

The Moral Contract, Sympathy and Becoming Human: A Response to Michael Hand's *A Theory of Moral Education*

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Michael Hand argues that at least some moral standards can be robustly justified and that because of this educators can legitimately cultivate subscription to those standards and teach with the intention of bringing about belief in their justification (that is to say, teach 'directively'). The first claim depends on Hand's presentation and defence of a version of moral contractarianism in Chapter Five of *A Theory of Moral Education* (2018). Given that the well-trodden objections to moral contract theory have taken up so many pages of philosophical argument, I confess to finding it somewhat surprising that in only a few short pages Hand feels that he has demonstrated that the contractarian argument is 'beyond serious dispute' (p. 69). He may well have achieved this; I will leave it to philosophers better versed in the various controversies to evaluate whether Hand has adequately responded to the most well-known objections. For my part, I would like to suggest a specifically educational objection to the contractarian position Hand advances. I propose to consider what the endeavour of educating into the moral contract would entail, and argue that Hand's position loses persuasive force precisely where one might imagine it most 'counts' educationally. I will then briefly elaborate an alternative approach to morality in an education centrally concerned not with the 'transmission of knowledge' but with becoming human.

Hand is careful to circumscribe the scope of his endeavour. He offers a distinction between two types of moral education: a cognitive endeavour (concerned with bringing about beliefs through rational enquiry) and moral formation (in which a 'syndrome' of affective, conative and behavioural elements is cultivated through activities that do not primarily operate on reason, such as prescribing, rewarding, punishing and modelling). Hand stresses that his argument is predominantly concerned with moral enquiry, which is not to say that he denigrates the non-cognitive components of moral education. Rather he argues that the endeavour of moral formation depends to an extent on an accompanying education in moral enquiry, in that doubts about the justification of a moral standard may weaken one's motivation to continue to subscribe to that standard, and by the same token the belief

that a standard is robustly justified will strengthen one's resolve. Although Hand urges this connection, he argues that there is nevertheless a logical separability between educating for belief that a standard is justified and cultivating the syndrome of dispositions that constitutes subscription to that standard. While they are likely to be intermingled in educational practice, the methods involved are different: directive moral enquiry exclusively involves appeals to reason, and moreover invites students into an epistemological space of reasons where they are required to suspend or set aside their strong intuitions towards subscription to particular standards—to accept maybe that they might have subscribed to others, and to consider whether their strength of feeling in support of a particular standard can be justified. A priority is, I think, implied for moral enquiry, in that the educator is at least obliged to get straight which standards can be rationally justified before attempting to cultivate subscription to those standards by whatever means might be appropriate.

Hand argues that it follows from the 'circumstances of justice'—rough equality, limited sympathy, and moderate scarcity of resources—that we ought, for 'straightforward practical reasons' (p. 66) to subscribe to some obligations that take us beyond the range of our natural sympathies, and that we ought to motivate ourselves and others to do so by endorsing penalties for violation of these standards. It is necessary for what follows to get clear the work that the sentiment of sympathy is doing in Hand's version of the argument. While many versions of the argument concentrate on the *limits* of sympathy, arguing that self-interested considerations justify the moral contract, Hand frequently seems to want to make more of the (albeit contingent) natural fact of our sympathy. Despite its natural limits, Hand argues, our reasoning about the contractarian justification of morality can take into account the sympathy that humans naturally do feel for their loved ones and, in some cases, others.

This insistence notwithstanding, it is not clear how this emphasis on the fact of our sympathy modifies the premises of the contractarian argument beyond the claim that we have prudential reasons to encourage ourselves and others to cooperate in particular ways and to expect cooperation in return. The emphasis on the fact that 'Actual human beings are sympathetic as well as self-interested' (p. 73) is really cashed out by Hand at the point where he wants to respond to some common criticisms of the moral contract argument, and it is at this point that, in my view, Hand performs an argumentative sleight of hand that has particular ramifications in the educational context into which he is introducing the argument.

