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## **Moral education within the social contract: whose contract is it anyway?**

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### **Abstract**

In *A Theory of Moral Education*, Michael Hand defends the importance of teaching children moral standards, even while taking seriously the fact that reasonable people disagree about morality. While I agree there are universal moral values based on the kind of beings humans are, I raise two issues with Hand's account. The first is an omission that may be compatible with Hand's theory; the role of virtues. A role for the cultivation of virtues and rational emotions such as compassion is vital in accounting for the emotional aspect of morality. The second issue pertains to Hand's foundational premise of human beings' *roughly equality*. Following Martha Nussbaum, I argue that contractarian approaches must be critically evaluated to ensure the social contract properly includes and accounts for the human dignity of those who are typically excluded from the benefits of society. Hand's justificatory arguments rely upon a contractarian premise, and the contract itself needs scrutiny and adjustment if it is to support a viable theory of moral education.

### **Keywords**

Moral education; compassion; contractarianism; virtue; ethics; Michael Hand

### **Introduction**

In *A Theory of Moral Education*, Michael Hand (2018) takes seriously an issue facing normative moral theories; namely, that reasonable people disagree when it comes to what is right or wrong. Hand aims to provide a practical solution for educators who nevertheless are keenly aware of how important it is to teach children moral standards with a view to cultivating moral dispositions and ethical citizens. Hand argues that some universal moral standards may be taught rationally and *directively*, clearly demonstrating that children may be taught morality without resorting to indoctrination. This argument is compatible with the claim that many moral standards are less settled and, where these are controversial, they may be taught *nondirectively*, allowing children to make up their own minds with respect to what they believe. This book marks an important and timely contribution to philosophy of education. Hand's defence of the importance of moral education that supports normative claims and reasonable, universal moral standards which do not lead to indoctrination satisfactorily quietens the sceptic and fills a gap in the literature. It gives hope to those who wish to teach moral norms without impaling oneself on the twin spires of relativism, on the

one hand, or indoctrination, on the other. This theory, and this book, is an impressive achievement and I am sympathetic to its claims and its conclusions.

For the most part, I support Hand's normative theory. His starting point is pragmatic, based on how we are as human beings and that includes the fact we want to survive, to live in safety and comfort, and thus will be inclined to behave in particular ways, as individuals as well as in groups. I agree that there are universal moral values based on the kind of beings humans are. There are, however, two issues with his account. The first is an omission that I believe may be compatible with Hand's theory, namely, the discussion of the role of virtues. Hand avoids discussing the cultivation of virtues and rational emotions such as compassion. Hand does not claim human beings lack such emotions, or that we are *unsympathetic* by nature; rather, quite the opposite, as he emphasises the fact that human beings are not 'fundamentally selfish or egoistic' (p. 61). However, he notes the preferential treatment we give those closest to us. If we care *more* about ourselves and our loved ones, then we have less psychological room to care about others, particularly if and when facing our own pressing needs and concerns (p. 62). Thus, on Hand's account, we cannot extend our sympathetic attitude towards others far enough to do the kind of moral work required. Yet this is taken for granted and requires further exploration. Additionally, the cultivation of the virtues is only briefly mentioned as Hand states that he will 'leave open the question of whether there is more to morality, and hence more to moral education, than moral standards and justificatory beliefs' (p. 29) and this includes virtues. Given the expanse of literature on character education and the resurgence of interest in virtue ethics and ethics of care, this is a notable omission. Due to the important role the virtues and rational emotions such as compassion have to play in motivating moral action and guiding moral decision making, a theory of moral education ought to include them.

This brings me to the second issue that is more problematic. Hand's metaethical starting point is the idea that human beings are *roughly equal*. He notes, 'While human beings differ quite widely in their physical and mental capacities, the variation is within a restricted range' (p. 60). This claim lays the foundation for the social contract theory approach Hand adopts. Following Copp (2009), Hand claims that *the problem of sociality* is resolved 'by means of universally-enlisting and penalty-endorsing subscription to some basic standards of conduct'. Such moral rules are required because the human condition is characterised by '(i) rough equality, (ii) limited sympathy and (iii) moderate scarcity of resources'. Yet, the idea of human beings' rough equality has well and truly been challenged and social contract theory, far from being an unemotional, objectively rational approach is arguably an approach well-suited to privileged people in positions of power; historically, able-bodied, educated white men. A fair account of justice must acknowledge the blind spots in certain contractarian theories, and while Hand avoids some of these (such as the Lockean distinction between private and public realms), other inequalities require more attention.

