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"From 'Closing Down the Deep-Bore Wells' to *The Wandering Earth*: A Re-examination of Environmental Governance Legitimacy in China"

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Abstract

The article critically examines the role of environmental law in China's state-capitalist system from a structural Marxist perspective. The author argues that the Chinese environmental regulatory regime, often perceived as arbitrary and chaotic, is not a mere byproduct of a developing legal system but a deliberate strategy to legitimize state authority and control. Through case studies on integrated water resources management and the prevention of husbandry waste pollution, the article illustrates how environmental laws serve as both Repressive State Apparatuses (RSA) and Ideological State Apparatuses (ISA), enforcing social control and shaping public consciousness. The state's top-down enforcement methods, reliance on technocratic solutions, and manipulation of legal and moral ideologies are shown to maintain and obscure the relations of production, reinforcing the state-capitalist model of accumulation. The article also explores how China's cultural products like the film, The Wandering Earth*, normalize authoritarian state authority in global environmental governance. The analysis concludes that to fully understand China's environmental governance, one must view it through the lens of state-capitalist accumulation, recognizing the role of environmental law in maintaining authoritarian state-society relations and shaping the broader political-economic landscape.*

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INTRODUCTION

You may be wondering why a green criminologist is contributing to a special issue on environmental law and Chinese environmental governance. As Edwin Sutherland stated, criminology is the scientific study of law-making, law-breaking, and law finding.[2] Green Criminology, specifically, examines the formulation, enforcement, and adjudication of environmental laws and regulations, as well as their relationship to environmental harm.[3] Since 2010, my research has focused on the interaction between the formulation and implementation of environmental law, the environmental regulatory regime as a form of state intervention in human-nature relations, and rural development in China.

Whether dealing with single pollution incidents or natural resource utilization plans, my research has demonstrated that environmental governance in China is frequently hampered by bureaucratic intricacies and ambiguous, varied legal definitions in the implementation of environmental law. For instance, the focus on administrative law and the prevalence of illegal or discretionary enforcement, along with the prominence of soft policies such as administrative implementation guidelines, often supersede national laws and regulations in significance, which has directly contributed to a complicated and confusing understanding of environmental law and human rights in environmental law enforcement.[4] In this article, I challenge the simplistic perception that chaotic regulation enforcement and contradictory policy outcomes are merely intermediate pitfalls and unavoidable mistakes of a rapidly developing regulatory regime. Instead, I argue that the arbitrary and unpredictable patterns of environmental law enforcement exist to legitimize the hegemonic state-capitalist approach to state-society and human-nature relations.

Utilizing Althusser's perspective on law and interpellation,[5] I complicate the conventional understanding that China's arbitrary and

2. EDWIN H. SUTHERLAND, PRINCIPLES OF CRIMINOLOGY 1 (4th ed. 1947).

3. Michael J. Lynch & Michael A. Long, *Green Criminology: Capitalism, Green Crime and Justice, and Environmental Destruction*, 5 ANN. REV. CRIMINOLOGY 255, 255–76 (2022).

4. Alex Wang, *The Role of Law in Environmental Protection in China: Recent Developments*, 8 VT. J. ENV'T. L. 195 (2007).

5. LOUIS ALTHUSSER, ON THE REPRODUCTION OF CAPITALISM: IDEOLOGY AND IDEOLOGICAL STATE APPARATUSES (G. M. Goshgarian trans., 2014).

haphazard application of environmental regulations is a growing pain that can be remedied by the development of a more comprehensive legal apparatus. I theorize that these imperfections serve as a form of interpellation, constructing legitimacy by directing and defining the right questions, attention, rights, access, and procedures in China's environmental governance. As such, I contend that to properly understand the environmental regulatory regime in China, one must not only reintroduce the state into the research focus but also place the state-capitalist accumulation lens front and center. China's profound regional differences and generational compression have made its environmental governance a wicked problem requiring integrated solutions. I note that while these conflicts and critiques have global relevance, they are particularly pronounced in China due to intensified spatiotemporality.

