

## 2.7 Confucius on punishment

In the Analects 2:3, Confucius takes on the question of 刑 **xíng** (punishment).



Most people think Confucius's view on **punishment** in the Analects 2:3 passage was a response to a **historical event**: the publication on bamboo of the first penal codes in China. Written on strips of bamboo, the codes were a list of punishments such as tattooing, cutting off noses or feet or fingers (e.g. for being a pickpocket) for various crimes.



The Chinese word for punishment, 刑 **xíng**, is very like the Chinese word for shape, 形 **xíng**.

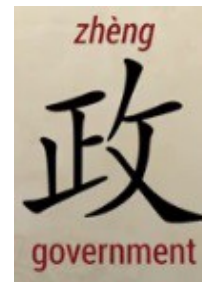


**punishment**



**shape**

The left-hand radical for 'punishment' is the same as left-hand radical for 'shape'. But the right-hand radical for 'punishment' is a knife, rather than a bird's feathers (the plumage which marks it as a certain kind of bird), reflecting the physical nature of the punishments.



The word 政 **zhèng** (government), has as its left-hand radical the word 正 **zhèng** (rectify), and on the right has a radical like a drum, suggesting using beating, coercion to rectify

**Confucius's argument against punishment in Analects 2:3 goes as follows:**

道之以政，  
齊之以刑，  
民免而無恥；

Guide (**dào**) [people] with coercion (**zhèng**)  
Order (**qí**) [people] with punishment (**xíng**)  
People [will] avoid (**miǎn**) without shame (**chǐ**)

道之以德，  
齊之以禮，  
有恥且格。

Guide (**dào**) [them] with virtuoso performances (**dé**)  
Order (**qí**) [them] with rituals (**lǐ**)  
[They will] have shame (**chǐ**) and standards (**gé**)

The point Confucius makes is that if you try to guide people with **punishment** and **coercion**, then people may avoid wrongdoing, but they will fail to develop their own sense of **shame** and **standards of right and wrong**. If you guide them instead by modeling the right behaviour for them, your own virtuoso performance, you offer them an example of how to follow that ritual. Then they will spontaneously acquire a sense of good and bad performance. (Note that in the passage, Confucius does not say what people will avoid. The missing object of the verb "avoid" may be **you** the punisher. So perhaps the deeper point here is that punishment cannot convey positive guidance, cannot point out to people how to perform or behave.)