

Children in formal schools are expected to abide by certain rules of behavior and they are subject to punishment if those rules are violated. This unremarkable observation has held true for as long as there has been formal schooling for children, and the various sorts of punishments misbehaving children have suffered at the hands of teachers, principals, and headmasters over the years easily come to mind. Recent decades, however, have seen a rethinking of a lot of what was once taken for granted when it comes to how children are treated, and the potential for abusive and harmful acts to hide behind the word “punishment” is now well recognized, as are the possible untoward effects of even well intentioned discipline. Perhaps time to ask whether there are any good reasons to continue to punish children in schools in any fashion.

I will present here a limited defense of punishing children in an educational setting. It will be limited in a number of respects. First, this will be a philosophical argument that concludes that punishment may have cogent normative aims that are consistent with plausible educational goals. However, it is possible for this to be the case while it also being true that in practice punishment is so likely to interfere with a child’s education that a policy against it is preferable all things considered. Because even under the best of circumstances punishment entails risks of unintended and unwanted effects, the likelihood of these and their severity may outweigh any potential benefits. This is an empirical matter, and I leave it as an open question here.

Secondly, nothing I will say here will provide any concrete guidance as to exactly when, and even less how, children might be rightfully punished. I will talk vaguely of ‘misbehavior’ and the like without saying much about what should count as

such, and I have even less to say about what might be acceptable forms of punishment.

Lastly, my defense will be limited in focusing on punishment in just one educational context, namely moral education. As noted below, there are other sorts of contexts in which punishing school children might be justified, but I will not pursue those on this occasion.

Reasons to Punish

When philosophers discuss punishment and its possible justifications their focus is typically on punishment in the context of criminal justice. In this context punishment is in service to a system of a laws—it is a way of securing obedience to whatever happen to be the current laws of the land. This focus on criminal justice potentially obscures rather different questions about punishment as a *moral* response to wrongdoing as opposed to mere law breaking. Legal distinctions do not always track moral distinctions, and it is not clear that we do or should empower the state to impose punishment for moral as opposed to civic reasons. It seems right, then, to distinguish questions like ‘by what right does the state enforce speed limits?’ from questions like ‘why is it right to inflict harm of some sort on murderers?’

I point all this out in order to highlight a similar ambiguity in the case of justifying punishing children in a school setting. Schools aim to provide educational goods for a population of children, and arguably their mission requires the maintenance of a certain amount of order and discipline. A common way of trying to maintain the needed order is a system of rules with predictable sanctions for violations, and so we can arrive at a

pretty straightforward justification for punishing miscreants whose behavior would wreak havoc on a school's ability to function.¹ While the overall aim of punishment justified in this way is pedagogical in the sense of allowing for the educational mission of a school to succeed, it need not aim at benefiting educationally the child being punished, and often it does not. There is, for example, evidence highlighting the harmful educational effects of suspension and expulsion on children who are suspended or expelled. However, there is also evidence to suggest policies that include these as possible punishments benefit the school as a whole.²

Is it possible to find a justification for punishment that is tied to the educational interests of the *child being punished*? Here I think we need to be more explicit about what those interests are. Obviously, the core aim of schooling is transmitting knowledge—children go to school to learn about themselves and their world, and to acquire the skills they need to succeed as adults. Importantly, successful students are successful in part because they learn how to be good students—they acquire the self-discipline and the social skills needed to excel academically. It seems *prima facie* plausible that punishing bad academic behavior, so to speak, will encourage better habits. And so perhaps there is a distinct justification for penalizing late or sloppy work, tardiness, speaking out of turn in class, and the like if it encourages the acquisition of habits tied to academic success. I will put this aside as another matter for empirical investigation.

¹This assumes of course that the use of punishment to maintain order actually works. I will put that question aside here.

² See, for example, ...

However, schools are also in the business of socializing children and they play a significant role in teaching children to conform to broader social norms, many of which are reflected in the rules schools imposed for the sake of efficiency and effectiveness. Examples would include rules against stealing, cheating, bullying, fighting, and the like. It can happen, then, that a child is punished for behavior that most of us would judge to be immoral as well as in violation of school rules. However, we need to keep distinct a justification for that punishment that looks to the institutional interests, and a justification rooted in the moral character of the transgression itself. Should school be in the business of punishing infractions of its rule for moral reasons, or because the infraction is an immoral act?