In the following paragraphs, I will briefly review two case studies that illustrate common themes of environmental governance in China and their relationship with environmental law. I will share observations regarding the inherent logic and coercive aspects of the evolving regulatory regime, which shape development and social control, shedding light on the role of environmental authoritarianism in China's capitalist expansion and its impact on rural environmental governance. Additionally, I will expand on the theoretical discussion of legitimacy and interpellation, exploring how an authoritarian approach may profoundly influence state responses to climate change and climate resilience. I will conclude this remark by briefly discussing how the movie *The Wandering Earth* reflects significant issues related to the future of environmental law and environmental authoritarianism in China.

I. Case Studies

The empirical case studies discussed in this article took place during the period when China established its environmental state, defined as the "specialized administrative, regulatory, financial, and knowledge structures" that transform the management of socio-environmental interactions into a regulatory regime.[6] By integrating additional environmental governance functions into pre-existing bureaucratic frameworks to mitigate ecological externalities, environmental states can maintain legitimacy and facilitate continuous capital accumulation.[7] To uphold social order, these states employ various discourses to construct forms of "eco-rationality," which establish hegemonic definitions of entitlement, obligation, authority, and justice in human-nature interactions.[8]

6. Andreas Duit, Peter H. Feindt & James Meadowcroft, *Greening Leviathan: The Rise of the Environmental State?*, 25 Env't Pol. 1, 1–23 (2016).

7. Daniel Hausknost & Marit Hammond, *Beyond the Environmental State? The Political Prospects of a Sustainability Transformation*, 29 Env't Pol. 1, 1–16 (2020).

8. Martin P.A. Craig, *'Treasury Control' and the British Environmental State: The Political Economy of Green Development Strategy in UK Central Government*, 25 New Pol. Econ. 30, 30–45 (2020).

Given that nation-states often encounter conflicting governance priorities, pre-existing administrative structures and bureaucratic interests play a significant role in shaping the formation and implementation of environmental laws, and thus, the state's responses to environmental crises.[9]

In China, the authoritarian state has centralized environmental governance within state authorities, largely excluding input from businesses, the public, and academia. Environmental law is typically developed through a top-down approach that emphasizes the authority of central ministries over other stakeholders.[10] In recent decades, the promulgation of environmental laws and standards has transformed China's environmental regulatory regime from an arbitrary, administratively-managed system into a comprehensive framework that combines legal and economic instruments with political campaigns to strengthen regulatory enforcement.[11] At the core of this regulatory regime is the central state's role in mediating between ecological and economic concerns, which is reflected in nationwide ecological reforms. This is exemplified by the principle of ecological civilization, a state discourse that positions sustainable growth as compatible with sociocultural traditions and essential for achieving a "socialist harmonious society."[12] These characteristics are particularly evident in the development and implementation of integrated water resources management (IWRM) plans for China's inland rivers and the state's efforts to impose strict controls over pollution from concentrated animal feeding operations, as illustrated in the two case studies discussed below.

II. IWRM in Northwestern China

The acute socioecological crises in northwestern China's inland watersheds during the first two decades of the 21st century were perceived as national security concerns by the Chinese central government. The State Council of China and the Ministry of Water Resources (MWR) issued a series of national laws and ministry-level regulations aimed at creating basin-wide water allocation and zoning plans to enhance water-supply capacity and improve water-use efficiency. In 2012, the government introduced three national "Red Lines" to limit total water use, increase water-use efficiency, and ensure ambient water quality in

9. KuoRay Mao, Qian Zhang & Micaela Truslove, *Grassland Conservation and Environmental Inequality in Inner Mongolia, China*, *in* Handbook on Inequality and the Environment 429–48 (Michael A. Long et al. eds., 2023).

10. John Aloysius Zina, *Unpacking Authoritarian Environmental Governance: Gauging Authoritarian Elaboration in China and Beyond*, 9 Socio. Dev. 195, 195–216 (2023).

11. Benjamin van Rooij, Rachel E. Stern & Kathinka Fürst, *The Authoritarian Logic of Regulatory Pluralism: Understanding China's New Environmental Actors*, 10 Regul. & Governance 3, 3–13 (2016).

