

**COMMERCE AND CONSTITUTION IN EARLY MODERN BRITAIN AND SPAIN:
ALTERNATIVES FROM SCOTLAND AND CATALONIA (1680-1720)**

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DEUS MEUS, ADIUTOR MEUS

*In loving memory of Anita,
the kindest, wittiest,
and most extraordinary
of all history teachers.*

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Abstract

The dissertation intends to contribute to the intellectual history of the transformation of the British and the Hispanic composite monarchies at the beginning of the eighteenth century, discussing these transformations as episodes in the geopolitical history of Europe. It proposes that the unions established in 1707 and subsequently, incorporating Scotland into a British, and Catalonia and the Crown of Aragon into a Spanish polity, were not foregone conclusions until the moment of their inception – and to an extent even beyond. Credible alternatives to incorporating union were discussed in both contexts, and the outcome was contingent on particular historical constellations.

The first chapter focuses on the 1680s and 90s and contextualizes, compares, and contrasts the ideas of Andrew Fletcher of Saltoun and Narcís Feliu de la Penya, two ‘provincial patriots’ who saw their homelands, Scotland and Catalonia, being relegated to the peripheries of the Stuart and Habsburg dynastic conglomerates, and consequently the globalizing British and Spanish commercial empires. The two authors identified similar challenges, proposed similar solutions, and resorted to comparable conceptual frameworks as they proposed the double objective of securing their respective homeland’s wealth through increasing their share in the profits of globalizing commerce, while simultaneously buttressing Scotland’s and Catalonia’s ancient constitutions.

The second chapter argues that the ideas formulated by Fletcher and Feliu can be read as part of a longer historical trajectory of Scottish and Catalan attempts to carve out space inside the British and the Habsburg composite monarchies, while mitigating English and Castilian pressure on their access to colonial trade. Throughout the seventeenth century, Scottish attempts were made to circumvent English dominance and control over North Atlantic trade by establishing colonies on the American continent (New Scotland, Stuarts Town, Darien). The contested succession to the throne(s) of the Hispanic monarchy allowed the Catalan estates to make their support conditional on legislation introducing favorable changes to its commercial system and obtain a relaxation of the restrictions on direct trade between Catalonia and the American colonies, obtaining assent from the two rival candidates to the throne. The failure of these schemes combined with a set of historical circumstances (the War of the Spanish Succession, succession crises in both contexts) to catalyze the triumph of incorporating union rather than any other constitutional alternative.

The third chapter examines the matter of ever closer union from the perspective of the royal governments of the dynastic unions, arguing that while this perspective may have favored incorporating union to constitutional plurality in the British and the Hispanic monarchy, no design of the royal governments would have been able to stack the scales on its own against the Scottish and the Catalan constitutions. The pushback from the “peripheries” (notably the Scottish and the Catalan political nations) was strong, but incorporating union was not necessarily seen as advantageous by political actors in the “center” of the monarchy either.

The fourth and last chapter offers an analysis of the (lack of) stability of the freshly established unions. It argues that the conclusion of incorporating unions in and after 1707 did not put an end to debates on their legitimacy and desirability overnight. As the benefits of union did not immediately materialize, internal and external forces interested in the dissolution of the union

remained operational. The union states eventually gained enough time to prove their worth in the absence of another catalyzing event that would have facilitated the undoing of unions. The British and Spanish unions consolidated, arguably, against the odds.

The dissertation enables us to reconsider interpretations of the creation of the British and the Spanish union states, and to look at the ways in which certain concepts were formulated in the past to provide political alternatives in the present times.

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Introduction

The inspiration for a comparison between Scotland and Catalonia at the turn of the seventeenth and eighteenth centuries, which the present dissertation proposes, stems from my previous academic work in other disciplines. The politics, narratives, strategies, and challenges of independence movements in Catalonia were the subject matter of my first master's thesis, submitted in 2015 for the joint International Relations and European Studies program of the University of Szeged (Hungary) and the Institut d'Études Politiques de Lille (France). My second master's thesis, defended in 2016 in the Nationalism Studies Program at Central European University (Budapest) meant to complete the previous work with a Scottish dimension, offering a comparative analysis of the constitutional, legal, and political aspects of the independence question in Scotland and Catalonia.

The 2010s were exciting times in Scottish and Catalan, and by extension British and Spanish politics. In 2010, after four years of deliberation, the Spanish Constitutional Court rendered a verdict in hundreds of pages on Catalonia's new Statute of Autonomy, adopted in 2006, essentially 'castrating' all major updates to the earlier version of the document for incompatibility with the Spanish Constitution. In Catalonia, the verdict was widely perceived as an affront to expressions of Catalan national identity, causing uproar and lending momentum to political forces advocating for Catalonia's secession from Spain. Apart from the mass demonstrations that regularly materialized on the streets of Barcelona in subsequent years, the pro-independence agenda culminated in the organization of referenda in 2014 and 2017, deemed illegal by the Spanish authorities who pressed criminal charges against the organizers. Meanwhile, an independence referendum, coordinated with the British government and of uncontested legal validity, took place in Scotland in 2014, resulting in the narrow victory of those in favor of Scotland remaining within the British union. The pro-independence campaign conceded defeat, and the Scottish First

Minister resigned, but this was not the end of the independence question in Scotland. Two years later, the unexpected result of the referendum on the withdrawal of the United Kingdom from the European Union revived the matter, as the majority of Scots did not want to see their country outside the EU – an argument that might have been decisive for the outcome of the 2014 independence referendum.

The political effervescence in Scotland and Catalonia had an obvious impact on the social sciences. Researchers working in the fields of legal studies, nationalism studies, political science, international relations, and economics eagerly engaged with the ‘Scottish’ and the ‘Catalan’ questions. Importantly, and reflective not only of the temporal coincidence but also of a set of structural similarities between the two cases, Scotland and Catalonia were often analyzed in comparison to each other, with the additional tendency to interpret the challenge of sub-state independence in the context of European integration.¹ At first sight, the discipline of History appeared somewhat hesitant to jump on the bandwagon of Catalan-Scottish comparisons that the social sciences produced as the constitutional debates and the independence referenda unfolded. Such a lack of interest would have been peculiar, as a cursory look at the historiographies on Scotland and Catalonia suggested that the constitutional foundations challenged by the local independence movements in the twenty first century happened to have been laid in close chronological proximity in the two contexts. The temporal coincidence between the Act of Union

¹ Just to name a few examples: Angela K. Bourne, “Europeanization and Secession: The Cases of Catalonia and Scotland,” *Journal on Ethnopolitics and Minority Issues In Europe (JEMIE)* 13, no. 3 (2014): 94-120; Vito Breda, “La devolución de Escocia y el referéndum de 2014: ¿Cuáles son las repercusiones potenciales en España?,” *Teoría y Realidad Constitucional* no. 31 (2013): 69-88; Francesc de Carreras Serra, “Unión Europea y secesión de Estados miembros: ¿deben intervenir las Instituciones Europeas?,” *Teoría y realidad constitucional* no. 33 (2014): 271-282; Christopher K. Connolly, “Independence in Europe: Secession, Sovereignty and the European Union,” *Duke Journal of Comparative & International Law* 24, no. 51 (2013): 51-105; Scott L. Greer, *Nationalism and self-government: the politics of autonomy in Scotland and Catalonia* (Albany: State University of New York Press, 2007); Montserrat Guibernau, “National identity, devolution and secession in Canada, Britain and Spain,” *Nations & Nationalism* 12, no. 1 (January 2006): 51-76; David Martí, “National Identity and Constitutional Change: An Analysis of Scotland and Catalonia,” *Scottish Affairs* 73, no. 1 (Autumn 2010): 11-35; Klaus-Jürgen Nagel, “Transcending the National / Asserting the National: How Stateless Nations like Scotland, Wales and Catalonia React to European Integration?,” *Australian Journal of Politics and History* 50, no. 1 (2004): 57-74; Thomas Y. Patrick, “The Zeitgeist of Secession Amidst the March Towards Unification: Scotland, Catalonia, and the Future of the European Union,” *Boston College International & Comparative Law Review* 39, no. 1 (January 2016): 195-226.

that created a United Kingdom between England and Scotland in 1707, and the Nueva Planta decrees that extended Castilian law to the realms of the Crown of Aragon, including Catalonia, between 1707 and 1716 was too obvious to ignore. Temporal coincidence is, of course, not enough for a meaningful comparative analysis. I intended to find out whether there was more to this coincidence. The present dissertation is a consequence of that intention, proposing that Scotland and Catalonia are the legitimate subjects of comparison though the theme of their incorporation into, respectively, the British and the Spanish union states at the beginning of the eighteenth century.

Scotland and Catalonia: historical comparisons

A closer historiographical survey suggested that historians have been aware of the potential of comparison between Scotland and Catalonia, including in the early modern period, albeit manifestations of this interest may have been more equally distributed across time and less obviously influenced by the events around 2010 that turned the two stateless nations into fashionable subjects of inquiry in other disciplines. In an article from 1989, J. K. J. Thomson could still remark the low number of comparisons “between the historical developments of Scotland and Catalonia,” which he found “surprising for there were certainly marked parallels in these two nations’ destinies, not only at the very general level of two independent countries being absorbed, to a lesser and greater degree by larger and more powerful neighbors, but also with respect to the process, timing and causes of integration.”² Thomson’s article on Scotland’s and Catalonia’s post-union access to the American market was an important step toward filling this gap in historiography, but his call for more comprehensive research bringing the two contexts into a

² J. K. J. Thomson, “Scotland and Catalonia and the American Market in the Eighteenth Century,” *Scottish Economic & Social History* 9, no. 1 (1989): 5-20.

balanced comparative framework (rather than the occasional featuring of one within works primarily focusing on the other) was not immediately heeded.

Twenty years later, in 2009, the *Revista Internacional de Estudios Vascos* (RIEV – The International Review of Basque Studies) dedicated its 5th *Cuaderno* to “Forms of Union: The British and the Spanish Monarchies in the 17th and 18th Centuries.” This publication constituted a more systematic effort to compare the British and the Spanish monarchies around the establishment of the Anglo-Scottish and the Castilian-Aragonese unions with the participation of historians working on either or both national contexts. While most of the articles in the collection were not comparative per se, Jon Arrieta Alberdi offered a comparative analysis of the British and the Spanish unions, and Jesús Astigarraga made the case for a similar comparison between Scotland and the Basque Countries in the eighteenth century. The treatment of the integration of the Basque Country into the early Bourbon monarchy is especially important to the subject matter of this dissertation, as Catalonia – another element within the puzzle of the Hispanic monarchy that posed obvious challenges to the Bourbon administration – offers similar themes of comparison with Scotland.³ In his preface to the issue, Arrieta reflected on “the importance of the comparison between the Spanish and British monarchies [that] enabled commentators to position events against a European backdrop.” In the early 1700s, the European context was, to a large extent, determined by the War of the Spanish Succession, which, according to Arrieta, did not only bring the British and the Spanish monarchies into a close contact, England being “the leading force behind the opposition to the Bourbons,” but it also marked the culmination of England’s ascendancy replacing Spain as a dominant power in Europe and around the globe – a turn of affairs that certainly had a lot to do with the nature, circumstances, and results of union in Britain and Spain.⁴

³ Jon Arrieta, “Forms of Union: Britain and Spain, a Comparative Analysis,” *RIEV Cuadernos* 5 (2009): 23-52; Jesús Astigarraga, “Economic Integration Models and Processes of Political Union. The Contrasting Fates of Scotland and the Basque Country after 1707,” *RIEV Cuadernos* 5 (2009): 141-163.

⁴ Jon Arrieta, “Preface,” *RIEV Cuadernos* 5 (2009): 7.

The War of the Spanish Succession as a crucial link between the two contexts was further explored in a volume edited by Trevor J. Dadson and John H. Elliott, and published in 2014 for the tricentenary of the peace treaties of Utrecht and Rastatt at the end of the War of Succession in 1713-14.⁵ The contributors examined the historical and legal contexts of the Peace of Utrecht in ways that proved especially stimulating to the present dissertation project. While most of the chapters still focused on either the British, or the Spanish context, cumulatively offering a comparative view, Jon Arrieta's chapter further developed the explicit comparison between the Anglo-Scottish union and the Nueva Planta decrees. Other chapters offered innovative thematic frameworks for comparative analysis, such as the War of the Spanish Succession, the Utrecht settlement, and the question of Gibraltar, a territory that has remained a point of contestation between Britain and Spain ever since the latter ceded it to the former in the Peace of Utrecht. The work of several historians contributing to the volume – John Elliott, Xavier Gil, Jon Arrieta, Christopher Storrs, Andrew Thompson – were instrumental to the completion of this dissertation.

It took another four years for a comprehensive and comparative account of Scottish and Catalan history to be published in the form of John H. Elliott's *Scots and Catalans. Union and Disunion*. Elliott had already made the case for such a comparison in the Preface to the above-referred 2009 issue of *RIEV*, when he reflected on “the problem of how to work out new and effective forms of union appropriate for a new era,” finding that historians have “a vital part to play in this process of rethinking, and, if they do their work well, [they] might even manage to convince today's dangerously a-historical politicians that they can learn something from the past.”⁶ In 2018, after a turbulent period marked by mass political mobilization in Scotland and Catalonia bearing on the future of union in Britain and Spain, Elliott made “an attempt to explore the origins and fluctuating trajectories of national sentiment in Scotland and Catalonia, and of the separatist movements to

⁵ Trevor J. Dadson and John H. Elliott, ed., *Britain, Spain, and the Treaty of Utrecht 1713-2013* (London: Modern Humanities Research Association and Maney Publishing, 2014).

⁶ John H. Elliott, “Introduction,” *RIEV Cuadernos* 5 (2009): 19.

which it is currently giving rise,” reflecting on the “long historical ancestries” of Scotland and Catalonia from the Middle Ages to the present.⁷ Elliott’s answer to the fundamental proposition of this dissertation – that historical comparison between the Scottish and Catalan contexts could indeed be meaningful and valuable – remained strongly affirmative, arguing “that a comparison of the two, in attempting to identify and explain the similarities and the differences between their respective experiences, will shed some light on the development of European state structures over more than five centuries, and on the forms taken by nationalist movements and the secessionist demands that some of them inspired.” To Elliott, the unions established in the early 1700s offered an clear rationale for the comparison, as “both [Scotland and Catalonia] were integrated, with varying degrees of success, into emerging polities, Britain and Spain, whose histories form part of the larger story that also has to be taken into account; and both have lived over the centuries in the shadow of a more powerful neighbour, to which their histories need to be constantly related.”⁸

The significance of *Scots and Catalans* cannot be overstated, not least from the perspective of my own research. I still vividly remember that late October day in 2018 when I waltzed into the Waterstones bookstore on Princes Street in Edinburgh and saw copies of the hardcover edition of Elliott’s new book piled up in a spot of prominence. I immediately purchased the book, but my elation was quickly turned into dread when I realized that the dissertation project that I had embarked on the previous year might have just been made redundant by such a distinguished historian. Luckily for me, Elliott’s monograph, spanning hundreds of years of Catalan and Scottish history, inevitably leaves space for, indeed invites more scholarly work that zooms in on events, developments, and ideas constrained to shorter periods of time. Essentially, this is what I set out to achieve in my dissertation; should it prove worthy of being considered a long footnote to *Scots and Catalans*, I have not toiled in vain.

⁷ John H. Elliott, *Scots and Catalans. Union and Disunion* (London; New Haven, CT: Yale University Press, 2018), 4-5.

⁸ *Ibid.*, 5.

The dissertation focuses on the period between approximately 1680 and 1720, or roughly two decades on either side of the establishment of the British and the Spanish unions at the beginning of the eighteenth century. It primarily intends to contribute to the intellectual history of the transformation of the British and the Hispanic composite monarchies into the British and Spanish union states, relating these transformations to the geopolitical developments of the time. It proposes that the unions established in 1707 and subsequently, incorporating Scotland into a British, and Catalonia and the Crown of Aragon into a Spanish polity, were not foregone conclusions until the moment of their inception – and to an extent even beyond. Credible alternatives to incorporating union were discussed in both contexts, and the outcome was contingent on particular historical constellations. It is my hope that the dissertation enables us to reconsider interpretations of the creation of the British and the Spanish union states. Exploring the “paths not taken” by Scotland and Catalonia around 1707 could help us lessen the distortion of teleological paradigms generated by previous generations of historians, politicians, and others armed with the benefit of hindsight who may have discarded such alternatives as unrealistic in the first place. Reflecting on what did not happen may be somewhat controversial as the objective of a dissertation in History. But just like the twists and turns of the politics of independence on the two sides of 2010 excited social scientists despite the fact that neither Scottish, nor Catalan independence has come within reach ever since, I believe that a careful analysis of options that, though eventually sidelined, were considered feasible and desirable by contemporary stakeholders does not only help us better understand the option that was eventually taken, but it could offer us fruitful ways to think about some of the concepts denoting Scotland’s and Catalonia’s place relative to Britain and Spain – and indeed Europe and the world. Looking at the ways in which these concepts were formulated in the past could help us evaluate political alternatives in the present times, and perhaps anticipate the paths lying ahead for these countries.⁹

⁹ Filip Biały, “Freedom, silent power and the role of an historian in the digital age – Interview with Quentin Skinner,” *History of European Ideas* 48, no. 7 (2022): 874.

