



University of Tennessee, Knoxville
**TRACE: Tennessee Research and Creative
Exchange**

Haslam Scholars Projects

Supervised Undergraduate Student Research
and Creative Work

Spring 5-4-2021

Towards a Moral Education Theory of Childhood Punishment

Hamilton S. Garber

University of Tennessee, Knoxville, hgarber@vols.utk.edu

Follow this and additional works at: https://trace.tennessee.edu/utk_haslamschol



Part of the [Applied Ethics Commons](#)

Recommended Citation

Garber, Hamilton S., "Towards a Moral Education Theory of Childhood Punishment" (2021). *Haslam Scholars Projects*.

https://trace.tennessee.edu/utk_haslamschol/17

This Article is brought to you for free and open access by the Supervised Undergraduate Student Research and Creative Work at TRACE: Tennessee Research and Creative Exchange. It has been accepted for inclusion in Haslam Scholars Projects by an authorized administrator of TRACE: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.

Toward a Moral Education Theory of Childhood Punishment

Hamilton Garber

Abstract:

This paper serves as a defense of the application of moral education theory to childhood punishments and includes a recommendation for proper punishment based on a Razian conception of autonomy. Punishment on this account can and should infringe upon autonomy, but it must do so according to certain restraints. Accordingly, this paper includes a test to determine whether a punishment is permissible. The moral education theory can be justified through its aptitude at producing moral adults who follow moral rules by their own volition, however, morally educative punishments will likely produce other side benefits such as deterrence as well.

Introduction:

The punishing of wrongdoers is certainly one of the most widely shared and thoroughly endorsed social institutions. While different cultures punish differently, all societies impose sanctions on those who have violated norms. Punishment has been and continues to be a crucial instrument of child-rearing and a practical means of firmly establishing normative values. Parents often coercively and intentionally frustrate the wills of their children in order to instill a healthy growth in appreciation of values and to promote a comfortable transition into their own autonomous action once they have matured (Morris 266, Mullin 414).

Because this practice is both normalized and historically universal, it is often overlooked that the punishing of children requires both a justification and a positive framework of permissible punishment that fixes appropriate upper and lower bounds of the extent and severity of punishment. While abolitionists of punishment might argue that there exists no sufficient

justification for punishment or no valid circumstances in which punishment is warranted, other positive philosophies have ventured to provide theories of just punishment which are generally informed by a broad moral framework. These justifying philosophies have produced interesting results in their normative content for adults and children alike, yet each has unavoidable drawbacks.

Traditional theories include the broadly consequentialist deterrence, incapacitation, and rehabilitation theories, and the broadly deontological retributivism. These competitive theories have developed greatly and have incorporated great nuance, yet there has been no clear synthesis to solve the intractable debate. Unionist theories of punishment attempt such a synthesis through incorporating select features of the traditional rival theories to preserve the desirable aspects and avoid the downsides. One such unionist theory is moral education theory, and it is the aim of this paper to develop the promising particularities of punishment as moral education for children and to defend this theory against some glaring difficulties. The precise variety of moral education theory that I will be defending will attempt to incorporate the effective deterrence that is emphasized in deterrence theory, the restoration of justice that is emphasized in retributivism, and the positive psychological development at which rehabilitation theory aims. However, I must emphasize that any deterrent, retributive, or rehabilitative consequences occurring from moral education are merely adjacent benefits. The singular justifying aim of moral education theory is to cultivate moral individuals who act rightly of their own accord.

A Sketch of Moral Education Theory:

As Jean Hampton emphasizes, punishment as moral education has a long history in philosophy from antiquity through the Enlightenment and into the present (208). A main advantage of the theory is that it purports to benefit the offender through punishing. The idea that

punishment ought to confer a benefit to the wrongdoer reaches back to Plato. In his dialogue *Gorgias*, Plato likens punishment to medicine in that receiving due punishment restores the soul to its just condition by removing injustice in the same way that medicine restores the body to health by removing sickness (820-821). In his *Elements of the Philosophy of Right*, Hegel concurs that punishment is a metaphysical good for the offender in that their wrong action is an implicit notion that they have violated a universal law as a rational being and therefore must have the wrong negated by an equivalent deprivation to return themselves to a just condition (126). While Plato and Hegel give a weight to the unintuitive claim that punishment confers a benefit to the offender through historical precedent, modern thinkers endorse this premise through different methods.