12. Xin Zhou, *Ecological Civilization in China: Challenges and Strategies*, 32 Capitalism Nature Socialism 84, 84–99 (2021).

inland watersheds.[13] Subnational governments were required to incorporate these centralized water targets into their five-year development plans, with the successful implementation of these targets directly tied to the annual performance evaluations of senior bureaucrats. Although the 2015 Environmental Protection Law mandates better public access to environmental policymaking within the framework of IWRM, the declaration of national ecological emergencies in these watersheds incentivized local government officials and cadres to prioritize binding ecological and economic targets over local consultation.[14] This approach led to a top-down mobilization and the imposition of a stringent timeframe for target completion, with little flexibility to adapt the implementation process to local conditions.[15]

These IWRM plans adhered to a consistent strategy of "ecological combo strikes" (*shengtai zuhe quan*) to swiftly address severe water shortages and ecological degradation. This strategy involved infrastructure construction to convert unregulated water usage into quantifiable units, reliance on restrictive targets to enforce policy implementation—particularly in reducing cultivation by closing deep-bore wells and promoting ecological migration—and the promotion of water rights trading to drive structural adjustments in local agriculture, shifting crop cultivation toward higher-value horticulture.[16] These initiatives represent more than basin-wide attempts to regulate water resources; they embody state-led efforts in rural development, reshaping land use, agricultural production, social stratification, and state-society relations.

The focus on infrastructure development and top-down implementation undermined the objective of reducing water demand through water rights registration and trading.[17] The centralized policy formulation process failed to adequately address the differing conservation and economic objectives of local bureaucracies. With over eleven major laws concerning watershed management and each central government ministry seeking to assert its policy agenda, the result is unclear distinctions of legal authority over regulation enforcement, leading to contradictory expectations for policy outcomes and implementation. The stringent timelines imposed for achieving restrictive targets further generate uncertainty regarding program sustainability, as local state agents leverage their control over water access to enforce compliance, exacerbating social stratification and diminishing the legitimacy of IWRM programs.[18]

13. KuoRay Mao, Qian Zhang, Yongji Xue & Nefratiri Weeks, *Toward a Socio-political Approach to Water Management: Successes and Limitations of IWRM Programs in Rural Northwestern China*, 14 Frontiers Earth Sci. 268, 268–85 (2020).

14. KuoRay Mao & Qian Zhang, *Dilemmas of State-Led Environmental Conservation in China: Environmental Target Enforcement and Public Participation in Minqin County*, 31 Soc'y & Nat. Resources 615, 615–31 (2018).

15. *Id.*

16. Mao et al., s*upra* note 13.

17. Mao & Zhang, *supra* note 14.

18. *Id.*

Confronted with conflicting demands of economic development and resource conservation in areas severely weakened by outmigration and capital depletion, local officials and cadres circumvented longstanding informal community institutions for resource governance.[19] The IWRM programs, designed primarily by central government technocrats, rely heavily on measuring changes in natural conditions and infrastructure completion to ensure policy efficacy. As hinterland regions in China increasingly depend on fiscal transfers from the central government, the timely completion of restrictive targets becomes essential to local governments' budgets, fostering an environment where quota fulfillment and arbitrary enforcement take precedence over the development of participatory approaches mandated by environmental regulations such as the 2015 Environmental Protection Law.[20]

III. The Prevention and Control of Husbandry Wastes

To address the environmental and social harm caused by industrial animal agriculture, China has promulgated numerous laws since 2014 to control and prevent husbandry waste pollution. Pre-2014 regulations were ineffective due to the complex and fragmented landscape of rural development, where national policies prioritized urban industrial growth at the expense of rural communities.[21] In response, the Chinese central government initiated a series of policies aimed at promoting both capital accumulation and ecological restoration in the countryside. This shift encouraged the rationalization of rural landscapes, leading to spatial concentration and functional intensification in agricultural production.[22] In the husbandry sector, this was reflected in the vertical integration of the value chain through "dragon-head enterprises" and the expansion of industrialized husbandry, which became closely tied to the performance evaluations of state agents in agricultural and rural development.[23]

The 2014 Regulation on the Prevention and Control of Pollution from Large-scale Breeding of Livestock and Poultry marked a significant shift in China's approach to husbandry waste management. It introduced legal sanctions for pollutant discharges, promoted concentrated production styles, and emphasized efficiency, quantifiable measures, and zoning laws.[24] This regulation was part of a broader national policy drive

19. *Id.*

20. *Id.*

21. KuoRay Mao et al., *Environmental Conservation or the Treadmill of Law: A Case Study of the Post-2014 Husbandry Waste Regulations in China*, 66 Int'l J. Offender Therapy & Compar. Criminology 296, 296–326 (2022).