Historiographies of union and disunion

The observation that the effervescence in Scottish and Catalan politics in the 2010s resulted in a relatively measured spike in cross-contextual, comparative research in History compared to, say, Political Science or Legal Studies needs to be further qualified here. Could it have been that historians, due to the methodological specificities of their craft, wanted to avoid projecting the sensationalism of the present onto the past? Perhaps – although the reverse approach that historians do tend to like, increasing research output while commemorating round anniversaries like the quincentenary of Columbus’ arrival in America in 1992 or the tricentenary of the Acts of Union in 2007 reminds us that the discipline is aware of similar opportunities for public engagement. But more to the point, matters of union and disunion, the constitutional, legal, economic, and cultural pluralities of Britain and Spain have been privileged subjects of historiography in the two contexts for decades. Within these wider considerations, Catalonia and Scotland – their situation and opportunities within the larger framework of their respective monarchies/empires in the early modern period – have gained contours as individual subjects of research through a variety of approaches, parallelling the metamorphoses of the national constitutional-political environments in Britain and Spain.

Scottish history started to reclaim its place on the agenda of historical research relatively recently, as the context of national politics in Scotland was changing in the second half of the twentieth century. “The rise of the SNP [Scottish National Party] from the 1960s, the devolution agenda, and the pollsters’ conclusions that in terms of identity ‘Scottishness’ seemed to be gaining on ‘Britishness’, provided for a new, public interest in Scottish history,”¹⁰ shaking it up after a century

¹⁰ Tom M. Devine and Jenny Wormald, “Introduction: The Study of Modern Scottish History,” in *The Oxford Handbook of Modern Scottish History*, ed. Tom M. Devine and Jenny Wormald (Oxford: Oxford University Press, 2012), 3, 10.

of slumber. Indeed, Scottish history had to be emancipated from an encompassing British history. Marinell Ash, an American historian whose own research at St. Andrews contributed to this emancipation, reflected on how, after a short-lived historical revolution of the early nineteenth century, inspired by Walter Scott's historical novels and the growing emphasis on documents-based evidence in recreating images of the past, Scottish history suffered a "strange death." By the 1870s, Scottish history "had ceased to be the mark of broadly educated Scotsmen and had come instead to be seen as the mark of a narrow parochialism most Scots wished to abandon," and the interest of historians, following similar changes of orientation in Scottish society, turned towards Britain and its empire as the main units of analysis.¹¹ Ash confirmed that an important element of this process, perhaps as much a reason for as a consequence of it, was the "failure of intellectual nerve" that George Elder Davie attributed to Scottish universities in his 1961 book, *The Democratic Intellect*. Davie observed how Scottish universities abandoned previously favored themes and characters of Scottish history as if they had lost their confidence in the relevance or desirability of Scotland as an object of historical research.¹² A 1973 survey by Bruce Lenman likewise concluded that Scottish History as a subject had faded out of the Scottish educational system by the 1850s.¹³ The pre-1707 history of Scotland fared even worse, having been qualified already by "eighteenth-century Enlightenment writers as a subject not worthy of serious study," and dismissed as medieval by influential British historians like Hugh Trevor-Roper as late as the 1970s.¹⁴ Overall, Scottish history gradually marginalized in universities and educated society following incorporating union with England.

Scotland started to make its comeback as a distinct theme of historical research after the Second World War. The Scottish Historical Review (SHR), on a hiatus since 1928, reappeared in 1947,

¹¹ Marinell Ash, *The Strange Death of Scottish History* (Edinburgh: The Ramsay Head Press, 1980), 10.

¹² George Elder Davie, *The Democratic Intellect. Scotland and Her Universities in the Nineteenth Century* (Edinburgh: Edinburgh University Press, 1961).

¹³ Devine and Wormald, "Introduction," 2.

¹⁴ Karin Bowie, "Cultural, British and Global Turns in the History of Early Modern Scotland," *The Scottish Historical Review* 92, no. 234 (2013): 41.

although the hope that the two annual issues would soon grow to three or even four, expressed at the time by the editor, has manifested only occasionally ever since.¹⁵ Chairs in Scottish history were established in the 1950s in St. Andrews, Glasgow, and Edinburgh.¹⁶ The 1960s and 70s saw groundbreaking research in Scottish economic and social history. Christopher Smout's early work on Scottish trade preceding the union was followed in the 1970s and 80s by Tom Devine's exploration of Glasgow as the center of tobacco trade in the late eighteenth century, and Jenny Wormald's work on early modern, especially pre-union Scottish monarchy and government.¹⁷ Scotland could finally catch up with "the mainstream of generic European scholarship, where issues very relevant to Scotland—peasant life, rural transformation, emigration, urbanization, industrialization, and much else—were commonplace."¹⁸ The revival of Scottish history brought with it not only a revision of Scotland's place within British history, but a more general reappraisal of traditional ('Whig') accounts of key episodes in the formation of the Anglo-Scottish union, such as the Glorious Revolution of 1689-90.¹⁹ When taking stock of recent achievements, contributors to the 'Whither Scottish History?' conference of 1993 (and the subsequent publication of its proceedings the following year in the SHR²⁰) expressed an optimistic assessment of the historiography of seventeenth and eighteenth-century Scotland, highlighting "a shift away from insular narratives and narrow Anglo-Scottish comparisons towards a wider contextualization of Scottish history."²¹ By the early 2000s, Christopher Smout – Historiographer Royal of Scotland

¹⁵ "[Note by Editor]." *The Scottish Historical Review* 26, no. 101 (1947): 1.

¹⁶ Devine and Wormald, "Introduction," 9.

¹⁷ T. C. Smout, *Scottish Trade on the Eve of Union, 1660-1707* (Edinburgh: Oliver & Boyd, 1963); T. M. Devine, *The Tobacco Lords: A Study of the Tobacco Merchants of Glasgow and their Trading Activities, 1740-1790* (Edinburgh: John Donald, 1975); Jenny Wormald, *Court, Kirk, and Community: Scotland 1470-1625* (Edinburgh: Edward Arnold, 1981).

¹⁸ Devine and Wormald, "Introduction," 10.

¹⁹ Colin Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity, 1689-c.1830* (Cambridge: Cambridge University Press, 1993); J. R. Jones, ed., *Liberty Secured? Britain Before and After 1688* (Stanford, CA: Stanford University Press, 1992); Lois G. Schwoerer, ed., *The Revolution of 1688-1689: Changing Perspectives* (New York: Cambridge University Press, 1992).

²⁰ "'Whither Scottish History?': Proceedings of the 1993 Strathclyde Conference," *Scottish Historical Review* 73, no. 195 (April 1994, Part 1): 1-144.

²¹ Bowie, "Cultural, British and Global Turns," 38.

since 1993 – could declare that Scottish history had become “pretty vigorous.”²² Karin Bowie, in a supplementary volume of the SHR published in 2013 and based partially on the discussions of a 2010 conference in Edinburgh that followed up on the stocktaking of the 1993, identified three main intellectual trends shaping Scottish history and consequently the way early modern unions and Scotland’s place within Britain could be approached. A cultural turn has brought awareness of postmodern and poststructural approaches to historiography, causing a divestment “from social, economic and institutional histories towards histories of cultural practices and beliefs, embedded in social settings.” The rise of a new British history resulted in more “attention to the constituent parts of the British composite monarchy and empire,” albeit no scholarly consensus has been established as to whether this approach indeed decentralizes British and imperial history in a meaningful way, or simply relabels earlier Anglo-centric approaches. More recently, a global turn in historiography incited a rethinking of national approaches to Scottish history to explore “political, economic or environmental change at supranational levels” and place Scotland and Scottish society within these changes.²³

Recent historiography that informs the key themes of the present dissertation demonstrates that the dynamics that Scottish history gained half a century ago has not lost steam. A reassessment of political thought in Scotland during the Union of the Crowns and around the incorporating union of 1707 by scholars like John Robertson, Karin Bowie, or Colin Kidd shed new light on the constitutional and political mechanisms behind the making of the British union through the prisms of commerce and empire, religious beliefs and national identities, and the impact and management of public opinion.²⁴ Research on political thought was accompanied by a revival in Jacobite studies,

²² Andrew Mackillop, “The State of Early Modern and Modern Scottish Histories,” *The Scottish Historical Review* 92, no. 234 (2013): 1.

²³ Bowie, “Cultural, British and Global Turns,” 39, 47.

²⁴ Colin Kidd, *Union and Unionisms: Political Thought in Scotland 1500-2000* (Cambridge: Cambridge University Press, 2008); Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707* (Boydell Press: Woodbridge, Suffolk, 2007); John Robertson, ed., *A Union for Empire. Political Thought and the British Union of 1707* (Cambridge: Cambridge University Press, 1995).

dismantling the myth of Jacobitism as an unprogressive and thereby doomed and irrelevant side branch of Scottish history – most recently, Daniel Szechi built on and fundamentally revised earlier research by Bruce Lenman and Paul Kléber Monod on the subject.²⁵ Fresh insights into Scotland's contribution to Britain's empire and global processes came through Tom Devine's works on Scottish careers, diasporas and links to slavery.²⁶ Scotland's experience within the Stuart composite monarchy, as well as comparative views of this experience have been reassessed by Clare Jackson and Alan Macinnes, among others.²⁷ The youngest generation of historians has further explored Scottish participation, agency, and strategies in the multiple monarchy, the union state, and the globalizing British commercial empire.²⁸

Catalonia has been a core subject of historical inquiries trying to make sense of what exactly constitutes 'Spain' – "the quest by Spaniards for the meaning of the history of Spain," in the words of J. N. Hillgarth – since the medieval origins of Spanish historiographical traditions.²⁹ Throughout the centuries, this quest has been informed by the responses given to experiences of political, cultural, social, and economic plurality in the Iberian Peninsula, represented in no small part in a distinct or at least distinguishable Catalan entity. Following the Second World War, within the confines of an authoritarian and isolationist Spanish state built on the ideology of a unitarian and exclusionary Spanish nation, the perimeters of the discussion on Spain's historical development were set by two influential works that offered opposing views on the matter. Américo Castro's

²⁵ Daniel Szechi, *The Jacobites. Britain and Europe 1688-1788* (Manchester: Manchester University Press, 2019); Szechi, Daniel. *Britain's lost revolution? Jacobite Scotland and French grand strategy, 1701-8*. Manchester: Manchester University Press, 2015; Daniel Szechi, *1715: The Great Jacobite Rebellion* (New Haven, CT: Yale University Press, 2006); Paul Kléber Monod, *Jacobitism and the English people, 1688-1788* (Cambridge: Cambridge University Press, 1993); Bruce P. Lenman, *Jacobite Risings in Britain 1689-1746* (London: Methuen, 1980).

²⁶ Tom M. Devine, "Did Slavery make Scotia great?" *Britain and the World* 4, no. 1 (2011): 40-64; Tom M. Devine, *To the Ends of the Earth. Scotland's Global Diaspora, 1750-2010* (London: Penguin, 2011); Tom M. Devine, *Scotland's Empire 1600-1815* (London: Allen Lane, 2003).

²⁷ Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707* (Cambridge: Cambridge University Press, 2007); Clare Jackson, *Restoration Scotland, 1660-1690. Royalist politics, Religion and Ideas*, (Woodbridge: Boydell, 2003).

²⁸ See e.g. works by Joseph Wagner and Harry M. Lewis on Scottish transatlantic commerce and Jacobite privateers.

²⁹ J. N. Hillgarth, "Spanish Historiography and Iberian Reality," *History and Theory* 24, no. 1 (February 1985): 23.

Spain in Its History: Christians, Moors and Jews (1948) attacked the reigning myth of Spanish historiography, that of ‘one, eternal Spain,’ proposing instead that *convivencia*, the interaction between Christian, Jewish, and Muslim societies was crucial to Spain’s history; a history that he refused to see as an unbroken arch that would have linked the Gothic kingdoms of the early Middle Ages to the twentieth century.³⁰ Claudio Sánchez-Albornoz countered this account in his *Spain, An Historical Enigma* (1956), in which he argued for the essential unity and continuity of Spanish history.³¹ Sánchez-Albornoz’ account became the rallying point for a Castilianist school, which interpreted Spanish history as a series of attempts to unite the peninsula driven by Castile.³² The latter approach sat better with the political ideology of the Franco regime, antagonistic as it was to anything that could challenge the myth of a unitary Catholic Spanish nation. Among others, this antagonism was exemplified in the case of Catalonia, which could not have its own political and cultural institutions, where the use of Catalan language was banned in public, and any showing of Catalan identity was severely punished.³³ Castro’s approach, while no less mythical than Francoist nationalism, recast the pluralities of the Iberian Peninsula as the driving force behind Spain’s historical trajectory rather than occasional nuisances to overcome.

Despite the unfavorable political context, the study of such pluralities could not only continue but produced important results. In the 1950s, Miguel Artola Gallego’s seminal work on the *afrancesados*, the “frenchified” Spaniards who collaborated with Joseph Bonaparte’s monarchy to further their revolutionary reformist agenda and build up a new system on the ruins of the ancien régime

³⁰ Américo Castro, *España en su historia. Cristianos, moros y judíos* (Buenos Aires: Editorial Losada, 1948). Originally published in Argentina, Castro’s book was reedited and republished under the title *La realidad histórica de España* in 1954, 1962 and 1966, then translated to English and published as *The Spaniards. An Introduction to Their History* (Berkeley: University of California Press, 1971).

³¹ Claudio Sánchez-Albornoz, *España: un enigma histórico* (Buenos Aires, 1956). Like Castro’s *Spain in Its History*, the work was first published in Argentinian exile, then revised and republished subsequently. The English translation as *Spain, A Historical Enigma* was first published in 1975 by the Fundación Universitaria Española (Madrid) based on the 1962 Spanish edition by Editorial Sudamericana (Buenos Aires).

³² Hillgarth, “Spanish Historiography and Iberian Reality,” 25-26; Claudio Sánchez-Albornoz, *España: Un enigma histórico* (Buenos Aires, 1957).

³³ Montserrat Guibernau, “Prospects for an Independent Catalonia,” *International Journal of Politics, Culture & Society* 27, no. 1 (March 2014): 10-11.

proposed that many of these people, reviled as traitors of Spain in traditional historical accounts constituted a force of patriotic reformism between revolutionary liberals and absolute monarchists that hugely contributed to the redefinition of Spain as a nation-state.³⁴ The choice of topic was hardly accidental: “reformism, modernization, openness, cosmopolitanism, third way, integration in a European system” were all anathema to the Franco regime.³⁵ The rehabilitation of the *afrancesados* echoed Castro’s emphasis on the contribution of Jewish and Muslim communities to Spanish history, albeit Artola’s surpassed Castro’s mythical account on *convivencia* in thoroughness and methodological rigor. Artola also played a crucial part in promoting the study of regionalisms, writing on his native Gipuzkoa in the 1960s.³⁶ The work was carried further by one of Artola’s students, Pablo Fernández Albaladejo, whose first publications in the 1970s engaged with the regional histories of early modern Spain, starting with the crisis of the ancien régime in Gipuzkoa.³⁷ Albaladejo has moved on to study the constitutional history of the Spanish/Hispanic monarchy in the 1980s, doing great service to research on the constitutive elements of that monarchy, including the Crown of Aragon and Catalonia. Even such a small sample of Spanish historiographical trends of the late Francoist and early democratic period demonstrates that the foreign scholars who took interest in early modern Spain and, within it, Catalonia, could already engage with fresh and innovative research on aspects of Spanish history that did not conform to unitary or Castile-centered Spanish nationalist narratives; research on early modern Catalonia by Pierre Vilar, John H. Elliott, and Henry Kamen could fruitfully build on and further nourish the work of Spanish historians.³⁸

³⁴ Miguel Artola, *Los afrancesados* (Madrid: Sociedad de Estudios y Publicaciones, 1953); Miguel Artola, *Los orígenes de la España contemporánea* (Madrid: Instituto de Estudios Políticos, 1959).

³⁵ Juan Pro, “La historia de Miguel Artola,” *Ayer* 122, no. 2 (2021), 322.

³⁶ Miguel Artola, *Historia de la reconstrucción de San Sebastián* (San Sebastián: Ediciones del Excmo. Ayuntamiento de la Ciudad de San Sebastian, 1963).

³⁷ Pablo Fernández Albaladejo, *La crisis del Antiguo Régimen en Guipúzcoa 1766-1833* (Madrid: Akal, 1975).

³⁸ Ricardo García Cárcel, “Historia social e historia nacional: algunas reflexiones sobre la historiografía de las revueltas en la Cataluña moderna,” *Historia Social*, no. 20 (1994): 56.

