

Did Marc Hauser's *Moral Minds* Plagiarize John Mikhail's Earlier Work?

When I read Marc Hauser's book, *Moral Minds*¹, I and some others were distressed because it seemed to us that Hauser's book unfairly pulled the rug out from under John Mikhail, who had been working on a book with the tentative title, *The Moral Faculty*. Mikhail was expanding his Cornell Philosophy PhD dissertation (2000), his Stanford JD thesis (2002a), and a long interesting book review (2002b) of a book by Richard Posner. Hauser was familiar with the writings in which Mikhail developed in considerable detail and with great originality suggestions by John Rawls². Although Hauser's book acknowledged an indebtedness to Mikhail, I certainly felt at the time that he should have waited for Mikhail to publish his book before going ahead.

Although Mikhail had been undercut by Hauser's book, he continued working on his own book and published it in 2011 as *Elements of Moral Cognition*.³ I think it is a very important book.

For some time, I had been trying to decide whether what Hauser had done constituted plagiarism by one or another criterion. It seemed to me that Hauser's book borrowed heavily from the intellectual content of Mikhail's to an extent that was not evident from Hauser's limited references to Mikhail. Some of the central ideas of Hauser's book and many of its details seemed to me to be clearly indebted to Mikhail's work, although this indebtedness was mostly unmentioned. The relevant type of plagiarism would have to include "theft of ideas" rather than the unacknowledged incorporating of passages from another writer in one's own writing, or paraphrases of such passages.

Similarities between Hauser's work and Mikhail's

Of the nine references to Mikhail in Hauser's book, six consist in simple references to Mikhail and others, e.g. "Chomsky, 1968; Chomsky, 1988; Hume, 1739/1978; Hume, 1741/1875; Hume, 1748/1975; Rawls, 1950; Rawls, 1951; Rawls, 1971; Sidgwick, 1907; Harman, 1999; Mikhail, 2000; Dwyer, 1999; Dwyer, 2004; Jackendoff, 2005."

Of the remaining three, one occurs in the midst of three pages of "Acknowledgements": "A special thanks ... to John Mikhail, whose thesis on Rawls' linguistic analogy greatly influenced my own thinking ..." A second note (p. 430, from p. 65) says, "Much of the discussion that follows is based on the work of John Mikhail, who has attempted to resuscitate Rawls' linguistic analogy and carry it forward into modern cognitive science (Mikhail 2000, 2002a; Mikhail, Sorrentino, & Spelke, 2002)," although it is unclear what is included in "much of the discussion that follows." Hauser's only substantive remarks

¹ Mark Hauser, *Moral Minds: How Nature Designed Our Universal Sense of Right and Wrong*, New York: Ecco, 2006).

² John Rawls, *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971.

³ John Mikhail, *Elements of Moral Cognition: Rawls' Linguistic Analogy and the Cognitive Science of Moral and Legal Judgment*. Cambridge, UK: Cambridge University press, 2011.

about Mikhail occur in a five page account of Mikhail's (2002a) discussion of "trolley problems" (pp. 123-127).

These references greatly understate the extent to which much of *Moral Minds* appears to be derived from Mikhail's earlier writings.

At the very beginning of *Moral Minds*, Hauser presents as his own novel discovery and as the central idea of the book the very same analogy between universal linguistic grammar and universal moral grammar that Mikhail (2000) begins with. Similarly, Hauser says, p. 36, "My explanation for these disparate observations is that all humans are endowed with a moral faculty," which is hardly novel with Hauser and is the same explanation Mikhail had earlier given.

Similarly, Hauser says, "Until now, there has been no serious engagement with the Rawlsian [model of moral judgment]. To engage, we need to achieve a level of detail that parallels current work in linguistics, extracting principles that can explain how we perceive actions and events in terms of their causes and moral consequences for self and other" (p. 47). This appears to be a claim that Hauser's analysis provides the first such "serious engagement". But Hauser's discussion is basically the same as a small part of Mikhail's prior discussion. Hauser goes on to say (pp. 48-49) that an adequate analysis needs to "uncover the set of principles that unconsciously guide our moral judgments" and then to try to explain how such principles are required—echoing without acknowledgement Mikhail's (2000) discussion on pp. 101-2 and (2002a) pp. 15-18.

Hauser pp. 45-48 says that an unconscious action analysis is a precondition and preliminary step for judging moral actions to be permissible, forbidden, or obligatory and contrasts this with a purely emotion based account. He does not say that this is Mikhail's (2000) account, pp. 104-111, 128-35, 163-179, developed further in Mikhail (2002a) pp. 7-15, 90-95. Later Hauser p. 179-180 discusses Alvin Goldman's theory of action, illustrating it with an action diagram. Mikhail (2000) discusses the same thing at greater length pp. 150-153, 170-179.

