

Weak consequentialism fares better on this score card than the neo-Luddite natural law theory that would (for example) follow the prime directive with regard to natural human reproduction. But there may be other moral theories that fare even better than weak consequentialism on this score. If so, Sunstein's own background theory will be another species of heuristic. If not, Sunstein may have to spend more time "in the weeds" with regard to the difficult task of moral justification, otherwise friends of natural law or unrepentant deontologists will say that Sunstein himself is offering only a heuristic and not a truth yardstick (is weak consequentialism justified primarily by intuitions that are themselves pumped by ecologically invalid heuristics?). I don't think Sunstein's argument is viciously circular, but others may. In any case, investigation of moral cognition always involves a background normative moral theory, itself being justified well or poorly, and that justification should involve wide reflective equilibrium (indeed, this is one method for successfully bridging the is/ought gap that purportedly threatens to make the study of moral psychology irrelevant to moral theorizing).

My third concern is that the best candidate for the "big tent" in which other moral theories are seen as (sometimes praiseworthy) heuristics was not mentioned: namely, a fully naturalized neo-Aristotelian virtue theory. There's more to the moral life than rights and consequences. Indeed, consideration of only these two components of "moral ecosystems" tends to de-emphasize the cognitive work Sunstein rightly sees as not informing some contemporary moral theorizing. Virtue theory tends to require richer moral psychology, more awareness of the importance of ecological validity, and a willingness to recognize the limits of theory. Virtue theory comes down "in the middle" with regard to whether morality is universal or particular. (This will affect whether or not we view moral theories as being merely heuristics; for an introduction to particularism, see Hooker & Little 2001.) A scientifically burnished Aristotle will treat moral statements as being statements about what maximizes human flourishing *cum* functionality. Cognitive acts that enable us to maximize our proper functioning (by whatever proximate mechanism) are not merely heuristics; instead, we can to a first approximation "read off" moral theories from the cognitive models we build in various environments (most of them *social*) to enable us to effectively confront mismatches between our functional demands and our environment. In some cases, those moral theories will be deontic, in others, utilitarian. Weak consequentialism becomes a heuristic itself, given normative backbone by virtue theory. A highly consilient virtue theory would thus become the yardstick against which we could call some varieties of moral coping heuristics, but at least heuristics with sometime ecological validity. For more detail on this approach, see Casebeer (2003b), Churchland (1998), or Arnhart (1998). All told, I compliment Sunstein for accomplishing the difficult integrative work required if we are to improve moral judgment in actual practice.

About emotional intelligence and moral decisions

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Abstract: This commentary explores the use of interaction between moral heuristics and emotional intelligence (EI). The main insight presented is that the quality of moral decisions is very sensitive to emotions, and hence this may lead us to a better understanding of the role of emotional abilities in moral choices. In doing so, we consider how individual differences (specifically, EI) are related to moral decisions. We summarize evidence bearing on some of the ways in which EI might moderate framing effects in different moral tasks such as "the Asian disease problem" and other more real-life problems like "a divorce decision."

In their initial articles on heuristic and biases, Tversky and Kahneman used examples to illustrate heuristics that did not differ in their affective valence. Thus, to explain the availability heuristic they gave the example of how participants overestimated the number of words that begin with the letter r, but underestimated the number of words that have r as the third letter. Then they gave an example about risk perception as to assess our vulnerability to sexual assault. Although the difference may be obvious to the intelligent reader, research ignored the emotional component for a long time. Fortunately, research and conceptualization of heuristics has progressed to include important aspects such as emotions and individual differences (Kahneman & Frederick 2002; Schwarz & Vaughn 2002; for a review, see Gilovich et al. 2002).

In the sphere of moral reasoning, the concurrence of the rational and the affective element when making a moral decision has been emphasized (Greene & Haidt 2002). In this sense, we would like to point out the importance of Emotional Intelligence (EI) in the resolve of moral decisions. Why EI? Because EI involves striking a balance between emotion and reason in which neither is completely in control.

We will focus on two examples to show the influence of EI in moral decisions: The Asian disease problem (Tversky & Kahneman 1981, p. 453) and a divorce decision.

The Asian disease problem. It is true that within this kind of problem people's intuitions depend on how the question is framed (for a review, see Dawes 1998). However, previous studies have shown individual differences on a variety of framing problems. People of higher cognitive ability (i.e., individuals with higher need for cognition or verbal and mathematical SAT scores) were disproportionately likely to avoid fallacy (Smith & Levin 1996; Stanovich & West 1998).

