

## **Rewriting the Rules of the Chinese Party-State: Xi's Progress in Reinvigorating the CCP**

by Minxin Pei

Since assuming power in late 2012 and especially since the conclusion of the Nineteenth Party Congress in October 2017, Chinese leader Xi Jinping has made significant progress in implementing a systematic program to rewrite the rules of the Chinese Communist Party. These changes are designed to augment Xi's personal authority, centralize decision-making power, tighten the party's organizational discipline and procedures, extend CCP control over state and society, and intensify ideological indoctrination. Even though Xi has achieved indisputable success in revising and promulgating nearly all important CCP rules, it remains unclear whether such changes in the rules have been fully accepted as legitimate and binding by the CCP's rank-and-file. Nor should we take at face value as a settled reality the assertion of Xi's supremacy in practically every revised or newly issued CCP rule book.

A central component of Xi Jinping's political vision is to strengthen the Chinese Communist Party's ideological commitment and organizational discipline and to revamp its power structure. This project of rejuvenating a Leninist party has been a top priority of the Chinese leader since he assumed the position of the CCP general secretary in November 2012. A large number of rules governing the party's ideological indoctrination, organizational discipline, operational procedures, and distribution of power were promulgated or revised during his first five-year term. The pace of rewriting CCP rules has accelerated significantly since the beginning of his second term in October 2017.

To date, Xi's efforts to transform the CCP have not received the amount of attention they deserve. Taken together, the revision of existing rules and the promulgation of new rules have redefined the regime's key principles, authority structure, and political norms. They have also tightened organizational discipline and operational procedures and have intensified indoctrination activities. The long-term consequences of these rule changes, if they are fully and effectively enforced, will be profound. The nature of the Chinese regime will be qualitatively different. At an extreme, a far more personalized, ideological, and centralized one-party regime might re-emerge. Yet, it is not a given that the systematic revamping of the rules of the Chinese party-state will achieve the results desired by China's new strongman, namely personalized political dominance and a stronger institutional capacity for regime survival. This essay provides a brief summary and analysis of those rule changes designed to augment Xi's personal authority. In future CLM issues we will offer more focused analyses on those rule changes that affect other aspects of the party-state.

### **The Extent of Rule Changes under Xi**

To be sure, all new CCP general secretaries in the post-Deng era have revised existing rules and/or have promulgated new ones. But compared with his two predecessors, Jiang Zemin (1989–2002) and Hu Jintao (2002–2012), Xi has not only revised and promulgated more rules

but he also has made changes to some of the rules that neither of his predecessors ever touched, such as the landmark document issued by Deng Xiaoping and the survivors of the Cultural Revolution in 1980, “Several Principles on Political Life in the Party” (关于党内政治生活的若干准则).<sup>1</sup> Perhaps more importantly, since the Nineteenth Party Congress Xi has succeeded in issuing several new rules—in particular “The CCP Politburo’s Regulations on Strengthening and Maintaining the Party Center’s Centralized and Unified Leadership of the Party Center” (中共中央政治局关于加强和维护党中央集中统一领导的若干规定) and the “Code on Seeking Instructions and Reporting on Important Matters” (中国共产党重大事项请示报告条例).<sup>2</sup> These rules have not only further centralized authority but have also formalized the personalization of power through the establishment of loyalty to Xi as one of the most important political principles guiding actions by members of the party-state.

In terms of quantity, a tally of all publicly announced rules and regulations that were revised or promulgated by Jiang, Hu, and Xi during their tenures shows that Jiang promulgated seventeen new rules and regulations during his thirteen-year tenure (he did not revise any pre-existing rules). Hu revised three existing rules and regulations and promulgated thirty new rules during his ten-year tenure. Since he came to power six and half years ago, Xi has already revised twenty rules and regulations and has promulgated sixteen new rules. This simple accounting actually understates the extent and significance of the changes Xi has made in the body of formal rules and regulations that govern CCP internal affairs because by and large those rules and regulations that Xi has revised and promulgated are far more authoritative and substantive than those modified or issued by his two predecessors.

