
NOTICE THE COMMENT?: CHINESE GOVERNMENT RESPONSIVENESS TO PUBLIC PARTICIPATION IN THE POLICYMAKING PROCESS

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Notice the Comment?: Chinese Government Responsiveness to Public Participation in the Policymaking Process

ABSTRACT

Little is known about the responsiveness of Chinese government organizations to public participation in the policymaking process. In this article, we examine government responsiveness in the notice and comment process, in which organizations make public draft laws and regulations and solicit feedback on these proposals. We create and analyze a data set containing information drawn from more than one thousand instances of notice and comment policymaking carried out between 2004 and 2020 by government organizations at the central, provincial, and municipal levels. We find—consistent with expectations—that subnational governments were more responsive to public comments than central government ministries and that organizations were particularly responsive to lengthier comments and comments expressing negative sentiments. Although these patterns suggest the potential of the notice and comment process to mitigate information deficits and improve decision making, it nevertheless remains possible that government responses are merely window dressing and are not accompanied by substantive policy changes.

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THE GEORGE WASHINGTON UNIVERSITY REGULATORY STUDIES CENTER

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I. Introduction

It is well established that government organizations in China have adopted a variety of participatory governance reforms (Dickson 2016, Stromseth, Malesky, and Gueorguiev 2017, Teets 2014). Such reforms include village elections and government performance assessments (Almen 2018, O'Brien and Li 2000). The implementation of governance reforms derives from the authoritarian imperative to mitigate information deficits and improve decision making (Chen and Xu 2017, Duckett and Wang 2013). Government organizations turn to participation not as a precursor to Western-style democracy, but rather as a safety valve to relieve public pressure and preserve the legitimacy of the Chinese Communist Party's (CCP) monopoly on political power (Chen 2016).

The efficacy of reforms in promoting CCP legitimacy is in part contingent on the responsiveness of government organizations to public participation. Unmet expectations of responsiveness run the risk of fostering popular discontent with government performance and accountability (Dickson 2011, Gallagher 2006). Given this importance, researchers have investigated responsiveness in a number of contexts, such as citizen messages posted to constituency service websites (Distelhorst and Hou 2017).

Research focusing on responsiveness in the Chinese policymaking process is uncommon and mainly comprised of case studies (Fishkin, et al. 2010, Gueorguiev 2021, Kornreich 2019). Policymaking consists of the processes through which governments formulate broad courses of action that confer benefits to and impose costs upon large numbers of organizations and individuals. Policymaking is distinct from constituency service and other government actions that implement general policies in the context of specific organizations and individuals.

In this article, we examine government responsiveness in the notice and comment process, a prominent means through which policy is made in contemporary China. In the notice and comment process, government organizations make public draft laws and regulations and solicit feedback on these proposals. For more than a decade, the CCP has supported the "use of the Internet as a standard method of inviting public opinion on draft laws and regulations" (Xinhua News Agency 2008). Observers have pointed out that the notice and comment process holds great promise as a participatory governance reform (Horsley 2018).

This article assesses the extent to which the promise of the notice and comment process has been fulfilled in practice, by addressing a pair of research questions. Do Chinese government organizations respond to public comments submitted on draft laws and regulations? Does responsiveness vary systematically across comments, policy areas, and levels of government?

To make this assessment, we have created a data set comprised of Chinese government responses to public comments submitted on draft laws and regulations. The data set assembles information regarding more than one thousand instances of notice and comment policymaking carried out between 2004 and 2020 by organizations at the central, provincial, and municipal levels.

The analysis of these extensive original data uncovers two main patterns regarding government responsiveness to public comments on draft laws and regulations. First, subnational governments were more responsive to comments than central government ministries. Second, government organizations were particularly responsive to lengthier comments and comments expressing negative sentiments. These findings—which are consistent with expectations derived from prior research—indicate that organizations pay serious attention to input submitted during notice and comment policymaking. Although the results suggest the potential of the notice and comment process to mitigate information deficits and improve decision making, it nevertheless remains possible that government responses are merely window dressing and are not accompanied by substantive policy changes.

II. Conceptualizing Government Responsiveness

Responsiveness is broadly conceived of as an association between public preferences and government actions (Erikson, Wright, and McIver 1993). Two specific government actions are salient—the solicitation of information regarding public preferences and the manner in which government organizations address this information (Qiaoan and Teets 2020). The latter action is divisible into procedural responsiveness and substantive responsiveness, both of which affect public appraisals of government performance and accountability (Hibbing and Theiss-Morse 2001).

Procedural responsiveness refers to the processes employed by government organizations to address public preferences. Such processes include whether expressed preferences receive government responses as well as the timeliness of responses (Qiaoan and Teets 2020, Su and Meng 2016). Substantive responsiveness, by contrast, consists of the content of government actions (Chen, Pan, and Xu 2016, Distelhorst and Hou 2017, Kornreich 2019). To what extent do responses evince agreement with public preferences? Do organizations articulate reasons for incorporating—or not incorporating—expressed preferences into their decisions? This article analyzes procedural and substantive responsiveness in the context of notice and comment policymaking in contemporary China.

