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The Quest for Durability

When, Where and How Do Policies Feed Back into Politics?

> . . . governments stimulate [. . .] industries dependent on [. . .] legislation for their existence, and these industries form the fighting legions behind the policy. The [policy] likewise [. . .] [creates] [. . .] losers [who] adapt themselves to the new conditions imposed upon them, find themselves without the means to continue the struggle, or become discouraged and go out of business. *Is this not true, in varying degrees, of nearly all other policies also? New policies create a new politics*.
>
> (Schattschneider, 1935: 288, emphasis added)

1.1 The Quest for Durable Climate Policies

Climate change is often described as a wicked policy problem *par excellence*. The Intergovernmental Panel on Climate Change (IPCC) has made the scientific case for cutting greenhouse gas emissions to effectively zero by the middle of this century ('net zero' emissions), most recently in its 2018 special report on the most likely impacts of a temperature rise of 1.5°C (IPCC, 2018: 1). That report effectively underlined the need for 'rapid, far reaching and unprecedented changes in all aspects of society' (IPCC, 2018: 1). The economic rationale for adopting such a radically different trajectory of human development is well known. So why – to paraphrase Nicholas Stern (2015), one of the world's leading climate economists – is the world still waiting for deep and rapid decarbonisation to occur?

It is undeniably true that many new climate policies have been adopted by governments in the last decade or so (Averchenkova *et al.*, 2017). Indeed, climate change is arguably one of *the* most active areas of environmental policy making (Huitema *et al.,* 2011). However, the policies that have been adopted are collectively not delivering emission reductions rapidly enough to avert dangerous climate change (United Nations Environment Programme, 2018; van Renssen, 2018). To support deep and rapid decarbonisation, climate policies must certainly be sufficiently large in number and stringent in their ambitions; but they should also be

politically durable (Rose, 1990: 274). The word 'durable' means persistent, steadfast and unyielding. Therefore, by definition, a policy that is durable *lasts*. Durable climate policies nurture a society-wide expectation that deep decarbonisation has begun and will persist through to the end of the twenty-first century and beyond. Above all, key actors should perceive such policies to be durable: because deep and rapid decarbonisation is inevitable there is no point opposing the policy.

The importance of establishing durable climate policies has been repeatedly underlined by Stern himself (2006: 368), by influential international bodies such as the IPCC (Parson and Karwat, 2011: 744) and economists working in the World Bank (2010: 339–40). There is also a growing strand of academic literature that identifies policy durability as a critical factor enabling decarbonisation (Eskridge and Ferejohn, 2001; Parson and Karwat, 2011: 751; Levin *et al.*, 2012: 1271; Rietig and Laing, 2017: 576; Iacobuta *et al.*, 2018: 10; Edmondson *et al.*, 2018), at international, national and regional levels (Compston and Bailey, 2008: 268; Webster, 2008: 60; Princen, 2009: 17; Keohane and Victor, 2011: 19). Borrowing from Schattschneider (1935: 288), who is quoted in the epigram above, durable climate policies will create and in turn be supported by 'a new politics' of deep decarbonisation. Politics and policy are, in other words, two sides of the same coin, and should be studied that way accordingly.

As a broad starting point, in this book we define a durable policy as one that endures and is influential over a particularly long period of time. Such a policy fosters and sustains its own political support base over time, triggering legacy effects 'that endure even after the waning of the political forces that generated the policy's original enactment' (Jenkins and Patashnik, 2012: 15). In the real world of politics, it is often immensely difficult to design and secure sufficient support to adopt such policies (Goodin, 1996: 29; Glazer and Rothenberg, 2001: 110; Sidney, 2005: 80–81; Peters, 2018: 7). Ensuring that they endure – that they have the capacity to ride out the inevitable political bumps in the road that lies ahead without diminishing their effectiveness – is an altogether more challenging task. In climate policy making, election-focused politicians often seek to persuade powerful societal actors to make long-term investments in what are often new, unproven technologies such as electric cars, carbon capture and storage facilities, and ultra-low carbon transport fuels (Glazer and Rothenberg, 2001: 6; Liang and Fiorino, 2013: 109). Even if those actors agree to make such long-lasting investments, it does not necessarily mean that the accompanying policies (or the investments) will endure: circumstances could very easily change and politicians may opt to pursue different goals. The history of renewable energy deployment is littered with examples of ambitious policies that secured sufficient support to be adopted, but were subsequently revised and/or subjected to sudden cutbacks that significantly disrupted the innovation and diffusion of new green energy technologies

