

Why an Upright Son Does Not Disclose His Father Stealing a Sheep: A Neglected Aspect of the Confucian Conception of Filial Piety

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Abstract

In the Analects, Confucius recommends to not disclose one's father stealing a sheep, claiming that *zhi* 直 lies within it. This passage has become the focus of a heated and prolonged debate among Chinese scholars in the last decade. A proper understanding of *zhi*, which is central to understanding this whole passage, is to straighten the crooked, or uprighten the non-upright. So what Confucius means is that the upright son ought to make his non-upright father upright; the best way to do so is to remonstrate his father against his wrongdoing, and the best environment for the successful remonstration can be provided by non-disclosure of his father's wrongdoing.

Keywords: filial piety, uprightness, remonstration, Confucius, punishment

Zakaj pravični sin ne razkrije očetove kraje ovce: O spregledanem aspektu konfucianske zasnove spoštovanja staršev

Izvleček

Konfucij v svojih *Pogovorih* predlaga, da se očeta, ki je ukradel ovco, ne ovadi, saj takšno dejanje vsebuje *zhi* 直. V zadnjem desetletju je ta izsek postal žariščna točka vroče in dolgo časa trajajoče debate med kitajskimi učenjaki. Pojem *zhi*, ki je ključen za razumevanje celotnega odseka, je treba razumeti kot »izravnati ukrivljeno« ali »spremeniti nepravilno v pravično«. Konfucij ima torej v mislih, da mora pravični sin svojemu nepravilnemu očetu pomagati do pravičnosti. Najboljša pot do slednje leži v tem, da se očeta sooči z ugovorom proti njegovemu krivičnemu dejanju. Najboljše okolje za tovrsten ugovor pa je omogočeno, če očetova dejanja niso razkrita.

Ključne besede: spoštovanje staršev, pravičnost, ugovarjanje, Konfucij, kaznovanje

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Introduction

The *Analects* records a conversation between the governor of She and Confucius. The governor told Confucius, clearly with some pride, “in our village there is an upright person named Gong. He bears witness against his father stealing a sheep.” Confucius responded, “in my village, an upright person is different: father does not disclose son’s wrongdoing, and son does not disclose father’s wrongdoing, and the uprightness lies in it” (*Analects* 13.18). This is a controversial passage, as it is often regarded as a case that crystalized Confucius’ idea of filial piety (*xiao* 孝), which is regarded as one that is unique and central to the Confucian teaching as a whole. As such, the controversy surrounding this passage is also one about the value of Confucianism in general, in both historical and contemporary contexts. In section 2, I shall briefly introduce the heated and prolonged debate on this passage among Chinese scholars in the last dozen or so years. Section 3 will reveal an important aspect of Confucius’ idea of filial piety, children’s remonstrance with their parents committing wrongdoings, that has been largely neglected in the debate and yet is central to our understanding of this controversial passage. Then, in section 4, I shall attempt to provide an alternative interpretation of this passage by highlighting this neglected aspect of filial piety. The whole essay will conclude with a brief summary of its main argument.

The Current State of the Debate

In the last decade or so, there has been a heated debate on the Confucian idea of filial piety expressed in *Analects* 13.18. The debate was initiated by a series of articles by Liu Qingping 劉清平, criticizing Confucius’ view as expressed in this passage, along with Mencius’ view, as seen in *Mencius* 7a35 and 5a3, as a source of corruption in Chinese society, past and present. Guo Qiyong 郭齊勇 published a number of articles defending Confucius’ view against Liu’s criticism. A few others also joined the debate on both sides. These articles, together with some related ones, are collected in Guo (2004). I regard this as the first stage of the debate and edited a special issue of *Contemporary Chinese Thought* (2007), including abbreviated English translations of selected articles, mostly from Guo (2004), together with my own introduction. I also arranged a symposium on this topic in several issues of *Dao: A Journal of Comparative Philosophy*, starting with an article each by Liu and Guo, presenting their representative views on this debate (*Dao* 6 (1) 2007, 1–37), followed by a number of critical comments by primarily Western scholars (*Dao* 7 (1) 2008, 1–55 and 7 (2) 2008, 119–74), and concluded with a response each from Liu and Guo (*Dao* 7 (3) 2008, 307–24). On what seems to me

the second stage of the debate, one of Guo's former colleagues, Deng Xiaomeng 鄧曉芒, a prominent Kant scholar, published a series of articles defending Liu against criticisms by Guo and others. These articles are now collected in Deng (2010). This immediately triggered a series of responses by Guo and others (see Guo 2011; Guo 2014). Wang Tangjia of Fudan University introduced this stage of debate to the English speaking world (Wang 2014). The initiators of both debates are primarily Western-trained philosophers. However, in what I regard as the third stage of the debate, two Chinese intellectual historians and experts in excavated ancient texts, Liao Mingchu 廖明春 and Liang Tao 梁濤, have provided unique interpretations of this passage (see Liao 2013; Liang 2012; Liang and Gu 2013), prompting responses from Guo Qiyong and his students (see Zhang and Guo 2013; Guo and Xiao 2014). Some of the articles at this stage of the debate were translated into English, with some abbreviation, and published, along with my introduction (see Huang 2015), in a special issue of *Contemporary Chinese Thought* (2015, 46.3).

Critics of Confucianism often claim that, since Confucius himself regards honesty and uprightness as important moral virtues, he should praise the son who bears witness against his father stealing a sheep, rather than the son who does not disclose his father's wrongdoing. The very fact that he does the opposite shows that Confucius puts family relations, wrongly, in the view of these critics, above the virtue of honesty and uprightness (Liu 2004, 859). In contrast, defenders of Confucianism often emphasize the importance of the natural and genuine filial love a son feels toward his father, and claim that this is what Confucius means by uprightness. Thus the governor of She and Confucius seem to have two different understandings of uprightness. On the one hand, uprightness means impartiality: upright people treat their family members in the exactly same way as they treat others. They will bear witness against any wrongdoers, and so will not do anything differently if such people are their own family members. On the other hand, when Confucius says that uprightness lies in the son's not disclosing his father stealing a sheep, he is referring to the son's "unconcealable genuine feeling of love" toward his father (Meng 2004, 460; see also Guo 2011a, 6).

So the controversy on this *Analects* passage appears to be one between these two senses of *zhi* 直, here translated as "uprightness", with one stressing the importance of the natural feeling among family members, and the other emphasizing that of social justice.¹ Either virtue, taken by itself, is good, but in this particular

1 Liang Tao claims that these two senses of *zhi* are used, respectively, by Governor She, who regards the boy bearing witness against his father as *zhi*, i.e., as someone who is upright, and Confucius when he says that *zhi*, i.e., straightforwardness and honesty, lies within the mutual concealment of wrongdoings among family members. In Liang's view, however, each of the above two senses is

case they come into conflict, although this is not always the case. It thus seems that we are facing a dilemma. Defenders of Confucianism emphasize the importance of familial feelings. While there are a few good reasons for them to do so, none of them, understandably, seem convincing to critics of Confucianism. For example, it may be argued that for Confucius the family is the basic social unit. Thus to maintain a harmonious family is essential to maintaining “a rational and ordered society with normal ethical relationships” (Guo 2004, 14). But this is not acceptable to critics of Confucianism. For them, even if the mutual non-disclosure of wrongdoings among family members can indeed maintain a harmonious family, which they doubt, it cannot maintain a healthy society. If every family, which has a member who commits a wrongdoing, does it, no wrongdoers will be punished, and they and potential wrongdoers will be encouraged to commit wrongdoings. The result will be no justice in the society (see Huang 2004, 961).

Another common defense is to use the analogy of family love as the root of a tree, and love for others as its branches. This defense is based on *Analects* 1.2: “superior persons pay attention to the root, as when the root is established, the Way will grow. Filial piety and brotherly love are the root of (the virtue of) humanity” (*Analects* 1.2).² In this analogy, in normal situations, family love and love for others are consistent, as the latter is a natural outgrowth of the former, just like a branch is a natural outgrowth of its root. Thus Mencius says that

if you treat the aged in your family in a way befitting their venerable age, you will be able to extend it to the aged of other families; if you treat the young in your family in a way befitting their tender age, you will be able to extend it to the young of other families (*Mencius* 1a7).