Morally educative punishment as moral communication is particularly apt for relationships between parents, teachers, and other guardians and children. Here, a paternalistic relationship is already assumed, where such a relationship might be more problematic in an adult-to-adult relationship. Additionally, it is unclear that moral education will effectively cultivate an autonomous moral agency in an adult whose conceptions of right and wrong might be from ignorance yet sufficiently ossified such that a moral communication does not reach them. For these reasons, I will remain agnostic as to the potential of moral education theory functioning as a justified theory of punishment for adults.

Herbert Morris and Jean Hampton are more recent proponents of the moral education theory of punishment. Morris claims that a morally educative justification of punishment is a paternalistic theory of punishment. A paternalistic theory for Morris in this context means that punishment confers a benefit to the offender while limiting their will (Morris 264, Shafer-Landau 189). Morris and Hampton differ about the nature of the goods that paternalism confers and what

it means for the will to be limited. Morris believes that the good conferred by punishment is moral education and also the retribution achieved through punishment in a roughly Hegelian sense as mentioned in the above paragraphs (Morris 264, Shafer-Landau 190). For Morris, the will that is limited by the paternalistic authority seems to mean the offender's liberty to do as they please (Morris 270). Hampton believes that punishment is justified solely by the conferred good of moral education (Hampton 232). The will that is limited on Hampton's account seems to be both a limit imposed on the liberty to do as one pleases but also a limit imposed on one's autonomy (Hampton 222, 224). This distinction of will as autonomy or liberty will prove problematic later, however for my purposes I use Hampton's conception of the limit of the will as an infringement on both the freedom and autonomy of the punished.

I take Hampton's account that punishment for children can be justified solely through the benefit of moral education conferred to the punished. In its application for the punishing of children, that benefit is the promotion of the growth of the child into a moral adult that is autonomously attached to the good. Through moral education, the child will come to develop moral sensibilities which will persist throughout childhood into maturity. As the child matures and begins to act autonomously, the attachment to the good instilled by morally educative punishment will persist and become all the more intelligible and reasonable. The moral education theory might still be viewed as a union between other justifying theories through number of attendant benefits other than this development of an attachment to the good. A retributive negation of the wrong can be seen as an adjacent benefit along with the likely deterrence that painful punishment will affect. Children might be deterred from knowingly doing wrong if they can reasonably expect a punishment, and anyone wronged by the child's actions might be

retributively negated, but these side benefits need not do any of the justifying work that is necessary for a just theory of punishment.

I endorse Hampton and Morris's shared conception of punishment as a moral communication both as a message to the punished and to society at large (Hampton 215, Morris 264). While punishment is often viewed as a coercive and violent act, punishment as a moral communication is a rather intuitive view upon reflection. A common phrase given after a parent or guardian punishes a child is "I hope you have learned your lesson." This phrase implies that through punishment, one teaches a lesson, or in other words, morally educates. The child must be made aware of the extent and gravity of the harm that they have brought to another (Hampton 218, Morris 264). Hampton makes a helpful metaphor for the role of morally educative punishment which compares punishment to electric fences around behavior. In the same way that livestock can learn the boundaries of the pen in which they are enclosed through a few painful shocks, humans will learn the boundaries of permissible behavior through a few painful punishments. However, there is an important difference between the learning of humans and the learning of livestock: the livestock may only learn that there are boundaries and where they might lie, whereas humans can not only learn where boundaries are but also why they are there. On both the account of Morris and Hampton, the punishing authority must convey to the child through the punishment itself not only that the act was wrong but also substantively why the act was wrong (Hampton 212, Morris 264).

