Article

Imperial Legal Politics after the Age of Empires: How the Russian Judiciary Adjudicates Commercial Disputes in Crimea

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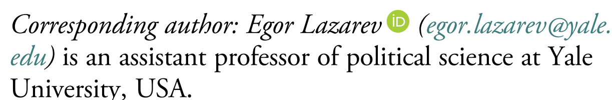
What is the role of law in imperial state-building projects? We study this question of historical significance with an empirical focus on Russian *arbitrazh* (commercial) courts in Crimea. We document the increase in the number of disputes that involve the Russian state and strong pro-government favoritism in court decisions. We also find that *arbitrazh* courts are used as a check on local political elites. At the same time, our analysis establishes favoritism toward local businesses in disputes with Russian businesses. Most importantly, we highlight that this stick-and-carrot legal politics is not only imposed from above: Local judges who defected to Russia act more favorably than outsider judges appointed from Russia toward the Russian state and businesses, plausibly because local judges want to signal their loyalty. The implication is that imperial legal domination emerges not only through directives from the metropole but also through the everyday contributions of local imperial intermediaries.

Keywords: Law and colonialism, imperialism, commercial courts, Russia, region of exception

On April 19, 2016, the Commercial Court of the Crimean Republic, set up by the Russian authorities in the region that has been de facto controlled by Russia since 2014, made a ruling on a case initiated by the limited liability company Yalta Zoo "Skazka" against the Crimean customs agency. The plaintiff demanded that the agency revoke the decision to fine the zoo for the illegal import of the "goods" such as "Hamadryas baboon (39 pieces)."[1] The animals were imported soon after the annexation of Crimea in accordance with Ukrainian customs regulations. However, the new authorities retroactively applied the Russian regulations and issued a fine of more than 1 million rubles (approximately US$15,000). The court sided with the state agency. This was not the first nor the last court hearing for Oleg Zubkov, a 50-year-old local businessman and the founder and director of the zoo. In a detailed portrait of Zubkov, journalist Joshua Yaffa (2020, 204) describes how his protagonist's life after the Russian annexation turned into "one court appearance after another." In 2018 alone, Zubkov had a staggering 157 court hearings. Just a few years before the court hearing described earlier, in February–March 2014, Zubkov had enthusiastically supported the Russian takeover of Crimea. However, less than a year after the referendum, Zubkov started feuding with the new regional authorities imposed by the Kremlin and began to be constantly inspected, investigated, fined, and dragged to courts for one violation or another. Is the case of Zubkov, who is an extravagant local notable, an exception to or a manifestation of the Russian state-building project in Crimea? In this article, we systematically investigate how courts in Crimea adjudicate commercial disputes between the state and business and between local and Russian businesses after the de facto annexation. This analysis allows us to shed light on what we call imperial legal politics.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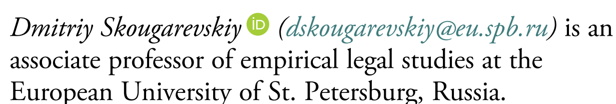
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How do imperial powers establish the rules of the game in the territories they control? What is the role of law in imperial state-building projects? In the academic division of labor, these questions have been firmly placed in the domain of historians. However, Russia's aggressive actions in Ukraine strongly suggest that imperialism is very much alive and requires attention from social scientists as well. The problem of imperialism is, of course, not restricted to Russia alone. Scholars have emphasized that the American Empire today looms large (Go 2011; Kohli 2019). One can also make a case about significant neo-imperial practices in the politics of the United Kingdom, France, Turkey, China, and other states. We, however, focus on contemporary Russian imperialism, which until recently received only minimal attention. In fact, application of the terms "colonialism" and "imperialism" to the Soviet Union and Russia has been contested (Beissinger 2006; Etkind 2013; Marat and Kassymbekova 2022; Matveev 2021). Russia's openly imperialist politics toward Ukraine shifted the narrative and highlighted the need for systematic empirical analysis of imperial manifestations. Our aim is not to stretch a historical category to the present day. We do not treat "empire" as a label or a diagnosis but approach it as a context-setting category (Gerasimov et al. 2005) that allows us to contrast the knowledge obtained from historical studies with contemporary reality.[2]

Theoretically, we outline two perspectives on imperial legal politics. The first one builds on theories of the rule by law (Ginsburg and Moustafa 2008) and presents the top-down view that law is used by the metropole to ensure domination over the local population and local political elites. The second approach builds on the theories of judicial behavior in illiberal settings (Helmke 2012; Hilbink 2007) and highlights the internal politics of the imperial judiciary. This perspective assumes that judges and other agents of imperial law have their own agendas and side with the metropole, local elites, or the local population depending on their beliefs and interests, rather than just following directives from the center.

Building on these theoretical perspectives, we formulate a set of competing hypotheses. The first part of the set theorizes the function of law in imperial governance, contrasting the aims of domination and privilege and outlining the potential use of law to control local political elites. The second part of the set of hypotheses is about the role of judges in establishing imperial governance. The results of the empirical analysis do not decisively support one of our hypotheses but we find partial support for four of these predictions. Our results thus show the complex, ambiguous, and even contradictory nature of imperial legal politics in Crimea.

Empirically, we rely on the comprehensive data of the universe of commercial disputes heard in the Russian *arbitrazh* courts in Crimea and Sevastopol from 2014 to 2019. Our research design features comparative analysis of commercial court cases from Crimea and the commercial disputes heard in the neighboring Russian region of Krasnodar Krai. We also compare Crimea to the whole of Russia. Our empirical strategy focuses on the analysis of descriptive evidence from these uniquely rich datasets. The central outcomes of our analysis are win rates of the state at the federal (metropole), regional, and local levels, as well as win rates of local businesses versus the metropole's businesses. We also pay attention to the personnel policy of legal state-building and its effects by contrasting local judges who worked for the Ukrainian judiciary and defected to Russia with judges appointed from Russia.

We document the increase in the number of disputes that involve the Russian state in Crimea over time and substantial pro-government favoritism in court decisions. This pro-state judicial bias is stronger in Crimea than in neighboring Krasnodar Krai and Russia overall. This supports the hypothesis that law is used to ensure legal domination of the metropole. However, at the same time, Crimea is also characterized by significant favoritism toward local businesses in disputes with Russian businesses. This pro-local favoritism is stronger in Crimea than in Krasnodar Krai and all Russian regions on average. This finding goes against the legal domination hypothesis and suggests that law is also used to ensure protection or even privilege of "the region of exception." Thus, descriptive empirical evidence and comparative analysis highlight the ambiguity of top-down imperial legal politics in Crimea, which features both imposed state domination and the privileging of local businesses.

When we switch from analyzing the patterns of legal politics at the regional level to analyzing judicial behavior, we find that the contradictory imperial legal order in Crimea was not just imposed by the Kremlin but also emerged from within the judiciary. We document that the vast majority—around 75%—of the judicial corpus working under Russian rule are local judges, who before 2014 worked for the Ukrainian judiciary. At the same time, the Kremlin also appointed a considerable number of judges —the remaining 25%—from Russia. We show that "Russian"[3] judges are more likely to be assigned to more significant and difficult cases and to cases that involve the regional government. Together with the finding that pro-government bias is weaker for the regional authorities, this piece of evidence suggests that the metropole uses law as a check on regional elites. However, "Russian" judges are not found to be the primary agents of imperial legal domination beyond controlling local political elites. In fact, we find the opposite—that "Russian" judges are associated with lower pro-government favoritism and higher favoritism toward local businesses. In contrast, local judges are more favorable toward the state and Russian businesses plausibly because in this way they signal their loyalty to the Kremlin. These results highlight the agency

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of local imperial intermediaries in the legal politics of state-building.

This article demonstrates the relevance of the concept of imperialism for political science. The concepts of empire, imperialism and anti-imperialist political thought have secured a prominent place in political theory scholarship (Pitts 2010). Although the study of colonial legacies has attracted sustained attention within empirically oriented political science literature, the inner workings of imperialism have largely been neglected (De Juan and Pierskalla 2017). The most notable exceptions are the grand accounts of the nature, causes, and consequences of imperialism proposed by scholars such as Michael Doyle, Alexander Motyl, and Atul Kohli (Doyle 1986; Motyl 2001; Kohli 2019). The analytical framework of empire has also been productively used to explain American political development (Gailmard 2024). Recently, scholars have started to explore the microfoundations of imperialism in relation to the core questions of comparative politics, including the question of state-building (De Juan, Krautwald, and Pierskalla 2017; Kim 2020; McNamee 2023; Popescu 2023). We develop this line of research with a focus on the contemporary expressions of imperialism. Our analysis gives us real-time insight into how imperialism works in the modern era; that is, when we obtain court data from the internet rather than the archives. More generally, our study shows the microfoundations of imperialism as seen through imperial legal domination—essentially the nuts and bolts of how imperial power establishes itself. We propose a way to study expressions of imperial rule at the macro level of the peripheral region and at the level of the behavior of imperial agents.

A reader might expect a study of the use of law by the Russian state to rely on the framework of authoritarianism, not imperialism. Yet, the relationship between imperialism and authoritarianism is often intertwined. Jack Snyder (1991) demonstrated that authoritarian governments, particularly those dominated by military elites or nationalist factions, are more prone to engage in imperial overreach. In many contexts, imperialism has fostered or reinforced authoritarian rule, both in the imperial center and in colonized territories. Moreover, there are structural similarities between the two phenomena, because both involve systems of political domination (Lawrence 2024). For us, the framework of imperialism is analytically more fruitful. The authoritarianism framework focuses on the strategies leaders use to suppress political pluralism and opposition, as well as the challenges they face within their ruling circles and from potential popular uprisings. It is primarily concerned with power sharing, repression, problem of succession, and governance in the absence of democratic legitimacy. In contrast, the imperialism framework emphasizes how center–periphery relations are governed, particularly when the periphery must be incorporated into the existing polity. Our use of the framework of imperial legal politics does not suggest that contemporary Russia is a reincarnation of the eigtheenth-century Russian Empire. Rather, the imperialism framework—encompassing territorial expansion and the penetration of the metropole's state structures into the periphery—proves useful for formulating alternative hypotheses on state–society relations in the context we are studying.

