the only way to defend Rini's and Sinnott-Armstrong's

But as far as I know, we do not have sufficient evidence either way.

I suggest that framing effects on judgements about moral scenarios have much the same epistemic and normative significance as framing effects on judgements about distance or monetary value.

5.5. Order-of-Presentation

The order in which a philosopher considers scenarios is surely a morally irrelevant factor. That is, how morally bad an action is cannot plausibly depend on in which order you, a bystander with narrowly philosophical concerns, consider it.

Philosophers' ethical judgements about scenarios are influenced by order-of-presentation effects (Schwitzgebel & Cushman 2015; Wiegmann et al. 2020).

Does this evidence support Rini's and Sinnott-Armstrong's challenge to the view that, as things stand, philosophers' noninferentially justified moral judgements can yield knowledge?

The answer may depend in part on why there are order-of-presentation effects. Wiegmann & Waldmann (2014) offer evidence for the theory that this effect is a consequence of one scenario selectively highlighting an aspect of the causal structure of another scenario. It is possible that, rather than undermining the use of noninferentially justified judgements, Thomson might regard her approach as vindicated. By *contrasting* the dilemmas, she has identified a morally-relevant difference.

5.6. Conclusion

An argument from framing effects against relying on noninferentially justified judgements initially appeared attractive. It appeared to offer a dramatic conclusion while not requiring much understanding of the processes underpinning judgements.

I am unable to find a convincing argument which relies on evidence of framing effects alone for Rini's and Sinnott-Armstrong's challenge. Wiegmann & Horvath (2020)'s finding that 'expert ethicists have a genuine advantage over laypeople with respect to some well-known biases' suggests that we may not know that the consequences of framing effects on philosophers are extensive enough to undermine claims to knowledge on the basis of noninferentially justified judgements.

challenge. Perhaps the challenge can be upheld even if this is not true in cases of moral judgement.

In considering framing effects in relation to Thomson's method of trolley cases, I have failed to find support for the claim that discoveries in moral psychology are relevant to ethics. Perhaps you can do better.

This is not to say that we have vindicated Thomson's method of trolley cases or reliance on noninferentially justified judgements more generally. I cannot rule out the possibility that Kahneman (2013) is right and if we could remove framing effects entirely there would be nothing that noninferentially justified judgements (however reflective) are about. If Kahneman is right, this would support Rini's and Sinnott-Armstrong's challenge to the view that, as things stand, philosophers' noninferentially justified moral judgements can yield knowledge.

And even without accepting Kahneman's position, when we look beyond framing effects we may find alternative grounds to challenge the view that philosophers' noninferentially justified moral judgements can yield knowledge.

In considering framing effects, we are focussing on individual factors which influence judgement in isolation from each other. To make progress we need a deeper understanding of the causes of ethical judgements.

6. Conclusion

Discoveries in moral psychology can undermine, and support, ethical principles if either or both of Foot's or Kamm's broad approaches are not entirely misguided. Does this mean Kant (1870, AK 4:425–6) was wrong? Not obviously. If we adopt Thomson's other method of trolley cases, there is no straightforward role for discoveries in moral psychology. Nor do arguments from framing effects appear sufficient to establish that discoveries in moral psychology are ethically relevant (contra Rini 2013 and Sinnott-Armstrong 2008b). But perhaps our perspective will change when we attempt to gain a deeper understanding of the psychology of ethical judgements.

7. Question Session 06

These are the recordings of the live online whole-class question session. They are usually available on the day after the session. (You may need to refresh this page to make them appear.)

The question session includes:

- clarifications of the third in-term essay question (Could

scientific discoveries undermine, or support, ethical principles?);

- an explanation of the mysterious postscript to the *Singer vs Kamm on Distance* (section §3) section;
- discussion of how Kamm’s view can support the view that scientific discoveries are relevant given that Waldmann et al. (2012) appear to show that Kamm is wrong;
- discussion of how Kamm’s view can support the view that scientific discoveries are relevant given that she does not invoke any such discoveries in her argument on distance in Kamm (2008);
- discussion of Thomson’s proposal about what matters in trolley cases (first covered in *Thomson’s Other Method of Trolley Cases* (section §4));
- an objection from Isabel which caused me to add UPDATE 2 to *Moral Disengagement: Significance* in Lecture 03; and
- an objection from Paul Theo which I mistakenly accept. (Sorry Paul Theo!) This was very silly of me because Emily made essentially the same objection in *Question Session 03* in Lecture 03 and I had already updated the lecture notes with a reply to it (see what is now UPDATE 1 in *Moral Disengagement: Significance* in Lecture 03).

