

The Poverty of Contractarian Moral Education

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Abstract

In *A Theory of Moral Education*, Michael Hand claims that a directive moral education that seeks to persuade children that a particular conception of contractarian morality is justified can be undertaken without falling foul of the requirement not to indoctrinate. In this article, we set out a series of challenges to Hand's argument. First, we argue that Hand's focus on 'reasonable disagreement' regarding the status of a moral conception is a red-herring in this conception. Second, we argue that the endorsement of moral contractarianism and the prohibition on indoctrination pull in different directions: if contractarianism is sound, then teachers or governments should be less worried about indoctrination than Hand suggests. Third, we argue that moral contractarianism is mistaken; teachers should look elsewhere for guidance on the moral norms and principles towards which they should direct their pupils.

Key words: Michael Hand; moral education; moral contractarianism; reasonable disagreement; indoctrination

1. Introduction

Well-ordered moral education demands that teachers shape the beliefs and motivations of children so that they come to treat others in the right way. But sensible people often disagree in good faith about what we owe to each other. Notwithstanding that disagreement, is it possible to identify a moral conception towards which teachers are morally permitted to direct their pupils?

In *A Theory of Moral Education* (2018a)¹, Michael Hand gives an affirmative answer to this question. He sets out certain 'basic moral standards' (p.68) that, he argues, are almost universally endorsed and, more importantly for him, 'robustly justified' (p.59). These standards include moral prohibitions on various kinds of killing and harming, theft and extortion, and lying and cheating. In addition, they

¹ Unless otherwise indicated, page references within the text are to this book.

include moral injunctions to interact with others fairly, honestly, and to come to the aid of those in need (p.68). As Hand acknowledges, his conception of morality is contractarian in nature, though he is at pains to emphasize an allegiance to the contractarianism of Hume [1777] rather than Hobbes [1651] – or at least the Hobbesian view elaborated by Gauthier (1986).

Hand claims that, because a particular version of moral contractarianism is sound, the directive moral education of children towards it, which aims to persuade children to believe that its moral prohibitions, requirements, and permissions are justified, can be undertaken without falling foul of the educational, and presumably moral, requirement not to indoctrinate. For Hand, teaching is indoctrinatory if it shapes a pupil's beliefs 'in such a way that she comes to hold them non-rationally, on some other basis than the force of relevant evidence and argument' (p.6). Education that aims to cultivate a 'full commitment' to contractarian moral standards – which involves both the gamut of desires, intentions and reactive attitudes that together constitute 'subscription' to the standards outlined above, and also the belief that having these attitudes is rationally required (pp.29-43) – need not be indoctrinatory: because contractarian moral beliefs are robustly justified, pupils can be encouraged to endorse them on the basis of the conclusive case for adopting them.

Stated in more formal terms, and setting aside certain qualifications he makes, Hand's argument is as follows:

- Premise 1: It is morally permissible, and there is a weighty reason, to teach directly towards belief in proposition P if, and only if, given the arguments and evidence, P is robustly justified, that is, justified beyond reasonable doubt.
- Premise 2: Given the available arguments and evidence, (Humean) moral contractarianism is robustly justified.
- Conclusion: Directive teaching towards Humean contractarianism – the kind of justification it offers as well as the moral norms it generates – is morally permissible and there is a weighty reason to engage in it.

Both premises in Hand's argument are controversial. With respect to the first, we might ask why the moral permissibility of directive moral education depends on whether the moral propositions teachers aim to impart are justified 'beyond reasonable doubt' (p.68). It may be the case, for instance, that some moral views bring about more favourable outcomes when acted upon compared with other moral views, even though none of them reach the threshold of being beyond reasonable doubt, and this might be thought a reason to teach those views directly. With respect to the second, we might ask whether the contractarian moral norms that comprise Hand's moral code really do meet Hand's own test of being robustly justified.

Hand's argument raises two more general issues. The first concerns the compatibility of moral contractarianism with the moral prohibition of indoctrination. His insistence that education is, and should be, 'centrally concerned with the transmission of knowledge' (pp.85-86) seems to sit uneasily with a contractarian

view of what we owe to each other. Second, even if Hand has a reply to this tension, if contractarianism turns out to be mistaken, it is a further question whether the correct conception of morality (and political morality) would forbid all indoctrination, as Hand understands it. It may turn out that, on a more plausible conception of morality, some forms of fostering subscription to moral standards on a non-rational basis are not morally objectionable.