Following Martha Nussbaum, I challenge the idea of human beings' rough equality and argue that contractarian approaches must be critically evaluated to ensure the social contract properly includes and accounts for the human dignity of those who are typically excluded

from the benefits of society; specifically women, children, minorities, and the disabled. While Hand is conscious of these vulnerable groups, explicitly stating, ‘We want *everyone* to be protected by the currency of moral standards in society, not least those most vulnerable to harm and exploitation by others’ (p. 75), we must check whether Hand’s contractarian foundation indeed affords protection for such vulnerable groups. Hand’s justificatory arguments rely upon a contractarian premise, and the contract itself needs scrutiny and adjustment if it is to support a viable theory of moral education. We must ask whose contract is it and who does it benefit? Moral education must teach us to be critical of the beliefs and values we and others hold, while simultaneously being compassionate and respectful towards others who differ from ourselves. While Hand aims at precisely this, his contractarian account requires adjusting and must make space for rational emotions such as compassion if it is to effectively fulfil this goal.

In this paper I shall detail each issue in turn, examining firstly whether the role for the virtues is compatible with Hand’s theory of moral education, and considering the importance of rational emotions such as compassion in motivating moral action and guiding moral decision making. Secondly, I will outline my concerns with respect to the contractarian foundation that underpins Hand’s normative theory. I maintain that a viable theory of moral education must take into account real world inequalities and seek to teach about these to ensure moral agents and future ethical citizens work at eliminating inequity, disproportionate advantage and strive towards justice in the face of moral luck and diversity. If any moral blindness is embedded in the foundational theory, there remains the risk that such inequalities and biases will be perpetuated; either under the guise of a naturalistic fallacy (‘this is how things are’) or via an inability to see or understand the experience of the other who differs from oneself.

## **The Virtues**

Hand does not explicitly refer to the virtues or rational emotions as playing a part in moral decision making. Nor does he refer to the role of educators (and/or parents and guardians) in cultivating virtuous dispositions in children with a view to shaping moral agents and ethical citizens. Given the (historically waxing and waning) popularity of character education (Rich, 1991) and the literature in this area (for example, see Arthur, 2003; Carr, 1991; Kristjánsson, 2015; McClelland, 1992; and Peterson, 2017), this is an omission. However, I claim the inclusion of a role for the virtues and rational emotions such as compassion in moral education is compatible with, albeit broader than, Hand’s account. Furthermore, considering how educators may seek to cultivate compassionate dispositions in children will usefully supplement Hand’s theory of moral education given moral agents are motivated by emotion as well as reason.

Indeed, some of the moral formation Hand describes is not dissimilar to the moral formation as understood by virtue ethicists. Hand defines moral formation as the ‘cultivation in children of the conative, affective and behavioural dispositions that constitute subscription to moral standards’ (p. 77). Obviously Hand is limiting his attention to *moral* habits and his focus is on the moral habits *educators* would reasonably cultivate. He argues that educators need to

be clear about which dispositions they are cultivating and this should only occur when the associated requisite beliefs to be formed rest on reasonable, justified grounds. In this way, Hand seeks to avoid the charge of indoctrination. He nevertheless notes the power of playing a formative role in a young person's life, stating, 'that does not give parents and teachers carte blanche to shape children's intentions, feelings and habits in any way they please...conditioning feelings and habituating patterns of behaviour are still significant interventions in children's lives with a lasting effect on the kinds of adults they become' (p. 78).

With all of this, the virtue ethicist would happily concur. For the virtue ethicist, moral character is developed by our learning and then practising the virtues until they become automatic habits that eventually form established dispositions that are incorporated into our general character. The virtues assist individuals to live a flourishing life (*Eudaimonia*), because we are social creatures whose behaviour impacts upon those around us. Therefore, character traits occupy a central position on an Aristotelian account of the good life. Aristotle (*NE*, Book 11, Chapter 1) explains that the virtues arise in us neither according to nature nor contrary to nature, but nature gives us the capacity to acquire the virtues, because we reasonably wish to lead a good life, and they are only attained via habituation. We learn the virtues (or vices) from a young age as we practise actions that become habits which are influenced by our environment and upbringing, our peers and role models. Nancy Snow (2010) defends an empirically informed virtue theory whereby she claims that the virtues are forms of social intelligence and this helps explain how they enable us to live well.

