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978-0-521-11875-0 - The Politics of Protest in Hybrid Regimes: Managing Dissent in Post-Communist Russia

Graeme B. Robertson

Excerpt

[More information](#)

## Introduction

“[Maria] ‘Under Soviet power we were surrounded by illusions. But now the world has become real and knowable. Understand?’

‘It’s hard to say,’ Serdyuk replied gloomily. I don’t agree that it’s real. But as for it being knowable, I guessed that for myself a long time ago. From the smell.”

– Viktor Pelevin, *Buddha’s Little Finger*

“We know no mercy and do not ask for any.” So goes the motto of the Russian Interior Ministry’s elite riot police, the legendary OMON, and so it must have seemed to opposition demonstrators in Nizhny Novgorod on March 24, 2007.<sup>1</sup> Russia’s third-largest city, 250 miles or so east of Moscow, had been chosen as the site for one in a series of “Dissenters’ Marches,” in which those unhappy with Vladimir Putin’s growing, self-confident, but repressive Russia would express themselves. Faced with some 20,000 OMON and other troops brought into the city under a plan code-named Operation Fortress, fewer than twenty protesters actually made it to Gorky Square, where they had planned to gather. Those that did make it, and some innocent pensioners passing by, were thoroughly beaten for their trouble. How many had attempted to march is unknown, since police across Russia had worked hard the week before to round up opposition activists and anyone else they thought might attend.<sup>2</sup>

A riot policeman’s lot is a varied one in Russia, however, and the next day some 3,000 OMONovtsy were gathered in Moscow to provide security for a march of a different sort. There, under the benevolent gaze of the OMON, about 15,000 “commissars” of the youth movement Nashi (“Ours”) paraded

<sup>1</sup> OMON is an acronym for *Otryad Militsii Osobogo Naznacheniya*, or Special Purpose Police Unit.

<sup>2</sup> For a series of articles on the events in Nizhny Novgorod on which this account is based, see Johnson’s Russia List # 71, March 25, 2007; and #72, March 26, 2007. See also International Herald Tribune Round Up of the Russian Press, March 26, 2007 at <http://www.iht.com/articles/2007/03/26/europe/web.0326russiapress.php>

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[More information](#)

through central streets of the capital, including Prospekt Sakharova, named for the great Soviet physicist and dissident Andrei Sakharov. The “Nashisty” were dressed in their signature red-and-white hats, wore identical white coats, and handed out copies of their glossy booklet, “The President’s Messenger.” The message was simple: Putin’s opponents are fascists or traitors; Russia’s enemies are the United States and Russian liberals; Russia’s friend is Vladimir Putin.<sup>3</sup> Clearly, although the Russian Constitution guarantees that “Citizens of the Russian Federation shall have the right to gather peacefully, without weapons, and to hold meetings, rallies, demonstrations, marches and pickets,” as a practical matter, different kinds of Russians have very different experiences when they try to exercise this right.<sup>4</sup>

As I show in this book, the contrasting experiences of the “Dissenters” and Nashi in March 2007 capture well the nature of political protest in contemporary Russia and other regimes that mix elements of political competition and elements of authoritarianism. Protest takes place, but it is heavily managed by elites. Opposition demonstrations are frequently repressed (often preemptively) and are matched by government-organized pro-incumbent mobilizations. Spontaneous, bottom-up or wildcat-style protests do occur, but they tend to be one-off events that are rarely coordinated over time and space. The relative calm, however, is vulnerable to splits in the ruling elite, and elite competition can quickly be translated into mass mobilizations in the streets.

This was not the way it was supposed to turn out when in August 1991, Boris Yeltsin climbed on a tank to face down coup plotters. But the heady dreams of the early 1990s have gone and, nearly two decades later, it is not democracy that has triumphed in Russia but pseudo democracy. Elections continue to be held, but their outcome is rarely in doubt. Some opposition parties and candidates run and win seats, but others are marginalized or excluded. News and current affairs programs are dominated by the views of the ruling group. Critics of the government can be seen on television, but the coverage is partial and slanted. Political debate can be read in the newspapers and heard on the radio, but intimidation and self-censorship are facts of life for journalists. In fact, Russia has become a paradigmatic case of a hybrid political regime, where political competition is officially legal but heavily skewed by the strength of authoritarian institutions and the weakness of independent organizations.

