

MORAL PASSIONS OR PASSIONATE MORALS?:  
EMOTION, MORAL DECISION-MAKING, AND THE LAW

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Abstract

For philosophers from Kant to Hume, the role of emotion in moral decision-making (MDM) has ranged widely from being seen as purely corruptive of rational judgment to somehow constitutive of moral judgment itself. Psychologists conducting empirical work on MDM have begun to make the same move, though the legal system still clings to the former approach. However, whether emotion is viewed as distinct from, or integral to, socio-moral reasoning has important consequences for both empirical work and for the legal system. My paper reviews contemporary empirical work from social-, cognitive-, and neuro-psychology that examines MDM—not the traditional Kohlbergian “moral reasoning” work, but research on the actual process of reaching a moral judgment—and the ways in which the legal system has considered such research (or not). After discussing this developing research, I touch on its implications for future empirical work in psychology, and focus on implications for the legal system.

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