We do not discuss all these issues here. Rather, we focus on (a) the second premise and (b) the tension between contractarianism and a non-indoctrination stance towards education. We argue that Hand has not done enough to show that moral contractarianism satisfies his own standard of justification; and we explore the uneasy relationship between moral contractarianism and Hand's anti-indoctrinatory approach to education. Before elaborating these challenges, we begin, in the next section, by offering some clarificatory remarks about the nature of Hand's conception of moral education by discussing the role of 'reasonable disagreement' in it and contrasting his account with those advanced by followers of Rawls.

So, in this contribution, we set out a series of challenges to Hand's conception of moral education. Even if our challenges are successful, readers should not take them to question the value of Hand's work. His book is terrific. It is a model of how to write in the philosophy of education: clear in conception, free of jargon, analytically subtle, and packed with interesting and controversial arguments. Without doubt, anyone who wants to write seriously about moral education must engage with Hand's fascinating view.

2. The red herring of 'reasonable disagreement' in Hand's view

Before developing our challenges to Hand's argument, we begin by clarifying the status and relevance of 'reasonable disagreement' in his view. This is important because the idea of reasonable disagreement appears to do some heavy lifting in his argument for moral justification and the impermissibility of indoctrination. However, we will argue that this is not in fact the case, and that references to reasonable disagreement obscure what is really central in his work.

When setting out his account of indoctrination and permissible directive education (pp.2-5), Hand makes reference to the fact of reasonable disagreement with regard to both the *content* and *justification* of morality: 'Teaching propositions as true, or standards as justified, *when there is reasonable disagreement about them*, is indoctrinatory' (p.5, emphasis added). However, it is important to draw a distinction between two different understandings of the idea of 'reasonable disagreement' that might be relevant for our thinking about morality, not least because Hand's use of the idea differs markedly from the way in which the idea has been deployed by many moral and political philosophers.

On one account – call it the *Rawlsian view* – reasonable disagreement gives us a moral reason not to appeal to what Rawls calls 'the whole truth' about religion and ethics when defending principles of political morality and education policy (Rawls 1996, pp.224-225). Rawls's 'political conception of justice' is an example of this kind of view. He asks whether it is possible – for the sake of securing a stable, just society – to defend a conception of political morality that rises above the countless controversies that exist between 'reasonable' or 'free and equal citizens'. Even on this conception, it should be noted, the reference to 'reasonableness' or 'freedom and

equality' is itself a commitment to certain controversial ideas of political morality involving the protection of familiar civil liberties and various socioeconomic rights. Nevertheless, Rawls's project is to assess whether it is possible to defend political ideals and principles in a way that does not rest on any wider moral or religious claims that are controversial between reasonable citizens. As an example, Rawls asks whether the two principles of justice he defends (Rawls 1971), and the arguments for them, are capable of being presented in a way that rises above the disputes between, say, Kantians, utilitarians, and various religious views about the source of moral norms. This is important for Rawls, because if they live under institutions that protect their interests in freedom and equality, individuals reasoning in good faith will, because of what he calls 'the burdens of judgement' (1996, pp.54-58), inevitably come to different conclusions about these further matters concerning the content and justification of moral, religious and ethical norms. Given the inevitability of disagreement between such citizens, if everyone is to enjoy political autonomy—in which they 'know and accept the pervasive influences of the basic structure that shape their conception of themselves, their character and ends' (1996, p. 68)—the defence of the principles that regulate the basic structure cannot appeal to further controversial moral ideas beyond those of freedom and equality. This applies to citizens who make mistakes in their reasoning about religion and ethics just as much to those who do not. In this way, by not appealing to the whole truth, the Rawlsian view aims to secure agreement amongst (morally) reasonable people on certain principles of political morality that would be unachievable if those principles were defended as following from the whole truth about morality.

Hand is not a Rawlsian. His argument assumes that we ought to be after the whole truth about morality, because it is the responsibility of teachers to transmit knowledge (pp.85-86). Nevertheless, in his view there is a different sense of 'reasonable disagreement' that is relevant—relevant because it casts doubt on a moral conception's epistemic status (pp.2-5).

