

---

# DIFFUSION OR ABANDONMENT? A TWO-WAVE AUDIT OF POLICYMAKING INNOVATION IN CHINA

---

Steven J. Balla & Zhoudan Xie

OCTOBER 2021

---

© 2021 by Steven J. Balla and Zhoudan Xie. All rights reserved.

The GW Regulatory Studies Center is an academic center in the George Washington University and its Trachtenberg School of Public Policy and Public Administration. Any views expressed in this working paper are those of the author(s). The Center does not take institutional positions on issues.

[www.RegulatoryStudies.columbian.gwu.edu](http://www.RegulatoryStudies.columbian.gwu.edu)

# *Diffusion or Abandonment?: A Two-Wave Audit of Policymaking Innovation in China*<sup>1</sup>

## ABSTRACT

The notice and comment process, in which government organizations make public draft laws and regulations and solicit feedback on these proposals, is a prominent governance reform in contemporary China. This article examines the durability of the notice and comment process as a policymaking innovation by conducting a pair of audits of the practices of dozens of central government ministries and provincial governments. There are a number of reasons to expect that it is difficult to sustain policymaking innovations in China. Nevertheless, the audits—which were carried out in 2014 and 2021—demonstrate that, subject to a number of constraints, the notice and comment process diffused across government organizations in the period under analysis. Although the notice and comment process is a durable governance reform, additional research is needed before it can be concluded that it brings more than a veneer of transparency to Chinese policymaking.

## AUTHOR(S)

Steven J. Balla  
Associate Professor of Political Science,  
Public Policy and Public Administration,  
and International Affairs, GW

Zhoudan Xie  
Economics Ph.D. Student, GW  
Senior Policy Analyst, GW Regulatory  
Studies Center

## ACKNOWLEDGEMENTS

We gratefully acknowledge the research assistance of Jiaxin Lin, Andrew Wan, and Geng Zhai, the insights of Susan Dudley, and the support of the George Washington University Confucius Institute and Regulatory Studies Center.

## THE GEORGE WASHINGTON UNIVERSITY REGULATORY STUDIES CENTER

Established in 2009, the GW Regulatory Studies Center is an academic center of the George Washington University and its Trachtenberg School of Public Policy and Public Administration. The Center's mission is to improve regulatory policy through research, education, and outreach. The Center is a leading source for applied scholarship in regulatory issues, and a training ground for anyone who wants to understand the effects of regulation and ensure that regulatory policies are designed in the public interest.

---

<sup>1</sup> Balla, Steven J. and Xie, Zhoudan, "Diffusion or Abandonment?: A Two-Wave Audit of Policymaking Innovation in China." *George Washington University Regulatory Studies Center*. October, 2021.

## I. Introduction

In contemporary China, governance reform has emerged as a central element of the Chinese Communist Party's (CCP) strategy for maintaining its legitimacy. With a lack of accountability through multi-party elections, the CCP—not unlike authoritarian regimes throughout the world—has staked its reputation in part on its ability to satisfy citizen demands for transparency in the policymaking process (Huntington 1991, Levitsky and Way 2002, Magaloni 2006). A variety of such procedures—including participatory budgeting and social assessments of government performance—have been implemented in recent decades (Almen 2018, Fishkin, et al. 2010).

One prominent policymaking innovation is the notice and comment process. In notice and comment policymaking, 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 this innovation holds great promise as a means of increasing transparency in Chinese policymaking (Horsley 2018, Kui 2018).

The achievement of this outcome, however, depends upon the operation of the notice and comment process in practice. Research has generated insight into a number of characteristics of notice and comment policymaking in China. Case studies of high-profile policies indicate robust levels of public participation as well as government responsiveness to citizen feedback (Ford 2012, Kornreich 2019). Other analyses have illuminated properties of the notice and comment process across government organizations, demonstrating that the circulation of draft laws and regulations is more advanced than the disclosure of feedback received in response to policy proposals (Balla 2017).

An outstanding question concerns the durability of the notice and comment process as a policymaking innovation. Researchers have pointed out the need for longitudinal analysis of governance reforms in China (Qiaoan and Teets 2019). Such over-time comparisons offer a means of establishing the extent to which innovations are sustainable additions to the policymaking process, as opposed to “superficial and short-lived” episodes that fail to transform state-society interactions (Schlaeger and Stepan 2017, 643).

Taking up this challenge, this article reports the results of a pair of audits of the notice and comment practices of Chinese government organizations. These audits, which were conducted in 2014 and 2021, entailed examining the websites of dozens of central government ministries and provincial governments. The websites were searched for evidence of notice and comment policymaking, such as the disclosure of draft laws and regulations as well as comments submitted in response to these proposals. Implementation of the audit in two waves makes it possible to

compare practices across the years under analysis and therefore advance understanding of the durability of the notice and comment process as a policymaking innovation.

Historically, much research on policymaking diffusion has implicitly assumed the persistence of innovations (Berry and Berry 1990). The presumption is that jurisdictions do not as a general matter eliminate previously adopted innovations. Although this assumption is reasonable across a variety of governance contexts, there are grounds to expect that durability does not obtain in the specific environment of contemporary China. It is well established that support for policymaking innovations within Chinese government organizations erodes when entrepreneurial officials are transferred to other jurisdictions (Fewsmith 2013). Furthermore, the period under analysis witnessed an authoritarian turn under the leadership of President Xi Jinping (Shirk 2018). One potential implication of this shift is that innovations aimed at advancing transparency are abandoned by government organizations.

In what follows, these competing expectations—the general durability of policymaking innovations, on the one hand, and the fragility of governance reforms in contemporary China, on the other hand—are evaluated in the context of the notice and comment process. Did notice and comment policymaking diffuse between 2014 and 2021? Alternatively, did government organizations abandon this policymaking innovation? Did diffusion and abandonment vary across types of government organizations and elements of the notice and comment process?

The analysis demonstrates that the notice and comment process is a durable policymaking innovation that diffused across central government ministries and provincial governments during the 2014-2021 period. This diffusion, however, is limited in a pair of important respects. First, notice and comment policymaking did not diffuse—and in fact was abandoned by—central government ministries with jurisdiction over politically sensitive areas such as public security and ethnic affairs. Second, government organizations continue to disseminate relatively little information about public feedback submitted in response to draft laws and regulations.