We believe that systematic empirical evidence from Crimea is also very valuable in itself. The dominant political science approaches prioritize the geopolitical vision of Crimea as a strategic foreign policy asset (Treisman, 2016). Much less common is a focus on the politics on the ground. Here Gwendolyn Sasse's (2007) investigation of the identity politics in Crimea in the post-Soviet period under Ukrainian control remains the main reference. After the annexation, research in the region became very difficult, which limited scholarly analysis, with few notable exceptions (Knott 2024; Lupu and Peisakhin 2017; Matsuzato 2016; Muratova 2022; O'Loughlin and Toal 2019; Shynkarenko 2022; Simonova 2023; Zeveleva 2019). However, no existing studies that we are aware of investigate the politics of state-building in Crimea.

The focus on *arbitrazh* courts allows us to explore state–business relations and state adjudication of disputes between local and Russian businesses. These dimensions of state-building are crucial for understanding its imperial format because law has been used in colonial settings to facilitate the extraction of economic resources. However, other important manifestations of imperial legal politics happen outside the *arbitrazh* courts. Most notably, prosecutions of Crimean Tatars and pro-Ukraine activists are implemented through the criminal justice system. Such prosecutions present strong evidence in favor of the top-down legal domination perspective. In the domain of economic relations, the direction and effects of imperial legal politics are less obvious. For instance, it is noteworthy that the earlier mentioned zoo owner Zubkov won half of his 30 cases against the government in the *arbitrazh* courts in our sample. In general, the *arbitrazh* courts are widely recognized as the most unbiased and professional courts in Russia (Bocharov and Titaev 2018; Frye 2017; Gans-Morse 2017; Hendley 2005). However, we can still find traces of imperial legal politics in these courts.

The rest of the article is organized as follows. We first establish the theoretical foundations of imperial legal politics, setting up competing hypotheses regarding judicial behavior in Crimea under Russian administration. Next, we outline the historical and political context of Russian governance in Crimea, providing a basis for understanding subsequent legal dynamics. The research design and methodology section details our approach to gathering and analyzing *arbitrazh* court case data across

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Crimea and conducting a comparative analysis. The empirical analysis opens with a macro-level examination of court decision trends, documenting patterns of state–business disputes and biases toward different levels of government and local businesses. This is followed by a microlevel analysis contrasting the rulings of local judges who moved from the Ukrainian to the Russian judiciary with those of outsider judges appointed from Russia, highlighting variations in judicial bias and loyalty signaling. The article concludes by reflecting on the complex interplay of local and imperial influences in Crimean court decisions, situating these findings within broader discussions of imperial governance and offering implications for future research.

Theoretical Perspectives on Imperial Legal Politics

The meaning of empire has changed profoundly over time. However, it remains a powerful concept for understanding the "family resemblance" of situations of externally imposed political domination and contention against it (Beissinger 2006). This conceptual family includes empire, imperialism, colonialism, settler colonialism, internal colonialism, and many cognates. It covers both ideologies and practices.

Colonialism and imperialism, the key terms in this family, are overlapping and interdependent. Most contemporary scholars argue that it is difficult to distinguish them (Pitts 2010); however, there are some useful attempts to do so (Arneil 2024; Kumar 2021). We believe that both colonialism and imperialism are parts of the "repertoires of empire" (Burbank and Cooper 2011) but that they are distinct. Colonialism is centered on land and settlement, and colonization often involves the displacement of Indigenous peoples by settlers (McNamee 2023). According to anthropologist Joseph Grim Feinberg (2024), colonialism is based on a logic of domination "through strict separation between the colonizers and the colonized." This separation divides people into differentiated categories with differing legal protections and is racialized and ethnicized. Meanwhile, imperialism is centered on the acquisition of new territory by states. The logic of imperial domination is based on "hierarchical integration," meaning that the imperial state governs by "either erasing the difference among subjects or inserting them into a shared hierarchical system, with peoples separated by degrees, but not absolutely" (Feinberg 2024). Empires, of course, remain heterogeneous, but this heterogeneity is the result of a compromise that the center tries to dissolve. Imperialism is thus not just about conquest but also has an active governance dimension. Sean Gailmard (2024) highlighted this dimension in his recent work on British imperial institutions in American colonies, where governance required claiming territory, organizing a colonial economy, exporting people and supplies, importing goods and resources, and governing the subjects, including adjudicating their disputes. Imperial governance is necessarily delegated and thus centers around principal–agent problems.

The Russian annexation of Crimea included different manifestations of "repertoires of empire." Some can be better captured by the notion of colonialism; for instance, the settlement of hundreds of thousands of people from Russia and the systematic discrimination and persecution of the Indigenous Crimean Tatar population. However, the annexation itself and governance of the region are better conceptualized through the notion of imperial rule.

Within imperial governance, we concentrate on law. Relations of domination make law an indispensable element of imperial state-building. Law has been famously described as "the cutting edge of colonialism" (Chanock 1985, 4). Imperial powers used law to extract land and labor from the colonies, discipline the colonial populations, and transform the culture of the colonized societies (Merry 1991). Legality also laid the foundation for the state's claims of legitimacy, which are especially difficult in colonial settings. Local elites and colonized people in their turn actively used imposed colonial laws to advance their interests and thus transformed legality and state formation both in the colonies and in the metropoles (Benton 2002). Thus, law represents an arena where the actors from the metropole, local elites, and the local population all have an opportunity to shape the state-formation process: It is where coercion meets rights, and power and resources meet checks and balances. This makes law a useful lens for understanding the inner workings of imperialism.

To capture the inner workings of imperial governance, we rely on Mark Massoud's (2013) definition of legal politics as "the use and promotion of legal tools, practices, arrangements, and resources to achieve political, social, or economic objectives." We theorize both imperial objectives and tools, practices, and arrangements in the form of legal personnel politics. We focus in particular on several observable outcomes of imperial legal politics in the economic domain. The first is favorability toward the government in disputes between the government and businesses. Judicial biases toward the government and businesses in court decisions are telling of the nature of the state-building format. Severe pro-government bias can be interpreted as evidence of predatory, extractive legal politics. In contrast, pro-business bias against the state in its extreme form might suggest state capture. The second key outcome is favorability toward local businesses versus favorability toward businesses from the metropole in cases where these businesses oppose each other. This indicator again speaks about the regulation of the local economy, whether it is biased and set up to extort resources from the colonized society or by contrast is protective of it. Both outcomes are based on the idea that favorability emerges in aggregate. In any given case, a judge can rule for the

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government or business for various reasons, including, of course, the merits of the case. We analyze a systematic bias in favor of the government or the business across cases.

Third, we look at the judicial personnel politics: What kind of judges are appointed to work, what cases they are assigned to, and how they resolve them. To explain these outcomes, we outline two theoretical perspectives: The first is the top-down imposition of control over the local population and local political elites, and the second perspective focuses on the internal judicial personnel's politics of the empire.

State-Building through the Rule by Law

Imperial governance involves the transfer of laws and legal institutions from the metropole to the periphery to rule and transform this peripheral territory and its population. Courts and law enforcement institutions secure compliance with the imperial political order. The economic domain is central in these endeavors, because extraction of resources and control over trade, land, and labor are among the primary aims of imperialism. The use of law to subjugate, control, and punish often targets population groups that are culturally distinct from the core group of the metropole. The use of law to ensure domination of the metropole relates imperialist state-building to authoritarian top-down politics of the rule by law (Ginsburg and Moustafa 2008).

Imperial domination has many forms. We are interested in the narrow concept of *imperial legal domination* in the economic domain, which we define as the use of law to capture local businesses (Yakovlev 2006) that results in the proliferation of disputes that involve central state or businesses from the metropole and judicial bias in favor of these entities. Imperial legal domination has both an instrumental dimension that entails the control of local businesses being taken away through the courts or exorbitant fines being levied against them, as well as a pedagogical dimension that involves dragging local entrepreneurs through the court routine and thus "teaching" them compliance with the rules of the newly "arriving" state.

Investigative journalists have provided evidence that some of Crimea's most lucrative businesses such as wineries, resorts, and construction firms were taken over by the oligarchs, who were personally close to Putin.[4] Imperial legal politics here is assumed to facilitate control of valuable resources—land and businesses—through favoritism toward the state and the Russian business when it deals with the local business. More formally, our theoretical expectation is the following:

Hypothesis 1 (Legal domination): There is a positive judicial bias toward the state in state-versus-business disputes and toward a business from the metropole in disputes with a local business.

A competing hypothesis to legal domination assumes that the central rulers would establish a relatively fair and independent judiciary to build support among the masses in the annexed territories. This hypothesis rests on the historical research showing that the protection of some privileged groups and regions held particular significance in the politics of empires (Barkey 2008). Differential treatment of territories creates "regions of exception": Some may be designated as areas of exploitation, whereas others might be singled out for development and the rule of law. Crimea after the Russian annexation was evidently a privileged region in terms of investment, subsidies, and special governance programs. In the domain of economic disputes, this theoretical perspective suggests the following:

Hypothesis 2 (Legal privilege): There is a positive judicial bias toward business when it disputes with the state and also toward local business when it disputes with business from the metropole.