There are at least two ways in which we might understand Hand's epistemic understanding of reasonable disagreement. First, we might offer a characterisation of an epistemically reasonable person and say that reasonable moral disagreement is the disagreement about morality that obtains between persons so characterised. This is what Hand seems to have in mind when introducing the idea:

Sensible and sincere people armed with similar life experience and acquainted with roughly the same facts come to notably different conclusions about the content and justification of morality (p.1).

On this view, we cannot hold a proposition to be justified if some suitably situated, sensible and sincere people reject it. The mere fact that there is disagreement between them implies that a proposition is not justified.

It is unlikely, however, that this is Hand's considered view, as opposed to shorthand for his actual view. If it were, his argument for directive contractarian moral education would fail to get off the ground. True, as Hand notes, some sensible and sincere people do endorse moral contractarianism. But, it is not the case that moral contractarianism is endorsed by all sensible and sincere people; in fact, far from it. Many, including many of the most prominent moral philosophers of the last

half-century, reject moral contractarianism: Rawls (1971; 1996; 2001), Parfit (1984; 2011), Nagel (1986; 1991), Scanlon (1998; 2016), Kamm (2007), Korsgaard (1996), Kagan (1989), Quinn (1993), Thomson (1998), Raz (1986), and Dworkin (2011). It is hard to believe that these philosophers are unreasonable, if reasonableness is specified in terms of the capacity to reason well. But, if we treat them as reasonable, which seems much more plausible, then we must accept that contractarianism is itself subject to reasonable disagreement. Unless there is some knock-down argument in favour of moral contractarianism which these thinkers have missed – which we doubt, and in the final section we will review cases where contractarianism seems particularly weak in comparison with non-contractarian views – then what follows from this is that to teach contractarianism and what follows from it directly would count as indoctrination, on Hand's view.

There is, however, a different way of understanding the connection between disagreement about a proposition and its justification. This second interpretation is, we believe, Hand's real view. To understand this alternative interpretation, we should begin by noting that even sensible and sincere individuals who are acquainted with all the available facts and arguments can still make mistakes. What fundamentally casts doubt on the justification of a moral proposition is not the bare fact that people who have the capacity to reason well disagree with it, but that there exist alternative conclusions that are consistent with the available evidence and arguments (p.3). Hand gives several examples of moral propositions that are not 'robustly justified' in the sense that only one conclusion is consistent with the available evidence: the claims that eating meat (p.3), smacking children (p.3), giving offence (pp.92-99), and buying expensive private schooling for one's child (pp.99-103) are morally prohibited. In each of these cases, Hand argues that the available evidence and arguments can be used to support the moral permissibility as well as the moral wrongness of those activities. In other words, claims that these activities are morally prohibited have uncertain justificatory status, because the evidence and arguments do not uniquely support these judgments.

If this is indeed Hand's view, then the idea of reasonable *disagreement* is an unhelpful distraction in his argument, because the existence of disagreement is ultimately neither here nor there. At most, the existence of disagreement between good reasoners *points toward* the possibility that a moral code *might not* be robustly justified, but such disagreement does not make it the case that the moral code is not justified. Worries about the justification of a view suggested by the fact of disagreement are defeasible, because even sensible and sincere reasoners sometimes make mistakes. Similarly, an absence of disagreement about a moral code does not make that moral code justified. As Hand notes, consensus on a moral conception might be explained by factors other than the 'demands of reason' (p.77), such as post hoc rationalisation of a moral code into which we have been socialised (p.58).

This explains why our reconstruction of Hand's argument makes no reference to disagreement, reasonable or otherwise. His real argument is that teachers ought to direct their pupils in the right way towards moral norms that are robustly justified. That remains the case, he claims, even if many clever, sincere and respectful people reject the norms towards which pupils are directed. His view is very different from Rawlsian accounts that aspire to find educational principles that are acceptable to citizens who disagree about religious, ethical and certain moral

matters. Although we will not defend it here, we find the Rawlsian view more appealing as an approach to education in schools (see Clayton & Stevens 2018).

