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quelles influences ? quelles interactions ?

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# Looking for the *Terra di u Cumunu*. Genesis, Evolutions and Perspectives of the Collective Lands of the Corsican Mountain

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# Looking for the *Terra di u Cumunu*. Genesis, Evolutions and Perspectives of the Collective Lands of the Corsican Mountain

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- 1 In June 2019, a press conference in Corte announced the creation of the Corsican branch of the association *Terres de lien*, <sup>1</sup>whose aim is to promote the settlement of farmers by making land available. The name chosen was “*Terra di u Cumunu*” or “Land of the Common.” This expression refers to a representation on Corsica from the late Middle Ages. The island would have been divided between a north, where rural communities-controlled land with land pooling, and a South Corsica, the domain of the great island feudal. This distinction between a “Land of the Common” (*Terra di u Cumunu* in Corsican language) and a “Land of Lords” (*Terra di i signori*), although historically inaccurate, is still present in island society. However, if the “Land of the Common” is therefore a known term, it does not seem to correspond to any concrete reality at present. The common land seems to have disappeared from the island space. However, some have been able to survive to the present day. In November 2019, the Bastia City Council deliberated to integrate into the private communal estate about thirty hectares, located on the slopes that overlook the city<sup>2</sup>. These lands were a collective property to the inhabitants of a municipal district. It is difficult to know the number and size of these collective properties<sup>3</sup>, that in this article we will not confuse it with communal properties. The abandonment of the rural customs attached to it and the incredible island land disorder (L. Orsini, 2014), make them almost invisible.
- 2 This article, by developing some examples, proposes to adopt a historical perspective to understand the formation and evolution of the collective lands of the Corsican<sup>4</sup>mountain.

Fig 1: Location of the examples



Credit: Gilles Guerrini 2020

## The evolution of the nature of land in Corsica: from collective property to private property (16<sup>th</sup>-18<sup>th</sup> century)

- 3 The “Land of the Common” refers to a medieval episode. In 1357, when Corsica was a geopolitical issue between the Kingdom of Aragon and the Municipality of Genoa, an anti-feudal revolt broke out on the island. The Genoese doge, Simon Boccanegra supported the insurgents and in 1358 received “the release of the peoples of Corsica, liberated from their lords, in the commune of Genoa” (D. Istria, 2012). Thus, the north of the island passes under the authority of a Genoese governor, the *Terra del Comune* designates the territory integrated into the Municipality of Genoa. However, the last great lords, allied to the Aragonese, regained control of the South, which thus became the *Terra dei signori*. They were finally defeated by the Genoese at the beginning of the 16th century. While the political nature of this division is obvious, its social consequences are still unclear: is the year 1358 the starting point of “Four Centuries of Agrarian Collectivism” (P. Emmanuelli, 1957)? Or was this collectivism taking root in more distant times (J. Defranceschi, 1986)? Sources are scarce and the debate may never be fully resolved. However, it is possible to glimpse the outlines of the island’s agropastoral system and its evolution in the past.
- 4 The forest and scrubland largely dominate the landscape of ancient and medieval Corsica. Cultivated plots “are gradually structured from the 12th century on the

construction of fences made up of living hedges, then walls and terraces” (D. Istria, 2006). Extensive livestock farming seems to have been the dominant agricultural activity: “Corsica was and remains the land of stray cattle” (P. Simi, 1981).