An important variant of the top-down perspective is devoted to the control of local elites, who serve as political and bureaucratic intermediaries of the metropole. Colonialism and imperial governance characterized by long distances and information asymmetry between the center and the periphery have been always plagued by principal–agent problems (Gailmard 2024). Franco-Vivanco (2021) highlighted one mechanism to deal with this problem devised by the Spanish Crown in colonial Mexico: the creation of a strong judiciary. This judiciary favored the Indigenous population in courts to prevent local colonial elites from overly exploiting the native population. In this arrangement, courts serve the function of a "fire alarm": They are tools against bureaucratic malfeasance (Ginsburg and Moustafa 2008).

This perspective also finds anecdotal support in Crimea. After Russian annexation, there were numerous criminal cases against ministers, mayors, regional legislators, and bureaucrats in Crimea that all were processed through the criminal justice system.[5] In the commercial justice system, this perspective implies lower favorability or even antigovernment bias in cases that involve regional authorities. It also implies additional scrutiny of cases that involve regional authorities in their dealings with both local businesses and those from the metropole. The main idea is that the center will use the law to prevent the rapacity of local elites.

Hypothesis 3 (Law as a check on elites): There is a negative judicial bias against regional and local agencies of the state in disputes with business in comparison to the positive bias toward the federal (central) agencies of the state in such disputes.

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State-Building from Within: Imperial Personnel Politics

The top-down rule-by-law perspective assumes that judicial intermediaries of the empire will dutifully follow the directives from the center, and thus there should be little variation in how judges make their decisions. However, legal politics can be fundamentally shaped by the internal personnel politics of the empire. Therefore, an alternative perspective builds on the scholarship on judicial behavior in illiberal settings that shows that judges do not just mechanically follow the letter of the law or pursue directives from politicians; instead they are politicians of a special kind themselves, and when they make decisions, they follow self-interest, institutional norms, ideologies, and strategic considerations of other relevant actors' preferences (Helmke 2012; Hilbink 2007).

More generally, this perspective is rooted in Migdal's (2001, 12) state-in-society approach, which argues that the state is not "a coherent, integrated, and goal-oriented body" but rather a fragmented conglomerate of actors who advance their political and economic interests. All states are internally fragmented, however, and imperial settings are especially so. Imperial states in the colonized territories have to rely on indirect rule through intermediaries, including legal intermediaries: judges and prosecutors who carry out justice in the periphery. Burbank and Cooper (2013, 282) emphasized, "In legal matters, as in military and economic ones, the most critical challenge for empires was securing the effective and loyal service from intermediaries." In all domains of governance, empires face a choice of whether to employ local cadres or send personnel from the metropole. Local cadres are likely to be more knowledgeable in local affairs but potentially less loyal to the center and perhaps also less competent in technicalities of the metropole's law.

In the legal sphere, both the appointment of local cadres and the transplantation of legal personnel from the center, as well as a combination of these two imperial strategies, were used in the past. For example, the British Empire famously developed institutions of Anglo-Muhammadan law in South Asia, where the Islamic law was carried out by a panel of judges presided over by Englishmen trained in Islamic justice and joined by local jurists (Hussin 2016).

To formulate competing predictions of the behavior of judges in the context of Crimean *arbitrazh* courts after the de facto annexation, we rely on the framework highlighting that political leaders in the center strategically manage outsider and insider cadres to the peripheries to ensure the regime's domination by balancing insiders' embeddedness and outsiders' presumed loyalty (Hassan 2020). One plausible hypothesis is that outsiders appointed from the center will be the empire's plenipotentiaries. These judges do not have any local roots and do not depend on local political and business elites: They owe everything to the center. Therefore, outsider judges can be expected to follow more forcefully and consistently the directives from the center, most likely to ensure preferential treatment of the state and businesses from the metropole. Outsider judges would thus amplify the top-down imperial legal politics set by the center.

Hypothesis 4 (Outsiders as plenipotentiaries): Outsider judges are associated with a positive judicial bias toward the state and businesses from the metropole.

An alternative view focuses on insider judges. On one hand, these local judicial cadres are embedded in local elite circles and thus might be more likely to rule in favor of local political elites and businesses.

Hypothesis 5 (Insiders' local embeddedness): Local judges are associated with a positive judicial bias toward regional and local agencies of the state and also toward local business when it disputes with business from the metropole.

In contrast, local judicial intermediaries who are employed by the externally imposed imperial powers are more politically vulnerable than outsider appointees, because their loyalty to the empire is in question. The security of their jobs and their promotion prospects depend on the perceptions of their loyalty by the center. Judicial decisions that favor the central state and the business from the metropole are a powerful signal of judges' loyalty to the center. Thus, we can expect the following pattern:

Hypothesis 6 (Insiders' signaling of loyalty): Local judges are associated with a positive judicial bias toward the state in its disputes with business and toward the business from the metropole in its disputes with local business.

Judges can express loyalty to the center or to local elites off the bench through public speeches, but their decisions, especially in important, large cases, speak louder than words. Moreover, because judicial decisions are systematized in official reports, political leaders can assess the judicial biases of an individual judge even beyond the resonant cases. Given the strong evidence of the principal role of the court chairs in supervising judicial performance and maintaining judicial discipline in both Russia and Ukraine (Popova 2012; Solomon 2012; Trochev 2010; 2018), we assume that these court chairs are the actors who monitor both individual judges' decisions in important big cases and their overall patterns of judicial biases.

Of course, judicial decisions reflect not only these strategic political calculations but also judges' ideology, their views of the law, corruption, relations with colleagues, personal standing in the community, self-esteem, and mundane tasks such as minimizing their workload (Baum 2009). We, however, focus on the instrumental political considerations because under conditions of

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profound uncertainty and change, like the ones that characterized Crimea's de facto annexation, these considerations are likely to become especially pronounced.

Law and Russian State-Building Politics in Crimea

Crimea and especially the city of Sevastopol occupy a special place in the Russian imperial imagination as lands of past military glory (Plokhy 2000). After the de facto annexation, Crimea was placed under the state of exception in Agamben's sense: Annexation brought intense securitization and prosecutions of Crimean Tatar and pro-Ukrainian activists (Coynash and Charron 2019). At the same time, the region became exceptionally privileged as the centerpiece of the Russian neo-imperial project: It was framed as the birthplace of the Russian Orthodox religion and benefited from large economic subsidies and grand infrastructure projects (Zubarevich 2015).

Scholars who analyzed Russia's actions in Crimea in 2014 from the standpoint of international law emphasized the widespread arbitrary use of law and of extrajudicial means on the peninsula (Burlyuk 2021; Coynash and Charron 2019). For example, Olga Burlyuk (2021, 93) concluded, "Russia has waged a lawfare on Crimea, not least to suppress opposition to the occupation." However, outside the sphere of this weaponization of law, the functioning of law in Crimea after the annexation has not received much scholarly attention. This is an important omission, because the role of law in everyday life becomes much more pronounced under the conditions of radical political change, and as we assert throughout this article, law plays a central role in the state-building enterprise. Human rights activist Aleksandra Krylenkova (2014, 10), who observed and meticulously documented the transformations of everyday life in Crimea after the annexation, captured this idea well: "Under conditions of uncertainty, for many people, the law becomes the only understandable reality." In the immediate period after the annexation, she observed that everyone in Crimea seemed to always carry calculators (to convert money from hryvnas to rubles) and copies of Russian legal codes.

Law became ubiquitous in Crimea. People wondered how to re-register property documents, whether it was possible to drive with a Ukrainian license, how to get their welfare benefits, or how to enforce contracts. One female Crimean Tatar entrepreneur told Krylenkova (2014, 14) about a conundrum she faced: "I rented a commercial space, and I need to know what is waiting for me. What if tomorrow someone comes and kicks me out? What institutions should certify a lease agreement? According to what legal field should I work?" Disputes over contracts, property rights, taxation, customs, and bankruptcy became an arena of reconfiguration of state–society relations and the Russian imperial state-building project. In our analysis, we focus on commercial (*arbitrazh*) courts that deal with these very types of disputes.

Russian *arbitrazh* courts are characterized by a relatively high level of financial and administrative independence, professionalism, and transparency, which make them stand out in comparison with the other elements of the country's judicial system, which are widely known for their corruption and inefficiency (Bocharov and Titaev 2018). *Arbitrazh* courts resolve disputes over economic transactions in which parties are legally registered entities: firms, NGOs, individual entrepreneurs, and state institutions. State institutions can play two different roles in commercial disputes. In civil cases where the state is involved, it is an ordinary party in a dispute. These types of disputes are usually related to ownership rights or contractual performance. In administrative cases, the state exercises regulatory power. These disputes have a public nature and often are related to fines, the collection of taxes, and administrative violations; recall for example, Zubkov's case described in the beginning of the article.

Two other crucially important features of the Russian *arbitrazh* courts are their comparatively low filing fees and very fast decision making: the median time to resolve a case is 62 days (Volkov, Skougarevskiy, and Kuchakov 2023).

Commercial (*hospodars'ki*) courts in Ukraine have a similar structure and work patterns as Russian *arbitrazh* courts: Both legal systems were set up on the basis of the Soviet state *arbitrazh* system.[6] The legal codes are also very similar. The vast majority of judges who worked for the Ukrainian commercial courts in Crimea and Sevastopol defected and joined the Russian judiciary in 2014. Some, however, did not defect. For example, the head of the commercial court of Sevastopol, Victor Alsufiev, left the peninsula after its annexation.

In September 2014, six months after the annexation, the Russian Qualifying Judicial Commission carried out a formal selection process for the positions of judges in Crimea. The law on the Accession of Crimea and Sevastopol to Russia provided that those who already worked in the judiciary had a preferential right to reassignment (as long as they acquired Russian citizenship). There were 37 candidates for 31 positions in the commercial court of the Republic of Crimea, 22 candidates for 12 positions in the commercial court of Sevastopol, and 46 candidates for 26 positions in the appellate court.