Virtuous actions are supported by good intentions and appropriate emotional dispositions. For example, we would only call someone *compassionate* if they are habitually compassionate, and act in this way because they think it is the appropriate moral response and the right thing to do. They would also feel good about behaving in a kind and caring manner (and may feel surprised and upset if someone was unkind towards them or others). Certainly, Hand states that moral agents feel good about subscribing to and upholding moral standards, and that we feel guilty when we fail to do so (pp. 17; 30). His reference to moral formation includes shaping intentions, feelings and habits. These three elements; the intellect, the emotions, and the resulting behaviour, are also at the heart of the virtue ethicist's account. So far so good. The compatibilities here are arguably based on the fact that a useful moral theory will be pragmatic – in the sense that it will work *in the world* – in the world *as it is* and *as we are*. Indeed, Hand himself acknowledges this:

If the question is "But what if people were otherwise?" the answer is "Then their problems would be otherwise and subscription to moral standards may not solve them. But so what?" Basic moral standards are justified because they answer to the needs of real human beings; whether they also answer to the needs of fictional ones has no bearing on the matter (p. 71).

Similarly the virtue ethicist considers how we actually make moral decisions, and this involves forming habits, using reason, and imaginatively engaging with the feelings of others as well as the moral scenarios in which we find ourselves.

The correlation to moral education is that educators (including parents/guardians) teach children to follow justifiable moral standards and understand, rationally, why they should follow them while also seeking to ensure that children internalise such habits and feel pleasure about doing the right thing, and feel displeasure and guilt when they fail to do so. But the virtue ethicist takes it further. Aristotle defines the virtues as mid-point between excessive and deficient behaviour; for instance, courage is a virtue and fear (which is deficient) or rashness (which is excessive) are vices. Following the doctrine of the mean, we aim for what is appropriate in a given situation, after rationally taking into account our personal capabilities. In this way, the virtues must be supported by the intellectual virtue of *phronesis* or practical wisdom. On this account, it is not enough to know the right thing to do, we also need to understand the right way to do it ('knowing how' must accompany 'knowing that'). At this point we appear to be extending beyond Hand's account.

By bringing in this contextual element, moral knowledge for the virtue ethicist is wider than that of a solely propositional account. Martha Nussbaum draws upon the pragmatist and author Henry James, claiming that moral knowledge restricted to propositions would be incomplete, and what is needed is a broader understanding. On this account, '[m]oral knowledge...is not simply intellectual grasp of propositions; it is not even simply intellectual grasp of particular facts; it is perception. It is seeing a complex, concrete reality in a highly lucid and richly responsive way; it is taking in what is there, with imagination and feeling' (Nussbaum, 1990 p. 152). The virtue ethicist relies on a cognitive understanding of the emotions as 'feelings can be properly thoughtful, just as thoughts can be properly felt' (Kristjansson, 2007, p. 18). In particular, compassion is a rational emotion as it involves a cognitive component – a belief that some other is suffering – which warrants our care or sympathy (See Nussbaum, 2001; Peterson, 2017). The strength of this approach is that it highlights the importance of responding appropriately to the moral situation as it presents itself to a moral agent, in a specific time and place. It bridges the gap between theory and practice; emphasising moral action *and* the intention of the moral agent, which is supported by reasons alongside reasonable emotions. Importantly, objective moral truths and universal norms need not be lost on the virtue theorist's account of moral education (D'Olimpio, 2018; Snow, 2010).

It is useful to think of the virtues in this way, and to add them to Hand's theory of moral education. For instance, in noting how important it is to educate children to be compassionate, particularly because this cognitive emotion plays an important role in motivating and guiding moral decision making, we are not in conflict with Hand's account of moral standards. Hand is sympathetic to encouraging compassionate attitudes in children, yet he doesn't see this form of character education as sufficient to the task of morality. Hand argues:

Educators can and should do what they can to enhance children's sympathy for others...Children's sympathies can certainly be educationally extended, but they cannot be so far extended as to...overcome our tendency to prioritise the safety and happiness of ourselves and our loved ones over the safety and happiness of others (pp. 120-121).

Hand claims that, even with enhanced altruism, we still require a system of moral constraints (p. 121). While he acknowledges the feelings that accompany our desire to comply with moral rules, and the guilt we feel when we disobey them, he still sees our sympathies as limited and this requires the moral agent rely on rational subscription to moral standards to 'make up the motivational shortfall when our interests run counter to those of others and our sympathies run low' (p. 67). Yet, it seems to me that the emotions come first and some of the feelings that guide, motivate, or hinder moral action are also responsible for supporting us to act on moral standards and to be reasonable. Thus, the cultivation of the right kinds of feelings for the right kinds of reasons is primary in an account of moral education.