III. Research on Chinese Government Responsiveness

The solicitation of information regarding public preferences is a hallmark of consultative authoritarianism in China (Teets 2013, Truex 2017). Consultative authoritarianism consists of a variety of structures and processes. Some structures and processes are oriented toward constituency service, such as online mailboxes and political forums in which interested parties contact government officials to raise issues for consideration (Chen, Pan, and Xu 2016, Distelhorst and Hou 2017, Hartford 2005). Other instruments concern the policymaking process. In deliberative polling, for example, probability sampling is used to construct bodies of citizens who participate in moderated discussions of local budgetary and infrastructure priorities (Fishkin, et al. 2010, Fishkin, et al. 2018). The notice and comment process facilitates public involvement in the making of laws and regulations across policy areas and levels of government (Balla 2017).

Instruments of consultative authoritarianism demonstrate both promise and limitations in procedural and substantive responsiveness. A number of experimental and observational studies focus on citizen-initiated contacts posted to online mailboxes and political forums (Cai and Zhou 2019, Chen, Pan, and Xu 2016, Distelhorst and Hou 2017, Su and Meng 2016). These contacts range from inquiries regarding eligibility for social welfare benefits to the articulation of demands in agriculture, urban construction, and other policy domains. A number of patterns hold across jurisdictions and levels of government. Both procedural and substantive responsiveness are relatively robust, in that contacts generate salient, timely responses at rates comparable to democratic polities (Distelhorst and Hou 2017). Such responses are especially prevalent in the context of contacts expressing negative sentiments, threats of collective action, and the intention to alert higher-level authorities (Chen, Pan, and Xu 2016, Su and Meng 2016).

Although citizen-initiated contacts are consequential, constituency service does not involve the public in the making of broad-based government decisions (Lipsky 1980, Verba and Nie 1972). In this regard, government officials in Wenling, a coastal city in Zhejiang Province, have utilized deliberative polling to generate public input into budgeting and projects such as bridges, parks, roads, and schools (Fishkin, et al. 2010, He and Warren 2011). By some measures, deliberative polling has engendered government responsiveness, as officials have emphasized as high priorities the implementation of projects identified by citizen bodies (Fishkin, et al. 2010). Despite such promise, deliberative polling has thus far not become a common instrument of decision making across jurisdictions and levels of government (Fewsmith 2013).

By contrast, the notice and comment process has been adopted by a wide variety of Chinese government organizations (Horsley 2018). Research has provided insight into the circulation of proposed policies and the submission of public comments. Government organizations are more likely to implement the notice and comment process in the context of subnational issues and policies not characterized by geopolitical sensitivities (Balla 2017). It is common for comments to

exhibit salient knowledge and experience and to express negative sentiments regarding draft laws and regulations (Balla and Liao 2013).

One observer has argued that it is “doubtful” that the notice and comment process engenders government responsiveness, given that administrative regulations do not mandate attention to public comments (Kui 2018). Responsiveness, however, has been demonstrated in particular instances of policymaking (Gueorguiev 2021, Kornreich 2019). In 2008, for example, a comment period on a proposed health care reform took place on the website of the National Development and Reform Commission. The likelihood of the government changing provisions across the proposed and final versions increased with the number of public comments calling for such revisions (Kornreich 2019). As a means of building on such case studies, we analyze the responsiveness of government organizations at the central, provincial, and municipal levels to public comments submitted in response to draft laws and regulations.

IV. Expectations for Government Responsiveness

Research has demonstrated procedural and substantive responsiveness on the part of Chinese government organizations in a variety of contexts. Does, however, responsiveness—the outcome of interest—manifest on a broad basis in notice and comment policymaking? In the analysis that follows, we operationalize procedural responsiveness in two ways: (1) whether government organizations provide public responses to comments submitted on draft laws and regulations, and (2) the timeliness of government responses. We measure substantive responsiveness in three ways: (1) the level of detail of responses, (2) the extent to which responses agree or disagree with preferences expressed in comments, and (3) the prevalence of reason-giving in responses.¹ In this section, we articulate expectations regarding variation in responsiveness across policy areas, levels of government, and public comments.

a. Policy Areas

We posit that government responsiveness varies across characteristics of policies on which government organizations solicit public input. Draft laws and regulations, for example, attract widely divergent amounts of public attention. Many proposed policies receive few, if any, comments. By contrast, a small number of proposals generate thousands of comments. It is expected that as public attention increases, the possibility of collective action—and by extension Chinese government responsiveness—increases as well (Chen, Pan, and Xu 2015).

¹ The manner in which the variables are derived from draft laws and regulations, public comments, and government responses is detailed below in the Measurement and Methods section.

As a condition of its accession to the World Trade Organization (WTO), China committed to enhancing consultation in the making of economic policy (United States Trade Representative 2015). Research on a nationwide online political forum demonstrates that public demands related to economic performance are more likely to receive government responses (Su and Meng 2016). We therefore expect that government responsiveness is more likely in the context of draft laws and regulations addressing economic affairs than other policy concerns.

b. Levels of Government

It is expected that government responsiveness varies across levels of government. Research indicates that Chinese notice and comment practices are more developed at the subnational level than among central government ministries (Balla 2017). We build on this research by examining the extent to which subnational jurisdictions are in the vanguard specifically with respect to government responsiveness.

c. Public Comments

It is expected that government responsiveness varies across two characteristics of public comments. The first characteristic is sentiment—the extent to which comments articulate positive or negative views of draft laws and regulations. Consistent with prior research, we posit that Chinese government organizations are particularly responsive to comments expressing negative sentiments (Su and Meng 2016).