With these observations about the unimportance of reasonable disagreement in Hand's argument in place, we now turn to consider more directly the claims he makes about moral contractarianism.

3. Should moral contractarians worry so much about indoctrination?

Are the two central ideas that animate Hand's conception of moral education – his concerns about indoctrination and his moral contractarianism – mutually supportive? True, there is no logical inconsistency. Nevertheless, both concerns are normative in nature – they are, or produce, reasons for action – and it is not obvious that the reasons hang together. In this section, we suggest that if moral contractarianism is sound, then teachers or governments should not be as worried about indoctrination as Hand suggests they should be. It is important to note, it is not our aim to argue that indoctrination is not worrying; only that if one accepts, *arguendo*, the case for contractarianism, then it is not obvious that a strong prohibition on indoctrination can be maintained.

To see this tension, we need, first, to outline Hand's contractarian view. Hand sketches moral contractarianism by reference to what Hume and others call the 'circumstances of justice' and what Hand calls the 'problem of sociality' (pp.60-66). The circumstances of justice consist of three features: (i) a rough equality between individuals in terms of their ability to help or harm others; (ii) individuals are motivated by a concern to pursue their self-regarding goals, but also their goals involving others – they have some concern for others, particularly those close to them; and (iii) the world is such that individuals benefit from cooperation with others to pursue their goals.

Given these facts, and the standing tendency for individuals to free ride on the cooperative activity of others, which would be collectively worse, Hand provides a summary of how contractarians justify moral restrictions, which he helpfully characterises in terms of norms that apply to everyone ('universally-enlisting') and that involve a commitment to penalise oneself and others for transgressions ('penalty-endorsing'). Widespread subscription to moral standards that are 'conflict-averting' and 'cooperation-sustaining' solves the problem of sociality (p.67).

With this basic sketch of contractarianism in place, we can now illustrate the tension between Hand's contractarianism and his strict prohibition on indoctrination. Recall, for Hand, indoctrination consists in imparting beliefs to people such that they hold them without appreciating the reasons for so doing. However, if the aim of the contractarian is to bring about subscription to moral standards in order to avert socially detrimental conflict and to sustain cooperation, then it is not obvious why indoctrination is ruled out. In some cases, indoctrination may be an effective way of securing peaceful cooperation.

This tension can be further revealed by noting that Hand distinguishes between 'moral formation', which involves shaping people's intentions, desires and behaviour, and different kinds of 'moral inquiry', which concerns individuals' beliefs regarding the justification of those moral standards (pp.16-19). A full moral commitment, then, requires both parts: that we subscribe to moral standards, and we believe those standards to be fully justified. On Hand's view, the principle of non-

indoctrination refers only to the latter – belief-formation – element: it is valuable for individuals to hold the beliefs they do because they appreciate the reasons for them, rather than holding them non-rationally (such as through deference to putative authorities, or by being nudged or manipulated into holding beliefs without attention to the available evidence or argument).

As part of holding this distinction open, Hand accepts that children's intentions, desires, and behaviour – their moral formation – can permissibly be shaped without them appreciating the reasons for these attitudes and conduct, provided that this shaping helps them to conform with the right moral code (pp.30-37). Typically, this formation occurs through such things as issuing prescriptions (pp.30-32), rewarding compliance (p.32), punishing non-compliance (pp.32-33), and the modelling of compliance on the behaviour of others (pp.33-34). These methods of formation are primarily 'conative, affective and behavioural', rather than (in contrast to moral inquiry) cognitive (p.35).

But, if such shaping of intentions, desires, and behaviour is permissible in order to help individuals conform with the right moral code, why not also allow the cultivation of non-rationally held beliefs? Given that how individuals act is often explained by their beliefs about how they ought to act, achieving the goal of peaceful cooperation might be more effectively met by holding the right beliefs in a non-rational manner, rather than trying to bring individuals to hold the right beliefs for the right reasons.