Political regimes that mix some elements of competition with elements of authoritarianism have long existed.<sup>5</sup> However, the number of regimes that are not explicit or closed authoritarian regimes but also are not full-blown liberal democracies has increased dramatically since the end of the Cold War. This growth is in large part because the would-be authoritarian today faces a different

<sup>3</sup> Igor Romanov and Aleksandr Samarina, “Don’t Oversleep the Country. Young People Stand Up Against the Rotten West,” *Nezavisimaya Gazeta*, March 26, 2007.

<sup>4</sup> Section 1, Chapter 2, Article 31.

<sup>5</sup> For simplicity, in this book I use the term authoritarian regime to cover all non-democracies. This approach differs from that of Linz (2000), who defines authoritarian regimes to be one element in the subset of non-democracies.

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Excerpt

[More information](#)*Introduction*

3

set of problems than his or her twentieth-century predecessors. A world that is more integrated than before means information is harder to control, and so isolating the country from the outside world is both more difficult and more costly. In addition, the death of Communism has robbed leftists and anti-Communist strongmen alike of a story to legitimize anti-democratic practices. Consequently, in more and more places, rulers are compelled to justify their practices as democratic both to domestic and to international audiences.

Hence, although there are still a number of closed, highly repressive regimes, such as Turkmenistan under Saparmurat Nyazov or North Korea under Kim Jong Il, such regimes feel increasingly like a remnant of the late, unlamented totalitarianism of the twentieth century. Instead, many (if not most) contemporary authoritarians expend significant effort participating in elections in which there is some real sense of political competition, even if the probability of the incumbents losing is small. One of the new skills needed by today's post-modern authoritarians is managing and winning elections, preferably without cheating to the point of getting caught. However, competition is not limited to elections. In places as diverse as Bolivia, Ecuador, Georgia, Kyrgyzstan, Ukraine, and Venezuela, protest politics in the streets and workplaces has also played a key role in determining the fate of governments. Consequently, where some political competition is permitted, governments and leaders are realizing that successful authoritarianism means managing politics on both levels: in elections and in the streets.

Although much has been written about authoritarian elections and the techniques used to manipulate them, less is known about how the combination of political competition and authoritarian control affects the second level: politics in the streets.<sup>6</sup> In this book, I explore protest in contemporary hybrid regimes. Although elections make regular appearances in my account, I focus primarily on politics outside of elections and look specifically at how people express themselves through acts of protest in the factories and streets. The task is both to look at how the hybrid nature of contemporary authoritarianism affects patterns of protest and, at the same time, to assess how protest affects the regime and the ways in which control is maintained in today's hybrids.

In doing so, I build on existing work on protest in democracies and authoritarian states to develop an original theory of protest politics in hybrid regimes.

<sup>6</sup> Schedler (2002), for example, examined the “menu of manipulation” and demonstrated how the voice of the people can be silenced in elections. Schedler (2006) also looked at the ways in which authoritarian elections affect regime and opposition dynamics, at the role of different domestic actors in authoritarian elections, and at the effect of international factors. Lust-Okar (2005) showed how different Arab regimes operate a policy of divide-and-rule to ensure a “loyal” opposition participates in elections, whereas Magaloni (2006) took the analysis a step further by showing how a combination of carefully crafted systems of vote buying, “punishment regimes” for defectors, and coordination problems facing oppositionists can allow authoritarians to win elections even without large-scale resort to manipulation. Focusing on the long-lived PRI regime in Mexico, Magaloni was able to show how authoritarians can turn elections from a threat to their regimes into a means for strengthening control.

I argue that *hybrid regimes tend to feature hybrid protest* in which the isolated, direct action style of protest that characterizes authoritarian regimes is mixed with the more symbolic protest patterns of democracies.<sup>7</sup> I further argue that a lot of protest in hybrids is *managed*; that is, permitted, controlled, and integrated into the broader political strategies of elites. These patterns of either isolated direct action or managed integration are compatible with both high levels of protest or a high degree of social peace: That a regime is hybrid does not tell us straightforwardly what level of protest to expect. Instead the quantity and kind of protest we see depends on three factors: (1) the *organizational ecology* of hybrids, by which I mean the nature of existing organizations and the environment that they inhabit; (2) *state mobilization strategies*; and (3) patterns of *elite political competition*.

