

2.8 Confucius's theory of human nature

People have understood Confucius's stance against **punishment** in two ways:

As following from a number of moral-psychological assumptions:

Confucius's argument against punishment seems to rely on a number of assumptions about human nature:

(1) Human beings are **socially inclined**: they have a tendency to learn from examples, to want to participate in social life, to **take on and excel at social roles**, and so on.

(2) Human beings are also **inclined to avoid harm and pain**: they also have a self-regarding tendency to do what is beneficial and not harmful to themselves

(3) Human inclinations can be understood on the **analogy of a muscle**: whichever one you exercise more, pay more attention to, is the one that will grow and get **stronger**.

Punishment appeals to the self-regarding, harm avoiding tendencies of human beings, rather than to their social, example-following side, and so a society that uses punishment will have **self-regarding people** rather than **exemplars of true virtue**.

It follows that if a society wants its people to avoid wrongdoing out of an intrinsic virtuosity in social cooperation, then the society should **avoid the use of punishment**.

Note: Confucius doesn't assume human beings are **naturally** good at morality (as Mencius is going to claim), just that we are **socializable**, that we can **improve** morally. We can be made better with exemplary models of performance.

Then following 禮 *lǐ* (ritual) can become spontaneous, become second nature in us.

Against a background of bureaucratic concerns about interpretation:

Confucian bureaucrats felt that the publication of penal codes was a **threat to their authority**.



"You can't punish me! That's not what the code says!"

The bureaucrats took up Confucius' anti-punishment stance, pointing out that publishing penal codes encourage people to argue and **dispute** the interpretation of these codes.

Their concern was that people would start to take these codes as **authoritative**, instead of taking the Confucian exemplars of ritual as authorities. And that would threaten the whole Confucian ethical system.

The central claim that this interpretive bureaucratic argument relies on is that **when you put things into language, especially in public coded form, you invite dispute**.

This raises important issues which we will examine over the next four lectures (2.9parts1&2 and 2.10parts1&2).