Together, these findings inform understanding of the broad strategy employed by the CCP to secure its legitimacy. The CCP governs through a combination of repression and measures oriented toward building popular support (Dickson 2021, Dickson, Shen, and Yan 2017). The overarching diffusion of the notice and comment process suggests that although repression occurs in a variety of policymaking domains, the possibility of robust governance reform persists in contexts in which the fundamental legitimacy of the CCP is not immediately threatened. Additional research is needed, however, before it can be conclusively determined that governance reform provides more than a veneer of transparency and is therefore positioned to transform the policymaking process in the years ahead.

## II. The Notice and Comment Process in China

The notice and comment process has for decades been a primary means through which policy is made in advanced industrialized democracies (Carey 2019, Saltane 2016). In China, by contrast, it was not until the twenty-first century that notice and comment policymaking was adopted on more than an occasional basis (Horsley 2009). This shift was a function of two main developments. First, as a condition of its accession to the World Trade Organization (WTO), China committed to improving transparency in the making of economic policy. Second, the notice and comment process was consistent with President Hu Jintao's emphasis on "scientific and democratic decision-making" (Horsley 2009, 4). By the end of the first decade of the twenty-first century, government organizations had begun experimenting with notice and comment policymaking, making the process one of the most noteworthy governance reforms in contemporary China.

Figure 1 illustrates the manner in which notice and comment policymaking is typically implemented in China. The process begins with the circulation on a government organization's website of a draft law or regulation. In this example, the Ministry of Education proposed a law governing preschool education, with an attachment providing access to the text of the proposal. The public is then invited to submit comments on the draft law or regulation. In the context of preschool education, the Ministry of Education provided a one-month comment period during which interested parties were welcome to offer feedback through either the postal service or email.

As this description indicates, the notice and comment process entails both the circulation of policy proposals and the solicitation of public input on draft laws and regulations. These elements together distinguish notice and comment policymaking from other forms of communication between officials and citizens, such as government organizations advertising their activities and the public lodging unsolicited suggestions and complaints. Furthermore, the notice and comment process is not a form of deliberative decision making (Leib and He 2010). Rather, it consists of government consultation with interested parties, in which officials maintain sole authority to establish policy.

The 2014-2021 period is salient for assessing the durability of the notice and comment process. The first audit occurred approximately a half-decade after the National People's Congress and the State Council—the preeminent legislative and administrative organizations in the Chinese government—expressed support for the notice and comment process as a standard element of policymaking (Horsley 2009). By 2014, central government ministries and provincial governments had had a number of years to develop notice and comment practices. The subsequent seven years, however, were characterized by an increase in the personal power of President Xi Jinping, as manifested in developments such as the 2018 passage of a constitutional amendment abolishing presidential term limits. By spanning this period, the analysis makes it possible to

assess the diffusion and abandonment of the notice and comment process during a promising, yet perilous time for transparency in government policymaking.

Much of what is known about the practice of the notice and comment process is derived from case studies of initial, high-profile experiments. In 2008, for example, the National Development and Reform Commission proposed an overhaul of the nation's health care system. The proposal resulted in the posting to the Commission's website of tens of thousands of comments, a number of which made suggestions that were subsequently adopted by decision makers (Kornreich 2019).

One analysis considers over time stability and change in notice and comment policymaking, finding that the process has been more consistent in enhancing government transparency than public participation (Balla and Xie 2021). This research, however, does not extend beyond 2016. Furthermore, the analysis is limited to a pair of government organizations—the Ministry of Commerce and Guangzhou Municipal Government—that have been in the vanguard of the implementation of the notice and comment process. Given these limitations, the results do not necessarily apply over time or across Chinese government organizations more generally.

In sum, although extant research has highlighted the promise of the notice and comment process, such findings have been derived from prominent policies and leading government organizations. This article, by contrast, tracks over time the notice and comment practices of more than fifty central government ministries and provincial governments. The analysis therefore generates insight into the durability, or lack thereof, of the notice and comment process as a policymaking innovation across Chinese government organizations.

### III. Expectations of Diffusion and Abandonment

The conventional approach to policymaking diffusion assumes the durability of innovations (Berry and Berry 1990). In this approach, government organizations occupy one of two categories. The first category consists of organizations that have not enacted the innovation in question. Such organizations remain “at risk” of adoption. Once adoption occurs (if it ever does), organizations move into the second category. This category is conceptualized as an end state, in that subsequent behavior vis-à-vis the innovation—such as abandonment—falls outside the scope of analysis. The formulation of innovation as a single-shot, non-reversible event has characterized diffusion research in a variety of policymaking contexts (Boushey 2016, Desmarais, Hardin, and Boehmke 2015, Shipan and Volden 2008).

Applying this conventional approach to the notice and comment process in China results in the following hypothesis.

## Diffusion Hypothesis: Between 2014 and 2021, notice and comment policymaking diffused across Chinese government organizations.

This hypothesis posits an overarching movement toward transparency in policymaking through the diffusion of the notice and comment process.

Some research has examined innovation patterns that deviate from the conventional account of policymaking diffusion (Box-Steffensmeier and Zorn 2002). One such deviation is the abandonment of previously adopted innovations. In a variety of governance contexts, abandonment occurs as a result of government organizations determining that innovations have failed to achieve objectives. In the area of welfare reform in the United States, for example, state governments routinely abandon approaches that have not succeeded in moving recipients out of poverty and into the workforce (Volden 2016).

In China, the abandonment of innovations is a widespread phenomenon that occurs for reasons not necessarily associated with policymaking failures. In Wenling, a coastal city in Zhejiang Province, deliberative polling—in which probability sampling is used to construct bodies of citizens who participate in moderated discussions of public issues—has been used to prioritize government spending. Deliberative polling is recognized as a successful policymaking innovation, in that participant knowledge about public budgeting has increased and government officials have implemented projects favored by citizen bodies (Fishkin, et al. 2010, He 2014). Despite such successes, it has proven difficult to sustain deliberative polling initiatives. Some reforms, for example, have been terminated following the transfer of supportive government officials to other jurisdictions (Fewsmith 2013).