However, the relationship between regime and contention is not unidirectional; patterns of contention affect how regimes develop too. The analysis illustrates that large numbers of protesters in the streets are usually the result of fissures in the incumbent elite coalition but are not necessarily a sign of the kind of civil society organization that promotes longer-term democratic development. The long-term effect of crowds depends on the organizations that underlie them. Where independent organizations capable of holding elites and the state accountable emerge in the process of contention, movement in the direction of democracy is more likely. However, neither spontaneous wild-cat protests nor elite-managed demonstrations often leave behind strong, independent organizations, so we can see a lot of protest without much progress toward democratization.

Given the importance of elite unity for regime stability, I argue that contemporary regimes that lie between democracy and closed authoritarianism are very fluid and the site of much *institutional and organizational innovation* on the part of leaders seeking to hold together the elite coalitions that keep them in power. Political protest threatens to undermine elite cohesion and can lead authoritarians to experiment with new institutional and organizational strategies to manage and contain competition. These experiments, in turn, can have unanticipated effects on regime development. I show how this has worked in Russia as Vladimir Putin's Kremlin responded to popular protest, both within the country and outside, to fashion a new governing system that in many ways reflects the "state of the art" in authoritarian regime design.

### Hybrid Regimes

One of the central premises of this book is that the nature of authoritarianism is changing with the end of the Cold War and with the processes of technological change and the globalization of ideas that have accompanied it. Fewer authoritarian regimes appeal to non-democratic principles of legitimation and more speak the language of liberal democracy without fully adopting its practices.

<sup>7</sup> For a discussion of regime types and protest patterns, see Tilly (2004).

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Excerpt

[More information](#)*Introduction*

5

Such states, in which authoritarian control coexists with legally sanctioned, if limited, competition for political office, are hybrid regimes.

Hybrids are many. According to a survey by the political scientist Larry Diamond in 2002, only seventy-three states, or 38 percent of states in the world, could be considered liberal democracies in the sense of providing high standards of both political and civil rights. A further thirty-one, or 16.1 percent of countries, did pretty well on political rights but had significant problems safeguarding civil rights. At the other end of the spectrum, Diamond considered only some twenty-five countries, or 13 percent of the total, to be completely politically closed in the sense of being extremely repressive of both political and civil rights (Diamond 2002). This leaves somewhere between a quarter and a third of the countries in the world – roughly forty-five to sixty-five countries – in what Marina Ottaway (2003) calls “a vast gray zone that occupies the space between authoritarianism at one end and consolidated democracy at the other” (7).

Importantly, hybrids are not only many, but varied. As Levitsky and Way (2010: 20) point out, there are many ways to be hybrid. Estonia in the 1990s, for example, might be thought of as a hybrid because it was a democracy for ethnic Estonians, but political participation for ethnic Russians was strictly limited.<sup>8</sup> Iran, by contrast, is a hybrid in that political authority is divided between elected and non-elected bodies. At the end of 2001, Diamond listed places as diverse as Colombia, Venezuela, Ethiopia, Tanzania, Kenya, Iran, Pakistan, Kuwait, Indonesia, Malaysia, Singapore, Azerbaijan, Russia, and Ukraine (Diamond 2002: 30–31) as being neither democratic nor closed authoritarian. Like unhappy families, it seems, each hybrid regime is hybrid in its own way. These differences across hybrids, I argue, are highly consequential for the patterns of protest that we observe.

Hybrids are not only varied but also rapidly changing and, as I show, are the site of major innovation. This makes them hard to divide into subcategories that are both durable and analytically useful. The early lists of hybrid regimes tended to rely heavily on grouping states according to their scores on democracy indicators, with hybrids belonging to the “middle category,” whether broadly or narrowly defined (Diamond 2002, Schedler 2006). More

<sup>8</sup> Estonia became a full member of the European Union on May 1, 2004, having fulfilled EU requirements on minority rights. Estonia has been given Freedom House’s highest score of 1 (on a 1–7 scale) for the quality of its political rights since 1996 and a 1 on civil rights since 2004. Nevertheless, Amnesty International, the Council of Europe, and the UN Committee Against Torture continue to express reservations about Estonia’s treatment of its Russian-speaking minority, who number some 420,000 people, or approximately 30 percent of the population. About one-quarter of the Russian speakers – slightly more than 8 percent of the Estonian population – remain classified as stateless and are disqualified from voting in national elections. This represents progress from the 32 percent who were noncitizens in 1992. See Arch Puddington Aili Piano, Camille Eiss and Tyler Roylance, Freedom House (2007). *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties*. (Rowman & Littlefield). p. 248. See also *Europe and Central Asia: Summary of Amnesty International’s Concerns in the Region, July–December 2007*. Available at: <http://www.amnesty.org/en/library/info/EUR01/001/2008/en>