The second characteristic is the policy informativeness of public comments. We conceptualize policy information as the content of comments—separate from statements of sentiment—that are of potential relevance to government officials seeking to mitigate information deficits and improve decision making. Policy informativeness is measured in three ways.

The first measure is the length of public comments. Research demonstrates that comments solely conveying sentiment are typically rather brief (Balla, Beck, Cubbison, and Prasad 2019). By contrast, communicating policy information entails the articulation of arguments and the submission of data and analysis. In line with previous research, we expect that government organizations are particularly responsive to lengthy comments (Balla, Beck, Meehan, and Prasad 2022).

The second measure is the referencing in public comments of professional expertise or personal experiences. A primary objective of government organizations in the notice and comment process is the mitigation of information deficits (Farina, Newhart, and Heidt 2012). It is therefore expected that the communication of professional expertise (e.g., medical personnel who submit comments on proposed changes in health policy) is positively associated with government responsiveness. The incorporation of personal experiences signals the immediate importance of proposed policies to participants. It is plausible that motivated participants (e.g., individuals who have encountered

difficulties in the health care system) are relatively likely to engage in collective action outside of the notice and comment process, a possibility that research suggests is positively associated with Chinese government responsiveness (Chen, Pan, and Xu 2015).

The third measure is whether the public comment makes recommendations regarding the revision of specific provisions in the draft law or regulation. In 2020, for example, a comment on the Beijing municipal government’s proposed revisions to electricity market transactions made a number of recommendations, including the expansion of the scale of allowable transactions.² Such recommendations are of potential value to government officials seeking to mitigate information deficits and improve decision making, as opposed to comments solely expressing positive or negative sentiments toward proposed policies. It is therefore expected that government organizations are particularly responsive to comments that make recommendations, as opposed to comments that do not call for specific revisions.

V. Data Collection

As a means of assessing the article’s expectations, we collected data regarding the implementation of the notice and comment process by Chinese government organizations. In 2020, we audited the websites of two types of organizations for the provision of information about draft laws and regulations, comments submitted on proposed policies, and government responses to public input.³ The first type is central government ministries, specifically cabinet-level departments operating under the authority of the State Council.⁴ The second type is subnational governments—provinces, autonomous regions, and municipalities directly under the administration of the central government.⁵ The website of the Guangzhou municipal government was also audited, as

² Consultation, comment, and response documents are available upon request.

³ Given the dictates of censorship on the Chinese Internet, it is not necessarily the case that organizations post all documents associated with notice and comment policymaking. Documents not made publicly available necessarily fall outside the scope of the analysis.

⁴ The departments are the Ministry of Agriculture and Rural Affairs, Ministry of Civil Affairs, Ministry of Commerce, Ministry of Culture and Tourism, Ministry of Ecology and Environment, Ministry of Education, Ministry of Emergency Management, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Housing and Urban-Rural Development, Ministry of Human Resources and Social Security, Ministry of Industry and Information Technology, Ministry of Justice, Ministry of National Defense, Ministry of Public Security, Ministry of Natural Resources, Ministry of Science and Technology, Ministry of State Security, Ministry of Transport, Ministry of Veterans Affairs, Ministry of Water Resources, National Audit Office, National Development and Reform Commission, National Ethnic Affairs Commission, National Health Commission, and People's Bank of China.

⁵ The provinces are Anhui, Fujian, Gansu, Guangdong, Guizhou, Hainan, Hebei, Heilongjiang, Henan, Hubei, Hunan, Jiangsu, Jiangxi, Jilin, Liaoning, Shaanxi, Shandong, Shanxi, Sichuan, Qinghai, Yunnan, and Zhejiang. The autonomous regions are Guangxi, Inner Mongolia, Ningxia, Tibet, and Xinjiang. The municipalities are Beijing,

Guangzhou is one of the largest cities in China and a leader in participatory governance reform (Stromseth, Malesky, and Gueorguiev 2017). Altogether, we audited 58 websites—26 central government ministries and 32 subnational governments.

Two subsets of these government organizations constitute the focal points of the analysis of government responsiveness. The first subset is the 16 government organizations that post to their websites (a) either the full texts or summaries of public comments and (b) responses to comments submitted on draft laws and regulations.

Government organizations respond to public comments in one of two ways. The first approach is a summary response to the set of comments submitted on the proposed policy. In this approach, the organization typically discloses the number of comments received, outlines the major opinions conveyed in the comments, and expresses agreement or disagreement with these opinions. By way of example, the Ministry of Transport responded to comments submitted on proposed inland river traffic safety regulations in the following manner.

From April 26, 2019 through May 25, 2019, the Ministry solicited public comments on proposed inland river traffic safety regulations. The Ministry received a total of 221 comments. The Ministry plans to adopt 53 comments and not adopt 167 comments. The comments mainly focused on issues such as navigation and berthing operations, navigation security, and legal responsibilities. We appreciate the public's support for the Ministry's work.

The second way in which government organizations address public comments is to post specific responses to particular comments. In this approach, the organization discloses the full text or summary of individual comments and states agreement or disagreement on a comment-by-comment basis.⁶ For example, the Jiangsu government's response to comments submitted on proposed education system reforms contains the following excerpt.

One comment suggested that the provision regarding the examination and admissions system is in need of improvement. According to this comment, the provision should be changed to "steadily advance the reform of the examination and admissions system," as a means of reflecting the overall principle of making progress while maintaining stability.

Chongqing, Shanghai, and Tianjin. The special administrative regions of Hong Kong and Macau are not included in the analysis.

