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*Rebels, Exiles and Pirates in Context.
Flexible Labels in the Aftermath
of the Peace of Utrecht (1713-1720)*

ABSTRACT: The concepts «rebel» and «pirate» abound in eighteenth-century political discourse. These categories can be used to place individuals outside of the political arena and the protection of the law of nations. The present contribution focuses on the epithet «rebel» or «pirate» in the complex negotiations on the amendment and confirmation of the European peace order established at the end of the War of the Spanish Succession (1701/1702-1713/1715). Delving into British and French diplomatic correspondence, successive examples of «rebels» or «pirates» come to the fore, from Brittany over Scotland, Catalunya, the Jacobites and Neapolitan privateers, to arrested Spanish and Swedish diplomats. Alliances and status of enmity between sovereigns were not necessarily conclusive, hence the importance of an ambiguous continuum of potential positions.

KEYWORDS: 18th Century Europe, Diplomacy, Legal Argumentation

SUMMARY: 1. Introduction – 2. Unfinished business – 3. Is the Regent a Rebel? – 4. Trade, Friend and Foe: the Spanish Commercial Empire – 5. The Jacobites: Dissident Exiles on the Continent – 6. Privateers or Pirates – 7. The Dormant Catalan Question – 8. The Italian Conundrum: Savoy between Cagliari and Palermo – 9. Conclusion.

1. *Introduction*

The concepts «rebel» and «pirate» abound in eighteenth-century political discourse. These categories can be used to place individuals outside of the political arena and the protection of the law of nations. Rebels can be treated as criminals, and not as political opponents enjoying the (relative) protection of the *ius in bello*². They can provide external enemies

¹ My thanks to Giuseppina De Giudici, Dante Fedele and Elisabetta Fiocchi Malaspina for the kind invitation to contribute to this volume, as well as to Stefano Cattelan for proofreading.

² D. Armitage, *Civil Wars: A History in Ideas*, New Haven-London 2017.

with a fitting reason to intervene in the domestic affairs of the sovereign. Pirates place themselves outside of the legalised form of private violence associated with privateering³. Legal doctrine in the era of the «classical» law of nations⁴ could not ignore these phenomena. The present contribution focuses on the epithet «rebel» or «pirate» in the complex negotiations on the amendment and confirmation of the European peace order established at the end of the War of the Spanish Succession (1701/1702-1713/1715)⁵.

The peace treaties of Utrecht (11 April 1713), Rastatt (6 March 1714) and Baden (7 September 1714) are traditionally seen as a milestone in European international relations⁶. They express the principle of balance of power, by breaking up the Spanish composite monarchy *grosso modo* along the lines of conquest during the war⁷, and by imposing that no Bourbon King of Spain (or his descendants) could ever occupy the throne of France⁸.

³ J. S. Bromley, *Corsairs and Navies 1660-1760*, London 1987.

⁴ R. Lesaffer, *The Classical Law of Nations (1500-1800)*, in A. Orakhelashvili (ed.), *Research Handbook on the Theory and History of International Law*, Cheltenham 2011, pp. 408-440.

⁵ J. Albareda i Salvadó, *La guerra de sucesión de España, 1700-1714*, Barcelona 2010; C. Oury, *La guerre de succession d'Espagne. La fin tragique du Grand Siècle*, Paris 2022.

⁶ F. Dhondt, *The Peace of Utrecht (1713)*, in M. Kocsis (ed.), *Global Encyclopedia of Territorial Rights*, Cham 2020, DOI 10.1007/978-3-319-68846-6_611-1; F. Ieva (ed.), *I Trattati di Utrecht. Una pace di dimensione europea*, Torino 2016; A. Soons (ed.), *The 1713 Peace of Utrecht and its Enduring Effects*, Leiden-Boston 2019; L. Bély, *Espions et ambassadeurs au temps de Louis XIV*, Paris 1990; R. Stücheli, *Der Friede von Baden (Schweiz) 1714: Ein Europäischer Diplomatenkongress und Friedenschluss des "Ancien Régime"*, Freiburg 1997; H. Duchhardt-M. Espenhorst (eds), *Utrecht – Rastatt – Baden 1712-1714. Ein Europäisches Friedenswerk am Ende des Zeitalters Ludwigs XIV.*, Göttingen 2013.

⁷ A. Álvarez-Ossorio-B. J. García García-V. León Sanz (eds), *La Pérdida de Europa. La Guerra de Sucesión Por La Monarquía de España*, Madrid 2007.

⁸ Art. VI, Treaty of Peace between Louis XIV and Queen Anne, Utrecht, J. Dumont-J. Rousset de Missy (eds), *Corps Universel Diplomatique du Droit des Gens...*, The Hague 1726-1731 [*CUD*] VIII/1, p. 340: «D'autant que la Guerre, que la présente Paix doit éteindre, a été allumée principalement, parceque la seureté & la liberté de l'Europe ne pouvoient pas absolument souffrir que les Couronnes de France & d'Espagne fussent réunies sous une même teste [...] on est enfin parvenu, par un effet de la Providence Divine, à prévenir ce mal pour tous les tems à venir, moiennant des Rénonciations conçûes dans la meilleure forme, & faites en la manière la plus solemnelle», after which the text of the «reciprocal renunciations» of Philip V, the Duke of Berry and the Duke of Orléans are inserted. See identical clauses art. VI, Treaty of Peace between Louis XIV and Victor Amadeus II of Savoy-Piemonte, Utrecht, 11 April 1713, *ivi*, p. 363; art. III, Treaty of Peace between Philip V of Spain and Victor Amadeus II of Savoy-Piemont, Utrecht, 13 August 1713, *CUD* VIII/1, p. 401.

As I have argued elsewhere, the latter is to be seen as the illustration of a general principle: succession crises needed to be resolved on a European level⁹. The alliance against Louis XIV disintegrated when it became clear that the Austrian Habsburgs would obtain a hegemonic position after the decease of Emperor Joseph I (1678-1711) and the subsequent election of his younger brother Charles as Emperor in 1711¹⁰. The relations between sovereign entities (monarchies and republics)¹¹ offer a vast and still incompletely ploughed field to historians of diplomacy, the law of nations and public law, both in Europe and in the Americas¹². However, the legal norms applicable to and the arguments used by non-state actors present tremendous possibilities for research as well.

When we return to doctrine, Emer de Vattel (1714-1767) is of special relevance to this period¹³. Vattel used many examples from recent history¹⁴ to illustrate his analysis of the exercise of power within polities (Book I) and in the mutual relations between them (Book II, III, IV). It is illustrative for his highly politicized writing that he uses the case of James II Stuart (1633-1701) to explain the complexity of the concept «rebel» in Book II, Chapter IV:

«Mais si le Prince, attaquant les Loix fondamentales, donne à son peuple un légitime sujet de lui résister; si la Tyrannie, devenuë insupportable, soulève la Nation; toute Puissance étrangère est en droit de secourir un peuple opprimé, qui lui demande son assistance [...] Celle qui assiste un Tyran odieux, celle qui se déclare pour un peuple injuste & rebelle, pèche sans

⁹ F. Dhondt, *Balance of Power and Norm Hierarchy: Franco-British Diplomacy after the Peace of Utrecht*, Leiden-Boston 2015.

¹⁰ J. Whaley, *Germany and the Holy Roman Empire: Volume II: The Peace of Westphalia to the Dissolution of the Reich, 1648-1806*, Oxford 2011, pp. 120-135.

¹¹ B. Maréchaux, *L'impossible alliance: l'ambassade extraordinaire du cardinal d'Estrées à Venise (janv.-avr. 1701)*, in «Dix-septième siècle», CCXLVII (2010/2), pp. 291-312, DOI 10.3917/dss.102.0291.

¹² L. Bély, G. Hanotin and G. Poumarède (eds), *La diplomatie-monde: autour de la paix d'Utrecht 1713*, Paris 2019.

¹³ K. Stapelbroek (ed.), *The Legacy of Vattel's Droit des Gens*, London 2019; P. Schröder (ed.), *Concepts and Contexts of Vattel's Political and Legal Thought*, Cambridge 2021. See also the chapter by Alberto Carrera in this volume.

¹⁴ F. Dhondt, *History in Legal Doctrine. Vattel and Réal de Curban on the War of the Spanish Succession*, in D. De ruysscher et al. (eds), *Rechtsgeschiedenis op nieuwe wegen. Legal history, moving in new directions*, Antwerp 2015, pp. 367-394.

doute contre son devoir. Mais les liens de la Société Politique sont rompus, ou au moins suspendus, entre le Souverain & son peuple, on peut les considérer comme deux Puissances distinctes; & puisque l'un & l'autre sont indépendants de toute Autorité étrangère, personne n'est en droit de les juger»¹⁵.

