

## 1 Introduction

Existing institutions are deeply challenged by many long-standing and emerging changes in contemporary political life. This leads to weaknesses and failures that are being increasingly witnessed across a variety of domains. In particular, climate change stands out as a manifest example, given the urgent need for climate action across the globe. We need to understand how existing institutions can be “remade” in order to address institutional breakdown, particularly in the domestic political sphere. Yet, doing so requires developing a suitable analytical foundation for studying institutional intervention as a political endeavor.

This Element develops an original approach to understanding how political systems can move beyond institutional failure in turbulent but gridlocked contemporary governance contexts. It does so by investigating the political dynamics that occur during attempts to remake political institutions, considering multiple coexisting “areas of institutional production.” The notion of *remaking institutions* is proposed as a way of apprehending the intentional and ongoing work involved in contesting, rethinking, and redeploying institutions, and the challenges of doing so within complex existing institutional settings. Thereby, it emphasizes the unfolding and open-ended character of such activities, which are often, as a result, provisional and indeterminate. An exploratory conceptual argument is presented, which probes existing theory and empirical experience (drawing on climate change as an illustrative example), to develop an analytical foundation for studying institutional remaking.

Importantly, the practice of institutional remaking is not in itself a new phenomenon; it is of course the reality of institutional life that intentional changes are almost always pursued within a historical context as well as a larger system of cognate rules. However, what is lacking is appropriate conceptualization of what exactly occurs during such processes, particularly when end states are not necessarily known a priori, or are sharply contested (or both). This issue takes on particular significance in the context of multiplying institutional weaknesses and failures in contemporary society, as well as the (often urgent) imperative for prospective improvement looking forward into the future.

### 1.1 Institutions in a Changing World

Institutions provide stability for political affairs, but in a rapidly changing world, we increasingly expect institutions to change in order to cope with new pressures, and even anticipate new challenges. Climate change brings this problem into stark relief, as institutions of domestic and global politics are

central for not only enabling wise societal decision-making in the face of unprecedented (and even existential) threat, but are also themselves undermined by the changing circumstances brought about by climate change, which are beginning to reverberate throughout human societies. For example, climate impacts threaten not only lives, infrastructure, and ecosystems but also property rights, social stability, and faith in politics. Elsewhere, institutional shortcomings are also at the center of many other major issues facing societies across the globe, such as migration, economic change, digitization, and aging societies. Altogether, these issues expose weaknesses and failures in contemporary political systems that seem increasingly incapable, and often were simply not built for, the new and emerging pressures they now face. Yet, understanding how political institutions can be reformed, renewed, and reinvented – in other words, “remade” – is a major challenge.

## 1.2 The Case of Climate Change

In the case of climate change, political institutions are central to addressing and responding to the profound risks posed. Scientists and policymakers argue evermore strongly that societies must embark on major reorganizations – commonly described as “societal transformations” – in order to mitigate and adapt to climate change (IPCC, 2018; NCE, 2018; Patterson et al., 2017; Pelling, 2011; Scoones et al., 2015). This is especially vital for constraining temperature rises to globally agreed targets of 1.5–2°C, beyond which unstoppable or runaway climate impacts are likely to be triggered.<sup>1</sup> It requires “decarbonizing” systems of production and consumption across all sectors and levels of human activity, and adapting social, political, and economic systems to fundamentally shifting boundary conditions in a climate-changed world. Such transformations may relate to a particular goal (e.g., decarbonization, adaptation), policy sector (e.g., energy, mobility, water, food, built environment), or aspect of society (e.g., technology, economy, culture). As climate change impacts grow in magnitude and severity across the globe, these impacts themselves are likely to become a structural *cause* of transformation in human societies, at the same time as being *driven* by human societies. This leads to a curious situation where societal transformation is now bound to occur one way or another: Either transformation

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<sup>1</sup> A limit of +2°C average global warming has long been used as a shorthand for avoiding unstoppable climate feedback and tipping points (such as the melting of ice sheets and Arctic permafrost), which are impossible to reverse. A limit of +1.5°C, as recognized in the 2015 global Paris Agreement, is believed to be required to protect low-lying island states from being submerged and their peoples permanently displaced, and to provide a higher margin for avoiding critical thresholds and tipping points (Conference of the Parties, 2015). Although, both limits are probabilistic, so the avoidance of tipping points is still not guaranteed.