⁶ On occasion, government organizations address comments in a hybrid manner, by including both a summary response and specific responses to particular comments.

Bureau of Education Response: Agree to adopt. The provision will be amended to “actively and prudently advance the reform of the examination and admissions system.”

Two central government ministries (the Ministry of Transport and People’s Bank of China) fall into the first subset, along with 14 subnational governments—Beijing, Chongqing, Guangdong, Guangxi, Guangzhou, Guizhou, Hubei, Hunan, Inner Mongolia, Jiangsu, Liaoning, Shaanxi, Shanghai, and Yunnan. For these government organizations, we analyze responsiveness at the level of the notice and comment consultation (i.e., each instance of notice and comment policymaking is a unit of analysis). We specifically collected information for 1,233 notice and comment consultations conducted between 2004 and 2020 by these organizations.⁷ The organizations do not necessarily post to their websites all occurrences of notice and comment policymaking. In addition, organization websites do not necessarily retain public records of the notice and comment process on a permanent basis (i.e., consultations from earlier points in time may no longer be accessible). As a result, the 1,233 consultations constitute all instances of notice and comment policymaking that were available on the organizations’ websites at the time of the audit.

Among these 16 government organizations, seven organizations post to their websites both the full texts of public comments and specific responses to individual comments, which makes it possible to analyze responsiveness at the comment level. These organizations—Beijing, Guangdong, Guizhou, Guangzhou, Hubei, Jiangsu, and Liaoning—constitute the second subset.⁸ We collected the texts of 653 public comments as well as the government responses to these comments published by the organizations. The above caveats once again hold, in that organizations do not necessarily post nor permanently retain all comments and responses. These documents therefore comprise the complete set of comments and responses that were accessible on the organizations’ websites when the audit was conducted.

As this discussion indicates, we do not analyze the conditions under which government organizations implement the notice and comment process. Previous research offers insight into such conditions, demonstrating that notice and comment policymaking is particularly advanced in the context of economic affairs and subnational governments (Balla 2017). As a complement to prior research, we focus on government responsiveness in those instances in which public comments are solicited on draft laws and regulations.

⁷ Given that the data were collected in the summer of 2020, not all consultations conducted that year are included in the analysis.

⁸ These government organizations do not necessarily address every individual comment, but rather make such responses public in at least some instances.

VI. Measurement and Methods

In this section, we elaborate the manner in which the variables are measured, as well as the methods that are employed to analyze government responsiveness. The consultation-level analysis examines variation in government responsiveness across policy areas and levels of governments. The comment-level analysis investigates the association between government responsiveness and characteristics of public comments. Table 1 provides variable descriptions and summary statistics.

a. Consultation-Level Analysis

To analyze variation in government responsiveness across policy areas and levels of government, we estimate consultation-level regressions with the following specification.

$$Y_{i,t} = \beta_1 \text{CommentNo}_{i,t} + \beta_2 \text{EconomicPolicy}_{i,t} + \beta_3 \text{Ministry}_{i,t} + \gamma X_{i,t} + v_t + \varepsilon_{i,t}$$

$Y_{i,t}$ is a measure of government responsiveness (discussed below) for consultation i at time t . CommentNo is the number of public comments received during the consultation. EconomicPolicy is a dichotomous indicator of whether the consultation addressed economic affairs. Ministry is a dichotomous indicator of whether the consultation was conducted by a central government ministry, as opposed to a subnational government. X is a pair of control variables—the duration of the comment period and the length in Chinese characters of the draft law or regulation. v_t denotes year fixed effects. Depending on the nature of the dependent variable, we estimate ordinary least squares (OLS), logit, or ordered logit regression.

i. Dependent Variables

The first measure of procedural responsiveness is whether the government organization publicly responded to comments submitted on the draft law or regulation. Government responses were available for 599 (49 percent) of the 1,233 notice and comment consultations under analysis. In the remainder of the consultations, the organization did not make any statement about comments (i.e., even the most basic information—such as whether comments were received or the number of comments submitted—was not disclosed).

The second measure is the timeliness of the government organization's response to public comments. The variable is operationalized as the number of days after the close of the comment period that the response was published. The posting date is available for 319 responses. For these consultations, responses were posted on average 49 days after comment period end dates, with a

minimum duration of -14 days and maximum of 466 days.⁹ Forty-eight responses (15 percent) were published more than 100 days after the close of the comment period.

The first measure of substantive responsiveness is the level of detail of the government organization's response to public comments. The variable is operationalized as the number of characters in the document responding to comments submitted on the draft law or regulation. The average response consisted of 703 characters, with a minimum of 17 characters and a maximum of 11,764 characters. Seventy-three of the 599 responses (12 percent) were composed of less than 100 characters.

The second measure is the sentiment of the government organization's response to public comments. Sentiment is operationalized as an ordinal scale. The variable equals 1 if the response disagreed with all of the comments submitted on the draft law or regulation, 2 if the response disagreed with most of the comments, 3 if the response disagreed with roughly half of the comments and agreed with the remainder, 4 if the response agreed with most of the comments, and 5 if the response agreed with all of the comments. Responses that neither agreed nor disagreed with any comments are excluded from this variable. The sentiment of each response was coded by a member of the research team. A random sample of 10 percent of responses was coded independently by a second researcher. Cohen's Kappa—calculated as .83—indicates substantial inter-coder reliability (Cohen 1960).¹⁰ Among the 382 consultations with responses expressing sentiments, 72 percent exhibited agreement with the preferences of all or most of the comments, 20 percent stated disagreement, and 8 percent contained an approximately equivalent mixture of agreement and disagreement.