Vattel used the intervention by invitation of Parliament of William III of Orange (1650-1702) as the standard example of a situation whereby a «tyrannical» ruler had broken the «fundamental laws»¹⁶ of his own polity. As a consequence, «Rebels» had become «a distinct kind of Power», as «independent of any foreign authority» as the «Prince» himself. To underscore the relative nature of the label «rebel», Vattel provided the example of the assassination of William I of Orange (1533-1584)¹⁷.

The Succession war was fought *sensu stricto* on the succession of Charles II of Spain (1661-1700), the last Habsburg ruler of the composite Spanish monarchy of Philip II¹⁸. This logically entailed the creation (or the perpetuation) of an «Austrian» and a «French» party in the various Kingdoms and provinces ruled by Charles II¹⁹. This could revive earlier movements of dissidence against the Spanish crown, such as the revolts in the Kingdom of Naples²⁰ and the Principality of Catalunya under Philip IV (1605-1665)²¹. By intervening on Emperor Leopold I (1640-1705)'s

¹⁵ E. de Vattel, *Le droit des gens ou principes de la loi naturelle appliqués à la conduite et aux affaires des Nations et des Souverains*, Londres [Neuchâtel] 1758, Book II, Chapter IV, § 56.

¹⁶ M. Schmoeckel, *Leges Fundamentales: Gesetze, die Gleicher sind als andere? Vom Inhalt zum Begriff*, in «Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung», CVII (2021), pp. 219-254, DOI 10.1515/zrgk-2021-0005.

¹⁷ E. de Vattel, *Droit des gens*, cit., Book III, Chapter VIII, § 155.

¹⁸ J.H. Elliott, *A Europe of Composite Monarchies*, in «Past & Present», CXXXVII/1 (1992), pp. 48-71, DOI 10.1093/past/137.1.48.

¹⁹ M.-F. Maquart, *Le réseau français à la cour de Charles II d'Espagne: jeux diplomatiques de fin de règne - 1696-1700*, Villeneuve d'Asq 2003.

²⁰ Capitoli, Patti Costituzione e Privilegii giurati dal Duca d'Arcos Vice Re in nome del Re Catolica D. Phelippe IV. A Beneficio del' fedelissimo Populo di Napoli, Naples, 17 July, 1647, J. Rousset de Missy (ed.), *Supplément au Corps Universel Diplomatique du Droit des Gens*, Neaulme 1739 [*CUD (Suppl.)*], II/1, p. 324. The Masaniello insurrection provided inspiration for the opera *La Muette de Portici* by Auber, whose representation in the Brussels Opera gave rise to riots which inaugurated the Belgian revolution of 1830.

²¹ D. Aznar, *Cataluña y el Rey. Representaciones y prácticas de la Majestad durante el cambio de soberanía (1640-1655)* (diss. doc. hist., dir. L. Bély & F. Sánchez Marcos),

side, Britain and the Dutch Republic added the succession of James II to the pile of entangled disputes. The supporters of James II and his son «the Old Pretender» (James Francis Stuart, 1688-1766) enlisted in Louis XIV's armies.²²

2. *Unfinished business*

«Tous les ministres de l'Emp^r declarant qu'aucun d'eux ne luy conseillera jamais de renoncer aux Espagnes sans stipuler en meme temps que les Espagnols qui luy ont adhéré seront restituez dans leurs biens».

Lukas Schaub on Charles VI²³

«La perte de l'Espagne et le conseil des Rebelles qui sont auprez de luy, l'ont fortifié dans les prejugez de sa Jeunesse»²⁴.

The peace treaties of 1713-1715²⁵ did not contain a solution for all problems that had popped up during the war. This concerned in the first place the bilateral quarrel that had opposed Philip of Anjou (1683-1746) to Charles of Habsburg (1685-1740). Although the former had been recognized as King of Spain at the Utrecht Peace Conference (1712-1713), Charles VI's plenipotentiaries had slammed the door before the peace treaties were signed in April 1713. Consequently, many of those who supported Charles VI in part emigrated to Vienna²⁶. Demands for

Paris-Sorbonne 2016.

²² N. Genet-Rouffiac, *Le grand exil: les jacobites en France 1688-1715*, Vincennes 2008.

²³ Lukas Schaub to Stair, Vienna, 15 March 1718 (copy), on the negotiations leading to the Quadruple Alliance: TNA [The National Archives, Kew (UK)], SP [State Papers Foreign], 78, vol. 161, f. 193v.

²⁴ Memoire concernant l'Ambassade de Vienne, 1716, Archives du Ministère de l'Europe et des Affaires Étrangères (La Courneuve) [AMAE], Mémoires et Documents, Autriche, vol. 3, f. 133v.

²⁵ Peace Treaty between Philip V and João V of Portugal, Utrecht, 6 February 1715, CUD VIII/1, 444; Treaty between Charles VI, George I and the Dutch Republic, Antwerp, 15 November 1715, *ivi*, 458.

²⁶ N.-L. Le Dran, *Négociations de la France pour le rétablissement de la paix entre la maison d'autriche et la branche de la Maison de Bourbon établie en Espagne*, 25 December 1732, AMAE, Mémoires et Documents, Angleterre, vol. 43, f. 52r: «ennuyé de la depense que luy causoit l'entretien des Espagnols a Vienne, il [l'Empereur] leur avoit permis de

criminal amnesty and restitution of property (two typical aspects of a final treaty of peace) were recurrent in the years after Utrecht²⁷. The second issue that remained unresolved, was the upholding of Catalan privileges²⁸. In March 1713, Louis XIV and Charles VI had concluded a convention for the evacuation of Catalunya, mediated by the crown of Great Britain²⁹. Charles VI's governor Starhemberg left Barcelona, but abandoned factual control to the local Estates, and not to the Spanish Crown.

Catalan resistance, as well as that of the island of Mallorca and Ibiza, had to be broken by force, with French help³⁰. A third issue was the balance of power in Italy³¹. The Emperor had considerably aggrandized his influence: he ruled the Kingdom of Naples, the Duchy of Milan and had annexed the Duchy of Mantua. Pursuant to the convention concluded in March 1713, Louis XIV and Charles VI agreed in the treaties of Rastatt³² and Baden³³ that the peninsula ought to remain «neutral», and that the

solliciter leur amnistie» V. León Sanz, *Carlos VI. El Emperador que no pudo ser Rey de España*, Madrid 2003.

²⁷ E.g. Lukas Schaub to Stair, Vienna, 15 March 1718, cit., f. 192r: «un duquel il ne paroît pas que jamais elle [cette cour = the Imperial court] veuille se desister, elle demandera que l'amnistie et la restitution des biens qui appartiennent aux Espagnols qui ont suivi l'Empereur, et qui sont actuellement dans ses états, soit réellement stipulée des a present comme une condition immuable du traité à faire». This issue would be solved in the «Ripperda» treaty between Philip V and Charles VI (May 1725). See A. Mur Raurell, *Diplomacia secreta y paz: la correspondencia de los embajadores españoles en Viena, Juan Guillermo Ripperda y Luis Ripperda (1724-1727)*, Madrid-Wien 2011.

²⁸ J. Albareda Salvadó, *La Catalogne et Philippe V d'Espagne dans la Guerre de Succession d'Espagne: des espérances de 1705 à la perte des libertés de 1714*, in «Revue d'histoire diplomatique» CXXI (2007), pp. 231-248.

²⁹ Convention between Louis XIV and Charles VI for the evacuation of Catalunya and an Armistice in Italy, Utrecht, 14 March 1713, *CUD VIII/1*, p. 327.

³⁰ N.-L. Le Dran, *Négociations*, cit., ff. 54r-55r.

³¹ M. Schnettger, *Das Alte Reich und Italien in der Frühen Neuzeit. Ein institutionsgeschichtlicher Überblick*, in «Quellen und Forschungen aus italienischen Archiven und Bibliotheken», LXXIX (1999), pp. 344-420.

³² Art. XXX, Treaty of Peace between Charles VI and Louis XIV, Rastatt, 6 March 1714, *CUD VIII/1*, p. 420.