For instance, the CCP has six categories of rules and regulations. These are listed below in order of their authoritativeness, as principles (准则), codes (条例), rules (规则), regulations (规定), measures (办法), and detailed stipulations (细则). Jiang issued one set of principles in 1997, titled “Several Principles on Clean Government for Party Members and Officials (中国共产党党员领导干部廉洁从政若干准则). Although Hu revised this document in 2010, in 2015 Xi thoroughly rewrote the document, reducing its fifty-two provisions to eight short phrases.<sup>3</sup> Neither Jiang nor Hu touched the “Several Principles on Political Life in the Party” (关于党内政治生活的若干准则), which Deng promulgated in 1980 and was arguably the most important political document of the Deng era. But Xi revised this historic document in November 2016, almost immediately after he acquired the coveted title of “core” (核心) of the party center in late October 2016 (we will analyze the revision later in this essay).

Compared with his predecessors, Xi also promulgated and revised more codes (条例) on CCP affairs. These are considered more authoritative than all other CCP rules with the exception of its “principles.” Jiang issued six new codes during the course of his thirteen years in power; Hu issued ten new codes and revised three codes between 2002 and 2012. But in six and half years Xi has issued ten new codes and has revised fourteen. Notably, whereas his predecessors never revised the same codes twice during their tenured, Xi has twice revised some of the most important codes, such as the CCP’s Discipline and Penalty Code (纪律处分条例), the Inspection Work Code (巡视工作条例), and the Cadre Appointment and Promotion Code (干部选拔任用条例) (twice), evidently to enhance his own power. Equally notably, some of the new codes

issued by Xi, such as the Code on Seeking Instructions and Reporting on Important Matters (重大事项请示报告条例) and the Accountability Code (问责条例), have been intended to strengthen Xi's authority, whereas other new codes, such as the Party Education Management Code (共产党教育管理条例), reflect Xi's objective of intensifying ideological indoctrination. In a move to further institutionalize the supremacy of the CCP, some of the new codes issued under Xi are designed to extend and solidify the party control over Chinese state and society. They include the United Front Work Code (统一战线工作条例), the Politics and Law Work Code (政法工作条例), and the Propaganda Code (宣传条例). Reflecting his desire to tighten the organizational and operational rules and procedures of the CCP, Xi has also pushed through new codes, such as the Party Group Work Code (党组工作条例), the Party Administrative Agency Code (共产党工作机关条例), and the Party Branch Work Code (党支部工作条例).

Based on the timing of the announcements of the revised or newly issued codes and rules under Xi, the bulk occurred after the Nineteenth Party Congress in October 2017. Seven of the fourteen revised codes and eight of the ten newly promulgated codes under Xi were issued in the eighteen months after the end of the Nineteenth Party Congress—another piece of evidence confirming the enormous power Xi has amassed since the congress.

We can group the newly revised or issued rules under Xi into four categories in order of their importance: augmentation of Xi's authority and power, centralized organizational control and disciplinary enforcement, extension of party control into society and social organizations, and enhanced ideological indoctrination. In the remainder of the essay we focus on some of the newly revised or issued rules intended to substantially augment Xi's power.

### **Rule Changes Designed to Augment Xi's Power**

In this section, we select three sample rule changes engineered under Xi that are designed to cement Xi's strongman rule at the apex of the CCP.

#### 1. “*Several Principles on Political Life in the Party under New Situation*” (关于新形势下党内政治生活的若干准则)

“*Several Principles on Political Life in the Party*” was the most important political document crafted by Deng and the survivors of the Maoist era in 1980 to prevent the return of a Mao-like strongman. Among other things, the document established the principles of collective leadership, inner-party democracy, the rights of CCP members, a prohibition against personality cult, and encouragement of speaking truth. As a new era of strongman rule descended on China, it is only logical that these principles had to be revised. According to the *People's Daily*, the drafting of the revised “principles” began in March 2016 and after three Politburo Standing Committee meetings and two full Politburo meetings, the revised document, titled “*Several Principles on Political Life in the Party under New Situation*” (关于新形势下党内政治生活的若干准则) was approved at the Sixth Plenum of the Eighteenth Central Committee in late October 2016—the same plenum that officially conferred on Xi the title “core of the party center.”<sup>4</sup>