The third measure is the prevalence of reason-giving in the government organization's response to public comments. Reason-giving is coded as a dichotomy, in that the response either did or did not provide a rationale for why the organization agreed or disagreed with the comments. Responses that did not state agreement or disagreement toward any comments are excluded from this variable. Among the 382 responses expressing sentiment, 63 percent elaborated reasons for agreeing or disagreeing with comments.

⁹ Negative durations occur for a small number of consultations in which responses were issued prior to the conclusion of the comment period.

¹⁰ This process was followed for all variables requiring the exercise of subjective judgment. According to Cohen's Kappa, inter-coder reliability was substantial or near perfect for all but one variable. Inter-coder reliability was moderate for the sentiment of comments.

Table 1: Variable Descriptions and Summary Statistics

Consultation-Level Analysis

Variable Name	Description	N	Mean	SD	Min.	Max.
Procedural Responsiveness						
Response	=1 if the government organization publicly responded to comments; =0 otherwise.	1,233	0.49	0.50	0	1
ResponseDays	Number of days after the close of the comment period that the response was published.	319	49	70	-14	466
Substantive Responsiveness						
ResponseLength	Number of characters in the document responding to comments.	599	703	1,196	17	11,764
ResponseTone	=1 if the response disagreed with all of the comments; =2 if the response disagreed with most of the comments; =3 if the response disagreed with roughly half of the comments and agreed with the remainder; =4 if the response agreed with most of the comments; =5 if the response agreed with all of the comments.	382	3.76	1.25	1	5
ResponseReason	=1 if the response provided a rationale for why the government agreed or disagreed with the comments; =0 otherwise.	382	0.63	0.48	0	1
Policy Areas						
CommentNo	Number of comments received.	591	65	311	0	4,310
EconomicPolicy	=1 if the consultation addressed economic affairs; =0 otherwise.	1,233	0.08	0.27	0	1
Levels of Government						
Ministry	=1 if the consultation was implemented by a central government ministry; =0 otherwise.	1,233	0.14	0.35	0	1
Control Variables						
CommentPeriod	Number of days between the start and end dates of the comment period.	1,085	22	17	4	401
PolicyLength	Number of characters (in thousands) in the draft law or regulation.	1,127	9.70	22.72	0.067	381

Comment-Level Analysis

Variable	Description	N	Mean	SD	Min.	Max.
Substantive Responsiveness						
CommentResponse Length	Number of characters in the government's response to the comment.	653	55	62	2	455
CommentResponse Tone	=1 if the response disagreed with the comment; 2 if the response disagreed with part of the comment and agreed with another part; =3 if the response agreed with the comment.	594	1.92	0.94	1	3
CommentResponse Reason	=1 if the response provided a rationale for why the government agreed or disagreed with the comment; =0 otherwise.	594	0.85	0.36	0	1
Public Comments						
CommentTone	=-1 if the comment expressed disagreement with the proposed policy; =0 if the comment expressed neutrality; =1 if the comment expressed agreement.	560	0.06	0.36	-1	1
CommentLength	Number of characters in the comment.	653	94	115	2	1,131
CommentExp	=1 if the comment referenced professional expertise or personal experience; =0 otherwise.	653	0.08	0.28	0	1
CommentRecomm end	=1 if the comment made recommendations regarding the revision of specific provisions in the proposed policy; =0 otherwise.	653	0.40	0.49	0	1
Control Variables						
CommenterName	=1 if the name of the commenter was available; =0 otherwise.	653	0.29	0.46	0	1
CommenterAffiliation	=1 if the organizational affiliation of the commenter was available; =0 otherwise.	653	0.11	0.32	0	1

ii. Independent Variables

The number of comments indicates the amount of public attention generated by the draft law or regulation. This number was disclosed for 591 of the consultations under analysis. During these consultations, proposed policies received on average 65 comments. More than half of the consultations were characterized by seven or fewer comments and 96 consultations received no comments. By contrast, less than 12 percent of the consultations generated more than 100 comments and only four consultations received more than 1,000 comments.

All notice and comment consultations under analysis were coded as either addressing economic affairs or not. Eight percent of the consultations concerned matters of economic policymaking. Other consultations focused on a wide array of issues, including public safety, health care, and the environment and natural resources.

A dichotomous variable indicates the level of government that conducted the notice and comment consultation. Eighty-six percent of the consultations were carried out by subnational governments, with the remainder being implemented by central government ministries.