In general, the commission rejected candidates who had bad performance indicators (a high share of reversed decisions), kept Ukrainian citizenship, had relatives living in Ukraine or other countries outside Russia, or had relatives who worked in the judiciary. In addition to local judges, there were applications from the Russian regions of Krasnodar, Rostov, Samara, St. Petersburg, Moscow, and Tatarstan. Importantly, outsiders received leadership positions. For instance, Aleksandr Akulov, a judge from the Orenburg region, was appointed to the position of chair of

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the Commercial Court of Sevastopol. In 2021 he was replaced by Evgeni Karankevich, a judge who had previously worked in Primorski Krai. Yulia Martynenko, a judge from the Omsk region, was first appointed deputy chair of the Commercial Court of Crimea and then became chair in 2021.[7]

Research Design and Evidence

Decisions of Russian *arbitrazh* courts are stored in a fee-based Application Program Interface (API) *Casebook.* The portal contains information on the case category, parties involved in the dispute, case outcomes, appeal outcomes, dates of key procedural events, and names of judges. From this source, we assembled the universe of cases heard in *arbitrazh* courts in Crimea and Sevastopol from 2014 to 2019. In our analysis, we combined data from Sevastopol and the Republic of Crimea (de jure Autonomous Republic of Crimea) because both were annexed in 2014 and underwent similar processes of imperial state-building.

The total number of cases registered in *arbitrazh* courts in Crimea and Sevastopol in 2014–19 was 109,717. We excluded bankruptcy cases, unfinished cases, and cases with unknown case outcomes. Getting rid of these cases allowed us to focus on meaningful cases with clear stakes for state-building and the political economy of the region.[8] We restricted our sample to government versus business disputes (N = 22,563) and to business disputes where one party was not local, meaning not incorporated in Crimea (N = 31,899). These two types of cases are the central focus of our analysis. We present the data organization process and an algorithm to infer Russian legal entity types in appendices A and B, respectively.

Our primary empirical strategy was a quantitative description of the patterns of resolution of disputes between the state and businesses and between local businesses and businesses from the metropole in Crimea. We analyzed judicial biases by calculating win rates—full or partial rulings in favor of a party in a dispute—for the government, local business, and business from the metropole. Following the standard approach, we assumed that the unbiased win rate of a party in a dispute is approximately 50% (Priest and Klein 1984). In reality, many factors affect this likelihood. For example, Russian *arbitrazh* courts are characterized by favoritism toward the plaintiff, whether it is the state or a business. However, the 50% baseline is still analytically useful. A prior systematic study based on a random sample of cases heard by Russian *arbitrazh* courts of primary jurisdiction from 2007 to 2011 found that in administrative disputes with entrepreneurs, which were initiated by the state, the state won approximately 61.4% of cases, and in civil ones the state won in only one-third (35.6%) of the instances in which it sued an entrepreneur (Dzmitryieva, Titaev, and Chetverikova 2016).

To have benchmarks for the outcomes of commercial disputes that do not depend on assumptions about an unbiased win rate, we compared Crimea with Krasnodar Krai. Krasnodar Krai borders Crimea and has several structural characteristics that make the two areas comparable: Both have large tourism and agriculture sectors, a powerful and relatively autonomous regional elite, and privileged treatment of Sochi as a region of exception, being the site of the 2014 Winter Olympics and of one of Putin's favorite residences. Furthermore, the Russian state explicitly tried to use Krasnodar Krai as a template for *arbitrazh* courts in Crimea. In May 2014, judges and employees of the court apparatus from Crimea and Sevastopol went on a business trip to Krasnodar Krai "in order to study the experience of organizing the work of arbitration courts of the Russian Federation and improve their qualifications."[9] We organized data on Krasnodar Krai in the same way as for Crimea and analyzed approximately 100,000 commercial court cases (government vs. business disputes, N = 69,754, and local vs. outsider business disputes, N = 30,270).[10] In addition, we compared Crimea with Russia overall relying on more than four million commercial cases heard in the same period from 2014 to 2019 (2,051,700 state vs. business cases and 2,178,868 local business vs. business cases from outside the region).

Another element of our empirical strategy was the comparison of work patterns and judicial decisions between local Crimean judges who used to work for the Ukrainian state before 2014 and judges from Russia who were appointed to work in Crimea. We manually coded biographic details about judges working in *arbitrazh* courts in Crimea and Krasnodar based on the information available on the courts' official websites.

Inferences based on comparisons between the regions and between the types of judges are prone to the selection problems that always haunt the scholarship on judicial politics. There are two components to the problem: The first is self-selection into litigation, and the second is allocation of cases within courts. Self-selection into litigation complicates comparison between regions, because it can work differently in different contexts. For example, if entrepreneurs who are potential litigants believe that the judiciary of a given region is biased against their type of business, they are likely to settle a case out of court. Meanwhile, the allocation of cases makes it difficult to distinguish the effects of the types of judges from the effects of the cases that they adjudicate. For example, different types of judges might specialize in systematically different disputes. Or perhaps, a court chairperson might assign particularly sensitive cases or cases that the government especially cares about to particular judges.

To deal with the selection into litigation problem we conducted the following test. Appendix C.1 offers summary statistics on all legal entities registered in Crimea and Krasnodar, dividing them into the ones that participated

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in commercial disputes versus entities that never used courts in Crimea and the Krasnodar region. We also regressed the yearly counts of cases involving any organization incorporated in the region under study (including zero counts for organizations that never used courts) on the observable characteristics of such organizations. The idea is that if selection into litigation works differently in Krasnodar and Crimea, we should see considerable differences in such regressions across the regions. We saw only limited structural differences in the use of courts between Crimea and Krasnodar.[11]

The allocation of cases within the court presents a more difficult problem. In Russian *arbitrazh* courts, cases are supposed to be assigned to judges randomly via a special electronic system (Bocharov and Titaev 2018).[12] In theory, therefore we should see no differences in how judges work, and analyzing the effects of different types of judges should be straightforward. However, our descriptive evidence showed that cases are not randomly allocated in Crimea and that different judges hear systematically different disputes.[13] Thus, it is a challenging task to separate the effects of judges from the characteristics of the cases that they handle. To address this problem, we restricted our analysis to cases that were appealed and thus heard twice at two different levels of the judicial hierarchy and were run a within-case regression analysis. This test allowed us to qualify the claims based on our descriptive analysis.

Macro Picture: Domination and Privilege

Descriptive statistics show fascinating patterns of legal state-building in Crimea after the annexation. First, we can clearly see an increasing number of court cases: Figure 1 documents a dramatic increase in government–business disputes starting in 2017. As we uncover in the more detailed analysis, the vast majority of these disputes were petty administrative cases brought by the federal authorities, often by the Pension Fund (see figure S2 in appendix C). At the same time, we also see the steady increase in the number of much more materially significant civil cases (see panel (c) of figure 1). Thus, we can conclude that the Russian state has been actively using law to penetrate the economic sphere.

We also observed strong favoritism toward the government. The government win rate in Crimea in courts of first instance was 79.5% and was even higher (80.9%) when we combine the first instance and appeals (see table 1). These indicators were significantly higher than in Krasnodar Krai, where it was 72.7% for the first instance and 74.3% for all cases, and also much higher than the theoretical benchmark of 50%. All the differences between Crimea and Krasnodar are statistically significant (all two-proportions one-tailed z-test p values < 0.001).[14]

The government win rate in Crimea was also significantly higher than in Russia overall. We found that the government win rate in Russia for the period of our analysis, 2014–2019, was 70.3 percent. Thus, the government win rate in Krasnodar was slightly above the country average, whereas the government win rate in Crimea was almost 10 percentage points higher than in Russia.

Analysis of comparative regional patterns over time showed that pro-government favoritism in Crimea and Krasnodar Krai/Russia starts to converge after 2016 (see figure 2). This pattern fits well with the idea that imperial domination is based on gradual hierarchical integration. The overall picture for the first five years of Russian imperial control in Crimea shows an increasing number of court cases initiated by the government and a very high government win rate. These patterns support the legal domination hypothesis.

The temporal dynamic that shows an increase in pro-state bias over time also speaks against the alternative interpretation that Crimean businesses were merely unfamiliar with federal law so they put together worse cases. This is especially true for the more materially significant civil cases, where there is a clear trend of increase in the government win rate in Crimea (unaffected by petty pension fund cases; see figure S3 in appendix C).[15]

When we disaggregated the government win rate by the level of government, we observed another politically important pattern. The government win rate is especially high for the federal (central) authorities at 88.7% (see table 1). It is much smaller for the local (municipal) authorities at 67.0% and even smaller for the regional authorities—the imperial political and bureaucratic intermediaries—at 62.9%. The win rate for the regional authorities in Crimea is smaller than in Krasnodar Krai, where it is approximately 70%, and in Russia overall where it is 64.4%. These patterns can be interpreted as evidence in support of the hypothesis that law is used as a check on the local elites in Crimea. Of course, we still observe a pro-regional authorities bias in court decisions: They win approximately 60% of disputes. But the fact that this pro-government favoritism is so strongly differentiated across the levels of government is striking.

