

MÁRIA TANDORI

EIGHTEENTH-CENTURY LEGISLATION OF CORSICA

The island of Corsica has always had a peripheral role in the history of Europe. It's history is not a well-known thing, except perhaps the 18th century, when the long war of independence and cyclical revolutions made the public opinion's wonder. During the century a long list of constitutional endeavours had been created and these changes touched the legislative institutions.

The revolt against the city-state of Genoa broke out in 1729. Genoa possessed the island for over four hundred years.¹ During this long period Corsica had an unwritten constitution, similar to other Italian states.² The legislative power belonged to the institution of *veduta* or *consulta*. The *consulta* was a late remain of the archaic people's assembly. The origin of the *consulta* is obscure, it's probably connected to the *Terra del Commune*. This is a league made by Sambucuccio d'Alando and the people of the North-Eastern villages in 1359.³

¹ In the Genoan times usually the Doge and the Senate ruled over Corsica. But in the 15th century the city mortgaged the island to the Maona trading company, and after to the St. George Bank. Til 1556 the directorial boards governed Corsica. This situation had not modified considerably the system of government. See: René Sédillot: *La grande aventure des corses*. Paris, Fayard, 1969. (below: Sédillot) pp. 107-108., and Caird, L.C.: *History of Corsica*. London, Fisher, 1899. (below: Caird) pp. 11-19.

² Ange Moretti: *La constitution corse de J.-J. Rousseau*. Paris, Sirey, 1910. (below: Moretti), p. 17. According to Camille Tommasi, the government of Corsica acted upon the customary law, which was supplemented with some elements of the Roman law by the Genoan Senate. These supplements are the *capitolares*. The nine Corsican provinces have various *capitolares*, so in 1572 the Senate ordered to collect and compile all of the *capitolares*, *gridas* (*grida*: the orders of the governor of the island) and the elements of the customary law. These were the sources of the *Libro Rosso* code. The final form of the *Libro Rosso* was born between 1724 and 1726. See: Camille Tommasi: *L'administration de la Corse sous la domination génoise 1300-1768*. (below: Tommasi) (these, s.l., s.d.) pp. 3-4.

³ This movement was against the feudal lords of the province Cinarca. These lords were on the part of the King of Aragon. Sambucuccio and the *Terra del Commune* accepted the sovereignty of Genoa. See: Sédillot, pp. 67-68.

The Terra del Commune and the old consulta-system⁴

The base of the Terra del Commune is the self-governed village – and the name also alludes to the common lands of the village.⁵ Originally, in the Pisan times (from 1095 to cca 1300) the fundamental unit of the Corsican local government was the parish with chapel. People were very poor, and there was no church in every the village, only one church per valley. A valley, with one church, and 5-8 villages got the name *pieve*.⁶ On the top of the pieve's magistrature you can find the *podesta*.⁷ Through the centuries 66 pieve had been formed in Corsica. The pieves of a bigger region composed a province. The provinces were 9 in total. Cities had a different self-government. In the cities you can also find the pieve-system (usually one city – one pieve), but sometimes the pieve itself was greater than a little town. The town had a *podesta* and a local board elected by the family fathers. This municipal system was a hierarchic one, but had no feudal character, namely they had no privileges, prerogatives, they weren't tax-free.⁸

Up to the 16th century (in the time of the rule of the St. George Bank⁹), more and more villages built chapels and the original valley-parish gave its place to the village-parish. From this time onwards these villages elected *podestas*¹⁰, and the pieve became

⁴ According to Tommasi the *veduta* is the older name of the people's assembly, and in the Pisan times it worked once in a year, usually in Biguglia. See: Tommasi, p. 4. See: Moretti, pp. 15-20. There are some other opinions on the origins of the *consulta*-system. According to Caird the first one was called in 1007. See: Caird, pp. 11-19., Dorothy Carrington gives the date of 1264. See: Carrington: Paoli et sa "constitution" (below: Carrington: Paoli) in *Annales Historiques de la Revolution Francaise* (below: AHRF), 1974. p. 513.

⁵ Tommasi, pp. 3-4.

⁶ The name of the *pieve* comes from the latin *plebs*, with the meaning of pastoral family. Originally the head of the *pieve* was the priest. Local problems had been discussed in the church, after the Sunday mass. So later it was typical in Corsica: the political life (most of the *consultas*) were held in churches. See: Sédillot, pp. 108-109.

⁷ The original duty of the *podestas* is not yet evident. See: Tommasi, p.3., about the *podestas* also: Moretti, pp. 20-21.

⁸ Sédillot, p. 109. There is a special problem: the nobility of Corsica. In the book *Visages de Corse* the author stated the original feudal nobility in Corsica died out in the 16-17th century, in its place formed the clan-system. (p. 79.) Later he writes, in the 18th century king Theodore founded a new nobility. (p. 82.) Dorothy Carrington said, the Corsican nobility in the 17th century was limited to 4 families. At the same time a respectable new circle was formed (*patricii, principali*): merchants, landowners, who became rich, and monopolized the municipal government. They behaved like real nobleman. See: Carrington: Paoli, pp. 508-541.