The duration of the comment period is measured as the number of days between the start and end dates. Both dates were available for 1,085 consultations. The average duration was 22 days, with a minimum of four days and a maximum of 401 days. The majority (71 percent) of consultations had comment periods of 30 or fewer days, with only nine comment periods lasting longer than 60 days. The length of the draft law or regulation is operationalized as the total number of characters (in thousands). The texts of proposed policies were accessible for 1,127 consultations. These texts were composed on average of 9,703 characters.

b. Comment-Level Analysis

The comment-level analysis focuses on the extent to which government responsiveness varies across characteristics of public comments. The regressions are estimated according to the following specification.

$$Y_{j,t} = \alpha_1 \textit{CommentTone}_{j,t} + \alpha_2 \textit{CommentLength}_{i,t} + \alpha_3 \textit{CommentExp}_{j,t} + \alpha_4 \textit{CommentRecommend}_{j,t} + \delta Z_{j,t} + u_i + v_t + \epsilon_{j,t}$$

$Y_{j,t}$ is a measure of government responsiveness (detailed below) for individual comment j at time t . *CommentTone* is the sentiment of the comment. *CommentLength* is the number of characters in the comment. *CommentExp* is a dichotomous indicator of whether the comment referenced professional expertise or personal experience. *CommentRecommend* is a dichotomous indicator of whether the comment made recommendations regarding the revision of specific provisions in the draft law or regulation. Z is a pair of control variables—whether the name of the commenter

is available and whether the commenter's organizational affiliation is publicly disclosed. u_i and v_t denote government organization fixed effects and year fixed effects, respectively.

i. Dependent Variables

The first measure of substantive responsiveness is the level of detail of the government organization's response to the 653 comments under analysis, operationalized as the number of characters.¹¹ The average response was comprised of 55 characters, with a minimum of two characters and a maximum of 455 characters. The vast majority of responses contained less than 100 characters.

The second measure is the sentiment of the government organization's response to the comment. The ordinal scale equals 1 if the response disagreed with the comment, 2 if the response disagreed with part of the comment and agreed with another part, and 3 if the response agreed with the comment. Among the 594 responses expressing sentiment toward individual comments, 40 percent exhibited agreement with commenter preferences, 49 percent conveyed disagreement, and 11 percent contained a mixture of agreement and disagreement.

The third measure is the presence of reason-giving in the government organization's response to the comment. Eighty-five percent of the 594 responses that expressed agreement or disagreement with individual comments were characterized by reason-giving, in that the response provided a rationale for the organization's position.

ii. Independent Variables

As a measure of sentiment, we categorized public comments as expressing agreement, disagreement, or neutrality toward the draft law or regulation.¹² This variable was coded for 560 comments. The remaining 93 comments did not directly address the proposed policy. Eighty-seven percent of comments expressed neutral sentiments toward the draft law or regulation, with nine percent communicating positive judgments and four percent containing negative content.

The length of public comments, the referencing of professional expertise or personal experience, and the making of recommendations are operationalizations of the policy informativeness of comments. The average comment was composed of 94 characters, with a minimum of two

¹¹ Whether the government organization issued a public response is not examined at the comment level, given that the comments under analysis all received responses. In addition, the timeliness of the government's response is not measured at the comment level, as organizations typically did not respond to comments on a rolling basis but rather published a single document addressing comments on an individual basis.

¹² Neutral comments either do not articulate positive or negative statements or contain approximately equivalent amounts of such sentiments.

characters and a maximum of 1,131 characters. More than 70 percent of comments contained less than 100 characters. The referencing of professional expertise or personal experience is measured as a dichotomy—either the public comment referenced professional expertise or personal experience or it did not. Ninety-two percent of comments did not mention either professional expertise or personal experience. The making of recommendations regarding the revision of specific provisions in draft laws and regulations is also a dichotomous indicator, in that the public comment either articulated such a recommendation or it did not. Forty percent of comments stated specific recommendations regarding provisions in the proposed policy.

The control variables account for commenter characteristics. For each comment, the public availability of the submitter’s name and organizational affiliation, respectively, were operationalized as dichotomous indicators. The name of the commenter was accessible for 29 percent of the comments. Eleven percent of the comments included information regarding organizational affiliation.

VII. Results

In this section, we discuss the results of the analysis of government responsiveness in notice and comment policymaking. Table 2 reports the consultation-level findings for policy areas and levels of government. Table 3 presents the comment-level patterns for characteristics of public comments.¹³

a. Consultation-Level Analysis

The consultation-level regressions demonstrate that subnational governments were more responsive than central government ministries to public comments submitted on draft laws and regulations. This pattern holds across dependent variables measuring both procedural and substantive responsiveness.

First, central government ministries and subnational governments differed in the number of days after the close of the comment period that the organization’s response was published. As Column (2) indicates, central government ministries took on average 42 days longer than subnational governments to issue comment responses.¹⁴ Second, the level of detail of the organization’s

¹³ All regressions were estimated with and without fixed effects, as well as with a variety of right-hand side specifications. The results were consistent across robustness checks, which are available upon request.

¹⁴ It is possible that it takes organizations more time to construct detailed responses. For this reason, timely responses may not in fact indicate greater responsiveness. To address this possibility, we added the length of government responses as a control variable to the regression reported in Column (2). The results are consistent with the baseline specification.

response varied across central government ministries and subnational governments. As presented in Column (3), central government ministry responses were on average 626 characters shorter than subnational government responses. Third, the extent to which the organization’s response agreed with the sentiments expressed in comments was different across central government ministries and subnational governments. Column (4) illustrates that central government ministries were less likely to agree with comments than subnational governments.