I will be arguing that we should answer yes to this last question, if the intent is to contribute to the moral education of the child. If we accept, as I think we should, that the moral education of children is itself a legitimate educational aim, then punishing immoral behavior is justified if helps in this educational ambition. If so, we also have a justification for rules that potentially go beyond those needed for institutional effectiveness. After explaining why I think schools should be in the business of moral education, I will defend the idea that punishment play a role in a child's moral education in a school setting?³

³ There is an additional moral justification for punishing children for moral transgressions that some might find plausible, though I do not. This would be a purely retributive view that holds that immoral behavior deserves punishment full stop, even when done engaged in by children. Kant seems to have believed this, but I do not think it would find many adherents now. See Kant...

Should Schools Be in the Business of Moral Education?

Particularly when it comes to public—i.e. government funded and regulated—education, doubts about teaching ethics have been commonplace for decades now, if by teaching ethics we mean anything that would include the deliberate inculcation of specific moral beliefs and values. At the risk of being brutally brief with a complicated set of questions, the sources of these doubts can be reduced to two. One has to do with the pluralism that is now a widely recognized feature of modern liberal democracies—given the diversity of reasonable ethical views in play, many would ask, which ethical beliefs and values should be taught? The worry here is that any we choose would be prejudicial and so illegitimate in the eyes of a substantial part of the population. The second set of concerns swirl around concern for children’s autonomy. Liberal democracy is predicated on respect for individual autonomy where that must include the freedom to choose for oneself the moral beliefs and values that one lives by. We cannot, the argument goes, respect the autonomy of children if we instill in them potentially controversial beliefs and values before they are in a position to decide such things for themselves.

It would take us way too far afield to provide anything resembling adequate answers to these questions, but I will at least indicate why I think both worries are manageable. First, for reasons suggested above, schools cannot but enforce rules that in part reflect some basic and generally uncontroversial moral values, and insofar as we accept that at least part of what schools do is socialize children it seems impossible to avoid attempts to get them to accept—or at least to abide by—some manner of moral beliefs and values. So, I would argue, schools have little choice as to

whether or not they should engage in moral education, and it is better if they are deliberate and open about their attempts to do so.⁴ Concerns that even this is incompatible with the commitments of liberal democracy are ungrounded, I think, because any plausible account of liberalism recognizes some basic ethical principles and assumes the moral desirability of certain character traits in its citizens.

Government neutrality is an important idea in contemporary liberal theory, but it should not be confused with the implausible idea that state agents and agencies should have no moral commitments at all.⁵

The second worry is also largely unfounded, though it does point to a worry about punishment that I will address in considerably more detail later. Education by its nature seems to involve the inculcation of beliefs in children before they are in a position to evaluate the truth or adequacy of those beliefs for themselves. If this is true, then the inculcation of moral beliefs would not seem to present any special worries. It may seem they do because moral beliefs tend to be more controversial than beliefs about more straightforwardly factual matters. But if the worry is that children will come to have beliefs for the wrong reasons—they were told to believe *p* rather than having their own reasons for believing *p*—it is not clear that this difference is to the point. The distinction between believing something for one's own reason as opposed to because one was told to applies to straightforwardly factual beliefs such as those about the year the US Constitution was ratified. The controversial nature of moral beliefs might

⁴ I am broadly in agreement with Michael Hand's argument that even in a pluralistic society there are a set of basic moral commitments, necessary for the basic functioning of that society, that we should not be afraid of teaching children. See Hand...

⁵ See Rawls...

be worrisome for reasons canvassed above, but there is a general worry about deliberate education and schooling itself. Either what Michael Hand has dubbed 'directive teaching' is compatible with respect for children's autonomy or it is not. If it is when it comes to education in general, moral education should not be objectionable either. If it is not, then moral education is no worse off and philosophers of education have bigger worries.

This is not the place to defend deliberate and directive education and schooling. While the idea that modern societies could do without the direct and systematic inculcation of beliefs and values had currency some decades ago, by now it is a minority view and for present purposes I will assume the modern school remains an important institution. Regarding the specific worry about autonomy and the dangers of 'indoctrination' I will have to be content to state my position, which is that so long as students arrive at adulthood with the ability to question and change their beliefs their autonomy has been respected, and this is true when it comes to their moral beliefs and values as well their beliefs about history or science.⁶

Punishment and Autonomy

As noted above, the idea that children who do not behave themselves at school (or elsewhere) might rightfully be punished was commonplace and uncontroversial within living memory. Or so it might have seemed. In fact, doubts about both the

⁶ There is a prominent view now that this is not sufficient and that the autonomy of children must be protected even while they are children. See most notably Matthew Clayton... For an argument against Clayton see Arjo... and Arjo..., Chapt. 2.