⁹ *Ufficiale di San Giorgio*: perhaps the first existing modern bank in Europe, founded in 1386. In the 15th century it was already the State Bank of Genoa. Genoa indebted totally to the Bank, so in 1453 mortgaged the island of Corsica. Its rule lasted to 1562. See: Vergé-Franceschi, Michel: *Histoire de Corse*. Tome 1. Paris, Félin, 1995. pp. 132-133. (Below: Vergé-Franceschi)

¹⁰ This was not a sinecure, the *podesta* had a lot to do. He was the mayor of the village, also the judge, and the sheriff in one person. He was responsible to the local taxes for catching the bandits and beasts, to obtain a physician and a notary. At the top of the *pieve* you can find the *podesta maggiore* in the Genoan times. See: Sédillot, 109. pp. *Le Mémorial des corses*.

an upper level in the administrative hierarchy. The podesta was elected by the family fathers of the village. He was usually one of the richest and most respectable man of the village.¹¹

As it was mentioned before, the Terra del Commune was originally limited to the North-Eastern part of the island. In “Di Qua dai Monti = the inner side of the mounts” – as the Genoans used to say. On the other side of the island (Di La dai Monti), laid the territories of the great landowners (*Terra dei Signori*), along with people who had no autonomy at all. (With the exceptions of some privileged cities, Bonifacio for instance.) The dwellers of this region struggled for the same rights, like the Terra del Commune. For example in 1514, the people of Cinarca province begged the St. George Bank for the “rights of Bonifacio”. After a number of revolts and civil wars – the greatest one was the rebel of Sampiero Corso¹² in the sixties – in 1574, all of the island got the rights for electing podestas, and taking part in the government. The most important element of the participation was the election of the representatives of the consulta and the *Dodici*– the Governor’s Council.¹³ The name Dodici had remained, but the 12 noblemen served only the part of the old Terra di Commune only. The new territories got 6 noblemen (18 in total).¹⁴

The role of the pieve was limited to the general elections. The podestas of the pieve elected the *procuratori*, and the procurators elected the body of the Dodici.¹⁵ Each year the college of the Dodici sent an *orator* (speaker) the Genovan doge or the Senate (or the Bank’s directorial board), and he had the right of complaining against

2. Tome: Soumissions et résistances, 1553-1796. Sous la dir. Francis Pomponi. Ajaccio, 1981. p. 204. (below: Mémorial) In some peculiar cases women also might be voting: if they were widows, with children not of age. See: Tommasi, p. 24.

¹¹ There were some person for the assistance of the podesta, e.g two “*padri del commune*” (the fathers of the village). They were assistant judges to the podesta. The captain of the militia (*caporale*) was also an important man. In the Genoan times the podesta and he were the rare persons, who carried arms legally. Genoa forbade the catching of arms in 1711. (Most of the population carried them also, but illegally.) See: Arrighi, Paul: *La vie quotidienne en Corse au XVIIIe siècle*. Paris, Hachette, 1970. (below: Arrighi) p. 82. The procurators were elected for temporary tasks – for example electing some magistrates, represent the village in the provinces, or in the court of the governor. See: Mémorial, 2. Tome, p. 204.

¹² Sampiero di Bastelica (1498-1567) He was born into a poor Corsican family, and made a fantastic career. He became one of the greatest French generals, married to the richest girl of Corsica. By his inspiration in 1556 – by a decision of a consulta – attached to France. But by the peace treaty of 1559, France forced to give back the island to Genoa. The islanders protested against the decision, and in 1564, the revolt broke out, under the leadership of Sampiero. He became the victim of a vendetta in 1567. See: Sédillot, pp. 88-102.

¹³ The Dodici were elected from the most illustrious podestas. They controlled the governor, were elected for a year, and all of them were responsible for only a month in that year. See: Tommasi, p. 3.

¹⁴ Mémorial, 2. Tome, pp. 110-111. There are some different opinions: As to Tommasi, the number of 12 remained, but divided: there were 6 nobleman for the “inner side”, and 6 for the other. The centres were Bastia and Ajaccio. In both places one of the nobles ought to be a Genoan nobleman. They got 50 lira salary per month. See: Tommasi, pp. 22-23.

¹⁵ Their election was a very difficult one: this was the *terziero*. It was the task of the *procuratori* to collect 36 persons, and offer them to the newly appointed governor. The governor choosed 12 of them. See: Tommasi, p. 23.

the governor or other magistrates.¹⁶ At the same time, the corporate was not able to limit or control the governor's acts.

The elections

In the everyday life of the Corsicans, the greatest political events were the general elections. In the Terra del Commune originally people's assemblies were called *veduta*, later *consulta*. Theoretically, every full aged and military served man took part in the *vedutas*. This assembly would be very similar to the Athenian *bule*. Later the participation had been gradually limited. By the 16-17th centuries the *consulta* became a representative assembly. The right of voting had been restricted for the family fathers and the *pieve* became the constituency. Elections took place at several levels. First, the parish elected the *podesta*, with the aim of the family fathers. The representatives of the *consulta* were elected in two steps: in the villages the family fathers elected the procurators (electors), and this men's assembly elected the real representative. Only after the representatives of the provinces had been invited to the *consulta* was the third level introduced.¹⁷

The Consulta

The *consulta* was summoned by the governor or by any national leader. For example, all of the revolting chiefs called one or more *consultas*. In 1730, soon after the great rebel of 1729, Luigi Gaffori called the first *consulta*. The *consulta* was a very frequent event. It usually took place once or twice a year (in late spring), but during the chaotic times it could have been held even five times a year (as in 1731). *Consultas* were called most frequently in the thirties and forties.¹⁸ *Consultas* lasted only a few days (usually three) and such it was necessary to make decisions in all of the important issues as quickly as possible. The place of the *consultas* was not defined until 1764 when Corte became the capital. So the legislative branch of the power worked only for a few days and in the remaining time the only living power was the executive one. There was a nice ritual in the 18th century: the leader of the nation (the executive power) in the time of *consulta* put the seals to a chancellor, so in the time of the working legislation the executive power interrupted. The authority of the *consulta* declined in the late Genoan times in the 17th century, but revived after the revolution of 1729.