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recently, scholars have sought to categorize regimes in the middle according to the way in which power is organized. For example, Balzer (2003) analyzes the politics of “managed pluralism” whereas Hadenius and Teorrell (2007) distinguish between “dominant” and “restricted multi-party systems” within the population of hybrids.

An additional term commonly used for the kinds of regimes of interest here is “illiberal democracies.” The implication is that these regimes, though not living up to full democratic standards, are nonetheless “democracies” – a term that carries with it important normative implications. By contrast, Levitsky and Way (2002, 2010) refer to a subset of hybrids they term “competitive authoritarian,” reflecting their view that competition is a feature that authoritarians would rather squeeze out of the system. Using subcategories like these can be a treacherous business, however, since regimes in the middle are quite dynamic and can be subject to apparent liberalizations and deliberalizations as the balance of competitive and authoritarian elements changes over time, without fundamentally affecting the operation of the system (Hale 2005).

Consequently, instead of trying to define subcategories, I use the generic term “hybrid regimes.” My argument covers a broad range of regimes in which at least some legitimate and public political competition coexists with an organizational and institutional playing field that renders this competition unfair. I argue that within these kinds of regimes, variations in protest patterns are likely to be driven by three key variables: *organizational ecology*, *state mobilization strategies*, and *elite competition*. Focusing on these underlying variables, rather than reifying different kinds of hybrid, is a more useful approach in a world in which real, existing regimes can change rapidly without turning into either full-blown democracies or closed authoritarian regimes.

### Russian Lessons and a Theory of Protest in Hybrids

To illustrate my argument, I look in detail at one such regime, Russia. Analysts are divided as to whether in the Yeltsin era Russia was a weak democracy, a weak post-totalitarian regime, or a regime in a state of collapse. Similarly, in the Putin era there is some debate over the extent to which Russia has returned to “authoritarian ways.”<sup>9</sup> These are matters of judgment about which reasonable people can, and do, disagree. Fortunately, whether Russia lies on one side or the other of an imaginary regime line is not important for this book. Even though the Yeltsin and Putin eras are radically different in ways that I describe here, they share a characteristic central to my analysis: Some legitimate and public political competition coexists with an organizational and institutional playing field that renders this competition unfair.

<sup>9</sup> For the Yeltsin era, see, among many others, Cohen (2000), Colton (1995), Shleifer and Treisman (2004), Wedel (2001), Weiler (2004). For the Putin era, see, also among many others, Lindemann-Komarova and Javeline (2010), McFaul and Stoner-Weiss (2008), and Pravda (2005).

*Introduction*

7

Russia is an interesting case in part because of its size and political importance in the Eurasian region. However, from a methodological perspective, the Russian experience is also particularly useful to the study of protest because there is considerable variation in both the volume and quality of protest between the Yeltsin and Putin eras and within the Putin era itself. I analyze protest in terms of three different periods that correspond roughly to the late Yeltsin era (1997–2000), the first Putin term (2000–2004) and the second Putin term (2005–2008). Under Yeltsin, as I will show, protest levels were high. By contrast, in Putin's first term protest levels were very low and the protest that did occur was politically marginalized. In Putin's second term, however, protest in the streets reemerged as a significant political issue, increasingly framed around a regime/opposition divide. This in turn led to significant changes in the way the Russian polity is managed.

Across these three periods, we also see considerable variation in the underlying variables that, I argue, condition the nature of protest politics. The first variable is the *ecology of organizations*: the general environment in which organizations are born, live, and (perhaps) die; the kinds of organizations one is likely to find there; and the nature of the interaction between them (Carroll and Hannan 2000, Hannan and Freeman 1977). In Russia, the ecology of organizations has largely been dominated by top-down, elite-focused groups. As we will see, however, since about 2005, there have been important changes in the emergence of a lively and more coherent, if still small, set of opposition forces trying to mobilize popular protest. This change in the organizational ecology has had major implications both for the kind of contention taking place and for the way in which that contention is managed by the state.