(Cointe, 2015; Meckling, Sterner and Wagner, 2017: 920; Michaelowa *et al*., 2018: 279; Gürtler *et al*., 2019). In the area of climate change, policies which were originally perceived to be ambitious and politically popular have also been scaled back and some have even been completely dismantled (van Renssen, 2018: 357; Rosenbloom *et al.*, 2019: 168). Policy retrenchment has occurred across the globe, including in Canada (Fankhauser, *et al*., 2015: 55), Australia (Pearse, 2017), the United States (Rabe, 2016), Spain and Germany (Meckling, Sterner and Wagner, 2017: 920). The 'inconvenient truth' is that a surprisingly large number of existing climate change policies have been neither durable nor influential enough (van Renssen, 2018). Durable policies do not, in other words, appear to readily 'design themselves' (Howlett and Lejano, 2013: 11). This reality throws the contemporary challenge of using policy to trigger rapid decarbonisation into stark relief.

Yet the very idea that policy durability is somehow difficult for policy designers to achieve runs counter to a stream of work in public policy analysis. Schattschneider (1935: 288) expected new policies to create 'new' forms of politics. The 'new politics' that make some policies durable flow from the new coalitions of political support – comprising interest groups, businesses, policy makers and voters – that inevitably spring up around them after the adoption process is complete. Kaufman (1976) famously claimed that because of these dynamics, all public policies eventually achieve a state of immortality. In his widely cited work on welfare state policies, Pierson (1994) implied that durability in that area is relatively common; policy dismantling is the conspicuously rarer phenomenon, only occurring when policies fail to create sufficiently strong supportive coalitions or nurture new opponents.

The term 'policy feedback' refers to the variety of ways in which existing policies shape subsequent politics and policy-making dynamics in ways that affect their durability (Béland and Schlager, 2019: 184). Schattschneider's (1935) original observation greatly informed a growing literature that has sought to understand more precisely how, when and for whom 'new policies create a new politics' (Pierson, 1993: 595; see also Kumlin and Stadelmann-Steffen, 2014: 5). Pierson (1993) did much to popularise policy feedback, but the concept has deep intellectual roots. These were reviewed by Skocpol (1992: 58) who also argued that feedback should be the focus of a dedicated research programme:

> Too often social scientists [. . .] forget that policies, once enacted, restructure subsequent political processes [. . .] *We must make [. . .] policies the starting points as well as the end points of analysis: As politics creates policies, policies also remake politics.*
> *(emphasis added).*

She too emphasised that policy and politics are two sides of the same coin. Policy feedback and policy durability are thus interrelated concepts: a policy that fails to

nurture a new and more supportive form of politics is less likely to be durable than one that does, and vice versa. With respect to decarbonisation, Meadowcroft (2011: 73) has made the same basic claim, arguing that more durable policies are needed at all levels of governance to 'create positive feedbacks driving further reform'.

However, since Skocpol's penetrating insight, the literatures on policy durability and policy feedback have generally gone their own way, greatly limiting our ability to understand the durability of climate change policies. First, a significant proportion of policy feedback studies have concentrated on the unfolding political effects of welfare state policies, which typically involve national governments distributing large quantities of public money via pensions, unemployment and disability support. Concentrated policy benefits are what most clearly differentiate these types of policy from others (Jacobs and Mettler, 2018: 347). Many climate change policies, on the other hand, are an example of a type of policy which Lowi (1972) would recognise as more regulatory, meaning that they often involve imposing concentrated costs on target groups to generate long-term, relatively diffuse benefits (in the case of climate change, via a more stable and habitable climate). In these conditions, relatively durable policies sustained by positive policy feedbacks and new, more supportive forms of politics, are arguably much less likely to appear than they are in some areas of social policy (Pierson, 1993; Weaver, 2010; Jacobs and Weaver, 2015). In fact, Lowi's work and that of others (Heidenheimer *et al.*, 1990: 309) suggests that regulatory policies are more likely to generate the forms of political opposition hypothesised by Schattschneider (1935), thus potentially rendering them significantly less, not more, durable. At first blush, this essential insight does appear to broadly correspond to the unfolding empirical patterns of climate policy making noted above.