- 5 The 16th century marked a turning point in space organization. In the face of an upsurge in Barbary corsairs’ attacks, human occupation goes back to the current sites of the villages. Corsicans are now settling at higher altitudes and on steeper slopes. Terraces must be raised “whose dry-stone walls are often much larger than the usable areas they support and where the earth has often been brought to man’s back” (A.-L. Serpentine, 2006). These areas remain insufficient to feed the populations who are forced to practice *debbiu*, that is, an extensive cultivation of slash-and-burn cereals.
- 6 In the 17th century, Genoa began a proactive policy of agricultural development: the *Coltivazione* (A.-L. Serpentine, 2000). The herds’ route is supervised, the planting and grafting of vines or fruit trees become mandatory. The farming techniques adapt to the environment: terraces with varying widths, construction of reservoirs, irrigation canals... Orchards, especially chestnut groves, extend over the coastal and around villages. “Plant production begins to fulfil a decisive function” (F. Pernet, G. Lenclud, 1977) and a real agro-pastoral system is being setup. It is based on agrarian structures where collective ownership largely dominated (P. Lamotte, 1956; F. Pomponi 1974). With the setting of the villages, the area, which was organized according to a religious and administrative division by valley (the *Pieve*), splits between the new rural communities. Inside, three spaces stand out: the nearby *Circolo* of the village consisting of gardens, vineyards, orchards in closed plots. The *presa*, open land for cereals distributed annually in portions (a *lenza*) between the heads of the family, subject to a collective rotation, and where the pasture was possible outside of the periods of cultivation. The *Foresto*, brings together the uncultivated lands. Everyone can take their animals there or supply themselves with wood for their domestic needs, construction and for certain craft activities (making utensils, coal, pitch). The latter is mostly organized according to the model of the *pieve*, several villages sharing the summer pasture lands but also the wintering territories of the coast. An assembly of the inhabitants organized the management of the territory: agricultural calendar, draw of *lenze*, election of country guards, rules of rural police, etc. (J. Renucci, 1974). Collective ownership of the land was widespread, including in the South, where the power of the lords would not come from the possession of the land (J. Defranceschi 1986, V. Marchi van Cauwelaert, 2011). But the development of cultures calls into question this organization. The anti-feudal revolt of 1357 gave rise to a social group of notables, Genoese, or islanders, called *Caporali* or *Principali*. In the 16<sup>th</sup> century, some obtained from the authorities the appropriation of land in community *prese* or on uncultivated land on the coast, as in the Agriates (D. Broc, 2014). However, as early as the 14th century, the Genoese had committed themselves to make the uncultivated open lands belonging to all. In 1571, the *Civil and Criminal Statutes of Corsica* confirmed that “It is consented and permitted that all fields, woods, grassland pastures, of the island of Corsica, both in the plains and in the mountains, which are not bounded by bounds and which are held by custom as common, and where no one can produce titles to property or enjoyment, neither by document, nor by reliable and ancient witnesses are considered common to all the immediate subjects of the Lordship Serenissima and other inhabitants of the island of Corsica [...] Given that *camera* rights remain intact on fields and woods as well as on pastures and grasslands.” (J.-Y. Coppolani, A.-L. Serpentine, 1998). The state property right was safeguarded, but this “formulation

nevertheless encouraged confusion [...] between the possession of the land and the right of use.” (J. A. Cancellieri, M. P. Rota, 2001). In the 18<sup>th</sup> century, a “general boom in private property, to the detriment of collective spaces,” led to “a veritable wave of enclosure [...]” driven by “i *principali*, which, [...] did not hesitate to give their acts the force of law.” (J. Rennuci, 1974). The transition from sovereignty to France accelerates this movement. It comes at a time when criticism of collective ownership is widespread in Europe (D. Demélas, N. Vivier, 2003). The main action of the monarchy was to concede large emphyteosis especially on coastal areas, thus resuming a Genoese policy. During the revolutionary period, the creation of the communes meant that *foresto* was now considered part of the communal property. The 1793 law provides for the sharing of these (N. Vivier, 1998). In Corsica, the sharing takes place on a different scale depending on the region of the island (J. Defranceschi, 1986). In the commons where pastoral activity is predominant, it is of little importance. This refusal to share “is not the preserve of the poorest” (F. Pomponi, 1975), the big owners of these villages also must make their herds graze. Thus, the recurrent requests for sharing on the part of the notables and the State, will have a weak echo in the interior of the island. Especially since until the middle of the 19<sup>th</sup> century, the land status of a large part of the Corsican mountain is still not set: the question of the ownership of forest areas still arises there.