22. Jia-Ching Chen, John Aloysius Zinda & Emily Ting Yeh, *Recasting the Rural: State, society and Environment in Contemporary China*, 78 Geoforum 83, 83–88 (2017).

23. Mindi Schneider, *Wasting the Rural: Meat, Manure, and the Politics of Agro-industrialization in Contemporary China*, 78 Geoforum 89, 89–97 (2017).

24. Shuqin Jin et al., *Top-Down Implementation and Fragmented Bureaucracy: An Analysis of the Livestock Waste Prevention Regulation in China*, 10 Open J. Soc.

to promote sustainable rural development by reducing water, chemical fertilizer, and pesticide inputs, and by establishing a resource utilization system for husbandry waste and agricultural by-products. However, directives from various central ministries were poorly coordinated, leading to conflicting regulatory expectations.[25] Since 2014, eight national laws concerning husbandry waste pollution have been promulgated or updated, each defining waste and production scales differently, resulting in inconsistent implementation mechanisms and further complicating the regulatory landscape.

The central government has continued to enforce compliance through restrictive environmental targets and cadre performance evaluations. To ensure adherence at the local level, the central government further ordered provincial governments to directly appoint heads of local environmental bureaus to prevent local interference and dispatched Central Environmental Protection Inspectorate teams to oversee enforcement.[26] This regulatory fragmentation and political mobilization have generated conflicting legal standards and enforcement gaps, hindering the regulations' original intent. Zoning requirements have disproportionately affected small-scale farmers, leading to the eradication of small and medium-scale operations in southern China and the establishment of capital-intensive, concentrated animal feeding operations (CAFOs) in northern China.[27] This has resulted in the geographical concentration and intensification of industrial animal agriculture, reshaping rural landscapes through a top-down implementation model focused on ecological zoning and quantification of impacts.[28]

These policies directly caused massive fluctuations in pork prices and indirectly contributed to the spread of African Swine Fever, devastating China's hog sector.[29] In response, the central government introduced nineteen new policies in 2019 to stabilize pork production, de-emphasizing environmental protection in favor of boosting output. This drive to increase pork production and reduce regulatory enforcement has exacerbated environmental pollution and worsened the transference of harm to China's rural hinterlands.[30]

IV. Governmentality

These cases illustrate similar themes of governing logic and mechanisms of management and administration, though with varying methods of classifying social groups and natural resources. This

Scis. 1, 1–17 (2022).

25. *Id*.

26. C. Xiang & T. van Gevelt, *Central Inspection Teams and the Enforcement of Environmental Regulations in China*, 112 Env't Sci. & Pol'y 431, 431–39 (2020).

27. Zhaohai Bai et al., *China's Pig Relocation in Balance*, 2 Nature Sustainability 888 (2019).

28. Chen et al., *supra* note 22.

29. *Id.*

30. *Id.*

centralized approach facilitated a specific type of classification and control rooted in the state's definition of sustainable development. In these contexts, environmental law serves not only to impose sovereign power over subjects within a territory but also to enforce behavioral control over rural populations and cultivate particular nature-social relationships aimed at achieving a "socialist new countryside."[31] These governing mechanisms are not merely products of the existing formal bureaucracy; they also reflect the state's ideological stance, which is conveyed through established institutional practices and normalizing discourses.[32] These practices underscore the authoritarian state's role in conservation, championing the value of ecological civilization—a state-centered approach that monopolizes access to natural resources and dictates the definition of sustainable development.

The governmentality discussed above is most evident in large-scale socio-ecological engineering projects, which represent the dominant approach of the Chinese state to addressing environmental crises. These projects are supported by technocratic top-level design and fiscal transfers from the central government. To facilitate the expansion of these projects, the state utilizes newly promulgated environmental regulations to transform natural resources, local communities, and individual labor outputs into quantifiable metrics that can be abstracted and controlled in a top-down manner.[33] This technocratic and elitist approach attributed environmental degradation solely to the economic behaviors of farmers, neglecting the ways in which the political economy of China's state-capitalist development model has generated urban-rural and regional disparities.[34] These disparities have incentivized local governments and rural residents to pursue short-term economic gains at the expense of long-term sustainability. Consequently, regulation formulation has inadequately considered the economic and institutional constraints faced by rural farmers, failing to acknowledge the environmental and property rights of local communities.[35] Instead, technocratic elites have monopolized the definitions of environmental disasters, appropriate solutions, suitable policy instruments, and program goals. As a result, program implementation has evolved into a political campaign aimed at demonstrating the utility and legitimacy of authoritarian environmental

31. Chen et al., supra note 22.

32. Yifei Li & Judith Shapiro, *China Planet: Ecological Civilization and Global Climate Governance*, 38 Issues Sci. & Tech. 49, 49–53 (2022).

