

A “Reacting to the Past” Game in Development



King Zheng’s Great Debate and the Unification of China

Game Book

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Basic Features of Reacting to the Past

Reacting to the Past is a series of historical role-playing games. Students are given elaborate game books which place them in moments of historical controversy and intellectual ferment. The class becomes a public body of some sort; students, in role, become particular persons from the period, often as members of a faction. Their purpose is to advance a policy agenda and achieve their victory objectives. To do so, they will undertake research and write speeches and position papers; and they will also give formal speeches, participate in informal debates and negotiations, and otherwise work to win the game. After a few preparatory lectures, the game begins and the players are in charge; the instructor serves as adviser or “gamemaster.” Outcomes sometimes differ from the actual history; a post-mortem session at the end of the game sets the record straight.

The following is an outline of what you will encounter in Reacting and what you will be expected to do. While these elements are typical of every Reacting game, it is important to remember that every game has its own special quirks.

Game Set-up

Your instructor will spend some time before the beginning of the game helping you to understand the historical background. During the set-up period, you will read several different kinds of material:

- The game book (from which you are reading now), which includes historical information, rules and elements of the game, and essential documents; and
- Your role, which describes the historical person you will play in the game.

You may also be required to read primary and secondary sources outside the game book (perhaps including one or more accompanying books), which provide additional information and arguments for use during the game. Often you will be expected to conduct research to bolster your papers and speeches.

Read all of this contextual material and all of these documents and sources before the game begins. And just as important, go back and reread these materials throughout the game. A second reading while in role will deepen your understanding and alter your perspective: ideas take on a different aspect when seen through the eyes of a partisan actor. Players who have carefully read the materials and who know the rules of the game will invariably do better than those who rely on general impressions and uncertain recollections.

Game Play

Once the game begins, certain players preside over the class sessions. These presiding officers may be elected or appointed. Your instructor then becomes the gamemaster (GM) and takes a seat in the back of the room. While not in control, the GM may do any of the following:

- Pass notes to spur players to action;

- Announce the effects of actions taken inside the game on outside parties (e.g., neighboring countries) or the effects of outside events on game actions (e.g., a declaration of war); and
- Interrupt and redirect proceedings that have gone off track.

Presiding officers may act in a partisan fashion, speaking in support of particular interests, but they must observe basic standards of fairness. As a failsafe device, most Reacting games employ the “Podium Rule,” which allows a player who has not been recognized to approach the podium and wait for a chance to speak. Once at the podium, the player has the floor and must be heard.

In order to achieve your objectives, outlined in your role sheet, you must persuade others to support you. You must speak with others, because never will a role contain all that you need to know, and never will one faction have the strength to prevail without allies. Collaboration and coalition-building are at the heart of every game.

Most role descriptions contain secret information which you are expected to guard. Exercise caution when discussing your role with others. You may be a member of a faction, which gives you allies who are generally safe and reliable, but even they may not always be in total agreement with you.

In games where factions are tight-knit groups with fixed objectives, finding a persuadable ally can be difficult. Fortunately, every game includes roles that are undecided (or “indeterminate”) about certain issues. Everyone is predisposed on certain issues, but most players can be persuaded to support particular positions. Cultivating these players is in your interest. (By contrast, if you are assigned an “indeterminate” role, you will likely have considerable freedom to choose one or another side in the game; but often, too, indeterminates have special interests of their own.)

Cultivate friends and supporters. Before you speak at the podium, arrange to have at least one supporter second your proposal, come to your defense, or admonish those in the body not paying attention. Feel free to ask the presiding officer to assist you, but appeal to the GM only as a last resort.

Immerse yourself in the game. Regard it as a way to escape imaginatively from your usual “self”—and your customary perspective as a college student in the 21st century. At first, this may cause discomfort because you may be advocating ideas that are incompatible with your own beliefs. You may also need to take actions which you would find reprehensible in real life. Remember that a Reacting game is only a game and that you and the other players are merely playing roles. When they offer criticisms, they are not criticizing you as a person. Similarly, you must never criticize another person in the game. But you will likely be obliged to criticize their persona. (For example, never say, “Sally’s argument is ridiculous.” But feel free to say, “Governor Winthrop’s argument is ridiculous”—though you would do well to explain exactly why!) Always assume, when spoken to by a fellow player—whether in class or out of class—that that person is speaking to you in role.

Help to create this world by avoiding the colloquialisms and familiarities of today’s college life. Never should the presiding officer, for example, open a session with the salutation, “Hi guys.” Similarly, remember that it is inappropriate to trade on out-of-class relationships when asking for support within the game. (“Hey, you can’t vote against me. We’re both on the tennis team!”)

Reacting to the Past seeks to approximate of the complexity of the past. Because some people in history were not who they seemed to be, so, too, some roles in Reacting may include elements of conspiracy or deceit. (For example, Brutus did not announce to the Roman Senate his plans to assassinate Caesar.) If you are assigned such a role, you must make it clear to everyone that you are merely playing a role. If, however, you find yourself in a situation where you find your role and actions to be stressful or uncomfortable, tell the GM.

Game Requirements

Your instructor will explain the specific requirements for your class. In general, a Reacting game will require you to perform several distinct but interrelated activities:

- **Reading:** This standard academic work is carried on more purposefully in a Reacting course, since what you read is put to immediate use.
- **Research and Writing:** The exact writing requirements depend on your instructor, but in most cases you will be writing to persuade others. Most of your writing will take the form of policy statements, but you might also write autobiographies, clandestine messages, newspapers, or aftergame reflections. In most cases papers are posted on the class website for examination by others. Basic rules: Do not use big fonts or large margins. Do not simply repeat your position as outlined in your role sheets: You must base your arguments on historical facts as well as ideas drawn from assigned texts—and from independent research. (Your instructor will outline the requirements for footnoting and attribution.) Be sure to consider the weaknesses in your argument and address them; if you do not your opponents will.
- **Public Speaking and Debate:** Most players are expected to deliver at least one formal speech from the podium (the length of the game and the size of the class will affect the number of speeches). Reading papers aloud is seldom effective. Some instructors may insist that students instead speak freely from notes. After a speech, a lively and even raucous debate will likely ensue. Often the debates will culminate in a vote. ..
- **Strategizing:** Communication among students is a pervasive feature of Reacting games. You should find yourself writing emails, texting, and attending meetings on a fairly regular basis. If you do not, you are being outmaneuvered by your opponents.

Skill Development

A recent Associated Press article on education and employment made the following observations:

“The world’s top employers are pickier than ever. And they want to see more than high marks and the right degree. They want graduates with so-called soft skills—those who can work well in teams, write and speak with clarity, adapt quickly to changes in technology and business conditions, and interact with colleagues from different countries and cultures. . . . And companies are going to ever-greater lengths to identify the students who have the right mix of skills, by observing them in role-playing exercises to see how they handle pressure and get along with others . . . and [by] organizing contests that reveal how students solve problems and handle deadline pressure.”