Features of Autonomy:

A key limiting feature of the moral education theory is the commitment to autonomy. I agree that this commitment to autonomy is crucial for developing children into proper autonomous moral citizens. This feature distinguishes moral education from deterrence. While

punishment can be an effective deterrent, parents and guardians cannot reasonably expect to provide the threat necessary for effective deterrence all the time. For this reason, autonomous attachment to the good better ensures right action. Hampton and Morris both place great emphasis on respect for autonomy in their positive guidelines of punishment, yet unhelpfully, neither provides a clear conception of what is meant by autonomy (Shafer-Landau 195). I will outline in this section a particular conception of autonomy that is both reasonably defensible and functional in my positive theory of punishment. In his book, *The Morality of Freedom*, Joseph Raz provides three conditions that are necessary and sufficient for autonomy: “appropriate mental abilities, an adequate range of options, and independence” (372). I will be using Raz’s tripartite conception of autonomy in this defense of moral education theory.

The first component is mental ability for autonomy, which I will refer to from now on as capacity for autonomy. The relevant mental ability necessary for autonomy is a capacity for choice. In order for life to be an uncoerced and thereby an autonomous life, one must be capable of being aware of one’s options, capable of being aware that one’s life extends through time where decisions made in the present will lead to future outcomes, and capable of setting personal values (Raz 372, 385). These components of the capacity of choice can be condensed into the ability to form a sufficiently complex plan of action.

Next, in order for autonomy to obtain, one must have access to an adequate range of options. Options are choice-worthy courses of actions that enable the actualization of some inherent human capacity (Raz 373). Options are choice-worthy insofar as they are sufficiently meaningful but not fatalistic choices. Raz also proposes a “test of variety” in order to determine whether the range of options is adequate for autonomy (Raz 375). In order to pass the test, four kinds of options are needed which each actualize a different inherent human capacity: physical

options, imaginative options, affective options, and cognitive options (Zwarthead 219). This test of variety is not to be confused with complete self-actualization itself, as true autonomy enables an agent to either choose or reject each self-actualizing option.

Raz's test of variety can be interpreted in one of two ways: the sufficient development interpretation or the full development interpretation. On the former interpretation, a range of options passes the test if the options allow the agent to actualize their capacities to a sufficient degree. The latter interpretation would suggest that a range of options passes the test if the options allow the agent to actualize their capacities to the fullest extent (Zwarthead 219). In order to defend the moral education theory, it is necessary to interpret Raz on the sufficient development interpretation for reasons that will be discussed later.

Independence is the final condition of Raz's conception of autonomy. Quite simply, independence is freedom from external coercion (377).

Two Challenges of Autonomy to the Moral Education Theory for Children:

An obvious worry about the conception of autonomy that I defend in this paper is whether and when children can be said to be autonomous. Clearly, very young children are not able to form a plan of action that is sufficiently complex to demonstrate a sufficiently developed faculty of choice. However, at some point, parents should begin to hold their children responsible for their actions and accordingly begin to punish wrong actions. It must then be demonstrated when, if ever, it is right for authorities to begin morally educative punishments for children.

I argue that each individual component of Raz's conception of autonomy can admit of degrees except for independence. As a child matures, she will develop the ability to formulate more and more complex plans of action, therefore her capacity for choice is developing in

degrees. This child at three years old will probably be able only to form the rudiments of an action plan by setting a basic goal and a singular and simple means of achieving it. At seven, she might be able to both set more complex, multi-stage goals and might be aware of multiple different courses of action to achieve her goals. Once a child is able to formulate a plan of this sort and they demonstrate a capacity for understanding that the actions that they take can cause harm to others, then it is time to begin administering morally educative punishment. A full psychological account of benchmarks and a range of appropriate ages where these conditions might be met are outside the scope of this paper and will require further development in future work. Discipline before a child meets these requirements ought to be deterrence focused for the safety of the child and others who they may harm. An account of this sort of deterrence is similarly outside the scope of this paper.