Among the many noteworthy changes, one in particular stands out—the removal of the entire second section of the 1980 document, titled “Adherence to Collective Leadership and Opposition to Personal Arbitrary Rule” (坚持集体领导，反对个人专断). In the 1980 version, this section begins with the sentence “Collective leadership is one of the highest principles of the leadership of the party” (集体领导是党的领导的最高原则之一). The section then declares that all key policy and personnel decisions must be made collectively rather than arbitrarily by an individual leader. The same section also establishes rules against promotion of a personality cult. In the revised 2016 document, the reference to “collective leadership” remains, but not in the title of a section (which would have conferred on it greater political emphasis). Rather, it appears in the text of a new section titled “Adherence to the Principle of Democratic Centralism” (坚持民主集中制原则) —classical Leninist double-speak, the essence of which is compliance with the decisions made by the top leadership. The text of this section also downplays the idea of collective leadership. Instead of framing collective leadership as one of the core principles of the party, the section begins with the statement “Democratic centralism is the fundamental organizational principle of the party” (民主集中制是党的根本组织原则) and subordinates “collective leadership” to being part of “democratic centralism.” Although the prohibition against “personal arbitrary rule” (独断专行) is restated in the same section, it is only in the context of “personal fiefdoms” established by leading cadres in their respective areas of responsibility rather than a categorical statement and, in the context of the 1980s document, it was a thinly veiled reference to Mao’s personalistic rule.

The revised document also appears to have watered down prohibitions against the promotion of a personality cult. The 1980 version contains more detailed provisions (spelled out in 159 Chinese characters) than the 2016 revision (which includes only 66 Chinese characters). The most notable phrases and sentences excised from the revision include prohibitions against “unprincipled praising of achievements and virtues” (无原则的歌功颂德) and “distorting history and fabricating facts in the promotion of a leader’s record of accomplishments” (歪曲历史和捏造事实来宣扬领导人的功绩).

Especially noteworthy is a new section in the 2016 document. Titled “Resolutely Maintain the Authority of the Party Center” (坚决维护党中央权威), the third section of the new document enshrines the principle of centralized party authority. But behind the rhetoric one can easily detect the most important political message conveyed in this section attempts to convey: Xi’s authority is identical to that of the party center. The operative word here is “core” (核心). At first glance, one might be confused by the two obviously different references to the Chinese phrase “core. The first paragraph of this section defines the “core” as the National Party Congress and the Central Committee. But in the second paragraph, the reference to the “core” is made in connection to the “leadership core.” Since Xi had just been anointed the “core” of the leadership, it is likely that most would equate the “core” with Xi’s leadership rather than with the National Party Congress (which convenes only once every five years) or its Central Committee (which meets once a year). In subsequent party documents and official propaganda, the principle of “firmly maintaining the authority of the party center” was condensed to the catchy phrase of the “two maintenances” (两个维护): maintaining General Secretary Xi Jinping’s status as the core of the party center and the whole party, maintaining the party center’s authority and centralized and unified leadership (维护习近平总书记党中央的核心、全党的核心地位,维护

党中央权威和集中统一领导).<sup>5</sup> If anything, this new section formalizes the supremacy of Xi's authority as a key CCP principle of the CCP—another critical break with party tradition and norms of the post-Mao era.

2. *“The CCP Politburo’s Regulations on Strengthening and Maintaining the Party Center’s Centralized and Unified Leadership of the Party Center”* (中共中央政治局关于加强和维护党中央集中统一领导的若干规定)

If the CCP's political principles revised under Xi serve to legitimize strongman rule, in practical terms these principles must be converted into party directives and policies. On October 27, 2017, immediately after the conclusion of the Nineteenth Party Congress, the Politburo issued the above document (henceforth the “Regulations”) to cement Xi's status as the dominant leader. Oddly, despite its enormous importance, the CCP has not released the full text of the document. As a result, we can only divine its key points through official press reports that refer to the document.