Hauser pp. 113-121 discusses four "trolley problems," so called by philosophers, because some of the intuitions concern whether it is morally permissible to turn a runaway trolley so that, instead of hitting five people on the track ahead, the trolley hits one person on a side track. (Not all "trolley problems" are about trolleys, however. For example, one concern is whether it is morally permissible for a hospital surgeon to cut up a visitor to the hospital to save the lives of five patients in need of various organs. And there are many other cases.) The problems Hauser discusses involve Denise, Frank, Ned, and Oscar. Mikhail 2000 (pp. 95-99, 125-35) discusses the same problems with the same names. Two of the problems are standard (Denise and Frank) and two are new with Mikhail (Ned, Oscar). Hauser does not cite Mikhail from whom he must have taken these examples. (Mikhail discusses several other trolley problems as well.) In addition, Hauser p. 120 adopts Mikhail (2000)'s table format (pp. 105, 128, 131, etc.) to present trolley problems and their salient features.

Hauser's initial discussion of trolley problems (pp. 32-3) does cite Mikhail among many others without noting how similar what he (Hauser) says is to what Mikhail says, namely, that it is difficult to articulate a principled account of trolley problems, that a principle of "double effect" may be relevant, and how of data of this sort might be used to develop a theory of moral competence. (A principle of double effect takes it to be sometimes worse to aim at the death of another person than to aim at something else that will result in the death of another person as a side effect. So, in the two cases mentioned at the beginning of this article, it is worse for the surgeon to cut up a visitor to the hospital to use the visitors organs to save five patients than it is for the trolley driver to turn the trolley so that it will hit one rather than five people ahead.)

Hauser follows Mikhail in discussing the objection that trolley problems are unfamiliar and artificial. Like Mikhail, Hauser notes the significance to linguistics of Chomsky's artificial example, "Colorless green ideas sleep furiously." And Hauser's response to Hare's criticism of appeals to trolley intuitions is similar to Mikhail's earlier response.

Hauser pp. 38-42 offers an initial discussion of certain aspects of Chomskyan linguistics that parallels Mikhail's (2000) initial discussion (pp. 11-13, 16-19, 36, n. 61 [and 2002a: 2-4]. Hauser pp. 43-44 notes the same parallel between immediate linguistic judgments and immediate moral judgements without referring to Mikhail (2000) (pp. 52-55, 72n36, 109-110) similar but earlier discussion. Similarly Hauser notes that the linguistic analogy suggests there are innate constraints on moral development that might make different moral grammars mutually incomprehensible, without referring to Mikhail's earlier discussion of the same point.

There are many other cases in which Hauser's discussion echoes discussion in Mikhail: Hauser's account of deficiencies of the Piaget-Kohlberg framework, particularly their focus on expressed rather than operative principles; Hauser's appeal to the distinction between expressed rather than operative principles; Hauser's summary and quotations from Rawls PhD dissertation; Hauser's discussion of principles of deontic logic.

Hauser pp. 202, 206-7, and 435, n.7 notes that Piaget and Kohlberg incorrectly thought children base their moral judgments on consequences rather than intentions until about age 9. Mikhail's earlier discussion of this is in (2002a) pp. 90-95. Hauser p. 223 criticizes Greene's emotion based theory of trolley problems for the same reason as Mikhail (2002a) pp. 90-95. Hauser p. 171-178, 181 discusses how infants are predisposed to interpret actions of seemingly animate agents in terms of goals and intentions. This is mentioned in Mikhail (2002a) p. 5.

Hauser p. 53: "The moral faculty consists of a set of principles that guide our moral judgments but do not strictly determine how we act," discussed by Mikhail pp. 16-19. The principles in question are "inaccessible to conscious awareness," echoing Mikhail pp. 101-2. The principles are "independent of their sensory origins," echoing Mikhail, p. 110 n. 20.

Many quotations from other writers in Hauser are taken from Mikhail. For example, a quote from Darwin in the front matter of Hauser (Mikhail 200 p. 184); a quote from Hobbes in p. 12 of Hauser (Mikhail, 2000 p. 62); a quote from Kohlberg in p. 16 of Hauser (Mikhail 2000, pp. 21 and 277); a long quotation from Hume on Hauser p. 36 that appears on p. 58 of Mikhail 2000; Hauser pp. 43 has the same lengthy quotation from Rawls that Mikhail 2000 has on pp. 62-3, concerning the linguistic analogy. Hauser pp. 60-61 quotes from a letter by Thomas Jefferson' to Peter Carr, while Mikhail (2002b) p. 356 quotes less extensively from that letter; Hauser pp. 66-7 has a quotation from Rawls which was earlier in Mikhail 2000 (p. 50); Hauser p. 68 has another quotation from Rawls about how the conception of the original position is part of an explanation of our having a sense of justice, Mikhail 2000 has that in a footnote on p. 215; Hauser p. 163 begins a chapter with part of a quotation from Hutcheson that Mikhail 2000 gives in full p. 20; also on p. 163 Hauser has a partial quotation from Leibniz derived from a fuller quotation in Mikhail p. 41, fn 70; Hauser pp. 251-2 quotes Rawls' remarks on evolutionary stability that Mikhail 2000 refers to on p. 43.