Elliott and Kamen deserve a special mention for their contribution to Hispanic and Catalan historiography not solely for their continuous and invigorating presence in the field for six decades but also because they generated a lasting interest in the subjects of their work internationally. One key motive in their corpus of work was an acknowledgment of the pluralities of the Hispanic monarchy that conditioned its government and periodically erupted in often violent conflicts. From the early stages of their career in the 1960s and 70s, they dedicated a special attention to these tensions within the monarchy and notably from the perspective of Catalonia and Catalan society in the seventeenth century.³⁹ In the subsequent decades, much research was done on the regional dimensions of conflicts within the Hispanic monarchy. Among others, Ricardo García Cárcel, John B. Owens, and Eulàlia Durán examined these conflicts through the prism of relations between the Crown and the city oligarchies (*germanies*, *comuneros*); William Monter and Stephen Haliczer scrutinized the Inquisition, that stereotypically ‘all-Spanish’ institution, in its regional settings.⁴⁰ Perhaps not independently from the fact that Spain was redefining its constitutional setup after the end of the Franco regime, a combination of constitutional and political history became and remains an important framework for deliberations on the Hispanic monarchy and the period of regal union that developed from the matrimony of the Catholic Monarchs. Research by María José Rodríguez Salgado and Pablo Fernández Albaladejo connected the workings of a fragmented, conflict-ridden composite monarchy with its ability to act as a great power in Europe and beyond.⁴¹ Completing this approach, the government of the distinct territorial entities of the monarchy likewise gained important scholarly attention; Albaladejo’s and I. A. A Thompson’s

³⁹ John H. Elliott, *The Revolt of the Catalans: A Study in the Decline of Spain (1598-1640)* (Cambridge: Cambridge University Press, 1963); Henry Kamen, “A Forgotten Insurrection of the Seventeenth Century: The Catalan Peasant Rising of 1688,” *The Journal of Modern History* 49, no. 2 (June 1977), 210-230.

⁴⁰ Ricardo García-Cárcel, *Las Germanías de Valencia* (Barcelona: Peninsular, 1975); John B. Owens, *Rebelión, Monarquía y Oligarquía Murciana en la época de Carlos V* (Murcia: Universidad de Murcia, 1980); Eulàlia Durán, *Les Germanies als Països Catalans* (Barcelona: Curial, 1982); William Monter, *Frontiers of heresy: the Spanish Inquisition from the Basque lands to Sicily* (Cambridge: Cambridge University Press, 1990); Stephen Haliczer, *Inquisition and society in the kingdom of Valencia, 1478-1834* (Berkeley: University of California Press, 1990).

⁴¹ Pablo Fernández Albaladejo, *Fragmentos de monarquía. Trabajos de historia política* (Madrid: Alianza, 1992); María José Rodríguez Salgado, *The Changing Face of Empire: Charles V, Philip II and Habsburg Authority 1551-1559* (Cambridge: Cambridge University Press, 1988).

work on absolutism in Castile, and Xavier Gil Pujol's on the legislative assemblies of the Estates of the realms of the Crown of Aragon are still fundamental readings.⁴² The extrapolation of the differences between Castilian absolutism and Aragonese liberties/parliamentarism have been recently toned down by Regina Grafe.⁴³ Elaborating on Vilar's findings, Carlos Martínez Shaw delivered a coup-de-grace to the myth of a Catalans' exclusion from the Spanish colonies.⁴⁴ Narratives of a declining Habsburg monarchy that was ripe for failure by the later seventeenth century for all the internal contradictions it could not resolve, while remaining valid approaches, have been exposed as exaggerative by Christopher Storrs.⁴⁵ The Habsburg-Bourbon shift of the early 1700s as a breaking point have been recast as a history of continuities in Kamen's biography of Philip V and Storrs' more recent account on the era of the first Bourbon ruler of Spain.⁴⁶ Similarly to the subject of the Jacobites in Scottish history, the dynastic change generated important research on the fate, resources, and strategies of the supporters of Archduke Charles' claim to the Spanish thrones by Augusti Alcoberro and Virginia León.⁴⁷ In the past half century, the historiographical treatment of the constitutional, legal, cultural, and economic pluralities of the British and the Hispanic monarchies, Scotland and Catalonia within them, has accompanied and perhaps even influenced the process whereby Scottish and Catalan politics have regained their

⁴² I. A. A. Thompson, "Castile: Absolutism, Constitutionalism, and Liberty," in *Fiscal Crises, Liberty, and Representative Government 1450-1789*, ed. Philip T. Hoffman and Kathryn Norberg, 140-180 (Stanford, CA: Stanford University Press, 1994); I. A. A. Thompson, "Absolutism in Castile," in *Absolutism in Seventeenth-Century Europe*, ed. J. Miller, 69-98 (Basingstoke: Macmillan, 1990); Xavier Gil, "Crown and Cortes in Early Modern Aragon," *Parliaments, Estates and Representation* 13, no. 2 (1993): 109-122; Pablo Fernández Albaladejo, "Monarquía, cortes y "cuestión constitucional" en Castilla durante la edad moderna," *Revista de las Cortes Generales* 1 (1984): 11-34.

⁴³ Regina Grafe, *Distant Tyranny. Markets, Power, and Backwardness in Spain, 1650-1800* (Princeton, NJ: Princeton University Press, 2012).

⁴⁴ Carlos Martínez Shaw, *Cataluña en la carrera de Indias* (Barcelona: Editorial Crítica, 1981).

⁴⁵ Christopher Storrs, *The resilience of the Spanish monarchy, 1665-1700* (Oxford; New York: Oxford University Press, 2006).

⁴⁶ Christopher Storrs, *The Spanish Resurgence, 1713-1748* (New Haven, CN: Yale University Press, 2016); Henry Kamen, *Philip V of Spain: The King Who Reigned Twice* (New Haven, CT: Yale University Press, 2001).

⁴⁷ Agustí Alcoberro i Pericay, *La "Nova Barcelona" del Danubi (1735-1738): la ciutat dels exiliats de la Guerra de Successió* (Barcelona: Rafael Dalmau, 2011); Virginia León Sanz, "«Abandono de patria y hacienda». El exilio austriacista Valenciano," *Revista de Historia Moderna*, no. 25 (2007): 235-256; Virginia León Sanz, *Carlos VI. El emperador que no pudo ser rey de España* (Madrid: Aguilar, 2003); Augustí Alcoberro, *L'exili austriacista (1713-1747)*, 2 vols. (Barcelona: Fundació Noguera, 2002); Virginia León Sanz, *Entre Austrias y Bourbones. El Archiduque Carlos y la monarquía de España (1700-1714)* (Madrid: Sigilo, 1993).

distinctive contours through devolution and constitutional reform, as well as the multilayered debates on the possibilities and options that Scotland and Catalonia have or should have within Britain and Spain, Europe, and the world. The above overview of the related historiographical trends, while painting only a fragmentary picture, illustrates of some of the key themes – from constitutional history, resistance and revolts, trade and piracy, dynastic loyalties and strategies, to the governance of the composite monarchy and empire building – that have marked historians’ engagement with Catalonia and Scotland within the matrix of union and disunion in Britain and Spain. The developments in the historiographies on Catalonia and Scotland within the Hispanic and the British monarchies certainly show similarities, which did not necessarily produce an overflow of systematic comparisons between Scotland and Catalonia, but historians have been aware of the contrast between the constitutional models, the comparable internal and external pressures on the Stuart and Habsburg dynastic conglomerates, and the imperial entanglements in an era of globalizing commercial networks.

One of the events that brought into contact all the themes relevant for the investigation of early modern Scotland and Catalonia – warfare, dynastic crisis, commerce – was the War of the Spanish Succession.⁴⁸ This episode of generalized warfare that involved most powers in the Western and Central regions of the European continent is certainly worthy of attention as a fascinating series of military events and strategic decision making, and it has an impressive literature that combines the military aspect with the political histories of the British and the Spanish contexts – perhaps especially the latter.⁴⁹ The role that Scotland and Catalonia played in this conflict is worthy of more

⁴⁸ The exact temporal framework of the War of the Spanish Succession varies greatly in the literature. Potential opening dates include the death of Charles II (1700), the allied powers’ declaration of war on France (1702), the start of military operations in the Iberian Peninsula (1704) and the Pact of Genova (1705). As for end dates, the beginning of the peace negotiations in Utrecht (1713), the taking of Barcelona by the Bourbon armies (1714), and the signature of the last peace treaty of the Utrecht settlement between Spain and Portugal (1715) have all been chosen by historians.

⁴⁹ David Francis, *The First Peninsular War, 1703-1713* (New York: St. Martin’s Press, 1975); Joaquim Albareda i Salvadó and Joan Esculies Serrat, *La guerra de 1714: la clau catalana d’un conflicte mundial* (Barcelona: Pòrtic Editorial, 2016); Antoni Espino López, *Pàtria i llibertat. La Guerra de Successió a Catalunya, 1704-1714* (Catarroja/Barcelona: editorial afers, 2013); Xavier Torres i Sans, ed., *Les altres guerres de religió: Catalunya, Espanya, Europa (segles XVI-XIX)* (Girona: Documenta Universitaria, 2012); Joaquim

in-depth comparative research – a noble task that the present dissertation can only tangentially deliver. I would like to nevertheless highlight the War of the Spanish Succession here as the general context within which all the themes of the dissertation are discussed. Scotland and Catalonia are brought together to bring into relief the comparable impact that geopolitical developments had on the establishment of the British and the Spanish union states, and at the same time underline the extreme volatility and low predictability of these developments. This duality, I believe, is what links the present of international relations and national politics to their past, and this is why I would like the dissertation to speak to the conversation on Europe's geopolitical history.

Research Questions

The fundamental proposition of this dissertation is that early modern Scotland and Catalonia can be the objects of valuable and meaningful historical comparison. The premise is hardly uncontested; while historical interest in early modern Scotland and Catalonia has been significant over the last decades, the case still needs to be made in favor of the benefit of comparing them. As such, this dissertation is another attempt to answer the question about the comparability of the two subjects in the affirmative.

Another question that I engage with through this dissertation is whether the similar outcome that we arguably see in the two contexts in the form of incorporating union could be attributed to similarities in the processes that led to this outcome. Did the discussions on the proper constitutional relation between England and Scotland, Castile and Catalonia rely on comparable

Albareda i Salvadó, *La Guerra de Sucesión de España (1700-1714)* (Barcelona: Editorial Crítica, 2011, iBook); Ricardo García Cárcel and Rosa María Alabrús Iglesias, *España en 1700. Austrias o Borbones?* (Madrid: Arlanza Ediciones, 2001); John B. Hattendorf, *England in the War of the Spanish Succession* (New York: Garland, 1987).

problems, themes, and intellectual frameworks? What sort of alternatives were formulated to the incorporating version of union? Did these alternatives show similarities across the two contexts? What alternatives were perceived as credible? What were the main arguments in favor of the various alternatives? Did alternatives to incorporating union – the maintenance of the status quo of composite monarchy, or even the dissolution of the monarchy – come anywhere near a realistic chance of completion?

As a subset of the general question concerning the similarities of the processes leading to incorporating union, I am also interested in finding out more about the impact of war, specifically the War of the Spanish Succession on the creation of these unions. This is partly an exercise in determining the role of historical contingency in the establishment of the British and the Spanish union states; I am interested to find out whether the main argument of the dissertation – that credible alternatives to incorporating union were available in the two contexts – can be reconciled with the turn of events – the establishment of incorporating unions rather than any other framework for Anglo-Scottish and Castilian-Aragonese relations – by attributing a catalyzing effect to the War of the Spanish Succession and its entanglements with the crises of succession in the British and the Hispanic monarchies. In addition, I would also like to find out more about the way in which war, warfare, the military capacities of the state, international diplomacy, and the material-financial burdens of these came up in discussions bearing on the matter of union and disunion in the two contexts.

Considering that the outcomes that I appreciate as similar were implemented via different political-legal-constitutional methods, I would like to reevaluate whether these differences could be credited with any explanatory value relative to the establishment of incorporating unions in the two contexts. In other words, the dissertation intends to engage with the question of whether the ‘absolutism – constitutionalism’ divide retains any meaning when it comes to discussions of union

and disunion in the two contexts, hypothesizing that the divide has at best limited explanatory value.

Methodology and sources

The main methodological objective of the dissertation is to bring sources having the subject matter of early modern Catalonia and Scotland, Spain and Britain into dialogue with each other. For the purposes of the dissertation, the focus was on sources that narrate or are informative of the matter of union and disunion in either or both contexts, including the legal, political, economic, religious, and moral aspects of the related discussions, debates, and dilemmas. The chronological focus of the dissertation is approximately 1680 through 1720, or the last decades prior to and the first decades following the establishment of incorporating union in Britain and Spain, although I occasionally stepped out of this temporal framework in both directions when I deemed it important for a better contextualization of the matter at hand I was primarily interested in the choices that were discussed and available to various extent regarding Scotland's and Catalonia's place within larger dynastic conglomerates, as well as the larger trends that informed these choices. To identify sources that relate to such choices, I followed H. T. Dickinson's approach who, when writing about eighteenth-century British political ideology, was interested in "the structure of the ideas and arguments presented by those actively engaged in politics," not only thinkers and political philosophers of renown, but "political activists, propagandists, and commentators."⁵⁰ Due to the high – dynastic, political, financial and commercial – stakes involved in the discussions of union, a larger portion of the sources nevertheless relate to elite members of the Scottish-British, Catalan-

⁵⁰ T. H. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London: Weidenfeld and Nicholson, 1977).

Hispanic societies: monarchs and their officials, members of legislative assemblies, businesspeople, legal and other scholars.

Bringing sources from the two contexts into a dialogue also meant a heavy reliance on the vast number of secondary sources available. I attempted to complement, in my modest way, this excellent corpus of existing historiography with my own search for print and manuscript sources from the later seventeenth, early eighteenth centuries. Even with the generous support of Central European University that allowed me to conduct archival research in the environments that I judged the most conducive to relevant findings, it would have been inconceivable to access and process all the archives that could be relevant to the thematic breadth of the dissertation. Nevertheless, the couple of weeks that I could dedicate to on-site archival research during the PhD program allowed me to find relevant material in the Archivo Histórico Nacional in Madrid, the Biblioteca Nacional de Catalunya in Barcelona, the National Archives in London (Kew), as well as the National Library of Scotland and the National Records of Scotland in Edinburgh that I was able to incorporate into the dissertation. The temporal and financial constraints of on-site archival research were certainly not alleviated by the logistical difficulties that I occasionally encountered – for example, the cumbersome protocols of reprography in the Archivo Histórico Nacional during my visit in 2019, taking photos with the researchers' own devices having been allowed only recently, or the limitation of visits to the National Library of Scotland to one per week during the milder pandemic months of 2020 –; the online availability of archival sources, both print and manuscript, was therefore of paramount importance. From this perspective, Spain and, especially, the United Kingdom have proved lucky choices, as a vast and growing amount of archival material is digitized and available online.

Structure of the dissertation

Chapter 1 contextualizes, compares, and contrasts the ideas of Andrew Fletcher of Saltoun and Narcís Feliu de la Peña on the desirable place of the Catalan and the Scottish polities inside, respectively, the Hispanic and the British monarchies based on the two authors' works, especially from the last two decades of the eighteenth century. In the 1680s and 1690s, Fletcher and Feliu saw Scotland and Catalonia as being relegated to the peripheries of the Stuart and Habsburg dynastic conglomerates, and consequently the globalizing British and Spanish commercial empires. Even before the question of incorporating union came to dominate the political and military agenda in Britain and Spain in the early 1700s, Fletcher and Feliu were concerned about the prosperity and outlook of their respective homelands. The two authors identified similar challenges, proposed similar solutions, and resorted to comparable conceptual frameworks in their attempt to reclaim a position worthy for Scotland and Catalonia inside the larger framework of the composite monarchy. Both authors formulated the double objective of securing their respective homeland's wealth through increasing their share in the profits of globalizing commerce, while simultaneously buttressing Scotland's and Catalonia's ancient constitutions to maintain and improve the capacity of their provinces to political action and margin of maneuver in front of their stronger neighbors (England, Castile).

Chapter 2 complements Chapter 1 by arguing that the ideas formulated by Fletcher and Feliu can be read as part of a longer historical trajectory of Scottish and Catalan attempts to carve out space inside the British and the Habsburg composite monarchies, while mitigating English and Castilian pressure on their access to colonial trade. The core of these attempts was to connect Scotland and Catalonia to the bloodstream of globalizing trade under the umbrella of the wider monarchy. Throughout the seventeenth century, Scottish attempts were made to circumvent English dominance and control over North Atlantic trade by establishing colonies on the American continent (New Scotland, Stuarts Town, Darien). The contested succession to the throne(s) of the

Hispanic monarchy allowed the Catalan estates to make their support conditional on legislation introducing favorable changes to the trading system of the Hispanic monarchy, getting rid of part of the restrictions on direct trade between Catalonia and the American colonies, obtaining assent from the two rival candidates to the throne. The failure of these schemes combined with a set of historical circumstances (the War of the Spanish Succession, succession crises in both contexts) to catalyze the triumph of incorporating union rather than any other constitutional alternative.

Chapter 3 examines the path toward incorporating union from the perspective of the royal governments of the dynastic unions. It argues that while this perspective might have favored incorporating union to constitutional plurality in the British and the Hispanic monarchy, no design of the royal governments would have been able to stack the scales on its own against the Scottish and the Catalan constitutions. The pushback from the “peripheries” (notably the Scottish and the Catalan political nations) was strong, but incorporating union was not necessarily seen as advantageous by political actors in the “center” of the monarchy (e.g. the English Parliament) either.