This is why we need to add the virtues, including rational emotions such as compassion, to Hand's account. Certainly I agree that we also need moral rules, as not everyone will be virtuous or feel the relevant moral emotions at the time of moral decision making, or they might be swayed or overwhelmed by other competing interests and sentiments (note that the latter may also mar their ability to comply with moral rules!). However, given the emotional aspect of our nature, we must sufficiently account for the motivational role reasonable emotions may play in moral action. Reason alone will not generate moral action without an additional motivating force. Sympathy, Nussbaum argues, 'achieves what a clear-eyed argument by itself would probably be unable to achieve. Sympathy involves empathetic participation, but it goes beyond it, assessing the values involved in the situation and criticizing aspects of hierarchy and social obtuseness that cause stigmatization and unfair suffering for the minority' (Nussbaum, 2012, p. 186). While I agree that moral inquiry may be reasonably justified and non-indoctrinatory, this is not to say that reasonable emotions are excluded from our inquiry or moral decision making processes. We should consider the role of the virtues, particularly sympathy and compassion, in moral decision making and we should consider how we educate and cultivate these virtues. A key aspect of moral education should be devoted to extending our sympathies beyond ourselves and our small circle of loved ones.

To this Hand may reply that this is simply asking too much of the moral agent. Given his starting point that human beings have *limited sympathy*, we may be overburdening our moral agents asking them to care about all others, particularly in times of stress and when resources are scarce. Yet this vision of human beings may overstate our limited sympathies. On such an account the truly generous – examples of people of good character who are known for their generosity and selflessness; including Mother Theresa, Ghandi, Fred Hollows, my Nanna and countless others who dedicated themselves to helping others who suffer – become the exceptions, and few in number. Defending such examples as less rare than Hand (and Hobbes, 1929 [1651]) seems to allow may simply be a difference in how human nature is

conceived. Hand does not adopt the view of Hobbes, that humans are inherently competitive rather than cooperative. Yet such cooperation is stimulated not only by reason, but also by the recognition that others, in important respects, are *like us* and deserving of our care and compassion. Hand quotes Hume's *A Treatise of Human Nature* (1738) when referring to our limited sympathy, yet, if we turn to Hume's later work, *Enquiry concerning the Principles of Morals* (1751), we see he defends the role our passions, specifically sympathy, play in morality by ensuring we care enough about another to consider their interests. As Baier and Waldow (2008, p. 83) note:

Hume's point here seems to be that humans are capable of being affected by the fate of other persons, be this by having an exact representation of the passion in question or by merely forming "lively conceptions" (EPM 5.43; SBN 230) of it. This seems to suggest that a good way of understanding sympathy, and even the Treatise's account of sympathy, is to reject the view that the only way in which Hume takes us to be able to connect to other persons is by having feelings, feelings that exactly mirror the passions of other persons. Morality may well be a matter of our sentient natures, but this does not entail that we need to feel the feelings of all those for whom we care; beliefs about their situations, and about their opinions as well as their emotions, are often sufficient to affect us emotionally and to create an interest in their well-being.

Taken as a whole, Hume's account of morality entails rational emotions - feelings *and* beliefs - what Nussbaum (2001) would term cognitive emotions. This account sees morality as reasonable, yet not unemotional. If this is the case, then any account of moral education would be lacking if it did not address the education and cultivation of rational emotions such as sympathy and compassion.

As Aristotle rightly notes in his *Nicomachean Ethics*, if we were all friends, then we wouldn't need rules of law. Friendliness, particularly in the form of civic friendship may well support the extension of our sympathy and compassion beyond the narrow familial circle of moral consideration. There are those who defend the education of the emotions and virtues as a viable educational aim (D'Olimpio, 2018; D'Olimpio & Peterson, 2018; Peterson, 2017; Kristjánsson, 2018). Sympathetic emotions and virtuous dispositions enable a moral agent to be motivated to follow and apply moral rules as well as understand them to be reasonably justified. Yet this points to a foundational question as to what human nature is actually like and of what are we capable (i.e. in this case, *how* limited are our sympathies?). And this brings me to the second challenge Hand's account faces; namely, what kind of social contract, if any, makes sense given how humans are and where privilege and power rests in our existing societies.

## **The Social Contract**

Hand's view that basic moral standards are justified rests on a contractarian argument that includes the foundational premise that human beings are *roughly equal*. Yet this foundational



premise may be challenged. Human beings, as individuals as well as in social groups, are only *potentially* equal. As they are born and as they are socialised, human beings vary greatly in terms of their mental, physical, and emotional capacity and capabilities. Note that here I am leaving aside the question of whether all human beings are equally, inherently *valuable*. It is perfectly consistent to acknowledge the inequality of human beings' capacities and capabilities and still claim they are equally and inherently *valuable* (i.e. I am not defending a utilitarian account here). Furthermore, historical inequalities based on social constructs and stereotypes have had lasting effects on individuals as well as groups that endure and will continue to endure. The social contract, rather than being (metaphorically) drawn up from a neutral position or envisioned by an objective, purely rational gaze that emanates from an unbiased perspective (from behind a Rawlsian veil of ignorance), instead emerges from historical and contextual realities that allowed for and continues to support gross injustice, inequity and harm. There is no blank slate (*tabula rasa*) from which we are able to begin, building a moral foundation of equality for all. Rather, we must work with the biased and imperfect vision we have and consider how a social contract could necessary include everyone who is deserving of moral consideration.