## Collective lands and forestry (19<sup>th</sup> century)

- 7 The Republic of Genoa never had sufficient resources to enforce regulations on the island’s woods. It was only after its passage under French sovereignty in 1768 that Corsica saw the beginnings of a real forestry policy (J. Bourcet 1996). During the General States of Corsica in June 1777, the royal agents pronounced the addition to the Domain of several forests. The island representatives called for the removal of the royal ordinance. He then replied that “despite the prejudice that the Sovereign owned [the woods of Corsica], the adjunctions at the Domain were provoked and pronounced only after the inspector had found evidence of the property of the Republic [of Genoa]” and that “the way of the opposition was still open to individuals and communities”.<sup>5</sup> Two interpretations of the Statutes of 1571 are at odds: for the state, forests belonged to the public power; for communities, the enjoyment of the property is equivalent to full ownership and can be proven by testimonial means. Another major obstacle is that these forests have not been demarcated globally, and their total area remains very approximate. The situation remained deadlocked until the 1830s. Currently, the French forest administration is widely reorganized: the creation of the School of Waters and Forestry (The French National School of Forestry) of Nancy in 1825, the promulgation of the Forest Code in 1827 (M. Chalvet, 2011). In 1833, a general delimitation of the woods was decided in Corsica. This mission was entrusted to Achille Racle, a forest officer, who for five years, from 1834 to 1839, traveled the island to establish the area of the forest cover and delineate what would go to the Estates. Having determined the perimeter of the wooded areas, he sets the boundaries of all forest townships, including those that were the subject of claims by municipalities or individuals. Thus, Racle demarcated nearly eighty forests, completing his task with the forest of Cagna, the southernmost of the island. It defines a total forest area of 129,300 hectares, mainly at altitude. In fact, the areas of mountain transhumance, wooded or not, are included in this delimitation. The delimited area was fully attached to the Domains by the commission in charge of examining the delimitation minutes. It declared “forests of the

state everything that the minutes indicate as alleged, either by one or by the others” (A. Racle, 1842) by relying on court decisions. The legal blockade continues and even becomes widespread, because from now on, including communities that kept the defacto enjoyment of their timber, are forced to take legal action.

- 8 The state has an obligation to compromise. A first attempt took place in 1843 but failed. In 1850, Antoine Léon Blondel, Inspector General of Finance, was sent by the Government with “a special mission to seek, by amicable means of transactions, to bring municipalities and individuals to fair arrangements”.<sup>6</sup> Blondel therefore goes there in order to “assess the real needs of the municipalities on the premises” and “to regulate the forest boundaries in order to satisfy, as much as possible, and the needs of the municipalities and the general interests of the country”.<sup>7</sup> It implements the following compromise: large and good quality forest massif would be conserved by the state, the only one able to manage and exploit them, while the municipalities would still own the forests necessary for their needs. 51 transactions are therefore proposed by Blondel: out of the 129,000 hectares delimited by Racle, it chooses to keep 45,824 hectares for the Domain, or about 36% of the total. Some forests are left entirely to the municipalities. In 1852, Corsica now has 47 state forests and 88 communal forests, more than a quarter of which are divided between several municipalities.
- 9 The Transactions state that the municipalities, as a legal entity, are the sole owner. They will have to appoint guards and enforce the Forest Code. However, the inhabitants sought to have a *Ut Singuli* property recognized, that is, an undivided property between individuals. They use acts of acquisition or possession, which, according to Forest administration, would be a means of perpetuating the rights of enjoyment of communities. <sup>8</sup>As a result, legal proceedings continue after Blondel’s arbitration. In some cases, the courts agree with the inhabitants and recognize undivided property to the whole community, represented by the heads of the family: this will be the case in the three examples studied below.
- 10 In the middle of the 19<sup>th</sup> century, a legal existence, different from that of communal property, is therefore given to certain collective lands. They see their status recognized at a time when the island agro-pastoral system is entering a deep crisis.

## The vicissitudes of collective lands since the beginning of the 20<sup>th</sup> century

- 11 In the second half of the 19<sup>th</sup> century, a rupture took place. The constant population growth throughout this century, is putting a lot of pressure on the land. At the same time, the most agriculturally friendly communal goods are alienated in many parts of the island. Large landowners increase their land capital to develop speculative crops, such as olive growing in Balagne and Nebbio, at the expense of cereal crops. This rupture hits “farmers more harshly than shepherds” (Mr. P. Rota, 1998) because it affects first agricultural communes. Thus until 1914, if agriculture declined sharply, livestock farming was maintained (G. Ravis-Giordani, 1983). The emigration of the population is becoming massive.<sup>9</sup> The land abandoned by the farmers is gradually occupied by the shepherds. Pastoral fires are now hitting new regions (Balagne, Cap Corse...). Transhumance routes are changing, as the traditional summer places are now heavily controlled by the rangers. Some of the transhumants permanently settle on the

