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Continuity Without Clarity

*The Institutional Cost of Russia's Ambiguous
Legal Succession*



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Content

1. Executive Summary	5
2. State Succession in Russian Politics.....	5
3. Dual Legacies: State Succession in Foreign and Domestic Policy.....	6
4. Imperial Inheritance Abroad: Legal Success without Legal Succession	6
5. Restitution and Property Rights: Comparative Successes and Russia's Missed Chance.....	7
6. Reckoning with the Soviet Past: Legal and Moral Responsibility	8
7. Conclusion	9
About the author	10

Continuity Without Clarity

The Institutional Cost of Russia's Ambiguous Legal Succession

1. Executive Summary

The Russian Federation occupies a unique but unstable position in the post-Soviet and post-imperial world. It presents itself in international organisations as the unbroken continuator of the USSR, yet it simultaneously invokes the symbols, narratives and selected property claims of the Romanov empire – without ever declaring in its Constitution or basic laws that it is a successor to that empire. This deliberate legal silence allows Moscow to enjoy Soviet privileges such as the UN Security Council seat while pursuing imperial assets abroad, but it also leaves the state without a coherent doctrine of succession.

The ambiguity exacts three institutional costs. First, it fragments the legal order: tens of thousands of late-Soviet regulations remain in force alongside post-1993 statutes, while all pre-revolutionary legislation is void, creating uncertainty over which historical layer may govern a given dispute. Second, it undermines property rights. Russia never implemented a systematic restitution programme after 1991, unlike most Central-European states; nationalisations from 1917 to 1930 and new expropriations after 2022 therefore linger as unresolved claims, signalling that ownership depends on political favour rather than enforceable law. Third, it prevents an honest reckoning with Soviet repression. The 1991 Rehabilitation Law overturned sentences but imposed no liability on perpetrators, leaving archives largely closed and detaching moral acknowledgement from legal remedy.

The Kremlin's recent success in reclaiming cathedrals and compounds in Nice, Bari, Jerusalem and Jericho illustrates the problem. Foreign courts or city halls recognise Russia as the factual heir to Romanov deeds even though the Russian state itself still disowns imperial liabilities and still refuses full domestic restitution. Each overseas victory thus deepens the paradox: continuity is asserted where it results in an asset, disavowed where it would impose a burden.

Resolving the contradiction requires a three-part reform. A single federal statute must define which imperial, Soviet and RSFSR obligations and rights the Federation accepts. A phased restitution scheme should return or compensate property confiscated by the Soviet regime, beginning with assets still held by the state. A standing judicial-historical commission should establish legal responsibility for Soviet crimes, open archives and certify losses for the restitution process. Together these measures would transform succession from a tactical argument into a predictable legal framework, anchor private ownership, and align national memory with judicial accountability.

Until such clarity is achieved, Russia's institutions – and its credibility as a rule-based international actor – will remain hostage to a past that the state prefers to invoke rather than to govern under law.

2. State Succession in Russian Politics

International law distinguishes two basic pathways after a regime collapses or a state is radically transformed. In a succession the original legal person disappears and a new one takes its place, inheriting only those rights and duties it chooses or negotiates. Under continuity the legal personality survives despite changes of borders, constitution or ideology, and the full package of prior obligations remains intact. Since December 1991 the Russian Federation has tried to inhabit both categories at once. In the United Nations and other multilateral forums Moscow insists that it is the very same state that signed the Charter in 1945; the Soviet seat on the Security Council, nuclear-arms treaties and rescheduled external debt all rest on that claim of continuity. At the same time Russian leaders speak of a “thousand-year historical Russia” that reaches back through the Romanov empire to medieval Rus', and they invoke imperial deeds when pursuing church compounds in France or pilgrim hostels in Italy. Yet nowhere –

in the 1993 Constitution, in foreign-policy concepts or in diplomatic communiqués – has the Federation proclaimed itself the successor or continuator of the Russian Empire.

This intentional silence preserves tactical freedom. Continuity with the USSR secures diplomatic privileges and treaty rights; the absence of formal succession to the empire shields the state from tsarist debts and other liabilities, while still allowing officials to appropriate imperial symbols for domestic legitimation and occasional property claims abroad. The price of that flexibility is a fragmented normative order. Tens of thousands of late-Soviet regulations remain technically in force alongside post-1993 statutes, whereas all pre-revolutionary law is void. Courts, ministries and investors therefore operate in an environment where the applicable historical layer may shift with political need. The uncertainty is most acute in the field of ownership: the mass nationalisations of 1917–30 were never followed by restitution, Soviet-era titles rest on decrees that have never been judicially reviewed, and a new wave of selective state seizures after 2022 revived the logic of discretionary confiscation.