Reacting to the Past, probably better than most elements of the curriculum, provides the opportunity for developing these “soft skills.” This is because you will be practicing persuasive writing, public speaking, critical thinking, problem-solving, and collaboration. You will also need to adapt to changing circumstances and work under pressure.

The Game

How to Win

Each player will begin the game with a social rank (from 0-20), which is based on the ranking system that was developed by Lord Shang (c. 390-338 BCE) to transform the Qin sociopolitical structure from an aristocracy to a meritocracy.¹ Your rank will increase or decrease depending on whether you satisfy the objectives listed on your role sheet and (if you are not an indeterminate) your faction advisory. Many of these objectives focus on the philosophical issues that will be debated at the court of Ying Zheng, such as whether human nature is fundamentally good or bad or how Qin can succeed in unifying China. Some objectives, however, are personal (such as advancing one’s own career or ending someone else’s), so be thoughtful about what information from your role sheet you decide to share with others.

Those who are participants in the Great Debate may also be “rewarded” or “punished” with the raising or lowering of ranks based on their performance during the debate. Such rewards and punishments will be announced at the beginning of the subsequent session in the king’s opening speech. Those who are not participating in the debate may be similarly rewarded or punished based on their conduct in the previous session. Because players will begin the game at different ranks and their ability to raise their social status will vary according to the details of their assigned role, victory and loss will be determined by the degree to which one’s status rises or falls over the course of the game. Specific victory conditions will be provided in your role sheet, but in general a player will “win” if they attain most of their objectives, “lose” if they fail to attain most of their objectives, and “draw” if their accomplishments are somewhere in between. In addition, each faction will have one final result that will result in an automatic loss.

Assignments

Normally instructors will require a certain amount of writing as part of the game, although the form that this writing takes will depend on the instructions in one’s role description. All papers are to be written in character and should draw on the ideas expressed in the course readings, but their topics will vary widely. Some papers will need to be presented orally (such as one’s prepared remarks on one of the debate topics), while others may be sent to a particular player (in

¹ The system transformed Qin’s social structure from one in which status was primarily determined by birth to one in which one’s status depended on the quality of one’s actions. The system included twenty ranks of merit that could be attained by all males, regardless of their pedigree or wealth, which allowed for a much higher degree of social mobility than the aristocratic system that remained the norm in the other Warring States. While these ranks were partially inheritable (a man could designate one heir to his rank, but his son’s rank would be decreased by one or two degrees), even the ruling elite could not expect to maintain their status without demonstrating significant achievements. For a more detailed account of the ranking system, see Pines, 18-20.

an attempt to persuade them on some issue of mutual concern). However, one way or another, students are expected to remain actively engaged in the game, both publicly (by participating in debates) and privately (by negotiating and/or strategizing with other players to accomplish your game objectives).

Counterfactuals

The game is based on a key moment in Chinese history, when King Zheng of Qin (who would go on to become the “First Emperor of China”) began to stand on his own after nearly a decade of ruling under the joint regency of his mother (Queen Dowager Zhao) and his prime minister (Lü Buwei). Although the “Great Debate” at the center of the game is fictional, such debates were common during the Warring States period, most notably those that were held at the famous Jixia Academy from c. 318-284 BCE. Indeed, the Jixia Academy had a clear influence on Lü Buwei, who set up his own academy where he employed as many as 3,000 scholars (probably an exaggerated figure) who lived at his expense while they completed his masterpiece, the *Lüshi Chunqiu*—an encyclopedic work that was intended to encompass “all the affairs of Heaven, Earth and the myriad things, both past and present” ([Shiji 85:9](#)).

As for the characters, some fictional roles have been created to flesh out the game for a large class, but the main roles represent some of the most famous figures in all of Chinese history, including not only the future First Emperor and his first prime minister Lü Buwei, but also Li Si (a high-ranking official/prime minister who played a major role in the unification of China as well as the subsequent creation of China’s first imperial bureaucracy), Xunzi (one of the two most famous Confucians of the Warring States period), and Han Fei (author of the *Hanfeizi*, a collection of essays that represent the full maturation of Warring States Legalism). Moreover, even if these figures didn’t have an actual debate in 238 BCE, the topics covered in the game were the central issues of the late Warring States period and the views that held sway at the court of Ying Zheng had a profound impact on the development of imperial China.

The game has been designed to encourage players to approximate the beliefs and actions of their historical counterparts, but in order to make the game playable, students are given the flexibility to make their own decisions, with the result that certain outcomes may deviate from those of the historical record. While the goal is to reproduce the history of the period as accurately as possible, such deviations are ultimately unproblematic, as they will be discussed in the final “Debriefing Session” when the class explores what really happened to various characters and how the state of Qin actually did unify China and establish a radically new system of government that would lay the foundation for the next two thousand years of Imperial Chinese history.

Overview of the Game

The game focuses on a series of hypothetical debates that are set at the court of Ying Zheng, the King of Qin, in the year 238 BCE. Qin is the strongest of the seven states that have survived the Warring States period (481-221 BCE), which as the name suggests is an era of continual warfare. From 1046-256 BCE, the so-called “Middle Kingdom” (i.e., China) had been ruled by the kings of the Zhou dynasty, though their power had been on the wane since 771 BCE and the dynasty was formally ended when Ying Zheng’s great-grandfather, King Zhaoxiang (r. 307-351 BCE), conquered the last Zhou king in 256 BCE.

The purpose of this Great Debate is to gather some of the greatest thinkers in China to develop a comprehensive plan to bring the Warring States period to an end. The debate will take place over five days and focus on the following topics:

1. **Human Nature:** What is “human nature”? Is it that which is fully manifest from the moment we are born, like our desire for self-gratification? Or perhaps it is something that needs to be properly nurtured before it can be fully realized—like our potential for moral growth, which requires a nurturing environment and self-cultivation before it can reach its true potential. In either case, does our inborn nature impel us toward sagehood, impede our moral growth, or simply define a neutral foundation that can be transformed into something positive or negative based on the choices we make and the actions we take.
2. **Social Organization and Self-Cultivation:** How should society be organized to provide the ideal environment for both social harmony and personal growth? Does the ruler need to engage in any self-cultivation practices in order to realize the ideal social order? What about the rest of society?
3. **Unifying the Warring States:** For nearly 250 years, China has been torn apart by endless war, but of the dozens of states that existed at the beginning of this period, only seven major states remain. What is the best strategy to restore unity to our fractured country? Should one employ diplomacy to build a coalition so that the various states can be united peacefully or is military domination the only way that peace can be attained?
4. **Governing the Empire:** Once the empire has been united, should it be governed through a feudal system (with numerous semi-autonomous states that are loyal to a single king), an imperial system (with an emperor who rules all of China through a centrally organized bureaucracy), or something in between?
5. **Ruling Philosophy:** On the final day of the debate, King Zheng’s Inner Council will develop a framework for establishing the ideal sociopolitical order by selecting the best responses to each of the four debate topics. Those whose perspectives are adopted will be appropriately rewarded and the resulting document will then serve as the official “Ruling Philosophy” of Qin.