Thus, if the two come into conflict in a particular case, one’s love for family members takes precedence over one’s love for others, since the former is the root, and the latter its branches. When a branch is cut off, a new branch can grow as long as the root is preserved; however, if the root is cut, then not only can no new

one-sided, and there is a third sense of *zhi*, which combines these two, and when Confucius says, in the same passage, that the understanding of *zhi* in our village is different, this third sense is used (Liang 2012, 37). In my view, however, even when he says that *zhi* lies within the mutual concealment of wrongdoings among family members, Confucius also includes both meanings, which will be hereafter translated as uprightness. Moreover, as I shall show below, for Confucius, a truly upright person is one who makes non-upright persons upright. Thus, when Confucius says that uprightness lies in a son’s non-disclosure of his father’s stealing a sheep, he implies that this is the best way to make his father upright.

- 2 My translation of this sentence follows the traditional interpretation. According to the neo-Confucian interpretation, particularly the Cheng Brothers and Zhu Xi 朱熹, which I think makes more sense, it means that “filial piety and brotherly love are the beginning of practicing humanity”.

branches grow, but the existing branches will not be able to survive. This defense, however, has failed to convince critics. For them, just as a healthy branch grows only from a healthy root, moral relationships with people outside one's family can only develop from moral relationships within it. Just as we must fix the root if it has disease, not only for the sake of the branches growing from it, but also for its own sake, we also must correct the problem of a family member. If a family member does something wrong then we must address it, not only for the sake of our relationships with others, but also for the family member him- or herself. Moreover, in order to correct the problem of this family member, it is not right for us to conceal it.

Still another defense is based on legal or moral realism, according to which a law or a moral principle cannot require people to do what is not possible for them to do. For example, Fan Zhongxin 范忠信 argues that when we make a law or even establish a moral principle, we must consider the various scenarios in which it will be applied. Thus, even if a proposed law or moral principle by itself is right, it should not be adopted if what it requires is not something most people can do. He further relates this idea to the issue of the governor of She's praise of the son's bearing witness against his father as being upright, saying that it was not, and is still not, a standard that most people can meet (see Fan 2011, 382–3; Yang 2004, 107–8). This is essentially what Owen Flanagan calls the principle of minimal psychological realism, according to which we need “make sure when constructing a moral theory or projecting a moral ideal, that the character, decision processing, and behavior prescribed are possible, or are perceived to be possible for creatures like us” (Flanagan 1991, 34). This defense, however, remains unconvincing for critics. Suppose a morality does not require a son to disclose his parents' wrongdoing because it is not something most people can do. If the “upright” Gong indeed does it, however, he must be praiseworthy, and perhaps more praiseworthy than someone who merely does what morality requires him or her to do, since what he does in this case is something that most people cannot. While his action is not morally obligatory, it is supererogatory. However, clearly this is not how Confucius looks at what the “upright” Gong does.

While I think that none of these Confucian justifications for emphasizing familial love are convincing to critics, I do not mean that those critics have provided justifications for prioritizing a broader love for non-family members that would be convincing to the defenders of Confucianism. However, I also suspect that the very notion that this *Analects* passage presents us with a dilemma is perhaps wrong, even though this is also what I once thought (Huang 2007, 6). There are two reasons for my suspicion. First, as I argued elsewhere (ibid. 2013, Chapter 2), uprightness for Confucius is not simply to say or do what one truly feels,

but to say or do what is truly right. More importantly, a central component of Confucius' conception of uprightness is that a person with this virtue is not only upright him- or herself, but also aims to make non-upright persons upright. One of the people that Confucius noted as an upright (*zhi*) person was Shi Yu 史魚, a minister in the state of Wei, who remonstrated with King Ling of Wei and made him upright with words when he was alive and with his corpse after he died. Another person Confucius praised as upright was his student Min Ziqian 閔子騫, who, as I shall discuss below, made upright three different people in his family: his stepmother who mistreated him, his two stepbrothers who enjoyed the undeserved preferential treatment from their mother, and his father, who was thinking of divorcing his wife. In his commentary on *Analects* 17.8, where Confucius states that a person fond of uprightness (*zhi*) and yet not of learning tends to be acrimonious to others, Xing Bing 邢昺 points out that "to straighten the crookedness is called uprightness." This is a feature of uprightness that is also highlighted by Confucius' follower, Mencius. While saying that "a person who is not upright himself or herself cannot make others upright" (*Mencius* 3a1), Mencius emphasizes that an upright person makes the non-upright upright (*Mencius* 3a4). It is also confirmed by a statement in the *Zuo's Commentary on the Spring and Autumn Annals*: "To right the crooked is called uprightness" (*Zuozhuang*: Duke Xiang, Year 7). If this is the case, Confucius' conception of uprightness is not materially different from that held by the governor of She. Their disagreement is only about which action, to bear witness against one's father or not disclose his wrongdoing, is a better expression of such uprightness.

Second, according to the common conception, the "upright" Gong puts social justice ahead of filial piety, while the person Confucius praises does exactly the opposite. This assumes a dichotomy between filial piety and social justice, at least in this particular case. However, while filial piety means to take care of our parents, in order to do so we need be concerned not only with their external wellbeing, but also with their internal well-being, which requires us to make sure that our parents do not do immoral things and, if they already have, that they correct themselves. Filial piety in this sense is perfectly consistent with social justice or our love for people outside our family. Thus, to simply not disclose our parents' wrongdoings, which causes harm to their internal wellbeing in addition to the harm to the external wellbeing of their victims, may be seen as offering our approval of their wrongdoings. This is not only not conducive to the enhancement of our parents' internal wellbeing, but will, in contrast, encourage them to inflict further external harm to others and so cause further harm to their own internal wellbeing.

It is in this sense that I think Lao Siguang's 勞思光 interpretation of this controversial *Analects* passage points in the right direction. Central to Lao's interpretation

is his use of the Neo-Confucian idea of one principle with many manifestations. In other words, the moral principles in Confucianism, while universal, must function differently in different situations. Lao uses the analogy of the principle of fairness in treating workers moving stones. To treat them fairly does not mean to ask them to move the same amount of stones. Instead, it is only fair to ask them to move different numbers of stones according to their different abilities. Similarly, to treat people with uprightness does not mean to treat them in exactly the same way. Instead, we need to take their uniqueness into consideration. Since a person's relationship to his or her parents is different from his or her relationship to strangers, when a parent and stranger commit the same wrongdoing, for example, when they each steal a sheep, an upright person does not treat them in the same way (Lao 2010, 123–6). I think Lao's approach is fundamentally correct. The question is that, while it is clear that a person's relationship to his or her father is different from his or her relationship to a stranger, and therefore, to be upright, one ought to act toward them differently if they both commit the same offenses, it is not clear *how* differently one should act. Confucius thinks that a son ought not to disclose his father's wrongdoing, even though he perhaps ought to disclose that of a stranger's, but why does Confucius not think that the son ought to disclose his father's wrongdoing but not the stranger's? Lao does not answer this question.³ In order to better understand this it is important to examine what is unique about the father-son relationship, and in order to examine this it is important to analyze Confucius' conception of filial piety. As this is a very rich concept, I shall limit my discussion only to the aspect that is most directly related to the question under discussion and yet has largely been neglected in related works (for other aspects of filial piety, see Huang 2012, 120–31).