³³ Art. XXX, Treaty of Peace between Charles VI, the Holy Roman Empire and Louis XIV, Baden, 7 September 1714, *CUD VIII/1*, p. 440: «Vicissim Sacra Caesarea Majestas verbo Caesareo pollicetur, & sese obstringit, quod eandem neutralitatem & quietem Italiae turbare nolit, & consequenter nec armorum viam pro quacunque re & quacunque occasione adhibere, sed e contrario religiose implere promissa in Tractatu Neutralitatis Trajecti ad Rhenum».

Emperor could only keep a limited number of soldiers. In reality, Charles VI pushed for the exchange of Sardinia and Sicily. Duke Victor Amadeus II of Savoy-Piedmont (1666-1732) had been installed in the latter Kingdom as guarantor of British trade in the Mediterranean³⁴.

Last but not least, the Franco-British relationship was essential with regards to the «Protestant Succession» in Britain. The bilateral Treaty of Peace of 11 April 1713 at Utrecht between Louis XIV and Queen Anne (1665-1714) had contained the French acknowledgment and recognition of the Queen's succession by her Protestant relative Georg Ludwig von Braunschweig-Lüneburg (George I, 1660-1727), pursuant to the Act of Settlement³⁵. Louis XIV had, however, initiated an opening towards the Court of Vienna in 1715, which could suggest that Utrecht had only been a truce.

Louis XIV's decease in September 1715 reshuffled the cards. Duke Philip of Orléans (1674-1723) became Regent of France. His own dynastic ambitions (as head of the main junior branch of the House of Bourbon) meant that he had all interest in getting the separation of the crowns of France and Spain confirmed³⁶. In return, the Regent was willing to expulse the «Old Pretender» across the Alps, as stipulated in the Treaty of the Triple Alliance, which France concluded with Britain and the Dutch Republic in January 1717:

«[...] comme l'expérience a fait connoître, que la proximité du séjour de celui qui a pris le titre de Prince de Galles, pendant la vie du feu Roy Jacques II. & après la mort dudit Roy, celui de Roy de la Grande-Bretagne, peut exciter des mouvemens & des troubles dans la Grande-Bretagne & dans les Etats qui en dépendent, il a esté convenu & arrêté, que le Serenissime Roy Très-Chrétien s'oblige par le present Traité d'engager ladite

³⁴ Instrumento de la Cession del Reyno de Sicilia, hecho por el Serenissimo Duque de Anjou, como Rey de España, a Victor Amadeo Duque de Saboya por el y sus Decedientes masculinos perpetuamente..., Madrid, 10 June 1713, *CUD* VIII/1, p. 389; D. McKay, *Bolingbroke, Oxford and the Defence of the Utrecht Settlement in Southern Europe*, in «English Historical Review», LXXXVI (1971), pp. 264-284, DOI 10.1093/ehr/LXXXVI.CCCXXXIX.264.

³⁵ Art. IV, Treaty of Peace between Louis XIV and Queen Anne, Utrecht, 11 April 1713, *CUD* VIII/1, p. 340.

³⁶ F. Dhondt, *Équilibre et hiérarchie: L'argument juridique dans la diplomatie française et anglaise après la paix d'Utrecht*, in N. Drocourt-E. Schnakenbourg (eds), *Thémis en diplomatie: l'argument juridique dans les relations internationales de l'antiquité tardive à la fin du XVIII^e siècle*, Rennes 2016, pp. 67-83.

personne de sortir du Comtat d'Avignon, & d'aller faire son Séjour, au delà des Alpes immédiatement après la signature du present Traité»³⁷.

Whereas France had supported James II's troops in Ireland during the Nine Years' War and attempted to land the Old Pretender in Scotland in 1708, the treaty explicitly foresaw that:

«de ne donner, ni fournir en quelque tems que ce soit, directement ni indirectement, sur Mer ou sur Terre, aucun Conseil, secours ou assistance d'argent, Armes, Munitions, attirail de Guerre, Vaisseaux, Soldats, Matelots [...] à ladite Personne, qui prend le Titre ci-dessus exprimé, ou à d'autres [...] qui [...] pourroient dans la suite troubler la tranquillité de la Grande-Bretagne par une guerre ouverte, ou par des conjurations secretes, ou des seditions, & des rebellions»³⁸.

This, in a nutshell, explains why George I of Britain and the Regent concluded a bilateral alliance late in 1716, to which the Dutch Republic adhered in January 1717³⁹. Upholding the treaties of Utrecht implied that France and Britain would have to confront Philip V of Spain jointly. The Spanish King contested the validity of the renunciation he had solemnly pronounced before the *Cortes* of Castille in November 1712⁴⁰. He still hoped to reclaim some of the «lost» Spanish territories in Italy or even the Low Countries⁴¹.

Philip V used the rumours of an exchange of Sicily and Sardinia to invade the latter island on 22 August 1717⁴². Sardinia was conquered in

³⁷ Art. II, Treaty of Alliance between Louis XV, George I and the Dutch Republic, 4 January 1717, The Hague, *CUD* VIII/2, p. 484.

³⁸ *Ibid.*

³⁹ F. Dhondt, *Balance of Power*, cit., pp. 72-106.

⁴⁰ *Renunciación jurada de Felipe Duque de Anjou como Rey de España a la Corona de Francia por el y todos sus Descendientes perpetuamente...*, Madrid, 5 November 1712, *CUD* VIII/1, 310.

⁴¹ See A. Baudrillart, *Philippe V et la cour de France*, Paris 1890.

⁴² J. Rousset de Missy, *Istoria del Cardinal' Alberoni. Dal giorno della sua Nascita fino alla metà dell'anno 1720. Seconda Edizione. Divisa in due Parti, & accressciuta di varie curiosità. Con aggiunta de'Manifesti pubblicati da Sua Eminenza, E di un Carteggio citato nel primo di essi*, Amsterdam 1720, p. 72. Just 8,000 men sufficed to take Cagliari (whose citadel capitulated only on 30 September, *ivi*, p. 59, with the garrison being allowed a

a short span of time by Marquis de Lede (1672-1725), a Spanish general born in the Low Countries⁴³. The fleet and troops used for this purpose had originally been assembled in Barcelona to combat the Turks, while Charles VI, the aggressed party, was actually «impiegato alla difesa della Cristianità» in a joint war with Venice against the Sultan (1716-1718)⁴⁴. The Spanish wrath was based on the reversion right that had been included in the Spanish-Savoyard Peace Treaty of Utrecht:

«en cas que les Descandans Masles dudit Seigneur Duc de Savoye, & tous les Masles de la Maison de Savoye viennent à manquer (ce que Dieu ne veuille) en ce cas de défaut de Masles de ladite Maison de Savoye, le Royaume de Sicile [...] retourneront de plein Droit à la Couronne d'Espagne; & de mesme Son Altesse Royale [VA II] s'oblige & s'engage pour soi & ses Descandans Masles & pour tous les Masles de Sa Maison, de ne pouvoir jamais vendre, céder, engager, ni donner, sous quelque prétexte de subrogation ou autres, ni en quelque maniere que ce soit, engager en tout, ou en partie ledit Royaume de Sicile [...] à autres qu'aux Rois d'Espagne [...] jusqu'à ce que la Couronne d'Espagne tombe à un Prince de la Maison de Savoye, & qu'il soit Roy d'Espagne»⁴⁵.

safe escape to Genoa). Marquis di Rubi, Vice-Roy for Charles VI, was a Catalan and had been «un de' principali Autori della continovazione della Guerre in Catalogna, dopo la sommissione di Barcellona» (ivi, p. 57). Rousset de Missy narrates that di Rubi would have forbidden any kind of furnishing to the Spanish troops, «sotto pena di morte», but that de Lede, «informato [...] della barbarie di tali ordini», immediately published a manifesto guaranteeing the restauration of privileges as they had been in place under Spanish rule, before the 1708 conquest of the island (ivi, p. 58).

⁴³ M.A. Gazano, *La storia della Sardegna*, Cagliari 1777, pp. 242-246.

⁴⁴ J. Rousset de Missy, *Istoria*, cit., p. 59. «Memoire pour servir d'instruction au s^r abbé du Bois cons^r d'Estat ordre au con^{cl} des affaires etrangeres, secretaire du cabinet du Roy, allant en angleterre pour le service de sa Majesté», Paris, 10 September 1717, AMAE, Correspondance politique, Angleterre, vol. 301, f. 15r. Needless to say, Pope Clement XI (Giovanni Francesco Albani, 1649-1721) was not particularly pleased with this turn of events, as he had just created Alberoni a Cardinal.

