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Procedural Reality in Corsica under the Rule of the Banco di San Giorgio after 1453

The colonization of Corsica (1453–1562) by the Genoese Banco di San Giorgio, a private financial institution with public powers, aimed at restoring law and order and installing a modern administration. However, the economic exploitation of the Isle was the ultimate goal of the capital investors of the Banco. The controversy about the nature and impact of the Banco's governance on the Isle could disclose a particular stadium in the colonial and capitalistic expansion of the West. The attempt to establish a social contract between the Genoese administrators and the Corsican forces of opposition was revelatory. More specifically, we will discuss the internal processes of democratization in a fragmented Corsican society within an external colonial framework of oppressors which were themselves affected by sociopolitical struggles in the Republic of Genoa. In this way we will try to show how the interaction between the popular movement in Corsica and the new administrative model of the Banco di San Giorgio signified fascinating transformations in political philosophy and legal history. However the sad conclusion is that the struggle for equality was equivalent with a bloody disaster.

1. Introduction

The purpose of the paper is to present some general observations about the procedural reality in Corsica under the colonial governance of the Genoese *Banco di San Giorgio* in the 15th and 16th centuries. This is framework of my PhD thesis which did only very recently get started. It will disclose the case law of the sovereign jurisdiction of the *Banco* over Corsica between 1453 and 1562, with a focus on civil rights and liberties. These documents¹ are to be found in the *Archivio di Stato di Genova*² and comes under the administrative unit of the *Cancellaria*.³ For today, I have tried to structure the topic in a gradual way. First, I will define the particular place and role of Corsica in Mediterranean and

European history. Second, the particular features of the *Banco di San Giorgio* in financial and colonial history will be described. Against this background, I will zoom into the legal changes and developments from 1358 onwards with special attention to its relationship with political ideology and historical events.

Indeed, my broader viewpoint is the intertwinement of procedural conceptions and political ideology and philosophy. Therefore, the core legal historian problem tackles the political deliberation of the conflicting powers in Corsican society as a determinative force for the procedure of the colonial authority.

2. What is wrong with Corsica?

United in diversity, the current European integration process consists of several violent separatist regions, on the basis of legal, political and

¹ FELLONI, L'Archivio della Casa di San Giorgio.

² FELLONI, Inventario dell'Archivio 1.

³ CHIAUDANO, COSTAMAGNA, L'archivio storico del Banco di San Giorgio 115; GRAZIANA, Visti ghe Corse.

economic grounds.⁴ The Isle of Corsica is one of them.

*Le problème corse*⁵ could be symbolized by three striking questions: Why is “*Un mauvais fusil vaut mieux qu’un bon juge*.”⁶ a Corsican aphorism? Why is political violence, with bombing attacks, murders and fraudulent clientelism,⁷ seemingly ineradicable?⁸ Why was, when a new project for the economic disclosure of the Corsican South was proposed by the European Commission, everyone sneering: “Is it an airport for goats?”⁹

Evidently, a look back towards the French occupation of the Isle since 1768 could explain more why Corsica is for already such a long time the poorest and most unstable department of France. But there are good reasons to dive even further into the period of Genoese dominance of the Isle.¹⁰

Namely, the Genoese *Banco di San Giorgio* played a crucial role in the fascinating coincidence of Corsican and European history that occurred in the fatidic year 1453.¹¹ On the one hand, major legal, political and economic transformations gained momentum by the collapse of the Eastern Roman Empire in the mid-15th century. They wove the patterns of early modern European history with a significant outcome in the Europe of nation states, three centuries later.¹² On the other hand, the sovereign rights over Corsica were transferred from the financially exhausted Republic of Genoa towards the *Banco di San Giorgio* as a result of the fall of Constantinople.

⁴ For example: Northern Ireland, Scotland, Basque Country, Cyprus, ...

⁵ D’ORAZIO, Une île de violence 14.

⁶ DELAHAYE, La Corse.

⁷ Compare with the political plug money in Greece known as *fakelaki* or little envelopes.

⁸ BBC News, Life for Corsica prefect murder.

⁹ Regional policy European Union, The airport for goats.

¹⁰ Global period from 1284 till 1768.

¹¹ VERGE-FRANCHESI, La Corse enjeu géostratégique.

¹² ARRIGHI, JEHASSE, Histoire de la Corse 239.