The Great Debate provides the overt structure of the game, but beneath the surface is a power struggle between three factions that are competing for domination of the Qin court. King Zheng has been under the co-regency of his prime minister, Lü Buwei, and his mother, Queen Dowager Zhao, since he ascended the throne at the age of thirteen. Although he recently performed the “capping ceremony” that symbolized his formal entry into adulthood, Prime Minister Lü and Queen Dowager Zhao continue to thwart all efforts to establish his full authority as king, as this would significantly diminish their own power as regents. Moreover, the Prime Minister and the Queen Dowager have conflicting personal interests, including (but not limited to) the fact that any increase in the power of one will result in a decrease in the power of the other. Each has therefore become the center of a faction that is focused on maximizing its control over the Qin court. A third faction is headed by the king’s closest aide, Li Si, who hopes to increase his own power by working to end Ying Zheng’s period of regency and restore the dominance of Legalism, which has slipped under the leadership of Lü Buwei (who has demonstrated a clear distaste for Legalist policies).

While the specific details of each faction’s game objectives are provided only to faction members, a summary of the defining features and essential principles of each faction is provided below.

The Legalist Faction (Leader: Li Si)

The Legalist² tradition has been favored in Qin since the time of Lord Shang (c. 390-338 BCE), a native of Wei who rose to the post of prime minister and fundamentally transformed Qin society. Lord Shang's reforms laid the foundation for the rise of Qin by abolishing the hereditary privileges of the aristocracy, rewarding farmers who exceeded their harvest quotas while enslaving those who fell short, enacting strict laws backed by harsh punishments, and establishing a meritocratic military in which promotion was based on one's actual performance in battle rather than the nobility of one's birth. While other states experimented with similar policies, none implemented them as thoroughly or transformed their state as radically. As a result, Qin became the most powerful state in China, eliminating the state of Zhou in 256 BCE with the clear intent of uniting China under its own banner.

The faction is led by King Zheng's aide Li Si, an ambitious statesman from Chu who came to Qin a decade ago when he recognized that this was the only state capable of uniting China. When he took leave of his teacher, the noted Confucian scholar Xun Qing (a.k.a. Xunzi, "Master Xun"), Li Si is reported to have said:

I have heard that one must never be lazy in seizing the moment. Now is a time when the rulers of 10,000 chariots are vying for power, when those in search of employment can take command of affairs. The king of Qin wants to swallow up the world, to call himself emperor and rule it. This is the moment for commoners like myself, the harvest season for those with ideas to expound. To occupy a mean and lowly station and never plan for advancement is to be like a bird or beast who spies something to eat but, because there are people around, forces itself to pass it by. Therefore I say, there is no greater disgrace than being mean and lowly, and no greater sorrow than poverty and want. To continue for long in a mean and lowly station, in a situation of hardship and trial, to condemn the age, speak ill of gain, and deliberately choose a course of inaction—this is contrary to human nature. Therefore I plan to go west and speak to the king of Qin! (*Records of the Grand Historian: Qin Dynasty*, 179-80)

Li Si arrived in Qin just after the death of King Zhuangxiang (r. 250-247 BCE), but he impressed the prime minister, Lü Buwei, and soon after came to serve the new king, Ying Zheng.

Another prominent member of this faction is Han Fei, an aristocrat from the state of Han who recently completed an eloquent series of essays on Legalism that are eponymously known as the *Han Feizi* ([The Writings of] Master Han Fei). Han Fei was invited to the Great Debate on the suggestion of Li Si, as both were students of the most famous Confucian of the day, Xun Kuang (c. 310-c. 235 BCE), better known as Xunzi (Master Xun). While both Li and Han ultimately rejected the more Confucian aspects of Xunzi's teachings, they were both deeply influenced by Xunzi's distinctive claim that human nature is bad. The primary objective of this faction is to ensure that the state of Qin continues to pursue Legalist policies and toward this end they intend

² It should be noted that the term "Legalism" (*Fajia* 法家) was coined by Sima Tan (c. 165-110 BCE) in his essay "Discussing the Essential Points of the Six Schools" (*Lun liujia yaozhi* 論六家要旨), which is the last chapter of Sima Qian's *Records of the Grand Historian* (*Shiji* 史記). Technically, neither Lord Shang nor Li Si would have identified themselves with the tradition that we now call Legalism, but for the sake of convenience we will refer to those who were later identified with the tradition as Legalists.

to end Lü Buwei's term as prime minister, with Li Si becoming the new prime minister and Han Fei his "right hand man," the Minister of the Right.

Some of the key principles associated with the Legalist faction are:

1. **The Primacy of Agriculture and the Military (yi 壹)**

During the Warring States period (481-221 BCE), warfare shifted from small-scale battles with aristocrats in chariots to massive campaigns fought by peasant conscripts. The survival of a state therefore depended on its ability to maintain a strong army, which in turn required a significant surplus of food. In the state of Qin, Shang Yang responded to the demands of the age by developing a sociopolitical structure that focused on the primacy of agriculture and the military, represented by the catchphrase "enrich the state and strengthen the army" (*fuguo qiangbing* 富国强兵). This was implemented by eliminating the aristocracy and awarding wealth and status based on agricultural and military accomplishments. In the words of Lord Shang:

When [the state] raises an army and launches an attack, then ranks and responsibilities are granted based on military [exploits], and it will surely be victorious. When it restrains the army and [pursues] farming, then ranks and responsibilities are granted based on grain [production], and the state will become rich. He who raises an army and defeats the enemy, who restrains his army and enriches his state, is the [True] Monarch. (Pines, 155 [*Shangjunshu* 4.11])

In order to minimize the number of people who engaged in occupations other than farming, Lord Shang advocated raising the price of food and imposing various taxes on those who do not farm, so that the people would be encouraged to work in the fields (*Shangjunshu* 22.2) or seek wealth and status through military service:

What is called 'unifying rewards' means that benefits, emoluments, official position, and rank uniformly derive from military [attainments] and that there are no other ways to dispense them. Therefore, the knowledgeable and the ignorant, the noble and the base, the courageous and cowardly, the worthy and unworthy—all fully utilize their innermost wisdom and fully exhaust the power of their limbs, going forth to die in the service of their superiors. The bravos and the worthies from All-under-Heaven will follow [the ruler] just as water flows downward. Hence, his troops will have no rivals, and his orders will be implemented throughout All-under-Heaven. (Pines, 208 [*Shangjunshu* 17.2])

