Mao's body after death.
PC: www.gmw.cn.

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Xi Jinping's Succession

What Did the West Get Wrong?

Ling Li

What would happen if Xi Jinping suddenly died, killed by assassination or incurable illness? Would such an unexpected departure of the paramount leader paralyse the government and release the suppressed chaotic energy in the upper echelons of the Party leadership, with all those vying for such an opportunity racing to fill the power vacuum and bringing about an unpredictable outcome? In the past few weeks, these questions have inflamed the imagination of commentators on social media and in the press. All this because in March President Xi Jinping, accompanied by French President Macron, appeared to have exhibited a 'suspiciously' slow walk when inspecting the guard of honour in Paris. And then, in an incident that apparently reaffirms the earlier suspicions, he executed a laboured descent into (and ascent from) his chair when meeting the press following the EU-China Summit in the same week. Concerned observers passionately examined the President's gait, posture, walking pace, and micro-expressions from the two-minute video clips released by the media, and hastened to conclude that the President is in poor health. This episode offers a glimmer of hope for the many opponents of Xi and his policies: a premature change of leadership.

One reason that Xi Jinping has attracted such obsessive attention to his personal life and affairs is that he is considered a rule-breaker. Six years into office, he has instituted so many changes in governance on so many fronts that people have started to decorate his many titles with adjectives that used to be the exclusive domain of Chairman Mao. Out of nowhere, Xi came to power and shook up the Chinese polity and surprised the world with his intensive anti-corruption campaign, relentless purges in domestic politics, unconventional military reforms, and an audacious global strategy supported by an aggressive foreign policy. His reworking of the Party's propagandistic discourse from unprincipled pragmatism to making-one's-own-narrative assertiveness is unequivocal and decisive. His about-face from the familiar exercise of classic Chinese prudence to an uneasy flaunting of entitlement and vindictiveness is so sharp that no one seemed prepared for it. All these have earned him the reputation as a political maverick, one who breaks rather than follows the norms.

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Has Xi Jinping reached his position because he has defied norms or, rather, because the norms are flexible and pliable enough to allow him to shape them to his own ambition? To answer this question and to properly assess the quality of Xi's governing style, we need to first establish what kind of norms are involved. And for this investigation no topic is better suited than that of leadership succession.

Power succession has always occupied the centre of discussions of Chinese political affairs. Usually these discussions are focussed on personnel changes—i.e. who are the most likely candidates and what are their chances of winning. Whereas in democratic systems information about candidates is provided to the public during electoral campaigns long ahead of the election day, in China no such information is divulged before the election because electoral campaigns are prohibited. The list of nominated Politburo candidates is highly classified information and guarded as tightly as the plotlines of successful Hollywood TV dramas. Thus, speculation on results of Party elections is mainly based on analysing known or speculated factional linkages between potential contenders, which is almost impossible to verify.

In 2018, however, the focus of discussion shifted from electoral outcomes to succession norms, all due to an amendment in the Constitution of the People's Republic of China (PRC), the least enforceable piece of legislation of the land. Experts are seemingly unanimous in their opinion that, with this constitutional amendment, Xi Jinping has committed the most flagrant violation of Party norms—namely, the prescription of a two consecutive term limit for Party leaders. This rule is widely described as being established by Deng Xiaoping, followed by Xi Jinping's predecessors, and considered the foundation of the 'normalisation' of Chinese politics in the post-reform era.

The conclusion that Xi has, with a single pen stroke, rewritten the rule of politics in the PRC has gained widespread popularity and quickly appeared in the headlines of news outlets around the world. However, it is reached by conflating many issues and is based on the preconceived notion that Xi is a rule-breaker—a textbook example of confirmation bias.