Such a thought, we might note, is not outlandish, historically, amongst contractarians. Concerned with how to mitigate conflict and produce cooperation, contractarians have allowed the community to engage in just this kind of belief-formation. For example, one of the powers Hobbes attributes to the Sovereign is:

to be Judge of what Opinions and Doctrines are averse, and what conducing to Peace; and consequently, on what occasions, how farre, and what, men are to be trusted withall, in speaking to Multitudes of people; and who shall examine the Doctrines of all bookes before they be published. For the Actions of men proceed from their Opinions; and in the wel governing of Opinions, consisteth the well governing of mens Actions, in order to their Peace, and Concord (Hobbes [1651], p.124).

We have, according to the problem of sociality, compelling reasons to cultivate both beliefs and desires that support peace and cooperation for mutual advantage. The case for non-indoctrination is not settled by anything internal to the contractarian view; it is an open question whether that cultivation should take the form of trying to get individuals to appreciate the reasons for the beliefs they have. It is by no means obvious that the circumstances that are necessary for cooperation can be successfully brought about or maintained through reasoned argumentation. Perhaps things such as irony, propaganda, and eloquence are more effective than a policy of non-indoctrinatory persuasion in which everyone is given the opportunity to appreciate the arguments for alternative conclusions that some find persuasive.

Hand's worries about indoctrination are not fully articulated or defended from a contractarian point of view. At one point, he agrees with Mill that holding

beliefs because one takes there to be reasons for them makes those beliefs more amenable to revision and improvement (pp.6-7, 10).

To be sure, it is clear why Millian consequentialists are hostile to indoctrination. For Mill, the quashing of dissenting views and debate that indoctrination inflicts has a series of undesirable effects, which include individuals becoming unable to discover the truth, then making that truth, once discovered, a part of their lives, and reducing people to mere automatons, only capable of imitating and copying, which is an existence at odds with being the progressive beings that the political community should facilitate (see Mill [1859]). It is less clear why contractarians should care about these effects. This is particularly the case if, as some contractarians argue, mutually advantage cooperation tends to be more stable if people exhibit a conservative attitude and more deference to those in positions in authority rather than less (Hume 1777). Inquisitive and independently-minded people do not obviously cooperate for mutual advantage better than those who defer to social expectations and conventions without serious examination of their justification.

At another point, Hand argues that non-rationally held beliefs might be more unstable (p.10). Such beliefs are intimately linked with the power-structures that impart and maintain them. Hand claims that those who are indoctrinated into beliefs, such as their parents' religious beliefs, often cast them off when they reach adulthood, not because they examine those beliefs and find them wanting, but because they react negatively to the control itself. Once such beliefs go – along with the control that maintained them – then the appropriate moral standards for maintaining peaceful cooperation are less likely to be secured. As an empirical claim about religious enrolment, this is open to considerable doubt. Renouncing one's parents' religious views upon reaching maturity certainly occurs, but considerable empirical evidence shows that many who cast off their parents' views do not leave the religious life entirely. Rather, they 'switch' to different denominations, whilst still maintaining related beliefs. Often the direction of travel is from particularly 'strict' or conservative religious doctrines to more 'moderate' or liberal ones, but the reverse often occurs as well (see Sherkat and Wilson 1995; Loveland 2003). Either way, the seeds rarely fall far from the tree. Moreover, when they do fall it is more commonly from the less strict denominations. Contra Hand, those who are enrolled during childhood into strict religious beliefs on a non-rational basis prove to have remarkably stable religious preferences (Sherkat and Wilson 1995).

So far, we have examined the critique of indoctrination as a claim *internal* to contractarianism. It might be, however, that this is not Hand's view. He seems, at times, to present the objection to indoctrination as independent of the truth of moral contractarianism. This interpretation is suggested by occasional remarks about the point of education – that it is 'centrally concerned with the transmission of knowledge' (pp.85-86) – and 'educational propriety' (p.121). On this view, it is morally impermissible to indoctrinate, because indoctrination is inimical to the transmission and development of knowledge. But, this hybrid view in which there are *non-contractarian* reasons to be concerned about indoctrination raises further questions.

First, we might ask questions about the justification of teachers' duty not to indoctrinate. The claim cannot be merely that indoctrination does not square with

the meaning of education, because in that case we may ask why we are morally required to pursue the project of education so construed. Millian concerns about close-mindedness seem more promising reasons, but these suggest a more general outlook that favours the cultivation of individual autonomy, individuality, and liberty for the sake of social progress. Again, these do not seem to square with the contractarian framework Hand outlines, and we are left asking questions about the character of the overarching view.