Looking at disputes between local business and business from the metropole, we find favoritism toward local business. The local entity win rate in Crimea is 60.4%, higher than in Krasnodar Krai, where it is 54.5% (see the last row of Table 1). Our analysis of the win rate of local business versus business from outside the region for Russia for the period from 2014 to 2019 suggests an equal chance of winning at almost exactly 50%. This means that pro-local bias in Crimea is more than 10 percentage points higher than the baseline for Russia, a very significant gap. Further analysis of the comparative regional patterns shows that pro-local favoritism in Crimea was especially

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Figure 1
Annual Count of Government vs. Private Disputes in Crimea and Sevastopol *Arbitrazh* Courts of First Instance from 2014 to 2019

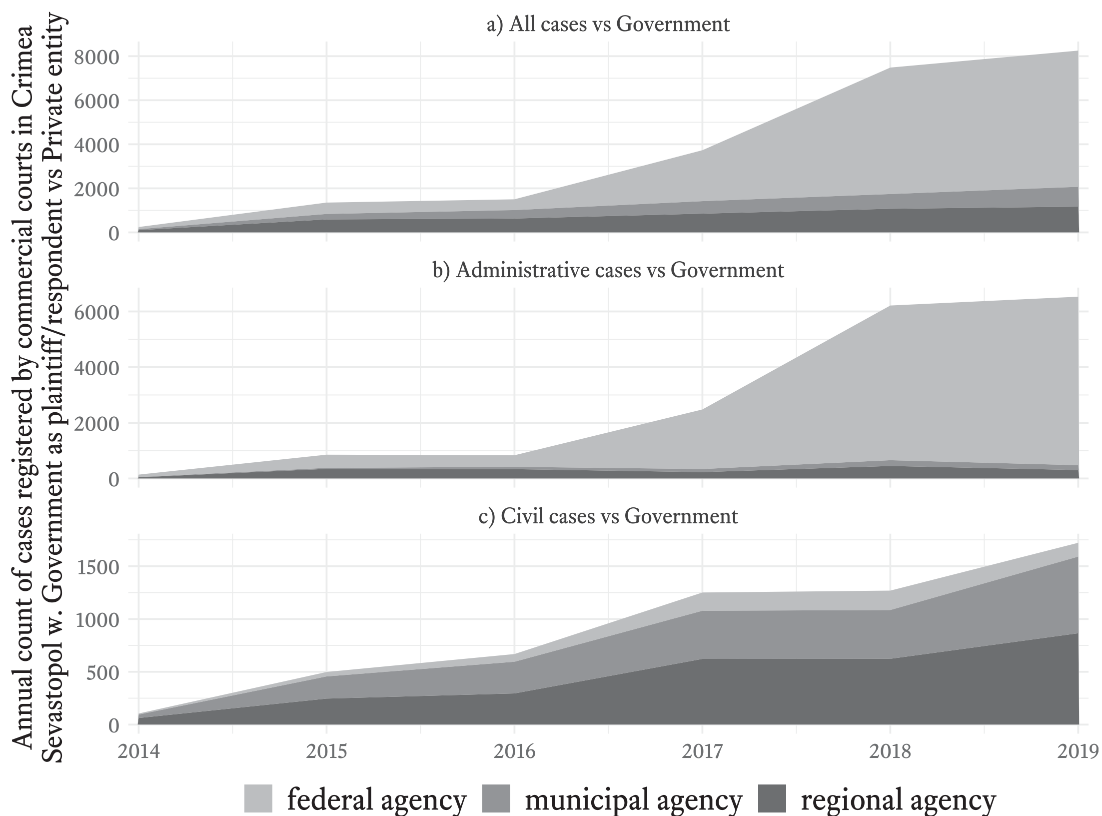

Table 1
Victory Shares in Government vs. Private Disputes or Private Disputes Where One of the Parties Is Not Local in Crimea and Sevastopol, Krasnodar, and Russian *Arbitrazh* Courts of First Instance, 2014–2019

Region	Crimea		Krasnodar		Russia	
Instance	First	First & appeals	First	First & appeals	First	First & appeals
Government win rate, %	79.48 (0.27)	80.88 (0.26)	72.71 (0.18)	74.29 (0.18)	70.32 (0.03)	68.52 (0.04)
Federal agency win rate, %	88.30 (0.26)	88.70 (0.25)	77.95 (0.20)	79.12 (0.20)	74.09 (0.04)	72.24 (0.04)
Regional agency win rate, %	59.28 (0.73)	62.87 (0.72)	67.91 (0.64)	70.01 (0.63)	64.40 (0.10)	64.41 (0.04)
Municipal agency win rate, %	63.50 (0.91)	67.02 (0.89)	54.48 (0.47)	57.48 (0.46)	56.88 (0.09)	56.81 (0.04)
Local entity win rate, %	58.38 (0.84)	60.37 (0.83)	52.89 (0.34)	54.49 (0.34)	50.41 (0.03)	50.26 (0.03)

Note: Victory shares are in courts of first instance or courts of first instance adjusted for case outcome at appellate courts if appealed. Standard errors are in parentheses. All-Russia data are for 2014–2019, exclude Crimea and Sevastopol, and are from Volkov, Skougarevskiy, and Kuchakov (2023).

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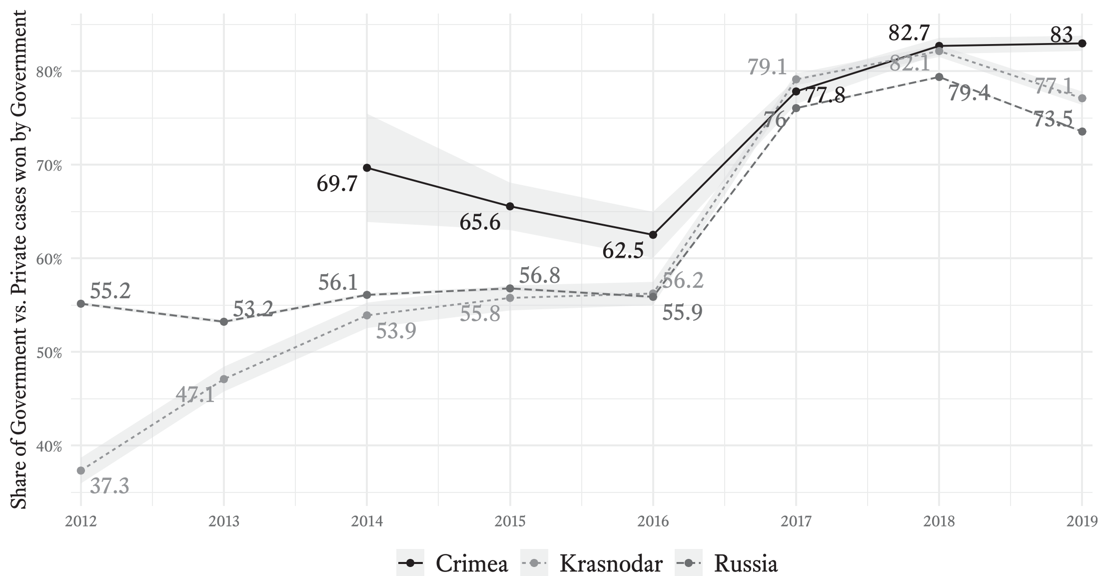
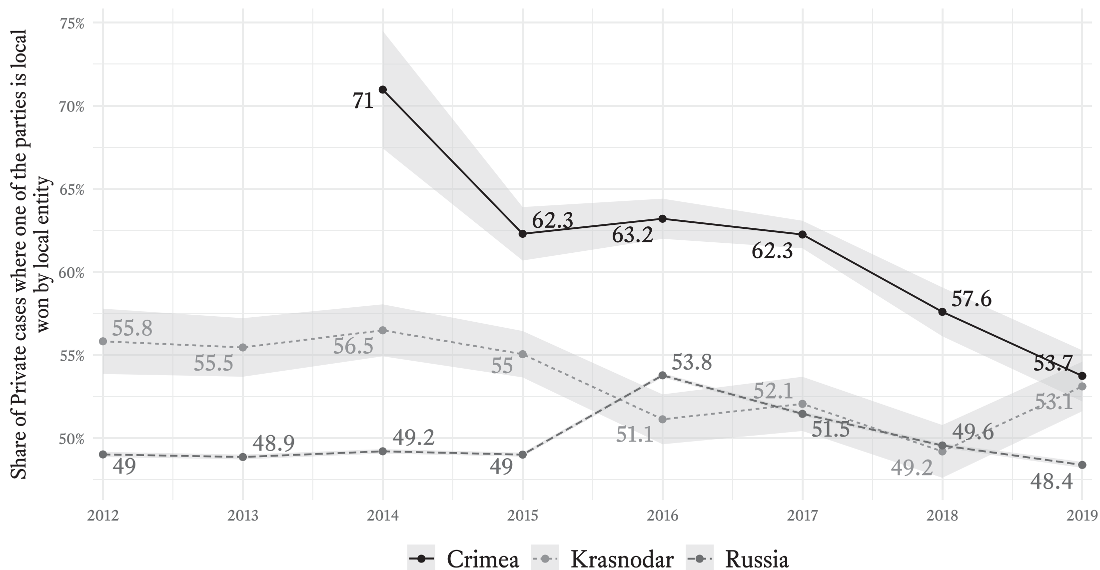
Figure 2
Government Victory Shares in Government vs. Private Disputes in Crimea and Sevastopol, Krasnodar, and Russian *Arbitrazh* Courts of First Instance, 2012–2019



Note: This chart shows the annual average victory shares in *arbitrazh* courts of first instance for cases where one of the parties was federal/regional/municipal agency and other parties were private entities. Dates are for case registration. Shaded areas are 95% CIs.

Figure 3
Local Entity Victory Shares in Private Disputes Where One of the Parties Is Not Local in Crimea And Sevastopol, Krasnodar, and Russian *Arbitrazh* Courts of First Instance, 2012–2019



Note: This chart shows annual average victory shares in *arbitrazh* courts of first instance for cases where both parties were private entities but one of the parties was incorporated in the region while others were not. Dates are for case registration. Shaded areas are 95% CIs.

strong shortly after the annexation but became less severe over time, and as a result, the differences between Crimea and Krasnodar and Russia almost disappeared by 2019 (see figure 3).