Hand's main response to the 'free rider' objection, or the consideration that the moral contract cannot extend to the infirm (who pose no significant danger and also cannot be expected to cooperate effectively) is to '[rely] heavily on the important psychological fact about human beings that they are sympathetic to one another' (p. 75). But Hand does not incorporate this fact as a premise in a rational argument for accepting his justification of the moral contract. He invokes it pragmatically rather than logically—in the sense that no human (or no sufficiently humane being?) would seriously raise such an objection. So the free rider is 'at best a psychological oddity

and at worst another figment of the philosophical imagination' and 'free-riding is only an attractive option to those unconcerned by the harmful impact of moral violations on others. And few, if any, people are like that' (p. 73). The problem with this response is that it does not operate in the philosophical space of reasons that Hand has privileged for moral enquiry. Hand argues that moral enquiry requires students to 'theoretically' entertain 'moral scepticism': 'it is necessary to recognise that subscribing to moral standards is something we can choose not to do, and to consider the possibility that it is something we have no reason to do' (p. 79). This is more easily done if the classroom for moral enquiry is 'at one remove from the process of conditioning and habituation' (p. 80). In such a space, it might be hoped that a young person following the arguments as Hand presents them arrives at precisely those reasonable objections to which Hand takes time to respond. Indeed, young people frequently do. Far from being a 'figment of the philosophical imagination', the perspectives of the nihilist and the free rider are common contributors to the intellectually active classroom of 14-year-old moral enquirers. This is not to say that such young people are morally corrupt. Rather it is to say that, in my experience at least, young people can be very effectively inducted into a particular kind of moral enquiry. The objections raised here by such students are reasonable—'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger'. This is, of course, at the heart of Hume's recognition that 'Reason is, and ought only to be, the slave of the passions' (1978[1740], p. 415), but it raises something of a problem for Hand's directive educational project, and for the order of priority implied. Reason is insufficient to support Hand's argument for moral contractarianism, and the responses he offers to the main objections do not operate in the space of reasons. The objections offered are unsympathetic, certainly, and Hand's response (leaving aside the rather stronger language of the 'psychological oddity' or even the 'psychopath') is an appeal to the sympathy of the enquirer: 'you don't really feel that way, you are not really motivated that way'.

Hand's moral contractarianism is not justified in being taught directly on the grounds that it can be defended rationally against all reasonable objections—it cannot. If contractarianism stands, it stands pragmatically, because of the 'natural' fact of human sympathy—that ordinary human beings would not raise such reasonable objections. My use of inverted commas here suggests a further problem: Hand does not explain what it means to say that a certain amount of sympathy is 'natural' for humans (albeit, as he concedes, not for all humans, just most of them). He does, moreover, acknowledge that moral education is 'a more or less universal feature of upbringing'. To put it another way, it is just as much a 'natural fact' of human society that through upbringing or more formal educational activity we cultivate children's capacity for sympathy. Hand does not consider the extent to which the 'natural fact' of sympathy is due to such efforts at cultivation, and this failure introduces a question-begging element to his argument. If Hand's efforts at moral justification ultimately rest on an appeal to sympathy, it makes sense to give priority to efforts to cultivate such

sympathy rather than to spend much time on the justification. When reason runs out, the appeal to sympathy remains. In light of this, John White's (2016) argument that we should move away from Hand's language of cultivating subscription to moral standards in favour of nurturing children's capacity for 'altruism' deserves a much more detailed consideration than Hand offers. Where the 'penalty-endorsing' and 'universally-enlisting' elements of Hand's definition of morality *presuppose* the success of his argument for moral contractarianism, the language of altruism requires no such elements of rule subscription to be ascribed to the moral life.

The exact terminology we choose here—compassion, care, altruism, and so on—might begin to commit us to one or other of the available approaches to moral formation that Hand generally endorses without getting too tangled in detailed debate. Hoping to avoid some of the finer points of those controversies for the present argument, I want to develop some of the implications of my claim that moral education or upbringing is concerned with the cultivation of sympathy rather than with reasoning from the assumption of sympathy as a 'natural fact'. Such cultivation operates in a space that cannot easily be captured within the activities Hand delineates as moral enquiry or moral formation (at least, to the extent that moral formation is understood by Hand as relatively unproblematic habituation through exposure to unambiguous exemplars or rewards and sanctions).

It is interesting that Hand does not devote any space to offering positive demonstrations of how even the most 'basic' moral standards can be justified by way of the moral contract. He also acknowledges that contractarianism leaves largely untouched many of the more nuanced real cases with which people will actually grapple—he is unable to condemn independent schooling, or smacking children, and is silent on whether the social contract would commit anyone to redistributing wealth in situations of radical social inequality. Admittedly, Hand does not intend his moral contract argument to be employed to reform unsympathetic individuals whose moral formation has been lacking. Nevertheless, it is worth dwelling on the fact that contractarian moral reasoning is singularly unpersuasive when applied even, or especially, to quite central (one might say paradigmatic) standards such as murder and stealing.