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is pursued intentionally in order to limit and curtail climate change or transformation is forced on societies as a result of failing to limit climate change with profound disruption triggered as a result (Fazey et al., 2018).

However, while intentional transformations are urgently called for,<sup>2</sup> understanding *how* they may come about – beginning from the imperfect conditions of the present and in the face of often intense contestation – is deeply challenging. Among scholars, the focus so far has mostly been either, on the one hand, describing problems and the need for transformation or, on the other hand, advocating normative visions for a sustainable future. However, the *processes of change* by which such transformations could actually be realized remain vastly under-theorized, a gap that is especially significant for institutions given their central role in structuring political decision-making.

The problem structure of climate change creates a vexing political challenge. The diffuse nature of climate change impacts across societies and over time, as well as the dilemma that rapid and ambitious climate action requires societies to accept concentrated costs now in exchange for avoiding uncertain and dispersed costs in the future, has proven to be a critical barrier to domestic climate change action over decades (Jacobs, 2016; Stokes, 2016; Victor, 2011). Crucially, this is not just a question of aggregate interests, preferences, and social choice. It is also rooted more fundamentally in the political institutions that structure and channel political decision-making. Political institutions that are implicated include not only those specifically concerned with climate change governance but also broader political institutions that influence social choices about climate change. The resulting sets of incentives/sanctions, norms/goals, and practices/behaviors cultivated by political institutions shape the ways in which societies make decisions and conduct climate action.

Realizing societal transformations under climate change, therefore, involves changes in political institutions in response to, as well as in anticipation of, climate change destabilization. For example, Hausknot and Hammond (2020, p. 4) argue that “a rapid, purposeful, and comprehensive decarbonization of modern society without the force of law and without adequate institutions of deliberation, will-formation, decision-making, policy coordination, and enforcement seems highly unlikely.” Changes in political institutions are needed in three key areas:

1. Political institutions in a given society need to *adapt* to changing circumstances, including material-environmental boundary conditions and their related social, economic, and geopolitical impacts.

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<sup>2</sup> The Intergovernmental Panel on Climate Change (IPCC) recently concluded that drastic action was required within just 12 years to have even a 66 percent chance of meeting the 1.5–2°C global target (IPCC, 2018).

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2. “Specific” political institutions of climate change governance (e.g., policies, programs, law/regulation) need to support *anticipatory* climate action that is rapid and ambitious.
3. “General” political institutions (e.g., policy-making processes, legislatures, systems of representation and deliberation, authorities, constitutions) need to support *long-term decision-making* capable of addressing systemic challenges and avoiding short-termism.

The first point concerns primarily *reactive* changes to develop institutions that are fit for purpose within profoundly changing circumstances. The second and third points concern *anticipatory* changes to develop institutions that are fit for navigating the future. The key question, of course, is how such changes can be realized.

### 1.3 “Remaking” Institutions

The need to remake institutions in a rapidly changing world is a core challenge for contemporary governance. For example, Busby (2018) observes that “the world seems to be in state of permanent crisis,” which brings issues of institutional weakness and failure to the forefront of debates about how societies may cope with ongoing disruption. Yet, while institutional shortcomings are increasingly identified, scholars and policymakers alike seem equally puzzled about how solutions may be found and realized.

