



Written by [Joe Wolverton, II, J.D.](#) on October 9, 2009

## The Oldest Constitutional Republic

The Constitution of San Marino was adopted on October 8, 1600, making the tiny European enclave arguably the world's oldest constitutional republic.

Like Rome, San Marino is a city founded on seven hills. In 301 A.D., according to tradition, Marinus the Dalmatian founded San Marino on Mount Titano after fleeing from the Roman emperor Diocletian's persecution of his devotion to Christianity. The local landlady, Felicissima, deeded the mountainous refuge to Marinus and his followers and told them to always remain united in the cause of religious freedom.



Since its inception San Marino has remained true to its pacific and religious founding principles and thus maintained its neutrality throughout the entire concourse of wars that have raged around it.

Originally, San Marino was governed by the heads of the several families that established the tiny nation. In 1243, however, the government was reformed and power was ceded to the Captains Regent (Capitani Reggenti) who ruled as co-heads of state. These regents executed a code of laws for San Marino as early as 1263. Then, in 1300, the system was updated, endowing legislative power to a body of prominent citizens called the Council of Sixty. This council, in cooperation with the Captains Regent, promulgated a new set of laws (comprised mostly of statutes extant since 1243) called the Statuti Comunali. This system served San Marino until October 8, 1600, at which time the government enacted a table of laws written by Camillo Bonelli, which unified and codified the Sammarinese laws regarding delegation of powers between the Council of Sixty and the Captains Regent, as well as rules of civil and criminal procedure for the courts of justice.

Camillo Bonelli wrote the new constitution in Latin and called it the Statuta Decreta ac Ordinamenta Illustris Reipublicae ac Perpetuae Libertatis Terrae Sancti Marini. These ordinances were an amalgamation of traditional Sammarinese law in effect since its founding, as well as Roman customary law and the Corpus Juris Civilis, a code of law issued in the sixth century by Justinian I, emperor of the Eastern Roman Empire.

While the entire constitution of San Marino is distributed over several written legislative documents, the laws codified by Camillo Bonelli in and adopted by the government of San Marino in 1600 are the cornerstone of Sammarinese jurisprudence and remain the standard against which all new laws are measured. These laws have been supplemented in recent history by the Declaration of Citizen Rights in 1974 and applicable amendments to the same passed in 2002. Although all laws in San Marino are founded on the code passed in 1600, the Declaration of Citizen Rights of 1974 is notable for its declaration of perpetual neutrality in war, the ultimate sovereignty of its citizens, and the separation of powers among the various agencies of Sammarinese government.

Of particular note to Americans is that our own Constitution as ratified in 1788 by state ratifying



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conventions contains the fullness of the doctrines creating and delegating specific written powers to the three branches of government. It may be fairly said, then, that the United States of America is the republic with the oldest surviving constitution that is contained in a single instrument. With the help of God and the tireless vigilance of its citizens, we may continue to merit that distinction for generations to come.



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