The periods also differ with regard to the second variable, *state mobilization strategies*. For much of the Yeltsin era, the key action was at the regional level where some regional elites sought to mobilize protesters as part of political bargaining with the center, whereas others sought to demobilize protest. This led to high levels of protest in a small number of places and low levels elsewhere, despite a generalized economic crisis. In the first Putin term, regional governors stopped using protest as a tactic against the center but instead competed among themselves to show loyalty to the new incumbents in Moscow. This led to a generalized demobilization of protest.

Since 2005, however, the central Russian state has taken a much more active approach to mobilization, consciously seeking to mobilize the public in support of regime objectives, and at the same time working much harder to repress unsanctioned protesters. As a result, large numbers of pro-government marchers are visible on Russia's streets for the first time since the collapse of Communism. However, the apparent strength of the incumbent regime has driven formerly competing factions of the opposition to form alliances, resulting in a more harried but more active and coherent opposition.

Finally, the periods also differ considerably with respect to the third variable: the extent of *elite competition*. Under Yeltsin, the elite was divided, and incentives existed to mobilize protest in the places and at the times I identify

in Chapters 3 and 4. In sharp contrast, under Putin the elite has become dramatically more cohesive, and regional leaders have had strong incentives to try to prevent protest from taking place. These incentives come from institutional changes made by the Putin administration, from elite perceptions that Putin's regime will be long-lived and from changes in the economic environment. The apparent elite unity has meant that, in the first Putin term in particular, levels of public protest have been very low compared to the Yeltsin era.

In addition to the variation over time on key dimensions, the Russian case is particularly interesting because it provides an excellent opportunity to study a post-modern authoritarian regime in the making, where the imperatives of domestic and international legitimacy and a desire for domestic control have produced much experimentation in the techniques of management of a hybrid regime. This means moving from looking at protest as the dependent variable to looking at how protest in turn affects the type of political regime. Through this analysis, I hope to illuminate how politics and protest have interacted to produce the contemporary, "state-of-the-art" authoritarian regime in Russia, from which others, particularly in the post-Soviet space, are learning (Silitski 2006).

### Theoretical Implications

The analysis of protest in this book has implications for a number of different literatures in political science and sociology. Most importantly, the theory of protest presented here contributes a different perspective to the literature on contentious politics, presenting an analysis of how contention works in hybrid regimes. The argument also has implications for literature on social movements, for the literature in economics, political science and sociology on industrial conflict, and for understanding the nature of repression in contemporary hybrids.

In addition to its theoretical implications, my argument covers a broad range of cases. At one extreme are highly repressive authoritarian states where opposition candidates organize and compete, but where this is very difficult and often downright dangerous. Belarus under Aleksandr Lukashenko is an example of one such place that seems to be at the boundary between a hybrid and a closed authoritarian regime. There protest is most likely to be isolated and limited given the weakness of independent organizations and a unified elite following demobilizing strategies. At the other extreme is a case like Venezuela where strong opposition organizations, a sharply divided elite, and major pro- and anti-regime mobilizations have led to high levels of mobilization closely tied to elite conflicts but drawing in many different grassroots organizations too. In between lie a broad range of regimes in places like Kyrgyzstan, Georgia, Serbia, Indonesia, Kenya, Tanzania, and Colombia. I return to the issue of places other than Russia in the concluding chapter.

### *Literature on Contentious Politics and Social Movements*

Scholarship on contention has demonstrated a strong relationship between patterns of contention and the nature of the political regime in which contention

*Introduction*

9

takes place (Tilly 2004, Davenport 2005, 2007). I build on this literature by looking at how contention and regime are related in the hybrid regimes that have emerged as the largest group of nondemocratic states in the post-Cold War era. The goal is twofold: to propose a characterization of the nature of protest and to explain the dynamics that underlie protest patterns.

The literature on contentious politics poses a sharp contrast between protest in democracies and protest in authoritarian regimes. Simplifying somewhat, democracies are thought to be full of open, organized contention, in which usually nonviolent demonstrations of worthiness, unity, numbers, and commitment on the part of social movements are a central element of mainstream politics. So mainstream has contention become, in fact, that many see the long-standing democracies as increasingly becoming “movement societies” (Meyer and Tarrow 1998).