The presence of pro-local business favoritism speaks against the legal domination hypothesis and supports the legal privilege hypothesis. Thus, there is an inconsistency between state versus business disputes and local business

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versus business from the metropole disputes: Judicial biases go in the opposite direction in these two domains. Without access to the Kremlin's archives or insider information, we cannot infer the directives of the imperial center; that is, whether Moscow deliberately promoted the pro-state and pro-local business orientations of courts that we discovered. Therefore, we look at the actors whose actions we can systematically analyze—the judges.

Imperial Legal Personnel at Work

After the annexation of Crimea, the vast majority of the local Ukrainian judicial personnel defected and started to work for Russia. We gathered information about 99 judges who adjudicated commercial disputes in the period from 2014 to 2019. Among them, 60 judges are former "Ukrainian" judges who used to work in the Ukrainian commercial courts. Another 13 are judges who used to work in the Ukrainian judiciary, but not in commercial courts. The remaining 26 judges were appointed from Russia and had never worked in Crimea before. Thus, the judicial personnel in Crimea can be divided into "insiders" and "outsiders."

Descriptive evidence shows that the allocation of cases between local "Ukrainian" and external "Russian" judges in Crimea is not random, as it is supposed to be, but rather is explicitly political. Table 2 highlights that, in the courts of the first instance in Crimea, outsider "Russian" judges have drastically smaller annual caseloads and are considerably more likely to be assigned to much more sizable and complicated disputes. The differences in median claim sum, days to first decision, and the number of documents per case between "Ukrainian" and "Russian" judges are staggering. Because the latter deal with cases where the stakes are much higher, their decisions in the courts of first instance are much more likely to be appealed.

Perhaps the most important observable pattern is that "Russian" judges are much more likely to be assigned to cases that involve regional authorities. Among government–business disputes that "Russian" judges adjudicate, more than 70% involve regional authorities. For the local "Ukrainian" judges, the figure is only 16.7%. This is strong evidence in support of the law-as-a-check-on-regional-elites hypothesis.

Descriptive statistics show that the government win rate in cases adjudicated by "Russian" outsider judges (65.8%) is significantly lower than in cases adjudicated by local judges (81.7%). These discrepancies are present in cases that involve federal and local authorities but are absent in cases that involve regional authorities. These findings go against the hypotheses of outsiders being the empire's plenipotentiaries and of the political effects of insiders' local embeddedness; instead, they support the hypothesis that local judges signal their loyalty to the imperial center through judicial bias in favor of the central state.

At the appeal level, we did not observe large differences in the work of local "Ukrainian" judges and outsider "Russian" judges. "Russian" judges have smaller caseloads, but in all other respects, including being assigned to cases that involve regional authorities and in terms of the government win rate, they are not that different from local judges.

In disputes between local businesses and businesses from the metropole in the courts of the first instance, "Russian" judges again have smaller annual caseloads and deal with more complex cases in terms of length of adjudication. The most theoretically consequential observation is that there is stronger pro-local business favoritism in cases adjudicated by "Russian" judges. In cases, adjudicated by local "Ukrainian" judges, the local entity win rate is 57.7%, whereas in cases adjudicated by "Russian" judges, it is 69.5%. This finding goes against the hypotheses of outsiders being the empire's plenipotentiaries and of the political effects of insiders' local embeddedness and resonate with the hypothesis that local judges signal their loyalty to the imperial center through judicial bias in favor of the central state. As before, differences in judges' work and associated local business victory shares are only pronounced in the first-instance courts and are not observed at the appeal level.

It is important to place these patterns of the legal personnel politics in Crimea in comparative perspective. To do so, the columns in table 2 under the Krasnodar Krai heading provide similar descriptive statistics on the work of judges in Krasnodar Krai. The analysis contrasts the work of local insider judges and outsiders appointed to work in Krasnodar from other regions of the Russian Federation. In the court of the first instance, of 94 judges who worked in Krasnodar *arbitrazh* in the period from 2012 to 2019, 21 were outsiders. Thus, the share of outsider judges in Krasnodar is comparable to the one in Crimea. However, the table shows that, unlike in Crimea where outsiders are privileged, outsider judges in Krasnodar have larger caseloads and a lower median claim sum. Most importantly, the data show that outsider judges in Krasnodar are not more likely to be appointed to hear cases that involve regional authorities and are more favorable to the regional authorities than the federal ones. Thus, the use of courts as a check on local political elites is exclusive to the imperial setup of Crimea.

The Effects of Judges? Addressing the Selection Problem

The descriptive patterns that we established regarding the work of "Russian" judges in Crimea—namely, that their work is associated with lower pro-government favoritism and higher pro-local business favoritism—combine the effects of judges and characteristics of their cases. Local judges and judges from the metropole hear systematically

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Table 2
Descriptive Statistics at the Judge Level in Crimea and Sevastopol and Krasnodar *Arbitrazh* Courts, 2012/14–2019

	Crimea & Sevastopol						Krasnodar					
	First instance			Appellate courts			First instance			Appellate courts		
		Judge origins			Judge origins			Judge origins			Judge origins	
	All judges	"Rus."	"Ukr."	All judges	"Rus."	"Ukr."	All judges	"Krasnodar"	"Non-Krasn."	All judges	"Krasn."	"Non-Krasn."
Panel A. Government vs. private disputes												
Judges	65	12	53	34	14	20	94	73	21	44	6	38
Work patterns:												
Median claim sum, RUB (thousands)	0.6	228.4	0.6	641.9	613.2	664.7	2.3	2.6	1.1	843.0	983.6	808.7
Median days to first decision	15.0	83.9	14.0	100.2	98.4	101.2	61.1	61.5	60.7	97.4	101.6	97.2
Median court documents per case	4	14	4	9	9	9	5	5	5	4	4	4
Petty cases, %	60.1%	31.5%	62.0%	6.0%	6.5%	5.8%	47.5%	48.0%	45.0%	4.0%	4.0%	4.0%
Administrative cases, %	75.1%	21.1%	78.7%	53.3%	55.3%	52.3%	68.3%	65.5%	81.6%	61.0%	22.0%	64.9%
Appealed cases, %	21.7%	43.3%	20.2%	100%	100%	100%	34.9%	33.5%	41.4%	100%	100%	100%
Government is the plaintiff, %	78.2%	72.1%	78.6%	37.8%	36.6%	38.5%	62.0%	62.4%	60.2%	27.8%	46.9%	25.9%
Cases w. government	22956	1424	21532	13181	4594	8587	70182	57644	12538	66428	6133	60295
Government level, %	100%	6.2%	93.8%	100%	34.9%	65.1%	100%	82.1%	17.9%	100%	9.2%	90.8%
Federal	68.3%	27.2%	71.0%	27.5%	30.8%	25.8%	70.5%	68.1%	81.3%	58.0%	34.2%	60.4%
Regional	20.0%	70.9%	16.7%	51.0%	48.8%	52.2%	9.0%	9.5%	6.8%	13.7%	14.2%	13.7%
Municipal	12.8%	4.1%	13.4%	24.5%	23.1%	25.2%	21.3%	23.2%	12.3%	30.2%	54.9%	27.7%
Government victories, %	80.7%	65.8%	81.7%	64.9%	64.0%	65.3%	70.1%	71.0%	66.2%	53.8%	56.6%	53.5%
Federal	88.6%	78.3%	88.9%	69.6%	66.9%	71.4%	74.1%	75.8%	67.6%	51.3%	57.4%	51.0%
Regional	62.9%	62.2%	63.1%	60.2%	60.2%	60.3%	69.7%	69.5%	71.3%	61.1%	63.3%	60.9%
Municipal	66.7%	50.0%	67.0%	71.6%	70.4%	72.3%	57.0%	57.3%	54.0%	55.9%	55.1%	56.0%
Panel B. Private disputes where one of the parties is not local												
Judges	61	11	50	28	13	15	83	68	15	43	6	37
Work patterns:												
Median claim sum, RUB (thousands)	70.5	59.2	74.2	594.3	606.1	583.7	289.4	297.2	249.5	1223.1	1225.0	1223.1
Median days to first decision	122.7	140.7	118.8	110.4	108.3	111.4	84.6	84.6	84.7	96.0	96.5	96.0
Median court documents per case	5	5	5	9	9	10	6	6	6	4	4	4
Petty cases, %	79.5%	87.1%	77.2%	15.2%	15.3%	15.0%	42.8%	42.7%	43.9%	7.4%	7.5%	7.4%
Appealed cases, %	4.9%	5.0%	4.9%	100%	100%	100%	26.7%	26.5%	27.6%	100%	100%	100%
Local entity is the plaintiff, %	6.4%	7.2%	6.1%	43.9%	44.7%	43.2%	44.0%	44.3%	41.8%	47.1%	46.5%	47.2%
Cases with local vs non-local entities	3587	728	2859	2797	1313	1484	26073	22256	3817	18607	3672	14935
Local entity victories, %	60.1%	69.5%	57.7%	66.6%	67.0%	66.3%	55.1%	55.6%	52.35	62.8%	63.3%	62.6%

Note: This table reports judge-level averages of case characteristics involving selected judges in courts of the first instance or appellate courts in Crimea and Krasnodar in 2014–2019 or 2012–2019, respectively. Note that cases in upper courts are multiply counted here because we compute averages at the judge level, and cases are adjudicated by three-judge panels in appellate courts. Claim sum is in thousands of 2020 rubles, excluding cases with zero claim sum from consideration. "Russian judges" are judges with prior work experience in Russia. "Krasnodar judges" are judges with prior personal or work experience in Krasnodar. We consider only judges who adjudicated more than 10 cases with the government over the period under study. Victory shares are in courts of the first instance or appellate courts.

different disputes. Thus, it is an important endeavor to isolate the effects of judges from the effects of cases.