Relatedly, if non-contractarian reasons for the moral permissibility of indoctrination are accepted, questions arise about how well they cohere with contractarian concerns. Suppose there were contractarian reasons to indoctrinate and independent reasons not to do so. We would need an account of how to manage conflict between these two sets of reasons. Moreover, a non-contractarian theory that supports a prohibition on indoctrination might be in tension with other parts of the contractarian view. For example, if Mill or Rawls are right about the value of individuals exercising the capacity to track the truth about certain aspects of morality, then it might be worth risking some social conflict or some loss of the smooth functioning of a society, beloved of contractarians, to realise that value.

Accepting a non-contractarian basis for the prohibition of indoctrination would open Hand's argument to further challenges, because it is unlikely that he can justify only one exception to contractarianism. If there are non-contractarian reasons, then it is necessary to do more than merely explain how contractarian reasons support certain moral norms; Hand needs to establish that the contractarian reasons are not defeated by other sound non-contractarian reasons, such as, for example, respect for people's dignity or treating individuals with equal concern. As we shall elaborate in the next section, one of the long-standing criticisms of contractarian moral and political theory is that it gives insufficient weight to the moral claims of the vulnerable. If Hand allows non-contractarian reasons into his account, then it is difficult to see how he can maintain that directive moral education should aim to impart a full commitment to the basic moral code he has in mind.

4. Is directive contractarian moral education justified?

In this final section, we challenge the plausibility of moral contractarianism. Recall that Hand's position is that moral education that directs pupils towards a particular set of moral norms is permissible if, but only if, those norms are robustly justified. Using contractarian ideas, he sketches a justification of a basic moral code that includes moral prohibitions on certain kinds of killing, physical harm, theft, extortion, and cheating, as well as moral requirements to deal with others honestly and fairly, and to help people – particularly those close to us – who are in need. Because he takes that basic moral code to be robustly justified he argues that it is morally permissible to teach in a way that produces a full moral commitment to it. With respect to other moral claims – those that defend moral prohibitions on smacking children, giving offence, and buying private schooling for one's child – he claims that the prohibitions have not been justified beyond reasonable doubt – they are the 'grey areas of morality' (p.82) – and, therefore, should be taught non-directively, that is, without teachers aiming to get pupils to believe that the prohibitions are justified. Hand also has a third category of views: those that are unjustified (pp.84-87). In this category he places views that morally forbid

masturbation, or hold that the moral permissibility of actions turns on whether they are 'natural' (pp.84-85). Here teachers are permitted to teach directive that these moral standards and justificatory arguments are rationally indefensible.

Our first challenge to this contractarian view is simply this: Hand has not done enough to establish his claim that the basic moral code he advocates for directive teaching is justified. Our second challenge is to argue that the kind of morality contractarians favour is unjustified.

Regarding the first challenge, Hand needs to offer readers considerably more argument if he is to establish that his basic moral code is sound. We have covered part of this point above. A significant number of the world's most prominent moral philosophers over the past fifty years (if not longer) reject moral contractarianism. The fact that they reject it may only have evidential significance with regard to contractarianism's soundness – it *points toward* the possibility that the view may not be robustly justified. Nevertheless, their accounts of morality contain a several forceful objections to the contractarian view of the nature and justification of reasons for action and what these imply for the moral norms we should respect. If a view is justified by being the only rational conclusion that can be drawn from the available evidence and arguments, then it is important to explore and rebut at least the most prominent alternative arguments in the field. Hand needs to offer us considerably more to establish that contractarian morality is justified beyond reasonable doubt.

With regard to the second challenge, here we briefly sketch a couple of arguments that purport to show that contractarianism is mistaken. To be fair to Hand, he does address some objections to the contractarian view, albeit briefly – those that may be raised by nihilists (pp.70-72), free-riders (pp.72-73), and the infirm (pp.74-75). However, he does not offer a conception, still less a justification, of the account of reasons for action from which contractarian morality is supposed to follow, and he does not deal adequately with the plight of those who may be disadvantaged because they are vulnerable.