Ambiguity over succession also blocks an honest legal reckoning with Soviet repression. The 1991 Rehabilitation Law vacated millions of verdicts but imposed no liability on perpetrators, kept most security archives closed and offered no mechanism for compensating expropriated property. By treating responsibility as an abstract error of “the regime,” the state avoided confronting its own institutional genealogy. Together these dynamics – legal fragmentation, fragile property rights and moral evasion – define what this paper calls Russia’s “dual-legacy problem.” The chapters that follow trace how the problem manifests in diplomacy, legislation and, above all, the politics of restitution, arguing that a clear doctrine of succession is the prerequisite for credible institutions at home and predictable behaviour abroad.

3. Dual Legacies: State Succession in Foreign and Domestic Policy

Abroad, Russia consistently presents itself as the legal continuation of the Soviet Union and has never declared – either in constitutional acts or diplomatic correspondence – that it is a successor or continuator of the Romanov empire. This exclusively Soviet identity underpinned Moscow’s retention of the permanent seat on the UN Security Council, the seamless carry-over of major multilateral arms-control treaties and the preservation of Soviet diplomatic immunities worldwide. Even the modest payment made to France in 1997 on tsarist-era bonds was described as a one-time gesture of goodwill¹ rather than

an acknowledgement that the Federation had assumed the broader corpus of imperial rights and obligations. Paradoxically, the same state appears in foreign courtrooms as the heir to the Romanovs when it seeks to reclaim church compounds or hostels built before 1917: in Nice, Russian lawyers argued that a 1909 emphyteutic lease had expired² and that title must revert to “the original sovereign” – now embodied by the Russian Federation. Thus continuity is asserted whenever it safeguards Soviet-era privileges and disavowed where imperial liabilities might arise, while carefully selected imperial titles are revived to retrieve property long abandoned by the USSR.

At home the stance is reversed. The 1993 constitutional order rests almost entirely on late-Soviet and post-Soviet legislation; every statute of the Russian Empire was nullified in 1918 and has remained void. Yet imperial emblems saturate state ritual: the double-headed eagle crowns ministries, Guards regiments parade in Nicholas I uniforms, and presidential speeches weave Holy Rus’, the tsardom, the empire and Soviet victory into a single narrative of uninterrupted greatness. Symbolism therefore assures historical grandeur without the legal encumbrances that genuine imperial succession would entail – no restoration of noble titles, no reopening of confiscation files, no reckoning with the Romanov debt ledger still lying in European archives.

This split personality produces predictable effects. International partners encounter a state that treats treaties concluded after 1945 as sacrosanct yet frames territorial or property claims in language that predates 1917. Within Russia, investors operate under late-Soviet regulations that can be revoked overnight while watching the government reclaim imperial churches abroad in the name of “historical justice”. The coexistence of two legal stories – Soviet continuator and imperial heir – maximises tactical manoeuvre but undermines institutional trust: contracts, court judgments and even borders appear contingent on which past the Kremlin finds useful at a given moment. The next sections trace how that contingency shapes Russia’s overseas property campaign, its stalled domestic debate on restitution, and its unresolved treatment of Soviet-era crimes.

4. Imperial Inheritance Abroad: Legal Success without Legal Succession

Russia’s campaign to “return” Romanov-era property abroad illustrates how a state that denies any formal succession to the empire can nonetheless act as its practical heir. The 1993 Constitution recognises continuity only with the USSR, yet a 2000 presidential decree instructed the Presidential Property Directorate (UDP) to identify and secure non-diplomatic sites “historically linked to Russia”.

