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"Yellow on Red – Consultative Rule-Making in China"

Abstract

Can non-binding consultation substitute for institutional debate under autocracy? In this chapter, I argue that public consultation in policy drafting generates a soft-constraint on authoritarian decision-making and provides policy proponents with policy-specific information on public opinion and opposition. I test this argument using an original dataset on sub-national policy and consultation in policy drafting. I identify unique sets of policies implemented across different administrative regions, where the only difference across policies is whether or not they are releases for public comment prior to adoption. I find that since 2007, out of 611 laws and regulations adopted through consultative procedures, none were repealed. Similarly, I find that consultation reduces the likelihood of future regulatory revision by about 7 percent and increases policy lifespan by about 47 days. However, consultation has a much smaller effect on formal legislation, which I attribute to the fact that, unlike regulatory decision-making, legislation already incurs moderate debate within the legislature.