Chapter 4 concludes the research with an analysis of the (lack of) stability of the freshly established unions. It argues that the conclusion of incorporating unions in and after 1707 did not eliminate the discussion on their legitimacy and desirability overnight. As the benefits of union did not immediately materialize, internal and external forces interested in the dissolution of the union remained operational. The union states eventually gained enough time to prove their worth in the absence of another catalyzing event that would have facilitated the undoing of unions. The British and Spanish unions consolidated, arguably, against the odds.

Chapter 1 – Provincial Patriots

1707 is remembered as a critical year in the constitutional history of the United Kingdom and the Kingdom of Spain. The Acts of Union between England and Scotland came into force on May Day in 1707, creating a single legislative body “to be stiled The Parliament of Great Britain” and, consequently, merging the English and Scottish polities into a single British state.⁵¹ Not two months later King Philip V of Spain issued the first of several decrees, known as *decretos de Nueva Planta*,⁵² that imposed the laws and the “usage, practice and form of government” (*uso, práctica y forma de gobierno*) of Castile on the Kingdoms of Aragon and Valencia. Mallorca and Catalonia received their own *nuevas plantas* in 1715 and 1716, respectively.⁵³ The Acts of Union and the Nueva Planta decrees signified an important step away from constitutional arrangements that characterized not only the British and the Hispanic monarchies but most European states during the preceding centuries, and that were famously conceptualized by Helmut G. Koenigsberger and John H. Elliott in their seminal works on composite monarchies. Koenigsberger built on the typology in Sir John Fortescue’s *The Governance of England* (c. 1470) to interpret the relations between monarchs and the representative-legislative assemblies of their realms on a scale that went from *dominium regale*, where the monarch could impose laws and taxes without the approval of his subjects, to *dominium politicum et regale*, where such an approval was necessary, and problematized these power struggles in a context when most states were composite in nature, “including more

⁵¹ Act ratifying and approving the treaty of union of the two kingdoms of Scotland and England 1707 c. 7, Art 15, *RPS – The Records of the Parliaments of Scotland to 1707*, ed. K. M. Brown et al. (St Andrews, 2007-2023), 1706/10/257, <https://www.rps.ac.uk/trans/1706/10/257>. Its equivalent adopted by the English Parliament is the Union with Scotland Act 1706 c. 11.

⁵² Best translated, in my view, as ‘new design’ or ‘new plan’ to convey the intention of King Philip and his ministers to tear down the existing edifice of administration in each of the realms concerned and replace it with a new one.

⁵³ The corresponding royal decrees (*Reales Decretos*) were issued between June 29, 1707 (Aragon and Valencia) and January 16, 1716 (Catalonia). See *Los decretos de Nueva Planta, 1707-1717*, ed. Guillermo Pérez Sarrión, accessed April 29, 2024, <https://repositoriomayans.unizar.es/wp-content/uploads/2023/12/1707-1717-Decretos-de-Nueva-Planta.pdf>.

than one country under the sovereignty of one ruler.”⁵⁴ Elliott completed Koenigsberger’s approach with the inclusion of another typology, evoking the distinction that a seventeenth-century Spanish jurist, Juan de Solórzano Pereira made between “accessory” unions, where “a kingdom or province, on union with another, was regarded juridically as part and parcel of it, with its inhabitants possessing the same rights and subject to the same laws,” and *aeque principaliter* unions, where “the constituent kingdoms continued after their union to be treated as distinct entities, preserving their own laws, *fueros* and privileges.”⁵⁵

In and after 1707, the British and the Spanish monarchies were reordered in a way that bound their component parts closer to each other, resulting in the change of position of these monarchies on the scales proposed by Koenigsberger and Elliott. The *dominium politicum et regale* that characterized both the Hispanic and the British monarchy, certainly with regards to Catalonia and Scotland, moved toward a system where Parliament could establish its preponderance over the Crown in the British case, and toward *dominium regale* in the Spanish case, as the Crown defeated the legislative assemblies of the Crown of Aragon and incorporated them into a more pliable Castilian Cortes. As such, Britain and Spain arguably moved in different directions in terms of the power struggle between Crown and Parliament. More importantly, however, at least from the perspective of the present dissertation, the *aeque principaliter* form of union gave way to “accessory,” incorporating union in both cases. Britain and Spain retained a good amount of ‘compositeness’ following the constitutional realignments at the beginning of the eighteenth century, but the regal unions, which had hitherto consisted in sharing a single monarch while maintaining different constitutional systems, gained an additional brace with the incorporation of distinct polities into a single sovereign body.

⁵⁴ Helmut G. Koenigsberger, “Zusammengesetzte Staaten, Repräsentativversammlungen und der Amerikanische Unabhängigkeitskrieg,” *Zeitschrift Für Historische Forschung* 18, no. 4 (1991): 400; Helmut G. Koenigsberger, “Monarchies and Parliaments in Early Modern Europe. *Dominium Regale* or *Dominium Politicum et Regale*,” *Theory and Society* 5, no. 2 (March 1978): 191-192, 202-203.

⁵⁵ John H. Elliott, “A Europe of Composite Monarchies,” *Past & Present* 137 (1992): 52-53.

It is remarkable that despite “the vast differences in their internal balance of forces and their international situation” the British and the Spanish monarchies embarked on comparable paths in their reorganization in and after 1707.⁵⁶ It is perhaps even more remarkable that – as this chapter argues – the paths that Britain and Spain did not take were just as comparable. If the unions of 1707 are still remembered as important milestones in the constitutional history of Britain and Spain, it is because they are seen as part of the road that led to the present constitutional setup of the United Kingdom and the Kingdom of Spain. A perception that is certainly reasonable but risks imposing the eventual outcome – incorporating unions that were to become the foundation of the unitary states of later centuries – on our interpretation of the events leading up to 1707. The discussion on the desirable or possible form and degree of union between the constitutive parts of the British and the Hispanic monarchies had important, centuries-long precedents by the beginning of the eighteenth century, which I will reflect on in Chapter 3 of this dissertation, but these discussions unfolded in the context – the reality – of the early modern composite state, which might still be tempting to see as “a necessary but rather unsatisfactory way-station on the road that led to unitary statehood.”⁵⁷ From a contemporary standpoint, the demise of the composite state was far from evident, necessary, or even desirable, as attested by the very way the incorporating unions of 1707 came into being. If the British union emerged from hard won battles in the London and Edinburgh parliaments, the eastern realms of the Hispanic monarchy had to be outright conquered in a military campaign for the Spanish union to be born. Neither the Act of Union, nor the Nueva Planta decrees were without their detractors; in both contexts, alternatives to the eventually victorious constitutional arrangement were proposed and discussed.

This chapter explores the cases of two such detractors, one from each context, focusing on the decades immediately preceding the establishment of the British and the Spanish union states. In

⁵⁶ Elliott, “A Europe of Composite Monarchies,” 67.

⁵⁷ *Ibid.*, 51.

the 1680s and 1690s, Andrew Fletcher of Saltoun (1653-1716) and Narcís Feliu de la Peña⁵⁸ (1646-1712) claimed to represent the voice of, respectively, Scotland and Catalonia, constitutive parts of the British and the Spanish monarchies that they saw as being relegated to the peripheries of the dynastic conglomerates of the Stuarts and the Habsburgs, and consequently the globalizing British and Spanish empires. Even before the Spanish succession crisis set the Iberian Peninsula ablaze, and the English and Scottish parliaments were at each other's throats amidst Britain's own crisis of succession in the early 1700s, Fletcher and Feliu were concerned about the prosperity and outlook of their respective homelands, while also having an acute awareness of the most pressing challenges of their time. This chapter will suggest, through an analysis of Fletcher's and Feliu's work, that in the decades immediately leading up to incorporating union in Britain and Spain, arguments and proposals finding the key to the success of the monarchy in the buttressing rather than the demolishing of the existing constitutional plurality – the composite nature of monarchy – were available and influential in both contexts. The chapter will contextualize, compare, and contrast Fletcher and Feliu's ideas on the desirable place of the Catalan and Scottish polities inside the Hispanic and the British monarchies. The core of the analysis will focus on their writings from the last two decades of the eighteenth century, thereby providing an account of the period preceding the War of the Spanish Succession. In conclusion, the chapter will also briefly address post-1700 works to illustrate the radicalization of Fletcher's and Feliu's position as the constitutional status quo came under heavier pressure. Overall, I will argue that the two authors identified similar challenges facing their homelands, proposed similar solutions, and resorted to comparable conceptual frameworks in doing so.

⁵⁸ The form 'Narcís Feliu de la Peña' is the one most frequently used by Catalan historiography. I decided to use this form throughout the dissertation both as a reconnaissance of his attachment to his Catalan *pàtria* and for convenience's sake. It is important to note, however, that Feliu de la Peña published most of his works in Castilian, and that he himself was and has been frequently referred to with the Castilian form of his name, Narciso Feliú de la Peña y Farrell. The latter form is featured in the biographic dictionary of the Royal Historical Academy of Spain. Joaquim Albareda i Salvadó, "Narciso Feliú de la Peña y Farrell," *Diccionario Biográfico electrónico*, Real Academia de la Historia, <https://dbe.rah.es/biografias/57136/narciso-feliu-de-la-pena-y-farrell>.

In what follows, I situate the two authors in their respective British-Scottish and Hispanic-Catalonian political and economic milieus. I will then introduce their work and assess its influence in their respective contexts, to provide the groundwork for a detailed analysis of Fletcher's and Feliu's approach to Scotland's and Catalonia's place within the larger framework of the composite monarchy. The analysis itself will be divided into two main parts. The first part will concentrate on Fletcher's and Feliu's appraisal of the position of Scotland and Catalonia within their respective dynastic conglomerates. The second part will turn to the two authors' assessment of the British and the Hispanic monarchies in the wider European context of globalizing warfare and trade. I will also briefly reflect on Feliu's and Fletcher's later (post-1700) works to identify the shifts in their approaches to Catalonia's and Scotland's place vis-à-vis the larger monarchy as the War of the Spanish Succession unfolded and the 'ancient constitutions' came under political and military pressure.

Fletcher of Saltoun and Feliu de la Penya: Provincial Patriots

The two protagonists of this chapter, Narcís Feliu de la Penya and Andrew Fletcher of Saltoun have not yet been brought together in an explicitly comparative framework. In Elliott's *Scots and Catalans*, they appear within the same chapter: Feliu and his circles are invoked several times as the promoters of commercially minded reforms in the Hispanic monarchy, and Fletcher is briefly mentioned as a sharp political commentator of his time.⁵⁹ No comparison is pursued between them. Feliu's and Fletcher's respective homelands, Catalonia and Scotland were incorporated into the British and the Spanish union states in their lifetimes, but can the legitimacy of comparison between these two authors be defended solely on that basis? Or are the dissimilarities between the contexts are too great – either, as Elliott observed, before the incorporating unions were

⁵⁹ See Elliott, *Scots and Catalans*, 67-68, 78, 82, 113 for references to Feliu and 76-77 for references to Fletcher.

established or after, as it flows from Koenigsberger's theory? Even if the dissimilarities are indeed significant, historians zooming in on late seventeenth-century Catalonia and Scotland need not refrain from comparative endeavors. What John Robertson observed in his comparative study on the Enlightenment in Scotland and Naples rings true for Scotland and Catalonia in the late seventeenth, early eighteenth centuries: "The dissimilarities of the milieu are indeed striking. These were two countries at opposite ends of Europe, differing in their natural resources, economic and social structures, political arrangements, confessional allegiances, and intellectual traditions."⁶⁰ A lack of apparent similarity, however, should not discourage comparison. Just as Robertson, with a nod to Marc Bloch, found value in "the discovery of unexpected similar facts in dissimilar milieus," this chapter aims to discover and expose some of those unexpected similar facts in Fletcher's and Feliu's thought on the challenges and opportunities facing their respective homelands, and indeed the Hispanic and the British monarchies.

Otherwise, the two milieus were perhaps not so dissimilar after all. The British and the Hispanic monarchies, and Scotland and Catalonia within them, had gone through remarkably similar trajectories leading up to the establishment of incorporating unions in and after 1707. The middle of the century put severe pressure on the edifice of the composite monarchies.⁶¹ Starting in 1640, the revolts of the Portuguese and the Catalans challenged the integrity of the Hispanic monarchy on two flanks.⁶² In the end, only Portugal was irrevocably lost to the House of Austria, but securing Catalonia took significant effort, and the northern counties of the Principality had to be ceded to the meddling French monarchy in 1659. The Treaty of the Pyrenees completed the "first phase in the historical *creation* of the Pyrenean frontier" that has remained the land border between France and Spain until today.⁶³ It also arranged the marriage between Maria Theresa, the Spanish king's

⁶⁰ John Robertson, *The Case for The Enlightenment: Scotland and Naples 1680–1760* (Cambridge: Cambridge University Press, 2005), 44.

⁶¹ Elliott, *Scots and Catalans*, Chapter 2.

⁶² Elliott, *The Revolt of the Catalans*.

⁶³ Peter Sahlins, *Boundaries. The Making of France and Spain in the Pyrenees* (Berkeley: University of California Press, 1991), 30.

daughter and the young French monarch, Louis XIV, which later provided arguments to both sides of the Habsburg-Bourbon contest for the Hispanic monarchy: Maria Theresa renounced her and her descendants' rights to the Spanish thrones, as the pro-Habsburg approaches emphasized, although her dowry was never paid in full by Spain, as supporters of the Bourbon claim would retort.⁶⁴ In Britain, the conflict between Charles I and his English Parliament escalated into a civil war engulfing the whole of Britain in a "War of the Three Kingdoms," which only stopped when Cromwell's armies forced England, Scotland, and Ireland into a united Commonwealth, the stench of which lingered on in Scotland after the Restoration.⁶⁵ The violence of the 1640s and 1650s was followed by some respite, but the last decades of the century were marked by looming crises of succession.

The dynastic crises duly materialized and reopened the questions about the governance of the composite monarchy and the relations between its constitutive parts. The coup d'état that brought William and Mary to the throne vacated by James II and VII was acknowledged by both the English and the Scottish parliament, but the latter was markedly more hesitant than the former to dethrone the anointed ruler of Scotland.⁶⁶ As William's sister-in-law and heir, Queen Anne seemed less and less likely to be able to produce a child that would survive into adulthood, the question of succession and the possible divergence between the two Crowns came to the forefront once again. With the War of the Spanish Succession raging, Scotland potentially remained the weak underbelly of the British composite monarchy.⁶⁷ In the same war, the shift in the allegiance of the realms of the Crown of Aragon, Catalonia included, from the Bourbon to the Habsburg claimant put the consequences of disputed succession on full display. For Britain, supporting Charles of Habsburg in Spain was just as much against the Bourbons and the emerging power of France – the king of which provided the exiled Stuarts with refuge and a springboard for potential attempts to reclaim

⁶⁴ Albareda i Salvadó, *La Guerra de Sucesión de España*, Chapters 3 and 5, e-book.

⁶⁵ Russell, *The Causes of the English Civil War*, and *The Fall of the British Monarchies*.

⁶⁶ Alasdair Raffe, *Scotland in Revolution, 1685-1690* (Edinburgh: Edinburgh University Press, 2019), 132-156.

⁶⁷ Anne Somerset, *Queen Anne. The Politics of Passion* (New York: Alfred A. Knopf, 2013), 166-168.

the British throne(s). The War of the Spanish Succession entangled the fates of the British and the Spanish monarchies beyond the logic of dynastic rivalry. It proved to be the start of a series of conflicts between Britain and Spain for global commercial hegemony.⁶⁸ The previous two centuries saw a slow shift in the economic balances from the Mediterranean to the Atlantic, which favored Spain and Portugal (forming a regal union between 1580 and 1640) in the beginning, but by the second half of the seventeenth century, England demanded its share in commercial opportunities across the Atlantic.⁶⁹

Tensions within the composite monarchy and struggle for military and commercial might in Europe provide the background for the writings of Andrew Fletcher and Narcís Feliu de la Penya. Feliu's work reflects on the experiences and expectations of a generation that came to maturity following the Catalan revolt of 1640, the *guerra dels segadors* (Reapers' War) and the French intervention that only ended with the 1659 Treaty of the Pyrenees, and was "more conscious of the advantages that could be derived from a fuller commitment to the Spain of the House of Austria and its global Monarchy."⁷⁰ The rule of Charles II (1665-1700), often referred to as a period of decline both by contemporaries and in later historiography,⁷¹ marked a period when the rise of the phoenix – Feliu's metaphor for his beloved Catalonia – had in fact begun. Barcelona grew more urbanized with an increase in its population, the demand for Catalan textiles was growing both domestically and overseas, Catalan presence in the ports of Cadiz and Seville ensured a de facto Catalan presence in "trade with the Indies, to which they exported Catalan agrarian products, textile, and metal and glassware."⁷² Feliu was one of those "Catalan projectors, or promoters of economic projects [who] set their projects for the resurrection of a debilitated Catalan phoenix

⁶⁸ Benet Oliva i Ricós, "El Maresme i la Guerra de Successió: Fets, nisagues i economia," *Fonts: Butlletí del Centre d'Estudis Argentonins Jaume Clavell*, 61 (2015): 13.