Second, as academics we lack a sufficiently clear definition of policy durability (Thompson, 2012; Carlson and Fri, 2013; Rabe, 2016), to put alongside definitions of policy feedback. Often, policy durability is elided with other terms and concepts, including policy sustainability (Patashnik, 2003, 2008), policy stability (Rietig and Laing, 2017; Rosenbloom *et al.*, 2019: 168), policy consistency (Biber, Kelsey and Meckling, 2017: 628) and policy stickiness (Schmidt and Sewerin, 2017: 3; Schmidt *et al.*, 2018). Some academics have directly equated durability with stability, as when Jenkins and Patashnik (2012: 10) defined it as 'the longevity of a legislative product', i.e. how long a policy persists 'in its original form without significant change'. Thompson (2012: 17), equated durability with 'political strength that allows [policies] to resist retrenchment, erosion, or termination'. We will certainly incorporate these two interpretations into our own analysis, but we also suspect that durability has other important dimensions that also deserve to be considered, such as policy stringency. For example, some scholars have stretched their definition of durability to include a policy's ability not only to endure, but to

expand and become more stringent through time (Rietig and Laing, 2017). Carlson and Fri (2013) have, however, noted that continual increases in stringency are not necessarily beneficial. In doing so, they have helpfully draw attention to another potentially important distinction between a policy's durability (stability) and its flexibility. Rabe (2016: 105–106) further distinguished between three components of climate policy durability, one of which focuses on stability (political resilience, 'does the policy survive intact?') and another which focuses on flexibility (design flexibility). In what follows, we shall explain why and how all these dimensions are pertinent. Indeed, there may often be an inherent tension between them both in principle and in practice. In Section 1.4 we will explore why and how the manner in which these dimensions interconnect is particularly salient in an area of particular long-term policy making such as climate change.

Third, there is a great deal of ambiguity about the most relevant analytical dimensions of policy durability. For us, three appear to be especially significant. The first relates to the *means* of policy, as expressed through specific implementing policy instruments. A particular policy instrument such as a tax or a regulation is not durable if it is rapidly amended or even completely dismantled (Lazarus, 2009: 1193; Thompson, 2012: 17; Carlson and Fri, 2013: 121). Although there is no accepted minimum time threshold that an instrument must pass to be counted as 'durable', it is often equated with at least one electoral cycle (Hacker and Pierson, 2014: 651; Rabe, 2016: 105–106).[1] The second dimension concerns the policy's overarching *goals*, which of course are an expression of its stringency. Some recalibration of a policy's implementing instruments is likely if the policy as a whole is to remain on course to achieve its goals (Hall, 1993), but a policy is unlikely to be durable if its goals are significantly changed (Patashnik, 2003: 207; Jenkins and Patashnik, 2012: 10; Chattopadhyay, 2015: 7). Finally, it is important to be mindful of a policy's *outcomes,* i.e. do the most durable policies actually produce the substantive effects that their designers originally expected (Patashnik, 2003: 207; Schneider and Ingram, 2019)?[2] Some policies may become so durable that designers struggle to 'keep up' as the world changes around it (Hacker and Pierson, 2014: 647). It has been argued that as they 'drift' (Béland, 2007), such policies may become progressively less effective over time. For example, welfare state policies drift when the value of benefits fails to adjust to rising levels of inflation (Hacker, 2004: 246; van der Heijden, 2011). In the rest of this book, we shall explore whether unpacking these three dimensions and applying them to the case of climate change differentiates policy durability from some of the similar terms and concepts outlined above.

Fourth, while the defining characteristics of durable policies have been relatively well established,[3] as noted above the determinants and unfolding effects of durability continue to be black-boxed in the existing literatures (Clemens and Cook, 1999).