Discussion

I have shown drafts of the preceding material to a number of people with an interest in this area.

Some tell me that the term "plagiarism" is often used in such a way as not to include theft of ideas. On the other hand, Princeton University specifically says, "**Definition:** *In an instructional setting, plagiarism occurs when a writer deliberately uses someone else's language, ideas, or other original (not common-knowledge) material without acknowledging its source.*"⁴ Similarly, the Harvard University Extension School "Statement on Plagiarism" says, "Plagiarism is the theft of someone else's ideas and work."⁵

Harvard University's *Guide to Using Sources* specifically says, "The only source material that you can use in an essay without attribution is material that is considered common knowledge and is therefore not attributable to one source. Common knowledge is information generally known to an educated reader, such as widely known facts and dates, and, more rarely, ideas or language. Facts, ideas, and language that are distinct and unique products of a particular individual's work do not count as common knowledge and must always be cited.as soon as your discussion becomes more specific and puts forth assertions that would be the product of an individual's thought, research, or analysis, you do have to cite. For example, if you read Sean Wilentz's book *Andrew Jackson* and wrote a paper in which you repeated Wilentz's claim that Andrew Jackson believed his Indian removal policy would protect Indians rather than harm them, you would need to cite Wilentz as the source of this idea."⁶

⁴ <http://www.princeton.edu/writing/university/resources/WPAPlagiarism.pdf>.

⁵ http://cyber.law.harvard.edu/is2011/Statement_on_Plagiarism

⁶ <http://usingsources.fas.harvard.edu/icb/icb.do?keyword=k70847&pageid=icb.page342055>

Some psychologists have suggested to me that "theft of ideas" is not generally considered a serious offense in science, or at least in psychology. On the other hand, the US Office of Research Integrity counts plagiarism as "research misconduct," where "Plagiarism is the appropriation of another person's *ideas*, processes, results, or words without giving appropriate credit."⁷ Similarly, the section on *Plagiarism* in the Publication Manual of the American Psychological Association says, "The key element of this principle is that an author does not present the work of another author as if it were his own. This can extend to *ideas* as well as written words". (The italics in these quotations are mine.)⁸

It has been suggested to me that my own standards of appropriate citation in a recent chapter⁹ are not as strict as I seem to be assuming here. But I do not agree.

It has also been suggested to me that the standards of appropriate citation are considerably relaxed for writing aimed at a wider audience. That may be true, and Hauser's book is clearly aimed at a wider audience. Even so, Hauser's citations are clearly inadequate.

But, whether or not Hauser plagiarized Mikhail's work, it still seems to me that Hauser made inappropriate use of Mikhail's work in writing *Moral Minds*.

Here is an analogy. In 1960-63, the philosopher John Rawls showed me drafts of what eventually became *A Theory of Justice*.¹⁰ I read these carefully and gave him many comments. Rawls' book was not published until 1971. Suppose I had published the ideas in those early drafts as my own work, citing Rawls sparsely and including other material of my own. Suppose my book had come out in 1965. That would not have been morally acceptable, no matter how extensive my citations.¹¹ To be sure, what Rawls showed me were unpublished working drafts that I should not have referred to or used in my own work, while a doctoral dissertation counts as officially "published" and can be referred to. But there is a difference between the sort of publication involved in a doctoral thesis and publication as a book. People's CVs do not typically include their dissertations in their publication lists, unless and until they are published in some more serious way

Of course, the situation with Hauser and Mikhail is different. Mikhail was the young researcher just starting out; Hauser was the established figure. Instead of the young

⁷ <http://ori.hhs.gov/documents/QandA.reg.6-06.pdf>

⁸ 5th edition, p. 349. Here and throughout this section I am indebted to Charles Gross.

⁹ Erica Roedder and Gilbert Harman, "Linguistics and Moral Theory," in *The Moral Psychology Handbook*, edited by John Doris, Oxford University Press: Oxford, 2010, pp. 297-320.

¹⁰ See footnote 2 above.

¹¹ Of course I did not do this.

researcher publishing something based on the ideas of an established figure, the established figure has published something based on the ideas of the young researcher.