The limitations of deliberative polling are illustrative of a general characteristic of policymaking innovation in China. The CCP's cadre system—through which personnel are trained, appointed, and promoted—provides officials with incentives that run contrary to the development of sustainable innovations. One way for ambitious officials to stand out is through the implementation of novel governance reforms. Such reforms—even approaches deemed successful—are difficult to institutionalize, as succeeding officials face pressures to establish their own initiatives as a means of rising through the party and government hierarchy (Fewsmith 2013). In the increasingly authoritarian 2014-2021 period, it is reasonable to expect that aspiring cadres were particularly inclined to abandon innovations facilitating transparency in government decision making.

This discussion provides the foundation for the following hypothesis.

Abandonment Hypothesis: Between 2014 and 2021, notice and comment policymaking was abandoned by Chinese government organizations.

This hypothesis posits abandonment as the general orientation toward the notice and comment process in the period under analysis.

The diffusion and abandonment hypotheses are stated as unconditional expectations. Previous research, however, has demonstrated that policymaking innovation varies systematically across Chinese government organizations (Balla 2017). This variation suggests conditional hypotheses regarding the diffusion and abandonment of the notice and comment process.

In China, it is common for subnational governments to implement policymaking innovations more readily than central government ministries. For decades, municipalities such as Guangzhou have been at the forefront of the adoption of transparency practices (Stromseth, Malesky, and Gueorguiev 2017). In addition, hundreds of thousands of villages hold elections on a periodic basis (O'Brien and Han 2009). Such developments are manifestations of China's system of fragmented authoritarianism, under which responsibility for fostering economic growth and social stability has been substantially devolved to subnational governments (Lieberthal and Oksenberg 1988).

Provincial Government Hypothesis: Between 2014 and 2021, notice and comment policymaking diffused more extensively across provincial governments than central government ministries.

Within the central government, certain types of ministries are particularly “at risk” of adopting notice and comment policymaking. China's WTO commitment to improve transparency in government decision making pertains specifically to matters of trade and commerce. As a result, it is expected that the notice and comment process has been especially likely to diffuse among central government ministries with responsibility for economic affairs, in comparison to ministries addressing social concerns, domestic and foreign security, and other areas of policy.

Economic Central Government Ministry Hypothesis: Between 2014 and 2021, notice and comment policymaking diffused more extensively across central government ministries addressing economic policy than ministries with jurisdiction over other policy areas.

Provincial governments vary substantially in their capacity to implement policymaking innovations. Eastern provinces, for example, are for the most part wealthier and more urbanized, with better-resourced governments than provinces in other regions. It is therefore not surprising that deliberative polling has been pioneered in coastal Zhejiang, one of the most economically advanced provinces in China. A similar expectation holds in the context of the diffusion of the notice and comment process.

Eastern Provincial Government Hypothesis: Between 2014 and 2021, notice and comment policymaking diffused more extensively across Eastern provincial governments than governments in other regions.

Finally, it is plausible that particular characteristics of the notice and comment process are especially likely to diffuse across government organizations. Research indicates that, in initial experiments, the circulation of draft laws and regulations was more advanced than the disclosure of information regarding feedback submitted in response to proposed policies (Balla 2017). It is expected that this distinction holds over time across the government organizations under analysis.

Policy Proposal Disclosure Hypothesis: Between 2014 and 2021, the disclosure of proposed policies diffused more extensively than the disclosure of public feedback.

In what follows, the information assembled to assess the hypotheses is documented as a means of setting the stage for analysis of the durability of the notice and comment process as a policymaking innovation.

## IV. Data and Measurement

The 2014 and 2021 audits entailed the examination of 55 Chinese government organization websites. Twenty-four of the organizations are central government ministries. These ministries

consist of cabinet-level departments operating under the authority of the State Council.<sup>2</sup> As a result of a 2018 State Council reorganization, a number of ministries were renamed and their jurisdictions were modified.<sup>3</sup> Two ministries—the Ministry of Emergency Management and Ministry of Veterans Affairs—were founded during the reorganization and are therefore excluded from the analysis.

The remaining 31 organizations are provincial-level governments. These governments are comprised of 22 provinces, five autonomous regions, and four municipalities directly under the administration of the central government.<sup>4</sup> The special administrative regions of Hong Kong and Macau are not included in the analysis.

With the focus on central government ministries and provincial governments, the audits are oriented toward generating information about the notice and comment practices of organizations with broad policymaking responsibilities. Lower-level administrative divisions—prefectures, counties, townships, and villages—are charged with addressing local matters rather than establishing policies affecting substantial swaths of the population.

Government organization websites were audited for evidence of the notice and comment process. Websites were specifically searched for pages that both make public information about draft laws and regulations and provide interested parties with opportunities to submit feedback on these proposed policies. Figure 2 provides an excerpt of the notice and comment website of Liaoning Province, which is typical of the format utilized by government organizations. Each row in the website consists of a draft law or regulation for which the government has sought public input.

---

<sup>2</sup> 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 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 Water Resources, National Audit Office, National Development and Reform Commission, National Ethnic Affairs Commission, National Health Commission, and People's Bank of China.

<sup>3</sup> The Ministry of Agriculture and Rural Affairs replaced the Ministry of Agriculture, the Ministry of Culture and Tourism replaced the Ministry of Culture, the Ministry of Ecology and Environment replaced Ministry of Environmental Protection, the Ministry of Natural Resources replaced the Ministry of Land and Natural Resources, and the National Health Commission replaced the National Health and Family Planning Commission. These respective pairs are matched in the analysis.

<sup>4</sup> 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, Chongqing, Shanghai, and Tianjin.

The top row, for example, solicits feedback on a proposed regulation governing the management of grain reserves. Clicking on the row provides access to the text of the draft regulation as well as information about the submission of comments.<sup>5</sup>

Government organizations with websites that disseminate proposed policies and solicit feedback from interested parties are classified as implementing the notice and comment process. In addition to this dichotomous indicator, implementation is operationalized as the frequency with which organizations utilize notice and comment policymaking.<sup>6</sup> Frequency is calculated as a monthly rate—the number of instances of notice and comment policymaking, divided by the number of months between the earliest and most recent occurrences.<sup>7</sup>

These measures are utilized to assess the diffusion and abandonment hypotheses. If implementation of notice and comment policymaking increased among government organizations during the years under analysis, then the evidence is consistent with the diffusion hypothesis. Conversely, if implementation decreased, then the abandonment hypothesis is supported.