33. KuoRay et al., s*upra* note 13.

34. KuoRay Mao et al., *Authoritarian Environmentalism and Environmental Regulation Enforcement: A Case Study of Medical Waste Crime in Northwestern China*, in Routledge International Handbook of Green Criminology 382–400 (Avis Brisman & Nigel South eds., 2020).

35. KuoRay Mao, Qian Zhang, & Nefratiri Weeks, *Authoritarian Environmentalism as Just Transition? A Critical Environmental Justice Examination of State Environmental Intervention in Northwestern China*, in Environmental Justice in the Anthropocene: From (Un)Just Presents to Just Futures 175–187 (Stacia Ryder et al. eds., 2021).

governance. The failure to recognize the true causes of environmental degradation, coupled with the uneven impacts of climate crises, has directly contributed to the unfair environmental, economic, and social burdens placed on farmers during the implementation of environmental laws, exacerbating existing power differentials and inequalities between urban and rural China.

Thus, environmental laws play a critical role in constructing the "new socialist countryside," which is a state-led modernization drive aimed at increasing capital accumulation. This rationalization necessitates the reduction of local influences, and to this end, the central government often relies on ad hoc implementation guidelines or coercive administrative practices instead of promulgated environmental regulations to impose top-down control.[36] Within the top-down model, the central government has instituted environmental targets, disciplinary mechanisms, and inspection teams to enhance oversight and accountability, yet the effects of state subsidies and market-based mechanisms designed to incentivize self-regulation and reduce enforcement costs often fall short. To rapidly achieve the desired program outcomes, the central government has frequently opted to bypass existing environmental laws and regulations, imposing extra-legal and extra-market approaches to discipline local communities and bureaucrats.[37] These centralizing tendencies demonstrate the party-state's dominance in developing a regulatory regime that seeks to achieve contradictory economic and environmental objectives while recasting the rural landscape, scaling up and intensifying agricultural production through financialization and imposing environmental and social burdens on less privileged rural populations due to the intensified industrialization of agriculture.[38] In this model, the state's punishment for violations of environmental regulations and conservation programs is often arbitrary, exceeding legally permitted penalties and imposed without proper judicial processes.[39] *In other words, legally speaking, within China's rural environmental governance, lawmaking and law finding often follow, rather than precede, lawbreaking.*

V. Environmental Injustice and Social Control

In the case studies examined, the absence of formal recognition of environmental rights and public participation has fundamentally contributed to severe procedural and distributive injustices in the implementation of environmental regulations.[40] Farmers lacked institutional means to challenge local governments' allocation of resources, and the restrictive targets and stringent timelines imposed by the top-down implementation model effectively nullified any avenues for collabora-

36. Chen et al., *supra* note 22.
37. KuoRay et al., *supra* note 35.
38. Chen et al., *supra* note 22.
39. KuoRay et al., *supra* note 35.
40. *Id.*

tive deliberation among stakeholders.[41] This profound environmental injustice has been further exacerbated by a "precautionary logic" in China's response to environmental crises, which justifies preemptive actions against potential security threats before any transgressions occur.[42] This logic is often manifested in a "one-size-fits-all" and "complete-ban" approach to the implementation of environmental regulations, where local state agents, hindered by ambiguous and inconsistent regulatory goals, resort to coercive enforcement practices. These practices have led to arbitrary and sometimes illegal actions by the administrative apparatus, victimizing individuals and groups viewed as obstacles to the completion of environmental targets, regardless of the laws' original intent.[43]