The appeal of the contractarian position is that we realise that, as human beings, we need to cooperate in order to live well together, to survive, and to flourish. We realise that if we give up a few individual freedoms, such as the freedom to do whatever we so desire at any time, we will all benefit by protecting the basic freedoms of all. The point is to try and see humans separate from the artificial advantages that occur in all actual societies—wealth, rank, social class, education, etc. in order to see people as equal in value and mutually dependent upon one another. It therefore follows that if everyone agreed to some basic rules restricting certain actions – such as those that may harm one another's life, liberty or private property, then, 'through a procedure that assumes no antecedent advantages on the part of any individual, we extract a set of rules that duly protect the interests of all' (Nussbaum, 2006, p. 10).

Nussbaum notes that theories of social justice must be abstract in order to stand the test of time and hold a theoretical power that transcends contextual conflicts yet, at the same time, 'theories of social justice must also be responsive to the world and its most urgent problems, and must be open to changes in their formulations and even in their structures in response to a new problem or to an old one that has been culpably ignored' (2006, p. 1). Three significant problems that have been culpably ignored throughout the history of Western social justice theories include attending to gender, race, and to people with physical and mental impairments. The social contract is an enduring theoretical response to the ideals of justice, yet it is based on the idea that 'rational people get together, for mutual advantage, deciding to leave the state of nature and to govern themselves by law' (Nussbaum, 2006, p. 3) without taking into account the contextual starting point, the inequalities, from which these rational people are entering into the contract in the first place. Often envisioned as a blank slate, the contract is dreamed up by the person from the privileged position who has not yet felt the full force of such discrimination or blindness. The white, educated, able-bodied men who see the contract as fair, reasonable, and inclusive, miss the uneven ground upon which its foundations are built. Attention must be directed towards those social groups who are

excluded from the benefits of society, noting that such discrimination may occur due to implicit biases and ignorance as much as deliberate intentionality.

For instance, focussing on gender justice has large theoretical consequences, since it involves acknowledging that the family is a political institution, and not simply part of a “private sphere” immune from justice. To correct this historical oversight involves ‘getting the theoretical structure right’ (Nussbaum, 2006, p. 1). If the structure itself excluded women, ethnic minorities, and the disabled, such an imbalance cannot be fixed simply by an add-on. The social contract itself was not envisioned with these people in mind or in sight. Happily, Hand’s version of the contract is not drawing any such distinctions between the public and private realms. Yet, even as a metaphor (Hand, 2018, p. 69), fixing these problems are not simply matters of theory: they influence our lived experiences, policies and judgments. It is true that people see ‘society as a scheme of cooperation for mutual advantage’ (Nussbaum, 2006, p. 4) and this then effects who we see as contributing or getting something for nothing (a handout), who is included or excluded. Yet society is more than just a system of organised cooperation. The social contract is often construed in terms of pragmatic convenience, mutual protection and exchange, based on mutual vulnerability. What it misses is the central guiding moral tenet and motivating goal of living (or at least striving towards) the good life. In this sense, the social contract divorces politics from ethics and morality, yet these are matters of *justice*, which means they are moral issues, not merely political issues. As Nussbaum (2006, p. 2) points out, ‘The problem of extending education, health care, political rights and liberties, and equal citizenship more generally to such people seems to be a problem of justice, and an urgent one’. The gap between theory and practice is again relevant here: the contextual application of moral rules is as important as the universal moral rules themselves. Contractarian accounts see justice as requiring maximum liberty for all: in society, freedom should be ample and equal. Yet, as Nussbaum (2012, p. 68) asks, ‘But what do these abstract principles really mean?’.

Hand is aware of these vulnerable people who are often excluded from the protections of the social contract, but he only addresses the example of the infirm (pp. 74-75). There is no mention of how basic moral standards that rest on a contractarian argument can redress the imbalances and inequities that have historically plagued society. There is a recognition that such injustice has existed in the past but there is also the reply that any inequality in power and ability between people (or groups of people) is, ultimately, transient. Notwithstanding variation in people’s mental and physical capacities, Hand states, ‘the difference between the strong and the weak is never so great as to render the discontent of the latter irrelevant to the fortunes of the former’ (p. 74) Furthermore, with respect to the ‘many kinds of infirmity’, ‘the fact that someone poses no threat in the present does not mean she will pose no threat in the future’ (p. 74). And while we may agree that the oppressed may become the oppressors, this misses the point. We know that those who wrote the moral and legal rules guiding society in the past aimed at justice and equality (as Locke notes in his *Second Treatise on Government* (1689) because we are ‘all equal and independent, no one ought to harm another in his life, health, liberty or possessions’), and yet we also know that too often the interpretation of whose interests or rights were actually protected and who had a voice (or a