Climate change impacts are already occurring with increasing intensity and frequency,<sup>3</sup> including extreme floods, droughts and hurricanes, more severe and widespread wildfires, and rapidly melting glaciers in mountain regions across the globe. Yet climate change governance, both domestically and globally, remains sluggish. Second-order pressures on institutions are also likely due to destabilization of societal and political systems, such as in regard to loss of property rights (Freudenberger and Miller, 2010; McGuire, 2019), impacts on health (Sellers et al., 2019; Whitmee et al., 2015), disrupted global supply chains (Ghadge et al., 2020), forced migration (Berchin et al., 2017), contribution to intra- or inter-state conflict (Devlin and Hendrix, 2014; Gleick, 2014; Nardulli et al., 2015), impacts on access to food (Ericksen et al., 2009), new geopolitical tensions (Busby, 2018; Hommel and Murphy, 2013), and even an erosion of trust by citizens in democratic political systems themselves due to the

<sup>3</sup> While attribution of singular events to climate change is an ongoing and challenging area of scientific research, cumulative patterns of destructive climatic events already witnessed are increasingly attributed to climate change, and are also exemplary of what is expected under climate change; indeed, these patterns frequently exceed scientific expectations in pace and severity.

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failure of governments to tackle climate change over many years (Brown et al., 2019).

Institutional challenges also abound beyond climate change. For example, irregular migration has tested global systems of migration and human rights protections in recent years, as global conflicts and/or repressive regimes have triggered waves of refugee movements, with sometimes volatile political reactions such as rising populist sentiments. In Europe, for example, current arrangements allocating responsibility for sharing refugee arrivals are tenuous, and further stresses (including as a result of climate impacts) could be untenable (Werz and Hoffman, 2016). More broadly, economic insecurity of citizens is a growing source of anxiety in many countries, linked to both domestic economic policies and global economic changes, such as economic restructuring over decades under globalization (e.g., offshoring of jobs, deindustrialization, automation), raising questions about the durability of labor and social welfare institutions (Bregman, 2018; Wright, 2010). Additionally, aging societies create large slow-moving future challenges with growing mismatches between state pension liabilities and the productive base of workers needed to sustain them, especially in many industrialized countries, which has implications for social security and healthcare institutions (Bloom, 2019; de Mooij, 2006). Together, this indicates a critical need to understand how institutions in many areas of political affairs can be intentionally remade over the coming years and decades.

Yet, while institutional solutions are needed for many problems, exactly how such solutions can be realized in practice – even when prescribed – is not well understood. Most broadly, institutions refer to “the rules of the game in a society”<sup>4</sup> (North, 2010, p. 3), “established and prevalent social rules that structure social interactions” (Hodgson, 2006, p. 2), or “persistent rules that shape, limit, and channel human behavior” (Fukuyama, 2014, p. 6). More specifically, institutions are defined as “clusters of rights, rules and decision-making procedures that give rise to social practices, assign roles to the participants in these practices, and guide interactions among occupants of these roles” (Young et al., 2008, p. xxii). In other words, institutions refer to the rules mediating interactions among actors in a given decision-making arena,<sup>5</sup> including both formal and informal aspects (Ostrom, 2005). Importantly, such rules are not solely instrumental but are also “embedded in structures of meaning”

<sup>4</sup> North also makes a helpful distinction between institutions and organizations to avoid their conflation: “Institutions are the rules of the game, organizations are the players” (North, 2010, p. 59).

<sup>5</sup> Following Ostrom (2005), such an arena (“action arena”) occurs whenever multiple actors engage in action concerning an issue of joint interest and/or impact, insofar as their individual actions have interdependent consequences. This places analytical focus on empirical situations as they appear, rather than based on a predefined jurisdictional site or scale.

(March and Olsen, 2008, p. 3) and communication (Beunen and Patterson, 2019; Schmidt, 2008). Hence, cultures, routines, and habits also matter (Hodgson, 2006; March and Olsen, 1983). The overall effect of political institutions is to channel individual and collective agency of social actors, and structure procedures of political decision-making. However, institutions are typically understood to be complex, persistent, and difficult to intentionally change. Indeed, by definition, institutions provide stability and emerge from past circumstances, which make them inherently conservative.