It is important to note that the environmental injustice and victimization described above are not solely the result of overenforcement by grassroots state agents. These injustices and draconian social control measures occur under the environmental regulatory regime because environmental laws have been employed to maintain the economic and social relations that legitimize and replicate[44] the state-capitalist production system. This is particularly evident in how the authoritarian state uses conservation discourse and environmental laws to severely restrict small-scale agricultural production in regions deemed ecologically fragile while simultaneously promoting the expansion of industrialized agriculture and husbandry through the top-down implementation of environmental regulations.[45] This contradictory approach has generated profoundly negative economic and social consequences for small-scale producers, who are often the most economically disadvantaged group in rural China. It has also exacerbated existing regional and rural-urban stratification and ecologically unequal exchanges by designating rural hinterlands as the new frontier for industrial agriculture.[46]

This subjugation of rural communities has transformed environmental conservation into state-led rural development initiatives that favor the capitalization of agricultural production. This process has not only dispossessed farmers of access to land and water resources but also benefited agribusiness corporations and allowed local governments to reduce public welfare obligations.[47] The erosion of rural environmental and property rights has forced rural residents into becoming contracted farmworkers under the control of agribusiness operators.[48] Consequently, the arbitrary enforcement of environmental regulations within this top-

41. KuoRay & Zhang, *supra* note 14.
42. KuoRay et al., *supra* note 21, at 319.
43. KuoRay et al., *supra* note 9.
44. *See* Michael J. Lynch, Paul B. Stretesky, & Michael A. Long, *The Treadmill of Production and the Treadmill of Law: Propositions for Analyzing Law, Ecological Disorganization and Crime*, 31 Capitalism Nature Socialism 107, 107–22 (2020).
45. Chen et al., *supra* note 22.
46. *Id.*
47. KuoRay et al., *supra* note 35.
48. KuoRay et al., *supra* note 9.

down model has weakened the capabilities of rural communities and diminished their resilience against environmental crises.[49] Environmental law, therefore, functions primarily as a harm reduction mechanism, designed to prevent the worst environmental crises and suppress community resistance (mass incidents) that could threaten the legitimacy of the state, while its foremost duty remains to promote economic growth.

This raises a critical question: given the contradictory policy goals and arbitrary implementation of the Chinese environmental regulatory regime, in what ways has the rapid development of environmental laws contributed to authoritarian environmental governance in China? To answer this question, I propose a review of Structural Marxist Louis Althusser's perspective on law and social control.

VI. RSA, ISA, and Interpellation

Economic and environmental issues often precipitate significant crises in the legitimacy of the ruling elite, necessitating state intervention to stabilize the political-economic system and uphold the rule of law.[50] As the state assumes a more active and intricate role in these spheres, it can no longer rely on the traditional and charismatic forms of legitimacy effective under previous regulatory regimes. To sustain its power and ensure the continued dominance of the ruling class, the state must navigate competing interests among diverse stakeholders, ensuring that formal rules align with objectives that ostensibly serve the public interest. Structural Marxism posits that this shift necessitates the development of an ideology that fosters public compliance and legitimizes repression.[51]

Althusser's concepts of the Repressive State Apparatus (RSA) and Ideological State Apparatuses (ISAs) provide a nuanced framework for understanding law as a central instrument of social control and hegemony.[52] According to Althusser, the RSA consists of institutions through which the state exercises coercive force, maintaining public order and suppressing dissent through the threat or application of physical violence.[53] This apparatus ensures compliance with the law through fear of punishment, thereby enabling the ruling class to impose its will. In contrast, ISAs operate by embedding the ruling class's ideology within the consciousness of individuals and instilling belief systems and values that shape identities and relations to power, thereby creating a social order where existing relations of production and power are perceived as natural and just. A key aspect of this process is interpellation, through which

49. KuoRay et al., *supra* note 35.

50. Jürgen Habermas, Legitimation Crisis 2-4, 46-48 (Thomas McCarthy trans., Beacon Press 1975) (1973).

51. Dragan Milovanovic, *On Evgeny B. Pashukanis, The General Theory of Law and Marxism in* Classic Writings in Law and Society, 311–28 (2010).

52. Louis Althusser, *Ideology and Ideological State Apparatuses (Notes towards an Investigation),* in Lenin and Philosophy and Other Essays 127–86 (Ben Brewster trans., 1971).