To address the selection problem, we follow an empirical strategy inspired by Julia Shvets (2016), who developed her estimation framework to study the same Russian *arbitrazh* courts that we did. Her focus of analysis was the effects of presidential versus parliamentary appointment of judges. To mitigate the problem related to the allocation of cases within courts, Shvets proposed to leverage data from two levels of the judicial hierarchy. Following Shvets, we restricted our analysis to the cases that were appealed. There were 4,806 cases of government–business disputes and 1,115 cases of local versus Russian business disputes heard at two levels of the judiciary. Cases that are appealed are usually high-stakes complicated disputes, so arguably they were the most consequential for the sides involved in the disputes and thus also the most politically consequential.

We estimated within-case regressions with the cases that were appealed and thus observed twice: at the first-instance stage and at the appellate stage. Thus, we have 9,612 observations for the state-business disputes (4,806 cases × 2) and 2,230 (1,115 cases × 2) for the local versus external business disputes.[16] We included case fixed effects and thus only compared the same cases that were adjudicated by local "Ukrainian" judges versus outsider "Russian" judges at two stages of the judicial hierarchy.

The results of the within-case analysis suggest that the effects of "Russian" judges on both pro-government favoritism and pro-local business bias go in opposite directions across the two levels of the judiciary. In the first instance, "Russian" judges are associated with higher pro-government favoritism; the size of the effect is approximately 3 percentage points. At the appeal level, these outsider judges tend to decrease pro-government favoritism; the decrease is about 4 percentage points (see table 3).

Regarding local versus Russian business disputes, in the first instance, "Russian" judges tend to increase pro-local business favoritism; the effect size is 6 percentage points; at the appeal stage, the direction of effect is the opposite—outsider judges tend to decrease the pro-local business favoritism, and the effect size is 9 percentage points (see model 8 in table 3). The effects of the types of judges on the two levels thus cancel each other out. Figure S4 in appendix C shows how this plays out over time. When we stack data on the appealed cases from Crimea and Krasnodar and run the same within-case regression analysis, the results show that the divergent effects of the type of judges across the two levels of the judiciary are much more pronounced in Crimea than in Krasnodar (see table S10 in appendix C), confirming again the specificity of the neo-imperial judicial landscape of Crimea.

The results of the within-case analysis complicate the empirical picture. Although the description of the entire corpus of decisions shows that "Russian" judges are associated with a lower pro-government bias and higher pro-

Table 3
Within-Case Advantage Regression: Government vs. Private Disputes, Federal Agency vs. Private Disputes, Regional/Municipal Agency vs. Private Disputes, and Private Disputes Where One of the Parties Is Not Local in the Crimea Courts of First Instance or Appellate Courts, 2014–2019, Non-Petty Cases Only

	Entity won the case in the court of first instance or appellate court							
	Government		Federal agency		Reg/mun agency		Local entity	
Entity	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
"Russian" judge	0.010	0.035**	–0.014	–0.009	0.016	0.043**	0.014	0.061**
	(0.014)	(0.015)	(0.017)	(0.027)	(0.016)	(0.017)	(0.019)	(0.027)
Appeals	–0.017	–0.001	–0.008	–0.006	–0.018	0.001	–0.017	0.033**
	(0.011)	(0.013)	(0.013)	(0.017)	(0.013)	(0.016)	(0.014)	(0.016)
Appeals × "Russian" judge		–0.042**		–0.009		–0.046**		–0.096***
		(0.019)		(0.033)		(0.022)		(0.029)
Case fixed effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Judge fixed effects	No	No	No	No	No	No	No	No
N	8720	8720	2362	2362	6518	6518	1802	1802
R-squared	0.842	0.842	0.866	0.866	0.835	0.835	0.856	0.856

Note: This table reports OLS-estimated coefficients of an entity "winning" the case (full or partial ruling in favor of the plaintiff, dismissal or ruling against the plaintiff if the respondent in the courts of first instance, sustaining favorable outcome or reversing unfavorable outcome in the appellate courts) on case fixed effects in commercial (*arbitrazh*) courts of first and appellate instance in Crimea and Sevastopol in 2014–2019. The "appeals" dummy is equal to one if the case is considered in the court of appeals and zero otherwise. Petty cases (summary judgments, judicial orders, or cases with nonzero claim sums of less than 100,000 rubles) are not considered. Standard errors are Huber-Eicker-White clustered at the presiding judge level.

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local business bias, this analysis suggests that these patterns combine the effects of judges' biases and the distribution of cases that they hear—the internal everyday politics of the courts. The most important substantive lesson is that there is an inconsistency between the effects of "Russian" judges at two levels of the judicial hierarchy, which suggests the absence of strong cohesive directives from the center and the importance of the agency of individual judges and the system of allocation of cases run by the court chairs.

Conclusion

This article has established two general tendencies in the functioning of Russian *arbitrazh* courts in Crimea after 2014: first, a rise in disputes between the state and business and strong pro-government favoritism in them, and second, pro-local business favoritism in cases of disputes between entities incorporated in Crimea and business from the metropole (Russia). From a theoretical point of view, these patterns are contradictory. It makes sense to expect that courts would either favor both the imperial central state and business from the metropole to facilitate domination over the population and the extraction of valuable resources or be impartial or even be set up to ensure protection and privilege of the local population and business in the "region of exception." Thus, the results of our empirical analysis provide only partial support to the top-down rule-by-law perspective, highlighting the profound ambiguity and contradictory nature of imperial legal politics. Previous scholarship similarly demonstrated the "central but ambiguous role law played in establishing control in a wide range of colonial situations" (Merry 1991).

Our analysis uncovers a particular pattern of this imperial ambiguity: legal domination by the state combined with the legal privileging of local business. It is noteworthy that local versus Russian business disputes are much more significant in terms of material value than state—business disputes. The prevalence of petty disputes that account for state domination suggests that the aim of imperial legal politics is not the extraction of resources but rather the disciplining of the local population and, in particular, entrepreneurs through penetration of state practices into their everyday lives. By dragging entrepreneurs like Zubkov to court or motivating them to go to court themselves, the state "teaches" local actors its preferred rules of the game with a legal stick. Malcolm Feeley (1979) similarly stressed that in US lower criminal courts, the outcomes of judicial processes are less important because "the process is the punishment." Fiona Shen-Bayh (2022) developed this perspective in the context of postcolonial African trials against the regime's opponents, where it is also not the outcome of the case that matters but rather the process of adjudication that "teaches" people what the consequences are of defying the rules. At the same time, *arbitrazh* courts in Crimea protect and even privilege the local business against the business from the metropole, which serves as an imperial carrot.

In addition, we found consistent evidence that the Russian state uses *arbitrazh* courts to place additional checks on regional political and bureaucratic elites in Crimea, who serve as the local political intermediaries of the empire. We established that pro-government favoritism toward regional authorities is much weaker than toward federal authorities and is lower than in the neighboring region of Russia and Russian regions in general. We also documented that judges appointed from Russia are much more likely to be assigned to cases that involve regional authorities and that these judges are harsher toward the government. The use of law as a check on elites in Crimea in the twenty-first century thus shows fascinating parallels with the patterns discovered in the context of colonial Mexico from the sixteenth to the nineteenth century (Franco-Vivanco 2021) as well as with patterns of controlling administrative agents in the authoritarian context of Egypt, China, and Mexico in the twentieth century (Ginsburg and Moustafa 2008).

Although we find that *arbitrazh* courts in Crimea are used to ensure state domination over the economy and control of local political elites, analysis of judicial behavior suggests that these structural patterns are not only imposed from above. We compared the work of local judges who used to work for the Ukrainian state and then defected to work for the Russian judiciary after 2014 to that of judges appointed to Crimea from Russia. We found that "Russian" judges are privileged in terms of their positions, workload, and the types of cases that they adjudicate. We also found that these judges are associated with lower pro-government favoritism and higher pro-local business favoritism. These patterns go against the top-down rule-by-law perspective.

One potential explanation attributes the differences to the behavior of "Ukrainian" judges who are associated with higher favoritism toward the state and toward business from the metropole when it deals with local businesses. According to this theory, "Russian" judges are merely professionals or opportunists who came to work in Crimea because it was advantageous from a career perspective: They do not have ideological commitments or personal interests and vendettas. By contrast, local "Ukrainian" judges who defected to Russia are politically motivated and also politically vulnerable.[17] It is plausible that local insider judges want to signal their loyalty by favoring the metropole and thus ensuring legal domination. Here again, there is a parallel with authoritarian postcolonial states in Africa. In this context, local Indigenous African jurists were more likely to be seen as politicized or partisan, which made them less reliable agents of the postcolonial regime. In response, the regimes brought in white expatriate jurists, professionals without

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local political loyalties (Shen-Bayh 2022). Thus, using outsider judicial personnel can be recognized as a viable imperial and post-imperial policy. However, the result of this policy might be ambiguous because local jurists are more politicized and potentially more prone to biases.

The personnel politics in Crimea follows patterns of governance established by the Kremlin in other "regions of exception" within its imperial project, particularly in the North Caucasus. For instance, in Chechnya, after the breakaway republic was forcibly reintegrated into the Russian Federation following the Second Chechen War, which was launched in 1999, Moscow appointed Akhmat-haji Kadyrov to head the civilian administration. Kadyrov was a locally rooted politician who had defected from the separatist leadership. However, for a long time after the active phase of the war ended in the early 2000s, nearly all positions in law enforcement and in the judiciary in Chechnya were occupied by outsiders: ethnic Russian cadres who had built their careers in other regions of Russia. Seeking to change this pattern, Kadyrov personally appealed to and persuaded judges, prosecutors, and police officials of Chechen origin who were serving in Russia to return to Chechnya and assume positions in the legal sphere. Under Ramzan Kadyrov, who effectively succeeded his father in 2005, Moscow allowed a gradual "Chechenization" of personnel in charge of the justice system and law enforcement, while keeping the local FSB office under control by a plenipotentiary from the metropole. By the mid-2010s, the share of ethnic Chechens in judicial positions had reached about 85%, with most non-Chechen judges serving in the Grozny Military Court (Lazarev 2023). Currently, only local cadres work in the *arbitrazh* court of the Chechen Republic. These patterns indicate that outsider plenipotentiaries are especially crucial in the early stages of the metropole's integration of territories. At subsequent stages, when control is consolidated, the regime can rely on the loyal service of local cadres.