⁴⁵ Art. V, Treaty of Peace between Philip V of Spain and Victor Amadeus II of Savoy-Piedmont, Utrecht, 13 August 1713, cit., p. 403. The final part of the cited clause relates to the claims of the House of Savoy on the Spanish succession. Charles II's testament had foreseen that, if Philip of Anjou and Charles of Habsburg would reject his succession, the House of Savoy would succeed him. In view of Philip V's multiple male successors, this remained «un avantage bien éloigné» (Memoire pour servir d'instruction au s^r abbé du Bois, cit., f^o19r^o). See also art. II, *Instrumento de Cession*, cit.: «Que a falta de Sucession

This can be seen as a first stage in the Spanish grand design to reclaim lost ground after Utrecht⁴⁶. The Spanish invaders presented themselves as saviours to the local population, «al soccorso della loro oppressa libertà»⁴⁷. Remarkably, especially in the long run of Franco-British relations⁴⁸, France and Britain chose to impose the Treaty of Utrecht on Philip V. This was highly delicate at court in Paris, where a substantial party supported an alliance with Louis XIV's own grandson. In July 1718, Spain invaded Sicily as well⁴⁹. The British fleet quickly destroyed its Spanish counterpart at the naval battle of Cape Passaro⁵⁰. In a protracted negotiation, James Stanhope, George I's principal minister (1673-1721), and abbot Dubois (1656-1723), the Regent's envoy and principal minister for foreign affairs, ingeniously devised the Quadruple Alliance⁵¹. This long span of negotiation indicated that neither of the mediators intended to punish Spain for perturbing the tranquility of Europe. The available components, as sketched out above, would be rearranged in any case.

Masculina de constante legitimo Matrimonio del Duque de Saboya, y lineas, a cuyo favor hago esta cession, como se ha expressado, el dicho Reyno de Sicilia bolverá a incorporarse en la Corona de España [...]». The reversion clause excluded the Soissons branch of the Savoy family, something resented as «une pique» and «tres offensant» [sic] by Eugene of Savoy (Charles VI's principal general and influential minister, 1663-1736) and his cousin, prince Emanuel (Schaub to Stair, Vienna, 16 March 1718, cit., f. 138r).

⁴⁶ J. Albareda Salvadó-N. Sallés Vilaseca (eds), *La reconstrucción de la política internacional española: El reinado de Felipe V*, Madrid 2021.

⁴⁷ J. Rousset de Missy, *Istoria*, cit., p. 58.

⁴⁸ R. Morieux, *Une mer pour deux royaumes. La Manche, frontière franco-anglaise (XVII^e-XVIII^e Siècles)*, Rennes 2008, DOI 10.4000/books.pur.27505.

⁴⁹ The Savoyard troops rather quickly abandoned Messina (24 July), Syracuse and Melazzo (Stair to Craggs, Paris, 20 August 1718, TNA, SP, 78, vol. 162, f. 57r). The very day the Treaty of the Quadruple Alliance was signed (2 August 1718), admiral Byng's fleet already turned up before Naples to cut short even more ambitious Spanish designs.

⁵⁰ Dubois to Craggs, Paris, 31 August 1718, TNA, SP, 78, vol. 162, f. 90r: «il y a eu sept ou huit vaisseaux espagnols bruslés, quatre coulé à fond, et que l'amiral Byng avoit les avantages du courant et du vent sur douze qu'il croyoit ne pas pouvoir lui echaper».

⁵¹ J. Rousset de Missy, *Istoria*, cit., pp. 89-96.

3. *Is the Regent a Rebel?*

The mutual distrust between Philip V and the French Regent created potential rebels or insurrections on both sides. Philip of Orléans had to be considered an usurper for Philip V as well as French malcontents. Spanish troops carried pamphlets with them, emphasizing the King of Spain's «love» for his nephew Louis XV and the French nation, depicting abbot Dubois as corrupt and the Regent as a British agent, who would lead the French people to enslavement⁵². Philip V tried to stir up an insurrection in Brittany⁵³. Local dissatisfaction with royal taxation and economic policy was deep-rooted in the Duchy. Nevertheless, the Regent managed to suppress the rebellion, which could never reach the stage wherein it would lead to secession. As George I had done with the Swedish ambassador, the Regent arrested the Spanish ambassador Prince Cellamare (1657-1733), on suspicion of a plot with Alberoni, the disgruntled Duchess of Maine (spouse of Louis XIV's natural son), «le Pape et les Jesuites»⁵⁴.

4. *Trade, Friend and Foe: the Spanish Commercial Empire*

Philip V instrumentalized his family ties with the House of Bourbon

⁵² Declaration de Sa Maj^{te} Cath^{que} au sujet de la Resolution qu'Elle a prise de se mettre à la teste de ses troupes, pour favoriser les interêts de sa majesté t.c. et de la Nation Française., s.d., signed «Philippe de France» and Don Miguel Fernandez Duran, conde de Tolosa, Secretary of State for war (1714-1721). TNA, SP, 78, vol. 164, ff. 11r-12v. F. Dhondt, *Balance of power*, cit., 159-161.

⁵³ See the very thorough archival study of J. Cornette, *Le Marquis et le Régent*, Tallandier 2008. See Craggs to Stair, 14 April 1718, Whitehall, TNA, SP, 78, vol. 162, f. 317v: «the favourable reception his catholick maj^{ty} has given to the rebell bretons».

⁵⁴ Stair to Craggs, Paris, 15 December 1718, TNA, SP, 78, vol. 162, f. 423r. Their design would have been to capture the Regent at the Christmas midnight mass, while, helped by the revolt in Brittany, calling together the Estates-General of the realm. See F. Dhondt, *Balance of Power*, cit., pp. 142-146. Cellamare (Antonio José del Giudice y Papadoca, Duke of Giovenazzo, Prince of Cellemara) belonged to a Neapolitan family with a tradition of service at the Spanish court. He fought for Philip V during the War of the Spanish succession. As Maximiliano Barrio Gozalo remarked, three of the King of Spain's main ambassadors under Alberoni (Beretti Landi in The Hague, Monteleone in London and Cellamare) were... Italian (M. Barrio Gozalo, *Il Cardinale Giulio Alberoni e la Chiesa spagnola*, in *Il Cardinale Alberoni e il suo Collegio. Atti del convegno internazionale di studio*, Piacenza 2003, p. 48)

in the commercial field. The conflict between Philip V, on the one hand, and, on the other hand, a coalition of France, Britain and Austria, theoretically isolated the Spanish navy and merchant fleet. Throughout the 1710s, 1720s and 1730s, Philip V used his factual control of trade and access to the Spanish Empire as leverage. The importance of the Empire (and notably the Americas) for European prosperity is a recurrent *topos* of historiography on Spain's perceived relative decline throughout the seventeenth and eighteenth century. Recent research highlighted the mercantilist and corporatist schemes designed to alleviate the King's regalian grip on trade and maximise domestic wealth instead⁵⁵.

Spanish fiscal and regulatory stalling measures, or the violation of trading privileges were as much a motive for Britain to engage in a war, as Philip's stubborn attitude concerning territorial affairs⁵⁶. Commercial vexations could be used to stir off the British competitors, but also to attract French merchants, hoping that this would reinforce calls for closer links between Versailles and Madrid⁵⁷. Once peace would have been concluded, France and Britain would have had all interest to reestablish trade links⁵⁸. This was all the more valid since the Dutch Republic had declined to accede to the Quadruple Alliance, which made it possible to reap off the fruits of continuous neutral trade⁵⁹.

⁵⁵ E. Jones Corredera, *The Diplomatic Enlightenment: Spain, Europe, and the Age of Speculation*, Leiden/Boston 2021.

⁵⁶ Stair to Dubois, Paris, 2 January 1719, TNA, SP, 78, vol. 162, f. 460r: «Le Roy d'Espagne [...] venoit de troubler injustement, par l'attaque de la Sardaigne, ensuite de la Sicile, et en dernier lieu par la saisie des Vaisseaux et Effets des Sujets du Roy mon maître, contre la Foy sollennelle des Traitez».

⁵⁷ See also reports of French subjects enlisting for Philip V: F. Dhondt, «*Arrestez et Pillez Contre Toute Sorte de Droit*»: Trade and the War of the Quadruple Alliance (1718-1720), in «Legatio: The Journal for Renaissance and Early Modern Diplomatic Studies», I (2017), pp. 98, 105, DOI 10.12775/LEGATIO.2017.04.