⁶⁹ Paul Kennedy, *The Rise and Fall of the Great Powers. Economic Change and Military Conflict from 1500 to 2000* (New York: Vintage Books, 1989), 69.

⁷⁰ Elliott, *Scots and Catalans*, 67.

⁷¹ Storrs, *The Resilience of the Spanish Monarchy*, 7-10.

⁷² Elliott, *Scots and Catalans*, 67.

within the context of the economic space constituted by Spain and its European and American possessions.”⁷³

The metaphor of the debilitated phoenix could have been applied to the dilemmas faced by Scotland in Andrew Fletcher’s time, should he have decided to resort to it. The restoration of (another) Charles II to his thrones in 1660 also marked the restoration of Scotland as a constitutionally separate kingdom within the composite monarchy of the Stuarts. The best way ahead for Scotland, a distinct polity entangled in the web of English politics, interests, and markets, remained a matter of deliberation throughout the post-Restoration era. In the 1680s and 1690s, the general economic situation in Scotland added urgency to such deliberations. Scotland was legally a foreign power when it came to the markets of its more powerful neighbor, even though there was certainly *de facto* Scottish presence in English colonial exchanges.⁷⁴ By the 1680s the English Navigation Acts made it increasingly difficult for Scottish merchants to take part in transatlantic trade.⁷⁵ The religious policies of the Stuart monarchy added further incentive to colonization as an escape route both from a situation where the limitations on the practice of Presbyterianism constrained the religious liberties of many Scots, and from the consequences of contesting these limitations. The resulting colonization schemes – the Carolina Company in the 1680s and the Darien Company in the 1690s – all ended disastrously, underlining the tensions between the protective umbrella of the composite monarchy and the interests of its richer, more powerful, and more populous kingdom, England.

Andrew Fletcher of Saltoun was born in a Scotland facing these dilemmas, most probably in 1653. The Fletchers were a Scottish noble family that was not the richest or the most prestigious in the

⁷³ Ibid.

⁷⁴ Tom M. Devine, and Philipp R. Rossner, “Scots in the Atlantic Economy, 1600–1800,” in *Scotland and the British Empire*, ed. John M. MacKenzie, and Tom M. Devine, Oxford History of the British Empire Companion Series (Oxford: Oxford University Press, 2011).

⁷⁵ Nuala Zahedieh, “Economy,” in David Armitage, and Michael J. Braddick, eds., *The British Atlantic World 1500-1800* (New York: Palgrave Macmillan, 2002).

kingdom – although Andrew’s mother’s family “claimed descent from the third son of King Robert Bruce’s grandfather”⁷⁶ – but was not left untouched by the troubles of the mid-seventeenth century. His paternal grandfather was a judge, a member of the court of session with the title of Lord Innerpeffer, and a member of Parliament in the 1640s. As one of the ‘engagers’ who would have joined forces with the English Royalists and restored Charles I to his throne in exchange for the establishment of Presbyterianism in England for a period of three years, he incurred a loss of office and heavy fines, and his son Robert – Andrew’s father – had to sell part of the family’s estates to pay the debt.⁷⁷ Andrew Fletcher was most probably born on the Saltoun estate, brought into the family’s possession by his grandfather. Before his early death, Sir Robert entrusted his son’s education to Gilbert Burnet, a Scottish philosopher and historian whose antagonism to James II’s policies oriented his intellectual prowess toward William and Mary’s service, which in turn led to his appointment as bishop of Salsbury after the triumph of the Glorious Revolution.⁷⁸

Andrew Fletcher’s social standing and wealth were enough to enable him to engage in Scottish politics from an early age, and to travel across Europe, sometimes for pleasure, sometimes out of the necessity of flight.⁷⁹ Apart from occasional visits to London, Fletcher visited Paris and the Netherlands on more than one occasion, and reputedly travelled to Spain after being compromised in Monmouth’s rebellion against James II in 1685 and escaped to Santander on a ship.⁸⁰ He was even rumored to have travelled to Hungary to engage in the anti-Ottoman wars there.⁸¹ It is unlikely that Fletcher was anywhere near the military campaigns that ultimately secured most of

⁷⁶ David Daiches, “Introduction,” in *Selected Political Writings and Speeches*, by Andrew Fletcher of Saltoun, ed. David Daiches (Edinburgh: Scottish Academy Press, 1979), vii.

⁷⁷ J. A. Hamilton (revised by John R. Young), “Fletcher, Sir Andrew, of Innerpeffer, Lord Innerpeffer,” *Oxford Dictionary of National Biography*, 2004, <https://doi.org/10.1093/ref:odnb/9719>; John Robertson, “Fletcher, Andrew, of Saltoun,” *Oxford Dictionary of National Biography*, 2008 (2004), <https://doi.org/10.1093/ref:odnb/9720>.

⁷⁸ Martin Greig, “Burnet, Gilbert,” *Oxford Dictionary of National Biography*, 2013 (2004), <https://doi.org/10.1093/ref:odnb/4061>.

⁷⁹ John Robertson, “Introduction,” in *Political Works*, by Andrew Fletcher, ed. John Robertson (Cambridge: Cambridge University Press, 1997), xii-xiii.

⁸⁰ Sadly, we have no evidence that Fletcher of Saltoun and Feliu de la Peña ever met, despite Fletcher’s forced excursion to the Iberian Peninsula.

⁸¹ Robertson, “Introduction,” xxxii.

the Kingdom of Hungary for the House of Austria, but he certainly shared an avid interest with his contemporaries – including James II and VII himself⁸² – in keeping up with the news on the Habsburg's Reconquista in Central Europe. Fletcher's library contained "numerous exceptional works of Hungarian interest," including on the liberation of Buda or the rebel prince Thököly.⁸³

The scope of Andrew Fletcher's interests, as attested by his library, went well beyond Central Europe. His private library contained about 6,000 volumes, which "was exceeded in the British Isles at the time only by John Selden's collection of 8,000 volumes".⁸⁴ Most of this collection was published before 1675, including in the fifteenth century, but Fletcher had some 1,200 books that date from 1675 onwards. Apart from English, he read in Latin, Greek (with less proficiency), French, Spanish, and Italian. He shared an interest in George Buchanan's political thought with his mentor, Gilbert Burnet. Fletcher owned twenty-one books by "the great historian"⁸⁵ whose constitutional theories (including the one on resistance to tyrants) show an affinity with Fletcher's own approach to limited monarchy. Based on donation-copies in his library, Fletcher was also in conversation with contemporary thinkers, including John Locke.⁸⁶

Evidence for the content of Narcís Feliu de la Peña's library is much more circumstantial than in Fletcher's case, but the sources he resorted to in his work suggest a scope of interest that was just as wide as the Scottish laird's, both thematically and chronologically. Already in the *Político Discurso*, a rather slim volume that focused on the specific issue of the protection of Catalonia's textile industry and was subsequently developed into the more encompassing *Fenix de Catalunya*, Feliu

⁸² Not long before he was deposed by his son-in-law, William of Orange, James II and VII made recurrent references in their correspondence to the most recent news he had gotten on the Hungarian campaign. In a letter dated January 20, 1688, King James mentions the news he had received from France on "the rendition of Alba regalis" (Székesfehérvár) and Agria (Eger), expressing his hope that Zigeth (Szigetvár) and Canisia (Kanizsa) would soon be taken from the Turks. NA SP 31/4, 61 (84).

⁸³ P. J. M. Willem, *BIBLIOTHECA FLETCHERIANA: or, the extraordinary library of Andrew Fletcher of Saltoun* (Wassenaar: Privately published, 1999), xii.

⁸⁴ T. C. Smout, "A New Look at the Scottish Improvers," *The Scottish Historical Review* 91, no. 231, Part 1 (April 2012): 127-128.

⁸⁵ Andrew Fletcher of Saltoun, "A Discourse of Government with relation to Militias," in *Political Works*, 10.

⁸⁶ Willem, *BIBLIOTHECA FLETCHERIANA*, xi-xiii.

refers to and quotes from an incredible array of sources, including Greek and Roman classics (Cicero, Socrates, Aristotle, Titus Livius, Horatius, Plutarch, etc.), Bible verses from the Old Testament (especially prophets: Ezekiel, Isaiah, Jeremiah), doctors of the Catholic Church (St. Augustine and St. Thomas Aquinas), medieval chronicles of Catalonia and its rulers. While his degree of familiarity with classical and medieval sources is remarkable, Feliu was an equally avid reader of authors from the Spanish Golden Age (approximately the hundred years preceding his *Discurso*) and in general the seminal works of sixteenth and seventeenth century Europe, from Portugal to Germany, and from Italy to Holland. Jean Bodin, Luis de Camões, and Miguel de Cervantes are but the names most familiar to posterity; one also finds references to Fernão Mendes Pinto, Adam Contzen, Tomas de Mercado, Pedro de Ribadeneyra, Trajan Boccalini, Cristóbal Suárez de Figueroa, Miguel de Saavedra Fajardo, Josephus Justus Scaliger, and Bartholomaeus Cassaneus. References to these authors on the thirty-something pages of the *Discurso* suggest that Feliu had at least cursory familiarity with literature that conveyed some of the most influential political, legal, and economic ideas of the sixteenth and seventeenth centuries to erudite audiences in the Hispanic monarchy.

Apart from the width of his interests, Feliu's social status was also comparable to Fletcher's. Albeit Feliu was not a nobleman in the same sense as Fletcher, previous generations of his family accumulated enough wealth that could be converted into a social status comparable to the nobility. The story of the family's ascendance spans three generations and was not atypical in the Catalonia of the 1600s, where the social elite remained relatively open to wealthy newcomers.⁸⁷ It was the grandfather who started the family's trade business. The father, Narcís Feliu de la Penya the elder, extended the business and accumulated a significant fortune. He oversaw commercial activities not only in and around Barcelona, but in a "network that spread from Valencia to Perpignan," completed by "solid financial relations with bankers from Madrid and Zaragoza." The family even

⁸⁷ Oliva i Ricós, "El Maresme i la Guerra de Successió," 13.

had business representatives on the isle of Mallorca, thus reaching into most parts of the Crown of Aragon.⁸⁸ Narcís Feliu junior obtained a doctorate in Law, which formalized his attachment to the local elites.⁸⁹ He practiced as an advocate rather than engaging in entrepreneurial activities.⁹⁰ He did not have to, as his inherited affluence allowed him to dedicate time and resources to writing and other forms of public engagement.⁹¹ At the same time, the family business crucially influenced the theme and scope of his work.

Parliamentary politics is another common motive of significance in the two authors' lives, albeit they were involved in it in different ways, and mostly in the post-1700 period. Andrew Fletcher was the member representing Haddingtonshire (East Lothian, the area to the East from Edinburgh) in the last pre-union Scottish Parliament (1703-1707), which provided him with a forum for disseminating his views on Scotland's place in Britain and its proper constitutional relations with England as the debate on ever closer union was expanding on the political agenda. Narcís Feliu de la Penya was never a representative in the Catalan *Corts*, but the Catalan doctor was an influential observer and commentator of the 1701/02 and the 1705/06 *Corts* in Barcelona. As a lawyer, Feliu's expertise must have been perceived as instrumental to legislation in a society where rights and obligations depended so much on the careful analysis of legal precedent.⁹² He appears to have weighed in on the debate concerning the royal prerogatives relative to the *insaculació* (sortition, selection by lottery) of members of the *Diputació* and the *Consell de Cent*, the highest ranking governing bodies of the Principality apart from Parliament itself.⁹³ Feliu's work went beyond being a source of general expertise when Charles III (Archduke Charles of Habsburg)

⁸⁸ Jaume Sobrequés i Callicó, "Narcís Feliu de la Penya, cap a la història moderna," *Bulletí de la Societat Catalana d'Estudis Històrics*, no. XXII (2011): 70.

⁸⁹ Henry Kamen, "Narcís Feliu de la Penya i el 'Fénix de Catalunya'. Estudi introductori," in Narcís Feliu de la Penya, *Fénix de Catalunya* (Barcelona: Departament de Cultura de la Generalitat de Catalunya, 1983), 7.

⁹⁰ Sobrequés i Callicó, "Narcís Feliu de la Penya, cap a la història moderna," 71.

⁹¹ Andrea Ricci, "Narcís Feliu de la Penya (1646-1712) i el seu temps" (PhD diss., Universitat Autònoma de Barcelona, 2013), 223-225.

⁹² Sebastià Sole i Cot, "Juristes a les Corts Catalanes de l'edat moderna," *Ivs Fvgit*, no. 10-11 (2001-2002): 736.

⁹³ Joaquim Albareda i Salvadó, "La represa del constitucionalisme (1701-1706)," *Revista de Dret Històric Català* 7 (2009): 117.

appointed him royal advocate (*advocat reial*) for the 1705/06 Corts, where he occasionally pushed the Estates “on His Majesty’s behalf” for the timely conduct of business.⁹⁴

Parliamentary politics in the two contexts differed in more than one way, but in the period directly preceding 1707 both the Scottish Parliament and the Catalan Corts strengthened their positions as forums of public deliberation where the royal government’s agenda could be contested. In Scotland, the Glorious Revolution brought the assembly’s role of – quite literal – kingmaker to the forefront, its rejection of James VII’s rights being crucial to the legitimacy of William and Mary’s rule. The Scottish Parliament utilized the bargaining position created by the change of regime to remind the monarchs of their contractual obligations, bring back presbyterian church governance, and abolish of the Lords of the Articles in 1690, depriving the Crown of an important tool of institutional control over parliamentary agenda.⁹⁵ As a result, “until its abolition in 1707 the Scots Parliament was an independent forum of discussion and decision-making to a degree that it had never been before.”⁹⁶

Similarly, the Catalan Corts gained important leverage as the dynastic efforts for the control of the Hispanic Monarchy unfolded. Convened upon the accession of the Bourbon claimant, Philip of Anjou, the 1701/02 assembly of the Corts was the first to be properly concluded after a hundred years, not independently from the freshly proclaimed monarch’s need to bolster the legitimacy of his rule.⁹⁷ While not all their demands were met by Philip IV (Philip V’s title as King of Aragon), the Catalan Estates could stage their grievances related to the stationing of troops and the royal prerogative to interfere in the election of functionaries of the *Generalitat*. The results impressed

⁹⁴ Ricci, “Narcís Feliu de la Penya (1646-1712) i el seu temps,” 312; Parlament de Catalunya – Generalitat de Catalunya, *Cort General de Barcelona (1705-1706). Procés familiar del braç reial* (Barcelona: Departament de Justícia del Parlament de Catalunya 2022), 433.

⁹⁵ Keith M. Brown, Alastair J. Mann and Roland J. Tanner, “The Scottish Parliament: An Historical Introduction,” accessed April 21, 2024, <https://www.rps.ac.uk/static/historicalintro8.html>; Alastair J. Mann, “Inglorious Revolution: Administrative Muddle and Constitutional Change in the Scottish Parliament of William and Mary,” *Parliamentary History* 22, no. 2 (2003): 121-144.

⁹⁶ Daiches, “Introduction,” xix.

⁹⁷ Albareda Salvadó, *La Guerra de sucesión de España (1700-1714)*, Chapter 4, e-book.

Feliu de la Peña to the extent that in his *Anales de Cataluña*, written at a time when he was already a vocal supporter of the Habsburg claimant, he acknowledged that “the Constitutions drawn up by the Corts [of 1701/02] were the most favorable that the Province ever obtained.”⁹⁸ The pattern was repeated at the 1705/06 Corts, convened by the Habsburg claimant, Charles III, who was rather favorably disposed toward the Catalans who “opened the door of the Hispanic Monarchy” to him.⁹⁹

The Works

While Narcís Feliu de la Peña and Andrew Fletcher of Saltoun were each other’s contemporaries within the range of only a couple of years, the peaks of their intellectual output – the publication dates of their work – show an alternating pattern. While nothing indicates that Fletcher and Feliu were aware of each other’s work, their writings testify to an explicit awareness of each other’s contexts (i.e., the ‘British’ and the ‘Hispanic’). Fletcher and Feliu’s cross-contextual references are part of a general outward-looking approach that compared their own surroundings to good and bad practices in other contexts, most notably France and the United Provinces.

For Feliu de la Peña, the 1680s were an especially fertile period. He wrote a textbook on the textile industry, originally published in Catalan and translated into Castilian at the request of the *Junta de Comercio* in Madrid. His more analytical pieces on economic reform followed quickly. His *Político Discurso*,¹⁰⁰ published in 1681, was distributed to ministers and officials in Madrid and

⁹⁸ “... las Constituciones que avian hecho las Cortes [...] fueron las mas favorables que avia conseguido la Provincia.” Narcís Feliu de la Peña, *Anales de Cataluña y epílogo breve de los progressos, y famosos hechos de la nacion catalana ... divididos en tres tomos ...* . 3 vols. (Barcelona: by Josep Llopis, 1709), vol. 3, 492.

⁹⁹ Albareda i Salvadó, “La represa del constitucionalisme,” 121.

¹⁰⁰ Narcís Feliu de la Peña, *Político discurso en defensa de la cierta verdad que contiene un memorial presentado á la Nobilissima Ciudad de Barcelona, suplicando mande, y procure impedir el sobrado trato, y uso de algunas ropas estrangeras, que acaban el comercio, y pierden las Artes en Cataluña* (Barcelona: by Rafael Figuerò, 1681).