Filial Piety and Remonstrance with Parents

In contemporary Chinese, the character for filial piety, *xiao* 孝, is often used together with another character for obedience, *shun* 顺, to form a two-character phrase, *xiaoshun* 孝顺, literally meaning filial obedience or simply obedience to one's parents. This gives the impression that to be filial and to be obedient are, if

3 Moreover, Lao points out there are two issues involved here. One is Confucius' view about different functions of the same moral principle; the other is his view of the special father-son relationship. In Lao's view, even though we may not accept the latter, we should still accept the former. In other words, Confucius' view of the special father-son relationship is situational, and may not be applicable to the father-son relationship in contemporary society. This seems to imply that although it is right that in Confucius' time a son ought to not disclose his father's stealing a sheep, it is not necessarily so today (Lao 2010, 125). In the following, however, I shall make a more radical claim that even in contemporary society it is still right for a son not to disclose his father's wrongdoing.

not identical, at least inseparable. It is certainly true that when Confucius talks about filial piety, he does include obedience to one's parents in normal cases. For example, Confucius says that one ought to know what parents think before they say it and do what they like and not do what they don't like (*Analects* 2.8). In another place, Confucius says: "Observe what your father has in mind when he is alive and observe what your father did after he dies. If you don't change your father's way for three years after he dies, you can be regarded as a filial son" (*Analects* 1.11).⁴

However, such an understanding of filial piety as inseparable from obedience is not fully correct. For example, when Zigong, one of Confucius' students, asks whether obedience to parents is filial piety, just like a minister's obedience to the king is loyalty, Confucius replies,

How shallow you are! You don't understand. In ancient times, when a good king of a big state has seven ministers who dare to remonstrate, the king will not make mistakes; if a middle sized state has five remonstrating ministers, the state will have no danger; if a small state has three remonstrating ministers, the official salaries and positions can last. If a father has a remonstrating child, he will not fall into doing things without propriety; and if a scholar has a remonstrating friend, he will not do immoral things. So how can a son who merely obeys the parents be regarded as being filial, and a minister who merely obeys the ruler be regarded as being loyal? To be filial and loyal is to examine what to follow. (*Kongzi Jiayu* 9; 57)⁵

4 There is disagreement about how to understand the first part of the passage. Here I adopt the interpretation that understands the subject of the verb "observe" (*guan* 觀) to be the son, while what is being observed is the father's thinking and action. According to another interpretation, developed by Kong Anguo 孔安國 (156–74 BCE) and adopted by Zhu Xi, what is being observed is the son's thinking and action, while the subject of the verb "observe" becomes a third party (see Cheng 1990, 43–44). D.C. Lau, in his English translation of the *Analects*, also adopts this interpretation and translates this part as: "Observe what a man has in mind to do when his father is living, and then observe what he does when his father is dead" (Lau 1979, 60). Chen Daqi compares these two interpretations and concludes that the interpretation adopted in this essay is more plausible (see Chen 1969, 10–12).

5 There is a similar passage in the *Book of Filial Piety*, when Zengzi says: "I have already heard from you about loving parents, respecting parents, comforting parents, and establishing a good reputation (to illuminate parents). Now I would like to ask you, my master, whether it is also filial to obey parents." Confucius says, "How can that be? How can that be? In ancient times, an emperor with seven remonstrating ministers would not lose the empire, even if the Way was not prevailing; a duke with five remonstrating ministers would not lose the state, even if the Way was not prevailing; a hereditary official with three remonstrating ministers would not lose his land, even if the Way was not prevailing; a scholar with remonstrating friends would be able to maintain a good reputation; a

In this passage, Confucius denies that a filial son ought to be blindly obedient to his parents, but emphasizes the importance of remonstrance. We ought to obey our parents only about right things, and should not obey when our parents ask us to do wrong things and should remonstrate with them against it when our parents themselves are doing wrong things. Later, Xunzi summarizes his ideas as follows:

there are three scenarios in which filial children ought not to obey their parents: (1) if their obedience will endanger their parents, while their disobedience will make their parents safe, then it is truly loyal for filial children to not obey their parents; (2) If obedience will bring disgrace to their parents, while disobedience will bring honor to their parents, then it is moral for filial sons to disobey their parents; (3) if obedience will lead to the life of a beast, while disobedience will lead to a civilized life, then it is reverent for filial children to disobey their parents. Therefore, it is not proper for a son to not obey what should be obeyed, and it is not loyal for a child to obey what cannot be obeyed. It is great filial piety to understand when to obey and when not to obey in order to be reverent and respectful, loyal and trustworthy, and act with sincerity and carefulness. (*Xunzi* 29.2)

In the above-noted debate surrounding *Analects* 13.18, contemporary scholars defending Confucianism often make a contrast between what Confucius thinks a filial child ought to do to his or her parents and what he thinks a loyal subject ought to do to his or her ruler with regard to remonstrance. However, in the passage regarding remonstrance quoted above, Confucius does not make any such distinction. Just as loyal ministers ought to remonstrate with their rulers, filial children ought to do so with their parents. This contradicts what is said in the *Tan'gong* chapter of the *Book of Rites*, a passage often used by scholars claiming that Confucian filial piety is based on obedience, where it is stated that

in serving parents, one ought to not disclose their wrongdoings and yet ought not to remonstrate with them against wrongdoings.... In serving rulers, one ought to remonstrate with them against wrongdoings and yet ought to disclose their wrongdoings. (*Liji* 3.2)

father with remonstrating children would not fall into immorality (*bu yi* 不義). So when something is not right, then sons and daughters must remonstrate with their fathers, and ministers must remonstrate with their rulers. One ought to remonstrate whenever there is something immoral. How can obedience be regarded as filial piety?" (*Xiaojing* 15; the same passage with a slight variance also appears in *Xunzi* 29.3).

Clearly, however, this passage does not represent Confucius' view. In this respect, *Analects* 4.18 is the most important and relevant passage, but as it is also subject to different interpretations, we are going to examine it part by part, to show why remonstrance is essential to Confucius' idea of filial piety.

The first part of this passage is not very controversial. It says, "when serving your parents, (if they are wrong) you ought to gently remonstrate with them". The only scholarly disagreement in interpreting this is related to the character translated here as "gently" (*ji* 幾). While most commentators adopt this interpretation, the Qing Dynasty neo-Confucian Wang Fuzhi 王夫之 (1619–1692) claims that it means "at the beginning (of parents' wrongdoing)". As such, this part of the passage means that children ought to remonstrate at the very beginning of their parents' wrongdoing, as when the wrong action is completed, remonstrance will serve no purpose (see Cheng 1990, 272). I, however, in agreement with most commentators, still think it more appropriate to understand the character as "softly" or "gently" when remonstrating. It is taken for granted that one ought to remonstrate before the wrongdoing is committed and not after, or even at the beginning of the wrongdoing being committed, if the aim is to ensure that one's parents do not do immoral things. Even so, this does not mean that remonstrance has no role after the wrongdoing is committed; one ought still to remonstrate, with the aim of rectifying the wrong that has been done. The question is thus *how* one ought to remonstrate, whether before or after the wrongdoing is committed. Clearly Confucius does not think that a filial child ought to shout at his or her parents. Instead, as is stated in the *Book of Rites*, "one ought to remonstrate with low tone, nice facial expression, and soft voice" (*Liji* 12.15). So this very first passage is rich in meaning and particularly significant to the issue we are concerned with here. First, it is talking about children "serving their parents" (*shi fumu* 事父母), and so is related to the idea of filial piety; second, remonstrance is considered as one way to serve, and thus be filial to, one's parents; and third, any remonstrance has to be done in a gentle manner. As we shall see in the next section, the last point is particularly relevant to our understanding of why one ought not to turn in one's father for having stolen a sheep.

However, there are more scholarly disagreements on the next part of this *Analects* passage, which I shall translate as follows: "when you realize that your will is not followed by your parents, you ought to remain reverent (toward your parents) and yet not go against (your own will)". The key part is what I translate here as "not go against" (*buwei* 不違), which can also be translated as "not disobey". This part is mainly controversial because in the original sentence the object of this verb, *buwei*, is not explicitly stated. According to a more common understanding, the object of this verb is the same as the object of the verb preceding it, *jing* 敬, here

translated as “to be reverent toward”. Although the object of this verb, *jing*, is not explicitly stated either, there is no disagreement that it means parents; and since these two verbs are used together, it is natural to think that these two verbs have the same object. Thus, according to this interpretation, this part of the passage ought to be understood as, “when you realize that your will is not followed, you ought to remain reverent toward your parents and not to disobey them”. For example, the Han Dynasty classicist Zheng Xuan 鄭玄 (127–200) supports this interpretation by citing the following passage from the *Book of Rites*, “in serving one’s parents, if after remonstrating them three times they still do not listen, then a son or daughter ought to follow them with crying tears” (in Cheng 1990, 270).⁶ In other words, while one ought to remonstrate with one’s parents with regard to any wrongdoings they commit, if they do not listen then a filial child ought to feel sad but should let them continue to act in this way, and perhaps follow them in their actions.⁷ In contrast, according to the interpretation I adopt here, while the object of the verb *jing*, “be reverent”, is obviously “parents”, the object of the verb *bu wei*, “do not go against” is not “parents” but “your will” (*zhi* 志) to remonstrate in the first part of the sentence. Moreover, I believe that being reverent toward one’s parents is conducive to one’s continuing attempt to remonstrate with them. By being reverent toward one’s parents, the intimate relationship between parent and child can be preserved or enhanced, which creates the best environment for remonstrating with them. In this connection, Zhu Xi makes a very elegant and convincing argument. In his view, “not going against” has a double meaning:

on the one hand, it means to not go against our original will to remonstrate with them *gently*, in order to avoid making our parents angry by yelling at them; on the other hand, it means to not go against our original will to *remonstrate* with them gently, in order to do all that is possible to put our parents in a faultless situation... When our parents do not listen to our initial remonstrations, it is wrong for us to stop remonstrating with them in order to avoid making them angry; it is also wrong to remonstrate with them in a way that makes our parents angry. (Zhu 1986, 705; emphasis added)