⁵⁸ Stair to Schaub, Paris, 17 April 1720, TNA, SP, 78, vol. 167, f. 303r: «il faut être aveugle pour ne pas voir le besoin que ces deux couronnes [r] mutuellement l'une de l'autre pour le soutien de leur commerce, et de leurs établissemens en amerique, lesquels sont tellement liez d'interets que ni l'un ni l'autre etat ne sauroit être diminué, ou ébranlé, sans porter un prejudice manifeste, et des perils inifinis a l'autre».

⁵⁹ N. Sallés Vilaseca, *L'usage de l'argument juridique devant l'opinion publique: l'accession des Provinces-Unies au traité de la Quadruple Alliance, 1717-1719*, in N. Drocourt-É. Schnakenbourg (eds), *Thémis en diplomatie*, cit., pp. 159-174.

5. *The Jacobites: Dissident Exiles on the Continent*

«Etant sorti de chez le Regent, je dis à Monsieur l'abbé du Bois qu'il avoit quantité de Rebels [sic] à présent à Paris et qu'on m'avoit assureé positivement que le feu [sic] D. Mar et le feu [sic] D. d'Ormond tous deux estoient icy. Il me répondit qu'il avoit déjà reçu les ordres de S.A.R. depuis hier, de dire au Lieu^t de Police Mons^r d'Argenson, de sa part de faire tout le [sic] recherche possible dans Paris pour trouver ces deux Messieurs la et les faire decamper au plus vite [...] pour l'avenir on arreteroit les gens suspects qui passeroit a Lions [sic] sans les laisser passer plus outre.

J'ay veu cependant ces deux jours passés beaucoup de gens de la Cour du Pretendant sur les rues et dans les endroits public et je crois que le feu D. Mar se trouve icy avec toute sa famille ensemble. Je vis avanthier chez un Banquier son beaufre le Chevalier Roterson, et hier dans la rue St Onoré [sic] je vis passer Madame sa femme, luy, il se tient un peu plus caché».

Thomas Crawford (embassy secretary), 12 May 1717⁶⁰

In 1715, a rising had taken place in the Scottish Highlands against the Whig ministry that had come to power after George I's arrival in Britain. Although the insurrection had been quashed, Giulio Alberoni (1664-1752), Philip V's Prime Minister, hoped to reignite the fire up North⁶¹. Just as with the Spanish expedition to Brittany, only a handful of men managed to sail so far. Alberoni's inventive schemes included ties to Constantinople and Saint-Petersburg⁶².

Late in 1718, the «Old Pretender» was installed by Pope Clement XI (1649-1721) in the Roman *Palazzo del Re*, «associating him more than ever before with popery as well as Catholicism, and thus diminishing the attraction of the court»⁶³. Conversely, this physical presence in Rome

⁶⁰ Thomas Crawford (embassy secretary) to Joseph Addison, Secretary of State for the Southern Department, Paris, 12 May 1717, TNA, SP, 78, vol. 161, ff. 83r-83v.

⁶¹ J. D Oates, *The Last Spanish Armada: Britain and the War of the Quadruple Alliance, 1718-1720*, Warwick 2019.

⁶² See e.g. Joseph Addison to Stair, Whitehall, 3 June 1717 NS, TNA, SP, 78, vol. 161, f. 103r: «there are many reasons that incline the King to believe he [the Czar] is not so indifferent in the cause of the Pretender».

⁶³ E.T. Corp, *The Stuarts in Italy, 1719-1766: A Royal Court in Permanent Exile*, Cambridge 2011, pp. 3-21. James III's court had first been situated in Saint-Germain-en-Laye, where Louis XIV had welcomed his father in 1688 after the latter fled England. From 1713 to 1715, following the Treaty of Utrecht, the Jacobites moved to Lorraine. The Jacobite rising 1715-1716 transported them to Avignon, followed by Pesaro (Spring

put the Pretender at the heart of the transnational Catholic diplomatic network. After his disgrace late in 1719, Cardinal Alberoni frequented the Stuart court, just as the French ambassador to the Holy See, Cardinal Polignac⁶⁴. It was of course George I's objective to ensure that «those who have been attained or were engaged in the latter unnatural rebellion against his majesty or who have made their escape from justice upon that account» should not be «allowed to stay in any part of the French Dominions»⁶⁵. Frustration remained that «during the time of the strictest friendship between those of G. Britain and France, our Jacobites are not only suffered but enriched at Paris»⁶⁶.

The «Old Pretender» and his networks are constant topics of worry for Lord Stair (1673-1747), George I's ambassador in Paris. Rumours on toasts to the Pretender's honour⁶⁷, the presence of the Dukes of Mar (1675-1732) or Ormond (1665-1745), as cited above, or possible movements to Sweden⁶⁸ or Spain, to join one of Alberoni's grand schemes, were noted eagerly. In confused times of conflict, the circulation of news through informal channels preoccupied the King's representative, as for instance in this letter of 25 February 1719:

1717) and Urbino (Summer 1717-Autumn 1718, also signalled in Crawford to Addison, Paris, 12 May 1717 as «*un séjour plus agréable*» than Pesaro). In practice, James III was allowed to keep an Anglican chapel in his residences in the Papal State. He acted as an intermediary to provide British *Grand Tour*-travellers with a French passport.

⁶⁴ Ivi, p. 71.

⁶⁵ Lord Stair was instructed to «forthwith demand in our name that they be compelled to depart the Kingdom» within the eight days-term specified in article 3 of the Treaty of the Triple Alliance. Instructions for our right trusty and right welbeloved [sic] cousin and councillor John earl of Stair, Gentleman of our Bed Chamber, whom we have appointed our Ambassador Extraordinary to our good brother the Most Christian King, s.d., St James's Place (?), TNA, SP, 78, vol. 161, f. 137v.

⁶⁶ Craggs to Stair, Whitehall, 14 April 1718, cit., f. 318r.

⁶⁷ Crawford to Addison, Paris, 12 May 1717, cit., f. 80r: «le manifeste que les Jacobites icy, ont fait pour le Roy de Suede, je n'ay jamais pû en avoir un exemplaire imprimé, quoique il a été lu publiquement au Caffé de Grégoire, car partout ce que j'en ai pu apprendre. Il n'y en a que deux exemplaires dans tout Paris».

⁶⁸ E.g. Earl of Stair to John Methuen, Secretary of State for the Southern Department, Paris, 27 March 1717, TNA, SP, 78, vol. 161, ff. 32r-32v: «The Duke of Leeds is gone to [v^o] Gothenburg. He imbark'd at Diep [sic]. He had a mind to carry with him one Cammock, formerly a captain of war in England, who lives now near Rouen, but Cammock answered, that he had no orders from his master the Pretender. The Duke told him, that he had no orders from his Master the Pretender, but Cammock would not go».

«Un courier arrivé au comte de Kinigsegg [Königsegg, Imperial ambassador] porte la nouvelle, que le prétendant estoit parti de Rome le 8^e, prenant le chemin de la Toscane- Monsieur le Duc d'Orléans m'a fait l'honneur de me dire, que ses lettres de Rome venues par l'ordinaire avoient portées, que le Prétendant devoit partir pour se rendre à Barcelone – Nôtre Prétendant a le secret de faire des voyages à propos; il savoit deja la mort du Roy de Suede, mais Alberoni ne la sçavoit pas quand il l'avoit invité, et vont estre bien embarrassez l'un de l'autre»⁶⁹.

The Jacobites were useful for the Whig-ministry around James Stanhope to convince Parliament to go to war in successive steps. The arrest of ambassador Karl Gyllenborg (1679-1746) on 27 January 1717 was justified by accusing the Charles XII of Sweden (1682-1718) of supporting a Jacobite rebellion. Stirring up a revolt against the host sovereign is a classical limit to the immunity of ambassadors⁷⁰. Lord Stair was evidently told to affirm this against the Old Court Party in France:

«Il sera donc necessaire que M^d Ambass^r fasse comprendre aux ministres François qu'un Prince qui fait tramer une Rebellion dans les Etats d'un autre est celui qui offense, et qu'il n'a aucun sujet de se plaindre de ce qu'on met en arret son ministre. Il seroit donc fort estrange, qu'on voulut regarder S.M.S. comme offensée»⁷¹.