In 2018, the Party-controlled National People's Congress (NPC) amended the PRC Constitution and lifted the two consecutive term limit for the office of the Head of the State (HoS), which is concurrently held by Xi Jinping as the Head of

the Party (HoP). According to the PRC Constitution, the HoS occupies merely a ceremonial position. As HoS, Xi represents the state and performs diplomatic functions. Additionally, upon instructions from the NPC and its Standing Committee, the HoS promulgates laws, issues appointment orders, confers state medals and titles of honour, grants special pardons, declares a state of emergency or war, and issues mobilisation orders. In other words, the Constitution does not confer any power upon the HoS to participate, oversee, supervise, monitor, or intervene in the operation of any branch of the state. Therefore, the only legal consequence of lifting the term limit of HoS is that Xi Jinping is allowed, if re-elected, to continue to be the face of the PRC when addressing dinner guests at diplomatic events that he hosts and to continue to enjoy the diplomatic privileges accorded to the HoS during his state visits to other countries.

Before the 2018 constitutional amendment, Article 79 (3) of the PRC Constitution of 1982 stipulated: ‘The Chairman (HoS) ... can serve no more than two consecutive terms.’ The legal consequence of removing this restriction is straightforward: there is now no limit on the number of times an incumbent HoS can enter a race for re-election, nor is there any limit on the period of time that the office can be retained. Like many things in life, there is a substantial gap between having the opportunity to do something and actually realising what the opportunity has made possible.

Unlike the office of the HoS, the office of the HoP has never been subject to any term limit. But unlike monarchs, no HoP is given a life tenure either. The exact number of terms held by the HoP has differed from person to person. Mao is the only one who had enjoyed life tenure as the HoP, both in name and in effect. Deng had a bumpy mid-life career, being promoted and demoted back and forth three times, and then serving as the HoP in effect, but not in name, until his death. Hua Guofeng, once the holder of the highest offices of the Party, the Army, and the State Council, barely managed to survive his first term and was then stripped of power and almost erased from Party history. The HoP careers of Hua’s next two successors, Hu Yaobang and Zhao Ziyang, were even shorter-lived as neither managed to complete their first and only term as General Secretary (GS). The record of the two most recent HoPs does not reveal consistency either: Jiang Zemin served 13 years (counted as three terms) as the GS and Hu Jintao retained a seat at the Politburo Standing Committee (PSC) for 20 years (four terms), serving ten of them (two terms) as the GS.

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The practice of pairing the HoP and the HoS started with Mao in 1949, when the Party came to power, and lasted for ten years. Then the two positions were split between Liu Shaoqi as the HoS and Mao as the HoP from 1959 to 1968. After 1968, with the purging and eventual death of Liu Shaoqi, the office of the HoS was left vacant. At that time, this vacancy was not filled because of determined objection from Mao, who intended to abolish the office altogether. At the same time, Lin Biao, the then second-in-command and Mao's designated successor, campaigned for the position to be filled. The contention around the preservation or abolition of the HoS became so principled that it broke up the Mao-Lin alliance, which ended with Lin's death in a mysterious plane crash in 1971. Thereafter, in 1975, the HoS office was formally removed from the PRC Constitution and in 1978 the ceremonial functions of the HoS were conferred upon the head of the state legislative body, the NPC. When the HoS office was reintroduced in 1982, the position was still not paired with that of the HoP. Between 1982 and 1993, two Party elders took the office of HoS consecutively, Li Xiannian (1983–88) and Yang Shangkun (1988–93), neither of whom concurrently held the position of the HoP either in name or in effect. The pairing practice was revived in 1993, 34 years after it was last practiced, and has been consistently followed ever since.

Despite the absence of a term limit for the HoP, few of them have managed to retain that office for life. Some of them were voted out of office at Party Congresses and some retired seemingly of their own volition. The origin of the retirement practice can be traced back to the State Council Regulation regarding the [Retirement] Arrangements for the Elder, Invalid, Sick, and Disabled Cadres issued in 1978, which allows officials below ministerial rank to retire with pension at the age of 60 for males and 55 for females. The practice was expanded to cover the ministerial rank, imposed by a Party document [Zhong Fa No. 12 (1982)] issued in 1982, which sets 65 as the retirement age for the chief-ministerial rank and 60 for the deputy-ministerial rank. As of now, no retirement age has been mandated for the highest-ranking Party members in the Politburo and its Standing Committee. Nevertheless, a pattern has emerged and is widely acknowledged among China observers: since 1992, ordinary members of the PSC have peacefully retired after the age of 68 at the end of their term. Records of retirement practices of the HoPs are, however, inconsistent: Deng Xiaoping wielded power as the HoP in effect until losing his faculties around the age of 90; Jiang Zemin took up his third term as the HoP at 71 and retired from his final position at 78; and Hu Jintao retired

from all his offices at the age of 70. To say the least, the records constitute too small a sample for any conclusion to be drawn about HoP retirement practices.