6 Zheng Xuan states that this passage is in the chapter on “Family Rules” (*neize* 內則) of the *Book of Rites*. However, it is not in this chapter, number 12 in the extant edition, but instead appears in the second chapter (*Liji* 2.28).

7 Indeed, this seems to be the view of Zengzi: “if one’s parent commits a wrongdoing, one ought to remonstrate and yet not to disobey” (*Da Dai Liji* 52); and “It is not filial to obey parents without remonstrations, nor is it filial to remonstrate without obeying parents (if they don’t listen). A filial son’s remonstrations aims at goodness and therefore should be done without quarrels with parents, as quarrels are the source of disorder” (*Da Dai Liji* 53). However, as I discussed elsewhere (Huang 2013, 43), Zengzi is criticized by Confucius for being too blindly obedient to his parents even when they are wrong, which actually causes harm, i.e., internal harm, to them.

There are a couple of reasons for adopting this interpretation. On the one hand, in another part of the *Analects* Confucius uses *wu wei* 無違, a synonym to *burwei*, both meaning “not going against”. There, Meng Yizi also asks about filial piety, and Confucius replies “*wu wei* (do not go against)”. His student Fan Chi asks what this means. While we may all expect Confucius to reply “do not go against your parents’ will”, since he is talking about filial piety, he surprises us all by saying that “when your parents are alive, serve them with propriety, and after they die, bury them with propriety and worship them with propriety” (*Analects* 2.5). So what he means by *burwei* is to not go against propriety instead of the will of one’s parents. It would thus be inconsistent if Confucius, in *Analects* 4.18, asks people to not go against the will of their parents when their intentions are clearly wrong.⁸ On the other hand, such an interpretation goes well with the last part of the *Analects* passage, which I translate as “you ought not to have complaints even if you wear yourself out by doing so”.

In this last part, the key word is *lao* 勞, translated here as “wear yourself out”. Song Dynasty classicist Xing Bing 邢昺 (932–1010) understands it differently, claiming that it means “being severely hit by your parents”. Thus, for him, this part of the passage means that “even if you are hit severely by your parents for your remonstrance, you ought not to have any complaint”. This interpretation receives some support from the chapter in the *Book of Rites* that appears to be a paraphrase of *Analects* 4.18. After the sentence about how to remonstrate with parents gently quoted three paragraphs back, it is stated that

if your remonstrance is not taken by your parents, you ought to remain reverent and filial. If they are happy, you ought to resume gentle remonstrance; if they are not happy, however, instead of letting your parents cause harm to your neighbors, you ought to use an extreme form of remonstrance. If at this extreme form of remonstrance your parents get angry and unhappy, hitting you hard with whips, you still ought not to complain about them; instead you ought to remain reverent and filial to them. (*Liji* 12.15)

This passage from the *Book of Rites* is to some extent consistent with the *Analects* passage we are interpreting here. Both insist that if our remonstrance is not taken, then rather than letting our parents commit the bad deed or even assisting them in doing so, we ought not to give up our efforts at remonstrating with them. It does add that if our continued *gentle* remonstrance does not work and our parents

⁸ Guo Qiyong thus argues that here it also means to not go against rules of propriety (Guo 2011a, 8). Although this is not the interpretation I adopt here, the outcome is the same.

are about to do wrong, then we ought to do more than a gentle remonstrance to stop them from causing harm to our neighbors; this may make our parents angry, and thus they may hit us, but we ought not to have any complaints about them. This is a very interesting point, and one that Confucius may well accept. Still the original *Analects* passage that we have been discussing does not mention stopping our parents from harming our neighbors and being hit by our parents because of our protests. I thus agree with most commentators who understand the passage to mean simply that children should continue to remonstrate with their parents. For example, according to Huang Kan,

when parents don't listen to our remonstrance, we ought to continue to remonstrate with them for tens and even hundreds of times and dare not to withdraw our labor and lodge complaints against our parents. (Cheng 1990, 271)

For another example, according to Lü Bogong 呂伯恭,

in order to move parents to a faultless station, we ought to think front and back, left and right, by hook or by crook, exhausting all possible ways. Even though we are thereby exhausted physically and mentally, we ought not to lodge any complaint against our parents. (ibid.)

So *lao* here means that the son or daughter, instead of giving up, makes a tireless effort to remonstrate with his or her parents until they cease to commit any wrongdoings.

Now we can put the whole passage together. Confucius asks us, when serving our parents, to remonstrate with a low tone, appropriate facial expressions, and a soft voice, if we are aware that our parents are going to do commit some bad action. If our parents do not listen to our initial remonstrations, we ought to remain reverent and filial toward them but not change our view of their deeds. Instead, we ought to think of all possible ways to dissuade our parents from carrying out the action, instead of letting them proceed and harm the neighbors (see *Liji* 12.15). Even if this process exhausts us physically and mentally, we should not make any complaints about our parents.

What we learn from the textual analysis of this short *Analects* passage is that when parents are committing or about to commit wrongdoings, a filial child ought not to be obedient in the sense of allowing them to do these actions, or even helping them to do so. If this is the case, however, how should we understand *Analects* 1.11, quoted at the beginning of this section, in which Confucius says that a filial

person ought to know and do what his or her parents think when they are alive and observe what they did after they die without changing their way of doing things for three years? The key to understanding this passage is to be clear about what Confucius means by the thoughts and practices of parents that a filial child is supposed to observe, and the ways that parents do things that a filial child is not supposed to change for three years after their death. Yang Bojun claims that all these mean right things, since if they were bad then Confucius would not think a filial child should continue to observe them without any changes. However, this then raises the question: if such practices are the correct ones, should they really not be changed at all? In this context, thus, I agree with Qian Mu, according to whom what Confucius has in mind are the ways to run routine family matters, such as the budget for various rituals, gifts to relatives, the arrangement of food and clothing for family members, and so on, which are more or less morally neutral. There is thus no urgency to change such routines, even if there are more efficient ways to run them (Qian 2006, 16). On moral matters, however, if what parents think and do is wrong, then a filial child ought to try and change them even when the parents are alive. In contrast, if what parents think and do is right, then these practices ought not be changed even after three years following their death. Understood this way, there is no tension between the passages in which Confucius seems to think that a filial child ought to be obedient to their parents and those in which he makes clear that a filial child ought to remonstrate with their parents if they are doing the wrong thing.

It is thus clear that, for Confucius, it is important for us to remonstrate with our parents when needed, and so we should not blindly obey them. Moreover, although we tend to think that filial piety is inseparably connected with obedience to parents, for Confucius remonstration is also its essential component. When parents are doing moral things, a filial child should of course be obedient to them; and a filial child should also be obedient to them when they are doing things that are more or less morally neutral, even though such matter could be done more efficiently or otherwise better. However, when parents are doing immoral things a filial child, being filial, ought to remonstrate with them. As we have seen, this is already made clear in the *Analects* passage that we have been analyzing so far, which says that, “in *servicing* (*shi* 事) parents, we ought to remonstrate with them gently”. So remonstration is a valid way to serve our parents. However, in what sense is remonstration with our parents a service to them and therefore a filial action? When we are remonstrating with our parents with regard to their wrongdoings it appears that we have in mind the interest of those who might suffer from our parents’ actions, rather than the interests of our parents, who would most likely benefit from doing what they wanted. Understood this way, we may still

consider it to be moral to remonstrate our parents, but in what sense is it a service to them and an indication of our filial piety?