In this way, Lord Shang set up a system that

causes those among the people who seek benefits to gain them nowhere else but in tilling and those who want to avoid harm to escape nowhere but to war. Within the borders, everyone among the people first devotes himself to tilling and warfare and only then obtains whatever pleases him. Hence, though the territory is small, grain is plenty, and though the people are few, the army is powerful. He who is able to implement these two within the borders will accomplish the way of Hegemon and Monarch. (Pines, 242 [*Shangjunshu* 25.5]; cf. Pines, 67-79)

2. Impartial Law (*fa* 法)³

The first topic to be taken up in the Great Debate is the question of whether human nature predisposes us to be morally good, bad, or neutral. Legalists are largely uninterested in philosophical speculation on such unanswerable questions, focusing instead on the practical matter of how people generally behave in the world and its implications for establishing an orderly society. Based on people's actual conduct, it is clear that most humans are self-interested in the sense that they are primarily oriented toward the pursuit of pleasure and the avoidance of harm. In the pursuit of self-interest, we inevitably come into conflict with others, creating social disorder and increasing the suffering of all. In order to ensure that most people get most of what they need most of the time, it is therefore necessary to create a stable sociopolitical order, not to eliminate selfishness—which even if possible could only be accomplished by a few exceptional individuals—but to prevent this disposition from harming society (Pines, 63-4).⁴ In the words of Lord Shang:

In antiquity, the people resided together and dwelled herdlike in turmoil; hence, they were in need of superiors. So All-under-Heaven is happy having superiors and considers this orderly rule. Now, if you have a sovereign but no laws, it is as harmful as having no sovereign; if you have laws but are unable to overcome [those] who wreak havoc, it is as if you have no laws. Although All-under-Heaven have no peace without a ruler, they delight in flouting his laws: hence, the entire generation is in a state of confusion. Yet to benefit the people of All-under-Heaven nothing is better than orderly rule; and in orderly rule nothing is more secure than establishing the ruler. The Way of establishing the ruler is nowhere broader than in relying on laws; in the task of relying on laws, nothing is more urgent than eradicating villainy; the root of eradicating villainy is nowhere deeper than in making punishments stern. Hence, the True Monarch prohibits through rewards and encourages through punishments; he pursues transgressions and not goodness; he relies on punishments to eradicate punishments. (Pines, 64 [*Shangjunshu*, 7.6])

While some, such as the followers of Confucius, may regard this emphasis on law and punishment as immoral, it should be noted that harsh punishments are intended to eliminate the need for punishments altogether. Lord Shang acknowledges that the sages of remote antiquity were able to hold selfishness in check through the implementation of rituals and moral principles, but he maintained that the problems faced by society change over time, so

³ The term *fa* 法, which is central to the implementation of a Legalist sociopolitical order, is a multifaceted term whose translation depends on the context. Legalist texts most commonly use the term to refer to punitive laws, though it can also refer to the impartial “standards” that govern the promotion of officials as well as to specific “methods” or “models” that should be followed (Pines, 117-8; cf. 291n1). Since the first two uses are the most relevant to the present discussion, I include both in the section title.

⁴ It bears repeating that the Legalists eschewed abstract philosophical speculation on questions such as the theoretical possibility of eliminating selfishness. As Eirik Lang Harris notes in *The Shenzi Fragments*, “The idea that political thought needs to begin with the state and the people as they actually are, rather than with a vision of how they ought to be, is one way in which the various thinkers who have often been labeled ‘Legalist’ (*fajia* 法家), in particular Shen Dao, Shang Yang 商鞅, Shen Buhai 申不害, and Han Fei seem to be appropriately grouped together. Such a view sets them apart from a range of early thinkers who seem either to view political philosophy as an exercise in applied ethics or otherwise to think that the normativity to be desired in the political realm bears a necessary relationship to the normativity of the moral realm” (Harris, 24).

“there is no single way to order the generation” (Pines, 61 [*Shangjunshu*, 1.4]). The point is nicely illustrated by Han Fei in the following parable:

There was a farmer of Sung who tilled the land, and in his field was a stump. One day a rabbit, racing across the field, bumped into the stump, broke its neck, and died. Thereupon the farmer laid aside his plow and took up watch beside the stump, hoping that he would get another rabbit in the same way. But he got no more rabbits, and instead became the laughingstock of Sung. Those who think they can take the ways of the ancient kings and use them to govern the people of today all belong in the category of stump-watchers! (Watson, 97 [*Hanfeizi*, “The Five Vermin”])

In other words, attempting to respond to the unique problems of the Warring States period with the “moral” solution of the ancients will not only be ineffective, but will actually lead to further suffering. At the beginning of the Zhou dynasty (c. 1046-256 BCE), society was successfully ordered through the establishment of a feudal system with a single king presiding over a network of feudal lords who pledged to defend the Zhou king in exchange for the fiefs that were bequeathed to them. But in 771 BCE, when the Marquess of Shen allied with the Zeng and Quanrong barbarians to occupy the Western Zhou capital Haojing, none of the feudal lords defended King You (*Shiji* 4 [“Basic Annals of Zhou”]). As a result, the capital had to be moved east to Luoyang (ushering in the “Eastern Zhou” period), after which the authority of the Zhou kings steadily declined until the feudal lords usurped the title of “king” for themselves, wielding far more power and prestige than the reigning Zhou king. Under such circumstances, sitting on a stump and waiting for a new sage to reproduce the sociopolitical order of the early Zhou is to invite the repetition of failure!

3. **The Two Handles (*erbing* 二柄) of Reward and Punishment (*xingde* 刑德)**

The sociopolitical realities of the Warring States period call for the implementation of impartial laws that transform people’s predisposition to act selfishly from a liability that undermines social order by pitting people against each other to a tool that the state can use to ensure that people’s actions are consistent with the objectives of the state. This is accomplished by exploiting people’s natural desire to pursue pleasure and avoid harm through a system of rewards (to encourage people to act in the ways that are in the best interest of the state) and punishments (to ensure that none act in ways that harm the state).

What is called unifying punishments means imposing punishments without regard for one’s status. From chief ministers, chancellors, and generals down to nobles and commoners, whoever disobeys the king’s orders, violates the state’s prohibitions, or wreaks havoc on the regulations of one’s superior should be executed without pardon. If he had merits before but failed thereafter, this should not reduce the punishment. When one was good previously but transgressed thereafter, this should not diminish the law. When loyal ministers and filial sons transgress, their cases should be decided according to the rules. (Pines, 209 [*Shangjunshu*, 17.3])

The essential point here is that laws—and the punishments that enforce them—must be impartially applied in order to eliminate the subjective biases of the ruler and the administrative bureaucracy over which he presides. If laws are not impartially implemented, then their ability to exploit people’s selfish disposition will be weakened