vote) in society were those already in privileged positions of power. A contractarian theory seeks to avoid moral blindness and biases in favour of justice, enabling moral agents to make fair decisions. Yet we cannot adopt the so-called veil of ignorance, dropping all preconceived ideas and biases. It takes effort to include perspectives other than one's own and moral philosophy, like others including legislators, needs to attend to, include, and *care* about women, minorities, the disabled, animals, as well as children.

Hand follows other proponents of the social contract, such as Locke, Hobbes, and Rawls, in assuming that people are roughly equal; morally, physically as well as intellectually. And this simply is not true. Even Rawls notes that his theory of justice has difficulty accommodating people with disabilities, non-human animals and, similarly, justice across national boundaries, because the different nations of the world, who are imagined as similar to persons, are tremendously unequal in their capacities (Nussbaum, 2008). So the social contract is a thought experiment that is set up and then made to fit these other non-ideal cases. Which is a non-ideal way of accommodating those who arguably need the most consideration; the weak, the poor, and the voiceless. There is a gap between the theory and the practical application of the theory because it doesn't take context into account. In this way, Nussbaum notes that the social contract conflates the two questions of who is making the contract and who the contract is for. It is clear that the contract is not agreed to by *everyone*, notably the voiceless, and ideally, the contract benefits everyone. The social contract is 'by us and for us' – yet who is denominated by this 'us'? Additionally, the benefits of the social contract are usually construed narrowly in measurable, economic terms. Discussing this in an interview, Nussbaum (2008) notes:

And of course we could say the human advantages of virtue, compassion, love and so on that we get from treating people with disabilities equally, and I think that's a very, very important thing to say. But the social contract tradition thinks of advantage much more narrowly in terms of economic efficiency, and even Rawls does. So we have to say that this puts great limits on what the contract is going to say even about these people that are not present in the very beginning of the contract.

The social contract simply does not address or, more to the point, *redress* the inequality that is due to a very real asymmetry in terms of power and advantage between the white, able-bodied, educated men who can vote and earn an income and participate meaningfully in public life versus the unemployed, the care-givers, the disabled, children, animals, and people in developing countries.

Certainly, Hand's theory is not concerned with examining the moral treatment of animals (2018b). He gives vegetarianism as an example of a controversial and (as of yet) undecided moral issue, as is smacking children (2018, p. 3). Even if he is wrong about these specific examples, this need not destabilise his theory. However, it does point to how difficult it is to know which moral rules are universal and rational and ought to be taught directly. The increased concern over including animals in the circle of moral consideration (Singer, 1975;

Regan, 1985) has trickled into everyday life whereby people, even if not vegetarian, are protesting live animal exports and inhumane treatment of animals purely for human gain. The driving force of rational emotions such as compassion leading people to feel a sympathy with respect to animals' welfare is a modern phenomenon. It may not apply equally to *all* animals, but it is reasonable to consider their suffering because we know that it is not only our pain or pleasure that matters (Bentham, 1996 [1789]). It is easy to imagine, in the not too distant future, that it would be argued that moral consideration towards animals is a moral standard that ought to be taught directly. At such a time, moral agents will look back at our earlier societies in shock that we did not include animals in the initial formulation of the social contract. Perhaps it is unfair to suggest that Hand's theory covers all of this ground. Yet the point is that Hand's justificatory arguments relies upon a contractarian premise, and the contract itself needs adjustment if it is to support a viable theory of moral education.

The place for minorities on the social contract is not adequately accounted for due to a fundamental reliance on individual rational nature that insufficiently accounts for those who lack such rationality or the behaviour of social groups. The contractarian justification of moral standards rests upon the fundamental equality of the moral agents in question. However, moral agents are not fundamentally equal in terms of their abilities to understand, participate in, or contribute to society. Therefore, precisely due to the uneven distribution of their capacities and capabilities, some people require *more* protection, assistance, and care than others. And, historically, even if a group of people were sufficiently equal in the manner to which Hand ascribes membership of the social contract, they have and continue to be sidelined, discriminated against and even actively attacked in an effort to exclude them from civil society. For now it suffices to acknowledge the inequalities that served injustice and harm in the past and continue to support discrimination and moral blindness even today. Hand acknowledges that the role for *moral* subscription to norms and standards is narrow. Most of us already subscribe to a wider set than the handful required to resolve the problem of sociality (Hand, 2018, p. 69). Yet, if the issues above are indeed issues of morality, which I contend they are, then it is vital that educators not only teach about basic moral standards, but they also attend to the ways in which such standards have not been systematically upheld and how such inequity and discrimination may be rectified. And even this alone is insufficient; children must also be encouraged to cultivate moral perception or a 'loving attitude' (again using Nussbaum's (1990) term here) so as to be able to *see* how minorities are not always extended society's basic benefits and to develop the compassion required to see such people as essentially *like us* and worthy of care, dignity and respect.