Crucially, how do the most durable policies – and the 'new' politics that they supposedly trigger and benefit from – actually come about (Levin *et al.*, 2012)? In many ways, this is the key question exercising climate policy makers today. One reason why the existing literatures have struggled to provide answers is that they often adopt a particular research design, which involves focusing only on the most durable and/or most successful policies and tracing them back to their origins (Pierson, 1993: 602). Although insightful, this approach tells us too little about the 'non-cases' – the situations where policies were popular enough to be adopted but thereafter failed to endure, perhaps because positive feedbacks from supportive coalitions did not emerge, or because new forms of opposition appeared (i.e. negative policy feedbacks) that actively undermined them. In climate policy, the number of 'non-cases' is already too high to be ignored, even before policy designers attempt to design more durable and stringent policies to enable much deeper and faster decarbonisation.

Finally, existing accounts do not explicitly investigate whether policy durability is intentionally designed. This matters in a policy area such as climate change, where some policy makers are attempting to achieve highly ambitious long-term goals ('net zero' emissions) by nurturing virtuous cycles of mutually reinforcing feedback between durable climate policies and new countervailing coalitions that have a self-interest in promoting ever deeper forms of decarbonisation (Brunner *et al.*, 2012: 267; Huberty and Zysman, 2013: xiii).[4] One thing that renders climate change a particularly wicked policy problem is its inter-temporal nature – implying that policy designers should design solutions that are not only politically popular enough to be adopted and remain in place, but also stringent enough to bind their target groups to objectives that endure over time (Levin *et al.*, 2012: 124; Howlett and Rayner, 2013). The normative argument that politicians should intentionally design such policies is well known and has been repeatedly made (Levin *et al.*, 2012; Meckling *et al.*, 2015: 1171; Meckling, Sterner and Wagner, 2017: 918). However, whether and how often they successfully do so has not been definitively determined.[5] In fact, this important question is often left completely open (Edmondson *et al.*, 2018: 5; Pahle *et al.*, 2018: 861; Roberts *et al.*, 2018: 305; Meckling, 2019: 330). By referring to 'intentional design' we are not implying that there is a single, rational and omnipotent policy 'designer' (Goodin, 1996: 28). Rather, in thinking about durability from a policy design perspective we will illuminate how many different actors including, but not limited to, politicians interact with one another to shape, amend or hinder attempts to trigger deep and rapid decarbonisation (Levin *et al.*, 2012: 148). In his agenda-defining article, Pierson (1993: 624) argued that 'especially as government activity becomes widespread, politicians are likely to become aware that [their] policy choices have political consequences', leading them to consciously design with policy feedback

in mind. Sadly, his point has been overlooked by a generation of policy feedback scholars (but see e.g. Schneider and Ingram, 1997: 101; Soss and Schram, 2007: 111; Jacobs, 2011; Pechmann, 2018). Indeed, the work that has been conducted on social policies has regularly made the rather gloomy prediction that the most positive policy feedbacks are likely to emerge slowly and in a largely *un*intentional manner (Soss and Schram, 2007: 111; see also Levin *et al.*, 2012: 148; Rosenbloom *et al.*, 2019: 172). Finally, intentional does not mean that all observed policy effects were necessarily intended (Goodin, 1996: 28); rather we seek to investigate the feedbacks that are generated when actors aim to shape their and others' long-term future.

1.2 Our Argument in Brief

Our broad aim in this book is to understand whether policy designers seek to intentionally create durable climate policies that are supported by positive policy feedbacks, and if so why, how and with what effects. We do so by exploring how policy designers combine or otherwise package together the various internal elements of policy (Schneider and Ingram, 1997: 2–3) – long-term goals, policy instruments, specific targets etc. – into an overall policy that facilitates deeper and more rapid decarbonisation. Many scholars have pinpointed the relationship between specific climate policy designs and their resulting effects and outcomes as a topic that deserves much greater analytical attention (Biber *et al*, 2017: 636; Schmidt and Sewerin, 2017: 2; Edmondson *et al.,* 2018: 11; Roberts *et al.*, 2018: 306; Skjærseth, 2018: 15). But with some exceptions (Hacker, 2004; Weaver, 2010; Jacobs, 2011; Schneider and Ingram, 2019), in the policy feedback literature issues of design and instrumentation have rarely been centre stage, in spite of Pierson's (1993: 603) suggestion that analysts should start with policy design processes and then move forwards to uncover their feedback effects and policy outcomes.