Two tests are utilized to assess whether changes in implementation of the notice and comment process are statistically significant. First, McNemar's test is conducted to determine whether the proportion of implementing government organizations in 2021 is statistically different from the 2014 proportion (McNemar 1947). Second, the Wilcoxon signed rank test is used to ascertain whether over time variation in the frequency with which organizations implement notice and comment policymaking is statistically significant (Wilcoxon 1945).<sup>8</sup>

---

<sup>5</sup> Given the dictates of censorship on the Chinese Internet, it is not necessarily the case that government organizations post all documents associated with notice and comment policymaking. Documents not made publicly available necessarily fall outside the scope of the analysis.

<sup>6</sup> Information about frequency is not available for the Ministry of Industry and Information Technology, National Audit Office, and National Ethnic Affairs Commission. These organizations are therefore not included in analysis of the frequency of notice and comment implementation.

<sup>7</sup> In the 2021 audit, initial implementation of the notice and comment process occurred prior to 2014 for a number of government organizations. As a means of focusing on implementation in the period immediately prior to the 2021 audit, an alternative measure of frequency is calculated—the number of instances of notice and comment policymaking in the year preceding the most recent occurrence, divided by 12 months. The results of the analysis are substantively similar across the two measures, which are highly correlated (.83,  $p < .001$ ).

<sup>8</sup> Due to the small sample size, the frequencies are not normal distributed. As a result, the Wilcoxon signed rank test, rather than the paired t-test, is employed to assess the statistical significance of the change in the frequency of notice and comment policymaking.

Similar comparisons are made to evaluate the conditional hypotheses. If implementation of the notice and comment process increased among provincial governments to a greater extent than among central government ministries, then the provincial government hypothesis is supported. To evaluate the economic central government ministry hypothesis, State Council departments are distinguished according to whether or not their primary jurisdiction concerns economic policy.<sup>9</sup> If implementation of notice and comment policymaking increased among economic ministries to a greater extent than among ministries with jurisdiction over other policy areas, then the evidence is consistent with this hypothesis. The Eastern provincial government hypothesis is appraised by comparing coastal provinces with provinces in other regions.<sup>10</sup> If implementation of the notice and comment process increased among Eastern provincial governments to a greater extent than among governments from other regions, then this hypothesis is supported.

McNemar's test and the Wilcoxon signed rank test are utilized to assess the statistical significance of over time changes in proportions and frequencies within particular sets of government organizations in the conditional hypotheses (e.g., provincial governments). In addition, the Mann Whitney U test is calculated to determine whether differences in changes across two sets of organizations in a hypothesis are statistically significant (e.g., central government ministries versus provincial governments) (Mann and Whitney 1947).

As a means of assessing the policy proposal disclosure hypothesis, the audits assembled information regarding the circulation of both draft laws and regulations and public comments. Government organizations that implement the notice and comment process are classified as either disclosing the texts of draft laws and regulations or not. The circulation of information about public comments is operationalized as whether or not the organization posts to its website information about the content of feedback. If the dissemination of draft laws and regulations increased to a greater extent than the posting of information about public feedback, then the evidence is consistent with the policy proposal disclosure hypothesis. McNemar's test is used to assess the statistical significance of changes over time in the proportion of government organizations disclosing proposed policies and public comments.

---

<sup>9</sup> The departments classified as economic policymaking are the Ministry of Commerce, Ministry of Finance, National Audit Office, National Development and Reform Commission, and People's Bank of China.

<sup>10</sup> The provincial-level governments classified as Eastern region are Anhui, Fujian, Jiangsu, Jiangxi, Shandong, Shanghai, and Zhejiang.

## V. Analysis

Table 1 summarizes the observable implications of the hypotheses. In what follows, the hypotheses are evaluated using information collected during the 2014 and 2021 audits of the notice and comment practices of central government ministries and provincial governments.

### a. Diffusion and Abandonment Hypotheses

In 2014, 36 government organizations—65 percent—operated websites disseminating proposed policies and soliciting feedback from interested parties. In 2021, the number of implementing organizations was 48 (87 percent); only seven central government ministries and provincial governments did not maintain notice and comment websites. This difference in proportions—which is statistically significant ( $p < .008$ )—demonstrates that although a majority of organizations had by 2014 experimented with notice and comment policymaking, implementation of the process continued to diffuse in the years under analysis. Diffusion, in fact, was five times more common than abandonment. Fifteen organizations that did not operate notice and comment websites in 2014 had such websites in 2021. By contrast, only three organizations that maintained notice and comment websites in 2014 no longer did so in 2021.

Diffusion is also evident in the frequency with which government organizations implemented notice and comment policymaking. In the 2014 audit, the notice and comment process occurred across organizations an average of .79 times per month. In the 2021 audit, organizations implemented notice and comment policymaking an average of 2.05 times per month, a 159 percent increase. The increase is statistically significant ( $p < .004$ ). The frequency of implementation increased for 33 organizations, more than double the number of organizations for which the frequency decreased. In sum, across measures of implementation the evidence is consistent with the diffusion hypothesis but not the abandonment hypothesis.

### b. Provincial Government Hypothesis

The analysis provides substantial—although not unequivocal—support for the hypothesis that notice and comment policymaking diffused more extensively across provincial governments than central government ministries. Across 2014 and 2021, the number of provinces with notice and comment websites increased from 21 (68 percent) to 29 (94 percent). This increase is greater than the diffusion exhibited by central government ministries. In 2014, 14 ministries (63 percent) operated notice and comment websites. In 2021, the number of implementing ministries was 19 (79 percent). The difference in proportions is statistically significant for provinces ( $p < .03$ ) but not for ministries, a pattern consistent with the provincial government hypothesis.