reasons for and the ways in which children were punished were building in many places throughout the 20th century. The growing push towards less authoritarian parenting and for reforms of overly strict if not brutal school discipline was one manifestation of a long rethinking of the moral standing of children and the proper limits of adult authority that had fully entered the public imagination by midcentury. Early pushes to abolish corporal punishment in schools were a prominent feature of these efforts at reform, and doubts about the utility and morality of anyone punishing children in any fashion followed in due course. Among the reason for this skepticism was a belief that attempting to control a child's behavior through the threat of punishment is inherently coercive and an affront to her growing autonomy, the protection and promotion of which was a growing priority in more child centered thinking about education and parenting.⁷ The argument for this skepticism seems straightforward. A primary aim of punishment is to change behavior, and the most obvious explanation for how punishment might change behavior is that it links unwanted behavior to pain of some sort. But to appeal to a person's desire to avoid pain is not to appeal to her capacity to act for reasons of her own. In the extreme, fear of pain can compel us to act against our deepest beliefs and values. So, it seems that controlling a child by threatening her with pain if she disobeys does nothing to recognize her capacity to act on her own beliefs and values, and surely does nothing to teach her how to do develop her own beliefs and values. Any defense of the

⁷ These concerns have their roots in the works of Enlightenment era thinkers such as Immanuel Kant, John Locke and Jean Jacques Rousseau. See... For contemporary versions of these worries see for example Alfie Kohn... For a summary and a more detailed version of the response presented here, see Arjo... Chapter 3.

pedagogical utility of punishment, including in the context of moral education, will need to start with these concerns.

To argue that punishment need not conflict with a child's autonomy we need first to understand it as potentially something other than a coercive means of controlling behavior. To get a sense of what how this might be, we can begin with a look at the connection between punishment and moral judgment. In his recent book *A Theory of Moral Education*, Michael Hand notes that a willing to punish transgressions seems to be a feature of a belief that a certain act is immoral: “[one] distinguishing feature of a moral subscription to standards is an inclination to endorse penalties for non-compliance. Our moral standards are those whose violations we are ready to see punished in some way.”⁸ That is, there seems to be a sense in which believing *murder is immoral* brings with it a desire or willingness to see murderers punished. Hand is not explicit about why this willingness prevails—for his purposes it is enough that in fact most of us have such desires or are willing to see what we judged to be moral transgressions punished.

Some years ago, John Wilson argued more strongly that there is a *conceptual* connection between a moral rule and the willingness of appropriate authorities to punish violations. Wilson's argument was broadly Wittgensteinian, suggesting that the practice of moral condemnation was inextricably tied to the practice of punishment—the latter, so to speak, is a piece in the language game of morality.

⁸ Michael Hand, *A Theory of Moral Education...*, pg. 21.

Both Wilson and Hand seem to overstate the case—a willingness to punish violations seems neither necessary nor sufficient to mark disapproval as distinctly moral because we can punish behavior that is plainly not immoral and refrain from punishing behavior that is.⁹ Nonetheless the claim that there is an important connection between punishment and what is judged to be *moral* transgression does not seem entirely wrong—a practice of condemnation that never involved or did not recognize punishment as a response to wrongdoing does seem to be conceptually and practically distinct from what we think of morality, rather in the way that a system of rules that were not enforced at least in part by the penalizing of infractions seems to be something other than a system of laws.

Clarity about the connection between punishment and morality can come, I think, by way of the family of theories that construe punishment as fundamentally communicative. To be more precise, the suggestion is that the connection between punishment and moral judgment comes by way of our frequent use of punishment as a distinctive way of expressing disapproval.¹⁰ There are of course lots of ways to express ourselves, the most obvious of which is through declarative sentences in spoken or

⁹ As noted above, the law criminalizes a lot that is not in any obvious way immoral (like driving above a certain speed on a certain road), and unless we count mere expressions of disapproval as punishment, we can recognize things like broken promises as immoral but not warranting punishment.