One of Pierson's (1993: 603) most thought-provoking research ideas was to carry out 'comparative analyses that examine the use of different policy instruments to achieve similar goals' in order to 'determine if the variation in instruments has political consequences'. We directly embrace this challenge by sampling across the main policy instrument types (regulatory, voluntary and market-based) and tracing out the policy feedbacks created by each instrument to determine how far they affected their durability. We adopt a 'within system' case design in order to hold relatively constant a range of 'non-policy' variables.[6] Our chosen political system (our 'locus') is the European Union (EU). The EU is a world leader in the adoption of new climate change policies (Jordan *et al.*, 2010) and hence has (unlike many comparable political systems such as the USA) adopted a sufficient number

of policies to suggest it is at least broadly committed to intentional design (Huberty *et al.*, 2013: 254). We aim to break new ground by investigating the *post-adoption* policy feedbacks arising from these instruments to arrive at a fuller understanding of both their long-term political *durability* and their effectiveness at entrenching decarbonisation dynamics in wider society. We explore the design features that policy designers could in theory have drawn upon on to render their policies more durable, such as standards and technology requirements that force target groups to make significant, up-front investments in the policy's long-term existence. More specifically, we explore the thought-provoking – but largely untested – claim that genuinely effective policies are likely to incorporate a mix of design features that promote durability by locking certain aspects into place, but provide sufficient flexibility to prevent policy drift and redundancy (Jordan and Matt, 2014; Seto *et al.*, 2016: 437; Edmondson *et al.*, 2018: 1; Peters, 2018: 9).

Throughout, our approach is essentially empirical as opposed to normative, and is directly informed by relevant theories of politics and policy. We try not to fall into the trap of assuming that greater durability is necessarily more appealing than less durability. Our own sense of reflexivity is reinforced by the fact that many forms of policy durability are often regarded as something to avoid in environmental politics. In areas such as agriculture and transport, durable policies that lock in unsustainable forms of production and consumption have acted as formidable barriers to deep decarbonisation in the past (Unruh, 2000; Skovgaard and van Asselt, 2018). Hence for many environmentalists, the overriding design challenge in climate policy is how to break down 'carbon lock-in' (Unruh, 2000) and replace undesirable, yet politically durable, carbon-promoting policies with equally durable but environmentally more sustainable alternatives (e.g. Downie, 2017). In terms of the three dimensions of durability outlined earlier in this section (means, goals and outcomes), multiple changes in policy and governance are likely to be involved to achieve such a change. In the remainder of this book, we will therefore seek to understand policy durability as the outcome of a political process in which various actors are promoting particular forms and dimensions of durability, for different purposes and with different effects.

Having sketched out our broad argument, we now introduce the rest of this chapter. In the next section, we further elaborate the link between policy durability and policy feedback, our aim being to promote new work that links both (Campbell, 2012: 334; Mettler and SoRelle, 2014: 152). We then reconstruct the existing literatures on both concepts to address the policy design puzzles that loom large in relation to climate change mitigation.[7] Finally, we explore the claim that effective policies are likely to incorporate some design features that make them durable, but also others that provide designers with a degree of flexibility to cope with changing economic, technological and environmental circumstances (Peters, 2018: 136). The

perceived need to craft policy designs that simultaneously incorporate durability and flexibility (Carlson and Fri, 2013: 119; Jordan and Matt, 2014) has been noted in the literature, but often only in broad terms and without a sufficient account of human agency in selecting one or the other type (Goodin, 1996: 39–43; Duit and Galaz, 2008: 311; Huberty, Kelsey, and Zysman, 2013: 252).[8] We address this research gap by developing and applying a new typology that distinguishes between *policy durability devices* and *policy flexibility devices*. In the final section, we conclude and signpost the remainder of the book.