The frequency of notice and comment policymaking increased in both provincial governments and central government ministries across the audits. Provinces implemented the notice and comment

process an average of .86 times per month in the 2014 audit and 2.52 times per month in the 2021 audit, a 193 percent increase. Implementation by ministries increased by 97 percent, from an average of .69 times per month to 1.36 times per month. The increases are statistically significant for both provinces and ministries ( $p < .03$  and  $p < .05$ , respectively). Although the increase in average frequency is greater for provinces than ministries, the difference in the increases is not statistically significant.

### c. Economic Central Government Ministry Hypothesis

All five central government ministries with jurisdictions classified as economic policymaking operated notice and comment websites in both 2014 and 2021. Collectively, these practices are broadly consistent with China's WTO commitment regarding transparency in commerce- and trade-related policymaking. From a research perspective, complete diffusion in both audits precludes the use of changes in the proportion of organizations with notice and comment websites as a point of comparison between economic ministries and ministries with other jurisdictions.

Information about differences in notice and comment websites provides insight, however, into diffusion and abandonment among non-economic central government ministries. In 2014, 10 non-economic ministries—53 percent—operated notice and comment websites. In 2021, the number of such implementing ministries was 14 (74 percent). This difference in proportions is not statistically significant.

The net increase of four non-economic central government ministries implementing the notice and comment process is the result of (a) diffusion across six departments—the Ministry of Culture and Tourism, Ministry of Ecology and Environment, Ministry of Housing and Urban-Rural Development, Ministry of Justice, Ministry of Natural Resources, and Ministry of Water Resources—and (b) abandonment by two departments—the Ministry of Public Security and National Ethnic Affairs Commission. The diversity of adopting ministries demonstrates that the notice and comment process diffused to a variety of policy areas concerning quality of life issues, such as tourism and the environment. By contrast, the shuttering of websites by the Ministry of Public Security and National Ethnic Affairs Commission entails the abandonment of notice and comment policymaking by departments with jurisdiction over politically sensitive domains. The sensitivity of ethnic affairs in contemporary China is evidenced by the fact that in 2018 the National Ethnic Affairs Commission was placed under direct supervision of the United Front Work Department, which endeavors to “co-opt and neutralize sources of potential opposition to the policies and authority” of the CCP (Bowe 2018).

The frequency of notice and comment policymaking increased in both economic and non-economic central government ministries across the audits. Economic ministries implemented the notice and comment process an average of 1.48 times per month in the 2014 audit and 1.76 times per month in the 2021 audit, a 19 percent difference. The increase in frequency, however, is not

statistically significant. Implementation in non-economic ministries increased by 149 percent from an average of .51 times per month to 1.27 times per month. The increase is statistically significant ( $p < .05$ ).

In sum, the lack of variation among economic ministries in the operation of notice and comment websites makes assessing the economic central government ministry hypothesis difficult. Two conclusions about the implementation of the notice and comment process, however, are consistent with observed patterns regarding economic and non-economic ministries. First, economic ministries have been regular users of notice and comment policymaking throughout the period under analysis. Second, notice and comment policymaking has diffused broadly across non-economic ministries, with the notable exception of departments with politically sensitive jurisdictions.

#### d. Eastern Provincial Government Hypothesis

Contrary to the Eastern provincial government hypothesis, the diffusion of the notice and comment process was similar across Eastern and non-Eastern provinces during the period under analysis. In 2014, five Eastern provinces—71 percent—operated notice and comment websites, with only Jiangxi and Shandong not disseminating proposed policies and soliciting feedback from interested parties. In 2021, all Eastern provinces maintained notice and comment websites. Across 2014 and 2021, the number of non-Eastern provinces with notice and comment websites increased from 16 (67 percent) to 22 (92 percent). In 2021, only Tibet and Qinghai did not implement notice and comment policymaking. The differences in proportions are not statistically significant for either Eastern or non-Eastern provinces. The analysis demonstrates that there was nearly complete diffusion of the notice and comment process across provinces, irrespective of region.

Across the 2014 and 2021 audits, the frequency of notice and comment policymaking increased by a similar magnitude among Eastern and non-Eastern provincial governments. Eastern provinces implemented the notice and comment process an average of .84 times per month in the 2014 audit and 2.51 times per month in the 2021 audit, a 199 percent increase. Implementation in non-Eastern provinces increased from an average of .86 times per month to 2.52 times per month, a 193 percent increase. The changes in frequencies are not statistically significant for either Eastern or non-Eastern provinces. Furthermore, the difference in the changes across the two types of provinces is not statistically significant. Substantively, the nearly identical increases in frequency across Eastern and non-Eastern provinces are inconsistent with the Eastern provincial government hypothesis.

#### e. Policy Proposal Disclosure Hypothesis

All government organizations implementing the notice and comment process disclosed the content of draft laws and regulations in both 2014 and 2021. For the vast majority of organizations, this

disclosure entailed the provision of the full texts of proposed policies. The exceptions—the Ministry of Industry and Information Technology and Qinghai provincial government in 2014 and the Fujian provincial government in 2021—posted summaries of proposed policies to their respective notice and comment websites. This complete diffusion in both audits rules out assessing the policy proposal disclosure hypothesis by comparing changes in the dissemination of draft laws and regulations with changes in the circulation of public feedback.

Nevertheless, analysis of diffusion and abandonment in the posting of feedback offers insight into a crucial element of transparency in the notice and comment process. In 2014, seven of the 36 government organizations that implemented notice and comment policymaking—19 percent—disclosed information about the content of comments. In 2021, 19 of 48 implementing organizations—40 percent—posted such information to notice and comment websites. Among the 33 organizations that engaged in notice and comment policymaking in both 2014 and 2021, the number documenting feedback increased from seven (21 percent) to 15 (45 percent), a difference in proportions that is statistically significant ( $p < .04$ ).

This difference is entirely a function of diffusion among provincial governments. In 2014, four provinces—20 percent—disclosed the content of public comments. In 2021, the number of provinces engaging in such disclosure increased to 12 (60 percent). By contrast, the number of central government ministries that documented information about feedback was three (23 percent) in both years.