To fully understand Confucius' view that remonstrance is a way to serve our parents and an essential component of filial piety, we ought to keep in mind that it is in the interest of a person to be virtuous (see Huang 2013, 45–53). For Confucius this is not an egoist thesis, as would be familiar in the Western philosophical tradition. In this egoistic sense, to be moral, for example, to be honest, is the best policy to serve our own selfish interest. First, since (for example) it is in our own interest that other people be honest with us, being honest with them seems to be the most reliable way to achieve this. Second, our being honest with others is also the most reliable way to serve our other interests. For example, if I own a business and am honest with my customers, then this not only wins their repeated business but also attracts new customers because of my good reputation, both outcomes serving my interest to make more money. Third, it is much easier to be honest than dishonest. To be honest, we only need to tell the truth in every situation. To be dishonest, however, requires us to remember what lies we have previously told and make sure that we do not tell another lie (or accidentally tell a truth) that contradicts our previous lies. Since people easily forget things, sooner or later a dishonest person will be found out, and so, as the saying goes, it pays to be honest.

This, however, is obviously not what Confucius means by one's self-interest in being moral, and when a filial child remonstrates with his or her parents, he or she does not have such interests of their parents in mind. To understand Confucius' view that it is in one's interest to be virtuous and not in one's interest to be vicious, we must keep in mind not only the Confucian distinction between interest in external wellbeing and that in internal wellbeing, but also the Confucian ranking of the latter over the former, as it is our internal wellbeing that distinguishes humans from other beings. So a filial child, who is supposed to serve the interest of his or her parents, should not only pay attention to their external wellbeing but also to their internal wellbeing; moreover, when our parents' external wellbeing comes into conflict with their internal wellbeing, to be filial, we ought to pay more attention to the latter. Since parents normally stand to gain externally but lose internally from their wrongdoings, we ought to remonstrate with them against such action, more for the sake of the (internal) interest of our parents than for the sake of the (external) interest of the potential victims of our parents' wrongdoing.

It is thus interesting to see Confucius' contrasting perceptions of two of his students, Zengzi and Min Ziqian 閔子騫. Both are included in the *Complete Pictures of the Twenty Four Exemplars of Filial Piety* (*Quanxiang Ersi Si Xiao* 全相二十四孝),

edited by the Yuan Dynasty scholar Guo Jujin 郭居敬 in the form of poetry, and later published with illustrations, that names the twenty-four people, starting with the legendary Sage King Shun, with the most moving stories about their filial piety. Zengzi shows his filial piety in both his whole-hearted care of his parents and his complete obedience to them, as demonstrated by his attitude when his father knocks him unconscious because he accidentally harmed some plants when weeding: pretending not to be hurt, he was instead showing his concern about whether his father wore himself out in exerting so much energy in hitting him. Confucius disapproves of Zengzi's blind obedience and asks him to follow the example of the Sage King Shun, who does not give his parents the opportunity to cause him harm. In contrast, Confucius exclaims: "How filial Min Ziqian is indeed! No one can disagree with what his parents and brothers say about him!" (*Analects* 11.5)

So what Min Ziqian did do that won him such high praise from Confucius? Min Ziqian's mother died young, and his father remarried and had two sons with his second wife. Min's stepmother mistreated him, but took good care of her own two sons. On a cold winter day, while driving a carriage, Min Ziqian began to shiver and lost hold of the reins. His father got mad and hit him with a whip, which ripped open his coat so that the reed catkins came out. Then his father held the hands of his other two sons who were also in the carriage. Feeling their hands were warm, Min Ziqian's father checked their coats and found that they were padded with cotton rather than reed catkins. Realizing that his wife had been discriminating against Min Ziqian, he planned to divorce her. Min Ziqian knelt down, begging his father to forgive his stepmother, saying that "if you keep her, only one of your sons is cold; but if you divorce her, all your three sons will be cold". This is a typical form of the gentle remonstrance that Confucius advocates in *Analects* 4.18. Moved by Min Ziqian's selflessness, his father accepted his remonstrance and changed his mind. Moreover, his stepmother and stepbrothers were also moved and transformed by it. From then on, his stepmother treated him as she treated her own two sons, and his stepbrothers loved him as an older brother.⁹ So Min Ziqian was not only virtuous himself, but also made others virtuous.

9 This story has multiple dimensions. As the Qing Dynasty scholar Jiao Xun 焦循 (1763–1820) points out, on the one hand, "Min Ziqian remonstrated with his father so that his stepmother would not be thrown out. This was his serving his parents above. (On the other hand,) he didn't have complaints about his two brothers being kept warm while he was left cold and was instead concerned about their being left cold should his stepmother be thrown out. This was his loving his brothers below.... (Originally) the stepmother's cruelty (toward Min Ziqian) was blamable, the two stepbrothers' exclusive enjoyment of warm coats was blamable, and the father's negligence of his wife's discrimination against Min Ziqian was also blamable. However, the whole family was moved and transformed by Min Ziqian's one single remonstrance, so that the parents didn't lose their kindness to children, and the two brothers didn't lose their brotherly love (*ti* 悌) for Min Ziqian, and what was blamable was made blameless." (in Cheng 1990, 748)

In the above passage I have highlighted an important and yet often neglected aspect of Confucius' idea of filial piety: remonstrance with parents against any wrongdoings. Here remonstrance is an essential feature of filial piety, because it is one way to serve one's parents, and the most appropriate one when they are doing wrong. This is because one's parents can be served both externally with regard their material wellbeing, and internally in relation to their heart/mind, with the latter being more important than the former, as it is what defines a person as truly human.

Why a Filial Son Does Not Disclose His Father Stealing a Sheep

With such an understanding of this often neglected dimension of the Confucian idea of filial piety, we can now return to the difficult passage mentioned at the beginning of this paper:

The governor of She told Confucius, "in our village, there is an upright person named Gong. When his father stole a sheep, he bore witness against him." Confucius said, "in our village, those who are upright are different: father does not disclose his child's wrongdoings, and child does not disclose his father's wrongdoing. Uprightness lies within it." (*Analects* 13.18)¹⁰

The crucial question is how, if at all, non-disclosure of parents' wrongdoing can be justified. From our discussion above, it is clear that non-disclosure of our parents' wrongdoing itself, to be appropriate, must be conducive to enhancing our parents' internal wellbeing, and thus the external wellbeing of those with whom our parents interact, since Confucius says that uprightness lies within this. The question is then in what sense our non-disclosure of our parents' wrongdoing is a better expression of our uprightiness than our bearing witness against our parents? To understand this, I think that the following view of Cai Yuanpei 蔡元培 (1868–1940) that Guo Qiyong brings to our attention is particularly relevant:

10 The Chinese character that is translated here as stealing is *rang* 攘. According to some commentators, it does not mean the positive action of stealing, but simply to keep or not return. So in the *Analects* passage it means that the father simply took a lost sheep without attempting to find its original owner (see Guo 2011, 2). This interpretation is interesting and possibly authentic (although there is also disagreement among classical commentators), but not consequential to our argument. Should one's father indeed take the active action of stealing a sheep, I trust that Confucius' view about what a filial son ought to do would not be any different.

if our parents give a command to do a wrong thing, we not only ought to disobey but also ought to remonstrate with them against doing it. If we know that it is a wrong thing to do and yet still do it, even if reluctantly, because it is our parents' command, then we not only ourselves commit a crime but also thereby put our parents in an immoral situation. This is indeed a serious lack of filial piety! If our parents have unfortunately committed a wrongdoing, it is also not Confucius' way to publicly disclose it without seeking to remedy privately. This is what Confucius means by saying that parents don't disclose their children's wrongdoing, and children don't disclose their parents' wrongdoing. (Quoted in Guo 2011, 1)

In this passage, Cai makes a couple of important points. On the one hand, he says that if one allows one's parents to commit a wrongdoing, instead of remonstrating with them against it, one puts one's parents in an immoral situation (*xian qi fu yu bu yi* 陷其父于不義). This is indeed what Confucius himself says about his student Zengzi, ironically famous for his virtue of filial piety, when he allows his father to wrongfully knock him unconscious, instead of running away so that the opportunity for his father to commit this action would have been eliminated. This is why Cai says that this episode represents a serious lack of filial piety. On the other hand, Cai emphasizes that our public non-disclosure of our family member's wrongdoings is not only conducive to our private attempts to remonstrate with them but also must be followed by such remonstrations. This is fully consistent with Confucius' view of remonstrations as a central component of filial piety, as examined in the last section.