wintering grounds. New municipalities appear as Galeria and Manso in the Northwest. But it is in the southernmost part of Corsica that they will be the most numerous.<sup>10</sup> In this region, transhumance is replaced by a “climate migration” (S. Comiti, 1931): the summer pasture is done in places close to the shore but of a sufficient altitude, around 1000 meters, to be safe from malaria. At this altitude, the herds graze on a “collective property that differs from the communal property since there is no grazing fee” and “which is even more distinct from the [private] property, since it is exploited by all” (S. Comiti, 1931). What is described by this author probably corresponds to spaces with ambiguous land status, as we will see later for the Bitalza plateau. The lack of collection of grazing rights can also be explained by a sense of ownership of communal property, which has been maintained to the present day (G. Lenclud, 1988).

- 12 In the aftermath of the Second World War, the island reached a peak in its depopulation: with 160,000 inhabitants, Corsica had never been so sparsely populated since the 18<sup>th</sup> century. It was not until the adoption of a Regional Action Plan in 1957 that a development plan was implemented. Two mixed-economy companies, also founded in 1957, were entrusted with the implementation of this plan: The Society for Tourism Equipment of Corsica (SETCO) and the Society for Agricultural Development of Corsica (SOMIVAC). Their actions are concentrated on the coasts, where malaria, which has been endemic since the Middle Ages, has finally been eradicated. In the old wintering areas, the municipalities transfer part of their communal property to any farmer who would grow them (P. Lamotte, 1956). Transhumance disappears and herders now settle in the plains. The collective lands have apparently disappeared. Yet some have withstood to this day.

## Three examples of the evolution of collective land

- 13 Here we will change scale and study the trajectories of three specific examples: the communal forest of Asco (High Corsica), the hamlet of Ania di Fiumorbo (commune of Serra di Fiumorbo, Haute-Corse) and the Bitalza plateau (community of Sotta, South Corsica). The forest of Asco, 5883 hectares of which half wooded, is in a mountainous valley at the foot of the highest point of the island, Monte Cinto (2708 meters). The Bitalza plateau has an average altitude of 1000 meters and measures about thirty hectares. The hamlet of Ania is in the middle mountain, 500 altitude. The 2000 hectares of undivided forest extend between this altitude and a ridge line at 1000 meters. The Forest of Asco and Bitalza have been summer pastures for herds. Ania is a permanent habitat from the 17<sup>th</sup> century: its particularity compared to the other two examples is the presence of a chestnut grove planted on the community’s land between 600 and 800 meters above sea level.
- 14 Ania is part of the municipality of Serra di Fiumorbo created in 1800 by the detachment of part of the municipality of Ventiseri. The communal property of the wood of Quercio Grosso is immediately disputed by the inhabitants of the hamlet of Ania<sup>11</sup>. The act recognizing ownership by the 27 heads of the hamlet’s family and was finally established in 1845<sup>12</sup>. This wood will not be affected by Racle delimitations, unlike the other two examples.
- 15 In Asco, the state claims ownership of the forest. But the remoteness of this valley, not accessible by any road leaves these inhabitants relatively quiet until the time of the Racle mission. In 1842, the *Aschese* designated 10 representatives to defend the







community: the sale is broken and the undivided ownership of the parcels concerned is recognized to the heads of the commune' family, not to the municipality.