¹⁰ I put aside here the question of whether punishment is always (or always meant to be) communicative. I have my doubts that penal practices in large nation states is either adequately understood or justified by communicative theories, but since my focus is on the different matter of punishing children in an educational setting that question need not detain us. In the context of childrearing it seems likely that parents sometimes hope for nothing more than deterrence when they resort to punishment—consider the exasperated parents who swats a toddler’s backside when she runs into a busy street yet again. Whether this kind of punishment can be justified is another question I put aside here.

written language. It is easily recognized, however, that we frequently feel this to be insufficient, and we have a myriad of ways of expressing things in more powerful and emotionally salient ways. For example, we express anger not simply by saying things to the effect “I am angry”, but also in our tone of voice and in our choice of vocabulary. We express affection not simply by declaring it verbally but with hugs and kisses and the like. In a similar vein, punishment can be a way of expressing disapproval that goes beyond merely telling someone verbally that we disapprove. This disapproval need not be moral—a parent who punishes a child for dangerous behavior need not be trying to say the behavior was immoral as opposed to frightening and foolish. But at least one of the purposes of punishment is to express, in a powerful and salient way, moral disapproval and we avail ourselves of this mode of communication often enough to establish a significant link between morality and punishment.¹¹

The importance of expressing ourselves in ways that heighten the emotional power of what is being communicated is striking. Expressing our anger without raising our voices or using harsher language can be quite difficult if our anger is strong enough, and the target of our anger may not believe we are particularly roused if we maintain a calm demeanor and keep to polite language. Similarly, expressions of love delivered in a flat tone of voice and with physical distance are likely to be greeted with

¹¹ It is worth noting that this way of thinking about this link easily accounts for times when we recognize a moral transgression without the felt need to see it punished. Just as not all occasions of anger warrant raised voices or special words not all transgression will warrant hard treatment. We can still recognize that the behavior in question lies on a continuum with behavior that does, just as occasions for mild anger might, if repeated or amplified by circumstantial factors, warrant a more heated response.

skepticism or maybe even hurt. Similarly, expressions of moral disapproval without an apparent willingness to punish the transgression may not seem serious or sincere.

By the same token however, these more powerful means of expression can be potentially hazardous. While we may wish only to convey the extent of our anger with someone, an overly harsh tone may be unintentionally alienating or hurtful, leading to damaged relationships. Or we may find ourselves resorting to morally indefensible or foolish behavior by becoming violent or punching walls. Similarly, hugging someone to express affection can slide into something dark if the hug is unwelcome—that the intent was to express affection is no excuse for unwanted touching. If I am right, we often link punishment with moral disapproval because punishment is psychologically a powerful and effective way of expressing this disapproval. However, here too there are risks and that someone opts to punish another for their perceived immorality does not mean they were right to do so. We need to ask whether punishment can be a *good* way to express moral disapproval.

I will turn here to Jean Hampton, who begins with the communicative function of punishment in arguing that punishment can be justified insofar as it serves the moral education of the one suffering the punishment. I will use elements of her theory to argue more modestly that moral education is one possible way in which we might rightly use the communicative capacity of punishment in the case of children.¹² After

¹² See Jean Hampton, “The Moral Education Theory of Punishment”... Hampton meant for this theory to apply to punishment in the context of criminal justice, an ambition she eventually abandoned. Along the way, however, she offers some suggestions as to how the theory might apply to punishing children, a context in which I think it works much better.

rehearsing her account I will argue that it points to a use of punishment that potentially enhances a child's autonomy rather than threatening it.

The Moral Education Theory of Punishment

Plato and Aristotle both suggested that punishment can, under the right circumstances, benefit the one who suffers it. This surprising claim seems plausible in the light of two claims. One is that a virtuous character benefits a person and the second is that our characters are shaped by our behavior. If these two things are true, then it seems to follow that punishment can benefit the person being punished if it encourages habits that are conducive to the development of good character. Insofar as some are responsible for the wellbeing others, as with parents children, punishment might at times be justified on pedagogical grounds. This simple argument is complicated by a further plausible claim that Aristotle in particular was inclined to make, which is that it is not enough that behavior conforms to external standards of rightness—to be truly virtuous it must arise from virtuous motives rather than for self-serving or merely fortuitous reasons. If so, steering a child's behavior by appealing to her interest in not suffering pain would not seem to have pedagogical value, as it is not generating truly virtuous behavior.

While following Plato and Aristotle in broad strokes, Hampton's Moral Education Theory of Punishment avoids the problem of motivating of behavior for the wrong reasons. It does this by suggesting that while punishment is intended to change behavior it does so in part by pointing to the immorality of certain acts and communicating the imperative that such behavior be avoided because of its

wrongness. As Hampton puts it “punishment is intended as a way of teaching the wrongdoer that the action she did...is forbidden because it is morally wrong, and should not be done for that reason.”¹³ By conveying the judgment that the behavior is morally wrong, punishment can highlight the difference between behavior that is inadvisable and behavior that is subject to stronger condemnation of moral disapproval. To illustrate Hampton compares encouraging a child not to cheat at solitaire and getting her not to cheat on an exam. That the latter will lead to punishment, Hampton argues, is a way of marking it as a moral violation and conveying just that. Our hope in punishing cheating is that this highlighted moral salience will itself become a factor in a student’s behavior. The added emphasis of the actual punishment is there to express precisely the importance of abiding by moral rules. There is no guarantee of course that the punishment will succeed in teaching this loftier lesson—doubtlessly plenty of students learn not to cheat because it is too costly to them personally, not because it is wrong. But the important point is that there seems to be a conceptual distinction between such a case and one in which a student is taught to attend to the immorality of the act.