On the other hand, studies have shown the influence of emotion on risk perception. Lerner and Keltner (2001) showed the general tendency for angry and happy individuals to seek risks and for fearful individuals to avoid them, and these patterns were held independent of framing. But, how do people's emotional abilities influence their moral decisions? Fernandez-Berrocal and Extremera (in preparation, Study 1) have shown, using "the Asian disease problem," the influence of emotional intelligence (EI) on risk decisions. To evaluate EI, subjects completed an abridged version of Trait Meta-Mood Scale (TMMS-24) a month before taking the task (Fernandez-Berrocal et al. 2004; Fernandez-Berrocal et al. 2005; Salovey et al. 1995). TMMS-24 is a measure of what Salovey's research group has termed Perceived Emotional Intelligence (PEI), or the knowledge individuals have about their own emotional abilities (Salovey et al. 2002). This scale addresses three key aspects of PEI: Attention conveys the degree to which individuals tend to observe and think about their feelings and moods; Clarity evaluates the tendency to discriminate between emotions and moods; Repair refers to the subject's tendency to regulate his/her feelings.

As previous research found, our results showed that 80% of a sample of university students ($N = 189$) became risk averse (i.e., choose the certain outcome) when identical choices were framed as gains. But when the results are analysed considering individuals scores on Repair, we find a different pattern. Specifically, 85% of low Repair individuals chose the certain outcome, but only 57% of individuals with high Repair chose this option ($z = 1.78$; $p < .05$). This preference of high Repair by risk seeking is similar to that reported in studies with happy or optimistic individuals (Lerner & Keltner 2001).

A divorce decision. Fernandez-Berrocal and Extremera (in preparation, Study 2) studied people's reactions towards an emotional dilemma closer to decisions people make in everyday life: a divorce decision. Two groups of participants were studied ($N = 142$): high school students ($N = 63$) and university students ($N = 79$). Participants completed the TMMS-24, and one month later they watched a fragment of the movie "The Bridges of Madison County." In this film, the main character, played by Meryl Streep, is a married woman, mother of two children, whose relationship

with her husband is very apathetic. She falls in love with a photographer, played by Clint Eastwood, who visits the town. In a very emotionally intense moment of the film, she has to make the decision of whether to stay with her husband or run away with her lover. This decision is visually represented in the movie when she is inside her husband's truck and she has to decide whether to open the door to get out of his truck and get in Clint Eastwood's car, or to stay in her husband's truck. Participants watch this fragment of the movie and then they are asked to write what they would do if they were in the same situation, and to justify their choice.

Results showed that 73% of high school students choose the option "go with him." In contrast, only 54% of university students prefer this option ($z = 1.66; p < .05$). If we examine the differences on EI scores measured with TMMS-24 between these two groups of students, significant differences on Clarity are found. Specifically, university students understand their emotions better than high school students ($F(1, 139) = 11.69$). If we consider the relation between the score on Clarity and the decision made by participants in each group, we find that high school students who chose "go with him" obtained lower scores on Clarity ($M = 2.61; SD = .78$). In contrast, the highest scores on Clarity were obtained by those university students who chose to stay with their family ($M = 3.47; SD = .89$).

The moral and emotional dilemma presented to the protagonist does not have one unique solution, and it is impossible to assess objectively which of the options is the better one. However, if we ask different people what they would do, we find that moral and emotional understanding of the situation is influenced by age (meaning life experience) and by their EI, specifically by their level of understanding emotions. These findings suggest that the quality of moral decisions is very sensitive to emotions, and that EI might determine decisions in different moral tasks.

Sunstein's promising proposal about moral heuristics should take into account these results to avoid errors committed by initial studies on heuristics in cognition missing the influence of emotion and of individual differences in decision-making processes.

Moral heuristics and the means/end distinction

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Abstract: A mental heuristic is a shortcut (means) to a desired end. In the moral (as opposed to factual) realm, the means/end distinction is not self-evident: How do we decide whether a given moral intuition is a mere heuristic to achieve some freestanding moral principle, or instead a freestanding moral principle in its own right? I discuss Sunstein's solution to that threshold difficulty in translating "heuristics" to the moral realm.

