

“Reading Marc D. Hauser’s *Moral Minds*”  
Session 5: the first half of chapter 3 (pp. 111-138)  
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In session 5, we read the first half of chapter 3 (pp. 111-138). In this chapter, Hauser continued to explore a universal moral grammar, focusing on a case of violence. He looked for universal principles of permissible harm.

For this purpose, he made use of the famous trolley problem in sections “permissible killing” and “judgment day”. I will report the contents of these sections this time. The trolley problem is a thought experiment concerning morality, which is originally invented by the philosopher Phillipa Foot. Here I describe one version of the story.

Denise is a passenger on an out-of-control trolley. The conductor has fainted and the trolley is headed toward five people walking on the track; the banks are so steep that they will not be able to get off the track in time. The track has a side track leading off to the left, and Denise can turn the trolley onto it. There is, however, one person on the left-hand track. Denise can turn the trolley, killing the one; or she can refrain from flipping the switch, letting the five die. (p. 114)

Then, we are asked whether it is morally permissible to flip the switch. In this case, most philosophers admit that flipping the switch is permissible. In this chapter, Hauser dealt with four kinds of scenarios of this problem. Although action in each scenario was different, each consequence was designed to be the same: save five people and kill one person. This particular setting resulted in the diversity of our intuitions about permissibility. For example, in one scenario, the action was to push a large man onto the railway to stop the trolley by his weight. The ratio of responding to the question positively in this scenario was much less than in the first scenario.

Hauser was not satisfied with a philosophical analysis of this intuition. Thus he referred to scientific evidence, in which various subjects in terms of age, education, sex, religion, group size, etc, answered to trolley problems. According to Hauser, there is strong universality in spite of the variety of subjects’ backgrounds. He proposed two principles underlying judgments as follows:

1. The principle of *prohibition of intentional battery* forbids unpermitted, unprivileged bodily contact that involves physical harm.
2. The principle of *double effect* is a traditional moral and legal principle . . . according to which otherwise prohibited acts may be justified if the harm they cause is not intentional and the act's foreseeable and intended good effects outweigh its foreseeable bad effects. (p. 124; italics in the original)

Hauser could not find any significant difference between judgments of various people. But he expected to reveal cultural differences by further research, considering his linguistic analogy. Hauser also pointed out that these principles are inaccessible to consciousness, and thus they fit his linguistic analogy.

In these sections, Hauser dealt with the trolley problem as an example of our universal moral grammar. But, we cast doubt on his interpretation of data in the session. He concluded that emotion has no hold on our judgment, comparing an emotion-inducing scenario and a less emotion-inducing one. But he mentioned a 40 percent difference in permissibility between them on page 128. It seemed to us that he should not have dismissed this significant difference, and hence the principles which he proposed underlie the judgments about the trolley problem are not well supported.