



President Xi Jinping.  
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## The Abolition of the Two-term Limit: A Sea Change?

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On 25 February, almost at the same moment his visage appeared on screen at the Closing Ceremony of the Winter Olympic Games in Korea, Xi Jinping made a play to keep himself at the centre of Chinese politics for many years to come. The Chinese Communist Party (CCP) announced that it would advise the repeal of term limits for the President and Vice President from Article 79 of China's 1982 Constitution. On 11 March, the National People's Congress duly voted to codify the changes. Removing the limit means that Xi could continue in office indefinitely past the end of his second five-year term in 2023. Some have been tempted to see this as a simple and naked power grab, putting China into the basket of tin-pot strongman regimes. China's official media, meanwhile, have downplayed the move—portraying it as necessary to advance and secure liberalising reforms. The reality, of course, is more complex, even as the recent machinations can rightly be seen as the next logical steps in a progression that began several decades ago.

To take this step, Xi had to ensure there would be no meaningful opposition. Doing this over the past five years has been no mean feat. Almost immediately upon assuming office, he embarked upon an ambitious campaign under the banner of anti-corruption to root out and purge adversaries—through the dramatic downfall of first Bo Xilai, followed quickly by figures linked to Zhou Yongkang and his 'Petroleum Faction', and then a number of other potential opponents, many tied to former President Jiang Zemin. The final strokes came in 2017, first in July, when Sun Zhengcai was removed as Communist Party Secretary of Chongqing, then in October, when the entire Politburo Standing Committee—save Prime Minister Li Keqiang and Xi Jinping himself—was successfully eased into retirement at October's Nineteenth Party Congress. Almost no politicians are left in position to demand any quid pro quo for supporting Xi's amendments.

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The Chinese Constitution.  
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arena. The over-arching responsibility that will rest with the President is heavy. As paramount leader for the foreseeable future, Xi Jinping alone will need to shoulder all tasks of addressing China's problems to fend off social and political instability at the national and international level. Should he stumble, his—and even the CCP's—political survival could be in jeopardy.

Removing constitutional checks on presidential power threatens liberals, regime critics, and those who would benefit from a greater institutionalisation of politics and continuing moves toward a rule of law in the long run. These potential objectors are too diffuse to target in campaigns and their opposition too deep-seated to be neutralised preemptively. Xi thus had to deploy another familiar strategy: linking rule of law construction to the stable maintenance and further accumulation of power by entrenched elites (or individual leaders).

Since the 1990s, moves to consolidate personal power have consistently been paired with calls for, or even concrete steps to bolster, a 'rule of law'. So long as steps toward a more robust legal system are perceived as genuine and credible, business leaders, liberal critics, or other supporters of more institutionalised order will find it hard to stand in the way of the power-augmenting changes with which they go hand-in-hand.

Ever since the dawn of the Reform Era in 1978, China has pursued the development of a 'rule by law' in the arena of private (commercial and civil) law, while defending a rigid redoubt of neotraditionalism in public (criminal and administrative) law. The CCP allows and promotes judicial independence and predictable dispute resolution in precisely the area of law that underpins the development of markets and contributes to the Party's perceived legitimacy. But when it comes to law as an instrument of the state's legitimate coercion—e.g. in matters of crime and punishment—the Party retains the prerogative and tendency to intervene pervasively into the adjudication of specific cases.

Institutions and rules can be strengthened for building markets and facilitating social harmony, even as they are suborned by the powerful, who employ the state's repressive apparatus to their continuing advantage. Removing presidential term limits and hardening the powers of China's surveillance state fit hand in glove with meaningful progress toward consistent and transparent decision making regarding intellectual property, private property, and financial regulation. Rule by law and neotraditionalism have coexisted in this hybrid for decades. Xi's latest moves are but the logical next steps in its development.

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This hybrid is neither normatively commendable nor indefinitely stable. Even though Xi is not morphing into Mao or Stalin—who both ruled under conditions of generalised revolutionary mobilisation not replicable in China today, or even Suharto or Marcos who presided over more encompassing neotraditional orders spanning both civil and criminal law—he is changing the game of Chinese politics.

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Assuming his implicit claims of *après moi le deluge* will keep Xi in power for the rest of his life, might the subsequent flood of generalised succession struggle wash away China's social stability and economic progress along with CCP rule? Or might we see a rejuvenated and re-invigorated CCP preside for many years yet over a stable authoritarian market-economic order? Only the years ahead will tell, but over the past couple of months Xi Jinping has definitely moved the ball down the court in ways that will resonate long after the 2022 Beijing Olympics are forgotten. ■