53. Althusser, *supra* note 5, at 65-69 and 75-85.

ideology, via repetitive rituals and institutional practices, transforms individuals into subjects who internalize the state-imposed ideological framework.[54]

Althusser argues that law is not a neutral or objective set of rules but a critical tool that functions as both RSA and ISA within the dominant political-economic system.[55] Beyond its coercive role in suppressing dissent, the law's ideological function integrates the interests of the ruling class into the universal principles of society, naturalizing and legitimizing existing power structures and productive relations and thus effectuating preventive repression. The enforcement of laws and implementation of regulations serve as repetitive rituals that position individuals within specific roles and identities, legitimizing their relation to power. This internalized order compels individuals to accept their subject positions, thereby contributing to the reproduction of the social order. Law achieves this by relying on "legal ideology"—the ingrained acceptance of rightful property and productive relations—and "moral ideology"—abstract ideas and beliefs that purport to provide the greater good. These functions enable the law to perpetuate and legitimize existing state structures and social control despite worsening stratification, while concealing the true workings of political-economic power. As Althusser asserts, "The formalism of law makes sense only to the extent that it is applied to defined contents that are necessarily absent from law itself. These contents are the relations of production and their effects. At the same time, it makes them disappear."[56] Thus, law operates as a complex and multifaceted tool of state power, playing a vital role in sustaining social relations and maintaining state authority.

VII. Chinese Environmental Regulatory Regime as RSA and ISA

The discussion between Chinese and American environmental legal scholars today highlighted several issues within the Chinese environmental regulatory regime that undermine its efficacy and legitimacy. Foremost among these challenges are the state's reliance on ad hoc policies and administrative measures rather than promulgated laws, the ambiguous delineation between public and individual rights, opaque negotiations among administrative units, disparities in sanctions for environmental violations between criminal and civil law systems, and the judiciary's slow response to addressing environmental harm. It is widely acknowledged that the development of China's legal system has not kept pace with the country's rapid transformation. Environmental objectives in China are often viewed as instruments to support economic growth and social stability. The Chinese legal system prioritizes state-defined regulatory outcomes over the rights-based frameworks prevalent

54. ALTHUSSER, *supra* note 5, at 188-94.
55. *Id.* at 42-48, 52-78.
56. Althusser, *supra* note 52.

in Western societies, contributing to the lack of procedural justice in Chinese environmental law decisions.[57]

In the implementation of environmental laws, scholars have observed that the dominant cadre evaluation system functions as part of a broader political strategy to mitigate risks to the party-state's hold on power.[58] Despite years of rhetoric advocating for the development of the rule of law in China, laws and regulations remain secondary to political imperatives and senior bureaucratic mandates.[59] Moreover, substantial principal-agent problems illustrate the difficulty of ensuring accountability when bureaucratic mandates and hierarchical structures take precedence over public welfare, rendering environmental law in China often symbolic and performative, serving as a tool for state legitimation rather than as an effective mechanism for governance.[60] These observations raise critical questions about the actual functions of environmental law in Chinese governance. As Wang aptly inquires, "Does it serve primarily a symbolic or expressive role—both to show that the party-state 'cares' about certain values and to set aspirational norms that should be followed?"[61]

Based on the case studies I presented above, it is crucial to reconsider the notion that the development of a legal apparatus in China follows a linear progression—from chaotic policy processes to a rational, codified regulatory regime. Drawing on Althusser, I argue that Chinese environmental law functions as both a Repressive State Apparatus (RSA) and an Ideological State Apparatus (ISA), with a primary role as an ISA to minimize the costs of social control over resource access. The opacity, ambiguity, arbitrary definitions in policy formation, murky bureaucratic negotiations, and use of brute enforcement techniques in the Chinese environmental regulatory regime serve as mechanisms to interpellate the public. From the state's perspective, these mechanisms achieve social control and reinforce the state's vision of rightful human-natural resource relations in China.

By examining how authoritarian power operates in environmental governance, it becomes evident that environmental law is employed to maintain and obscure the productive relations, aligning with a state-capitalist model of natural resource governance. This model utilizes technocratic interpretations of sustainability to implement large-scale socio-environmental engineering projects that profoundly alter rural landscapes and communities. It leverages existing legal ideologies, such as scientific planning and collective land and water rights, to promote

57. Wang, *supra* note 4.

58. Alex Wang, *The Search for Sustainable Legitimacy: Environmental Law and Bureaucracy in China*, 37 Harv. Env't L. Rev. 365 (2013).