It might be objected that the mere fact that misbehavior is coupled with pain of some sort will lead a child to behave only for the self-interested reason of avoiding pain, and so no properly moral lesson will be taught. But this seems to suggest an overly simplistic understanding of motivational psychology. While it is possible that the desire to avoid pain will swamp any intended moral lesson—and this seems to be a

¹³ Hampton, 212

danger that grows proportionately with the severity of the punishment—the conceptual space allows a more nuanced response to being punished. Consider again the other ways in which we express ourselves in more empathic ways. Getting hugged by someone we like is pleasing, and so it is possible that we might scheme to act in ways that lead to hugs. Hugs might, as a behaviorist would say, be reinforcing of certain kinds of behavior. But surely we would find it bizarre, and a bit creepy, that someone would behave in certain ways just for the sake of hugs without regard to the broader relationship they have or do not have with the hugger. Rather we expect people to value the relationships in which physical displays of affection come naturally. This means attending to the affective dimensions of such relationships and not just the specific behaviors that might win a hug or two. Similarly, it seems readily plausible that under the right circumstances and in the context of the right kind of relationships, a child might come to recognize and respond to the moral characteristics of an act that led to punishment, and to recognize these as more important than the punishment itself.

Autonomy Revisited

To see how punishment need not threaten a child's growing autonomy we need to consider one more element of what punishing someone might convey. Another core conceptual element of our punitive practices is a principle that only those guilty of misdeeds are rightfully punished. However useful it might be by various measures, punishing the innocent seems morally unjustified and indeed on most accounts is itself a serious injustice. If we add to this the further principle that moral guilt assumes moral

responsibility—we should not be held blameworthy for actions we could not have helped or for innocent accidents—it seems the one of the messages implicit in punishment is that the one being punished is assumed to be responsible for her own actions. This suggests that rather being a threat to autonomy, punishment might be a way of recognizing it by communicating an expectation of better behavior—if this expectation is entirely unrealistic it seems the punishment cannot be justified.

We rightly hold children, especially younger children, to be less responsible for their actions than adults and this does indeed imply that they are less blameworthy for their misdeeds. If so, that punishment presupposes responsibility may again suggest we may have a reason *not* to punish children. However, those charged with their upbringing and education should try to help children develop their capacity for self-directed behavior and greater responsibility. On the picture being developed here, punishment may help in this process by communicating an expectation of responsibility that currently outstrips the reality. In the same fashion that encouraging a child to try displaying a skill they do not quite have yet can help them acquire that very skill, treating them as if they were more fully responsible than they actually are may help them come to think of themselves as moral agents. The ability to fully act as a moral agent will then come in due time. If so, punishing children for behavior as if they were fully responsible for it may be a way of communicating that they are in fact becoming moral agents who are capable of guiding their own behavior. We will still want to excuse behavior done out of innocent ignorance or unintentionally, but we may be less demanding that punishment be reserved for behavior that fully meets other criteria of fully moral responsible action. These will be include things such the person

being fully and consciously aware that the act was forbidden or would lead to morally unacceptable results. The pedagogical point of the punishment might be to encourage the child to be more cognizant of these things, and so more morally responsible, in the future.¹⁴

Conclusion

It is time to bring the many strands of this paper together. I have argued that insofar as the institutional effectiveness of a school requires enforcing rules that reflect common moral beliefs and values school will be engage in some manner of moral education. I have also suggested that there is nothing wrong with schools trying to morally educate their pupils in general, and so schools should be deliberate and explicit about what values and beliefs they are trying to encourage or inculcate. This suggests that a distinct pedagogical justification for punishing school children might be found if punishment can play a plausible role in moral education. While it may seem as though such a role is precluded by a proper respect for children's growing autonomy, I have argued that in fact the opposite may be true. While many of the concerns about punishing children are well grounded, it is at least possible that it may be put to good use.

¹⁴ Note that here too the justification for punishment points to comparatively mild punishment. Harsh punishment will likely swamp any concerns on the child's part beyond self-preservation.