1.3 Policy Feedback Effects, Mechanisms and Directions

In the last two decades, policy feedback has emerged as a significant organising concept in policy analysis, providing a framework for studying how policies affect subsequent politics and their own development over time (e.g. Béland, 2010; Mettler and SoRelle, 2014: 152). In this vein, Pierson (1993: 596) claimed that 'major public policies . . . constitute important rules of the game, influencing the allocation of economic and political resources, modifying the costs and benefits associated with alternative political strategies, and consequently altering ensuing political development'. So rather than treat each policy battle as one in which all alternatives are equally plausible, he argued that scholars should understand how the political conflicts over new policies are structured by the actors and institutions established and/or remoulded by previous ones (Hacker, 1998; Weir, 2006: 171). Schattschneider (1935) was of course also concerned with understanding the various forms that the new politics took; policy feedback research arguably provides analytical tools and concepts to accomplish this task, going well beyond a policy's economic and social effects – the standard fare of *ex post* policy evaluation studies (Mettler and Soss, 2004: 55). Unlike many popular accounts of policy change (Howlett and Cashore, 2009), policy feedback scholars seek to identify and account for the *endogenous* sources of change, which over time can have important effects that often go under-reported (Greif and Laitin, 2004; Mahoney and Thelen, 2009). Finally, Pierson's definition makes it clear that the main focus should be on 'major' policies – or for us, the most durable ones – although this begs the question of how they became major in the first place.

Ever since Heclo (1974: 316) and Lowi (1972), policy scholars have been primed to expect policy to shape politics. In attempting to operationalise the general claim that 'past policies themselves influence political struggles' (Pierson, 1993: 596), we shall differentiate between a number of terms and concepts related to policy durability that are too often elided, specifically: policy feedback *effects,* the various *mechanisms* through which such effects are generated; the *directions* of

feedback (positive, negative and/or combinations of the two); and the link back to specific policy *designs*.[9] In the remainder of this section, we review each of these in turn.

Policy Feedback Effects

Policy feedback effects, as we define them here, are the effects that a policy has on actors. The existing literature has identified a remarkably diverse array of policy feedback effects, ranging from direct effects on target groups and government ministries and agencies (Patashnik, 2008: 30), through to indirect effects on other interest groups (Mettler and Soss, 2004: 55; Kumlin and Stadelmann-Steffen, 2014: 6–8; Mettler and SoRelle, 2014: 151). Other work has uncovered much subtler, longer-term effects on wider society – on levels of civic participation (Mettler and Soss, 2004: 55), on public opinion (Soss and Schram, 2007) and even on fundamental conceptions of democracy and citizenship (Schneider and Ingram, 1997: 66; Schneider and Sidney, 2009: 110). Such potentially fundamental and far-reaching effects may surprise some climate policy analysts who are all too used to policies lasting for relatively short periods and contributing little or nothing to deep decarbonisation.

Orren and Skowronek (2002: 742) have tried to make sense of these rather varied effects by arguing that policies 'classify the groups, impart the identities, forge the divisions, and strike the alliances that channel future political action'. Pierson (2006: 118) later argued that policies 'can profoundly alter the political terrain over time'. What existing policies change 'are not just actors' perceptions of what is possible in political life, but also *the kinds of actors that are around, their capacities, and their policy preferences*' (emphasis added). These are undeniably big analytical claims. The key word is 'can' and it relates to the issue of contingency first noted by Schattschneider (1935) in the epigram at the beginning of this chapter. In an attempt to understand it, Skocpol (1992) distinguished between two main policy effects: those that transform *state capacities* (e.g. through the creation of new bureaucracies that support the development of 'their' policy programmes); and those that impact on the identities, goals and capabilities of *social groups*, but especially interest groups (for fuller reviews, see: Mettler and Soss, 2004: 55; Béland and Schlager, 2019: 186). Pierson (1993: 597) argued that feedback effects on publics could be the most wide-ranging and politically consequential of all, but at the time lacked the empirical evidence to confirm it. It is fair to say that much of the subsequent literature has utilised rather general categories of effect[10] that are difficult to relate back to particular policies. Moreover, as noted above, there has been a marked tendency to adopt backward tracing methods that document specific effects (e.g. on pensioners) in great detail,[11] rather than establishing causal links