That is precisely why it is very remarkable and regretful that we know almost nothing about the *Banco*’s role in colonial (legal) history and its influence on Corsica (1453–1562) in particular.

3. What is special about the *Banco di San Giorgio*?

In 1407 the *Casa delle compere e dei banchi di San Giorgio* was established in the Ligurian port of Genoa as a re-arrangement of the rights of creditors, mostly aristocratic families, in order to consolidate the state debt.¹³ The gradual political and financial dismantlement of the *Serenissima*¹⁴ meant that the *Banco di San Giorgio* became, according to Machiavelli,¹⁵ a state within the state.

As more and more possessions in the Levant and the Black Sea were dramatically lost to the advantage of the Ottomans, trade interests of Genoa and other naval and colonial empires were reoriented to the west. Corsica became more than ever a strategic bastion. For that reason, the hypothetical influence of Greek-Roman legal and administrative principles by rich *émigrés*, fled for the Ottomans, can be tested in this convenient case study.

By consequence, we must study the colonial experiment of the *Banco di San Giorgio* on the Isle in the context of a general westwards shift in the Mediterranean Sea, which eventually lead to the colonial expansion across the oceans. In other words: this big transition period from Middle Ages until Modern Times, symbolized by the year 1453, changed both the face of Corsica and Europe.¹⁶

¹³ WISZNIIEWSKI, Histoire de la banque de Saint-Georges.

¹⁴ The Most Serene Republic of Genoa.

¹⁵ MACHIAVELLI, Istorie fiorentine 8.

¹⁶ Ibidem : “[...] la prise de Constantinople en 1453 par les turcs va ouvrir une nouvelle page d’histoire pour tout l’Occident.”

The financial model of the *Banco* was revolutionary for that time. Moreover, Giuseppe Felloni gave a plea for a rewriting of the financial history of Europe by seeing the Genoese inventions as the precursors of the Amsterdam Exchange Bank and the Bank of England, hundreds years later.¹⁷ With regard to the discussed colonial model¹⁸ of the *Banco* one thing is sure: the less knowledge, the more controversy. What we know is that the organizational structure was very innovative in its election, function and revision of officials. It must be seen in the tradition of the *Maonae*,¹⁹ private consortia with a mercantalist policy, which did already exist under Genoese rule in Chios and Cyprus.²⁰ One could expect that the novel egalitarian approach with an abstract bureaucratic rule would provoke conflicts in the feudal Corsican society which was built on personal contacts and contracts in close communities.

4. From personal contract to social contract: the will of the *popolo* (1358–1453–1528)

To fully understand these conflicts in the 15th and 16th century, we have to consider that the legal history of Corsica is dictated by warfare. After the sea battle of Meloria in 1284 (victory 1), the Genoese took the power in Corsica over from Pisa. It was the start for almost five centuries of dominance on the Isle. From a purely historical perspective, one could argue that the French influence was less important than the Genoese. In this whole period, the major opponent on the international scene was Aragon, who had their basis in Sardinia. Their defeat in 1346 (victory 2) caused an ever-lasting feudal

struggle between the Corsican nobility and the *popolo*. The insurrection of the latter in 1358 could be compared with the impact of the *Jacquerie* in France and lead to a division of the Isle which was determinant until today. The *Terra del Comune* (representative to the people) and the *Terra dei Signori* (representative to feudal landlords) can be identified as the two French departments *Haute-Corse* and *Corse du Sud*. What was now the will of the *popolo*?²¹ As the name *Terra del Comune* reveals, they wanted to be governed like the commune in Genoa in order to put an end to the feudal oppression by an equal and just administration. This colonial legal form of concession or *deditio* is called *appalto*. From now on things ought to be made legal through the hands of the Genoese. Not really surprising, the competing landlords in the *Terra dei Signori* reacted vehemently on this kind of social contract which infringed the personal hierarchy established by feudalism. Namely, their ultimate objective was the sovereign rule in the tradition of the counts of Corsica, like Arrigo della Rocca did or Vincentello d'Istria as a vice-king of the Aragonese crown.