- 19 In the Fiumorbo, in the 1860s, a Parisian industrialist bought thousands of hectares from the communal woods of Serra. The people of Ania defend their property in court. By a private deed of August 14, 1868, an agreement was reached between them and the industrialist<sup>18</sup>: the *Aniacci* abandon 35 hectares and the operator can cut into the community's woods, but the community retains ownership of the land and its rights of use. In Bitalza, the judgment of 1856 will not be notified: officially the plateau is part of the undivided communal forest of Serra di Scopamène and Sotta<sup>19</sup>. In fact, the Milleliri and related families are the owners of the place: they build small dry stone<sup>20</sup> dwellings, which are occupied during the summer to protect themselves from malaria that plagues lower altitudes.
- 20 The breakdown of the agro-pastoral balance at the turn of the 20<sup>th</sup> century touches on our examples in various ways: Bitalza becomes an example of climate emigration mentioned above. Ania loses inhabitants but the undivided forest resists, thanks in particular to the presence of the chestnut grove, where the arborary property is practiced: the soil is common, but the trees have owners. This distinction between land ownership and orchard ownership has been common in Corsica (F. Jean, 2018). In Asco, a very pastoral and remote commune, the decline of agricultural land generates new wintering grounds in Balagne and the Agriates. The municipality has little to do with the rural exodus. However, the question of its breaking its isolation by a roadway now arises.
- 21 In 1909, an extraordinary 125,000 m<sup>3</sup> of wood cut in the communal forest is put up for sale. The municipality renounces profits of the operation for the benefit of the winning bidder, who undertakes to take charge of the construction of a 12 kilometers road to open up the village. In the specifications of the cut, a special notice specifies that the inhabitants of Asco agree to give away 5000 m<sup>3</sup> of wood free of charge from the forest of which they are undivided owners. This amicable assignment receives the agreement of Waters and Forestry administration.
- 22 In Ania too, the forest is mobilized to build a road to the hamlet. The initiative is done outside the action of the municipality. In 1908, the *Aniacci* allowed a forestry company to install equipment for the emptying of logs on their land. In return, the company must pay a sum of money for the maintenance of the rural road. In 1927, a Free Agricultural Union was created <sup>21</sup>to build the access road to the village. Membership slips are distributed to the descendants of the 27 heads of households. For three years, the inhabitants worked on this site and made a road to their homes. But this initiative is exceptional. In the 1920s, livestock production is declined. The sharp decrease in the number of shepherds leads to the disappearance of the undivided forest of Asco. In 1941, it was placed in receivership at the request of the municipality<sup>22</sup>. Its intention is to integrate these woods into the private communal domain. Only a handful of inhabitants seek to oppose it: they will carry out various legal actions without results. The undivided forest was reintegrated into the communal domain in the 1960s.
- 23 In Bitalza until the 1950s, more than two hundred people spent the summer there. Of these, there are only two shepherds. With the end of the unsanitary coastline, the summer practice is gradually abandoned.
- 24 The undivided forest of Ania was ravaged by the catastrophic fire of late July 1945: from behind the ridge line, this accidental fire reached the seashore after burning thousands

of hectares. The chestnut grove that escaped disaster was gradually abandoned in the 1950s. Sea pine now blends with chestnut trees.

## Conclusion: What is left of collective land today?

- 25 In Asco, nothing remains, the undivided forest has even disappeared from memory. The situation is different in the other two cases. In Bitalza, the plateau was made accessible by a track in 1974. Around twenty *Caseddi* out of 56 have been rehabilitated. An association created in 2003 brings together their owners. Since 2016, it has been carrying out the project of management for all thirty hectares. The idea is to protect the hamlet from fires, the vegetation cover has greatly progressed, and to give it back its pastoral vocation instead. Today, it is a place of second homes inhabited on weekends and summer. Very recently, the plateau was in the judicial news for constructions deemed illegal.<sup>23</sup>
- 26 In Ania, the community still exists. In the 1990s, it was involved in several different projects. It is first the creation of a deer enclosure of the Regional Natural Park as part of the policy of reintroduction of this specie in the island. Planned on 18 hectares, it is to encompass community land. Several public meetings take place, and a written commitment of the inhabitants is requested. The Deer Park opened its doors in 1994. But when, in 1995, the municipality of Serra di Fiumorbo launched a public inquiry to recover 72 hectares around the hamlet, for a communal subdivision, the investigating commissioner received the opposition of many villagers. The same fate, for a project of renovation of the chestnut grove led by the municipality, with the support of the Regional Center of Forest Property: in the absence of a chestnut farmer from the hamlet, some undivided people rejected it. The fear of losing property rights makes residents very suspicious of any potential farmer settlements. In 2015, the initiative of some undivided people to sell pine trees to a regional wood energy company was interrupted, again due to a lack of consensus. On the other hand, the construction of half a dozen houses on the community by people from the village, without land to build, was tacitly accepted. Currently, the plant mass is accumulating around the hamlet, aggravating the fire risk, and no more projects are focused on the undivided forest.
- 27 Yet while in the rest of the interior the crumbling of land and the difficulty of finding all the owners (L. Orsini, 2014) is a real obstacle for any farmer's settlement or logging operation, here the recognized nature of the indivision could make it easier for them. It remains to reach a consensus on the projects.
- 28 The "Land of the Common" is probably to be reinvented to allow an agrarian recapture of the Corsican mountain.