It is also worth noting that justice will not be served if we only consider the role of individuals in the moral life without adequately accounting for the role of institutions. As Nussbaum (1998, p. 281) articulates, we do not only require compassionate concern for others and distant respect for all, we also need institutions to play particular roles in the serving of justice. Nussbaum goes so far as to say that, instead of thinking about our duties to humanity as personal duties first and foremost, securing the basic goods of life for all (including liberties, material goods, and opportunities) should be the task of (both National and International) political institutions. Hand may well reply that we have departed from the

realm of moral concern here and have entered political concerns and territory which is beyond the scope of his theory. Yet, as Nussbaum (1998, p. 284) notes, such political accounts have moral force, and certainly moral implications, stating, 'The political account of capabilities has moral force, as does the political conception in a Rawlsian political liberalism; but it is not grounded in any theory of the human being that goes beneath politics'. Drawing upon an Aristotelian starting point, in a footnote, Nussbaum adds that the theory of human beings she is drawing upon here sees humans as social, moral and political. This, she claims, is an ethical theory Aristotle puts forward about human nature, not a metaphysical position. Her own account of a just social minimum allows for comparison across nations, accounting for cultural difference as both a moral and political theory (Nussbaum, 1998, p. 283; 2013). Nussbaum turns to an account of human capabilities after finding the Rawlsian theory of social justice insufficient in adequately accounting for and including the disabled, animals, and all cultural groups within the social contract (2006; 2013). A viable social contract must include both elements: the moral and the political, precisely because it must serve the interests of human beings as individuals as well as collectively. In practice, an effective social contract will also take into account existing and historical inequalities that require redressing. One form of moral education that assists in redressing such imbalances at an individual level is that of cultivating the requisite rational emotions such as compassion so as to be able to see others who differ from ourselves as nevertheless similarly human, with the same vulnerabilities and hopes and desires as ourselves. It is only when we recognise minorities as equally deserving of respect, human dignity, and not only inclusion in the social contract but also a voice as to how the contract manifests in practical terms, that justice will be served. For justice to be served there must be political as well as moral considerations practically enacted at both the individual and collective level; it is not solely individuals who must be virtuous and fair, but policies as well. It seems to me that there is room for all of these considerations on Hand's theory of moral education... yet they ought be explicitly noted and attended to in order to make the contractarian foundation for basic moral standards truly fair and just such that the benefits of society are extended to those who are so often excluded yet ought not to be.

## **Conclusion**

Hand's *A Theory of Moral Education* offers a vital defence of the importance of moral education that includes reasonable, universal moral standards while avoiding the charge of indoctrination. At a time of 'fake news', 'truthiness', and 'alternative facts', Hand's account reassures and comforts those who wish to teach moral norms in a reasonable manner resulting in young people forming the beliefs and supporting dispositions that will enable them to be ethical citizens. My critique of Hand's theory of moral education involves defending the necessity of accounting for the role of the virtues and considering the importance of rational emotions such as compassion in motivating moral action and guiding moral decision making. Cultivating such reasonable emotions, particularly compassion and sympathy, should play a central role in moral education as moral action is motivated by emotion as well as reason. I also worry that the contractarian foundation that underpins Hand's normative theory runs the risk of including moral blind spots that do not adequately account for those minorities

historically excluded from the benefits of society. A theory of moral education must be pragmatic and therefore needs to consider the gap between the theory and its application: taking into account real world inequalities and seeking to teach moral agents to eliminate such inequity as they strive towards justice and the good life *for all*. The contract must be by and for a plurality of moral agents and moral education must allow us to be critical of the ideas and beliefs we and others hold, while simultaneously being respectful towards and compassionate of the others who hold diverse perspectives, recognising that together we form a community of people seeking the truth and a harmonious life. For those who do not seek truth nor harmony, we must be able to appeal to normative values in order to judge and condemn things that may threaten our peaceful coexistence. Happily, Hand's theory offers us a way to reasonably determine what and how we should teach basic moral standards with respect to whether something is moral or not, or whether it is controversial (i.e. there is reasonable disagreement with respect to its moral status). While Hand envisions only a limited role for our sympathies and overstates our individual rationality and therefore our equality on his contractarian framework, this may be rectified by including an account of the virtues and by acknowledging the (particularly historical) inequality upon which social contracts are founded and manifest in reality.