Catalonia, and was mentioned at the 1684 Cortes of the Kingdom of Aragon in Zaragoza.¹⁰¹ In 1683, he expanded the short, pamphlet-like *Discurso* into the work that is especially central to the argument of the present chapter, the *Fénix de Cataluña*.¹⁰² After the *Fénix*, one finds a quarter-century gap in the chronology of Feliu's publications, as his interest might have turned to overseeing the implementation of the ideas previously promoted, such as the improvement of Catalonia's textile industry through the adaptation of new methods of production and the establishment of manufactures, as well as lobbying for the liberalization of trade between Catalonia and the Spanish American colonies via the organization of trading companies.

Andrew Fletcher published (and most likely wrote) his discourses and parliamentary speeches between 1697 and 1704.¹⁰³ As John Robertson pointed out, he “divided his attention and his writings among three issues: arms and citizenship in modern societies, universal monarchy and the advent of a new form of maritime empire, and the choice between incorporating and confederal forms of union between states.”¹⁰⁴ The first of these themes was central to *A Discourse of Government with relation to Militias* and the *Two Discourses Concerning the Affairs of Scotland*, both published in Edinburgh in 1698 after an initial printing of the *Discourse* in London the previous year. Fletcher's *A Discourse Concerning the Affairs of Spain* appeared later in 1698 and focused on the issue of universal monarchy in light of the impending succession crisis of the Hispanic Monarchy, while *A Speech upon the State of the Nation* reflected on the problem from the other side of 1700, as the death of Charles II of Spain gave a much more practical imperative to the theories in the previous work. His last works, *Speeches by a Member of the Parliament which Began at Edinburgh the 6th of May 1703* and *An Account of a Conversation concerning a Right Regulation of Governments for the common Good of Mankind* were published in 1703-04, when Fletcher was already a Member of the Scottish Parliament, and as such

¹⁰¹ Kamen, “Narcís Feliu de la Peña,” 7.

¹⁰² Narcís Feliu de la Peña, *Fénix de Cataluña* (Barcelona: Departament de Cultura de la Generalitat de Catalunya, 1983).

¹⁰³ Robertson, “Introduction,” xvii; Daiches, “Introduction,” xx, xxxv.

¹⁰⁴ Robertson, “Introduction,” xix; Daiches, “Introduction,” xx, xxxv.

addressed the debate on the right form Anglo-Scottish union rather directly.¹⁰⁵ Feliu closes the timeline with his last and certainly bulkiest work, the three-volume *Anales de Cataluña* appeared in 1709, already in the middle of the Habsburg-Bourbon contest for the Spanish inheritance and two years after the promulgation of the first Nueva Planta decree.¹⁰⁶

Nostalgia? For the future!

One of the most striking common motives across Feliu's and Fletcher's corpus, and indeed a pillar of the comparison between the two authors is the sense of unease they express relative to the state of their respective homelands. Things are not as they should be in Catalonia and Scotland. There are parts in Fletcher's and Feliu's work that almost read like jeremiads for their countries. The introduction to Feliu's *Fénix*, signed by Martin Piles, describes the Catalan phoenix as "decrepit, weak, and without strength" (*decrepito, debil, y sin fuerças*), only to contrast the uncertain existence of the phoenix with the rather certain "present weakness" (*debilidad presente*) of the Principality of Catalonia.¹⁰⁷ The image Fletcher paints of Britain, with an "impoverished" Scotland and an England "fallen into all the corruptions" is not much more flattering, even if Britain has still not succumbed to the general European trend of changing governments from "monarchies to tyrannies."¹⁰⁸

What would be the reasons behind such gloomy outlooks? For Fletcher, poverty, corruption and tyranny are all results of a historical process that sees the erosion of political liberties throughout Europe. In *A Discourse of Government with relation to Militias*, first published in 1698, Fletcher designates the year 1500 as the turning point in European history that led to the erosion of the "Gothic constitution", based on a mutual check of monarchs and their weapon-bearing barons on

¹⁰⁵ For the text of all of Fletcher's work enlisted here I refer to Fletcher, *Political Works*, ed. John Robertson.

¹⁰⁶ Feliu, *Anales de Cataluña*.

¹⁰⁷ Feliu, *Fénix de Cataluña*, 2.

¹⁰⁸ Fletcher, "A Discourse of Government," 4, 9.

each other, which gave way to professional, mercenary armies, the nobility's exchange of their war-related duties for privileges at court, and the consequent transformation of monarchy into tyranny.¹⁰⁹ Fletcher sees the proposed military reforms – the solidification of a standing army – as yet another step on the slippery slope toward the dismantling of the Gothic constitution and the balance between King and subjects in favor of the former.

The image of a 'Gothic' constitution under duress embeds Fletcher in a tradition of constitutional-historical investigation that gained special relevance in seventeenth-century Britain. The Goths – a common denominator for non-Roman, warlike, Nordic people – had been part of the European cultural imaginary for centuries.¹¹⁰ But references to the Gothic origins of the constitution were key to the historical debates accompanying and interpreting the conflict between King and Parliament prior to and during the English civil war. The Goths were portrayed as proud warrior nations that had not been subject to Rome and defended their liberties even against their own rulers. Hugely popular works diffused this image. To name only two, Richard Vestegan's *A Restitution of Decayed Intelligence: In Antiquities. Concerning the Most Noble and Renowned English Nation*, published in Antwerp in 1605 and reissued five times until 1673 was the first to claim an explicitly Gothic (Anglo-Saxon) origin for the English people. William Camden's *Britannia* was another successful book that had already had six Latin editions, "each one larger than the previous," before an English translation was published in 1610.¹¹¹ The latter – reprinted in 1637 and published anew in 1695 – identified the Lowland Scots as Goths, "the same German Original with us English."¹¹² Works like these were widely available in Andrew Fletcher's lifetime, and while the Gothic theory was gradually giving way to more abstract and less historical political theories, the insecurities of

¹⁰⁹ J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975), 428.

¹¹⁰ Nick Groom, *The Gothic. A Very Short Introduction* (Oxford: Oxford University Press, 2012), Chapter 3 (e-book).

¹¹¹ F. J. Levy, "The Making of Camden's *Britannia*." *Bibliothèque d'Humanisme et Renaissance* 26, No. 1 (1964): 70.

¹¹² Groom, *The Gothic*, Chapter 3 (e-book).

the settlement following the Glorious Revolution kept the Goths alive in the controversies of the period.¹¹³

For Fletcher, only the Gothic constitution could uphold “the antient limited and legal monarchies of Scotland, and England.”¹¹⁴ Ancient is the flipside of Gothic, even though these two attributes had often been used to imply opposing approaches to the constitution. A Gothic origin could, in principle, be traced and identified on a timeline. The origins of the ancient constitution could not be identified, were immemorial. The immemorial origins of the constitution, and of laws in general were at the heart of the common law tradition, especially central in England but also influential in Scotland, so describing both England and Scotland as ancient monarchies allowed Fletcher to connect with a the “common law mind” of the audience on both sides of the Tweed.¹¹⁵ After the Glorious Revolution, attempts to reconcile the Gothic theory and the ancient constitution were not uncommon, and lent the authority of time-sanctified custom to the Gothic liberties – and the limitations that these liberties imposed on the monarch.

Fletcher’s *Discourse on Government* was mainly concerned with the growing imbalance of power between ruler and subjects, King and Parliament, in Scotland as in England. In fact, when Fletcher argues for the maintenance or indeed restoration of the ancient constitution, he does not necessarily distinguish between England and Scotland. He is clearly conscious of the bonds between the two kingdoms that share the same monarch. He is also aware of the relative power of each inside the monarchy. In his first of the *Two Discourses Concerning the Affairs of Scotland*, published shortly after the *Discourse on Government*, England features as one of the two richest nations in the world (the other being Holland), and Scotland is unceremoniously described as a “poor nation.”¹¹⁶

¹¹³ R. J. Smith, *The Gothic Bequest. Medieval institutions in British thought, 1688-1863* (Cambridge: Cambridge University Press, 1987), 12-13.

¹¹⁴ Fletcher, “A Discourse of Government,” 18.

¹¹⁵ J. G. A. Pocock, *The Ancient Constitution and the Feudal Law. A Study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1987), esp. Chapters II and III.

¹¹⁶ Andrew Fletcher of Saltoun, “Two Discourses concerning the Affairs of Scotland: written in the year 1698,” in *Political Works*, 45.

England is more powerful, and its influence can become dangerous if its own ancient constitution erodes further. One could suspect this consideration behind Fletcher's equal worries for the constitutions in the two kingdoms. Otherwise, rich and poor, they are separate nations, each according to their own constitution.

The significance of Gothic origin stories went beyond Britain. In Camden's *Britannia*, the Scot's Gothic origin is a source of pride because it is an origin shared with the ruling houses of Europe: "It cannot be disgraceful to the Scots, to own themselves the Progeny of the Goths: since the most Potent Kings of Spain value themselves upon that Extraction."¹¹⁷ A point not lost on Narcís Feliu de la Peña. In his *Fenix de Catalunya*, he insists that "the Goths set their court and military encampment" in Barcelona/Catalonia, where their triumphant march toward the "dominion of Spain" or the "empire of all Spain" took off.¹¹⁸ Feliu de la Peña was a recognized *doctor en dret*, Doctor of Law, as had been Jeroni Pujades whose early seventeenth-century *Coronica vniuersal del principat de Cathalunya* he provides as reference when evoking the Goths' deeds.¹¹⁹ Could it have been possible that Feliu came across some form of the Gothic theory familiar in Andrew Fletcher's English-Scottish milieu, or that he meant to connect to an intellectual tradition already expressed by Pujades? The possibility cannot be dismissed with complete certitude. The Gothic theory certainly appeared at universities outside Britain. And we know precious little about Feliu's time at the university.¹²⁰ He was most probably instructed in civil and canon law to obtain his doctorate, which does not suggest an interest in discrediting the validity of Roman law in favor of a Gothic constitution. Especially when read in the whole context of the *Fenix*, the Goths appear as important characters in a long cast of other important characters, such as the Greeks, the Carthaginians, and the Romans. The Goths are not the alternatives to the Romans; rather, they are

¹¹⁷ Quoted in Groom, *The Gothic*, Chapter 5 (e-book).

¹¹⁸ "los Godos [...] elegieron corte, y marcial palestra" – "dominio de España" – "imperio de toda España" Feliu, *Fenix*, 11, 52.

¹¹⁹ Jeroni Pujades, *Coronica vniuersal del principat de Cathalunya* (Barcelona: by Hyeronim Margarit, 1609).

¹²⁰ Ricci, "Narcís Feliu de la Peña (1646-1712) i el seu temps," 221, 384.

the perfectors of the Romans' impact. Catalonia "was enlightened" (illustròsse) by the Romans, but "ennobled" (ennobleciosse) by the Goths.¹²¹

Catalonia's Gothic past is not, however, without constitutional significance. The ennobling quality of the Goths has remained with the Catalans, not the least in their rulers. Claiming a Gothic origin was central to the legitimation of the Christian princes of the Iberian Peninsula invested in the Reconquista. The 're-conquest' was the reclaiming of the territories of the old Gothic monarchy, crushed by the Arab conquest of 711. Hispanic monarchs claimed descent from Don Pelayo, a Visigoth nobleman who joined his family with the defeated royal family, took over the reins of the kingdom, and started the Reconquista. "Forever after this time, the kings of the reconquered lands insisted on their 'Gothicness' as this gave them the right to become kings just because they belonged to the Gothic ilk, i.e. the old royal family."¹²² The image survived into the Habsburg era. The Reconquista, at least on the peninsula, was over by then, but the Gothic past often surfaced in the baroque literature of the Spanish Golden Age, at Cervantes or Calderón de la Barca, among others. Diego de Saavedra Fajardo's *Corona Gothica* was written for and dedicated to Baltasar Carlos, Prince of Asturias – a title of Gothic origin itself –, the heir to the thrones of Philip IV at the time, and the half-brother of Charles II who eventually succeeded his father. The Gothic-Scandinavian origin of Spain was still actively researched in the late seventeenth century.¹²³

In the context of the Hispanic Monarchy, the Gothic theory is not paired up with the idea of an ancient constitution that would have its origins rooted in time before memory. "The Visigoths also saw themselves as the heirs of the Roman Empire," so the theory in the Hispanic Monarchy was not one that would have promoted decoupling from Rome.¹²⁴ Feliu invokes Louis the Pious,

¹²¹ Feliu, *Fenix*, 52.

¹²² Ingmar Söhrman, "Goths as a Legitimizing Symbol in Medieval Spain," *Romance Studies* 35, no. 1 (2017): 53.

¹²³ *Ibid.*, 56.

¹²⁴ *Ibid.*, 53.

Charlemagne's son who conquered Barcelona in 801 and appointed its first count, Bera ("Bara").¹²⁵ Louis' successor, Charles the Bald gave Barcelona with a set of privileges to Wilfred, prince from a Gothic lineage.¹²⁶ Rome's imperial heritage was preserved in the Gothic monarchy, reaffirmed by the Frankish emperors, and culminated in the rule of the House of Austria, the par excellence imperial family of Europe and the supreme guardian of Catholic Christianity. An ancient and unalterable constitution shines through this framework, at least when it comes to the order of succession. The Habsburgs are the "natural lords" of Catalonia, as they are the true successors of both Rome and the Goths. In Feliu's reading, Catalonia made the Spanish monarchy, and not the other way round. The Catalans "assisted the Kings of Castile in the happy conquests of Toledo, Cuenca, Cordova, Ubeda, Sevilla, Almeria, Granada, and Murcia," and they pushed back French invasion attempts for centuries. On one occasion, even their own king ordered them to surrender Catalan territories to the French, but the Catalans would have rather "suffered any sort of death than be subject to a prince other than their natural lord."¹²⁷ The Catalanian origin of the Gothic "dominio" and "imperio" over Spain is not a claim to rule over other parts of Spain, it is a claim of precedence and importance inside the Hispanic Monarchy.

The same logic should be suspected behind complaints about royal absenteeism. Feliu de la Peña finds it dangerous that Catalonia's natural lords must divide their attention among the many parts of the composite monarchy. "[...] so many and so vast kingdoms being united in our Catholic Monarchs, and them having to attend to all, Catalonia could not experience the continuous presence of the Most Serene Counts of Barcelona, and Kings of Aragon, which reined in the fervor necessary for great enterprises, as its Most Serene Kings have to distribute their graces among other vassals."¹²⁸ The heroic acts and excellence of the Catalans in virtually everything from the

¹²⁵ Feliu, *Fenix*, 12.

¹²⁶ *Ibid.*, 44.

¹²⁷ *Ibid.*, 54.

¹²⁸ "[...] uniendose en nuestros Catholicos Monarcas tantos, y tan dilatados Reynos, y deviendo acudir á todos, no pudo experimentar Cataluña las continuas assistencias de los Serenissimos Condes de Barcelona, y Reyes de

earliest times is an emphatic reminder that Catalonia is there and should be treated according to its merits rather than just as one of the many appendages of the Hispanic monarchy. The concern is that the view from the center might be skewed; it might not take into consideration the proper place that Catalonia naturally has inside the realms of the House of Austria. Andrew Fletcher seems to formulate similar worries: “partly by the removal of our kings into another country, this nation, of all those who possess good ports, and lie conveniently for trade and fishing, has been the only part of Europe which did not apply itself to commerce.”¹²⁹ The removal of the royal seat and the consequent diversion of royal attention threatens to disrupt the mutually strengthening bonds between Crown and country.

Feliu’s and Fletcher’s reminders of the glorious Gothic past can read as inherently nostalgic. Behind the erosion of the Gothic constitutions and the loss of liberty it entailed, Fletcher identifies some “extraordinary inventions”. “The restoration of learning, the invention of printing, of the needle and of gunpowder” put an end to – perhaps simpler – times, when people did not have access to all that knowledge accumulated in books, were not able to navigate the oceans and take possession of ‘new’ territories, and certainly were not able to shoot at each other with the efficiency they could in Fletcher’s lifetime.¹³⁰ But the objective was not merely to complain or try to turn back time. Fletcher does not “pretend that the present governments can be restored to the constitution before mentioned.”¹³¹ Feliu asks the King for “the rays of his royal splendor” so that the Catalan phoenix could rise again, but, as we shall see, his proposals are pragmatic and forward-looking, rather than interested in the restoration of a previous state of affairs *tel quel*.¹³² If there is any nostalgia, it’s a nostalgia for the future that can be bright and worthy of Scotland and Catalonia.

Aragō, con que se han entibiado los brios para las empresas grandes, deviedo aora sus Serenissimos Reyes de repartir los premios con otros Vasallos.” *Ibid.*, 66.

¹²⁹ Fletcher, “Two Discourses,” 38.

¹³⁰ Fletcher, “A Discourse of Government,” 4-5.

¹³¹ *Ibid.*, 4.

¹³² “los rayos de su Real esplendor” Feliu, *Fenix*, 67.