Table 2: Consultation-Level Regressions

	(1)	(2)	(3)	(4)	(5)
Model	Logit	OLS	OLS	Ordered Logit	Logit
Dependent Variable	Response	Response Days	Response Length	Response Tone	Response Reason
CommentNo	0.0437* (0.059)	-0.0111 (0.435)	0.1559 (0.359)	-0.0002 (0.640)	-0.0022 (0.164)
EconomicPolicy	-0.5634 (0.467)	-16.3613 (0.309)	-345.3157 (0.135)	-0.6636 (0.194)	-0.3581 (0.571)
Ministry		42.3473*** (0.000)	-626.1724*** (0.000)	-1.0208*** (0.000)	0.4102 (0.223)
CommentPeriod	0.0042 (0.705)	-0.1653 (0.646)	-1.6221 (0.594)	-0.0169 (0.136)	-0.0160 (0.274)
PolicyLength	-0.0084 (0.615)	0.2622** (0.027)	0.0283 (0.990)	0.0023 (0.478)	-0.0181** (0.039)
Constant	-0.2444 (0.782)	32.3035*** (0.001)	929.4966*** (0.000)		0.7006 (0.275)
Year FE	Yes	Yes	Yes	Yes	Yes
Observations	254	257	485	326	243
R ²		0.118	0.042		
Pseudo R ²	0.175			0.0658	0.0844

Note: FE=fixed effects. Two-tailed *p*-values in parentheses. ***=statistically significant at *p*<0.01. **=statistically significant at *p*<0.05. *=statistically significant at *p*<0.1. Ministry is omitted in Column (1) because all central government ministry consultations with available data for all independent variables have responses documents (i.e., Response=1 for all such observations).

These results are consistent with our expectation that subnational governments are more responsive to public comments than central government ministries. One explanation for this difference is that, under China’s fragmented authoritarianism, much policymaking responsibility has been devolved to subnational governments, often without the provision of commensurate resources (Lieberthal and Oksenberg 1988). As a result, the imperative to mitigate information

deficits through instruments such as the notice and comment process is particularly acute at the subnational level. If subnational governments turn to notice and comment consultation as a means of improving policy, then it is not surprising that information generated during consultations is rapidly and thoroughly considered in a favorable manner.

According to the regression analysis, government responsiveness to public comments was for the most part not related to characteristics of policies. The one exception—as indicated in Column (1)—is that the likelihood of the government organization issuing a public response was positively associated with the number of comments received on the draft law or regulation. Specifically, the submission of an additional comment was associated with a 4.47 percent increase in the odds of the publication of a government response (odds ratio of 1.0447).¹⁵

This result indicates the potential of the notice and comment process as a safety valve in Chinese policymaking (Chen 2016). That is, the receipt of large numbers of comments provides government organizations with information about policies that are unusually salient. By demonstrating procedural responsiveness during these consultations, organizations acknowledge the importance of public opinion. A corresponding lack of substantive responsiveness suggests that government engagement with issues raised in comments does not necessarily accompany procedural acknowledgement and, in such instances, notice and comment policymaking in effect offers opportunities for masses of participants to “blow off steam.”

b. Comment-Level Analysis

The comment-level regressions demonstrate that substantive responsiveness was associated with the sentiment of public comments. First, the results in Column (1) illustrate that—consistent with our expectation—as negativity in comment sentiment increased, the level of detail of the government organization’s response increased as well. Comments that expressed negative sentiment toward the draft law or regulation received responses that were on average 30 characters longer than comments conveying positive sentiments. Second, Column (2) indicates that government organization responses were less likely to agree with comments stating negative sentiments than comments articulating positive sentiments. Third, the regression reported in Column (3) provides evidence in support of our expectation that negative comments were more likely than positive comments to generate responses providing a rationale for government agreement or disagreement. The odds of a comment expressing positive sentiment receiving a response characterized by reason-giving were 99 percent lower than for a negative comment (odds ratio of 0.0118).

¹⁵ All derivations of marginal effects from regression coefficients are available upon request.

Table 3: Comment-Level Regressions

Model	(1) OLS	(2) Ordered Logit	(3) Logit
Dependent Variable	Comment Response Length	Comment Response Tone	Comment Response Reason
CommentTone	-14.8564** (0.045)	1.4048*** (0.000)	-2.2199*** (0.000)
CommentLength	0.1214*** (0.000)	-0.0000 (0.964)	0.0043** (0.030)
CommentExp	5.4901 (0.595)	0.1330 (0.745)	0.0597 (0.929)
CommentRecommend	-11.0962** (0.045)	-0.5749*** (0.008)	-0.4152 (0.213)
CommenterName	10.8852 (0.124)	0.6892** (0.012)	-1.2624*** (0.000)
CommenterAffiliation	19.3079** (0.011)	-0.2982 (0.292)	-0.0063 (0.989)
Constant	154.4370*** (0.000)		2.1107*** (0.003)
Government FE	Yes	Yes	Yes
Year FE	Yes	Yes	Yes
Observations	560	509	494
Pseudo R ²		0.153	0.262
R ²	0.114		

Note: FE=fixed effects. Two-tailed *p*-values in parentheses. ***=statistically significant at *p*<0.01. **=statistically significant at *p*<0.05.

Together these results suggest contrasting profiles for government organization responses to positive and negative comments. On the one hand, responses to positive comments were relatively likely to communicate agreement in short statements without elaborating rationales. On the other hand, responses to negative comments were relatively likely to discuss at length the government’s reasoning behind disagreement with comment sentiment.

The regressions demonstrate that the relationship between substantive responsiveness and the policy informativeness of public comments is mixed with respect to our expectations. Column (1) indicates that, as expected, the length of comments is positively associated with the level of detail of the government organization’s response. Column (3) illustrates that as comment length increases, the propensity of reason-giving in the organization’s response increases as well. For

example, the odds of a comment with 209 characters (one standard deviation above the mean) experiencing reason-giving in the organization's response were 64 percent than a comment with 94 characters (the mean number of characters) (odds ratio of 1.6397).