If we had to depend on an arrow being absolutely straight by nature, there would be no arrow in a hundred generations. If we had to depend on a piece of wood being

perfectly round by nature, there would not be any wheel in a thousand generations. There is not one naturally straight arrow or naturally round piece of wood in a hundred generations, and yet in every generation people ride carriages and shoot birds. Why? Because of the application of the methods of straightening and bending. Although there is a naturally straight arrow or a naturally round piece of wood [once in a hundred generations] which does not depend on any straightening or bending, the skilled workman does not value it. Why? Because it is not just one person who wishes to ride and not just one shot that the archer wishes to shoot. Similarly, the enlightened ruler does not value people who are naturally good and who do not depend on reward and punishment. Why? Because the laws of the state must not be neglected and government is not for only one man. Therefore the ruler who has the technique does not follow the good that happens by chance but practices the way of necessity. ... (*A Source Book in Chinese Philosophy*, 253-4 [*Hanfeizi*, Chapter 50])

In other words, the Legalists are not interested in the philosophical question of whether it is theoretically possible for humans to become good human beings or, more importantly, obedient subjects. Rather, they are only interested in the pragmatic techniques that will ensure that the actions of all subjects are aligned with the interests of the state, which they believe is best accomplished through the use of rewards and punishments:

When an official whose task is to safeguard the law does not implement the royal law, he should be executed without pardon, and the punishment should extend to the three degrees of his family members.⁵ When his colleagues know of [his crime] and denounce it to the superiors, they avoid punishment; and, whether noble or base, they inherit their superior's office, rank, fields, and emoluments. Hence, the prohibitions of the former kings, such as [carrying out] executions, cutting off feet, or branding the face, were imposed not because they sought to harm the people but only to prohibit depravity and to stop transgressions. Hence, to prohibit depravity and to stop transgressions nothing is better than to make punishments heavy. When punishments are heavy and [criminals] are inevitably captured, then the people dare not try [to break the law]. Hence, there are no penalized people in the state. When there are no penalized people in the state, it is said: "Clear punishments eliminate executions." (Pines, 209-10 [*Shangjunshu*, 17.3])

While this approach to governance may appear to be an amoral or even immoral, it should be noted that the chaos and destruction of the Warring States period made life difficult for both the aristocracy and the common people; under such circumstances, it could be argued that Legalism was, at least in part, an attempt to create sociopolitical stability, which could be seen as a "moral" solution to the collapse of the Zhou sociopolitical order during the Warring States period. Of course, Legalism may also be seen as a set of Machiavellian principles for the pursuit of raw power (though given the temporal priority of Chinese Legalism, we might say that it was Machiavelli who pursued Legalist principles). As a member of the Legalist faction, you can decide on the morality of your approach to governance for yourself, though even if you are motivated only by the pursuit of power, you may find it in your best interest to publicly assert the benign objective of establishing peace and harmony for All Under Heaven.

⁵ The "three degrees of family members" (*san zu* 三族) are the criminal's parents, children, and siblings.

4. Meritocratic Statecraft (*shu* 術)

In an aristocratic society, positions in government and the military are largely determined by a person's birth, but according to Legalism one's place in society should be determined by one's value to the state. In the state of Qin, both the government and the military are based on meritocratic principles, which allowed the most capable to rise to the top positions, resulting in a highly disciplined government and the strongest army in China. In the words of Han Fei:

If the ruler of men wishes to put an end to evil-doing, then he must be careful to match up names and results, that is to say, words and deeds. The ministers come forward to present their proposals; the ruler assigns them tasks on the basis of their words, and then concentrates on demanding the accomplishment of the task. If the accomplishment fits the task, and the task fits the words, then he bestows reward; but if they do not match, he doles out punishment. Hence, if one of the ministers comes forward with big words but produces only small accomplishments, the ruler punishes him, not because the accomplishments are small, but because they do not match the name that was given to the undertaking. Likewise, if one of the ministers comes forward with small words but produces great accomplishments, he too is punished, not because the ruler is displeased at great accomplishments, but because he considers the discrepancy in the name given to the undertaking to be a fault too serious to be outweighed by great accomplishments.

Once in the past Marquis Chao of Han got drunk and fell asleep. The keeper of the royal hat, seeing that the marquis was cold, laid a robe over him. When the marquis awoke, he was pleased and asked his attendants, "Who covered me with a robe?" "The keeper of the hat," they replied. The marquis thereupon punished both the keeper of the royal hat and the keeper of the royal robe. He punished the keeper of the robe for failing to do his duty, and the keeper of the hat for overstepping his office. It was not that he did not dislike the cold, but he considered the trespass of one official upon the duties of another to be a greater danger than cold. (*Han Fei Tzu*, 32)

As the above example suggests, a Legalist bureaucracy should function like a well-oiled machine, where people effectively perform the tasks assigned to them or are demoted to make room for those who are more capable.

5. Positional Power: The Power of Authority (*shi* 勢)

Finally, Legalism has an acute appreciation for what might be called "positional power," which is the power that is associated with holding a position of authority. In the words of Shen Dao (c. 360-285 BCE), a foundational Legalist thinker who was a member of the famous Jixia Academy in Qi:

So the winged snake travels on the mists, and the flying dragon rides the clouds. But when the clouds are gone and mists dissipate, then they become the same as worms, because they have lost that upon which they were riding. Therefore, if worthies yield to an unworthy, this is because their authority is too light. If unworthies submit to a worthy, it is because his status is respected. When Yao was a commoner, he could not bring order to neighboring families, while when Jie was the son of heaven, he was able to bring disorder to all under heaven. Looking at it from this viewpoint, being worthy is not sufficient to make the masses bow down, but positional power and

status are sufficient to make worthies bend. ... If a crossbow is weak, but its bolt flies high, it is because the bolt rides on the wind. (Shen Dao, 107-8 [1.10-14])

In other words, the ability to implement one's sociopolitical vision depends less on the ability to demonstrate one's moral legitimacy than on the authority (or lack thereof) associated with one's position. This is clearly stated in Han Fei's discussion of this passage, where he concludes, "Judging by this, worthiness and wisdom are not enough to win submission from the multitude, while power and position are all you need to crush the worthy (Graham 1989, 279 [*Han Feizi*, Chapter 40])." Yet, the point is not that the rule of a tyrant like Jie is neither better nor worse than that of a sage like Yao; rather, it is that the power of authority is too weighty to be monopolized by a single individual (Shen Dao, 109 [1.19-20]), which is to say that the institutions of government (such as those discussed above) must be firmly in place in order to ensure good government regardless of whether the ruler is a sage, a tyrant, or (as is most likely) somewhere in between.

