Democratic government is a solution to what would otherwise be a fundamental problem for liberalism in reconciling its celebration of individual rights and freedom with the apparent necessity of authority and laws. This solution, however, is not available when recourse to self-rule is less plausible, as in the case of children. Liberals like any adherent to a prized tradition want to reproduce their values and ideals in younger generations, and to live up to those ideals by respecting the freedom and autonomy of children. Yet it is not so clear how these values can be reconciled with apparent need for parental authority. As Kant himself noted, "One of the greatest problems of education is how to unite submission to the necessary restraint with the child's capability of exercising his freewill."[1] Doesn't the day to day management of a child's behavior conflict with liberal respect for her freedom and choices as an individual? How can such direct control be consistent with fostering the development of personal autonomy? Similarly, isn't there something paradoxical about deliberately instilling in an uncritical and receptive mind beliefs and values that celebrate the ideal of individual self determination?

One sign that liberal thinkers have been sensitive to these issues is their long standing concern about the role of punishment in child rearing. Enlightenment era thinkers such as Locke, Kant and Mill as well as their counterparts in contemporary child developmental psychology share a distrust of punishment and doubts about how much it can help to foster genuine moral development. One source of these doubts is obvious: punishment is surely coercive, securing compliance through fear and a brute desire to avoid pain. In the parlance favored by psychologists, it is the purest example of *external* control, compelling obedience to rules or standards whose legitimacy and force the child may not recognize.[2] Not surprisingly the

[1] Immanuel Kant, *Education*, trans. Annette Churton, (Ann Arbor: University of Michigan Press), 1960, pg. 27.
[2] An assumption that escapes questioning more easily than it should is that if a child will follow a rule only or in part out of fear of punishment she must not acknowledge or recognize its validity. This isn't obvious. Given our capacity even as adults to act against what we know is our own better judgment, it seems there's room for the threat

more or less consensus view is that punishment should have at most a minor role in childrearing, perhaps as a necessary evil appropriate with younger children whose behavior cannot be otherwise managed. Ideally, as Kant puts it, "the child should learn to act according to 'maxims', the reasonableness of which he is able to see for himself" rather than be compelled to act on the will of others. It's not hard to see how this suspicion of what had been a commonplace and unquestioned part of parenting reflects the broader focus of liberal thinking, its emphasis on individual rights and freedoms in the political sphere particularly. In both contexts, liberalism counts only self-directed behavior guided by the agent's own sincerely held beliefs and values as authentic and morally valuable.

We might be forgiven for thinking that all this is a problem for liberal thinking, and a distinctly modern worry. Cultures which do not ground political legitimacy in the expressed will of those governed, and which are comfortable with authoritarian and hierarchical schemes of governance, would surely have no cause for questioning the moral use of punitive methods of control to preserve the peace and further the common good. Similarly, societies traditionally more at ease with authority based in social roles and unequal relationships presumably would be unconcerned with parents directing their children's behavior and in so doing resorting to coercive measures when necessary. This is not necessarily the case however. Worries about the role of punishment and external control, in child rearing as well as in governing, can be found outside of the modern liberal tradition, if not always with the same urgency and certainly with differences in emphasis.

What I will pursue here is the way in which worries about external control and punishment arose in the Confucian tradition. These worries are striking in light of the fact that

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of punishment as a bulwark against weakness of the will. In any case, the idea that punishment is antithetical to autonomy is widespread and I won't dispute that issue here. Nor will I pursue alternative accounts of punishment, such as what is seemingly in play in Aristotle, that would give it a positive role in moral education.

nothing like the modern liberal idea of autonomy arose in the Confucian tradition. When, for example, Confucius urges rulers not to depend on the threat of punishment in ruling, we can take it for granted that whatever the problem penal law is supposed to be (we'll get to that in a bit), Confucius didn't have in mind its incompatibility with the inherent dignity of humans as free and autonomous individuals. The reasons behind the Master's concerns here highlight a distinctive approach to human motivation that contrast sharply with the liberal preoccupation with the individual, autonomous will.