The decline of the *consulta's* power in the 17th century was caused by the growing power of the governor, and – in connection with it – by the shy and corrupt representatives. In the 17th century the greater part of the power was put into the hands of the

¹⁶ The orator ought to be a rich and educated man, and he spent his official time in Genova. See: Tommasi, p. 23.

¹⁷ See: Mathieu Fontana: *La constitution du Generalat de Pascal Paoli en Corse*. (below: Fontana) Paris, Bonvalot-Jouve, 1907. p. 96.

¹⁸ Carrington: Paoli, p. 518.

governor. The governor was named by the Genoan doge (or in the absence of the doge, the Senate)¹⁹, he had almost unlimited power.²⁰

In December of 1729, an unimportant taxational problem, caused the breaking out of the revolt. The consulta of San Pancrazio declared independence in January of 1730, and abolished all Genoan institutions and laws. Since the local government, most of the law, and the consulta system was originally a Corsican one, and they all remained. There had been commenced to develop the island's own political institutions and laws. It is worth to emphasize: the constitutional changes till 1755 concerned only the executive branch of the government. There ought to abolish the governor, the Genoan Senate, the *gridas*, and the all staff of the governor. The first step was the declaration of the kingdom. In our 20th-century's view it is a very strange decision, but Corsica in the 18th century knew only the republican government. The Corsicans knew only the corrupt, rotten, and scandalous face of the declining Genoan rule. The republic's alternative was the monarchy. They were convinced: the kingdom must be a better chance. It may be mention that Corsica got the title of kingdom from the Aragon kings (in the 14th century). Aragon never occupied the island totally, but the Corsicans – in spite of the Genoan rule – always vindicated the title of kingdom. René Emmanuelli writes: Corsica was mentioned as kingdom as early as the 13th century and later Genoa became the “King of Corsica”.²¹

In 1730, in the moment of the declaration of the independence, the executive was given two “Generali”. The title indicated military function: the state was in need of military leaders for the war of independence. (Two, because of controlling each other.) They were helped by a six-membered Giunta. The Generali and the Giunta was nominated by the consulta.²² After a short peace, in 1735, the *Sistema di governo provvisorio* (the first written constitutional attempt by the consulta of Alesani) had changed the system: into the place of the Generali put the three “Primati”, and the Giunta supplemented by the – also six-membered – *Dieta Generale*. The new structure indicated an intention for peace. The Dieta had financial role, the *Giunta di Governo* was an institution of both executive and legislative (its role was not exactly defined, and changed in the 18th century). The power of the Primati was less than of the Generali. Meanwhile, there had been started a persistent experimentation to create an ex-

¹⁹ The governor ought to be a Genoan nobleman (member of an albergo = great Genoan clan), and more than 30 years old. He was elected originally for one year, but later on this period changed for 18 months, finally for 2 years. He nominated his assistancy: 1 *massaro* (treasurer), 2 *vicari* (judge), clerk, majordomo, captain of the bodyguards, *castellano* (chief prisoner). See: Sédillot, p. 108.

²⁰ He controlled the commerce, and the taxation as he pleased, and he also ought to account after the two years of mandate, only for the Genoan Senate. The government came out of the impoverished, but arrogant, corrupt part of the Genoan nobility, and for the Corsicans it was unsupportable. Moreover, there was introduced the custom to give total previous indemnity to the governor for his abuses at his appointment. See: Moretti, pp. 17-18.

²¹ See René Emmanuelli: *L'équivoque de Corse, 1768-1805*. (below: Emmanuelli: Equivoque) Ajaccio, La Marge, 1989. p. 11. Mathieu Fontana stated: the title of kingdom signs only the privileges and the autonomy of the island. See: Fontana, p. 21.

²² Moretti, p. 22.

ecutive available.²³ In spite of the desire for total independence, the political model remained the Genoan one. The *Generali* or the *Primati* played the doge's role, the *Giunta* or the *Dieta* the Senate's.²⁴

In the spring of 1736, the consulta of Alesani declared to be the King a German adventurer, Theodor von Neuhoff.²⁵ In the Genoan times, the executive was the dominant power, but after the rebel of 1729 the legislative one gained strength suddenly. It was a rather peculiar situation in the 18th century: it was the age of the absolute monarchies, and not of the parliaments. By the grace of God, the Corsican leaders were very suspicious to the king of obscure origin: the mentioned consulta stated royal power very limited for even a constitutional king. King Theodore could do almost nothing (except calling the consulta and giving presents by his own property.) The real power remained a 24-membered Dieta.²⁶ King Theodor's short reign lasted for only seven months (until he could give presents or at least rhetorical titles). So, the kingdom was not a lucky governmental form for the Corsicans. The next decades were the ages of the double power: The coastal region and the ports were controlled by the Genoan army, here worked the Genoan regime. In the inner part of the island operated the Corsican's own state with the consultas, generals, etc.²⁷ In the inner part of the island the *Patrioti* were changed by the three Generali. After the War of Austrian Succession came five *Direttori*. The frequent change of the leaders weakened the authority of the executive power. In the fifties there had been a growing claim to a strong, one-personed executive. After the assassination of Gaffori, the most respected Director, the Corsican consulta invited Pasquale Paoli²⁸ (he lived in emigration in Naples). This decision was not a gambling, Paoli's father was a late Primat, his brother was one of the Directors. The Paoli family had been a real political dynasty.