However, the weight of the ruler's positional power is potentially dangerous, for there is a natural impulse to exploit this power in an autocratic way (i.e., considering only one's private interests rather than those of the people one is supposed to serve). While this was not the intention of either Shen Dao or Han Fei, one could easily conclude that there is nothing wrong with the ruler using his awesome power to "crush the worthy" if they offer perspectives that he dislikes. Yet the abuse of one's positional power is not without consequences, for the tyrant Jie was ultimately overthrown and the "Mandate of Heaven" that he had received from his Shang ancestors passed to the Zhou. As Benjamin Schwartz notes:

Without authority, the ruler cannot be the ultimate source of all the impersonal codes and mechanisms of control which maintain the entire social order. It is, of course, true that when the system is functioning, the system itself enhances the mantle of mystery and the sense of remoteness which surrounds the figure of the ruler, but finally it is the symbolic aura of authority surrounding the figure of the ruler which makes possible the implementation of the system. Without the internalization of this aura in the minds of the people, the entire system may readily collapse. (Schwartz, 340)

In short, for the Legalist system to function effectively, the people must have confidence in the legitimacy of the ruler, which is best established through an impartial bureaucratic structure that provides stable government regardless of who sits on the throne.

The Lüshi Chunqiu Faction (Leader: Lü Buwei)

The Warring States period (481-221 BCE) is characterized by incessant warfare between competing states due to the collapse of the Zhou sociopolitical order (i.e., the feudal structure that was established at the beginning of the Zhou dynasty when the Zhou kings first claimed the "Mandate of Heaven"). Beginning with Confucius (551-479 BCE), some of the greatest thinkers in Chinese history responded to the lack of a coherent sociopolitical order by developing systems of thought that they hoped would provide the conceptual foundation for the restoration of harmony. The three traditions that had the greatest influence on Chinese history are Confucianism, Daoism, and Legalism, though there were various others that were important at

the time, including Mohism, the Yin-Yang School, the School of Names, the Yangists, and the Agriculturalists.⁶

Toward the end of the Warring States period, the failure to restore order led some thinkers to suggest that no single school of thought could provide a comprehensive solution to the sociopolitical chaos, while others maintained that the comprehensive Way (*dao* 道) of the ancients had been ripped apart by the schools themselves, each of which “scrutinize some point in what for the ancients was whole” (Graham 1981, 283 [*Zhuangzi*, Chapter 33]). This resulted in the development of “syncretic” systems of thought, which combined various traditions into a new synthesis that would, in theory, be superior to each of its individual components. And one of the most important syncretists of the time was Lü Buwei, Prime Minister of Qin and (for the purposes of this game) leader of the Lüshi Chunqiu faction.

Lü Buwei was a successful merchant from the state of Wei who was on business in the Zhao capital when he met Ying Yiren, a low-ranked heir to the Qin throne who had been sent to Zhao as a political hostage.⁷ Because Qin had repeatedly invaded Zhao despite their alliance, Yiren was poorly treated in Zhao, and so he lacked the resources befitting a prince of his station. Seeing an opportunity to advance his own ambitions, Lü engineered the rise of Yiren by arranging for him to be adopted by the childless primary wife of his father, Lord Anguo, the heir to the Qin throne. Lord Anguo ascended the throne in 251 BCE but died less than a year later, making Yiren the new King of Qin; as for Lü Buwei, his years of service were rewarded by being named the Qin prime minister and becoming enfeoffed as the Marquis of Wenxin with the revenue from 100,000 households. Moreover, when Yiren died three years later, Lü became the regent for his thirteen-year-old son, Ying Zheng, in addition to continuing his service as prime minister, making him the single most powerful person in the most powerful of the Warring States (Sima Qian, 159-62 [*Shiji* 85]).

Wishing to use his wealth and power to restore peace and order to the world, Lü gathered a large group of scholars to his court. Providing his retainers with food, lodging and a stipend, he created an academic consortium that firmly established Qin (and himself) as the intellectual center of China, surpassing even the famous Jixia Academy that had flourished under King Xuan of Qi (r. 319-301 BCE). Under Lü’s patronage, these scholars drew on the various intellectual traditions that flourished during the Warring States period to write monographs and treatises for his magnum opus, the *Lüshi Chunqiu* 呂氏春秋 (The Annals of Master Lü)—a monumental compilation of writings that was intended to encompass “all the affairs of Heaven, Earth and the myriad things, both past and present” (*Shiji* 85:9).

Though encyclopedic in scope, the *Lüshi Chunqiu* sets forth a cohesive vision for a syncretist state orthodoxy that combines the best insights of the Hundred Schools of Thought⁸ while eliminating their respective weaknesses, for as stated in the text itself, “even though there are no

⁶ It should be noted that the names of these “schools” did not develop until the Han Dynasty (206 BCE-220 CE).

⁷ Warring States diplomacy frequently required states to send low-ranked members of their royal family to reside in an allied state as a kind of guarantee of good faith.

⁸ The Hundred Schools of Thought (*zhuzi baijia* 諸子百家) is a term that represents the great variety of intellectual traditions that developed during the Warring States period. The categorization of Warring States thinkers into distinct “schools of thought” took place during the Han dynasty (206 BCE-220 CE), so apart from the Confucians and Mohists (both of whom had a clear sense of belonging to a coherent tradition), none of the Warring States thinkers would have thought of themselves as belonging to a particular “school.”

pure white foxes in the world, one can make a pure white coat by combining the whites of many pelts” (*Lüshi Chunqiu*, 4/5.6). Lü hopes to implement his ideal system of government in Qin so that he can unify China and create a harmonious sociopolitical order that will last ten thousand generations. Indeed, Lü is so confident in the perfection of this work that he has placed a copy at the gate of Xianyang’s market and promised to award a thousand measures of gold to anyone who can justify the addition or subtraction of a single word (Sima, 163 [*Shiji* 85]).

As noted above, the text incorporates aspects of various Warring States traditions, such as Confucianism, Daoism, Mohism, Yin-Yang, Five Phase, and the School of Names. Yet, despite the fact that Shang Yang’s Legalist reforms laid the foundation for the rise of Qin and remain the dominant influence on Qin’s sociopolitical structure, the authors of the *Lüshi Chunqiu* rarely draw on Legalist writings (de Bary, et al., 237); indeed, they “gloss over Shang Yang’s achievements altogether, never refer to his legacy, and mention him only once in a chapter ominously named ‘Unrighteous’” (Pines, 101). They also repeatedly reject the harshness of the Legalist approach to governance, going so far as to suggest that “severe punishments and generous rewards belong to ages whose government is in decline” (19/3.1) and that the more severe the punishments become, “the less the people can be employed” (19/4.7) (Knoblock and Riegel, 50-1). Since the *Lüshi Chunqiu* represents Lü Buwei’s vision of the ideal sociopolitical order, one may conclude that he intends to weaken Qin’s system of rewards and punishments, putting him at odds with the Legalist faction (for whom the “two handles” of reward and punishment are indispensable tools of government).