Strictly speaking, because it was issued by the Politburo this document does not have the same authoritativeness as other rules or codes issued in the name of the party center or the Central Committee. Nevertheless, as an order of the Politburo, the “Regulations” contains a set of politically binding rules that must be observed by party members. The most striking aspect of this document is its extraordinary emphasis on political loyalty to Xi. Indeed, parts of it sound like a loyalty oath, thus rendering the “Regulations” an unprecedented party document in the post-Mao era. The official Xinhua news report on the “Regulations” states:

“[The Politburo] meeting stressed that ... the Central Politburo must lead by establishing a political mindset, a macro-mindset, a “core” mindset, and a mindset of compliance (政治意识, 大局意识, 核心意识, 看齐意识) ... (and) by resolutely maintaining General Secretary Xi Jinping's status as the core of the party center and the entire party (坚决维护习近平总书记作为党中央的核心, 全党的核心地位).

To enforce such political loyalty, the “Regulations” require that members of the Politburo “proactively report major issues to the party center for deliberation, studiously implement the decisions and plans of the party center and make timely reports on their significant progress, take the lead in implementing cadre policies, responsibly recommend cadres to the party center, maintain loyalty and honesty to the party, self-consciously struggle against words and acts that ... harm the party center's centralized leadership and unity” (主动将重大问题报请党中央研究, 认真落实党中央决策部署并及时报告落实的重要进展; 要带头执行党的干部政策, 负责地向党中央推荐干部; 要对党忠诚老实, 自觉同危害党中央集中统一和团结统一的言行作斗争).

Procedurally, the “Regulations” mandate that Politburo members must submit an annual written self-evaluation of their job performance to the party center and the general secretary (in this case, Xi) (每年向党中央和总书记书面述职). This mandate doubtlessly provides Xi with an extra political lever over the Politburo members, who must perform this annual exercise in full awareness of the adverse consequences of an unfavorable evaluation of their performance by Xi.

The “Regulations” also require that all the top organs of the party-state, such as the Secretariat of the Central Committee, the Central Discipline Inspection Commission, the party organizations in the National People’s Congress Standing Committee, the State Council, the People’s Political Consultative Conference, the Supreme People’s Court, and the Supreme People’s Procuratorate, submit reports on their work to the Politburo Standing Committee and the Politburo. Since it will be Xi who ultimately evaluates these reports, this requirement gives him additional control over these critical central organs of the Chinese party-state.<sup>6</sup>

### 3. *The Code on Seeking Instructions and Reporting on Important Matters* (重大事项请示报告条例)

Another key objective of Xi’s project of rewriting the rules of the CCP is to centralize power. The Code on Seeking Instructions and Reporting on Important Matters, issued on February 28, 2019, is a perfect example.<sup>7</sup> The rules established in this new document, if interpreted strictly and enforced faithfully, will significantly limit the discretion of lower-level officials and party organizations to make decisions and will result in key decisions being referred to the next higher-level party organ and, ultimately, to the party center subordinate to Xi.

In this document, “important matters” (重大事项) are broadly and imprecisely defined, thus creating significant risks for lower-level officials if they act on their own initiative. Article 3 of the document defines important matters as “those exceeding the authority of the (concerned) party organizations, party members, and cadres, or those important matters or situations that lie within their authority but have macro or broad implications. They include important matters and situations related to the implementation of the party center’s decisions, plans by party organizations, and the decisions of superior party organizations, the leadership of economic and social development, responsibility for comprehensive implementation of strict party governance, the fulfilment of responsibilities and the exercise of rights by party members, and the exercise of power and the shouldering of responsibilities by cadres” (重大事项, 是指超出党组织和党员、领导干部自身职权范围, 或者虽在自身职权范围内但关乎全局、影响广泛的重要事情和重要情况, 包括党组织贯彻执行党中央决策部署和上级党组织决定、领导经济社会发展事务、落实全面从严治党责任, 党员履行义务、行使权利, 领导干部行使权力、担负责任的重要事情和重要情况). The range of “important matters” defined in this document seems so broad that it includes most routine executive decisions made by lower-level CCP functionaries. In particular, lower-level CCP functionaries are likely to have serious difficulties in deciding whether the issues they face are such “important matters or developments that lie within their authority but have macro or broad implications.”