The chances of effectively toppling George I by invading Scotland, as the plot would have implied, were restricted. Nevertheless, this was a very useful incident to convince Parliament to invest in the navy, in order to protect British trade in the Baltic. Gyllenborg was not merely expelled, but arrested! Stanhope printed and distributed several papers seized at Gyllenborg's residence⁷². The operation was continued in the Dutch

⁶⁹ Earl of Stair to James Craggs, Secretary of State for the Southern Department, Paris, 25 February 1719, TNA, SP, 78, vol. 163, f. 93r.

⁷⁰ D. Fedele, *Naissance de la diplomatie Moderne (XIII^e-XVII^e siècles). L'ambassadeur au croisement du droit, de l'éthique et de la politique*, Baden-Baden 2017, pp. 393-411, DOI 10.5771/9783845284361.

⁷¹ «This private memorial was given to Mylord Stair with his other Dispatches», S.I., 7 May 1717, TNA, SP, 78, vol. 161, f. 79v.

⁷² F. Dhondt, *Balance of Power*, cit., p. 86.

Republic, where Görtz (minister of Charles XII) was arrested as well⁷³. The affair was settled bilaterally, and both ministers were released in due course⁷⁴.

6. *Privateers or Pirates*

The Neapolitan privateers caused considerable damage to all European powers' trade, but especially that of France, Austria's ally in the War of the Quadruple Alliance (1718-1720). The conflict was fought on land in Sicily, in the Basque country and Galicia, but also in the «Adriatic, Mediterranean and the Ocean», with equally consequences in the «Brittanick, Baltic and Borealic Sea»⁷⁵. Suggestions by the French consul to remedy this were to invest more in bribing notables in Naples, either in the courts of justice, or in politics⁷⁶. If we read Réal de Curban (1682-1752)'s *Science du Gouvernement* (posthumously published in 1764), pirates, or «armateurs

⁷³ «he [Marshall d'Huxelles] told me he had received these cursed letters of Gyllenberg [sic] printed in Holland in the same manner as in England» (Earl of Stair to John Methuen, Secretary of State for the Southern Department, Paris, 27 March 1717, cit., f. 29v). The antagonism between Sweden and Britain was linked to George I's personal ambitions in Northern Germany, where former Swedish possessions could serve to enlarge Hanover. As a consequence of the Franco-British alliance, the French equally had to block movements that could reinforce their erstwhile ally in Stockholm (see *ibid.*, wherein Dubois assures Stair that diligent French port officers prevent the export of arms or contraband to Sweden).

⁷⁴ Declaration on behalf of the Regent to George I (duplicata), s.l., London, 20 July 1717 NS, TNA, SP, 78, vol. 161, f. 110r: «Comme Son Altesse R^{le} est instruite des véritables dispositions du Roy de Suede par les depesches du S^r Comte de la Marck confirmées encore par les assurances du s^r Constrom envoyé extraordinaire de ce Prince prez du Roy, elle a ordonné au sr. D'Iberville [French ambassador in London] de donner la presente declaration au Roy de la Grande Bretagne et d'asseurer de sa part Sa Majesté Britannique que le Roy de Suede n'a jamais eu, et qu'il n'a point encore intention de troubler la tranquillité de la Grande Bretagne; qu'il n'est entré [v^o] dans aucun des desseins attribuez a ses ministres; que ce Prince regarderoit comme une chose injurieuse pour luy le simple spouçon qu'il eust eu part a de pareils projets». For the Scandinavian context: É. Schnakenbourg, *La France, le Nord et l'Europe au début du XVIII^e siècle*, Paris 2008.

⁷⁵ Armistitium per Mare servandum inter Carolum VI Romanorum Imperatorem Regemque Catholicum, necnon Ludovicum XV Franciae, Georgium Magnae Britanniae & Victorem Amadeum Sardinia Reges ab unâ, & Philippum V Hispaniarum Regem ab altera parte..., The Hague, 2 April 1720, *CUD (Suppl.)*, II/2, p. 156.

⁷⁶ F. Dhondt, «*Arrestez et Pillez*», cit., pp. 98, 102-104, 110-118.

qui naviguent sans congé»⁷⁷, merited nothing better than death, were considered «justement diffamé», and had only been honourable in Ancient Greece⁷⁸.

In a response to these bottom-up complaints, French diplomats pushed for the conclusion of a convention whereby the neutral Italian polities (the Grand Duchy of Tuscany, the Republics of Venice and Genoa) would agree to close their harbours for the sale of prizes brought in by Spanish or – more likely – Neapolitan privateers⁷⁹. The Franco-British mediators intended to stop fraudulent practices, such as taking on a sovereign's flag «sans y estre autorisé par Sa Commission» or being «pourvu en meme tems de Commissions de deux differens Princes».

The logical sanction was to consider a captain in this situation as «*Pirate*», giving rise to confiscation to the benefit of the state in whose ports ships would have been arrested. This created an important financial incitement for Tuscany, Genoa and Venice to actively search and treat these cases. Of course, captain, officers and crew ought to be «punis comme forbans et gens courans les Mers sans aveu»⁸⁰. Similar projects had already popped up in 1717, around Gyllenborg's arrest⁸¹. It is quite clear that neutral states required a countervailing advantage, since the economic benefits of inertia had to be weighed up against the potential risk of suffering the belligerents' irritation⁸².

⁷⁷ G. Réal de Curban, *La Science du Gouvernement*, t. 5: contenant le droit des gens... Paris 1764, Chapter II, § XVI, p. 470.

⁷⁸ Ivi, Chapter II, § VIII, p. 368. On pirates and privateers, see also the chapter by Stefano Cattelan in this volume.

⁷⁹ Draft treaty, s.d., s.l., TNA, SP, 78, vol. 164, ff. 82r-85r. F. Dhondt, «Arrestez et Pillez», cit., pp. 120-123.

⁸⁰ Art. 6 *in fine*, Draft treaty, cit., ff. 84v-85r.

⁸¹ Stair to Dubois, Paris, 15 April 1717, TNA, SP, 78, vol. 161, ff. 59r-59v: «Comme il sera nécessaire, en cas que le Roy de Suede aye [sic] dessein d'envahir la Grande Bretagne ou qu'il pense à déclarer la guerre au Roy mon maistre, qu'il se fasse une convention entre la Grande Bretagne, la France et la Hollande, pour empêcher des armateurs suédois de s'équiper dans les ports d'aucune de ces trois Puissances, et pour ne point permettre aux Armateurs Suédois d'amener leurs prises ni disposer dans aucun desdits Ports».

⁸² See for a similar case A. Wold, *Privateering and diplomacy, 1793-1807: Great Britain, Denmark-Norway and the question of neutral ports*, London 2020.

7. *The Dormant Catalan Question*

In view of all protagonists' recent history in Catalunya during the War of Succession, it was logical that the debate on the privileges of the local Estates would be reopened. Philip V had to fight his opponent Charles of Habsburg, whose court had been based in Barcelona. Philip of Orléans, as commander of French troops in Spain, caused unrest in Versailles by the appearance of personal ambitions to come out as a compromise candidate in the Spanish Succession⁸³. James Stanhope had been active as military commander during the war, and had been beaten by the French general Vendôme (1654-1712) at the «miraculous» battle of Villaviciosa (10 December 1710), which established Philip V's authority for good⁸⁴. Alberoni, finally, had come to Spain as Vendôme's secretary⁸⁵. However, when teased by Stanhope whether restoring the privileges of the Catalans could be part of conditions imposed on Philip V, the Regent refused: «jamais le Roy d'Espagne ne consentira cette restitution»⁸⁶. In the end, just as with trade, the Regent needed the Court of Madrid for dynastic purposes⁸⁷.

8. *The Italian Conundrum: Savoy between Cagliari and Palermo*

As explained above, the negotiations on Italy should be seen in a long, continuous conversation. Abbot Dubois and the Regent, who favoured the British alliance, had to battle against Marshal d'Huxelles, one of Louis XIV's plenipotentiaries at the conference of Utrecht⁸⁸. Huxelles represented

⁸³ J.-C. Petitfils, *Le Régent*, Paris 2013.

⁸⁴ F. El Hage, *Le duc de Vendôme: la gloire ou l'imposture*, Paris 2016, p. 269.

⁸⁵ J. Rousset de Missy, *Istoria*, cit., p. 19.

⁸⁶ Stair to James Stanhope, Paris, 12 June 1718, TNA, SP, 78, vol. 131, f. 311v.

⁸⁷ Cf. the marriage of Louis XV and two of Orléans's daughters to Philip V's children in 1721 with the «first Bourbon family pact»: Treaty between Louis XV and Philip V, Madrid, 27 March 1721, 31 *CTS* 287.