The *Lüshi Chunqiu*’s distaste for Legalism may be partially explained by Legalism’s distaste for the scholars who composed the *Lüshi Chunqiu*. These scholars belong to a social class called *shi* (men-of-service), which originally formed the bottom layer of the aristocracy, being comprised of those who were born within a noble lineage but without a pedigree that would allow them to hold high office. Lacking any hereditary position in society, they relied on their own skills to secure employment as stewards and retainers for the upper nobility, typically specializing in the management of ritual, military, or administrative affairs. Such men were the primary beneficiaries of the sociopolitical turmoil of the Warring States period, for the feudal lords sought to counter the rising power of the upper nobility by employing those who had demonstrated high levels of administrative competency but lacked the wealth and power to directly challenge the ruler’s authority (Pines, 12). While Legalists enthusiastically support the shift from aristocracy to meritocracy, they have nothing but disdain for the “traveling persuaders” who move from state to state in search of personal gain, relying on rhetorical skill rather than practical accomplishments. “With clever and elegant phrases, fluent and compelling words, such men draw the ruler on with prospects of gain, terrify him with predictions of hazard, and completely overwhelm him with their empty preachments” (Watson, 45 [*Han Feizi*, “The Eight Villanies”]). Such intellectuals, who focus on abstract theories rather than concrete practices, “corrupt the officials’ conduct above and the people’s mores below; they weaken the state economically, militarily, administratively, and ultimately politically by encouraging dissent from below” (Pines, 133). The authors of the *Lüshi Chunqiu*—together with the *Lüshi Chunqiu* faction, which hopes to implement the sociopolitical vision of the text—were naturally hostile to a system of thought that held their lofty pursuits in such contempt.

The mutual hostility between the Legalists and the *Lüshi Chunqiu* faction was further aggravated by their fundamental disagreement on the issue of trade. *The Book of Lord Shang* consistently argues for the adoption of discriminatory policies against merchants and artisans in the belief that

this would discourage people from pursuing such professions, leaving them little choice but to engage in the preferred occupations of agriculture and the military (see “The Primacy of Agriculture and the Military” in the section on the Legalist faction above). Particular vitriol was reserved for the merchants, who should be “humiliated, suppressed, and squeezed out of their profits” (Pines, 78); one passage, for example, suggests that those who transport goods or sell them in the markets should be heavily taxed so that “peasants will hate the merchants, and the merchants in their hearts will cast doubt upon [their own] indolence” (Pines, 130 [2.17]). Such views drastically undervalue the societal contributions of merchants and artisans during the Warring States period—and this is especially true for Qin, which attained its “superpower” status through an agromanageial economy that relied on iron tools for farming, weapons for war, mining for raw materials, hydraulic systems to provide irrigation and prevent floods, and merchants to ensure the availability of all the resources needed to maintain such a complex economic system (Pines, 78-9).

In contrast to the simplistic views of the Legalists, the *Lüshi Chunqiu* demonstrates a sophisticated understanding of the important role that a market economy plays in the development of a state. The text calls for the modification of economic policies in order to attract merchants and traders, so that goods and commodities will fill the markets and thereby ensure the fluid operation of society:

When various kinds of traders come from the four quarters,
When merchants arrive from distant regions,
Resources and goods will not be deficient.
Superiors will not want for the commodities they need;
The hundred tasks of life will proceed accordingly. (Knoblock and Riegel, 52 [*Lüshi Chunqiu*, 8/1.6])

The text’s enthusiastic support for the development of a market economy may have been influenced by the fact that Lü Buwei was a wealthy merchant in Zhao when he met Ying Zheng’s father and switched his career to politics. It should also be noted, however, that the anti-mercantile views of Shang Yang were by no means representative of mainstream opinion. Indeed, the value of merchants and artisans was clearly established in the ancient *Book of Zhou* (later canonized as one of the Five Classics under the title *Shujing*), according to which:

If farmers do not produce, there will be a shortage of food; if artisans do not produce, there will be a shortage of manufactured goods; if merchants do not produce, then the three precious things will not circulate; if foresters do not produce, there will be a shortage of natural resources; and if there is a shortage of wealth, the resources of the mountains and lakes cannot be exploited. These four classes are the source of people’s clothing and food. ([Sterckx](#), quoting from *Shiji* 129.3255)

One way or another, the Lüshi Chunqiu faction’s recognition of the valuable role played by merchants and artisans is a source of conflict with the Legalist faction.

A third issue that divides the Lüshi Chunqiu and Legalist factions is the role of the sovereign. Their positions are both based on a series of legends regarding the sage-rulers Yao, Shun and Yu. According to tradition, Yao did not pass the throne on to his own son but chose instead Shun, the most virtuous man in the empire; Shun similarly gave the throne to Yu, again rejecting the idea of a hereditary succession of power; but when Yu died, the people chose his son Qi rather than the virtuous successor that Yu had selected to succeed him, which led to the establishment of the

Shang dynasty—but also to the gradual decline of virtuous government (Wills, 6-8). These myths represent a recognition that the hereditary transmission of power will frequently result in an actual ruler who is *not* the most worthy man in the empire. As a result, both factions agree that the ruler should refrain from initiating action in the political realm, but Legalism nonetheless invests the ruler with absolute power whereas the Lüshi Chunqiu faction accepts the institution of hereditary transmission but associates it with the loss of the Way (*dao*).

From a Legalist perspective, the ruler's "positional power" (i.e., the power associated with his position) is the ultimate source of the state's authority, so it is important to *enhance* the ruler's aura of mystery and remoteness. This can be accomplished by drawing on traditional concepts (like the Mandate of Heaven, which imbues the ruler with a mantle of sacred authority), implementing rituals that emphasize hierarchy (like having subjects prostrate themselves before the ruler), and utilizing symbols of power (such as the twelve-tasseled crown that could only be worn by the Son of Heaven). But the Legalists go further by transforming the mundane actions of an average ruler into the enlightened "Way of the Sage":

This is the way of the enlightened ruler: he causes the wise to bring forth all their schemes, and he decides his affairs accordingly; hence his own wisdom is never exhausted. He causes the worthy to display their talents, and he employs them accordingly; hence his own worth never comes to an end. Where there are accomplishments, the ruler takes credit for their worth; where there are errors, the ministers are held responsible for the blame; hence the ruler's name never suffers. Thus, though the ruler is not worthy himself, he is the leader of the worthy; though he is not wise himself, he is the corrector of the wise. The ministers have the labor; the ruler enjoys the success. This is called the maxim of the worthy ruler. (Watson, 17 [*Han Feizi*, "The Way of the Ruler"])

Recognizing that a system of hereditary succession cannot ensure that a given ruler will possess the qualities required to effectively run the government, Legalism minimizes the ruler's involvement in governance by having the ministers do the actual work of developing and implementing proposals to deal with the various affairs of the state. Although the ruler determines which proposals get implemented, the ministers' successes glorify the sovereign but their failures reflect only on themselves. In short, by maximizing the ruler's power to dole out rewards and punishments while minimizing his direct involvement in governance, Legalism sets up a system that protects the authority of rulership regardless of the "worthiness" of the particular ruler on the throne.