The Constitution of 1755²⁹

Paoli was an educated man: inspired by Montesquieu, he composed the first real constitution for the Corsicans. He combined the "Spirit of the Laws" with Corsican customs and institutions. This was the first document of the World's history which title was "Constitution", and included the principles of the sovereignty of the peo-

²³ See: Carrington: Paoli, pp. 518-521.

²⁴ Sédillot, p. 138.

²⁵ Sédillot, pp. 139-148.

²⁶ Mémorial, pp. 270-272., Moretti, p. 23.

²⁷ The number of the Generals changed from two to five. It's depended on the decision of the latest consultas. See: Carrington: *Paoli*, p. 521.

²⁸ Pasquale Paoli (1725 or 1726 – 1807) General of Corsica in 1755-1769. After the battle of Ponte Nuovo (9th May, 1769) he emigrated to England, lived in London and was connected with the high society. In 1790 he arrived home, by his authority newly became the leader of Corsica. At the end of 1795, the English Viceroy of Corsica expelled him from the island. He went back to England, died and buried in London, in 1807.

²⁹ The text is readable (in French): La constitution de Pascal Paoli 1755 / trad., notes: Dorothy Carrington. Ajaccio, La Marge, 1996. pp. 13-25.

ple.³⁰ This fundamental law conserved the basis of the Corsican unwritten constitution: all the local governmental and the consulta-system remained to exist– at least on a textual level. The consulta got a new name officially: Dieta Generale – but in reality everybody was devoted to the “consulta” title. Paoli fixed the convocates, standing orders, and magistrates of the consultas. Really Paoli endeavoured to minimize the number of participants of the consulta. For example, in 1731, the representatives of all the parishes took part in the consultas, which meant almost four thousand persons! In 1762 the brothers of every war-deads were invited. Later, in January of 1763, all the presidents of the provinces, and the representatives of the pieves (procuratori), the priests and vicars of the episcopal centres were invited. However, in December of the same year 2 or 3 elected representatives from each provinces, and also one person for the pieves. It makes one hundred person altogether, which was a respectful diminution. In this question there was a great uncertainty until the end of the regime, to 1768.³¹ These years were turbulent, so the custom of frequent consultas remained. According to the requests of the provinces, the institution of provincial consultas had been introduced in case of urgent provincial questions.³² All the consultas and provincial consultas were in need of a new election.³³ Corsican voters exercised their suffrage almost permanently. Paoli only modernized and made exact roles of the magistrates or political institutes, that he considered to be important. The head of the state was a General again. It was at that moment one person – Paoli himself.³⁴ In the text he mentions a State Secretary, but in the later document we can't find traces of it:

³⁰ The text commenced by this phrase: “The people of Corsica, legal ruler of himself”. This formula was written before Rousseau’s Contract Social. See: Carrington: *Paoli*, pp. 508-541.

³¹ The cause of this diminution is not at all clear: perhaps one of the causes is the logistic situation of the capital, Corte: it was a little town in the mountains, there was no quarter for thousands of men. See Carrington: *Paoli*, pp. 518, 529-533. Fontana, pp. 94-100., Arrighi, p. 118.

³² Fontana, pp. 32-36., 115-117.

³³ Fontana, pp. 97-100.

³⁴ The General created a new right for himself: the right of pardoning. He demanded the right of veto also in 1764, but unsuccessfully. There are some historical debates on Paoli’s right of veto. In the constitution of 1755 this right is not mentioned. Later the Council of State exercised this right – but it was only a delaying veto. See Fontana, pp. 41-42. and Carrington: *Paoli*, p. 538. The General’s assistance was a Council of State The council of State (*Consiglio Stato*) worked rotating. It’s head was the General, its members: 36 presidents and 108 councillors. The presidents and councillors were elected by the provinces, in three steps. (See above) These persons were divided into three chambers (juridical, military and financial ones). In all chambers you can find the one-third of the presidents and councillors, who weren’t on duty permanently: the presidents changed each other monthly, the councillors in every ten days. They all assembled only twice a year. They had no opportunity for having a long experience. The system was not a lasting one: in September of 1758, the consulta of San Pietro di Nebbio – perhaps by financial causes – reduced the number of councillors to 18, later, in 1764, to 9! So in it’s original form the Council of State ceased, but we don’t know anything about the real working of this modified council. See: Fontana, pp. 28-29., 44.

it's role perhaps was filled by the Chancellor.³⁵ For controlling the local government he re-structured the *Sindicato* of the Genoan times.³⁶ It was a circuiting committee, of which main duties were the controlling the local judges (the podestas). It is very peculiar: Paoli was one of the member of the *Sindicato*, and during the time of his 14-years rule he travelled on the island almost permanently. It was a very exhausting behaviour, but at the same time very useful as well: he personally knew all podestas and local magistrates, and could maintain relations with many people.

Paoli's constitution had some very modern and wise elements, but some funny, archaic characteristics too. For example in the times of the *consultas*, the executive power stopped working for few days during which urgent executive acts were being managed by the *consulta*, viz. the legislative power.³⁷ The structure of this written constitution is very similar to the Magna Charta: the elements of the constitutional and private law were mixed with the branches of the executive, the legislative, and juridical power. The Council of State, as the highest court, is a judicial court, and as government, it is the head of the executive power as well. The chapters of the constitutional law are followed by accurate detailing of some penalties for petty causes. The constitution deals with the local government and the *consulta* like known things, without any details. The neglecting was perhaps on purpose: Paoli wanted to modify the *consulta*-system and the missing text rendered it possible.