Similarly, access to options admits of degrees. Paternalism, in my estimation, entails a strong amount of control exercised by the parent (or equivalent authority) in administering access to relevant options to their children. This acceptance of paternalism does not entail that the child will have no access to meaningful options made available from her own devices. However, many meaningful options will need to be provided by the authority to pass Raz's test of variety.

Independence, as Raz characterizes it, does not admit of the same degree as capacity or access to options. Independence here is not an internal characteristic of a child, as this quality would be classified under a capacity for autonomy. Rather, independence is simply freedom from external coercion. A child will either be coerced or uncoerced with respect to their actions, meaning this component of autonomy is simple a binary. The independence condition of autonomy will never be met in a paternalistic punishment context as punishments will be

administered non-optionally. Practically, this entails a distinct feature of my account of morally educative punishment: that punishment necessarily infringes on autonomy.

A second worry comes from the problem of respecting autonomy when punishing. As mentioned above, moral education theory is a paternalistic theory of punishment which involves conferring the benefit of the development of moral autonomy onto the offender while limiting their will. This prompts the dilemma of whether punishment can rightfully infringe upon autonomy. If punishment can rightfully infringe upon autonomy, then it must be explicit what kinds of infringements and the extent to which infringements are licit. Hampton conceives the limiting of the will as a permissible infringement on autonomy, yet her positive explanation of punishment fails to explicitly detail the extent or quality of licit punishments (Hampton 232, Shafer-Landau 195). Morris, who conceives of the limiting of the will as a limit on liberty to do as one pleases rather than autonomy, conceives of autonomy as an absolute right that is never to be infringed (Morris 270, Shafer-Landau 196). Thus, Morris endorses the negative horn of this dilemma, where autonomy is never permissibly infringed. Morris fails to explain both why autonomy is an absolute right and how one can punish without infringing on autonomy. Because my account of punishment necessarily infringes upon the independence condition of autonomy, I cannot accept Morris's position. Rather, in this defense of the moral education theory I will affirm Hampton's judgment that punishment can permissibly infringe upon autonomy in a number of licit ways.

A Positive Moral Educationist Theory of Punishment:

Punishing in a morally educative way permits a particular kind of coercive punishment. A proper punishment includes infringing on the child's freedom to do as they please as well as removing access to choice-worthy options. Part of this punishment includes the explicit verbal

communication of the message to the child that meets all of the requirements for moral education. To reiterate, these include a reminder that the action was wrong, the moral reason for why the action was wrong, and finally an account of the extent of harm that was imparted onto the people that were wronged by the action. Ideally, this moral message will be communicated with other children around including those wronged that they may also learn the moral lesson.

The extent of the punishment ought not exceed the extent of the harm caused to others, and ought to leave sufficient options in order that the child might still express a sufficient degree of autonomy. For a sufficient range of options, there must be enough options to pass Raz's test of variety. A sufficient range will include at least one option for each of the capacities that Raz enumerates: physical, imaginative, affective, and cognitive. The punishment may never involve infringing upon the child's capacity for autonomy or the development thereof. For this reason, any sort of corporal punishment is ruled out as empirical psychological evidence suggests this deteriorates a child's sense of self-worth and, thus, their ability for self-rule (Gershoff et al. 231). Additionally, psychological or verbal abuse will likely cause a similar deteriorative effect, and are similarly, thereby, ruled out.

I will summarize my theory of proper punishment through a test for the permissibility of punishment.

1. Does the punishment avoid corporal punishment or another form of abuse?
2. Does the punishment limit a choice-worthy option for the child?
3. Does the punishment leave sufficient options to pass the test of variety?
4. Does the punishment include a moral communication?

A proper punishment needs an affirmative response in all four steps to be a licit punishment. Any punishment that includes a negative response is, therefore, an illicit punishment.