In sum, the analysis suggests three conclusions regarding the disclosure of draft laws and regulations and public comments received in response to proposed policies. First, it has been standard practice for government organizations to provide the full texts of proposed policies throughout the period under analysis. Second, the posting of information about feedback to notice and comment websites has diffused across provincial governments, but not central government ministries. Third, despite this diffusion, the disclosure of feedback lags substantially behind the posting of the content of proposed policies.

#### f. Summary of Analysis

Table 1 summarizes the empirical evidence pertaining to the hypotheses. The analysis reveals the overarching diffusion of notice and comment policymaking across government organizations during the years under analysis. Provincial governments throughout China have implemented the notice and comment process. Among central government ministries, departments with jurisdiction over economic affairs have consistently utilized this approach to policymaking, with departments in other areas increasingly adopting the process as well. One exception to this diffusion is ministries addressing issues considered politically sensitive in contemporary China. Both provinces and ministries disclose the content of draft laws and regulations to a greater extent than

the nature of the feedback submitted in response to proposed policies, a distinction highlighting a limitation in the information made public through the notice and comment process.

## VI. Conclusions and Implications

In recent decades, governance reform has been a focal point for the CCP, as it strives to maintain legitimacy in the face of challenging domestic and international circumstances. The notice and comment process is a prominent governance reform that has been endorsed at the highest levels of government. Through a pair of audits of the practices of dozens of government organizations, this article has demonstrated that the notice and comment process is a durable policymaking innovation. Subject to a number of constraints, the analysis provides evidence of the diffusion of notice and comment policymaking over the 2014-2021 period. Across these years, the number of central government ministries and provincial governments utilizing the notice and comment process increased, as did the frequency with which organizations disseminated proposed policies and solicited feedback from interested parties. These findings carry a variety of implications regarding policymaking innovation in contemporary China.

From a research perspective, analyzing the durability of governance reform in contemporary China presents unique opportunities and difficulties. The cadre system provides government officials with incentives to discard—or at least deemphasize—policymaking innovations instituted by previous officeholders. Furthermore, the audits occurred during the Xi presidency, which has been characterized by an accumulation of personal power unparalleled in decades. In this inhospitable environment, the durability of the notice and comment process demonstrates the utility of transparency in policymaking to officials in central government ministries and provincial governments. There are, however, limits to this utility, as evidenced by a lack of implementation on the part of government organizations with politically sensitive jurisdictions and a relative reticence to document public sentiment on draft laws and regulations.

Such limitations raise the possibility that the notice and comment process is not positioned to transform Chinese policymaking, but rather provides little more than a veneer of transparency. Without discounting this possibility, it is important to acknowledge that the analysis documents the public availability of draft laws and regulations across central government ministries and provincial governments. In this regard, the notice and comment process has facilitated transparency across policy areas and levels of government.

Although this finding is important on its own merits, there remain a number of dimensions regarding the practice of notice and comment policymaking about which little is known. Who submits feedback in response to draft laws and regulations? What information and sentiments are communicated in public comments? Do government officials revise the content of proposed policies in response to facts and opinions contained in comments? Case studies have analyzed

commenter characteristics, the content of comments, and government responsiveness in circumstances of unusual transparency regarding the disclosure of feedback (Balla 2012, Balla and Liao 2013, Kornreich 2019). The audits—by documenting (at least in the context of provincial governments) an increase in the posting of comments to notice and comment websites—point toward the consideration of such issues across government organizations as a feasible task for future research.

From the point of view of practice, the analysis suggests the utility of government officials and non-governmental organizations in the international community offering incentives and imposing pressure on the CCP as a means of facilitating additional diffusion of the notice and comment process. Such efforts have previously enjoyed success, as witnessed by the regular—although by no means universal—disclosure of draft laws and regulations on the part of government organizations with jurisdiction over economic affairs following China’s accession to the WTO (United States Trade Representative 2015). Invariably, contemporary efforts will experience forceful headwinds, given the hesitance of Chinese officials to make public criticisms of government decision making, a general predisposition that is in all likelihood heightened under the leadership of Xi Jinping. Despite such challenges, the aspiration of advancing transparency in Chinese policymaking is worth pursuing, if only to keep the issue on the agenda in anticipation of a change in the political winds that one day makes further implementation of the notice and comment process a real possibility.

Figure 1: Example of Notice and Comment Policymaking

The screenshot shows the official website of the Ministry of Education of the People's Republic of China. The header includes the ministry's name in Chinese and English, along with a search bar. The main content area features a notice titled 'Ministry of Education's Notice of Soliciting Public Comment on "People's Republic of China Preschool Education Law (Draft for Public Comment)"'. The notice is dated 2020-09-07 and sourced from the Ministry of Education. It explains the purpose of the law and invites public comment. Three methods for submitting comments are listed: postal service, email, and a deadline of October 7, 2020. The notice also mentions an attachment of the proposed law. The footer includes the date 2020年9月7日.

中华人民共和国教育部  
Ministry of Education of the People's Republic of China

当前位置: 首页 > 新闻 > 征求意见

Ministry of Education's Notice of Soliciting Public Comment on "People's Republic of China Preschool Education Law (Draft for Public Comment)"

教育部关于《中华人民共和国学前教育法草案（征求意见稿）》公开征求意见的公告

2020-09-07 来源: 教育部

为深入贯彻党的十九大和十九届二中、三中、四中全会精神，落实全国教育大会和习近平总书记关于教育的重要论述精神，促进学前教育事业健康发展，健全学前教育法律制度，根据宪法、教育法及其他有关法律法规，经充分调研与广泛征求意见，我部研究形成了《中华人民共和国学前教育法草案（征求意见稿）》。现面向社会公开征求意见，公众可通过以下途径和方式提出反馈意见：

Submit comment through the postal service

1.通过信函方式将意见邮寄至：北京市西城区大木仓胡同35号 教育部政策法规司法制办（邮编：100816）。

来信请注明“《中华人民共和国学前教育法草案（征求意见稿）》征求意见”字样。

Submit comment through email

2.通过电子邮件方式将意见发送至：fzb@moe.edu.cn。

意见反馈截止时间为2020年10月7日。 Comment due date: October 7, 2020

附件：中华人民共和国学前教育法草案（征求意见稿）

Attachment of the proposed law

教育部

2020年9月7日

Source: Screen shot taken by authors.