The Lüshi Chunqiu faction likewise seeks to mitigate against the harm that would result from having an unqualified ruler on the throne, but they are far more explicit about rejecting the principle of hereditary rule, which often leads to rulers who arrogantly rely on their own wisdom and pay heed to the flatters and sycophants who praise their actions: "It would be better not to possess a state than to possess it in this manner. It was because of this that the ancient practice of giving the state to the worthy was born. It was not that those who did so disliked their own offspring, or that they were seeking to magnify their reputations, they were only responding to the realities of the world" (Knoblock and Riegel, 47 [*Lüshi Chunqiu* 26/1.14]).

While the Lüshi Chunqiu faction may have preferred to do away with hereditary rule, they also recognized that the mythical transmission of power from Yao to Shun and Shun to Yu was impractical at best and disastrous at worst. For example, when King Kuai of Yan (r. 320-312

BCE) relinquished his throne to his unscrupulous minister Zizhi, Yan was nearly annexed by Qi and both the king and his minister were killed (Knoblock and Riegel, 47). Opting for a more realistic solution to the problem of hereditary succession, the Lüshi Chunqiu faction advocates for non-assertion on the part of the ruler, which is to say that the ruler should not actively participate in government, for “great sageliness has no official duties, yet the thousand offices function fully” (Knoblock and Riegel, 41 [17.2.1.C]). This is similar to the Legalist position, where the ruler likewise allows his officials to make proposals and take responsibility for bringing them to completion. The key difference, however, is that the Legalists believe that a properly structured government will lead to sociopolitical stability regardless of the ruler’s personal abilities, whereas the Lüshi Chunqiu faction regards learning and self-cultivation as the essential foundation for effective government:

In the past, the first sage-kings perfected their persons, and the world was made complete. They governed themselves, and the world became well ordered. Thus, just as one who is good at producing echoes works not on the echo but on his voice, and one who is good at producing shadows works not on the shadow but on the shape that casts the shadow, one who exercised control over the world works not on the world but on his person. (Knoblock and Riegel, 48 [3/3.2.A])

In short, while it is difficult to ensure that the ruler will not abuse his tremendous power in a system based on hereditary succession, one can at least mitigate against the potential for tyranny by encouraging the ruler to pursue learning and self-cultivation himself and to select ministers who are similarly inclined.

The Queen Dowager/Lao Ai Faction (Leaders: QD Zhao and Lao Ai)⁹

The third faction in the struggle for power at the court of Ying Zheng centers on the king’s mother, Queen Dowager Zhao, and her attendant, the eunuch Lao Ai. The Queen Dowager was born to a wealthy family in the state of Zhao and when Lü Buwei was doing business in Zhao, he was captivated by her unparalleled beauty and dancing skills, and so he made her his concubine. By chance, Prince Ying Yiren (future father of King Zheng) caught sight of her while drinking with Lü and after toasting to Lü’s long life, he asked if he could have her. Though outraged, Lü had already invested his entire fortune in establishing Yiren as Lord Anguo’s heir, so he complied with the request. She soon bore Ying Zheng and eventually became Ying Yiren’s official consort (i.e., primary wife).

Lao Ai’s background is vague and there are many rumors regarding his rise to the position of the Queen Dowager’s advisor. However, one thing is certain: prior to serving the Queen Dowager, he committed an offense that was grave enough to warrant the punishment of castration. Since the preservation of one’s lineage is regarded as a sacred duty, most men would sooner die than suffer castration; for Lao Ai, however, castration was a double-edged sword, for otherwise he could not have become the Queen Dowager’s advisor, as only eunuchs are allowed to serve in the inner recesses of the palace where the royal ladies dwell.

⁹ The following account of Queen Dowager Zhao and Lao Ai is based on Chapters 5 and 85 of Sima Qian’s *Records of the Grand Historian*. For additional details, see Sima, 37-39 and 161-165.

When divination revealed that the Queen Dowager should leave the capital to avoid a period of danger, she and Lao Ai moved to the old capital of Yong. Lao Ai showered the Queen Dowager with lavish gifts and attended to her every need, and in return she granted him the power to make decisions on her behalf. Moreover, in the eighth year of Ying Zheng's reign (239 BCE), Lao Ai was enfeoffed as the Marquis of Changxin, which granted him considerable lands over which he had full authority. With several thousand servants waiting on him and over a thousand followers flattering him in the hope of attaining government office, Lao Ai's power was beginning to rival that of Lü Buwei. Indeed, throughout the kingdom, from the smallest hamlet to the exalted halls of the royal court, everyone asks the same question: "Are you with the Lao Ai party or with the Lü Buwei party?" (Knoblock and Riegel, 23 [*Zhanguo*, no. 380, 25.920]).

This tension between the Lü Buwei and Queen Dowager/Lao Ai factions is exacerbated by the fact that Ying Zheng has already performed the capping ceremony, which signifies his formal entry into adulthood. While the ending of Ying Zheng's period of regency keeps getting delayed, both factions recognize that the king will soon rule in his own name. Both factions are also aware that Li Si and his faction are working to replace their influence over the king by enticing him with the promise of absolute authority should the Legalists come to dominate the court. The division of power is clearly about to change, but no one knows who will come out on top...and who will be crushed!

The Great Debate: Rituals and Rules of Decorum

It is precisely because the conflict between the three factions is coming to a head that the king has decided to host the upcoming "Great Debate." More specifically, by inviting the greatest thinkers in China to debate the most fundamental issues of the time—Human Nature, Social Organization and Self-Cultivation, Unifying the Warring States, and Governing the Empire—Ying Zheng hopes to develop a Ruling Philosophy that will demonstrate his worthiness to end the period of regency and take on the full responsibilities of kingship. It is also intended to proclaim to All-Under-Heaven that Ying Zheng has cultivated the sagely wisdom that is required to become the next Son of Heaven!

Since the debate will be held at the Royal Court, the following rituals and rules of decorum must be observed by all participants:

- When the king rises to open each session, all in attendance should rise and do a ["fist and palm salute"](#) (right hand fist covered with left palm) while bowing deeply and reverently intoning the words *Qin Dawang Wansui* 秦大王萬[万]歲[岁] (Long Live the Great King of Qin).
- After the king delivers his opening remarks, the prime minister will preside over the debate proceedings, so you should treat him with the utmost deference and respect. More generally, you should remember that the *junzi* 君子 (noble person) is always in control of their emotions and should observe proper decorum at all times. The king should be addressed as *bixia* 陛下 (or its English equivalent, "Your Majesty"); others should be addressed as "Honorable Debater" or an appropriate equivalent. You should also use the fist and palm salute to show respect when greeting others of equal or higher status.
- At the end of each session, all should rise and repeat the ritual that was used to open the session. When dismissed, you should depart with your face toward the king, which may

involve walking backward for a few steps (after which you may turn around and leave the room).

Finally, remember that the king will dole out rewards and punishments based on your performance in the previous session, so make sure you come prepared for each debate, especially those where you are have been assigned to speak on a particular topic.