⁸⁸ Nicolas Chalon du Blé marquis d'Huxelles (1652-1730), see Simon Surreaux, *Les maréchaux de France des Lumières. Histoire et dictionnaire d'une élite militaire dans la société d'Ancien Régime*, Paris 2013.

the «Old Court» and was averse to a conflict with Spain⁸⁹. Stair feared that an alliance of France and Spain would soon ignite a general European war:

«Vous sçavez qu'il y a des gens icy qui ne demandent pas mieux que de voir échouer notre traité avec l'Emp^r pour avoir un prétexte pour se lier avec l'Espagne contre l'Empereur en cas que notre Traité échoue [...] Si cela arrive, je vous en répons que les plus habiles ne previndront pas une guerre universelle et peut être l'alliance avec le Roy de Sicile previndra la guerre en Italie pour cette campagne [...] comment faire pour la soutenir si ces guerres tournoient mal»⁹⁰.

The Regent, as Stair underlined in the same letter «ni par ordre de notre cour ni comme ministre», but «comme particulier zélé pour le bien public», was politically flexible enough to switch his allegiances to the «Old Court», and could easily become «ennemy déclaré et tres dangereux»⁹¹.

One of the key elements in the set-up of the Italian affairs was the satisfaction of the claims put forward by Spain on behalf of Queen Elisabeth Farnese's sons born from her marriage with Philip V⁹². The Queen would relentlessly insist on this, and manage to install a third and eventually a fourth branch of the House of Bourbon on the Italian peninsula.

A second element, which cannot be disregarded from a geopolitical angle, is the position of Savoy-Piedmont. Victor Amadeus II had obtained the royal title at the Treaties of Utrecht, Rastatt and Baden⁹³. This was a sea change for the House of Savoy, which for example made it necessary to split the administration of the Duke's council into separate departments, among which the administration of foreign affairs, for which the Duke-King issued a pathbreaking new regulation in 1717. The House of Savoy had a reputation of playing the opportunistic middle man between the rivals in Versailles and Vienna. Until the «renversement des alliances» of 1756, this strategy would indeed pay off⁹⁴.

⁸⁹ Private instructions for Lord Stair, cit., f. 77v: «Pour ce qui est du Marechal d'Uxelles [sic] et du reste du Conseil, à qui cette grande affaire est inconnuë...».

⁹⁰ Stair to Saint-Saphorin, Paris, 11 April 1718, TNA, SP, 78, vol. 161, f. 224v.

⁹¹ *Ivi*, f. 226r.

⁹² I. de los Ángeles Pérez Samper, *Isabel de Farnesio*, Barcelona 2003.

⁹³ G.G. Symcox, *Victor Amadeus. Absolutism in the Savoyard State 1675-1730*, London 1983; C. Storrs, *War, Diplomacy and the Rise of Savoy, 1690-1720*, Cambridge 1999.

⁹⁴ D. Frigo, *Principe, Ambasciatori e Jus Gentium. L'amministrazione della politica estera*

In September 1717, Abbot Dubois was instructed at his departure for London to ensure that the interests of the House of Savoy would not be disregarded by the Emperor, whose overpowering influence in Italy was absolutely to be avoided⁹⁵. Spain's invasion of Sardinia had given the Emperor «un pretexte spécieux de rejeter sur lui l'infracton de la Neutralité de l'Italie». French consent in the cession of Sicily would make it necessary to grant the Court of Turin «quelqu'un des Etats dont on veut regler la destination»⁹⁶. Precisely when Philip V was about to invade Sicily in the Summer the next year, Alberoni asked Villamayor, Spanish resident in Turin, to publicly complain on Dubois and Stanhope's grand design:

«che hà avuto di che formavasi disegno, e prendevansi le misure per spogliare la M.S. Siciliana di tal Reame, e rimetterlo, senza il minor fondamento di ragione, e di giustizia, nelle mani dell'Arciduca, aumentando maggiormente così la sua gran Potenza tanto fatale, e pregiudiciale all'*Europa*, alla libertà dell'*Italia*, & al ben pubblico»⁹⁷.

However, conceding to the Emperor became inevitable⁹⁸. Victor Amadeus could write to all courts, complaining

«de la dureté avec laquelle on le traittoit, que cela renversait tout le traitté d'Utrecht lequel il etoit tout de l'interest de S.A.R. de ne point affoiblir»⁹⁹.

nel Piemonte del Settecento, Roma 1991, pp. 20, 23-42. On the Viennese side, the House of Savoy had countless issues on imperial jurisdiction (whereby vassals of the Duke could «jump» over their overlord and appeal to the Imperial Aulic Council in Vienna) and borders (especially with the Duchy of Milan). Conversely, ecclesiastical immunities and the recognition of the ruler's royal title were a hot issue with the Court of Rome.

⁹⁵ *Memoire pour servir d'instruction au s^r abbé du Bois*, cit., f. 20r.

⁹⁶ *Ivi*, f. 15r.

⁹⁷ Manifesto written by Duran, Madrid, 15 July 1718, transmitted to Marquis Villamayor in Turin, published in J. Rousset de Missy, *Istoria*, cit., pp. 144-145.

⁹⁸ *Ivi*, p. 145 (the argument was used by Spain to explain why it would «assist» Victor Amadeus): «che obbliga a il Rè nostro Padrone ad opporsi all'ingrandimento del suo Nemico, quando ben si vede che *S.M. Siciliana* non era in istato di resistere alla violenza delle Potenze Mediatrici».

⁹⁹ Stair to Craggs, Paris, 14 May 1718, TNA, SP, 78, vol. 161, f. 266v. Victor Amadeus immediately added an offer to wed one of the Regent's daughters to his eldest son, «au même tems qu'il traite avec l'Emp^r pour sa niece et avec le Roy du Portugal pour sa fille». The offer had been rejected categorically by the Regent (Dubois to Stanhope, Paris, 31

Finally, late in 1718, the Piedmontese sovereign was forced to adhere to the Quadruple Alliance, and thereby accept the loss of Sicily for Sardinia¹⁰⁰. It is not surprising that the Savoyard emissary in Vienne, Count de Bras, tried to invent alternative schemes, e.g. requesting the eventual succession in Tuscany, and the hand of one of Charles VI's daughters for the prince of Piedmont¹⁰¹.

Saint-Saphorin and Schaub recalled in a dispatch for the Emperor's foreign affairs minister Sinzendorf (1671-1742) how Victor Amadeus's diplomat Marquis du Bourg (1662-1743)¹⁰² had crossed the Channel in 1711, «immediately» after the death of Emperor Joseph I, complaining that:

August 1718, cit., f. 91r).

¹⁰⁰ *Victoris Amadei Regis Sardiniae Accessio ad Concordatum & Foedus Pro Pacificatione Rerum Europaearum inter Carolum VI. Caesarem Augustissimum Ludovicum XV Regem Franciae & Georgium Regem Magnae Britanniae Londini Factum...*, Paris, 5 December 1718, *CUD VIII/1*, p. 549. See Stair to Craggs, Paris, 13 January 1719, TNA, SP, 78, vol. 163, ff. 8v-9r with the news on Savoy's accession, brought by the Imperial courier from Vienna. See E. Mongiano, «*Universae Europae securitas*». *I trattati di cessione della Sardegna a Vittorio Amedeo II di Savoia*, Torino 1995.

¹⁰¹ Louis de Pesme de Saint-Saphorin and Lukas Schaub to Stair, Vienna, 5 April 1718, TNA, SP, 78, vol. 161, f. 221r. Saint-Saphorin and Schaub describe that de Bras was – mistakenly – confident that the French resident Jean-Baptiste du Bourg (1690-1728) was «dans le parti opposé» (i.e. the Old Court with d'Huxelles), which made him deploy a set of illusionary steps («des idées tres chimeriques»): 1° cession of Sicily to Charles VI; 2° countervailing «cession or assurance to» Tuscany; 3° an archduchess for the «Prince de Piemont»; 4° with Philip V of Spain's consent, cession of Sardinia to Victor Amadeus II, if Charles VI consented to join forces with Philip V to chase Orléans in case the young Louis XV would come to die. In that case, Victor Amadeus II would become King of Spain, whereas Philip V would take up his grandfather's crown (which he had solemnly renounced, as a cornerstone of the Treaties of Utrecht). As a sign of gratitude to Charles VI, the House of Savoy would cede him all their Italian possessions when moving to Spain. Saint-Saphorin (a Protestant) was sure that the Jesuits and the Court of Rome were furthering this scheme, and did not hide his despise for the «detestables ressorts» (ivi, f° 221v°) brought into play. This type of court gossip can sound anecdotal, but it is revealing for the ever-present promotion to the first ranks of European dynasties to which the House of Savoy actively aspired. See similarly the project of Contador-general Fontana, another Savoyard envoy in Vienne, who was thought to be instructed by Philip V and Victor Amadeus II jointly, «à procurer la France au Roy Philippe, l'Espagne au Roy de Sicile, et toute l'Italie à l'Empereur», with the variation that one of Joseph I's (and not Charles VI's) daughters would marry the Prince of Piedmont (Schaub to Stair, Vienna, 22 May 1718, TNA, SP, 78, vol. 261, f. 287v).