Figure 2: Illustration of Notice and Comment Website

**辽宁省人民政府**  
The People's Government Of Liaoning Province  
www.ln.gov.cn 辽宁省人民政府.政务

首页 | 要闻动态 | 政务公开 | 办事服务 | 互动交流 | 数据发布 | 省情概况

当前位置: 首页 > 意见征集

**意见征集**

- 重大决策咨询
- 政府文件
- 政府规章
- 地方性法规
- 意见采纳情况

**Comment Solicitation**

**意见征集** Provincial Department of Justice is soliciting comment on "Liaoning Local Grain Reserves Management Regulation"

省司法厅就《辽宁省地方储备粮管理条例（草案）》公开征求意见	征集意见	2021-01-29
省司法厅就《辽宁省科技创新条例（草案）》公开征求意见	征求意见	2021-01-26
省司法厅就《辽宁省涉及国家安全事项建设项目管理规定（草案...	已截止	2020-10-26
省司法厅就《辽宁省古塔保护办法（草案）》公开征求意见	已截止	2020-09-17
省司法厅就《辽宁省交易场所监督管理办法（草案）》公开征求...	已截止	2020-09-02
省司法厅就《辽宁省铁路安全管理条例（草案）》公开征求意见	已截止	2020-07-30
省司法厅就《辽宁省女职工权益保护办法（草案）》公开征求意见	已截止	2020-07-24

Source: Screen shot taken by authors.

**Table 1: Observable Implications, By Hypothesis**

<i>Hypothesis</i>	<i>Observable Implication</i>	<i>Empirical Evidence</i>
Diffusion Hypothesis	Implementation of NCP increased among government organizations during the years under analysis	<ul style="list-style-type: none"> <li>• (S): statistically significant increase in the proportion of government organizations implementing NCP</li> <li>• (S): statistically significant increase in the frequency with which government organizations implemented NCP</li> </ul>
Abandonment Hypothesis	Implementation of NCP decreased among government organizations during the years under analysis	<ul style="list-style-type: none"> <li>• (U): statistically significant increase in the proportion of government organizations implementing NCP</li> <li>• (U): statistically significant increase in the frequency with which government organizations implemented NCP</li> </ul>
Provincial Government Hypothesis	Implementation of NCP increased among provincial governments to a greater extent than among central government ministries	<ul style="list-style-type: none"> <li>• (S): statistically significant increase in the proportion of provinces implementing NCP and non-significant increase for ministries</li> <li>• (U): statistically significant increase in the frequency with which both provinces and ministries implemented NCP, with non-significant difference in the increases</li> </ul>
Economic Central Government Ministry Hypothesis	Implementation of NCP increased among economic ministries to a greater extent	<ul style="list-style-type: none"> <li>• (S): sustained implementation of NCP among all economic ministries</li> </ul>

	than among ministries with jurisdiction over other policy areas	<ul style="list-style-type: none"> <li>• (U): statistically significant increase in the frequency with which non-economic ministries implemented NCP and non-significant increase for economic ministries</li> </ul>
Eastern Provincial Government Hypothesis	Implementation of NCP increased among Eastern provincial governments to a greater extent than among governments from other regions	<ul style="list-style-type: none"> <li>• (U): non-statistically significant increase in the proportion of Eastern and non-Eastern provinces implementing NCP</li> <li>• (U): non-statistically significant increase in the frequency with which Eastern and non-Eastern provinces implemented NCP, and non-significant difference in the increases</li> </ul>
Policy Proposal Disclosure Hypothesis	The dissemination of draft laws and regulations increased to a greater extent than the posting of information about public feedback	<ul style="list-style-type: none"> <li>• (S): sustained dissemination of draft laws and regulations among all government organizations</li> <li>• (U): statistically significant increase in the proportion of government organizations posting feedback</li> </ul>

*Note:* NCP stands for notice and comment policymaking. In the Empirical Evidence column, (S) represents empirical evidence that supports the corresponding hypothesis, and (U) represents empirical evidence that does not directly support or contradicts the corresponding hypothesis.

## References

- Almen, Oscar. 2018. "Participatory Innovations Under Authoritarianism: Accountability and Responsiveness in Hangzhou's Social Assessment of Government Performance." *Journal of Contemporary China*, Vol. 27, No. 110, pp. 165–179.
- Balla, Steven J. 2012. "Information Technology, Political Participation, and the Evolution of Chinese Policymaking." *Journal of Contemporary China*, Vol. 21, No. 76, pp. 655–673.
- Balla, Steven J. 2017. "Is Consultation the 'New Normal?': Online Policymaking and Governance Reform in China." *Journal of Chinese Political Science*, Vol. 22, No. 3, pp. 375–392.
- Balla, Steven J., and Zhou Liao. 2013. "Online Consultation and Citizen Feedback in Chinese Policymaking." *Journal of Current Chinese Affairs*, Vol. 42, No. 3, pp. 101–120.
- Balla, Steven J., and Zhoudan Xie. 2021. "Online Consultation and the Institutionalization of Transparency and Participation in Chinese Policymaking." *China Quarterly*, Vol. 246, pp. 473–496.
- Berry, Frances Stokes, and William D. Berry. 1990. "State Lottery Adoptions as Policy Innovations: An Event History Analysis." *American Political Science Review*, Vol. 84, No. 2, pp. 395–415.
- Boushey, Graeme. 2016. "Targeted for Diffusion?: How the Use and Acceptance of Stereotypes Shape the Diffusion of Criminal Justice Policy Innovations in the American States." *American Political Science Review*, Vol. 110, No. 1, pp. 198–214.
- Bowe, Alexander. 2018. "China's Overseas United Front Work: Background and Implications for the United States." U.S.-China Economic and Security Review Commission, [https://www.uscc.gov/sites/default/files/Research/China%27s%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US\\_final\\_0.pdf](https://www.uscc.gov/sites/default/files/Research/China%27s%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US_final_0.pdf).
- Box-Steffensmeier, Janet M., and Christopher Zorn. 2002. "Duration Models for Repeated Events." *Journal of Politics*, Vol. 64, No. 4, pp. 1069–1094.
- Carey, Maeve P. 2019. "Counting Regulations: An Overview of Rulemaking, Types of Federal Regulations, and Pages in the Federal Register." Congressional Research Service, <https://fas.org/sgp/crs/misc/R43056.pdf>.