## References

- Aristotle. (1876). *The Nicomachean Ethics*, London: Longmans, Green.
- Arthur, J. (2003). *Education with Character: the Moral Economy of Schooling*, London: Routledge.
- Baier, A. C. & Waldow, A. (2008). 'A Conversation between Annette Baier and Anik Waldow about Hume's account of sympathy, *Hume Studies*, 34(1): 61-87.
- Bentham, J. (1996 [1789]). *An Introduction to the Principles of Morals and Legislation*, Oxford: Clarendon Press.
- Carr, D. (1991). *Educating the Virtues*, London: Routledge.
- Copp, D. (2009). 'Toward a pluralist and teleological theory of normativity', *Philosophical Issues*, 19: Metaethics, pp. 21-37.
- D'Olimpio, L. (2018). *Media and Moral Education: a philosophy of critical engagement*, London: Routledge.
- D'Olimpio, L. & Peterson, A. (2018). 'The Ethics of Narrative Art: philosophy in schools, compassion and learning from stories', *Journal of Philosophy in Schools* 5(1) special issue 'Why should philosophy be taught in schools?' guest edited by M. Hand.
- Hand, M. (2018). *A Theory of Moral Education*, London: Routledge.
- Hand, M. (19 August 2018b). Radio National: The Philosopher's Zone: Laura D'Olimpio interviews Michael Hand. Podcast. Retrieved from <http://www.abc.net.au/radionational/programs/philosopherszone/ethics-and-absolutes-in-the-classroom/10127132> accessed 01.09.2018.
- Hobbes, T. (1929 [1651]). *Leviathan*, Oxford: Clarendon Press.

- Hume, D. (1998 [1751]). *An Enquiry into the Principles of Morals*, ed. Tom L. Beauchamp. Oxford: Oxford University Press. Also referenced within the Baier & Waldow (2008) quote is the page number of the edition by L. A. Selby-Bigge (1894). Oxford: Oxford University Press.
- Hume, D. (1978 [1738]). *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, 2nd ed., revised by P. H. Nidditch. Oxford: Clarendon Press.
- Kristjánsson, K. (2018). *Virtuous Emotions*, Oxford: Oxford University Press.
- Kristjánsson, K. (2015). *Aristotelian Character Education*, London: Routledge.
- Kristjánsson, K. (2007). *Aristotle, Emotions, and Education*, London: Routledge.
- Locke, J. (1689). *Second Treatise on Government*, London: Awnsham Churchill.
- McClelland, B. E. (1992). *Schools and the Shaping of Character: Moral Education in America 1607 – present*, Indiana: Clearing House for Social Studies, Indiana University.
- Nussbaum, M. C. (2013). *Creating Capabilities: the human development approach*, Cambridge: Belknap Press.
- Nussbaum, M. C. (2012). *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*, Cambridge: The Belknap Press of Harvard University Press.
- Nussbaum, M. C. (22 November 2008). “The Social Contract: Part 1” radio interview transcript. Radio National: The Philosopher’s Zone: Alan Saunders interviews Martha Nussbaum. Retrieved from <http://www.abc.net.au/radionational/programs/archived/philosopherszone/martha-nussbaum---part-1---the-social-contract/3174420#transcript> accessed 01.03.2018.
- Nussbaum, M. C. (2006). *Frontiers of justice: disability, nationality, species membership*, Cambridge: Harvard University Press, Belknap Press.
- Nussbaum, M. C. (2001). *Upheavals of Thought: the intelligence of emotions*, Cambridge: Cambridge University Press.
- Nussbaum, M. C. (1998). ‘Political Animals: Luck, Love and Dignity’, *Metaphilosophy* 29(4): 273-287.
- Nussbaum, M. C. (1990). *Love’s Knowledge: essays on philosophy and literature*, Oxford: Oxford University Press.
- Peterson, A. (2017). *Compassion and Education: Cultivating Compassionate Children, Schools and Communities*, London: Palgrave Macmillan.
- Regan, T. (1985). *The Case for Animal Rights*, California: University of California Press.
- Rich, J. N. (1991). ‘The Conflict in Moral Education: Teaching Principles or Virtues?’, *The Clearing House*, 64(5), pp. 293-296.
- Singer, P. (1975). *Animal Liberation*, New York: Harper Collins.
- Snow, N. E. (2010). *Virtue as Social Intelligence: an empirically grounded theory*, London: Routledge.