Let us consider the account of reasons for action first. Hand says that, given the circumstances of justice and the problem of sociality they tend to generate, human beings have decisive reasons to subscribe to the moral norms he outlines. Hand does not supply an account of the nature of reasons for action, but we can explore the most plausible possible accounts. Historically, contractarians have favoured some kind of *desire* conception of reasons. On this account, reasons tell us what actions are necessary or sufficient to realise our desires. Our fundamental desires cannot be evaluated as good or bad; desires are taken as given, and what is good or bad for an individual depends on her desires. Contractarians like Hobbes and Hume, then, proceed on the basis of a subjective account of a person's good, and an instrumental account of reasons in which reasons tell us how to realise our desire-determined good.

It is unclear whether Hand adopts the desire conception of reasons that is characteristic of many contractarian theories. If he does, his account of justified moral norms appears suspect, for it says nothing about a requirement that our beliefs and desires be rational in a more substantive sense. For instance, Parfit's case of an individual whose desires include 'future-Tuesday indifference to pain' is a simple example that undermines the account (1984). Parfit asks us to imagine someone who has the desire to avoid pain in the future, but is indifferent to pain occurring on any

future Tuesday (though when it is Tuesday he has a strong desire to avoid pain on that day). Here, we might ask whether an individual with future-Tuesday indifference to pain has a reason for her desire.

Many philosophers – Parfit (2011, vol. 2), Scanlon (2016), and Dworkin (2011) included – adopt a non-naturalist account of reasons, and argue that reasons can be fundamental. If they are right, then we need to do more than rest our moral code on generalisations about the fundamental desires individuals have, as contractarians typically do. For example, an individual's desire for self-preservation or 'commodious living', or limited sympathy, cannot be taken as immune from evaluation. Rather, we need to ask whether there are considerations that count in favour of having these ambitions such that an action-guiding code that serves them is justified.

Even this brief sketch indicates a strong case can be made that contractarians have an impoverished view of reasons for action. Relatedly, a compelling case can be made against the moral code they endorse. Contractarians conceive moral rules as rules for the production of mutually advantageous interaction between roughly equal people. However, as Hand notes, many object to contractarianism because it appears not to issue moral prohibitions on individuals who propose to harm those who lack the means to help or hinder them. Contractarians, that is, defend moral norms of reciprocal cooperation that benefit individuals who interact with others who can help and harm each other. But, on that view, powerful individuals with little to gain or fear from others would lack moral duties to refrain from harming or helping them. Such a moral code is one without a sense of the dignity of human life: it permits the strong to trample over the interests and claims of those whom we often think possess the strongest moral claims to assistance – the vulnerable.

Hand offers two replies to this objection. First, he claims that the objection underestimates the ability of the so-called vulnerable to set back or advance the interests of others, because there is no straightforward way of sorting people into two distinct groups of the 'infirm' and the not infirm: infirmities or vulnerabilities vary, so although someone may not be able to cause harm in one way, they may in another; and that some infirmities are temporary, so if someone is unable to cause us harm now, they may be able to at some future time (p.74). These are practical or prudential considerations. Second, the vulnerable are protected because, as a matter of fact, humans possess (limited) sympathy: the mutually advantageous morality of contractarians must be understood as moral norms that enable individuals to satisfy their desires that others not suffer, not merely their self-regarding desires.

Neither of these replies seems adequate. To see why, consider a moral idea that is routinely taught directly in schools, the idea of sustainability – that future generations have a moral claim to enjoy as good an opportunity to pursue their goals as the present generation enjoys – which supports a duty not to deplete the world's natural resources and to prevent global warming. Given the impossibility of time travel, it cannot be argued that distant future generations have the ability to help or hinder the interests of the present generation. Even if Hand's first reply to what he calls the objection on behalf of the infirm works for currently vulnerable persons, which we doubt, it does not work at all for distant future generations. Such future generations form a group that is separate and distinct; there is no form of action

available to them at all that would harm or hinder previous distant generations; and their vulnerability is permanent, not temporary.