It is thus clear that after our parents have committed a wrong action Confucius thinks that, to be filial, we ought not to disclose it, but we are not supposed to stop here. What is more important is to seek remedies for our parents' wrongdoings, and for Confucius the value of not disclosing our parents' actions is that it serves to create an atmosphere favorable to such remedies. Cai does not explicitly mention what such remedies should be. However, given Confucius' emphasis on the importance of a filial son's persistent and tireless remonstrations with his parents, we can imagine that the correct remedy is to remonstrate with our parents so that they correct themselves. In our discussion of *Analects* 4.18 about remonstrations, we primarily had in mind a situation in which our parents are about to do something wrong, and thus the aim of the remonstrations is to make them change their mind and not act in this way. However, if the wrong has already been done, then clearly, to be filial, we ought to remonstrate with our parents so that not only can the wrong be righted, to whatever extent that is possible, but also, and more importantly, that our parents can become a better

person. In this connection, I find Chen Qianjian 陳喬見 particularly perceptive in pointing out that,

a Confucian filial son ought to not disclose the fact of his father's stealing a sheep on the one hand, and to remonstrate with his father to return the sheep to its original owner on the other. If one remonstrates fails, then do it second time, third time, until the goal is reached. (Chen 2011, 455)

As we have seen, in order for the remonstrations to be effective, i.e. in order for our parents to be willing to listen to us, Confucius recommends that we ought to remonstrate with them *gently* (*ji jian* 幾諫). If we yell at them then our (non-virtuous) parents would naturally get angry, and so it is very unlikely that they would listen to our remonstrations even if we tried to give it. It is thus important to maintain an intimate atmosphere for an effective remonstrations to occur. Now suppose that a son discloses his father's wrongdoing to others. Since his father is not yet virtuous, he will naturally resent his son. In such an atmosphere, if the son wants to remonstrate with his father, it is very unlikely that the father will listen. It is in this sense that not disclosing parents' wrongdoings is important if a filial child is to make any effective remonstrations. Such an action aims not only at rectifying the wrong that has been done, which is the branch of the problem, but, more importantly, to rectify the wrongdoer, which is the root of the problem. So even for Confucius, non-disclosure of one's parents' wrongdoing itself is not upright in and of itself, but uprightness lies within it, because this is what makes uprightness possible.¹¹

In this essay I have been intentionally translating the Chinese character *yin* 隱 as “not disclosing” instead of “concealing”, as is quite commonly done.¹² This is

11 Here I understand the purpose of *yin* 隱, non-disclosure of a family member's wrongdoing, is to rectify the wrongdoer. Recently, Wang Honzhi and, inspired by Wang, Liao Mingchun, argue that the character *yin* 隱 should not be read as concealment or non-disclosure but should, instead, be read as rectification. The main reason for this new interpretation is that the character *yin* 隱 is understood as a phonetic loan from the character *yin* 爨, which is frequently used in the term *yinkuo* 爨枯, a press-frame to make bent wood straight, referring metaphorically to the rituals sages used to reform human nature (Wang 2007; Liao 2013). This is an interesting reading and, if correct, will be consistent with the main points I am arguing in this paper. However, this reading has been questioned, with good reasons presented for opposing it (see, for example, Guo and Xiao 2014; Liang 2013). My interpretation of this *Analects* passage here, however, is independent from and, I think, more plausible than such a unique reading.

12 In a recent essay, Wang Xingguo 王興國 argues that there is not much difference between not disclosing and concealing. In contrast, with some plausibility, Wang argues that the character, *yin*, really means “to get rid of” (*fumie* 伏滅, *minmie* 泯滅, *liqu* 離去, *quchu* 去除). Thus, for Wang, what Confucius says in this controversial passage is that, as soon as one's parents or children have the idea of doing wrong, then one ought to help them to get rid of this idea. In other words, what is

important. The son simply does not disclose his father's wrongdoing in order to maintain the intimate relationship with his parents, conducive to the subsequent remonstrance. However, it should be noted that Confucius does not say that a filial son ought to cover up his father's wrongdoing or to obstruct justice when authorities are investigating the case; nor does he say that the authorities ought not to investigate the case of a father stealing a sheep. This point is made clear by the famous hypothetical case envisioned by Mencius, one that is often discussed along with this issue of sheep stealing. In the hypothetical case, the father of Sage King Shun kills someone. In Mencius' view, Shun, famous for his filial piety, would not bring this case to the attention of Gaoyao, the minister of justice Shun himself appointed. However, Mencius states that not only should Gaoyao arrest Shun's father, but Shun also must not prevent Gaoyao from doing so (*Mencius* 7a35). Therefore, a common complaint by critics of Confucianism that it speaks only from the perspective of the wrongdoer, rather than that of their victims, is somewhat misplaced (see Huang 2004, 958–9). While a filial son does not bear witness against his father stealing a sheep, he would not do anything to obstruct justice.

On the surface there is some inconsistency between these two aspects of Confucius' view: on the one hand, a son ought not to report his father's wrongdoings or bear witness against him; on the other, the authorities or victim ought to investigate and find the wrongdoer. We might think simplistically that if it is right for the son not to disclose his father's wrongdoing, then it must be wrong for the *authorities* to investigate the case, the purpose or at least the result of which would be to make the father's wrongdoing known to others. On the other hand, if it is right for the authorities to investigate the father's theft of a sheep, then it must be wrong for the son not to report it or refuse to bear witness against his father. However, in Confucius' view there is no inconsistency here. In appearance what the son does and the actions the authorities take cancel out each other: a filial son does not disclose his father stealing a sheep, making it difficult, if not impossible, for the authorities to find it out; the authorities do all they can to solve the case of the stolen sheep, making it difficult, if not impossible, for the filial son to keep his father's actions unknown to the public. Moreover, the filial son and the authorities seem to represent two conflicting interests: the former is looking out for the interests of his father, while the latter are working in the interest of the victim. In

important is not whether to disclose or conceal one's family members' wrongdoings, but rather to not allow them to commit this action in the first place (Wang 2012, 38). I think this is generally true of Confucianism, and it is essentially what Confucius' remonstrance aims to achieve. However, it is not plausible in this particular context, as this is Confucius' response to Governor She's praise of the "upright" Gong's disclosing his father stealing a sheep, and so *yin* 隱 here is in contrast to *zheng* 證 (bear witness). Here the question Confucius has is what to do when a wrongdoing is already committed by one's family member.

reality, however, both sides serve the same purpose, or at least overlapping ones, from the different social roles they respectively play. Let me explain.