Article 3 also specifies some of the “important matters” about which lower-level party organizations must seek instructions from higher party authorities. They include:

- (1) Important developments and issues encountered during implementation of the party center’s decisions and plans and decisions by superior party organizations; policy measures that must be adjusted; special difficulties in need of support and resolution (贯彻落实党中央决策部署和上级党组织决定中的重要情况和问题, 需要作出调整的政策措施, 需要支持解决的特殊困难);

- (2) Major reform measures, legislative matters, institutional changes, advances or promotions of major projects, major incidents, changes in government agencies, appointment and dismissals of key officials, awards and recognitions, disposition of cases involving serious violations of law and discipline, and complex and sensitive cases (重大改革措施、重大立法事项、重大体制变动、重大项目推进、重大突发事件、重大机构调整、重要干部任免、重要表彰奖励、重大违纪违法和复杂敏感案件处理等);
- (3) Promulgation of major innovative policies, in particular experimental measures that are required due to new conditions and the absence of relevant existing rules, or innovative measures that may conflict with existing rules and must be approved prior to implementation (出台重大创新举措，特别是遇到新情况新问题且无明文规定、需要先行先试，或者创新举措可能与现行规定相冲突、需经授权才能实施的情况);
- (4) Matters that lie within one's authority but have major or sensitive implications (属于自身职权范围内但事关重大或者特殊敏感的事项).

These specifications significantly curtail the discretion and authority of lower-level officials and party organizations. If fully enforced, these codes, along with the similar newly revised or issued rules under Xi, will result in a regime in which micro-management and decision gridlock will prevail since most lower-level officials will have an incentive to play it safe and refer most matters to higher-level party authorities.

In addition to limiting the discretion of lower-level authorities, this document also makes it clear that compliance with the rules laid out in the document must be guided by political loyalty to the party center, i.e., implicitly to Xi. The first clause of Article 4 of the document states that reporting important matters to higher authorities must follow several principles, the first of which is “political guidance” (政治导向). Specifically, political guidance means the “four mindsets”(四个意识), two of which implicitly demand political loyalty to Xi and conformity with the party center.

To underscore the importance of loyalty to Xi, Article 14 of the document explicitly requires that a party organization report to its superior party organization “important developments” pertaining to study and implementation of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era (习近平新时代中国特色社会主义思想).

In addition to the three documents highlighted above, the rule changes since Xi's designation as the “core” leader of the CCP have systematically enshrined Xi's personal authority and made support for and loyalty to Xi's authority a litmus test to determine discipline violations, job performance, and appointments and promotions of officials. For instance, “resolutely maintaining General Secretary Xi Jinping's status as the core of the party center and the entire party” is included in the section that establishes the guiding principle in the CCP's newly revised Discipline and Penalty Code (纪律处分条例) and Inspection Work Code (巡视工作条例). In the CCP and Government Cadre Evaluation Code (党政领导干部考核工作条例), the first criterion for evaluation is whether officials “resolutely maintain General Secretary Xi Jinping's

status as the core of the party center and the entire party, while in the newly revised Cadre Appointment and Promotion Code (干部选拔任用条例) the same criterion is also the most important qualification.<sup>8</sup>

### **Political implications**

On the surface, there is little doubt that Xi's project of transforming the CCP into a highly disciplined Leninist party with reinvigorated ideological commitment, centralized and personalized leadership, and expanded reach into the Chinese state and society has got off to a rapid start in terms of the number of rules he has revised or newly formulated. Should the CCP be able to enforce these rules in practice, they are likely to go a long way toward returning the party to its more orthodox version. At the same time, the same body of new and revised rules has also erected a formidable firewall protecting Xi from any potential challenge to his authority from within the regime.