A Europe of military and commercial competition

The defense of the ancient constitutions is but the basis for a bright future. Reclaiming the right place for Scotland and Catalonia in the British and the Hispanic monarchies only makes sense if the future that Fletcher and Feliu envisage for their homelands is to happen within these monarchies. And indeed, distinguishing the Scottish and the Catalan polities within their respective dynastic conglomerates is not an attempt to separate them from the rest of the monarchy. Besides contouring Scotland and Catalonia inside the monarchy, the two authors are equally interested in analyzing the wider European and global context in which the British and the Hispanic composite monarchies exist. The key to the prosperity of Scotland and Catalonia is inseparable from the prosperity of the whole monarchy. Fletcher's and Feliu's reclamation of the rank and the liberties of Scotland and Catalonia is not to question their belonging to the Habsburg and the Protestant-Stuart monarchies; rather, to underline them as integral and important constituent parts that should be able to utilize the framework provided by these monarchies to achieve the prosperity that is their due.

One common denominator between Fletcher's and Feliu's assessment of European power politics is the image of competition. One aspect of this competition is a sense of threat; they see their respective monarchies as perpetually threatened by their powerful neighbors. Leading the list of dangerous neighbors is France. Throughout his work, Fletcher consistently refers to France as the example of bad government, of tyranny. "I say, that there is not a freeman in France, because the king takes away any part of any man's property at his pleasure; and that, let him do what he will to any man, there is no remedy."¹³³ France has already fallen into the subjection that existence of permanent standing armies inevitably lead to.¹³⁴ France inspired the tyranny of Queen Mary of

¹³³ Fletcher, "Two Discourses," 61.

¹³⁴ Fletcher, "A Discourse of Government," 7.

Scotland, who “looked upon the moderate government of a limited kingdom, to be disgraceful to monarchs and upon the slavery of the people, as the freedom of kings.”¹³⁵ The French monarchy should be “suspected” of a “design [...] upon the Spanish monarchy, in the case of the death of that King,” i.e. Charles II of Spain.¹³⁶

The idea of a French “design” on the Spanish monarchy is the prism through which Fletcher interprets the stakes of European power politics. The perspective he offers in his *Discourse concerning the Affairs of Spain* –published in 1698, originally in Italian as *Discorso Delle Cose di Spagna*¹³⁷ – is rooted in the uncertainties caused by the looming death of the heirless Charles II and surrounding the future of the Hispanic monarchy. At the time, it was still a possibility that a Bavarian prince would succeed to the Spanish thrones (King Charles’ first choice as successor, Joseph Ferdinand, the son of the Elector of Bavaria died in 1699), but even so it was obvious that the integrity of the Hispanic monarchy, as well as peace in Europe would be at stake when the King dies. In the *Discorso*, Fletcher takes the role of an advisor to the future King of Spain, and he suggests a set of policies that would allow Spain to live up to its full potential as a powerful and prosperous monarchy. Fletcher argued that the “Empire of Spain” (*l’Imperio di Spagna*) has had everything at its disposal to obtain universal empire (*l’imperio del mondo, l’imperio dell’universo*), to become a universal monarchy (*monarchia universale*) – only the bad governance of the House of Austria prevented such a glorious outcome.¹³⁸ Once they are gone, the new King of Spain could finally “establish good orders in a disordered kingdom” and become master of the world, subduing even France, England, the Netherlands, and Italy.¹³⁹

¹³⁵ Ibid., 10-11.

¹³⁶ Ibid., 13.

¹³⁷ The Italian edition was almost certainly not published in Naples as the title page would suggest; see *Discorso Delle Cose di Spagna, Scritto nel mese di Luglio 1698* (Naples, 1698), https://books.google.hu/books?id=l4k4nQEACAAJ&pg=PA1&hl=es&source=gbv_selected_pages&cad=2#v=onepage&q&f=false.

¹³⁸ Andrew Fletcher or Saltoun, “A Discourse Concerning the Affairs of Spain,” in Fletcher, *Political Works*, 86-87, 112.

¹³⁹ Ibid., 112, 116-117.

Fletcher's premises are somewhat misleading. On the surface, the *Discorso* proposes a blueprint to the dominion of the world, but universal monarchy was not exactly a glorious or awe-inspiring attribute by the late seventeenth century. The idea of universal monarchy is rooted in Roman law, where "the Emperor is styled *Dominus mundi*, the Lord of the World."¹⁴⁰ The theory of a universal world rule was a fundamental point of reference for political thought in the thousand years following the disappearance of Roman imperial rule over Western Europe. The imperial title was resuscitated with Charlemagne's coronation in Rome and lived on with the emperors of the Holy Roman Empire. Universal world rule as the ultimate earthly framework of the Christian commonwealth engendered rich and often contradictory speculation about the location and source of such immense power, as well as its division between pope and emperor. In the sixteenth century, the combination of Charles V's dynastic inheritance and his imperial title gave a new life for political thought on the possibility and desirability of *monarchia universalis*. While the idea of a Catholic Habsburg world monarchy certainly had no universal appeal, in an era marked by the turbulences of the Reformation and the ensuing war and suffering in Europe, Mercurino Gattinara, Charles V's chancellor (*gran canceller*)¹⁴¹ was not alone in his enthusiasm for a global order that would extend Rome's mission to the world, including its newly "discovered" parts, while also imposing confessional uniformity and peace. As the dream of a new Carolingian empire faded away, the idea of universal monarchy retained more negative connotations. "Among most political thinkers of the seventeenth century the idea of universal monarchy had lost its constructive political value and was mostly used polemically."¹⁴²

And indeed, in an advertisement (*avviso*) that was later added to the *Discorso*, Fletcher made it clear that his intent was ironic, writing his pamphlet with the objective of drawing attention to the

¹⁴⁰ Frances A. Yates, *Astraea. The Imperial Theme in the Sixteenth Century* (London: Pimlico, 1993), 5.

¹⁴¹ Manuel Rivero Rodríguez, "Mercurino Arborio Gattinara," *Diccionario Biográfico electrónico*, Real Academia de la Historia, <https://dbe.rah.es/biografias/10612/mercurino-arborio-gattinara>.

¹⁴² Peter Schröder, "The Concepts of Universal Monarchy and Balance of Power in the First Half of the Seventeenth Century—A Case Study," in *International Law and Empire: Historical Explorations*, ed. Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca (Oxford: Oxford University Press, 2017).

opportunities that Spain indeed possessed to dominate the world, and seeking to motivate other European powers to ensure such an undesirable thing never happens. To contemporary observers, it must also have been clear that Spain is not the real culprit accused of evil designs. The days of Charles V were gone, much like the time of his successors when “the universal monarchy of the Spanish Habsburgs became a variant of the Empire.”¹⁴³ By the time of Louis XIV of France, the idea of universal monarchy was an interpretative framework for the *Roi-soleil*’s policies, often referred to by the enemies of the French monarchy.¹⁴⁴ In Britain, the road from Spain to France led through the Netherlands: prior to the Glorious Revolution, the Dutch were often accused of contriving for universal monarchy.¹⁴⁵ But as King William remained stadtholder in the Netherlands after his accession to the English and Scottish thrones, the nature of international rivalry and with it the attention of English authors shifted from the Netherlands to France. Charles Davenant, an English mercantilist economist and Andrew Fletcher’s contemporary, identified France as the most important opponent because Louis XIV aspired not only to universal monarchy, but dominion over the European market.¹⁴⁶ France was seen to be after a “Universal Monarchy of commerce.”¹⁴⁷ For Fletcher, explaining the possibilities for Spain to obtain universal empire was cautioning against France’s power, as the Bourbons were clearly among the main contenders for the Spanish thrones.¹⁴⁸

The crisis of succession does not loom as large in Narcís Feliu de la Peña’s *Fenix*. It had been published fifteen years earlier than Fletcher’s *Discurso*, so the clouds were not yet gathering on the horizon, especially as there was still hope in the 1680s that Charles II would be able to sire children

¹⁴³ Franz Bosbach, *Monarchia Universalis. Ein politischer Leitbegriff der frühen Neuzeit* (Göttingen: Vandenhoeck & Ruprecht, 1988), 85.

¹⁴⁴ *Ibid.*, 121.

¹⁴⁵ Steven Pincus, “The English debate over universal monarchy,” in *A Union for Empire. Political Thought and the British Union of 1707*, ed. by John Robertson (Cambridge: Cambridge University Press, 1995), 38-40.

¹⁴⁶ Istvan Hont, *Jealousy of trade: international competition and the nation state in historical perspective* (Cambridge, MA: Belknap Press of Harvard University Press, 2005), 59.

¹⁴⁷ *The French Intrigues Discovered* (London, R. Baldwin, 1681), p. 23, quoted in Pincus, “The English debate over universal monarchy,” 45.

¹⁴⁸ Andrew Fletcher of Saltoun, “A Speech upon the State of the Nation,” in Fletcher, *Political Works*, 123-124.

despite the ill-health that accompanied him throughout his life.¹⁴⁹ Even so, the French are unmistakably identified as the most dangerous neighbors. In the *Fenix*, Feliu takes an exhaustive inventory of the French attacks and invasion attempts that the Catalans repelled, covering the four centuries since “the first and major invasion of the French” (la primera, y mayor invasion del Francès) during Peter II’s reign in 1285.¹⁵⁰ Feliu’s long list of French interference includes the events of 1640, known to posterior historiography as the revolt of the Catalans. Feliu’s narrative conveniently excludes any Catalan agency that would have been deployed in support of the French and focuses on the assistance given by Catalonia to the King’s brother and military commander, Don Juan de Austria in his fight against France. The French are featured as the perpetual challenge that Catalonia has had to overcome time and again in defense of its kings and their other realms and territories.

While Feliu’s references to the French are just about as polemic as Fletcher’s, portraying France as the power that keeps trying to expand its dominion, the concept of universal monarchy does not appear quite as explicitly in the *Fenix* as in Fletcher’s works, especially the *Discurso*. Feliu could not have been completely oblivious to the concept itself. The doctorate in Law that he obtained in Barcelona supposes a certain familiarity with important concepts of Roman law that early modern references to universal monarchy were ultimately built on – related concepts such as *imperio* certainly appear in the *Fenix*. The myths surrounding Charles V and the resurrection of universal monarchy in his empire could not have avoided his attention, either. There are not many references to Charles V in the *Fenix*, but we find among Feliu’s sources the *Epitome de la vida y hechos del invicto emperador Carlos V*, written by the diplomat-historian Juan Antonio de Vera y

¹⁴⁹ At the time of the publication of the *Fenix*, Charles II was married to Marie Louise of Orléans. Following her death, the King married Mariana of Neuburg in 1690. The remarkable influence that either Queen enjoyed in the Madrid court was in no small part due to the expectation that they would produce an heir to the King and thereby secure the succession. Kamen, *Philip V*, 1; Storrs, *The Resilience of the Spanish Monarchy*, 158.

¹⁵⁰ See especially Feliu, *Fenix*, 17-20. Peter II, also known as Peter the Catholic was King of Aragon and Count of Barcelona until his death in 1213, so Feliu’s chronology is not exact. But King Peter did die in battle against ‘the French’ (the nobility of Toulouse). Martín Alvira Cabrer, *Muret 1213. La batalla decisiva de la cruzada contra los cátaros* (Barcelona, Ariel, 2008), 174-179.

Zúñiga, Count of Roca, first published in 1622 and re-published in several editions in different parts of the Hispanic Monarchy up to the 1650s (and possibly the 1660s).¹⁵¹ One can only speculate here, but Feliu's knowledge of the polemic potential of the concept of universal monarchy could be the very reason for his avoidance of it, given the historical connections between the concept and the House of Austria.

Even so, the *Fenix* is not without references to a certain universal vocation centered on Catalonia. In the dedicatory, Martín Piles asks for royal attention so that the reborn Catalan phoenix would be acclaimed by the whole world (*Orbe*). The “constancy of the Catalans’ faith” (*constancia de la fe Catalana*) led the Catalans to accomplish great deeds against the enemies of the Church “all around the world” (*en toda la redondez del Orbe*). The Catalans are compared to the “richest and strongest nations of the world (*Orbe*)”; indeed, the Catalans used to provide the “all the nations of the world (*Orbe*)” with the rules of commerce.¹⁵² The claim that Catalonia or the Catalans “gave laws” (*dieron leyes/reglas*) to other nations has a ring of universal rule to it.¹⁵³ But read in the whole context of the *Fenix*, Feliu's point is more about emulation. Catalonia used to be a player that was worthy of emulation by others, his laws were so sensible that others adopted them for their own benefit. Feliu recognizes the importance of learning from others as the key factor behind the success of any nation.

This leads us back to the image of competition that underlies both Feliu's and Fletcher's analysis of the European power game. Other nations are not merely seen as threats; they are also competitors that should be emulated. The list of countries to emulate, as well as the reason for emulation shed light on where Feliu and Fletcher saw the key to the success of Catalonia and

¹⁵¹ Juan Antonio de Vera y Zúñiga, Conde de la Roca, *Epítome de la vida y hechos del invicto Emperador Carlos V.* (Madrid: by the widow of Alonso Martín, 1622); Carmen Fernández-Daza Álvarez, “Juan Antonio de Vera y Zúñiga,” *Diccionario Biográfico electrónico*, Real Academia de la Historia, <https://dbe.rah.es/biografias/41205/juan-antonio-de-vera-y-zuniga>.

¹⁵² Feliu, *Fenix*, 6, 21, 31.

¹⁵³ *Ibid.*, 22, 31.

Scotland on the international scene. England and the Netherlands are often evoked by both authors, and even France makes an appearance under the other label of successful nation worthy of emulation. There are two related areas that are identified as the common denominators between these nations and that makes them into examples to follow for Fletcher and Feliu: their dominion of the seas and their edge in global commercial transactions.

Ruling the seas is the acceptable alternative to universal – land – monarchy. To Fletcher, not only is the defense of Britain “best managed by sea,” but “the sea is the only empire that can naturally belong to us.” He continues: “Conquest is not in our interest, much less to consume our people and treasure in conquering for others.”¹⁵⁴ Striving for a land empire was central to the concept of universal monarchy, and Fletcher rejects it as a wasteful exercise. The sea is the proper environment for increasing the nation’s power, land conquest can easily lead to overextension. Fletcher and Feliu identify the same main causes behind the ills that do not only lead to a disadvantageous position for Scotland and Catalonia inside the larger framework of the monarchy, but they also damage the British and the Spanish monarchies. All these causes are related to land-oriented expansion.

Royal absenteeism is one such cause; as we have seen, ruling over too many territories diverts attention from the needs of each. Depopulation is another one: the *Fenix* names “the lack of people” who had been leaving the Iberian Peninsula for European and American possessions of the Hispanic Monarchy, as “the cause, and certain origin of the unhappy state, not only of Catalonia, but of the whole of Spain” – making the two-faced implication that the expulsion of Jews and Moriscos could be related with the problem of depopulation, even though the latter groups are of course not needed in “such a Catholic province.”¹⁵⁵ The economic reforms that were to restore Catalonia to its former glory, the “fabricas,” the production of merchandise to sell on

¹⁵⁴ Fletcher, “A Discourse of Government,” 14, 30.

¹⁵⁵ Feliu, *Fenix*, 67.

domestic and foreign markets, the increasing traffic of ports, all required the manpower Spain was seen as continuously losing. In the *Discurso*, Fletcher warns of the dangers of depopulation through the example of Spain, which it had suffered in great part due to religious intolerance. “The increase of population will in turn lead to an increase in agriculture, the mechanical arts, commerce and navigation” and then “Spaniards will begin to apply themselves to work and industry.”¹⁵⁶ Fletcher also worried for his own native Scotland. Not independently from the royal court’s move to London, he found the allure of the English capital dangerous to Scotland. The third cause, the expansion toward overseas territories (“*descubrimiento de las Indias*” or “the invention [...] of the needle and of gunpowder”) further adds to the problems created by royal absenteeism and depopulation.¹⁵⁷

The ills of land-conquest can be counterbalanced by the conquest of the seas, the vehicles of trade. “The son of navigation is Commerce,” which made Rome great, Carthage rich, Holland populous, and England strong.¹⁵⁸ Trade encourages exportation, and is thereby able to activate all the resources of the country.¹⁵⁹ Trade allows even small and impoverished countries like Scotland to sell their natural resources (corn, fish).¹⁶⁰ Trade gives work to the “*fabricas*,” the manufactures where Catalonia could increase its production of all kinds of textiles – “*sedas, de tafetantes, damascos, razos lisos, y de flores, terciopelo, lamas, ó tabi de oro, y plata, brocados, brocadillos, y otras suertes de ropas*” – and sell it in “*Italia, Cerdeña, Mallorca, y otras Provincias*” of the Hispanic Monarchy, which would in turn generate the revenues necessary for catching up to the maritime enterprises of France, Holland, and England.¹⁶¹ The reinvigoration of trade would supply the “money that is the soul of armies (*alma de los ejercitos*)”, which even Fletcher recognizes is the only feasible way of providing

¹⁵⁶ Fletcher, “A Discourse Concerning the Affairs of Spain,” 115.

¹⁵⁷ Feliu, *Fenix*, 12; Fletcher, “A Discourse of Government,” 4.