By contrast, contention in closed autocracies is heavily repressed and public protest is rare, dangerous, and often violent. Actions are often direct in nature rather than symbolic, geographically and politically isolated, spontaneous, and largely without the coordination of organized social movements (Tilly 2004). Given this characterization, a key question is how protest in hybrids is likely to compare with patterns in democracies and closed authoritarian regimes, both in terms of the amount of protest we should see and in terms of the kind or repertoires of protest that we should expect.

As far as levels of protest are concerned, we will see that one of the lessons of the Russian case is that identifying a regime as “hybrid” does not actually tell us much about what levels of political protest to expect. It is neither the case that protest increases linearly as we move from closed authoritarianism toward democracy, nor the case that the relationship is curvilinear, with higher levels of protest in between democracy and autocracy. In fact, I show that hybridity is compatible with both highly mobilized protest politics and a high degree of social and political peace. The level and kind of protest depend on the nature of organizations in society and in particular on the balance between state-controlled and autonomous organizations (organizational ecology), the levels and kinds of state efforts to mobilize supporters in the streets (state mobilization), and the nature of elite competition.

In terms of the repertoires of protest we are likely to see, Chapter 2 suggests that hybrid regimes, perhaps unsurprisingly, exhibit hybrid patterns of protest. As in authoritarian regimes, protesters in hybrids are often likely to resort to direct actions and attempts at moral shaming through actions like hunger strikes. These actions are typical of prisoners and others who lack open, recognized political channels to process their demands. However, protest also includes the peaceful displays of worthiness, unity, numbers, and commitment like marches, demonstrations, and strikes that we associate with democracy.

Whatever their form, however, I show that contentious actions often take place without the creation of dense, durable social networks to coordinate and sustain action of the kind we associate with social movements. Local, material, and narrowly framed claims and identities tend to inhibit aggregation. When

combined with a repressive state and a lack of a preexisting autonomous organizational infrastructure, it is extremely difficult to develop the broad, sustained campaigns common in democracies.

I also show that we cannot simply “apply” the standard models of social movement analysis, what McAdam, Tarrow, and Tilly call the “classic social movement agenda” (2001), to understanding contention in hybrid regimes. The existing models rely heavily on the existence of autonomous social movements to organize, frame, and direct contention, but the underlying social movement organizations of this model cannot be taken for granted. Where there is a strong, organized, and autonomous “opposition” in place, protest in hybrids will look like that in democracies. To the extent that such opposition organizations are missing, however, protest patterns will be more like authoritarian regimes. The nature of the organizational world – what I call the organizational ecology – is therefore a variable, and different organizational ecologies will produce different patterns of contention.

Nevertheless, other features of the classic model remain very important, if in need of adaptation to the hybrid context. For example, political opportunities are central to the classic social movement agenda and remain crucial in hybrids. Elite divisions – a staple of traditional social movement analysis – are, as I show, powerfully associated with protest in hybrids. Nevertheless, even here there are some wrinkles. The usual metaphor used when discussing political opportunities is of a regime opening and closing and so creating or eliminating opportunities for protesters. This image is misleading in a number of ways.

First, a more accurate image is one in which elite competition not merely creates opportunities but also *directly* drives who mobilizes and when through the organizational capacity at the disposal of key leaders. When elites have the capacity to mobilize significant publics, the structure of elite conflict shapes not just the amount of protest we see (rising with elite divisions), but also the identity of protesters and the geography of where protest takes place.

Second, as I show, the opening of elite competition does not straightforwardly lead to the diffusion of protest. Protest diffusion is only likely to take place when national and local political competition and elite cleavages coincide and national contests are repeated at the local level. By contrast, when elite cleavages at the national and local level are orthogonal to one another, protest is much less likely to diffuse.

Third, because elite incentives – and so patterns of elite competition – are shaped by both formal and informal institutions, institutional rules and practices are likely to have a direct influence on protest in ways that scholars have tended to neglect. For example, formal rules governing arenas of elite competition like elections will have, as we will see, an effect on patterns of protest. Broader systems of institutions, such as programs of bargaining between labor, employers, and the state, will also affect protest patterns. Moreover, the effects of institutions on protest, as on other political phenomena, will often be unexpected or unintentional (Hall and Taylor 1996, Pierson 2000). This is because the effect of institutions on protest depends not just on the rules or institutions