¹ Ministerstvo vnutrennikh del Rossiyskoy Federatsii. (2006, April 6). Pismo ot 06.04.2006 № 3/5862 [Letter No. 3/5862 from the Ministry of Internal Affairs of the Russian Federation, April 6, 2006] [Official government document in Russian]. Archived at <https://web.archive.org/web/20090302184231/https://savelev.ru/journal/case/attachment/?caseid=49&id=18>

² Radio Vaticana. (2011, December 21). Zavershilas’ tyazhba vokrug Nikolaevskogo sobora v Nitsste [Legal dispute over St. Nicholas Cathedral in Nice concluded] [Article in Russian]. https://www.archivioradiovaticana.va/storico/2011/12/21/zavershilas_tyazhba_vokrug_nikolaevskogo_sobora_v_nitsse/rus-548323

A specialised unit, ‘Goszagransobstvennost’, combined archival research with targeted litigation: imperial deeds and 99-year leases were exhumed from foreign registries and presented to local courts shorn of their revolutionary rupture. The method proved decisive in Nice, where judges accepted that the 1909 emphyteutic lease of Saint Nicholas Cathedral had expired and that ownership should revert to the “original sovereign,” now personified by the Russian Federation – despite the Federation’s own refusal to claim imperial succession in its foundational laws.

Where courts looked unpredictable, Moscow relied on transactional diplomacy. During Vladimir Putin’s 2007 visit to Italy, a single bilateral conversation secured the Bari podvorye, long managed by émigré clergy: the municipality transferred³ title in exchange for promised investment and tourist flows. Similar “goodwill” transfers followed in Jerusalem and on the Côte d’Azur. When both litigation and diplomacy faltered, local security services intervened – as in Jericho in 2000, where Palestinian forces expelled⁴ Russian Church Abroad nuns and handed the compound to the Moscow Patriarchate after consultations with Russian envoys. These episodes reveal a coordinated toolkit: archival lawyering to create a colourable claim, high-level bargaining to close the deal, and coercive leverage as an option of last resort.

The strategy yields three dividends. First, tangible assets: cathedrals, hostels and land now sit on the UDP balance sheet, generating revenue and symbolically projecting “historic Russia” into prestigious urban landscapes. Second, narrative leverage: every transfer enacts a story of national continuity that bridges 1917 and thereby legitimises contemporary power abroad and at home. Third, jurisprudential precedent: each foreign ruling that validates a Romanov deed implicitly affirms that pre-1917 rights can outlive the Soviet repudiation of imperial debts, even though Moscow still disclaims those debts.

Yet the same successes deepen the central contradiction of Russian statehood. A government that litigates as the empire’s owner while constitutionally rejecting imperial succession encourages others to regard all its historical claims as conditional. Partners cannot know whether Moscow will next invoke Soviet, imperial or purely post-Soviet identity; émigré heirs and neighbouring states may in turn test their own claims on the basis of the very precedents Russia has created. By treating succession as a menu rather than a menu-priced set meal, the Kremlin secures short-term gains but perpetuates long-term uncertainty – both for foreign courts and for the domestic rule of law that must ultimately arbitrate the legacy it now wields so flexibly.

5. Restitution and Property Rights: Comparative Successes and Russia’s Missed Chance

When communism collapsed, every post-socialist state confronted the same moral and economic dilemma: whether, and how, to return assets confiscated by the old regime. Most of Central-Eastern Europe treated restitution as a precondition for the rule of law. Latvia, for example, reinstated its 1937 Civil Code in 1992, then ordered the administrative return of land and buildings to pre-war owners or their heirs; the measure was cumbersome, yet the very act of acknowledging bygone rights helped anchor private ownership in the new legal order. In Poland, the Czech Republic and East Germany compensation schemes, though politically fraught, similarly demonstrated that the state accepted limits on its power to dispose of property. Over time these programmes made courts rather than ministries the final arbiters of title, giving investors a predictable framework and furnishing governments with a reputational asset during EU accession talks.

Russia started from an even more complicated place: the Bolshevik “Red Guard attack on capital” had extinguished virtually all private ownership by 1920, so the post-Soviet legislature first had to legalise the very idea of private land before it could discuss giving land back. Yet the decisive obstacle was political. Reformers such as Yegor Gaidar argued that after seven decades of socialism “former proprietors have no credible claims,”⁵ while Anatolii Chubais warned⁶ that restitution would paralyse the mass privatisation then under way. Bills drafted with the support of the Russian Nobility Assembly and the League for the Protection of Property Owners never reached the Duma floor because deputies feared “a new redistribution of property”⁷ and the return of an émigré elite. Religious objects enjoyed a partial carve-out, but wider schemes stalled. By the mid-2000s even civil-society advocates who had framed restitution as a foundation for democracy were discussing the subject mainly in academic seminars rather than in government committees.

