

Contemporary Corsica and French constitutional structures: the hard road from integration to autonomy

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In 2017 and 2021, Corsican nationalism gathered 56% and 67% in territorial elections, outperforming their Catalan, Basque or Scottish counterparts. This political movement, which now relies on a democratic legitimacy unique in Europe, asserts the existence of a Corsican nation, i.e. of a distinct political community, with the inherent political rights and particularly the right to decide its political destiny, and it claims several exceptions to the French unitary values.

Although Corsica has a special regional authority, it is still subject to the standard constitutional framework. Thus, Corsican elected representatives cannot adopt or adapt legislative measures, and can only exceptionally have a say in regulatory matters.

From a democratic point of view, this increasingly salient opposition between French unitary basics and Corsican nationalist stances sounds like a problem that France needs to address as soon as possible. In theory, the dramatic change in electoral results, and therefore in the legitimacy of nationalist demands, should imply a special constitutional status for Corsica, authorizing territorial authorities to act in some legislative areas.

In practice, such a change, which would challenge the unitary nature of the French state, faces broad opposition. Since the 1970s and the emergence of nationalist contestation, French governments themselves initiated several policies of accommodation (Fazi 2014), and launched in 1982 a process of asymmetrical regionalization, without constitutional amendments. Nevertheless, they have always seek to make as few concessions as possible to the unitary foundations of the state.

Then, this is a contribution to the field of institutional change, especially in the case of unitary states. It does so through the Corsican case, understudied in the academic literature, which is particularly interesting for at least three reasons:

First, because Corsican nationalists who now run the regional authority are a rather unique case in democracies.

1/ We are talking about a very contemporary mobilization (Fazi 2022b). The concept of Corsican nationalism have been developed and defended only since 1973.

2/ Corsican nationalists were initially and for a long time characterized by protest, and particularly by bomb attacks. Until the 2010s, they never won any significant elections and were never involved in a regional majority.

3/ They recently come to power but won crushing majorities in the two last regional elections.

Second, because the French constitutional order is much more complex than we could believe. France has long been portrayed as the “archetype of the unitary state” (Keating 2003). The 1789 Revolution sacralized the equality of citizens, which involved institutional and normative uniformity. A few years later, Napoleon I established a full subordination of local structures and a very strict hierarchy between the levels of power.

However, France has evolved. When we consider its overseas territories, it looks like a real institutional archipelago. New Caledonia is the most famous case, with its territorial citizenship, its wide legislative powers that allowed the protection of local jobs, and the recognition of its right to self-determination (Havard 2013; Breda & Mihailovic 2019). In contrast, in mainland France, the decentralization process initiated in 1982 has not challenged Parliament's monopoly of legislative power. In sum, since the 1960's France has been implementing a dual territorial system, with a classical unitary Constitution for mainland, and an astonishing *à la carte* Constitution for the overseas. The latter one is obviously a consequence of the decolonization process, initiated after World War II, but it does demonstrate a strong institutional flexibility.

Third, because Corsican nationalists challenge a strong unitary tradition, not only from historical and ideological points of view. It is all the more difficult to amend this tradition since a majority of elites and citizens backs it.

Of course, by nature, states reject secessionist intentions and develop diverse strategies to preserve their territorial unity (Krause 2022). However, in the case of Corsica, the hypothesis of independence is not posed right now. There are pro-independence organizations, including violent ones, but their representativeness is currently too weak to put this demand on the agenda. In the first round of the 2021 territorial elections, the two independentist lists gathered 15.29% of the votes cast, with a rather low turnout (57.08%).

In contrast, the resistance to the demand for legislative autonomy, backed by lists with almost 68% of the vote, seems more surprising, a fortiori since some French territories already have such status. Beyond the case of France, there are hundreds of autonomous regions and territories around the world, most of which have no desire for secession.

Therefore, the aim of this contribution will be to explain and discuss this asymmetrical resistance of the French unitary state. The absence of a constitutional revision allowing a status of autonomy for Corsica must be understood through a combination of structural and situational factors. However, the hurdles and veto players are not just national. Accommodate Corsican political actors is crucial and maybe as difficult as convincing the French state to give up part of its principles.

In a first section, I will show that despite the historical and symbolic force of French unitary principles, the country has evolved considerably since 1982, granting larger powers and flexibility to its local authorities. In a second section, I will explain the main developments in the legal status of Corsica since the XVIIIth century, with the reasons for the switch to a differentiation process excluding legislative autonomy. Finally, in a third section, I am going to show why the impressive political shift towards Corsican nationalism has not, or not yet, resulted in genuine autonomy for the island.