
Rachel E. Stern, *Environmental Litigation in China: A Study in Political Ambivalence*. New York: Cambridge University Press, 2013. 300 pp., including references and index. ISBN 978-1-107-02002-3. (Hardback)

In her illuminating book, *Environmental Litigation in China: A Study in Political Ambivalence*, Rachel E. Stern addresses the complex field of environmental litigation in China. Stern documents in eight chapters the political ambivalence inherent in environmental cases under an authoritarian state.

The book describes the development of China's legal system post-Mao, and more specifically at the beginning of the new millennium, by delving into a host of empirical material to illuminate different angles on environmental litigation. Thus, Stern's focus on environmental law is used as a kind of proxy to analyze developments concerning not only China's legal system and how it is gradually changing, but also broader issues, such as the role of law in democratization, pluralization and international influence on policy reforms, for example. Therefore, the book caters for readers interested in comparative politics, comparative authoritarianism, international relations, socio-legal research, Chinese politics and – of course – how law and the environment are intertwined in China.

The first part of the book deals with the development of the Chinese legal system and environmental law post-Mao (Chapter 1), looks closely at how cases make it to court and how they unfold in the courtroom (Chapter 2), and studies four environmental disputes with different outcomes offering intriguing insights into how law and environmental issues are intertwined in China today (Chapter 3). The second part starts out by discussing the state and the concept of political ambivalence (Chapter 4); hereafter Stern turns to 'the frontlines' and through three chapters analyses the perspectives of judges (Chapter 5), lawyers (Chapter 6) and NGOs (Chapter 7), and their respective navigational possibilities and actions in relation to environmental litigation. Chapter 8, the final chapter of the book, connects the previous chapters and broadens the perspective by asking if environmental litigation can reduce pollution, change long-established practices and theoretically teach us about the relationship between law and social change in authoritarian states. Stern does not expect that dramatic improvements in environmental quality will occur as a consequence of litigation, neither is she confident that environmental lawsuits will dramatically change practice in China here and now. Rather, she advocates a 'slow-moving shift' where an

elite conversation is opened on public interest law and where political ambivalence leaves cracks open for subtle changes in ideas.

There is no doubt that Stern's book is well researched. It is built on an impressive amount of empirical evidence, ranging from 175 interviews with lawyers, judges, plaintiffs, officials, journalists and NGO representatives from both inside and outside China to court decisions, media reports, legal briefs, blog posts and more (pp. 11-12). These documents are supported by personal observation and involvement, survey data and unpublished documents collected during field work. I find that the empirical evidence covers a unique period in Chinese history where environmental degradation has come firmly onto the government agenda with the ensuing necessary development of environmental law. On the one hand, the environment and environmental pollution has become more important for the state to handle through developing environmental law, while on the other, environmental law becomes a tricky issue as the state opens the flanks for criticism and can potentially be held liable for environmental harm. Stern expertly shows how such dilemmas unfold on the ground in Chinese environmental litigation at the turn of the century and suggests how incremental changes may continue as China moves forward.

Stern's arguments illuminate the concept of political ambivalence: 'conflicting official (or quasi-official) signals, defined as observable indications of official preference, regarding certain types of citizen action' (p. 4). In other words, Stern points out that the Chinese state sends out mixed signals and to a large extent relies on experimentation as a way to move forward with the development of environmental law. Sometimes loosening the reins a bit and at other times cracking down on specific issues or individuals. When it comes to the issue of the environment, the Chinese state is divided and this produces mixed signals. The breadth of the kinds of issues that can be grouped under environmental law lends support to this thesis, as environmental litigation seems to touch on anything from pollution over land rights to health problems.

For the man on the ground or 'down in the trenches,' to use Stern's words, judges and lawyers are navigating the law on a day-to-day basis. This sometimes means displaying 'real legal creativity' (p. 125) and legal innovation. Judges and lawyers sometimes exhibit either risk-taking behaviour by trying to push the boundaries of newly adopted law (*individual autonomy* p. 126) or – and, according to Stern, this is much more common – becoming more risk averse, exhibiting self-censorship and relying on *legal formality* (p. 127). Stern devotes chapters five and six

to judges and lawyers respectively, and expertly shows the variations in the two professions' ways of navigating mixed signals from above. The chapters use 'run-of-the mill cases' (p. 125) rather than high profile environmental cases as the empirical background to show how legal innovations many times occur in 'everyday justice'.

Stern not only provides an excellent outline of the legal system in China but also clearly carves out the international, political and social context of the Chinese legal system at the turn of the century. Stern writes with ease, which is noteworthy considering the complexity of the topic, making the book easily accessible for both undergraduate and graduate students, be they from political science (where Stern has her roots), China-related studies, comparative law or other fields with an interest in law and society. For the scholar not so familiar with Chinese environmental challenges and the law – and Chinese law and politics more generally – the book will also be an illuminating and enjoyable read.

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