The missed opportunity had three lasting consequences. First, it blurred the boundary between public and private spheres. Enterprises sold during voucher privatisation remained vulnerable to administrative re-capture because the state had never conceded in principle that confiscation was wrong. Second, it entrenched insider privilege: former Soviet managers acquired assets cheaply while potential counter-claims from dispossessed families were barred, reinforcing the belief that property flows from political favour, not enforceable right. Third, it left the constitutional

³ President of Russia. (2008, April 25). Vladimir Putin expressed gratitude to Prime Minister of Italy Romano Prodi for transferring ownership rights to the Russian Orthodox Church compound in Bari [Official statement]. <http://kremlin.ru/d/44190>

⁴ Russian Orthodox Church Outside of Russia (ROCORA). (2000, January 15). Soobshchenie iz kantselyarii Arkhiepiskopa Marka o sobytiakh v Ierikhone [Statement from the chancery of Archbishop Mark on the events in Jericho] [Article in Russian]. <https://www.rocora.de/assets/alt/Vestnik/20001/html/artikel3.htm>

⁵ Koch, Alfred R., Aven, Petr O.: *Revoljucija Gajdara: Istorija reform 90-ch iz pervykh ruk*, Moskva 2013. S. 403

⁶ Naslednikam „byvšich“ nadejatsja v Rossii ne na čto [The heirs of the „former” have nothing to hope for in Russia] in: *Izvestija*, Nr. 135 (23709), 10.06.1992. URL: <https://yeltsin.ru/archive/periodic/52744/>

⁷ Chozjaeva gotovy vernut’sja [The owners are ready to come back], in: *Ogonëk*, Nr. 43, 30.11.2003. URL: <https://www.kommersant.ru/doc/2292440>

promise of inviolable ownership without historical ballast, so that when the Kremlin launched a new wave of strategic nationalisations after 2022, there was little doctrinal resistance; society had never practised the idea that what was taken unlawfully must be returned.

By contrast, the symbolism of restitution elsewhere – however imperfect the execution – signalled a clean break with arbitrary power. Stephen Holmes warned⁸ in 1993 that the economic inefficiencies of giving back houses would be outweighed by the “monopoly-breaking” effect on ex-communist elites and the demonstration that the law protects losers as well as winners. Russia’s decision to treat nationalisation as a closed chapter denied itself that monopoly-breaking moment, and the institutional costs have accumulated: land registers that still contain Soviet decrees, corporate governance vulnerable to selective prosecution, foreign partners unconvinced that contracts will survive a change in political wind.

Two decades later the government uses imperial imagery to legitimise contemporary expropriations – recovering churches in Nice or Bari in the name of “historical justice” – yet offers no corresponding justice to citizens whose factories, flats or farmland were seized in 1918, 1930 or, increasingly, 2023. The asymmetry underscores the central thesis of this paper: by refusing to institutionalise restitution, Russia preserved tactical freedom of confiscation but at the price of chronic uncertainty in its property regime. Until the state recognises that ownership rights exist independently of its political projects, every new privatisation or foreign investment will carry the latent risk of reversal, and the promise of an eventual rule-of-law order will remain deferred.

6. Reckoning with the Soviet Past: Legal and Moral Responsibility

Russia’s handling of the Soviet legacy has followed the same logic that shapes its approach to state succession and property: the minimum formal concession required to defuse immediate pressure, never the comprehensive accounting that would fix clear normative boundaries. At the moment of the USSR’s collapse parliament adopted the 1991 Law⁹ on the Rehabilitation of Victims of Political Repression. The statute overturned criminal verdicts handed down for “counter-revolutionary” offences and authorised limited monetary compensation, thereby acknowledging that the Soviet legal order could commit wrongs. Yet the law was carefully drafted to address acts, not actors. It voided sentences but neither named perpetrators nor created civil or criminal liability.

No lustration followed; the KGB was reorganised rather than dismantled; judges and prosecutors who had enforced political justice kept their posts. Responsibility became an abstract concept – an error of “the regime” – unconnected to living officials or institutions.

During the 1990s the human-rights society Memorial tried to fill the gap by documenting repression site by site and by pressing for access to security archives. Its research produced a popular narrative of suffering that could have anchored a broader legal reckoning, but the state never translated those findings into judicial procedures. By the early 2000s, as Vladimir Putin shifted the symbolic centre of gravity from 1991 back to 1945, the emphasis moved from victims to victory. Public commemoration of the Gulag became sporadic, Memorial itself was branded a “foreign agent”, and the security services began marking anniversaries of their Soviet predecessors with official pomp. The administrative silence over perpetrators turned into a deliberate celebration of institutional continuity.