In 1764, independently of Paoli, Matteo Buttafuoco (a Corsican soldier who served in the French army) begged Rousseau to create a constitution for Corsica. Buttafuoco was a private man and it was not an official request, but perhaps Paoli supported him.³⁸ Rousseau was interested in the task. He never finished his work, but the completed details are typical for the old Rousseau. The *Projet de constitution pour la Corse* an utopistic dream, far from real life.³⁹ Concerning the legislation, Rousseau couldn't propose any useful changes.

Paoli's state permanently waged war against the Genoans, who demanded the help of the French.⁴⁰ The Genoans have run into debts totally, and in 1768, they handed over the island to the French.⁴¹

³⁵ He is the depository of the state's power in times of *consultas*, elected by the *consulta* or *dieta*. See: Fontana, pp. 26., 44.

³⁶ Fontana, pp. 104-106.

³⁷ Fontana, pp. 37-38.

³⁸ Moretti, pp. 37-38. Paoli personally gave his prove to James Boswell on this support of Buttafuoco. See James Boswell: *The Journal of a Tour to Corsica*. London, Williams, 1951. pp. 69-70.

³⁹ For example, Rousseau proposed to give up all form of the industry, trade, money, because all of them corrupted people. The only acceptable economy is agriculture, and the natural exchange of things. See Rousseau: *Projet de constitution pour la Corse*. Paris, Bordas, 1989. *passim*.

⁴⁰ The Genoans requested the French help in four times: 1738-41, 1747-52, 1756-59, and after 1764 See Emmanuelli: *Equivoque*, p. 14.

⁴¹ This Compiegne Treaty is a theme of a historical debate. There were more treaties under the same name. In 1763 the French got the full power, but only for four years. After four years the French didn't want to evacuate: their defeat in the Seven Years War didn't allowed them a new retreat. So in 1768, by the new treaty they arranged this situation. The texture of this treaty is very uncertain. Its exact title: "Conservation de l'île de Corse a la Republique de

The twenty years of the French Ancien Regime was the most quiet epoch of 18th-century Corsican history. Meanwhile the pacification of the island costed a lot for the French.⁴² Paoli and his followers forced to emigrate, but most of the respectable Corsicans started to integrate into the French nobility: they got titles, privileges.⁴³ The French state was worked by the Estates: so in Corsica it ought to be organized the three estates.⁴⁴ However, the representatives were elected by the old pieve-province system. The edict of 1771 kept the suffrage of every family fathers and even their 25 years old sons. The only restriction: the elections were valid only by the approval of the royal commissaires. The French introduced some rationalizations in the voting: e.g. the acclamation was replaced by the secret balloting, repealed the more-level election, and prohibited the carrying of arms.⁴⁵ The *Assemblées generales* were held regularly in the French-favourite city of Bastia. In 1772, – it was the first assembly by estates – the participants were: 50 person for the first order, the clergy, 46 representatives for the nobility and the “*tiers état*”. Later on all of the orders, one by one had 23 representatives.⁴⁶ This estates-system was absolutely unknown for the archaic society of the Corsicans. That’s why this couldn’t impregnate profoundly into the thinking of the people: when in 1789 the third estate needed to elect its representatives to the French *Etats Generaux*, one of the two person was a count, Pierre-Paul Colonna de Cesari-Rocca.⁴⁷ Meanwhile, the *Assemblée generale*, like a legislative assembly, was not equal to the late consultas: it had the right only for accept French taxes.

In 1789 Corsica got involved in revolutionary events. In the *Etats Generaux*, and after in the National Assembly, Mirabeau proposed the incorporation of Corsica into the French state. Most of the Corsicans agreed: they didn’t want to get back under Genoa. This decision was born in November of 1789.⁴⁸ However, revolutionary confusion increased quickly. In the spring of 1790 Paoli returned from England. He was received with great pomp, even by Louis XVI in Paris. Paoli hurried home to Corsica,

Genes”, i.e. Officially, this document wanted to conserve the Genoan rule on the island: but, because of the great Genoan debt, France got it temporarily as mortgage. It was evident: Genoa never will be able to repay the debt, the language served only to calm down the Genoan public. This outlaw situation caused lots of problems: for example the right of appointment of the Corsican bishops remained at the Genoan archbishop. See Sédillot, p. 165., and Emmanuelli: *Equivoque*, pp. 61-62.

⁴² To controlling the 130.000 habitants 26.000 troops were necessary. See Caird, p. 165.

⁴³ E.g. nobilized all of the podestas and the padri del commune. See Mémorial, 2. p. 444.

⁴⁴ Maurice Bordes: *La Corse, pays d'états* (below: Bordes) in AHRF, 1974. p. 592. and Michel Vergé-Franceschi: *Histoire de la Corse*. 2. Tome, pp. 426-427. The institute of the Dodici renewed: they went to Versailles yearly. See Bordes, pp. 606., 621-622.

⁴⁵ Sédillot, pp. 177-178. We can find other examples for the local autonomy in the French Ancien Regime: e.g. in Gascogne, Bretagne, Languedoc. See Bordes, pp. 593-594., 601-603.

⁴⁶ Bordes, p. 604.

⁴⁷ Emmanuelli: *Equivoque*, pp. 82-90.