Yet we need to be aware of some of the pitfalls of this project. One question is whether the party rank-and-file will actually accept and abide by these rule changes, instituted in a top-down manner and forced upon an ideologically cynical elite long accustomed to decentralization of power and to less-regimented party political life. It may be useful to recall that during the late Soviet period members of the ruling elite generally feigned compliance with the official rules that on paper probably appeared to be little different from those the CCP has recently issued. Therefore, it is likely that in the coming years, Chinese elites will increasingly inhabit a dual political universe: an official universe in which they pay lip service to the party line and perform all the required rituals to feign loyalty, and a private universe in which such rules do not apply. Another question is whether the insertion of the "loyalty clause"—a pledge to maintain Xi's status as the core leader of the CCP—into practically every key CCP rule book is a sign of his political strength or belies his sense of insecurity. At the moment, it is impossible to tell. Historically, a strongman's political strength has been tested—and revealed—only during an existential crisis that both he and his regime confronts. China today is nowhere near that point.



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of Regime Decay (Harvard, 2016); *China's Trapped Transition: The Limits of Developmental Autocracy* (Harvard, 2006), and *From Reform to Revolution: The Demise of Communism in China and the Soviet Union* (Harvard, 1994). Pei formerly was senior associate at the Carnegie Endowment for International Peace (1999–2009) and assistant professor of politics at Princeton University (1992–1998). He currently holds the Library of Congress Chair in U.S.-China Relations.

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<sup>1</sup> The 1980 version of the document (关于党内政治生活的若干准则) can be accessed at <http://cpc.people.com.cn/GB/64162/71380/71387/71588/4854595.html>; the revised document, passed by the Sixth Plenum of the Eighteenth CCP Central Committee in October 2016, and titled “Several Principles on Political Life in the Party under the New Situation,” (关于新形势下党内政治生活的若干准则) can be accessed at [http://www.xinhuanet.com/politics/2016-11/02/c\\_1119838382.htm](http://www.xinhuanet.com/politics/2016-11/02/c_1119838382.htm)

<sup>2</sup> These two documents are accessible at [http://www.xinhuanet.com/politics/19cpcnc/2017-10/27/c\\_1121868508.htm](http://www.xinhuanet.com/politics/19cpcnc/2017-10/27/c_1121868508.htm); [http://www.xinhuanet.com/politics/2019-02/28/c\\_1124177187.htm](http://www.xinhuanet.com/politics/2019-02/28/c_1124177187.htm)

<sup>3</sup> The text of the 2010 document, 中国共产党党员领导干部廉洁从政若干准则, can be accessed at <http://cpc.people.com.cn/GB/64162/71380/182420/12300897.html>; the text of the document revised by Xi, 中国共产党廉洁自律准则, can be accessed at <http://gs.people.com.cn/cpc/n/2015/1022/c339614-26886545.html>

<sup>4</sup> *People's Daily*, November 3, 2016, p. 1.

<sup>5</sup> The most authoritative CCP document that spells out this principle is “The CCP Politburo’s Decisions on Strengthening and Maintaining the Party Center’s Centralized and Unified Leadership” (中共中央政治局关于加强和维护党中央集中统一领导的若干规定), issued in October 2017. The CCP has not released the full text of this document, but references to its key provisions are included in the following Xinhua dispatch: [http://www.xinhuanet.com/politics/19cpcnc/2017-10/27/c\\_1121868508.htm](http://www.xinhuanet.com/politics/19cpcnc/2017-10/27/c_1121868508.htm).

<sup>6</sup> Ibid.

<sup>7</sup> The full document can be accessed at [http://www.xinhuanet.com/politics/2019-02/28/c\\_1124177187.htm](http://www.xinhuanet.com/politics/2019-02/28/c_1124177187.htm)

<sup>8</sup> These four documents can be accessed at [http://www.xinhuanet.com/politics/2018-08/26/c\\_1123331165.htm](http://www.xinhuanet.com/politics/2018-08/26/c_1123331165.htm); [http://www.xinhuanet.com/2017-07/14/c\\_1121322184.htm](http://www.xinhuanet.com/2017-07/14/c_1121322184.htm); [http://www.gov.cn/zhengce/2019-04/21/content\\_5384955.htm](http://www.gov.cn/zhengce/2019-04/21/content_5384955.htm); [http://www.xinhuanet.com/politics/2019-03/17/c\\_1124245012.htm](http://www.xinhuanet.com/politics/2019-03/17/c_1124245012.htm)