Crime and Punishment in Ancient China

In considering what Confucian philosophers thought and said about punishment, it is worth looking briefly at the penal practices of the time. These were by modern standards extremely harsh, with capital and severe and often permanently maiming corporal punishment being routine. The expressed purpose of these punishments was to deter crime and encourage social harmony, and Legalists such as …defended highly punitive laws by pointing to the brute motivational powers of pleasure and pain. The thinking was that if the threat of severe penalties was kept credible, they would rarely need to be administered because of human beings' inherent and overriding desire not to suffer. Accordingly, many urged rulers to be ruthlessly consistent in applying harsh punishment—if wrongdoing were reliably coupled with torture or death, who would risk it? The utility of punishment in classical China was in this way seen as entirely negative—it prevents bad things from being done or repeated but at a horrible cost to the person being punished.

In challenging these attitudes, Confucians tended not to doubt that the threat of punishment could deter unwanted behavior, and there's a sense that they accepted it as a probably an ineliminable if regrettable part of human life. Their alternative to the punitive

scheme of the Legalist focused instead on a distinctive understanding of the psychology of human motivation and development that would show coercion to be much less necessary than commonly supposed. In the Confucian view of things, playing on our desire to have pleasure and avoid pain is not the *only* way to encourage virtuous behavior or discourage vice, nor is it a particularly good way. Rather, we are capable of acting out of sense of propriety and other regarding sentiments that are components of a more decent and meaningful life. On the strength of these claims, Confucians conclude that not only is punishment not necessary to secure obedience, it is inherently a morally unsatisfactory way to so as well. Unlike the Legalists, the Confucian see recourse to punishment as a sign of something having gone wrong.

Confucian Doubts

To develop the Confucian alternative to the prevailing punitive practices, we can begin by considering some examples of the Confucian doubts about the wisdom of relying on punishment both in governing and moral education. While there is no doubting the Confucian emphasis on obedience and deference, or the necessity and importance of hierarchical relationships, this is notably coupled with a tendency to see direct or overtly coercive expressions of power as a symptom of failure, something those in a superior position resort to only when playing their role poorly.[3] So, for example, in the passage alluded to above, Confucius famously judges that reliance on penal law is at best a second rate approach to government:

> Lead the people with administrative injunctions…and keep them orderly with penal law, and they will avoid punishments but will be without a sense of shame. Lead them with

[3] I am distinguishing here between Confucianism as a philosophical tradition from its various cultural instantiations and influences. Anthropologically speaking, it is clear that Confucianism was often authoritarian and often enough highly punitive. The relationship between what we find in the texts and what happened on the ground, so to speak, is a complicated one, and clearly it remains necessary to consider what in the philosophy so readily lent itself to authoritarian interpretations.

> excellence…and keep them orderly through observing ritual propriety…and they will develop a sense of shame, and moreover, will order themselves. (2.3)

Confucius is contrasting here a kind of natural and spontaneous ordering of the social world that can be achieved by way of moral leadership that encourages the appropriate sentiments, with a more artificial, imposed order that depends on the threat of force.

The idea that properly developed sentiments make the direct use of force in governing unnecessary is taken up repeatedly by Mencius. A prominent feature of what he describes as 'benevolent government' is that while deference to rulers is proper and necessary, good rulers need to do little to enforce their will. Much to be preferred is the kind of loyalty that is inspired by moral example and the prosperity good rulers make possible. According to Mencius, bad governance is the source of the very kinds of lawfulness and disorder that makes harsh laws and punitive measures necessary.