⁴⁸ Genova protested against the decision, alluded to the treaty of 1768. France was forced to offer the island to redeeming, but counted accurately the Genovan debt. It was circa 30 million livres. See: Emmanuelli: *Equivoque*, pp. 65-70., and René Emmanuelli: *Le gouvernement de Louis XVI offre a la Republique de Genes la retrocession de la Corse* in AHRF, 1974, pp. 623-640.

because he wanted to be the leader of the island again. At first he didn't want independency: he hoped a happier future within the French rule. But after the 1792 turning point, his relations to the French Girondist or Jacobine government sharply worsened. There had been profound conflicts between the Paolists and the Corsican Jacobites (e.g. the Bonaparte clan and its friends).⁴⁹ More and more commands came from Paris, which were sabotaged by Paoli. So, in the spring of 1793, the Convent impeached and summoned Paoli. He was a clever man: with reference to some illnesses he stayed at home, and started governing Corsica himself. He renewed the institution of the consultas: the first consulta declared him General, and in January of 1794, the *Consiglio Generale del Governo* was created, the same as the late Council of State.⁵⁰ The “*Governo separato*” was a very confused period in Corsican history: the Paolists, the Jacobins, the returning royalist, the French garrisons in the towns and the bandits in the mountains were all in war – against everybody else. Paoli comprehended: Corsica had no chance for independence. He needed the protection of a great power. Great Britain was the ideal partner at that moment. From the summer of 1793 Paoli wrote more letters to the English admiral, Hood, to the Prime Minister William Pitt, or even to George III, begging for urgent help.

In December of 1793, the English fleet and army loosed Toulon, its basis in the Mediterranean. In the first phase of the war of the first coalition, London needed a new basis at the same moment. Paoli's letters achieved his aim: in February of 1794, the British army landed at Corsica, and started to liberate the island from the remaining three French garrisons. The campaign not even ended, when in 14 June in 1794, the consulta declared the union with the United Kingdom and invited George III to be the king of Corsica. Five days later they passed the new constitution.

The Parliament of the Anglo-Corsican Kingdom

The Constitution of 19 June 1794 is a unique mixture of Corsican and English constitutional customs.⁵¹ It was elaborated by the team of Paoli, some Corsican leaders, as Pozzo di Borgo⁵², as well as some English politicians such as Sir Gilbert

⁴⁹ The events detailed in: Vergé-Franceschi, 2. pp. 439-446., Pierre Passano: *Histoire de l'annexion de la Corse*. Paris, Horvath, 1988. pp. 359-375. (below: Passano)

⁵⁰ Ange Rovere: *Le temps du Governo Separato*, mai 1793 – mai 1794. in *Bulletin de la Société des Sciences Historiques et Naturelles de la Corse* (below: BSSHNC), CXIV (1995), fasc. 670-671. pp. 87-92.

⁵¹ The text you can find: BSSHNC 1891., Fasc. 121-125. or BSSHNC 1994., No 668-669. pp. 42-51. According to Didier Linotte the sources of the document are mainly English, and in some traces French. See Didier Linotte: *La constitution anglo-corse et les constitutions françaises: théorie constitutionnelle* in BSSHNC, CXIV (1995) fasc. 670-671. p. 35. Carlo Rafele Ricotti's opinion: the traces of the English constitution can find not only in Corsica, but also in Malte, Ionic-islands and Sicily. See BSSHNC CXIV(1995) fasc. 670-671. pp. 21-31.

⁵² Carlo Andrea Pozzo di Borgo (1764-1842) Corsican lawyer, Napoleon's early friend, later bitter enemy. After 1796 he emigrated to England and after to Russia, he became a diplomat and councillor of Louis XVIII and Tsar Alexander I. See: McErlean, John Michael Peter:

Elliot.⁵³ The text of the constitution, supplemented by a declaration of loyalty, was sent to the King. It was underlined: to the king, and not to the English Parliament or Government, because the latter is not superior to the Corsican government⁵⁴ (but on the contrary, they begged the help of the English army and fleet). Corsica became kingdom again, and the Corsicans declared themselves to be the most devoted subjects of George III. Theoretically the Corsican king possessed the same rights as the English king, but because of geographical distance, it was introduced the viceroyalty. In the British empire the viceroy of Corsica was the first person in this rank. The English law worked according to the precedents. But for the viceroyalty there was no precedent. It was a good opportunity for some original ideas. The most important innovation was the viceroy's right of veto. The king of England originally had this right, but at the end of the 18th century, this right already obsoleted. However, the late king of France had this right, and also, this right was a great desire for Paoli. Paoli (he was absolutely sure, he would be the Viceroy) was great advocate of the introducing of the right of veto.

The legislative power copied the English principle of "King in Parliament", i.e. the King and the Parliament pass bills together. The Corsican legislative assembly copied the English Parliament, at least in its name.⁵⁵ Contrary to the English Parliament, the Corsican one had only one chamber⁵⁶, as the ancient consultas. The traces of the two-party system, what worked at this time even in England in an embryotic form, we can't find in Corsica. It was Sir Gilbert Elliot's "merit" inducing an opposition for himself.⁵⁷

The greatest difference between the Corsican Parliament and the ancient consultas is the principle of representation. The consulta was originally a body of representation of the people. If a Corsican was a full-aged man and head of a family, he had the right for voting. This meant an active and passive right of voting too, and the consultas usually were very large-sized. The English Parliament in 1794 was a severely exclusive club: there were lots of restrictions for the voting, and mainly for the membership: censual, official, religious. The new Corsican Parliament mixed the two antagonist ideas. The right of voting was far more extensive as in the English or the Canadian

The Formative Years of a Russian Diplomat. (Phd these) Univ. of Washington, 1967. passim

⁵³ Sir Gilbert Elliot, 1st earl of Minto (1751-1814) Prominent whig politician, MP, diplomat: ambassador at Vienna, later governor of India. See Judd, Gerrit P.: *Members of Parliament 1734-1832*. Hamden, Archon Books, 1972. p. 185.