Desmarais, Bruce A., Jeffrey J. Harden, and Frederick J. Boehmke. 2015. "Persistent Policy Pathways: Inferring Diffusion Networks in the American States." *American Political Science Review*, Vol. 109, No. 2, pp. 392-406.

Dickson, Bruce J. 2021. *The Party and the People: Chinese Politics in the 21<sup>st</sup> Century*. Princeton University Press.

Dickson, Bruce J., Mingming Shen, and Jie Yan. 2017. "Generating Regime Support in Contemporary China: Legitimation and the Local Legitimacy Deficit." *Modern China*, Vol. 43, No. 2, pp. 123-155.

Fewsmith, Joseph. 2013. *The Logic and Limits of Political Reform in China*. Cambridge University Press.

Fishkin, James S., et al. 2010. "Deliberative Democracy in an Unlikely Place: Deliberative Polling in China." *British Journal of Political Science*, Vol. 40, No. 2, pp. 435-448.

Ford, Peter. 2012. "Is China Opening Up?" Christian Science Monitor, <http://www.csmonitor.com/World/Asia-Pacific/2012/0305/Is-China-opening-up>.

He, Baogang. 2014. "From Village Election to Village Deliberation in Rural China: Case study of a Deliberative Democracy Experiment." *Journal of Chinese Political Science*, Vol. 19, No. 2, pp. 133-150.

Horsley, Jamie P. 2009. "Public Participation in the People's Republic: Developing a More Participatory Governance Model in China." [https://law.yale.edu/sites/default/files/documents/pdf/Intellectual\\_Life/CL-PP-PP\\_in\\_the\\_PRC\\_FINAL\\_91609.pdf](https://law.yale.edu/sites/default/files/documents/pdf/Intellectual_Life/CL-PP-PP_in_the_PRC_FINAL_91609.pdf).

Horsley, Jamie P. 2018. "China Implements More Participatory Rulemaking Under Communist Party." *The Regulatory Review*, <https://www.theregreview.org/2018/03/15/horsley-chinainplements-participatory-rulemaking/>.

Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. University of Oklahoma Press.

Kornreich, Yoel. 2019. "Authoritarian Responsiveness: Online Consultation with 'Issue Publics' in China." *Governance*, Vol. 32, No. 3, pp. 547-564.

Kui, Shen. 2018. "Participatory Rulemaking in China Needs Even More Effort." *The Regulatory Review*, <https://www.theregreview.org/2018/04/09/shen-participatory-rulemaking-china/>.

Leib, Ethan J., and Baogang He, editors. 2010. *The Search for Deliberative Democracy in China*. Palgrave Macmillan.

Levitsky, Steven, and Lucan A. Way. 2002. "The Rise of Competitive Authoritarianism." *Journal of Democracy*, Vol. 13, No. 2, pp. 51–65.

Lieberthal, Kenneth, and Michel Oksenberg. 1988. *Policy Making in China: Leaders, Structures, and Processes*. Princeton University Press.

Magaloni, Beatriz. 2006. *Voting for Autocracy: Hegemonic Party Survival and its Demise in Mexico*. Cambridge University Press.

Mann, Henry B., and Donald R. Whitney. 1947. "On a Test of Whether One of Two Random Variables is Stochastically Larger than the Other." *Annals of Mathematical Statistics*, Vol. 18, No. 1, pp. 50-60.

McNemar, Quin. 1947. "Note on the Sampling Error of the Difference Between Correlated Proportions or Percentages." *Psychometrika*, Vol. 12, No. 2, pp. 153-157.

O'Brien, Kevin J., and Rongbin Han. 2009. "Path to Democracy? Assessing Village Elections in China." *Journal of Contemporary China*, Vol. 18, No. 60, pp. 359–378.

Qiaoan, Runya, and Jessica C. Teets. 2020. "Responsive Authoritarianism in China: A Review of Responsiveness in Xi and Hu Administrations." *Journal of Chinese Political Science*, Vol. 25, No. 1, pp. 139-153.

Saltane, Valentina. 2016. "One in Four Countries Don't Notify the Public About Proposed New Business Regulations." The World Bank, <https://blogs.worldbank.org/opendata/one-four-countries-don-t-notify-public-about-proposed-new-business-regulations>.

Schlaeger, Jesper, and Matthias Stepan. 2017. "Exploring the Sustainability of E-Government Innovation in China: A Comparative Case Study on 22 Prefectural-Level Cities' Websites." *Journal of Chinese Political Science*, Vol. 22, No. 4, pp. 625-649.

Shipan, Charles R., and Craig Volden. 2008. "The Mechanisms of Policy Diffusion." *American Journal of Political Science*, Vol. 52, No. 4, pp. 840-857.

Shirk, Susan L. 2018. "China in Xi's 'New Era': The Return to Personalistic Rule." *Journal of Democracy*, Vol. 29, No. 2, pp. 22-36.

Stromseth, Jonathan R., Edmund J. Malesky, and Dimitar D. Gueorguiev. 2017. *China's Governance Puzzle: Enabling Transparency and Participation in a Single-Party State*. Cambridge University Press.

United States Trade Representative. 2015. "2015 Report to Congress on China's WTO Compliance." <https://ustr.gov/sites/default/files/2015-Report-to-Congress-China-WTO-Compliance.pdf>.

Volden, Craig. 2016. "Failures: Diffusion, Learning, and Policy Abandonment." *State Politics and Policy Quarterly*, Vol. 16, No. 1, pp. 44-77.

Wilcoxon, Frank. 1945. "Individual Comparisons by Ranking Methods." *Biometrics Bulletin*, Vol. 1, No. 6, pp. 80-83.

Xinhua News Agency. 2008. "China's State Council to Use Internet for Public Opinion." [http://www.chinadaily.com.cn/china/2008-02/22/content\\_6477918.htm](http://www.chinadaily.com.cn/china/2008-02/22/content_6477918.htm).