It is generally understood that the reason Confucius does not approve of the “upright” Gong’s bearing witness against his father for stealing a sheep is that he wants to earn a reputation by doing so. This is particularly true in the extended version of this story recorded in *Lü’s Spring and Autumn*. As recorded in this text, after the “upright” Gong reported his father for stealing a sheep, the authorities were about to punish his father, and so Gong asked to be punished on his behalf. When the authorities accepted this offer and were about to punish him, however, he told the authorities:

My father stole a sheep but I reported it: “Am I trustworthy? When my father was about to be punished, I volunteered to take the punishment for him: Am I filial? Now if you are going to punish a person who is both trustworthy and filial, is there anyone in the state that does not deserve punishment?” Persuaded, the authorities decided to not punish him. After hearing that, Confucius said, “How strange that the ‘upright’ Gong can be regarded as trustworthy! He uses his single father to try to earn a double reputation.” (*Lü’s Spring and Autumn*, 261)¹³

However, let us assume that “upright” Gong reported his father for stealing a sheep not because he wanted to earn a good reputation for himself, but because he sincerely believed that his father was wrong, and that he should treat his wrongdoing in the same way as he would treat that of anyone else’s. Would Confucius then approve of his action? If the analysis set out above is correct, Confucius would still not approve. After reporting his father for stealing a sheep, the “upright” Gong would not be able to make effective remonstrations with him, even if he still desired to do so. One might say that there would now be no need for remonstrations, since it is the duty of the authorities to deal with the matter. However, the main thing, if not the only thing, that the authorities can and will do is to punish the father. Yet, as Confucius has famously pointed out, while punishment may be able to deter a person from committing the same crime again, it will not make the person feel shame (*Analects* 2.3). In other words, punishment can only restrain a person in terms of what he or she can do, but cannot make the person virtuous so that

13 It is possible that the story does not stop here. According to *Hanfeizi*, the result is that the “upright” Gong was eventually punished for his uprightness toward the king but his crookedness toward his father. According to the Qing Dynasty scholar Song Xiangfeng 宋翔鳳, the reason why there is discrepancy between *Hanfeizi* and *Lü’s Spring and Autumn*, with the former saying that Gong was punished and the latter not, is that, having heard what Confucius said the authorities then decided to have the son punished (in Cheng 1990, 924).

the person will not do any bad actions again in the future, even if he or she will be rewarded for doing them. It is in this context that we can see why not disclosing one's parents' wrongdoings is important: it provides a necessary environment in which a son's effective remonstrance with his father becomes possible, and such a remonstrance is an important step in reforming the wrongdoer rather than rectifying the wrong that has been done, with the latter being the duty of the authorities. Here we can see why a filial child's primary concern with his or her father's interest does not come into conflict with the authorities' concern with the interest of the victims. The interest of his or her father that a filial child is concerned with in this case is the father's internal wellbeing; when his internal wellbeing is taken good care of, he will cease to do immoral things and will, instead, start to behave morally, thus not only ceasing to cause harm but will also increasing the external wellbeing of others, the main concern of the authorities.

Now let us also assume that if the "upright" Gong offered to take the punishment for his father's wrongdoing sincerely rather than merely to earn a good reputation for being filial, and that the authorities actually punished him. Would Confucius approve of his action? I think the answer is a bit ambiguous if the "upright" Gong reported the case to the authorities first, as by doing so he again eliminates an opportunity to remonstrate with his father effectively. However, the answer is more likely that Confucius would approve of this action if Gong did not report the case to the authorities, which independently learned about his father stealing a sheep.¹⁴ In this context, the hypothetical example of Shun's father's being a murderer, mentioned above, is also relevant. Since the emperor Shun cannot stop his minister of justice, Gaoyao, from doing his job and arresting his (Shun's) father, Mencius says that what Shun can do is to give up his crown and secretly take his father to the edge of the sea, and then spend the remainder of his life together with him there (*Mencius* 7a35). Although in this hypothetical case Shun does not kill himself for the crime committed by his father, his giving up the crown and going into self-exile can also be regarded as a kind of severe punishment of himself

14 Zheng Jiadong brought to our attention the story of a son's taking a punishment on his father's behalf, as recorded in the *Records of History* (*Shiji* 史記). Shi She 石奢, the prime minister of King Zhao 昭 of Chu 楚, was a person with strength, uprightness, honesty, and integrity, never flattering people nor being afraid of anything in carrying out his duties. Once on a journey within his jurisdiction, there happened to be a murderer on the loose. He chased the man, only to find out that it was his father. He let his father go and put himself in jail instead. Then he sent someone to tell King Zhao, "the murderer is my father. If I administrate the government by killing my father, I am not filial to him; if I encourage crimes by abolishing laws, I am not loyal to you. Therefore I deserve the death penalty." Perhaps moved by both Shi's filiality and loyalty, King Zhao was not willing to punish him. Shi said, "If I'm not partial to my father, I will not be a filial son; if I don't abide by the laws made by king, I will not be a loyal minister. It is your grace to forgive my crime, but it is my responsibility to receive the punishment and die." Thus he killed himself. (*Shiji* 119; see Zheng 2004, 487)

(see Guo 2011a, 3). By spending the rest of his life with his father at the edge of the sea, he could not only be sure that his father would not commit the same crime again, but could also take advantage of the intimate relationship between them to remonstrate with his father and try and reform him.¹⁵ Of course, this element is not present in Mencius' original hypothetical case, but it is certainly consistent with Confucius' conception of filial piety that stresses remonstrance.

To willingly suffer punishment for a crime committed by another may sound absurd to the ears of many Western philosophers. However, this is indeed a Confucian view, at least in the last resort. In *The Senior Dai's Book of Rites*, there is the following passage,

if what parents do conforms to the Way, one ought to follow; if what they do does not conform to the Way, one ought to remonstrate. If one's remonstrance is not taken, one ought to take responsibility for one's parents' (wrong)doing. (*Da Dai Liji*, 53)

In a recent article, Liang Tao brings to our attention a passage from a recently discovered bamboo script, "Internal Rules" (*neize* 内则), that makes the same point: "follow your parents if they are right, and stop them if they are wrong. If they don't listen, then take the blame on their behalf as if the wrongdoing is committed by yourself" (Liang 2012, 37). However, there is a significant difference between Liang's understanding of a son's taking responsibility for his parents' wrongdoing and my understanding of it here. In Liang's view, in the example of one's father stealing a sheep, the son's taking responsibility means to tell the authorities that it is he (the son) who stole the sheep, and thus should receive the punishment. Such a view, however, invites a strong and legitimate objection from Liao Mingchun:

himself not stealing a sheep, the son takes responsibility for it on behalf of his father, acknowledging that the sheep is stolen by himself (instead of his father). Does this really correct the mistake of his father stealing a sheep? Not at all. Worse! The son himself commits a great wrongdoing: the violation of the basic principle of human behavior: honesty. (Liao 2013, 12)

¹⁵ One related objection to Mencius' view about what Shun ought to do is that, by giving up his crown, Shun abandoned his people (see Liu 2004, 869). However, since part of what it means to be a filial son is to take care of his parents' internal wellbeing, and since Shun's father committed murder, which not only caused the greatest harm to the external wellbeing of the victim but also the greatest harm to the internal wellbeing of Shun's father himself, Shun might consider that he did not do his filial duty well. Since in the Confucian tradition, one cannot be a good ruler without being a good son, Shun might also think that he was no longer qualified to be emperor.

To this, Liang's response is that "concealing parents' wrongdoing and taking responsibility for it on their behalf" is justifiable only in a non-ideal situation: when parents don't listen to their children's remonstrations and resist reforming themselves; in any case, the focal wrongdoing, as mentioned earlier, has to be minor (Liang and Gu 2013, 66). This response does not seem to be adequate to Liao's criticism, since in Liao's view, even in such a non-ideal situation, this measure is not the best; indeed it is even worse than reporting the case to the authorities, which, in Liao's view, may harm the family relationship but does not betray one's honesty, and so is essentially still an expression of *zhi*.

In comparison with Liang Tao's idea, there are a number of salient features of the Confucian notion of a son taking responsibility for his parents' wrongdoing as I understand and defend here. First and most important, it does not involve the problem that Liao Mingchun points out. The son does not cover up the truth that his father committed a crime, or lie that the crime was actually committed by himself. Instead, this situation happens normally when the parents' wrongdoing has already been known to the public, through the efforts made by relevant authorities, and not because of the son's disclosure, and the son then asks to be punished on behalf of his parent as he has direct responsibility for his father committing the crime, and thus indirect responsibility for the wrong he has done. In this sense, the responsibility that the son takes here is not vicarious but real. The reason is that, from a Confucian point of view, one of the things a filial son is supposed to do is ensure that his parents not cause harm to their own internal wellbeing by doing wrong to others, and so the very fact that one's parent commits an offense shows that the son has not fulfilled his filial responsibility in this regard. Thus when the son takes the punishment for the crime committed by his father, the son would also regard it as a punishment for his own failure. Second, this is not only applicable in what Liang regards as a non-ideal situation, in which one fails to reform one's parents, but also in the ideal situation, in which one successfully changes them. In the latter case, since the crime is already committed, the son decides to take responsibility for it by receiving the punishment for the wrong done by his father (directly) and himself (indirectly). Third, it is not limited to minor wrongdoings, as Liang qualifies it, but can even work in serious cases, such as murder. This can not only include the case of Shi She who killed himself for his father who murdered others, but also Shun, who, in a hypothetical scenario, abdicated his throne for his father who also committed murder. Fourth, the suffering of such a punishment in itself can serve the purpose of remonstrating with one's parents so that they do not commit any further wrongdoings. As all parents wish their children well, seeing them (children) punished for crimes committed by themselves (parents), they (parents) will naturally have the feelings of remorse and thus may become motivated to be better persons.