I will end my account of proper punishment by providing examples of illicit and licit punishments. An illicit punishment might be a verbal tirade given by a teacher that rises to the level of abuse as a punishment for a child who has cheated on a test. The authority who punishes here cannot affirm the first question of my test and has, therefore, infringed upon the student's capacity for autonomy. Therefore, this punishment is illicit.

A proper punishment here would be for the teacher to reprimand in a restrained and respectful manner in front of the class the student and explain that cheating on a test harms both the student who cheats and the student who was cheated on as well as the teacher. The teacher might require that the student stay after class to write an apology, thereby limiting the student's choice-worthy option of afterschool activity and their liberty to do as they please. In the context of writing the letter, the student still ought to have the physical option to move around a reasonable amount, the imaginative option of how to write the letter, the affective option of talking with the teacher about their deed, and the cognitive option of thinking about why cheating was wrong. This punishment would pass the test and is, therefore, a licit punishment.

Another example of an illicit punishment would be for a parent to lock their child in their room for an entire evening after scolding the child for hitting their sibling. While this punishment is not necessarily abuse, it limits choice-worthy options, and it includes a moral communication, it fails to give a sufficient range of options to pass the test of variety. While a child is locked in their room, they will have no meaningful affective or physical options. It is, therefore, an illicit punishment

A proper punishment here would be for the parent to ground the child for the night and not allow them to engage in their desired pastime for the evening after reprimanding them for their violence. This punishment does not constitute abuse, limits a choice-worthy option while leaving sufficient options, and includes a moral communication. Therefore, this is a licit punishment.

Conclusion:

Proper punishment that respects developing autonomy is a difficult, but not impossible task. My moral education theory of punishment for children allows for a narrow range of permissible punishments according to my test, yet if the punishing authority respects these guidelines, this punishment will foster a lasting connection to the good that surpasses mere deterrence. My recommendations for punishment also establish reasonable bounds that constitute a punishment that is neither ineffective nor draconian, but rather fair and respectful. Over time, morally educated punishments ought to become less frequent as the child develops autonomy along with further respect for moral rules. Other means of moral education are also supplemental to punishment including moral suasion and positive reinforcement of good behavior. However, morally educative punishments remain a necessary tool for producing a moral adult.

Further issues to address in order for this theory to be properly implemented include a more robust psychological account of the benchmarks of autonomy in children as well as addressing what sorts of punishment is apt for children that are too young to be morally educated.

References:

Elements of the Philosophy of Right, by Hegel Georg Wilhelm Friedrich et al., Cambridge University Press, 2012, pp. 130–131.

Gershoff, Elizabeth T., and Susan H. Bitensky. “THE CASE AGAINST CORPORAL PUNISHMENT OF CHILDREN: Converging Evidence From Social Science Research and International Human Rights Law and Implications for U.S. Public Policy.” *Psychology, Public Policy, and Law*, vol. 13, no. 4, American Psychological Association, 2007, pp. 231–72, doi:10.1037/1076-8971.13.4.231.

Hampton, Jean. “The Moral Education Theory of Punishment.” *Philosophy & Public Affairs*, vol. 13, no. 3, 1984, pp. 208–238., doi:10.4324/9781315095387-5.

LaVaque-Manty, Mika. “Kant's Children.” *Social Theory and Practice*, vol. 32, no. 3, July 2006, pp. 365–388.

The Morality of Freedom, by Joseph Raz, Clarendon Press, 2009, pp. 367–399.

Morris, Herbert. “A Paternalistic Theory of Punishment.” *American Philosophical Quarterly*, vol. 18, no. 4, Oct. 1984, pp. 263–271.

Mullin, Amy. “Children, Paternalism and the Development of Autonomy.” *Ethical Theory and Moral Practice*, vol. 17, no. 3, June 2014, pp. 413–426.

Plato, and Robin Waterfield. *Gorgias*. Oxford University Press, 1998.

Shafer-Landau, Russ. “Can Punishment Morally Educate?” *Law and Philosophy*, vol. 10, no. 2, 1991, p. 189., doi:10.2307/3504911.