As a result we see a clear division in Corsican society caused by politics: on the one hand a feudal structure reminding of the Middle Ages in the south and on the other hand the modernist idea of a political authority which respects and protects the rights and liberties of the local tradition. In 1453, both through internal conflict and external threat of warfare, this quarrel reached a climax, with the second call for help from the *popolo*. This time to the *Banco di San Giorgio*

¹⁷ FELLONI, Moneta, credito e banche 257.

¹⁸ CANCELLIERI, Formes rurales 89.

¹⁹ PETTI BALBI, I maonesi e la maona (1378–1407).

²⁰ See: ARGENTI, Occupation of Chios 271.

²¹ FRANZINI, Un peuple libre 11.

5. From political clientelism to procedural equality and back: a violent rollercoaster (1453–1562)

Indeed, the dispute between an individual and a collective conception of political representation was reflected in the procedural reality of Corsica. A new social contract and legal ground for the rule of *San Giorgio*, the so-called *Capituli Corsorum*,²² expressed once again in 1453 the will of the *popolo* to end the revolutionary struggle with the seigneurs and the wish to be governed by a strong, modern and fair power. Evidently, what counted for a financial institution as the *Banco di San Giorgio*, were abstract rights, strict rules and an efficient administration.²³ The private consortium with public powers represented the most modern idea of organization in that time. No kingdom, no principality, no papacy and no feudal tradition. In other words: the political, fiscal, military, ideological and economic transformations of *San Giorgio* could shape a procedural reality which could transcend the old dramatic divisions on the Isle. But unfortunately, the continuity of these feudal principles was another striking reality. A strong hierarchy created subordination and a system of alliances and adherence. The Statutes of *San Colombano*, in *Cap Corse*, form an example of a legal order with penal and civil law, which consist of *vassali*, *partitanti* and *aderenti*. These were no subjects of rights, but members of a feudal system in which the seigneur operated as a military and judicial guarantee of decisions taken by his vassals, who adhere voluntary in this organizational communities. These statutes show the reality of subjects who only exist by grace of recognition within an agricultural community. It is a type of alliance which is not anymore to be backed by Roman law, but is an expression of the High Middle

Ages with blood lineage and a familial community as founding marches of society.

6. Conclusion

So, I hope you understand how different the approach of the *Banco di San Giorgio* was and why the *popolo* looked in their direction to solve the seemingly ineradicable roots of clientelism. The procedural reality in Corsica was expressed by the organization of justice in micro regions, called the *pieve*, originally consisting of fled people in the mountains due to feudal struggle and who were reorganized and controlled by the Church. This lay the basis for a system of clientelism where the personal affiliation was primordial. The notion of *parti*, constituted by principles of allegiance, loyalty and solidarity in the name of justice, became one of the driving forces of Corsican political and legal thought. This dependence on the selfish seigneurs ultimately undermined confidence in the legal institutions, which could for example explain the appearance of vendetta in this close-tight communities. On the contrary, the *Capitula Corsorum* of 1453 meant a real first document in the administrative and political history of Corsica. With a real modern reasoning, there could not be a substantial and sustainable solution to the political problems, without a constitutional project. The republican dream of the *popolo*, dating already from 1358, seemed at last realized in 1528, when the *Comune* in Genoa faced the democratic transformation²⁴ symbolized by the Constitution of Andrea Doria. The basic foundations²⁵ of the Republic of Genoa could now be reflected in a colonial social contract with the *Terra di Comune* in Corsica. Moreover, the *Banco di San Giorgio* introduced a kind of modern bureaucratic system with elected and paid officials

²² *Capitula corsorum*.

²³ MOLARD, Documents inédits 74.

²⁴ COLES, Crisis of Renaissance Society 17.

²⁵ SHAW, Counsel and Consent 834.

and a system of checks and balances with the institution of the *Syndicato*. Yet, the eternal revival of the feudal seigneurs meant in the end a deficit of the colonial experiment. The *Banco* had to return to military power and brutal force as it seemed the only alternative to gain and keep control over the Isle. By doing so, the Genoese had become the seigneurs of Corsica themselves.²⁶ At the heart of the democratic process there was an idea of political and legal self-determination by the *popolo*. The core value of the Corsicans was a desire of justice and a fair legal order. But the old dream of a system based on a republican spirit turned out to be idle.

Too bad, behind each procedural reality there lays a political reality. And that is the ultimate reality where the Corsicans are confronted with until today.

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²⁶ SERPENTINI, *La criminalité de sang*.

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