To draw on a rather self-indulgent example: I live on a very comfortable street in a middle-class area. This is due to a significant amount of luck in my life that others have not had. The people on my street generally refrain from breaking into houses and stealing. The statistical likelihood is that over the course of our occupancy we will all be broken into at least once. It is expensive to insure our possessions against this eventuality. Yet I do not ever anticipate breaking into a house, even though I cannot expect my own to be left alone. I don't know how to break in silently, or how to approach or escape unseen. If I did escape with a haul of valuables, I have neither the expertise nor the contacts to convert them into whatever it is I might be lacking. I only recognise these obstacles when I try to think really hard about the possibility of stealing. Mostly the idea of stealing simply presents itself to me as wrong. I can do better than that: the idea of stealing does not present itself to me at all.

Now I try to put myself in the shoes of someone to whom burglary does not present itself as wrong. I imagine this person may well live on a quite different street, as he or she did not share in my luck. This person has certain skills and capacities, as well as possibly needs, that I do not. The causal direction is muddy here. Perhaps this person was unusually unsympathetic by predisposition, and thus applied him or herself to learning to acquire wealth by illicit means, or perhaps habituation into a different set of moral dispositions went hand in hand with an education into a different set of practical skills from the ones I acquired. When I look into the windows in my street I do not see them in terms of affordances for entry and acquisition, whereas others who have the relevant inclinations and competences will see in the possessions there arrayed, and the differing amounts of security and seclusion, more or less advantageous opportunities for personal gain. I hardly feel that this is because some people are born meaner than others, and therefore dedicate themselves to acquiring skills that will fit them for a life of crime. Rather, the development of an unsympathetic disposition is entangled with living the sort of life and having the sort of upbringing, neglectful or otherwise, that might prepare someone for criminal activity. One does not choose to be unsympathetic. As a result of these differing life histories, the world, and its affordances, present themselves differently to me and the would-be burglar. We see situations differently. I don't anticipate that I could persuade this would-be burglar to change his or her ways through an appeal to the problem of sociality. Imagine now someone to whom the option of murder has genuinely presented itself. An appeal to reason in this case seems misplaced. As Paul Standish has put it:

Do you teach children that murder is wrong? The wrongness is built into our world and the young child absorbs this as part of the background. If she does not or if she wants to do (this kind of) wrong, it's not that she doesn't know the rules: something has gone wrong with her world (Standish, 1997, p. 51).

Education or upbringing has a moral dimension to the extent that it becomes implicated in the world's going 'right' or 'wrong' for children or young people. Explicit moral reasoning has little capacity to set straight someone who does not see the paradigm cases in the same way that other people do. In fact (Standish argues) a preoccupation with this kind of approach smacks of 'a loss of faith in—and fast becomes a loss of commitment to—those moral bonds that make up our communities' (p. 53). These bonds are not natural but they are human, and they require cultivation in a manner similar to the way in which an appreciation of the arts or literature is cultivated, through the encouragement of interpretive sensitivity rather than through explicit instruction or reasoning about rules. This marks a departure of mine from Hand's educational vision—in which education is centrally concerned not with the 'transmission of knowledge' (Hand, 2018, p. 86), but with becoming human. Nor is this a matter of habituation through repetition or exposure to exemplars, but a dialogic process in which the older generation offers the world to the younger and invites their creative response.

Some contexts are more conducive to the cultivation of sympathy than others. David Copp's account of morality, on which Hand draws explicitly, assumes conditions of relative social stability—in which moral standards are genuinely fulfilling their 'function' (Copp, 1995). Hand also assumes that the contract is doing its social job, and that we educate in the hope that it will continue to do so. But what if it isn't? Hand addresses the problem of free riders by arguing that the existence of a few exceptional 'psychopaths' makes the case for the rest of us to submit to the moral contract even stronger. But he does not consider the possibility that the free riders actually run the show, and that their unsympathetic qualities are even being held up as models for successful living in the very schools to which he is offering his argument. Education's implication in the world's going 'right' or 'wrong' for children goes beyond the explicitly moral concerns of the individual teacher. We live in a radically unequal society where limited sympathy is a condition for the highest levels of economic success, and where school cultures risk contributing to the normalisation of a narrative of narrow materialism and competition. Hand is insufficiently pessimistic about the various economic and technological forces that are stacked against the cultivation of human sympathy. Whether or not we are inclined to see our present situation as one of general moral decline, encouraging students to see the moral life in terms of the calculation of reciprocal benefit is likely to do more harm than good to the cultivation of the moral bonds that make up our communities. Of course, this language of bonds returns us to the etymology of 'contract'—a 'drawing together'—but rather than our agreement to the contract being strengthened by reason, the reasons only compel to the extent that we are already bound.

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