Although these results suggest that the substantive responsiveness of government organizations increases with the policy informativeness of public comments, other findings do not support this expectation. The referencing in comments of professional expertise or personal experience was not associated with responsiveness in any of the regressions. Furthermore, the signs of the coefficients for the making of recommendations regarding the revision of specific provisions in draft laws and regulations were in the opposite direction of our expectation in the first two columns. Column (1) illustrates that comments making recommendations received shorter responses than other comments, while Column (2) shows that government organizations were more likely to disagree with such comments.¹⁶

c. Summary of Results

The analysis demonstrates systematic variation in the procedural and substantive responsiveness of Chinese government organizations to public comments submitted on draft laws and regulations. Two overarching patterns deserve emphasis.

First, subnational governments were more responsive to comments than central government ministries, both in terms of the process of addressing public preferences as well as the content of organization responses. In combination with prior research, this finding highlights that subnational governments are not only in the vanguard with respect to soliciting input on proposed policies (Balla 2017), but also in providing timely, detailed responses expressing agreement with issues raised in comments.

Second, substantive responsiveness was—consistent with research on citizen-initiated contacts (Su and Meng 2016)—particularly pronounced in the context of lengthier comments and comments expressing negative sentiments. Beyond these general patterns, however, specific elements of the content of public comments—such as the referencing of professional expertise or personal experience—were not associated with government responsiveness in the manner expected.

¹⁶ One explanation for these findings is that government responsiveness to comments making specific recommendations varied across comments of different sentiment. We assessed this possibility by including in the regressions the interaction between the making of recommendations and the sentiment of comments. The coefficients for this interaction, however, are not statistically significant.

VIII. Conclusions and Implications

This article has examined Chinese government responsiveness to public participation in the notice and comment process. The research departs from previous studies of government responsiveness by focusing on policymaking (rather than constituency service) and analyzing a large number of notice and comment consultations (as opposed to particularly high-profile cases). Given that notice and comment policymaking is a prominent governance reform in contemporary China, it is important to advance understanding of the process's performance as a general matter. By assembling information derived from thousands of consultations and hundreds of comments, the analysis indicates the promise and limitations of the notice and comment process as a means of enhancing responsiveness in Chinese policymaking.

On the one hand, responsiveness exhibits patterns consistent with the notion that government organizations pay serious attention to public comments submitted on draft laws and regulations. For example, government responses demonstrate engagement with detailed comments and comments expressing criticisms of proposed policies.

On the other hand, the analysis highlights shortcomings in government responsiveness. Central government ministries lag behind subnational governments in the process and substance of addressing public comments. In some respects, government responses are not associated with content of comments, thereby limiting the extent to which it can be concluded that organizations turn to the notice and comment process as a means of mitigating information deficits and improving decision making.

These limitations merit particular concern given that the analysis focuses on organizations in the vanguard of disclosing information about public comments and government responses. That is, responsiveness is circumscribed among government organizations that to some degree implement best practices in the notice and comment process. In this regard, the findings may be interpreted as establishing a ceiling for policymaking responsiveness in contemporary China.

The analysis does not focus on the association between arguments and evidence presented in public comments and changes instituted by government organizations across proposed and final policies. It is therefore possible that government responses expressing agreement with the content of comments are merely window dressing and are not indicative of accompanying policy modifications. A task for future research is to examine this aspect of responsiveness, perhaps by building upon existing cases studies (Kornreich 2019) through the application of automated text analysis to large numbers of comments, proposed policies, and promulgated laws and regulations.

Although the analysis demonstrates limitations in government responsiveness, the notice and comment process nevertheless differs in a pair of important respects from traditional modes of Chinese policymaking (Wang 2008). By soliciting public input, notice and comment policymaking expands the availability of information about prospective government decisions, in comparison to

approaches grounded in insider access. By engaging with outside parties prior to the finalization of laws and regulations, notice and comment policymaking is a departure from approaches in which citizens are mobilized in support of already-determined courses of action. In the years ahead, it will be important to track implementation of the notice and comment process as a means of determining the conditions under which these elements continue to be incorporated into government decision making.

Concerns regarding a lack of responsiveness in the notice and comment process are not unique to Chinese policymaking. In the United States, for example, notice and comment policymaking has been likened to Kabuki theater (Elliott 1992) and research has demonstrated that more often than not public input is not associated with major changes across proposed and final rules (Golden 1998, Shapiro 2007, West 2004). Although such research does not suggest that agencies fail to take comments seriously, it nevertheless highlights a limitation of government responsiveness that holds across types of political systems.

This generality indicates that there is no straightforward pathway to increasing responsiveness in the Chinese policymaking process. Furthermore, China has been experiencing an authoritarian turn under the leadership of Xi Jinping (Shirk 2018), a development that does not bode well for consultative approaches to government decision making. Perhaps the most promising avenue is continued growth and development of the notice and comment process among subnational governments. In an increasingly authoritarian—and therefore more insulated from public opinion—policymaking environment, provincial and municipal governments will likely find it more important than ever to mitigate information deficits through instruments such as the notice and comment process. Given the relatively advanced state of subnational consultation practices, additional implementation of the notice and comment process in such government organizations has the potential to expand the scope of Chinese policymaking that occurs under conditions favorable to procedural and substantive responsiveness.

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