⁵⁴ Instead of the King, most of the work was made by the English Government. The Home Office was responsible for the Corsican affairs. So, Corsican people became indeed the subject of the English Government and Parliament. See: Desmond Gregory: *The Ungovernable Rock, Rutherford, Assoc. Univ. P.*, 1985. pp. 82-83. (below: Gregory)

⁵⁵ The name of the Parliament once already existed in Corsica, in 1421, when Alphonsus V, King of Aragon (at the time king of Corsica also) called an assembly to Bonifacio. See Antonetti, Pierre: *Le drapeau a tete de maure*. Ajaccio, La Marge, 1980. p. 134.

⁵⁶ Bordes, pp. 592-622.

⁵⁷ Elliot has given all of the offices to Pozzo di Borgo and his followers, Paoli's men were excluded from the power systematically. It created not a legal opposition, contrary: a rough vendetta. This conflict hurried the collapse of the Anglo-Corsican Kingdom. See The Diary of Sir John Moore. Vol. 1. London, Arnold, 1904. the introduction, pp. 30-32.

Parliament, but also it was more restricted as in the consultas. The new constitution introduced the censal system: for the right of voting it was necessary to have a little landed property, and living at place for a year. The parliamentary membership needed a greater property and five year living at place. Like in England, the priests⁵⁸ and the civil servants were excluded from the Parliament, just like persons paid by a foreign state.⁵⁹ These restrictions were unsupportable for the greater part of Corsicans, who became totally deprived of their rights. The pieve and the town⁶⁰ remained the constituency, both of them had two mandates. 64 constituencies were created in total⁶¹, and the number of members of Parliament was fixed in 128. It was a fundamental and spectacular restriction against the old consulta-system. There were great differences between the pieves as to the number of habitants. It was not a problem: nor Paoli, not even Elliot was interested in the idea of the equal distribution of mandates.⁶²

There was a disagreement in the question of the salaries of the members. In the old consultas all members got some money, quarter, and food. It was a very comfortable situation: amusement on the state's cost.⁶³ (Perhaps that's why, the consultas lasted only 2-3 days) Contrary to this, the English representative had no salary in the 18th century. In the principles of the English parliamentary system, this was the cause of the censal system: for an English representative it was necessary having a great property (at least 300 pounds for a year), for the cost of living in Parliamentary sessions. The English Parliament's sessions lasted for more than half year. The Corsican Parliament followed the English system – for the great sorrow of the representatives. In lack of salary, the representatives didn't like taking part in the sessions. Sir Gilbert, the viceroy ought to introduce a penalty for absence in the 1795 spring session. But at that time, the English government became rather unpopular, and the absentees were not excited about the viceroy's anger.⁶⁴

The elections for the old consultas took place several times a year. The English Parliament in the 18th century lasted for seven years. The mandate of the Corsican one lasted for two years. It was more frequent, like the English, Canadian or Irish example⁶⁵, but for the Corsicans it was an injury again.

⁵⁸ The exclusion of the priests was a shocking idea, because Corsican people liked and respected his priest – contrary to the English situation. On the other hand, the bishops became members of the Parliament officially, but the Corsicans usually hated them, as they usually were Genoan or French creatures.

⁵⁹ It was an old English principle, but very funny: this decision excluded from the Parliament Sir Gilbert, but even Pasquale Paoli, who was the pensioner of the English king. See Gregory, pp. 82-83.

⁶⁰ If it had more than 3000 inhabitants.

⁶¹ Carrillo, Elisa: *The Corsican Kingdom of George III*. in *Journal of Modern History*, 1962. pp. 254-274. (below: Carrillo), p. 257.

⁶² It was a well-known question in the reform-debates in the English Parliament, but it came into being only in 1832. The common opinion was, that all representatives responsible for all of the country, not for one constituency. See Carrillo, p. 257.

⁶³ Carrillo, p. 257.

⁶⁴ The penalty was horrible: 100-200 lira per day. It was impossible to collect it. See Tomi, Pierre: *Le Royaume anglo-corse*. Chapitre 3. in *Etudes Corses*. No. 11. (1956) pp. 10-11.

⁶⁵ The Irish Parliament lasted 8, the Canadian 4 years.

There were lots of other inconveniences for the Corsicans. By the comfort of the viceroy, the Parliament was called to Bastia, and not to Corte.⁶⁶ (Corte was the centre of the Paolists, and Paoli and Sir Gilbert hated each other.) Englishmen were haughty, and disdainful to the Corsicans. The Corsicans were unsupportably pride, but poor as a church mouse, grasping, and vengeful. Both of them had enough of each other.

In the summer of 1796, there was a great turn in the international situation. All of the Corsican people turned to Italy, where one of their compatriots, Napoleone Buonaparte won a long series of great victories. The campaign of Italy has sealed Corsica's fate. In October, the English army evacuated, and the returning French army brought back French political institutions, and the long history of Corsican consultas ended.

The historical importance of the consultas is unquestionable: a little and poor people, who lives always under the supremacy of an other state, nevertheless, created an unique constitutional system, which system has remained for over five hundred years. It is a fantastic production, deserved the commemoration.

⁶⁶ Tomi, Pierre: *Le Royaume anglo-corse*. Chapitre 5. in *Etudes Corses*. No. 13. (1957) pp. 46-47.