The balancing of insiders and outsiders in the governance of imperial peripheries can also be observed in de facto states under heavy Russian influence. For example, an analysis of the biographies of key cadres in Abkhazia and South Ossetia following the collapse of the Soviet Union reveals that the majority of personnel in both republics were local politicians with connections to secessionist movements (Berglund and Bolkvadze 2024). However, starting in 2003, ethnic Russian outsiders, whom the authors called "servants of the empire," began to be appointed to key security-related positions. Our research calls for exploring not just the composition of cadres but also their behavior, including their judicial decisions.

In terms of methodology, our study shows the indispensability of descriptive analysis for the social sciences (Gerring 2012; Holmes et al. 2024). Working with the universe of cases allows us to describe facts about the world. However, we are still making inferences when we construct indicators of judicial biases and uncover statistical associations between these indicators and other factors, when we compare evidence from Crimea with evidence from Krasnodar Krai, and when we contrast the decisions of local judges and of judges appointed from Russia. In addition, our descriptive arguments have causal implications. If we focused primarily on causal inference, we would have restricted ourselves to testing the hypotheses about the effects of the type of judges and missed the structural patterns of state–business and local–external business relations and differential biases toward central and regional/local agencies of the state. We also argue that the characteristics of cases and the nature of the distribution of cases among judges are not just statistical noise that should be eliminated to establish causal effects of the type of judges; indeed they are important pieces of evidence. These patterns reflect the internal everyday politics of the courts from which imperial legal order in Crimea emerged.

Descriptive analysis has important normative implications. John Gerring (2012) noted, "Good description is closely hinged to normative judgments about the world—to what we think is important and what we think is right or wrong, desirable or undesirable." Therefore, it is not surprising that judgments based on descriptive analysis are usually more contested than those from more standard causal analysis.

Our approach, based on descriptive analysis, also shapes our perspective on the generalization of our findings. Although generalization is an important goal, it should not be a requirement for the social sciences, because granular descriptions of political processes are valuable in themselves (Flyvbjerg 2006). Crimea since 2014 is arguably the most significant instance of imperialism in the twenty-first century, and properly describing its study should be recognized as a valuable social science endeavor. However, we do not avoid the work of generalization. Unlike standard approaches that focus on finding empirical regularities or proposing scope conditions for causal statements, our approach to generalization is analytical. It is based on creating theoretical and empirical setups for comparative research and is oriented toward finding both similarities and distinctions. In this regard, our analysis "travels" through concepts, theoretical propositions, and empirical parallels. By invoking the concept of imperialism, we connect our study to historical research on empires and colonialism. For example, it might seem paradoxical to analyze a judge's decision against Oleg Zubkov, a Russian nationalist, as a decision in favor of Russia or a manifestation of imperial governance. However, if we draw an analytical parallel with a British court decision against settlers in North America who considered themselves English, we see that both are manifestations of imperial legal politics. The theoretical framework we propose can be productively applied to Russian regions

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characterized by imperial relationships with the center because of their ethnic makeup and colonial history; for example, the republics of the North Caucasus, particularly Chechnya, and the republics of the Volga region, most notably Tatarstan. Our empirical framework for studying state–business relations and the patterns of appointments of insider and outsider judges can also be applied to settings such as Puerto Rico, Tibet, Xinjiang, the Kurdish regions of Turkey and Iraq, Kashmir, and many other contexts of imperial rule, both contemporary and historical. Of course, we do not know whether the patterns of imperial legal politics in this diverse set of contexts will be similar to or different from those we established in Crimea. The arrangements of imperial legal politics are contingent, but the approach itself can be fruitfully applied beyond the unique context of Crimea.

Supplementary material

To view supplementary material for this article, please visit http://doi.org/10.1017/S1537592724002743.

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Notes

1 Crimea Commercial Court Case A83-5562/2015.

2 Treating empire as the context-setting category, we do not explicitly differentiate between imperial and neo-imperial setups, highlighting "family resemblance" of the situations of externally imposed political domination and contention against it (Beissinger 2006). The Russian neo-imperial project is highly uneven: Although most Russian regions are governed in a highly centralized manner, relations with some regions are explicitly based on neo-imperial rule, the rule of exception, and even the state of emergency—most notably, Chechnya throughout the post-Soviet period but also other Muslim-majority regions of the North Caucasus, Tatarstan. and Bashkortostan, especially in the 1990s. The neo-imperial relations also encompass Crimea and Donbas (DNR/LNR) after 2014; Belarus, especially after the 2020 protests; the occupied territories of Ukraine as a result of the full-scale invasion of 2022; and unrecognized de facto states in the post-Soviet space that are characterized by a high degree of Moscow's influence since the 1990s—Abkhazia, South Ossetia, Transdniestria, and Nagorno-Karabakh before 2023.

3 We place "Ukrainian" and "Russian" judges in quotation marks to emphasize that we write about these judges' professional experience in the respective national judiciaries of Ukraine and Russia before 2014, not their ethnicities.

4 Posle Rotenberga khot' kamni s neba. Kak Krym stal pribylnym biznesom dlia druzey Putina [After Rotenberg, stones can fall from the sky. How Crimea became a profitable business to Putin's friends]. *The Insider*, January 25, 2019. https://theins.ru/korrupciya/137605.

5 Krymskikh chinovnikov smylo v SIZO [Crimean officials washed away in a pre-trial detention center]. Former Deputy Prime Minister and head of the Crimean Ministry of Construction arrested on charges of fraud. *Kommersant*, September 24, 2021. https://www.kommersant.ru/doc/5005692.

6 For an insightful analysis of the functioning of commercial courts in Ukraine, see Kyselova (2014).

7 On the process of judicial selection in Russia, see Dzmitryieva (2021).

8 It is important to note that by focusing on the respective regional courts we do not capture all litigation involving Crimean or Krasnodar businesses. Under Art. 35 of the Arbitration Procedural Code of Russia, "a claim shall be filed with an arbitration court … at the location or place of residence of the respondent." At the same time, under art. 37 of the APC, parties to a contract may agree to the jurisdiction of any court in the country. Our investigation of all commercial court cases in Russia filed in 2014–2019 reveals that 73.8%, 78.3%, and 83.1% of cases in Russia, Krasnodar, and Crimea were heard by local courts of incorporated entities, respectively. In disputes against the government, the shares of cases heard by the local courts surged to 85.2% across the entirety of Russia, to 85.3% in Krasnodar, and to 92.4% in Crimea. As expected, in private disputes the local courts experienced lower use, with 63.3%, 64.7%, and 61.4% of private disputes of Russian, Krasnodar, and Crimean businesses adjudicated by the courts of their area of incorporation, respectively.

9 See https://sevastopol.arbitr.ru/node/13042.

10 We present descriptive statistics on the data from Krasnodar Krai in appendix C.1.

11 Regression of entity yearly count of cases in table S6 reveals that some industries—public administration and defense, mining and quarrying, water, electricity,

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and gas supply—are more prone to litigating government vs. private disputes in Krasnodar and Crimea. However, in Crimea, we observed a more pronounced upward trend over time in litigating such disputes, as well as more litigious federal agencies. No discernible differences in the entity use of courts to resolve private vs. nonlocal disputes were found across the regions. Because we used the official state registers we captured all formal firms. Differing levels of informality across regions should not affect our results. Although informality may be sizable—IMF (2021) and the Federal Statistical Service of Russia (2021) estimated the size of the Russian shadow economy at 33.72% and 11.6% of GDP in 2015 and 2019, respectively: To use courts, firms need to have official registration.

12 To be more precise, cases are first routed into one of two chambers (*kollegiya*) within each court of first instance: for administrative cases (involving government) or for civil matters (business vs. business disputes). Then they are assigned within chambers to subunits (*sostav*) based on the case category; for example, to a separate subunit handling bankruptcy-related disputes. Judges' assignments are supposed to be random within chamber-subunits.

13 We also provide formal tests of judicial appointments; see tables S7–S9 in appendix C

14 We show the robustness of the results of the analysis in this section to the exclusion of the petty cases initiated by the Pension Fund and the exclusion of all administrative cases in table S4 and figure S3. In the subsamples of all cases without the Pension Fund cases, the government win rate in the first instance and appeals in Crimea is 68.36%, which is higher than in Krasnodar where it is 65.79%. The difference is statistically significant (two-proportions one-tailed z-test, p value < 0.001). Most importantly, we see that in both subsamples the win rate in Crimea is especially large compared to Krasnodar in cases involving federal agencies and substantially lower than in Krasnodar in cases involving regional authorities. Thus, the results reported in this section are robust to sample composition.

15 Another possible alternative interpretation is that Ukrainian commercial courts ruled in favor of the state more often than Russian courts. Judges used to their *ancien regime* might simply be accustomed to a more pro-state environment. It takes a while to adjust to the new expectations, but they are integrated after a couple of years. We thank an anonymous reviewer for this suggestion, and we plan to empirically test this mechanism in our future work.

16 The actual number of observations within regressions is lower due to the listwise deletion of observations with missing data.

17 The idea of the vulnerability of judges dependent on their outsider or insider status is supported by comparison with Ukraine, where politically parachuted outsiders were most likely to be replaced in the judicial chair elections after the revolution in 2014 (Popova 2020).

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