59. Alex Wang, *Explaining Environmental Information Disclosure in China*, 44 Ecology Law Quarterly 865 (2018).

60. Alex Wang, *Symbolic Legitimacy and Chinese Environmental Reform*, 48 Environmental Law 699 (2018).

61. Wang, *supra* note 58.

neoliberal valuation schemes while emphasizing state-controlled channels like collaborative discussion and environmental information disclosure to secure public consent. Additionally, this model draws on moral ideologies of sustainable development within ecological civilization, fairness in a harmonious society, and pride in state-sponsored nationalist narratives to transform criticism or resistance into offenses against the public good, necessitating resolute state action.

Moreover, the repeated exercises of brute-force implementation and repeated institutions of restrictive targets and top-down mobilization establish boundaries of acceptance that shape individual identities and beliefs within Chinese environmental governance. This process defines the right questions, sets correct expectations, directs public attention, and conditions the public to accept state-defined environmental and human rights, the distribution of environmental benefits and risks, and the standards for just administrative procedures. Once the authoritarian state's authority is internalized, the public begins to accept contradictory objectives, conflicting benchmarks, and inconsistent standards as normal operation of power, rather than questioning how shifting alliances of bureaucratic and corporate interests shape the regulatory regime. This acceptance reinforces the dominant political-economic structures of state-led rural development and normalizes the state-capitalist model of accumulation, bolstering both the legitimacy of the regulatory regime and the public's environmental consciousness. Thus, environmental law in China is not merely expressive or symbolic but constitutive, playing a crucial role in legitimizing and maintaining the authoritarian state-society relationship within environmental governance.

VIII. The Wandering Earth

I would like to conclude this article by briefly discussing the movie *The Wandering Earth* from a Structural Marxist perspective.[62] For those unfamiliar with the film, *The Wandering Earth* is a 2019 Chinese science fiction movie based on Liu Cixin's short story, exploring the concept of state-controlled planetary engineering as a survival mechanism. Set in a future where the Sun is dying and threatens to engulf Earth, the world, under Chinese leadership, embarks on an audacious project to save the planet by constructing massive thrusters across the globe to propel Earth out of the solar system and towards a new star system. The narrative follows the struggles and sacrifices of astronauts and ordinary citizens as they confront numerous challenges during this perilous journey, including gravitational anomalies, catastrophic weather, the eradication of half of the world's population, and internal dissent centered around the tension between individual desires and the greater good. The film grossed $701 million worldwide and is currently the fifth highest-grossing non-English film globally.

62. *The Wandering Earth* (China Film Group Corporation 2019).

While I found the film and its 2023 sequel to be highly entertaining, I cannot overlook how it serves as part of China's Ideological State Apparatus, portraying and legitimizing the authoritarian state's role as the provider of the best solutions to profound planetary and existential crises. The movie depicts the necessity, albeit reluctantly, of accepting significant changes to collaborative decision-making, political mobilization, economic accumulation, and social control methods imposed by an all-powerful state in the face of natural and human-made disasters. As a green criminologist, I continue to reflect on how the film's themes advocate a powerful state-disaster complex that operates on a particular model of productive relations, necessitating the state's technocratic proposals, centralization of resources, arbitrary decisions to sacrifice half of the world's population, and suppression of dissent against stratification. The film demonstrates the Chinese state's assertion that it knows best how to sustain society, allowing humanity to push Earth out of its doomed trajectory and, in the process, blow up the moon.

Thankfully, our Sun is not exploding yet. However, humanity does face a confluence of systemic and wicked challenges such as climate change, biodiversity loss, and the widespread despoliation of our planet. As shown by the case studies and discussions above, it is crucial to remember that the authoritarian state's countermeasures to respond to these profound crises will inevitably reshape productive relations and conditions, redistribute resources and risks, reformulate rights and externalities, and recondition geopolitical relations worldwide. To properly study these effects, we must view environmental governance as a critical component of capital accumulation, examining how environmental law contributes to the authoritarian state's discourse of legitimacy, how the formulation, enforcement, and adjudication of the environmental regulatory regime reflect class interests, and how subsequent discipline and punishment reinforce the authoritarian interpretation of human-nature relations and shape public environmental consciousness. As such, I urge you to place the state-capitalist accumulation lens at the forefront of our examination of Chinese environmental governance and environmental law.