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## NOTES

1. *Corse-Matin* of June 22, 2019. The initiators of this project are Jean-François Bernardini, lead singer of the group I *Muvrini*, unionists farmers, activists of environmental associations.
2. [http://www.bastia.corsica/fileadmin/Documents/Conseil\\_Municipal/Deliberations/2019/delib-CM-21-11-2019.pdf](http://www.bastia.corsica/fileadmin/Documents/Conseil_Municipal/Deliberations/2019/delib-CM-21-11-2019.pdf) p.40.
3. This situation is not unique to Corsica. (P. Y. Collombat 2012).
4. These include the Asco communal forest, the hamlet of Ania di Fiumorbo in the commune of Serra di Fiumorbo and the Bitalza plateau (Sotta municipality).
5. Archives of *Corse du Sud* (ACS). 1C 631.
6. Letter from the Undersecretary of State for Finance to the Prefect of Corsica, August 23, 1850, ACS 7M359.
7. Preamble to transaction minutes, ACS 7M361.
8. Letter from the Conservator of Waters and Forestry in Corsica to the prefect of September 10, 1851, ACS 7M363: "We will be sure to argue as we did with previous usurpations that the only way to free communal properties from all the requirements of a forest regime is to have them granted to the inhabitants of the commune, retaining to each inhabitant, the rights to heating, service wood for his needs, and grazing, and the passage for his cattle."
9. Corsica lost 160,000 inhabitants between 1880 and 1950 (P. Lefevre,1957).
10. These communes are the "daughters" of the mountain communes.
11. State of the Communal Lands, 1837 Series O Serra di Fiumorbo, Archives of *Haute-Corse* (AHC).
12. According to the terms of another act of 1868. See below.
13. Report of the Sub-Inspector of The Waters and Forestry of Corte, June 26, 1847. Archives of National Forest Office in Bastia, (NFO Bastia), Asco Forest File.
14. Prefectural Order October 13, 1851, ACS 7M362
15. Prefectural Arrest 17 August 1851, NFO Bastia, Asco File.
16. Judgment of the Court of Appeal of Bastia of February 12, 1856. This is communicated by the President of the Association for the Preservation and Future of the Bitalza Plateau, Mr Simon Milleliri, whom I sincerely thank.

17. AHC 2U59.

18. All the documents on Ania, unless otherwise stated, were provided to me by Mrs Claire Canonici, whom I sincerely thank.

19. Sotta was built jointly in 1853 on the wintering grounds of Serra di Scopamène.

20. Called *Caseddi*, literally "small houses."

21. April 18, 1927, legal announcement in *Le Petit Bastiais* of September 17, 1927.

22. NFO Bastia, Asco Municipal Forest File.

23. <https://france3-regions.francetvinfo.fr/corse/corse-du-sud/justice-confirme-demolition-bergerie-renovee-permis-1270729.html>

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## ABSTRACTS

The present-day collective lands of Corsica differ in their origin from those of the rest of France. Probably appeared in the Middle Ages, for the few specialists, historians, or ethnologists, who were interested in the evolution of the nature of island land, they would have disappeared in the 19th century. According to the thesis of this article, it is, on the contrary, currently that they are legally recognized. Indeed, the agreements of delimitation of forests between the state and the municipalities, known as the Blondel Transactions of 1852, lead to the legalization of indivision between each inhabitant of a community on wooded areas. From the 20th century on, the crisis of the island agro-pastoral economy saw the disappearance of certain collective lands, appropriated by municipalities and even individuals. At present, a few survivors still bear witness to the ancient community practices of the Corsican mountain. In an exceptional context of land disorder, the return to common practices of the land is perhaps a solution to combat the rural decline of the interior of the island.

## INDEX

**Keywords:** Corsica, Mountain, Forest, Indivision, Agro-pastoralism

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