While these ideas are oriented towards the political realm, the pervasive tendency of Confucian thinking to understand government on analogy with parental authority suggest that similar sentiments would hold when it comes to thinking about parent/child relations. Though the specific matter of child rearing is explicitly addressed much less often, when it is this often proves to be the case. To see this we can start by noting that in addressing parent/child relationships the Confucian tradition is striking in *not* demanding blind obedience in children. While we do find a pervading stress on compliance and deference, this is regularly countered by an insistence on a filial duty to help our parents recognize their own mistakes and failings if necessary. In the *Xiao Jing*, or "Classic of Filial Piety", Confucius makes the point forcefully:

> the father who had a son that would remonstrate with him would not sink into the gulf of unrighteous deeds. Therefore when a case of unrighteous conduct is concerned, a son

must by no means keep from remonstrating with his father, nor a minister from remonstrating with his ruler. Hence, since remonstrance is required in the case of unrighteous conduct, how can (simple) obedience to the orders of a father be accounted filial piety?" (*Xiao Jing* 15)

Mencius' considered position is that children have a natural tendency to love and respect—and so presumably obey—their parents. This tendency needs only proper nurturing in a healthy moral environment in order to blossom into full filial piety (about which more shortly). "There are" he says in VIIA15, "no young children who do not naturally love their parents, and [who] when they grow up will not respect their elder brothers." It is, Mencius continues, the "extension" of these natural tendencies that accounts for people's willingness to defer to all proper authority. When it comes to influencing children and providing them with a moral instruction, the stress is on fostering this natural relationship and providing a properly nurturing environment rather than overt and forceful attempts to change behavior. So, for example, when stressing the effect of the moral environment on an individual's character, Mencius notes the limited utility of caning a child in order to overcome the influence of those around him: "With one man from Ch'I tutoring the boy and a host of Ch'u men chattering around him, even though you caned him every day to make him speak Ch'I you would not succeed." (IIIB6) The plausible presumption here is that a child's social and moral environment will do more to determine a child's character and influence his behavior than physical punishment. This is not to say that Mencius thought children needed no discipline. But when some kind of correction is clearly called for, Mencius urges parents to outsource the job to tutors, so as not to damage their relationships with their children:

It is clear, then, that at the philosophical level punishment is not emphasized in the Confucian tradition, limits to its effectiveness and the dangers attached to its overuse are recognized, and there was a pervading sense that there are better ways to secure obedience and teach moral lessons. While obedience and deference to parental and governmental authority are seen as critical to the health of both families and society the appropriate behaviors are not thought to be best secured by overly coercive and punitive means. An explanation of Confucianism's ambivalence towards punishment can be found in a subtle and complex set of ideas that links a) the acquisition of moral virtues; b) the development of proper emotional dispositions; c) appropriately expressive behavior; and d) a kind of wisdom or knowledge that is fundamentally performative and pragmatic. So tightly entwined are these idea in Confucian thought that locating a conceptually prior element out of the lot is no easy task, but for a variety of reasons, in the present context it is helpful to begin with *xiao* or filial piety itself. From here we will be able to bring into focus several other critical elements of Confucian moral thought.

Early on in the received text of the *Analects*, *xiao* is said to be the root of our humanity, and it would be hard to exaggerate the role of this particular virtue in the whole of the Confucian tradition.[4] Roughly speaking, *xiao* is a pattern of deference given to and respect shown for one's elders. "Elders" here means parents in particular, but the required deferential attitudes and behaviors of *xiao* were also to be extended to older brothers and sisters as well as aunts, uncles, and older neighbors, and finally all those whose social position confers authority. Ultimately *xiao* was used as model for the purely political relationship between citizens and rulers.

Xiao is not merely a pattern of *behavior* defining respect for one's elders, however. Critical to, indeed partially constitutive of, genuine filial piety is that this behavior is an expression of relevant emotions. For example, Confucius distinguishes merely providing for

[4] Analects 2.1 reads "quote"

one's parents—something we might just as readily do for dogs and horse—with showing *respect* in caring for them.(FN) A similar point is made in 2.8: "As for the young contributing their energies when there is work to be done, and deferring to their elders when there is wine and food to be had—how can merely doing this be considered being filial?" The theme that apparently benevolent or kind behavior that does not express the corresponding emotions is a sham is also taken up by Mencius in a general way:

> To feed a man without showing him love is to treat him like a pig; to love him without showing him respect is to keep him like a domestic animal. Respect is but a gift that is not yet presented. Respect that is without reality will not take a gentleman in merely in its empty show." (VIIA37).