What does this mean for remaking institutions to address climate change and other twenty-first-century governance problems? First, it is important to note that intentional action to remake institutions may be pursued at different levels of institutional order.<sup>6</sup> This can include a programmatic level (e.g., policies, plans, agreements), a legislative level (e.g., laws, regulations), and a “constitutional” level (e.g., formal constitutions, courts, electoral and representative systems, fundamental political norms) (following Ostrom, 2005; Rhodes et al., 2008). Action at each respective level may be more or less readily achievable: Programmatic actions are typically easier to realize than legislative action, whereas constitutional action is typically difficult and rare. Changes at each level may also proceed over differing timescales (e.g., years, decades, several decades). Second, attempts to realize intentional institutional change are not only instrumental but also normative and communicative. For example, political justifications, argumentation and legitimation (Beetham, 2013), and buy-in between rule takers and rule enforcers are vital for securing durable changes. Third, institutions are connected to other aspects of society, such as behaviors and practices of social actors, and materiality of technologies and infrastructures (Seto et al., 2016). For example, Bernstein and Hoffman (2018a, p. 248) point out that decarbonization (i.e., the removal of fossil fuels from all systems within society) confronts the problem of “carbon lock-in,” which “arises from overlapping technical, political, social, and economic dynamics that generate continuing and taken-for-granted use of fossil energy.” Hence, attempts to intentionally change institutions, even when geared toward solving pressing societal problems such as climate change, inevitably involve political contestation and struggle in heterogeneous societies where different social actors hold varying preferences, interests, values, and worldviews. Consequently, for socio-technical shifts such as decarbonization, the ways in which new systems come to be adopted depends on “how they are assembled and congealed through particular arrangements” (Stripple and Bulkeley, 2019, p. 54), in other words, institutions.

<sup>6</sup> Where “order” is understood not as “orderliness” but as “the recognition of patterned regularity in social and political life” (Lieberman, 2002, p. 697).

## 1.4 Domestic Political Sphere

The domestic political sphere (encompassing national, subnational, and local climate action) is crucial to realizing societal transformations to meet global climate targets. Current global climate policy relies on nations delivering on their commitments made under the 2015 Paris Agreement. Under this agreement, nations are expected to set commitments and undergo reviews on a cyclical basis, to support progressive ratcheting up of ambitions over time, while allowing scrutiny from other nations and civil society along the way (Falkner, 2016). Consequently, the success of global climate action now depends on robust action in the domestic political sphere to translate global commitments, navigate complex societal changes, and advance ambitious climate action.<sup>7</sup> At the same time, the domestic sphere is where climate policies are most directly enacted but also challenged. For example, climate policies may be accepted by societies, but they also may face intense resistance or even backlash (e.g., undermining or repealing of policy, institutional dismantling, social protests, and resistance). Importantly, the domestic (sovereign) sphere is where the authority and capability for remaking many political institutions are ultimately grounded.

Institutional remaking already occurs, or is at least debated, in a variety of ways in domestic politics. Examples include the creation of comprehensive policy frameworks (e.g., measures to structurally support the uptake of renewable energy) (Buchan, 2012), regulation to steer public and private choices (e.g., planning and zoning, building standards, vehicle emissions standards) (Sachs, 2012), sectoral and society-wide legislation (e.g., climate change acts, legislated targets for decarbonization, ratification of national emissions reduction commitments) (Lorenzoni and Benson, 2014), creation of new authorities (e.g., agencies/departments, coordination bodies, independent advisory agencies) (Lorenzoni and Benson, 2014; Patterson et al., 2019), economic restructuring (e.g., active investment policies, removal of fossil fuel subsidies)<sup>8</sup> (Brown and Granoff, 2018), experimentation with new forms of decision-making (e.g., deliberative forums) (Dryzek et al., 2019), and the emergence of climate litigation and its institutional consequences (Peel and Osofsky, 2018; Sharp, 2019). These changes span the three imperatives for remaking institutions under climate that were identified in Section 1.1 (i.e., adapting to changing structural conditions, supporting ambitious climate action, and encouraging comprehensive and long-term political decision-making).