¹⁰² Francisco Ignazio Soretta marchese del Borgo, Victor Amadeus II's minister plenipotentiary at the Peace of Utrecht (D. Frigo, *Principe*, cit., p. 18) and *primo segretario* of the King (ivi, p. 72).

«l'Europe ne devoit pas permettre que le même Prince occupât l'Empire, les Pais Héréditaires & les Espagnes»¹⁰³.

George I's diplomats reminded the top brass of Imperial diplomacy that the same du Bourg had stimulated count Strafford in Utrecht (where Sinzendorf had been present) to rein in the Emperor's power in Italy¹⁰⁴. Even more, «le Roi de Sicile [Victor Amadeus II] a eu une part très considerable dans l'entreprise des Espagnols contre la Sardaigne»¹⁰⁵ and was depicted as eager to claim his part once Spain would have invaded the peninsula for further conquests.

Fundamentally, Victor Amadeus always had the acquisition of the neighbouring Duchy of Milan in mind¹⁰⁶. Savoyard duplicity was evident: Turin implored Philip V not to agree to the Franco-British plan of pacification and to send more troops to Italy, but, at the same time, keeping Charles VI from adhering to the alliance that should come to his defence. The Savoyard ministers had no other objective but to:

«tout brouiller dans l'Europe, & à jeter entre ses principales Puissances des soupçons & des jalousies si propres à la tenir divisée, & à la replonger dans de nouvelles guerres»¹⁰⁷.

Wedding one's daughter to a scion of the House of Savoy, meant that the whole of Europe would fear the King of Sicily's «fatal savoir faire»¹⁰⁸. His son, the Prince of Piedmont, was considered to be a supporter of the Pretender. What kind of effect would this procure in English public opinion?¹⁰⁹ Even the Emperor could not take the risk to lose

«la confiance de l'Europe, qu'il importe tant à un Grand Monarque comme lui de se conserver»¹¹⁰.

¹⁰³ Saint-Saphorin and Schaub to Ludwig Phillip Graf Sinzendorf, Vienna, 17 May 1718, TNA, SP, 78, vol. 161, f. 284r.

¹⁰⁴ «démarches violentes», *ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ Ivi, f. 284v. D. Frigo, *Principe*, cit., p. 19.

¹⁰⁷ *Ibid.*

¹⁰⁸ Until the Spanish invasion of Sicily (July 1718), Victor Amadeus II was still in control of the island.

¹⁰⁹ Saint-Saphorin and Schaub to Sinzendorf, 17 May 1718, cit., f. 285v.

¹¹⁰ Ivi, f. 285r.

Philip V dismissed Alberoni on 5 December 1719 and adhered to the Treaty of London on 17 February 1720¹¹¹. Three months later, in May 1720, the exchange of Sicily and Sardinia took place, which implied that Victor Amadeus II had to cede the «Island and Kingdom of Sicily», in the same state he received it from Philip V in Utrecht¹¹². In the literal logic of the act of cession and the Hispano-Savoyard treaty of peace, Victor Amadeus II would not have been entitled to do so. In practice, the island had been effectively conquered by the troops of Philip V in the Summer of 1718. This, in turn, gave France and Britain a valid pretext to activate their duty to come to an attacked ally's defense¹¹³. By 1720, the latter's forces were «inferieures en nombre et dénuées de tout ce qu'il leur faut pour faire la guerre»¹¹⁴.

The Spanish reversion right was lost. However, in return, Philip V was entitled to keep his Sicilian *allodia* (fiefs for which he was the sole overlord)¹¹⁵. As customary, the military commanders on both islands signed conventions of evacuation.¹¹⁶ This did not go ahead without Imperial wrangling on the practical conditions. Contrary to what had happened in the Catalan case, Charles VI insisted on occupying Palermo first, and getting his hands on the occupants' artillery¹¹⁷. In a succinct memorandum of seven points, the standard provisions used in Utrecht for the transfer of the Southern Low Countries, Catalunya or East-Guelders, can easily be retrieved. A transfer « dans l'état qu'elle étoit du tems que

¹¹¹ Philippi V. Regis Hispaniarum Accessio iterata, & per Plenipotentiarum suum, ad Tractatum sive Concordatum Londini 2. Augusti eujusdem anni initum, extensa, The Hague, 17 February 1720, *CUD VIII/2*, p. 26.

¹¹² Draft treaty, TNA, SP, 78, vol. 161, f. 211r.

¹¹³ Stair to Craggs, Paris, 20 August 1718, TNA, SP, 78, vol. 126, f. 56v: «if the Cardinal [Alberoni] did not only refuse to enter into our treatys but continued to attack our ally whom by the Treatys of Utrecht Brittain & France are obliged to protect & to warrand [sic] the possession of Sicily».

¹¹⁴ Stair to Schaub, Paris, 17 April 1720, cit., f. 302r.

¹¹⁵ Extrait des ordres qui sont joints au pleinpouvoir, pour le Marquis de Lede, et qui ont été envoyés de Madrid à l'abbé Landi, pour les faire passer en Sicile, s.l., s.d. (April 1718?), TNA, SP, 78, vol. 167, f. 297r, article 8.

¹¹⁶ Vergleych so zwischen den Grafen von Mercy als Commandirenden Kayserl. General in Sicilien, dann den Spanischen Generale Marchese de Lede, mittelst unterhandlung des Englischen Admirals Bynghs getroffen worden... Palermo, 6 May 1720, *CUD VIII/2*, p. 27.

¹¹⁷ Memorandum on the evacuation of Sicily, s.l., s.d., TNA, SP, 78, vol. 167, ff. 472r-430r.

le Traité fut fait»¹¹⁸ guaranteed the stability of privileges, ecclesiastical provisions and nominations, pensions and bishoprics, as well as civil and military positions, « conforme à tous les traités et actes de cessions de pays qui se font entre des princes»¹¹⁹.

9. Conclusion

The territorial rearrangement of Italy would be settled in the Wars of the Polish (1733-1738) and Austrian Succession (1740-1748). Throughout the discussion on the «return of Spain to Italy», the parameters were practically the same¹²⁰. The analysis of specific moments in this long diplomatic waltz, as in the present paper, allows us to see the practical use of concepts as «rebel» or «pirate», depending on the changing configurations in alliances, friendship and enmity.

As Renaud Morieux recalls in his recent study on prisoners of war, we should be cautious to take doctrinal concepts literally in a world where the entangled law of nations, municipal law and more urgent pragmatic needs were combined *ad hoc*¹²¹. In practice, individuals (from the Jacobite nobleman to the French merchant, the Catalan migrant or the Sardinian peasant) were labelled according to the needs of diplomatic shuffling. Loyalties were flexible and deliberately ambiguous, with both friends and foes: one could always be someone else's «Rebelle».

Yet, if the power relations underpinning the peace treaties of Utrecht were reinvented, and exerted a durable influence (e.g. forcing through the exchange of Sardinia for Sicily), we should not forget either that power in the *Ancien Régime* was mainly local, as the emphasis of the conservation of privileges in all cases underlines. The reasons for a resentful rebellion, and thus an open door for external enemies in a future war, could be diminished where the new sovereign managed his relationship with the Estates.

¹¹⁸ Ivi, ff. 429r-429v.

¹¹⁹ *Ibid.*

¹²⁰ E.g. Stair to James Stanhope, Paris, 22 June 1718, TNA, SP, 78, vol. 261, ff. 298r-298v on the Italian, Swiss, Dutch or Spanish garrisons to preventively occupy the fortresses of Tuscany, Parma and Piacenza, as a real security for the third branch of the House of Bourbon.

¹²¹ R. Morieux, *The Society of Prisoners. Anglo-French Wars and Incarceration in the Eighteenth Century*, Oxford 2019, pp. 8, 30-76.