Among his many perceived norm-breaking deeds, Xi Jinping has been credited with having dismantled both arms of a presumed succession norm that was attributed to Deng Xiaoping. The norm is considered so vital that it is listed as a key component of the ‘normalisation’ of Chinese politics in the post-Mao era. The first arm of the norm is the term limit, which Xi Jinping has allegedly broken with the 2018 Constitutional amendment. The second arm is the right of the outgoing HoP to designate his successor’s successor, which Xi has also seemingly broken by deposing Sun Zhengcai, a former Politburo member who was believed to be one of Xi’s heirs apparent designated by Hu Jintao.

Was Deng Xiaoping truly a norm shaper and defender of a ‘normalised’ polity as many have come to believe? In answering this it is necessary to recall that the term limit was not imposed on HoP, the real seat of power, but only on the ceremonial position of HoS. And when it was reintroduced to the PRC Constitution in 1982, the HoS was not paired with the HoP either in name or in effect. In addition, the very same Constitution exempted only one position among all offices of all branches of the state from the term-limit: the head of the State Military Commission. This was a position that was paired with the head of the Party Military Commission and then concurrently held by Deng Xiaoping himself, from which he wielded power as the HoP in effect.

As far as succession is concerned, Deng was anything but a stickler for conventions. He did not hesitate to violate the most ‘sacred’ norm of the Party in conspiring to and succeeding in the deposing of then HoP, Hua Guofeng, to whom he had sworn allegiance. Not long after, Deng proceeded to depose in quick succession two of his hand-picked successors, Hu Yaobang and Zhao Ziyang, both of whom had made significant contributions to Deng’s own reformist legacy. After the political turmoil of 1989, Deng enthroned Jiang Zemin as the GS and thereafter empowered and groomed Hu Jintao as the successor of his successor, a practice that was not only unprecedented to the Party, but also rarely seen during the 2,000 years of Chinese imperial history

If anything, Deng’s succession practices are inconsistent, reversible, and unconventional. It is hard to imagine that his invention of choosing two successors down the line, a political legacy frequently attributed to him, would actually take hold

or evolve into a succession norm. This practice constitutes an unprecedented overreach of Deng's own power, a prerogative created by and for himself alone, but a significant corrosion of the power of all future HoPs because they would be deprived of the privilege to pick their own immediate successors—an integral part of the power of any ruling autocrat. More importantly, this practice necessarily creates two competing seats of absolute power in the same temporal space whose origins of legitimacy come from two different reigns, a situation that makes the best incubator for power struggles, deposing and dethroning until the supremacy and singularity of absolute power is restored. In this light, the day when a HoP truly abdicates his power to choose his own successor will be the day when the Party is ready to surrender itself to constitutional rule, indeed a harbinger of democratisation, though for now a very distant prospect.

Did Hu Jintao come to power because the presumed succession norm dictated it or because Jiang Zemin endorsed Deng's choice of his own volition out of expediency? And who was responsible for the crowning of Xi Jinping? Was it dictated by Jiang Zemin alone or rather the result of a multilateral power settlement? Disappointingly, no one who knows the answers to these questions would be at liberty to say. The same logic applies to most issues raised above. There is no question that Xi Jinping is, like some of his predecessors, a man of tremendous power of agency. However, to characterise selected discrete past instances as attested precedents, and then to treat any disparity from the perceived precedents as evidence of norm breaking is like calling any change in the climate a violation of the cosmic order. It not only dulls our understanding of the dynamism of power relations at the top of the Party and accords an exaggerated magnitude of power of agency to individual leaders, but also distracts us from paying more attention to other aspects of the operation of the Party where binding norms do exist. ■