Selective memory has direct legal consequences. Because no court has pronounced on the criminal character of Stalin-era terror, archives that contain operational records remain largely closed; historians must negotiate ad hoc permissions, and families cannot obtain the evidence needed for civil suits. Property seized from “enemies of the people” has never been subject to restitution, which means that large stretches of Soviet-era urban real estate lie on titles still tainted by expropriation. Investors may purchase such property in good faith, yet the underlying injustice is unresolved and could, in principle, generate future claims – an uncertainty that mirrors the larger problem of succession to imperial assets.

The moral ambiguity has also left the constitutional order without a firm democratic pedigree. Schools teach the Soviet industrial miracle beside the tale of the Purges, but the curriculum identifies no normative lesson except patriotic pride. Opinion surveys show that the majority of citizens regard Stalin as “a great leader” while also regretting the repressions – evidence that the state’s split narrative has produced no stable ethical evaluation of its past. In judicial politics the effect is palpable: security-service testimony still enjoys privileged credibility, and prosecutors can invoke Soviet precedents on state secrets to override defendants’ rights.

In this environment any demand for legal accountability – whether for contemporary war crimes or for the expropriation of businesses – encounters a vacuum of principle. The state has taught itself that acknowledging a wrong need not entail punishment or restitution and that institutional badges survive regime change unblemished. Until Russia confronts the Soviet past as a matter of legal guilt and civil liability, the notion of the rule of law will remain conditional, always secondary to *raison d’état*. Clarifying succession to the empire or codifying property rights will not by itself correct that deficit; reckoning with the crimes that punctu-

⁸ Holmes, Stephen: Očerki ob éffektivnosti i spravedlivosti vozvraščeniya sobstvennosti, in: *Konstitucionnoe pravo: vostočnoevropejskoe obozrenie*, 3:4 (1993). S. 34-45

⁹ Russian Federation. (1991, October 18). Zakon RF “O reabilitatsii zhertv politicheskikh repressiy” ot 18.10.1991 № 1761-1 [Law of the Russian Federation “On the rehabilitation of victims of political repression” No. 1761-1 of October 18, 1991] [Official legal document]. https://www.consultant.ru/document/cons_doc_LAW_1619/

ated Soviet state-building is the indispensable step toward a legal order in which history is no longer a discretionary toolkit but a binding standard.

7. Conclusion

Russian statehood rests on a contradiction it has never resolved. Internationally, Moscow claims seamless continuity with the Soviet Union; domestically, it rules with statutes largely inherited from that same late-Soviet order; symbolically, it presents itself as the direct heir of a thousand-year empire. By refusing to codify which of these pasts it genuinely succeeds, the state has preserved maximum tactical freedom – yet at the cost of institutional reliability. The selective restitution of imperial property abroad demonstrates how effectively Russia can mobilise archives, diplomacy and force when it suits its immediate interests, but it also exposes the absence of legal foundations at home, where no comparable restitution or reckoning has been allowed.

About the author

Alexey Uvarov is a political scientist and historian specializing in Russian memory politics and post-Soviet identity. He is a guest researcher at Ruhr University Bochum, supported within the framework of the Fedor Stepun Initiative. He has contributed to academic publications as well as independent media, among them Meduza and Dekoder.

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Russia proclaims itself both the legal successor and continuator of the USSR while strategically invoking symbols and property claims from the pre-revolutionary empire. Domestically, only Soviet and post-1991 Russian legislation has normative force; imperial decrees were annulled in 1917 and have no contemporary legal status. This produces what the article calls a “dual-legacy problem”.



First, the hierarchy of norms is clogged by numerous unrepealed Soviet rules that persist in formal registers even though they are outdated for present-day Russia and often obstruct coherent policy implementation. Second, property rights are insecure; assets nationalised between 1917 and 1991 have never been comprehensively restituted, and recent wartime seizures revive the precedent that ownership rests on state favour rather than predictable rules. Third, reckoning with Soviet repression remains partial; the 1991 Rehabilitation Law overturned sentences but imposed no liability on perpetrators, and key archives remain closed.



The paper proposes a single succession statute enumerating accepted international obligations, a phased restitution fund financed from state-held assets, and an independent judicial-historical commission to adjudicate past state crimes. Without these measures, Russia's domestic institutions and external credibility will remain hostage to discretionary uses of its Soviet and imperial heritage.

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