<sup>7</sup> Young (2013, p. 97) contends that the success of international regimes “depends on both the capacity and the willingness of members states to implement their requirements in domestic political arenas.”

<sup>8</sup> This also relates directly to new policy proposals and debates over a green (new) deal in Europe (European Commission, 2019) and the United States (e.g., Ocasio-Cortez, 2019).

More broadly, intentional efforts to “remake institutions” can also be seen in other domains of political life, both past and present. For example, economic liberalization has been pursued through domestic and global policies over several decades, and domestic spheres have in turn been reshaped by the resulting forces of globalization. Labor, social welfare, agriculture and tax policies have been other major areas of reform and restructuring over recent decades. Democratization has also occurred in a variety of countries (e.g., post-soviet, post-dictatorship, post-conflict). All these changes involve intentional activities to remake political institutions. So far, profound reforms have largely not been emulated for climate change, where institutional remaking has remained relatively nascent. Yet climate change differs from previous analogues because it, at least so far, lacks a singular normative objective which a durable majority of social actors buy into (e.g., as for democratization or liberalization), and it is also highly open-ended without a clear end point for reforms. Lessons from the study of policy reform are also instructive. In examining the post-adoption politics of policy reforms, Patashnik (2014) argues that “the passage of a reform does not settle *anything*” and the “sustainability of reforms turns on the *reconfiguration* of political dynamics” (p. 3, emphases in original). Hence, contestation is central to both introducing but also embedding institutional changes over time. This brings attention to the provisional and indeterminate character of institutional change, and the ongoing political struggles that it entails.

### 1.5 Focus of This Element

This Element investigates the political dynamics that occur during attempts to remake political institutions, through considering multiple coexisting “areas of institutional production.” This begins with viewing institutional intervention as an ongoing political activity, rather than a once-off intervention moment (especially under climate change), which has several implications. First, political institutions act as distributional instruments which generate sites of contestation, leading to a focus on “rule-making” rather than only “rule-taking.”<sup>9</sup> Second, institutional remaking is an unfolding process, which may often lack a clear start and end point (e.g., end states are not necessarily known a priori), which implies a need for studying unfolding processes rather than snapshots. Third, given its provisional and indeterminate nature, evaluation of the “success” of institutional remaking at any given moment must recognize partial and incomplete outcomes.

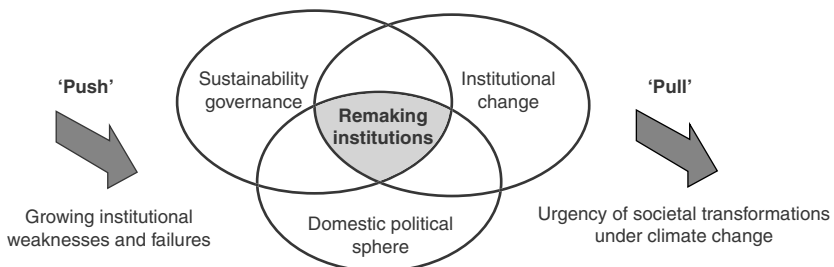
<sup>9</sup> Rule-making emphasizes the politics of rule-creation and embedding, whereas rule-taking treats rules as given and examines the behavior of social actors within a given rule set. Thus, a focus on rule-making foregrounds the political nature of institutional intervention, and the struggles over how rules are created and changed in society.