Someone might, as we say, 'go through the motions' of showing respect, they may be unfailingly obedient, but if the necessary respectful attitudes and feelings are absent genuine filiality will be absent as well, and the general tendency of Confucian thought predicts that no one will be fooled. However, this is not to suggest that the behavior is unimportant to *xiao*. To the contrary, the degree to which filial behavior was circumscribed and even choreographed is equally striking and important. To feel respect without ever actually showing it in recognizable ways would also be to fail to be *xiao*. The idea is instead that the virtue is a *unity* of inner affective dispositions and expressive behavior: *xiao* is the appropriate feelings as expressed in appropriate actions. Neither affect nor behavior is sufficient by itself.

That moral virtues are pairings of affect and behavior is a prevailing idea in Confucian thought and takes us to the third component that is implicit in the emerging picture, namely *zhi*, knowledge or wisdom. The kind of wisdom or knowledge captured by *zhi* is pragmatic, pertaining to a self-aware ability to navigate the world successfully. As a component of moral

competence, *zhi* points to the ability translate feelings into action appropriate to the immediate social and relational context. Morally appropriate behavior (*yi*) is tied a corresponding emotion, but at the same time, the behavior is generated and refined by an associated understanding or knowledge of what actions are required or expected as an expression of that emotion in particular situations. It is this wisdom that enables the person to express the emotion properly, in mutually understood ways that nurture relationships and foster productive cooperation. Specifically, if the virtue, in this case *xiao*, requires appropriate expression, it's necessary to know what the appropriate behavior in fact *looks like* in any given context—this knowledge or wisdom is *zhi*. In other words, before one can have *xiao* one must have the appropriate feelings for one's elders and a willingness to express them, but one must also know how to express those emotions successfully across a range of social contexts: filial piety when one is apologizing to a parent for a misdeed does not look like filial piety when apologizing to a friend, even if feelings of respect, deference, and regret are appropriate to each.

At this point we need to add one more component the emerging picture, which is the notion of *li*, or ritual propriety. In the order of analysis on offer here, *li* is the final element that ties all the rest together on the practical level. Another distinctly Confucian notion, *li* has been defined as

> those meaning-invested roles, relationships, and institutions which facilitate communication and which foster a sense of community. The compass is broad: all formal conduct from table manners to patterns of greeting and leave taking, to graduations, weddings, funerals, from gestures of deference to ancestral sacrifices—all of these, and more are *li*.[5]

[5] Roger T. Ames and Henry Rosemont Jr., *The Analects of Confucius: A Philosophical Translation* (New York: Ballantine) 1998, pg. 51.

This set of rituals, rites, mores, standards of etiquette, and the like provides the behavioral repertoire for the proper expression of the moral sentiments discussed earlier. Roughly speaking, *li* is at least one major component of the moral wisdom captured in the idea of *zhi*: one will learn how to express one's feelings of respect for one's parents by learning those aspects of *li* relevant to precisely that. Moreover, and this will be a point that looms larger as we continue, it is in the performance of *li* that the appropriate sentiments themselves are developed, honed, and nurtured. In other words, it is in the performance of *li* that one both expresses and develops the affective dimension of virtue, and it is the learning of *li* that one develops the appropriate *zhi* that makes the appropriate and corresponding behaviors possible.

As an illustration of the picture so far, we might consider a child learning to express her appreciation for birthday gifts by writing thank you letters. As we've seen, as an instance of *xiao*, proper gratitude requires both genuine feelings of appreciation for the gifts received and the expression of those feelings towards those who gave the gifts. *Li* works on both of these aspects of gratitude. By learning and practicing a socially recognized and shared way to respond to having received gifts, the child will succeed in making her feelings manifest to herself—each letter will remind her of who gave her what, prompting and reinforcing, we might hope, the feelings of thankfulness we are asking her to express. At the same time, the letters themselves are a concrete way to make this gratitude visible to her benefactors. Absent the 'ritual' of writing the thank you letters, her feelings may either remain unacceptably private, or too inarticulate or unformed to translate into a proper and appreciable expression.[6] Looking from the other direction, without the shared understanding of the *proper way* to show appreciation, she may inadvertently express her gratitude in ways that cause offense or misunderstanding.