Glossary

David ‘David is a great transplant surgeon. Five of his patients need new parts—one needs a heart, the others need, respectively, liver, stomach, spleen, and spinal cord—but all are of the same, relatively rare, blood-type. By chance, David learns of a healthy specimen with that very blood-type. David can take the healthy specimen’s parts, killing him, and install them in his patients, saving them. Or he can refrain from taking the healthy specimen’s parts, letting his patients die’ (Thomson 1976, p. 206). 15–17, 19, 26

debunking argument A *debunking argument* aims to use facts about why people make a certain judgement together with facts about which factors are morally relevant in order to undermine the case for accepting it. Königs (2020, p. 2607) provides a useful outline of the logic of these arguments (which he calls ‘arguments from moral irrelevance’): ‘when we have different intuitions about similar moral cases, we take this to

indicate that there is a moral difference between these cases. This is because we take our intuitions to have responded to a morally relevant difference. But if it turns out that our case-specific intuitions are responding to a factor that lacks moral significance, we no longer have reason to trust our case-specific intuitions suggesting that there really is a moral difference. This is the basic logic behind arguments from moral irrelevance' (Königs 2020, p. 2607). 14

doctrine of double effect 'the thesis that it is sometimes permissible to bring about by oblique intention what one may not directly intend' (Foot 1967, p. 7). 5, 6, 8

Drop A dilemma; also known as *Footbridge*. A runaway trolley is about to run over and kill five people. You can hit a switch that will release the bottom of a footbridge and one person will fall onto the track. The trolley will hit this person, slow down, and not hit the five people further down the track. Is it okay to hit the switch? 26

Edward 'Edward is the driver of a trolley, whose brakes have just failed. On the track ahead of him are five people; the banks are so steep that they will not be able to get off the track in time. The track has a spur leading off to the right, and Edward can turn the trolley onto it. Unfortunately there is one person on the right-hand track. Edward can turn the trolley, killing the one; or he can refrain from turning the trolley, killing the five' (Thomson 1976, p. 206). 15–17, 19, 26

Far Alone 'I alone know that in a distant part of a foreign country that I am visiting, many children are drowning, and I alone can save one of them. To save the one, all I must do is put the 500 dollars I carry in my pocket into a machine that then triggers (via electric current) rescue machinery that will certainly scoop him out' (Kamm 2008, p. 348) 10–13

Frank 'Frank is a passenger on a trolley whose driver has just shouted that the trolley's brakes have failed, and who then died of the shock. On the track ahead are five people; the banks are so steep that they will not be able to get off the track in time. The track has a spur leading off to the right, and Frank can turn the trolley onto it. Unfortunately there is one person on the right-hand track. Frank can turn the trolley, killing the one; or he can refrain from turning the trolley, letting the five die' (Thomson 1976, p. 207). 16, 17

moral intuition According to this lecturer, moral intuitions are unreflective ethical judgements.

According to Sinnott-Armstrong et al. (2010, p. 256), moral intuitions are 'strong, stable, immediate moral beliefs.' 19

Near Alone 'I am walking past a pond in a foreign country that I am visiting. I alone see many children drowning in it, and I alone can save one of them. To save the one, I must put the 500 dollars I have in my pocket into a machine that then triggers (via electric current) rescue machinery that will certainly scoop him out' (Kamm 2008, p. 348) 10–13

reflective equilibrium A project which aims to provide a set of general principles which cohere with the judgements you are, on reflection, inclined to make about particular cases in this sense: the principles 'when conjoined to our beliefs and knowledge of the circumstances, would lead us to make these judgements with their supporting reasons were we to apply these principles' (Rawls 1999, p. 41). For background, see Daniels (2003). 4

self-evident 'self-evident propositions are truths meeting two conditions: (1) in virtue of adequately understanding them, one has justification for believing them [...]; and (2) believing them on the basis of adequately understanding them entails knowing them' (Audi 2015, p. 65). 17

Transplant A dilemma. Five people are going to die but you can save them all by cutting up one healthy person and distributing her organs. Is it ok to cut her up? 26

Trolley A dilemma; also known as *Switch*. A runaway trolley is about to run over and kill five people. You can hit a switch that will divert the trolley onto a different set of tracks where it will kill only one. Is it okay to hit the switch? 26

trolley cases Scenarios designed to elicit puzzling or informative patterns of judgement about how someone should act. Examples include Trolley, Transplant, and Drop. Their use was pioneered by Foot (1967) and Thomson (1976), who aimed to use them to understand ethical considerations around abortion and euthanasia. 4, 5, 8, 24

trolley problem 'Why is it that Edward may turn that trolley to save his five, but David may not cut up his healthy specimen to save his five?' (Thomson 1976, p. 206). 16, 17

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