So, Hand's case for directly teaching a moral requirement of sustainability must rest on the contingent fact of sympathy for the suffering of distant future generations. Given his acceptance of a limited sympathy that exhibits a spatial and, presumably, a temporal discount rate (p.61), this straightforwardly generates a seemingly insurmountable problem for a contractarian defence of sustainability. Hand's account of morality cannot justify encouraging children to believe that they are morally required to act in ways that leave enough and as good for distant future generations. The poverty of contractarian morality is that it fails to accord equal or adequate protection to vulnerable future generations whose prospective indigence does not happen to trigger the sympathy of the strong.

In the face of objections of this kind, Hand sometimes retreats to the claim that he is providing only a *partial* account of moral education. He is open to the suggestion that the moral code he affirms is not complete, and might be augmented by further moral standards, if there are robust justifications for them, and that there may be other justifications for subscribing to moral standards (p.69; 2018b, p.7). Hence, he might be persuaded that there is no plausible argument against the moral requirement of sustainability. If so, teachers may teach directly towards a belief in it alongside a belief in the moral prohibitions against killing, harm, theft, and so on.

The problem with this argumentative strategy is that it relies upon the assumption that the moral code Hand sets out is a proper subset of the – as yet unspecified – complete moral code. That is, if we take the complete moral code of robustly justified norms, Hand's code will be contained within that complete code, and the prohibitions on killing, harm, theft, and so on, will not conflict with any of those further justified norms that comprise the full code. Yet, it is hard to believe that this strategy will work, because there is a basic tension between 'morality as rules for mutual advantage' and 'morality as impartial treatment' as defended by Kantians and many consequentialists (see Barry 1989). This is the case for both the content and the justification of their respective moral codes. On a Kantian view, for example, every person or rational agent is entitled to be treated according to principles that no one can reasonably reject regardless of whether she can help or hinder other agents (Scanlon 1998; Rawls 1996; Nagel 1986, 1991). Impartial act consequentialists argue that individuals are morally required to act in ways that produce the best consequences, where good consequences consist of one or more goods such as need-fulfilment, equality, impartial concern for well-being (Parfit 2011), and so on. These views do not simply agree with the contractarian views of how to justify moral principles and make additional arguments that supplement the code. Rather, they emphatically reject the contractarian conception of reasons and its other foundational thoughts about morality.

The same is the case for the content of morality. True, non-contractarian moral philosophers generally agree that harm and theft are morally prohibited, and they agree that it is right that children are encouraged to treat others fairly. Nevertheless, they offer different interpretations of these moral ideas that conflict with those offered by contractarians. This point is obscured in Hand's argument because he does not give us a full description of what he means by 'harm', 'theft', and 'fair treatment'. Still, an example will suffice to illustrate the tension. Most who

take morality to be about impartiality argue for a conception of fair treatment that attaches priority to satisfying the interests of the least advantaged. They might do so because they are persuaded by the thought that everyone is entitled to enough; or that the claims of the least advantaged matter more, or are more urgent, from a moral point of view; or that we are required to treat people as equals. It is hard to see how contractarians can accept these thoughts. For contractarians, moral rules, as we have seen, regulate conduct for *mutual* advantage: for a moral rule to be justified it needs to be shown how the requirement enables everyone, including the powerful, to pursue their self-regarding and (limited) other-regarding goals more effectively than not having that moral requirement. Contractarianism, then, produces a moral code of ‘I’ll scratch your back if you scratch mine, or if I happen to care about your welfare’. It has no place for the more basic moral requirement ‘I should scratch your back if you can’t scratch it yourself and even if you can’t scratch mine, regardless of whether I happen to care about your welfare’. In situations where there exists a rough equality between the contracting parties, moral contractarianism may well give rise to a set of rules that sometimes corresponds to, or overlaps with, those of morality as impartiality conceptions. Within contemporary societies the rules that apply to productive members who contribute to the collective enterprise would likely correspond in this way. But, where this rough equality fails to exist – in the cases of the ‘infirm’ or the vulnerable, or those of different generations who are unable to harm us – then this correspondence will decrease substantially.

If we are right, Hand cannot retreat to a stance of open-mindedness about the defensibility of further moral rules to save his view from the charge that it fails the vulnerable. We are forced to choose between Hand’s contractarian conception of moral education and alternative accounts that rest on the fundamental idea that everyone must be treated with impartial concern and respect. In the face of that choice, teachers and other moral educators should reject moral contractarianism.

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