Appendix: **List of the legislative assemblies in Corsica: 1729-1796.** (Date, site, name of the church)⁶⁷

22. December 1730	Biguglia, San Pancrazio
24. January – 5. February 1731.	Corte
End of February 1731.	Talasanani (in other sources: Corte)
4. March 1731.	Orezza
8. April 1731	Vescovato
12. May 1731	Bozio
10. July 1731	Santa Maria d’Ornano
17. November 1733	Sant’Antonio di Casabianca
9. May 1734	Aregno
30. January 1735	Corte (in other sources: 8. Jan., Orezza)
28. August 1735	Tallano
21. (?) 1735	Sant’Antonio di Casabianca
(End of) 1735	Orezza
15. April 1736	Alesani
17. October 1737	Alesani
6-8. July 1738	Corte
2. October 1742	Orezza
17-19. March 1743	Bozio
July 1743	Giocatojo
24. June 1744	Corte
29-30. August 1745	Orezza (in other sources: 3. August)
5. September 1745	Oletta
26-27. September 1745	Caccia
21. October 1748	Venzolasca
(?) 1748.	Nebbio
3-4. December 1748	Biguglia
14. January 1749	Corte
20. April 1749	Saint-Florent
June 1741	Orezza
13. October 1752	Bastia (in other sources: 6-12 August)
21. February 1753	Sari (only for the Nort-Western provinces)
11. March 1753	Istria (Southern provinces)
10. June 1753	Alesani
25. July 1753	Istria
31. July 1753	Tuani
24-25. October 1753	Corte
April 1754	Venzolasca

⁶⁷ The list collected from the sources below: Fontana, *Mémorial 2.*, Gregory, Sédillot, Passano, Angelini, Jean-Victor: *Histoire secrète de la Corse*. Paris, Albin Michel, 1977., Vergé-Franceschi, *passim*. The list is not complete, because all the sources mentions only a part of the consultas – the most important ones.

20. April 1755	Caccia
June 1755	Venzolasca (or Orezza)
13-15. July 1755	Sant'Antonio di Casabianca
10-11. Aug. 1755	Alesani
16-18. November 1755	Corte
25. November 1755	Oletta (regional)
2. December 1755	San-Pietro (regional)
5. November 1756	Pietralba (regional)
23. November 1756	Corte (regional)
20. December 1756	Mezzana
18. April 1757	Orezza
21. June 1757	Casinca (regional)
20. December 1757	Sari (regional)
24. December 1757	Olmeto (regional)
12. March 1758	Porta di Ampugnani (regional)
2. May 1758	Istria
14-16. September 1758	San Pietro di Nebbio
19. August 1759	Corte (regional)
10-12 May 1760	Corte
20. May 1760	Casinca
27. November 1760	Corte
February 1761	Isolaccio
24 May 1762	Casinca (or Vescovato)
24-26 November 1762	Corte
1. December 1762	(?)
2 Februray 1763	Corte
23. May 1763	Corte
June-July 1763	Luri
Autumn, 1763	Ornano
26 December 1763	Corte
May 1764	Corte
22-25. October 1764	Corte
20 May 1765	Corte
20 May 1766	Corte
28 May 1767	Corte
22 May 1768	Corte
18-20. September 1768	Casinca (in other sources: Corte)
16. April 1769	Sant'Antonio di Casabianca

After the French occupation:

15-27. September 1770.	Assembly of the Corsican États. Bastia
1. May 1772.	Assembly of the Corsican Nobles. Bastia
1773.	(the same)
1775.	(the same)
11. May 1777.	(the same)
1781.	(the same)
1785.	(the same)
1787.	(the same)
5. May 1789	Versailles, États Generaux (with the representatives of Corsica)
16. September 1791.	Legislative Assembly, Paris
September 1792.	National Convent, Paris
26-29. May 1793	consulta. Corte (Orezza)
10-21. June 1794	consulta. Corte
9. February- 19. May 1795.	Bastia. The first session of the Corsican Parliament
25. November – 22. December 1795.	Corte. The second session of the Corsican Parliament.

TANDORI MÁRIA

Korzikai törvényhozás a 18. században

Korzika szigete a 18. század elején Genova birtoka volt. 1729-ben lázadás tört ki a köztársaság ellen, melyet elhúzódnó, 40 éven át folyamatosan meg-megújuló szabadságharc követett. Ezen időszakban Korzika lázadók által uralt részén többszörös hatalmváltás zajlott le. Ezek a változások érintették a sziget törvényhozásának szerkezetét és működését is.

A tanulmány először a genovai idők korzikai államszervezetét tekinti át, ismerteti az archaikus törvényhozó szerv, a *consulta* működését. Utána áttekinti a 40 év alatt végrehajtott módosításokat, különös tekintettel az 1755-ös Pasquale Paoli-féle alkotmány rendelkezéseire. Említés történik Rousseau korzikai alkotmánytervezetéről.

1769 után Korzika szigete a francia királyság birtokába került, amely bevezette a rendi-képviselési rendszert. A rendiség, mint társadalmi szervezet idegen jelenség volt Korzikán, felülről, mesterségesen hozták létre, 1789 után nyomtalanul eltűnt.

Az önálló korzikai államiság utoljára 1793-ban alakult ki, amikor a nép Paoli vezetésével függetlenítette magát a jakobinus Franciaországtól. A sok ellentétől szabdalt, szegény országnak azonban nem volt esélye a függetlenség kivívására. Ezért 1794-ben Korzika alkotmányos unióra lépett Nagy-Britanniával. Angol mintára új alkotmányt hoztak, amelyben a régi *consulta* helyére a modern parlament került. Ez a rezsim azonban, a korzikaiak és az angolok között kibontakozó számos nézeteltérés, és az 1. koalíciós háború alakulása következtében 1796-ra megbukott. A francia hadsereg újra birtokba vette a szigetet, amely végérvényesen betagozódtott a francia államba. A korzikai törvényhozás megszűnt.

A tanulmány függelékében kísérlet történik az 1729 korzikai törvényhozó gyűlések listájának összeállítására az időpont és a helyszín feltüntetésével.