Sunstein's suggestion that many of our most tenacious moral instincts may simply be moral heuristics that have outlived or out-reached their usefulness helps illuminate some otherwise inexplicable features of our common-sense morality. At the same time, transposing the notion of a "heuristic" from the factual to the moral realm poses some difficulties. I want to press a bit on the central difficulty here, that is, the distinction between a moral heuristic and a freestanding moral principle.

A moral heuristic, by analogy to heuristics in the factual arena, is defined as a mental shortcut we employ to get us to what we think "morality" requires. In other words, it is not itself a freestanding moral principle, but instead just a means to advance some other, often unstated, moral principle. That definition opens up the possibility, seized on by Sunstein, that we can demonstrate "error" without judging the moral truth of the underlying moral principles themselves: A moral heuristic misfires if, adopted in or-

der to advance a given freestanding moral principle (whether good or bad), it turns out not to advance it at all. So far, so good. But how do we tell whether a given moral intuition is a freestanding moral principle, or instead a moral heuristic in service to some other moral principle? Here, the analogy to factual heuristics runs into some trouble. In the factual context, the means/end distinction is self-evident. To use one of Sunstein's examples, if we are trying to guess how many words in four pages of a novel have "n" as the next-to-last letter, the desired end is a correct estimate; the particular illustrations we conjure up to answer that question, in response to the availability heuristic or other rules of thumb, are the means. But when someone says, "A company should never knowingly manufacture a product that will foreseeably kill 10 people," how do we tell whether this is a moral heuristic in service of some other moral principle, or instead a moral principle in its own right?

The answer Sunstein gives is, in effect, a procedural one: a moral intuition counts as a freestanding moral principle only if the holder judges it, upon System II reflection, to be coherent with all other moral principles he or she holds. I'm not sure anyone can ever do better than this, but there are some difficulties lurking here.

First, the requirement of "moral coherence" built into Sunstein's version of reflective equilibrium seems too stringent. Consider Sunstein's suggestion that a "cold heart heuristic" may be at work in our response to risk regulation: "Those who know they will cause a death, and do so anyway, are regarded as cold-hearted monsters" (sect. 5.1.1, para. 3). Most people would agree, on reflection, that the intuition misfires when (in Sunstein's example of Companies A and B) it causes people to judge identical conduct differently based on mere verbal differences. But consider another case of the System I "cold heart" moral intuition at work that is much harder to write off as mere moral error: the standard heroic rescue cases. Baby Jessica falls down a well. With all the world watching her plight on the evening news, we commit millions of dollars of society's resources to rescue the victim, putting the rescuers in physical peril. If you asked citizens whether they would be willing to commit one-tenth of that amount to safety measures that would save 100 lives, almost all will refuse. That we feel far more empathy for identifiable victims than statistical ones may be highly regrettable (Loewenstein et al. 2005). But can we dismiss it as simply the product of a moral ("cold heart") heuristic that has misfired in service of some freestanding moral principle (e.g., save lives where possible)? Why is it not a moral principle in its own right? Consider, in this regard, Allan Gibbard's (1986) thoughtful suggestion that, even if the fewest lives will be lost by allocating the entire safety budget to prevention and none to costly, heroic rescues, "[i]t may nevertheless be dehumanizing to stand idly by when strenuous, expensive effort has a substantial chance of saving lives." Clearly, a public that simultaneously wishes to maximize the number of lives saved *and* not to feel it has "stood idly by" while recognizable people die, is going to be torn between two contradictory impulses that are hard to reconcile into one coherent moral scheme. But surely it misses something to write off the latter impulse as the product of a "cold heart heuristic" – with the implication that *everyone* would produce a better world by their *own* lights if their System II self could only train their System I self to stand idly by when the costs of rescue become too great.

Second, although Sunstein clearly intends his criterion for smoking out "moral heuristics" to be neutral, as among different moral principles, I don't think it is. The requirement that a moral principle on reflection must "cohere[] . . . at all levels of generality" (sect. 1, para. 3) with all other moral principles one holds, if it has any constraining force at all, seems clearly biased in favor of certain moral systems, in particular welfarism. This is so, because the commitments of welfarism to commensurability between different values, indifference to the identity of persons, and the absence of agent-relative obligations, produce a set of working principles that (whatever their other virtues or drawbacks) tend to