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Most broadly, this Element contributes to understanding how societies pursue and realize societal transformations through choice rather than collapse. In other words, how can solutions to institutional problems be found proactively without waiting for catastrophic failure? The problem of climate change is unprecedented in this regard.<sup>10</sup> It demands that societies act in anticipatory ways to take account of systemic, irreversible, and largely future impacts, which extend far beyond any single existing polity. As prominent institutional scholars March and Olsen (2008, p. 12) observe: “In spite of accounts of the role of heroic founders and constitutional moments, modern democracies also seem to have limited capacity for institutional design and reform and in particular for achieving intended effects of reorganizations.” Consequently, “we know a lot about polities but not how to fix them” (North, 2010, p. 67). Yet the importance and urgency of addressing climate change can hardly be overstated. Decisions made now are immensely consequential for the future, in a way that overwhelms existing political institutions and defies easy analogy. The challenge of remaking political institutions is both instrumentally and normatively significant. The overall motivation and theoretical terrain for studying institutional remaking, with a focus here on climate change, are shown in Figure 1.

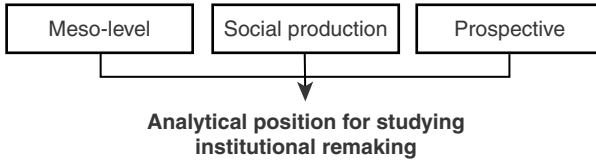
Theoretically, we have rich repertoire of institutional theory to draw on, including a growing range of approaches for explaining institutional change. Nevertheless, our understanding of how institutions can be intentionally remade remains opaque. Institutional theory is typically backward looking as it focuses on explaining past changes (e.g., comparative historical analysis). There is often also a mismatch between narrow empirical explanations (e.g., focusing on single rules) and the reality of institutional multiplicity within real-world decision-making arenas (i.e., complex clusters of rules). Scholars now need to



**Figure 1** Situating the theoretical challenge of remaking institutions under climate change

<sup>10</sup> For example, Newell (2015, p. 72) points out in regard to green transformations: “One obvious challenge to drawing . . . parallels [to previous large-scale transformations in human society such as industrial transformations] lies in the basic fact that no large scale transformation . . . to date has been motivated explicitly by the imperatives of dealing with environmental crises per se.”

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**Figure 2** Analytical positioning of the approach to studying institutional remaking

engage with theorizing how institutional solutions are, or could be, enacted within complex and nonideal real-world settings.

To this end, the departure point for the approach developed here combines: (i) a *meso-level* scalar focus, (ii) a *social production* ontology, and (iii) a *prospective* temporal orientation (Figure 2).

First, a meso-level scalar focus refers to concern for *rule clusters* structuring collective decision-making arenas, over timeframes of several years to a decade. It contrasts against a micro-level perspective focusing on the dynamics of individual social actors operating on a day-to-day timeframe and a macro-level perspective focusing on large institutional changes over decadal timeframes; yet it nonetheless recognizes the influence of both micro- and macro-level forces. Micro-level forces (such as change agents) and macro-level forces (such as overarching political structures and paradigms) may both influence meso-level institutional remaking. A meso-level perspective also focuses on institutions and their interactions with human-technological-ecological systems within a polity that has the ability to reshape these institutions to some meaningful extent. For example, such a polity may be delineated at the level of a city, state/province, or a nation. Overall, this challenges us to focus on change in aggregate rule clusters linked to a particular issue.

Second, a social production ontology focuses on the activities through which social action<sup>11</sup> is generated in attempts to address a specific problem. In other words, it locates the analytical challenge at hand as one of understanding how, why, and under which conditions institutional remaking occurs. The notion of social production has been described in urban governance literature as “the power to accomplish tasks” (Mossberger and Stoker, 2001, p. 829), where “the power struggle concerns, not control and resistance, but gaining and fusing a capacity to act – power to, not power over” (Stone, 1989, cited in Stoker and Mossberger 1994, p. 197). Hence this perspective reflects a conception of power as generative. Partzsch (2017) identifies three ideal-type conceptions of power in sustainability

<sup>11</sup> This emphasizes that more than one actor is involved, and action therefore involves social interactions, situated within an institutional arena.