Moreover, the filial son's taking responsibility for his parents' wrongdoing is actually only one particular case of a virtuous person's taking responsibility for another's bad deeds. Thus, in addition to the passage from *Analects* 20.1, "if there are people with moral faults, I am the only person to be responsible", we also find the following saying from *Mencius* 5B1: "When he saw a common man or woman who did not enjoy the benefit of the rule of Yao and Shun, Yi Yin felt as if he had pushed the person into the gutter. This is the extent to which he considered the empire his responsibility." It is true that we have been so far exclusively concerned about what a virtuous son or daughter ought to do with a parent who commits an offense. However, if the father is virtuous, while the son is a wrongdoer, then the former may also regard it as his own fault that the latter did wrong, and so take responsibility for it. After all, we are all familiar with the famous saying in the Confucian tradition, "if a child is not cultivated, it is the fault of his father" (*zi bu jiao fu zhi guo* 子不教，父之過).¹⁶ This can at least partially respond to a concern raised by both Wang Hongzhi and Liao Mingchun in relation to *Analects* 13.18 that, as far as I know, has not yet been responded to by anyone in the literature. Wang asks: since Duke of She only mentions a son bearing witness against his father stealing a sheep, why does Confucius talk about the father concealing the son's wrongdoing before he talks about the son doing the same for his father? (Wang 2007, 94). In the English version of his paper, Liao makes his point more explicitly: even if a son should conceal what his father has done, from the Confucian point of view a father should never conceal his son's misconduct (Liao 2015). Now when a virtuous person (whether it is a father or son) tries to reform an immoral person (whether it is a son or father), it is obvious that the former would not try to make everyone know about the latter's misconduct, as we interpret *yin* (non-disclosure) as a means for rectifying the wrongdoer. Confucius himself says that he does not like those who regard disclosing others' shortcomings as *zhi* (upright/honest) (*Analects* 17.24). This clearly should be equally applicable to both children dealing with their parents and parents dealing with their children. There is thus indeed a symmetry between parents and children, and this symmetry is also retained in their taking responsibility for each other's wrongdoings.

Zheng Jiadong 鄭家棟 points out that a common problem with Confucius' view about not disclosing one's father's stealing a sheep, and Mencius' view of Shun carrying his father to a remote area, is that the criminal is still at large, and justice is not done (Zheng 2004, 488). This is a concern shared by almost all critics of

16 It is supposed to be from the *Sanzi jing* 三字經 (*The Three Characters Classic*), although it is stated there, at the very beginning of the text, slightly differently, "it is father's fault if he only raises his children without cultivating them" (*Yang bu jiao fu zhi guo* 養不教，父之過). Still, the basic meaning remains the same.

Confucianism. With regard to the former, it is indeed true that, in both cases, the person that committed the crime is still free. However, also in both cases, a suitable environment for remonstrance is created to reform the wrongdoer. As a result, it is hoped that the criminal will stop committing crimes. Regarding the latter, of course the authorities may want to achieve an additional goal, although one that seems to me morally ambiguous: by punishing the wrongdoer, on the one hand, justice is done in the sense that the same degree of harm is returned to the wrongdoer as the latter inflicted upon his or her victims, and on the other, potential criminals may be deterred from committing the same offenses. The reason I say this is morally ambiguous is that, on the one hand, it is wrong, at least according to the utilitarian theory of punishment, to punish a person if the person will not or cannot commit the same or a similar wrongdoing again; and on the other hand, it is wrong, at least according to the retributive theory of punishment, for the authorities to use a criminal as a tool to deter others. Of course, this involves the central issue of the debate between utilitarian and retributive conceptions of justice in punishment. As this issue seems to be unsolvable, I prefer the restorative conception of justice as alternative: when we identify a wrongdoer, the appropriate or just thing to do is not to inflict the same amount of harm upon this person that was inflicted upon his or her victims to maintain a balance (the retributive conception), or to inflict more harm on the criminal than he or she inflicted on the victim as a deterrent (the utilitarian conception). Instead, the aim should be to restore the person's internal wellbeing so that he or she would not have the inclination to commit any further crimes (see Huang 2007, 9–12).¹⁷ When a wrongdoer's internal wellbeing is rectified, on the one hand, not only will this person not continue to commit any wrongdoing, but this person will also become a role model for other potential wrongdoers. The utilitarian goal (the prevention of future wrongdoings) is thus reached without using the utilitarian means. On the other hand, this person will also try to make compensations, if possible, to the

17 This view of Confucius seems to be very different from what is called “putting one's (criminal) family member to death in order to promote greater justice” (*dayi mie qin* 大義滅親) as practiced by some notable people, the most famous of whom is Bao Zheng 包拯 (999–1062), who, as a judge, executed his own nephew. Since Bao Zheng has been praised throughout history as an exemplary official with absolute impartiality, if Confucius holds a view different from his, then some justification is needed (see Mu 2004, 967). On this issue, I think Guo Qiyong and Gong Jianping have made a very elegant argument. In their view, however others look at what he did, Bao Zheng himself “must have a deep sense of guilt and regret, as he would realize that he failed to educate his nephew or at least failed to educate him appropriately (as otherwise he would not commit the crime in the first place), that he failed to learn about (and therefore stop) what his nephew was going to do so that he would not become a criminal, and that he was trying to govern the state while he failed to govern even his own family” (Guo and Gong 2004, 55). What Guo and Gong say here is perfectly consistent with the notion of “moral residue” or “moral remainder”, which I discuss in Huang (2013, 116–7).

victims of his or her previous wrongdoings, and if this is not possible, the person will at least feel some regret and suffer in their conscience. As such, the retributive goal (the equality of benefits and burdens) is also achieved without using retributive means. This sense of justice, i.e., restorative justice, can be best served by Confucius' suggestion of mutual non-disclosure of wrongdoings among family members, followed by gentle but persistent remonstrations.

Conclusion

Filial piety, as one of the most salient features of Confucian teachings, if not the most salient, has been subjected to severe criticism in contemporary Chinese scholarship: why should we always obey our parents? The discussion presented in this work shows that this is largely due to a misunderstanding. Confucius' conception of filial piety does include a duty to serve our parents with respect and love, something that is not at all controversial. However, it also contains some other important aspects, one of which has often been neglected and yet is key to our understanding of the *Analects* passage that is the central concern of this essay: while a filial person, by definition, ought to take care of his or her parents, for Confucius, this not only includes the parents' external wellbeing but also, and more importantly, their internal wellbeing. It is thus extremely important for filial children to do all that they can to make sure that their parents do not commit offenses that will cause damage not only to the external wellbeing of the victims, but also to their own internal wellbeing. In Confucius' view, the best way for a filial son or daughter to accomplish this is to remonstrate gently with their parents against any intended offense if it is not yet done, and to remonstrate with them to right the wrong if it has already been committed. It is indeed in this context that we can understand Confucius' otherwise puzzling view that an upright son ought not to disclose that his father has stolen a sheep. Here, while the non-disclosure of the father's wrongdoing is not an indication of the son's uprightness, it creates or preserves the intimate family atmosphere in which a remonstration can most effectively be made. It is in this sense that Confucius says that the son's uprightness lies in his non-disclosure of his father's wrongdoing. In short, non-disclosure is not the goal but a means, the purpose of which is to change the father into a moral person so that he will not commit the offense again in the future, while also making compensation to any victims of crimes that have already been committed.¹⁸

18 This essay is significantly revised, updated, and expanded from Sections 4 and 5 of Chapter 5 of Huang 2013.

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