[6] It is not the writing of letters per se that is important. Rather that there is some recognized practice in place that does what this particulars version of *li* does here.

What's Wrong With Punishment: A Confucian Argument

We are now in a position to see why from a Confucian perspective we should be hesitant to rely too much on punishment in moral education. We can begin by recalling that the model of punishment that is being rejected, exemplified in the writings of the Legalists, sees its utility as lying entirely in its value as a deterrent. As we saw, the logic of Legalism proceeds from the natural fear of pain to the conclusion that the harsher the penalty the greater the deterrent, and so the greater the utility and justification for punishment. Hence the suggestion that punishments be both severe and rigidly and unfailingly administered, without regard to social standing, past merit, or exculpating circumstances. If something like this was the model of punishment on offer, it is hardly surprising that it has only a small place at most in Confucian moral education. There would seem to be at least three related problems with punishment that we can recognize from the perspective of the account on offer.

First, if punishment works only by way of an individual's fear of and desire to avoid pain and humiliation (or worse), there's nothing to suggest that punishment could contribute to the development of the moral sentiments at the heart of Confucian virtue. Given the central and necessary role attached to the affective dimension of virtue, clearly there will be a valid worry that the threat of punishment will secure the outward behavior but no more. Since the outward behavior is insufficient, compliance secured by the threat of punishment will leave an essential component of virtuous behavior undeveloped at best.

Secondly, since fear is a pre-eminently *self-regarding* emotion, punishment might also be thought to actively *hinder* the development of moral sentiments by turning the persons focus to more narrow and self-directed concerns and emotions, and away from the other-regarding feelings so important to Confucianism. A child who is compelled to thank you letters under the

threat of a spanking if she refuses, for example, may be become too frightened to feel much in the way of gratitude even if she complies. It is precisely this concern, in the political context, that Confucius is expressing in 3.2 quoted above—punishment may secure the desired behavior, but at the emotional cost of an atrophied sense of shame, the feeling that makes us want to be thought well of by others.

Thirdly, punishment so understood can only represent failure, certainly on the part of the one being punished, but more importantly in those responsible in one way or another for their behavior and development. If Mencius is right that children have a natural tendency to love and respect their parents, a father or mother who has to resort to punishment to secure obedience must ultimately be the one at fault for having failed to encourage and nurture these feelings in the first place. If there are morally preferable options—instruction in the ways of *li* in particular—we are surely morally obliged to turn to them first.

Conclusion

I began with some comments on the tensions that have arisen in liberal thought on the subject of punishment, particularly in the context of moral education. There the difficulty was in reconciling the apparent need to control and children and direct their behavior with the liberal emphasis on freedom and autonomy. This tension, I suggested, encourages liberals to treat punishment as a necessary evil—something that does indeed act against our aims in liberal moral education, but which perhaps is unavoidable if children are to kept safe and tolerable while they develop the kind of self-control that makes parental direction unnecessary. We're now in a position to see that a comparable tension arises in Confucianism, albeit one oriented around a different axis. Here the difficulty is in reconciling parental control with the Confucian celebration of naturally occurring feelings of deference and respect, feelings whose development

are ill served, it seems, by punitive control. While individual autonomy as understood in liberal thought plays no role in generating this tension, Confucianism does recognize moral distinctions between possible sources of behavior, and like liberalism tends to put greater moral weight on those internally generated rather than imposed by external forces. So long as punishment is geared towards the brute suppression of what others define as bad behavior, it focuses on the wrong kinds of motivations in both liberalism and Confucianism. This said, it is important to note that behind this convergence lies a critical difference. While the liberal worries point to a desire to see an individual's behavior more fully expressive of her own desires or needs, in the Confucian picture it's precisely the fact that punishment appeals to the individual's narrow concerns that is the problem. The standard of authenticity in Confucianism is that actions come from successfully playing of one's role in relationships as an expression of genuinely moral sentiment.