¹⁵⁸ Feliu, *Fenix*, 30. On page 60, Feliu is not completely antagonistic to the idea of land conquest, at least historically, for the prosperity of Catalonia.

¹⁵⁹ Fletcher, “Two Discourses,” 49-50.

¹⁶⁰ *Ibid.*, 50, 71.

¹⁶¹ Feliu, *Fenix*, 74.

for the defense of one's country in times of war – at least in the absence of properly organized patriotic militias.¹⁶²

To catch up to the successful trading nations, Fletcher and Feliu suggest their emulation. England, France, and Holland managed trade via privileged trading companies, a method that had not been available to Scotland and Catalonia. Since Philip II's reign (1556-98), the Hispanic Monarchy had organized its colonial trade around the system of *flotas y galeones*, which consisted in two annual convoys of ships accompanied by armed vessels between the ports of Cadiz and Havana. The restrictive regulations were meant to shield American commerce from foreigners, regulate transoceanic traffic and “provide adequate control over the taxes on commerce.”¹⁶³ By the last decades of the seventeenth century, the system could not deliver these objectives; instead, it cemented the monopoly of Andalusian ports and merchants over the trade with the colonies, when it did not simply encourage smuggling. In 1679, a royal decree established a *Junta de Comercio*, a board of trade that was meant to facilitate exchanges on possible reforms to colonial trade. Narcís Feliu de la Peña was involved in the work of the Junta from the very beginning, and he was officially appointed as a member in 1684.¹⁶⁴ The last eight of the eighteen chapters of the *Fenix* – published in the year before Feliu's appointment to the Junta – were dedicated to a detailed proposal for a “new perpetual company” (*nueva compañía perpetua*) that he would have named the Company of Santa Cruz de Barcelona.¹⁶⁵ Feliu was conscious of the challenge that the capitalization of such a venture meant. “For one or two [individuals], the means for great enterprises may be lacking, but not if many [people] join.”¹⁶⁶ Feliu was counting on the Catalan merchant community to raise the funds for the company, which would have made it into a

¹⁶² Ibid., 63; Fletcher, “Two Discourses,” 37.

¹⁶³ Margarita Eva Rodríguez García. “Compañías privilegiadas de comercio con América y cambio político (1706-1765),” *Estudios de Historia Económica* no. 46 (Madrid: Banco de España, 2005):13-14.

¹⁶⁴ Ricci, “Narcís Feliu de la Peña (1646-1712) i el seu temps,” 235, 243.

¹⁶⁵ Feliu, *Fenix*, 84.

¹⁶⁶ “Aunque á uno, ò ha dos, les falten medios para emprezas grandes, no si se juntan muchos.” Ibid., 81.

distinctly Catalan venture. Catalonia, once again, would become the driving force of the Hispanic monarchy, rather than one of its forgotten peripheries.

Andrew Fletcher echoed Feliu in that he considered the Scottish “African and Indian Company” (the Company of Scotland trading to Africa and the Indies, also known as the Darien Company) to be “that affair which presses most, and in which the nation is so universally concerned.”¹⁶⁷ Fletcher did not provide as detailed a blueprint as Feliu’s to the establishment of a Scottish trading company, as one had already been set up by an act of the Scottish Parliament in 1695. It was a truly momentous occasion, as for a brief moment William II of Scotland seemed to have finally come out of the shadow of his other persona, William III of England, granting royal approval to a distinctly Scottish venture. The company was given a set of privileges so that it can compete with already established English ventures like the East India Company. The English companies raised alarm in front of the King and the English Parliament, and the Scottish company was cut off from London capital.¹⁶⁸ Underlining the significance that Scottish society attributed to the project, Scottish shareholders raised the funds to launch the company, to the extent that “the capital raising had sucked in much of the liquid wealth of Scotland.”¹⁶⁹ Andrew Fletcher led with example: he invested the colossal sum of £1,000 sterling in the Company. The Company of Scotland was to be the proof that trade provides the means even for a small and poor nation to compete with the rest of the world – and the rest of the monarchy.

The main pillars of the analytical framework that Fletcher and Feliu used to situate Scotland, Catalonia, and the British and the Hispanic monarchies in the wider geopolitical context fits very well the prevailing mercantilist approaches to the power and wealth of nations. Mercantilism as a concept has been the subject of recurrent attempts of interpretation and reinterpretation at least

¹⁶⁷ Fletcher, “Two Discourses,” 36.

¹⁶⁸ George Pratt Insh, *The Company of Scotland Trading to Africa and the Indies* (London: C. Scribner’s sons, 1932), 57.

¹⁶⁹ Douglas Watt, *The Price of Scotland : Darien, Union and the Wealth of the Nations* (Edinburgh: Luath Press, 2006), 54.

since the harsh critique Adam Smith offered on the mercantilist system in his *Wealth of Nations* (1776). After it had been mulled over by Friedrich List, John M. Keynes, Eli Heckscher, and Joseph Schumpeter, to name only the most influential political economists who engaged with the concept in the past two centuries, the term mercantilism is arguably “an *a posteriori* rationalization that does not contribute to a better understanding of the economic literature produced in the new European nation-states between the late sixteenth and early eighteenth centuries; rather, it simplifies and distorts a more complex reality.”¹⁷⁰ With that caveat, I still find it convenient and legitimate to use the label of mercantilism to thinkers like Fletcher and Feliu, if for no other reason than for the central importance of mercantile – trade-related – elements in this group of theories.

Economic thought in the century preceding Fletcher’s and Feliu’s lifetime was marked by the realization that it is not the accumulation of bullion – precious metals like gold and silver – per se that makes a realm rich. Rather, the wealth and power of a nation is derived from a favorable balance of trade. As summarized by Adam Smith, “to achieve a favorable balance of trade, [the mercantilists] devised “two great engines”: one a set of legislative measures designed to encourage exports (or more strictly the export of *manufactured* goods), and another set designed to discourage imports (or more strictly the import of *manufactured* goods).” In other words, mercantilist thought argued in favor of a combination of export-oriented and protectionist policies.¹⁷¹ The manufactures and trading companies so central to Fletcher’s and Feliu’s proposals would have served exactly this purpose, by putting the material and human resources of the country to good use. This is why the loss of population should be reverted or avoided, and the raw material (namely for the textile industry) kept inside the country. The system supposed the active involvement of the government to encourage production and fend off external competition, which is in part why royal absenteeism – a loss of attention by the royal government – seemed problematic to Fletcher

¹⁷⁰ Luis Perdices de Blas, “El Pensamiento económico de los mercantilistas,” in *Historia del Pensamiento Económico*, ed. by Luis Perdices de Blas (Madrid: Síntesis, 2008), 46.

¹⁷¹ C. H. Wilson, “Trade, Society and the State” in *The Cambridge Economic History of Europe*, vol. IV., ed. E. E. Rich and C. H. Wilson (Cambridge, Cambridge University Press: 1967), 496.

and Feliu. In the zero-sum game of trade balances, there was always at least one other nation that was seen to be dangerously close to winning the game and overpowering its neighbors (universal monarchy) but was also a repository of good practices to emulate.

Even though mercantilist thought was hardly a novelty by Feliu's and Fletcher's active period, trade was still, so to speak, the trade of the season in the British and the Hispanic contexts when it came to ideas on good government. If Fletcher's was the view from the Scottish periphery, it is remarkable that authors from south of the border, representing the metropolitan view and not being much invested in Scotland's wellbeing per se, shared to a large extent an analytical framework with Andrew Fletcher, offering their ideas on exports, imports, manufactures, colonies, credit, and, most importantly, the balance of trade.¹⁷² Charles Davenant was "probably the most influential English analyst of trade and its implications in the closing years of the seventeenth century."¹⁷³ He was even more prolific a writer than Fletcher, who engaged with a variety of topics from Ireland's wool industry and the use of paper money to commerce with India and labor policy. Davenant's influence on economic thought remained strong well into the eighteenth century – a complete edition of his works was published in 1771 in London.¹⁷⁴ But the original publication of his writings that best retained the attention of posterity – *An Essay on the East India Trade; Discourses on the Public Revenues, and on the Trade of England; An Essay upon the Probable Methods of Making the People Gainers in the Balance of Trade; A Discourse on Grants and Resumptions and Essays on the Balance of Power* – dates to the late 1690s, early 1700s, in parallel with Fletcher's corpus. Dudley North's *Discourses upon Trade* or Josiah Child's *A New Discourse of Trade* preceded them by a couple of years. Thomas Mun's *England's Treasure by Foreign Trade* had been written quite a bit earlier, in the 1620s, but this "bible of later mercantilists" was only published in 1664 in a context that reflected the book's strong anti-

¹⁷² Istvan Hont, "Free trade and the economic limits to national politics: neo-Machiavellian political economy reconsidered," in *The Economic Limits to Modern Politics*, ed. John Dunn (Cambridge: Cambridge University Press, 1990), 113.

¹⁷³ Ibid., 57-58.

¹⁷⁴ Charles Davenant, *The Political Works of that Celebrated Writer Charles D'Avenant, LL.D.*, 5 vols., collected and revised by Sir Charles Whitworth (London, 1771).

Dutch sentiment and the Navigation Acts of the early 1660s that aimed to further protect English trade, optimally to the detriment of Holland.¹⁷⁵

If the English Navigation Acts were the *chef d'œuvre* of mercantilist thought put to practice, the lack of such a clear and consequential legislation in the Hispanic Monarchy was certainly not due to a lack of trying.¹⁷⁶ Authors who were preoccupied with the detrimental state of the Crown's finances were many, and most of them tried to draw attention to the potential of Castile, the kingdom that should have been the heart and engine of the monarchy, but instead showed signs of decline. In the seventeenth century, these authors were somewhat pejoratively referred to as *arbitristas*. In their attempt to identify the causes of and propose remedies to the decline of Castile, the arbitristas examined just as wide a range of themes as their English counterparts, from commercial policies through exchange rates and taxes to agriculture and poverty relief.¹⁷⁷ Miguel Álvarez Osorio y Redín, author of the *Discurso universal de las causas que ofenden esta monarquía* and the *Extensión política y económica* among others, published his works from 1686, shortly after Feliu's *Discurso* and *Fenix*, and he moved inside the same mercantilist premises when he applied economic calculations to remedy the defects of the monarchy.¹⁷⁸ The fundamental premises of these reflections can be traced back to the early seventeenth-century and even further. From Feliu's *Discurso*, we know that he was familiar with Tomás de Mercado's *Suma de tratos y contratos* from 1571. Between the two of them, the richness of arbitristismo was marked by, among many others, Martín González de Cellorigo's *Memorial de la política necesaria y útil restauración a la República de España y estados de ella* (1600), Sancho de Moncada's *Restauración política de España* (1613), or Francisco Martínez de Mata's *Memoriales y discursos*. The latter were written in the 1650s, but – an interesting parallel between the fates of Mata's and Davenant's work – most of them were dusted off and published in the 1770s

¹⁷⁵ Wilson, "Trade, Society and the State," 503.

¹⁷⁶ *Ibid.*, 520.

¹⁷⁷ Perdices de Blas, "El Pensamiento económico de los mercantilistas," 47.

¹⁷⁸ Rafael Muñoz Hernández, "Miguel Álvarez Osorio y Redín," *Diccionario Biográfico electrónico*, Real Academia de la Historia, <https://dbe.rah.es/biografias/21418/miguel-alvarez-osorio-y-redin>.

by no other than the Count of Campomanes, a central figure of the Bourbon reformism during Charles III's reign (1769-1788 – not to be confused with the Archduke Charles).¹⁷⁹

As such, the premises of Fletcher's and Feliu's analysis were hardly new by the late seventeenth century. The frenzy of trade, or rather, balance of trade was the central motive of discussions on the wealth and power – or lack thereof – of European polities from the sixteenth well into the eighteenth century. The uniqueness of Feliu's and Fletcher's contribution consisted more in applying the common mercantilist premises to particular constitutional situations and arguing that there are ways for their homelands to come out of the shadow of their more powerful neighbors and successfully enter the zero-sum game for trade while protecting their “ancient constitutions.” Feliu and Fletcher, at least before incorporating union appeared as a very real possibility in the years before and after 1707, did not even try to solve the contradiction between the expectation that the protective umbrella of the wider monarchy – the benevolent attention of the monarch and the royal government – would protect Scotland and Catalonia during at least the initial stages of their entry into the game, and the very real possibility that England and Castile would be their competitors just as much as Holland or France. In retrospect, this might seem like naivety or a willful understating of certain possibilities to favor others. Or they might have just trusted that the globe was, after all, big enough for at least avoiding antagonistic commercial interests within the dynastic unions.

Union as contrary to peace and prosperity

Fletcher's and Feliu's works that were published before the onset of the succession crisis leave us with a comparable vision for Scotland and Catalonia. Fletcher and Feliu reclaimed their nations

¹⁷⁹ Pedro Pablo Núñez Domingo, “Francisco Martínez de Mata,” in *Economía y economistas españoles*, vol. 2., ed. Enrique Fuentes Quintana (Barcelona: Galaxia Gutenberg, 1999), 581.

place in the heart rather than the periphery of the British and the Hispanic monarchies. The restoration and respect of the distinct constitutional identities was claimed to be beneficial for the whole of the monarchy as the only way to provide Scotland and Catalonia with the right framework for its prosperity. Built on the reinforced constitutions, Scotland and Catalonia would be ready to enter the bloodstream of globalizing commercial relations, meeting their competitors head on. Crucially, this vision supposed the patronage and protection of the monarchy and the larger, imperial framework provided by it.

The vision is thus compatible with the framework of the dynastic unions that Britain and Spain were as the seventeenth century ended. On the other hand, the vision was much less compatible with the unions that were established in and after 1707. Incorporating union, built on the, at least partial, negation of Scotland's and Catalonia's distinct constitutional identities that had bearing on the highest echelons of sovereignty dismantled the framework that Fletcher and Feliu found optimal and even natural to their homeland's prosperity. Only with the start of the War of Succession in Spain, and as the possibility of incorporating union became more of a reality would Fletcher and Feliu consider that their visions for Scotland and Catalonia were perhaps not compatible with the framework of the larger monarchy. Such a shift becomes evident if one considers the later, post-1700 work of the two authors.

In the *Fenix*, Feliu emphatically asserts the Catalans' contribution to the Hispanic Monarchy, including its institutions and a common – Spanish – identity. "Spain has no roots more ancient than Catalonia." "All of us Spaniards are equal in the firmness and advances of the Catholic Faith." Feliu even claims that the Inquisition, a quintessentially all-Spanish institution, was built on the "*fe Catalana*."¹⁸⁰ In his opus magnum, the *Anales de Cataluña*, published in 1709, two years after Castilian law was introduced in the Kingdom of Aragon, Feliu markedly underlines his Catalan,

¹⁸⁰ Feliu, *Fenix*, 7, 35, 78.

rather than Spanish identity – “siendo Catalan,” “como soy Catalan, por natural de Barcelona” – and specifically demarcates the Catalan nation from a Spanish or Castilian one. He even apologizes for having written the *Anales* in Castilian and defends the choice with the objective of reaching a wider audience.¹⁸¹ Feliu, further expanding on Catalonia’s past grandeur to which he was not shy to dedicate long parts of the *Fenix*, took a very clear position in favor of Charles III as the legitimate heir to Charles II. The second volume of the *Anales* is dedicated to both of these monarchs, which is a strong statement about what Feliu thought of legitimate dynastic continuity, starting with his reference to Charles III as the “legitimate successor of Charles II” in capital letters on the title page.¹⁸² In the part of the *Anales* (Book XXII) where Feliu expresses satisfaction with the outcome of the 1701/02 Corts, he also specifies “that although this account calls the general council of the Duke of Anjou ‘Cortes,’ it is not because that’s what it was, as those [the Corts] can only be convoked by the legitimate King.”¹⁸³ While on the one hand, the *Anales* recognizes Charles’ claim to the entirety of the Hispanic Monarchy, the book is dedicated to him in his capacity as Count of Barcelona, the sovereign of the Catalans. At the same time, Philip of Anjou’s party is always identified as “the French,” with Philip as a foreigner who has no rightful claim to any part of the Monarchy. Even if the first Nueva Planta decree was issued only for the Kingdom of Aragon (and not the Crown of Aragon, including Catalonia), Feliu clearly saw the decree as a dangerous precedent, breaking the laws that Philip had earlier sworn to uphold in front of the different parliaments of the monarchy, notably the Catalan Corts at its 1701/02 session.

Andrew Fletcher was, as we have seen, at least as suspicious of French influence on government as Feliu, but he also identified undesirable foreign influences from within the British monarchy. As a Member of the Scottish Parliament that was called for May 1703 and turned out to be the last

¹⁸¹ Feliu, *Anales de Cataluña*. References are from vol. 1 “Al Letor” [“To the Reader” at the beginning of the volume, no page numbers], and vol. 3 “Al Fidelissimo, y Excelentissimo Principado de Cataluña” [“To the Most Loyal and Most Excellent Principality of Catalonia” at the beginning of the volume, no page numbers].

¹⁸² *Ibid.*, vol. 2.

¹⁸³ “... que aunque en el curso desta relacion, al congreso general del Duque de Anjou llame Cortes, no es porque lo sean, que estas solo las puede congregar el que es legitimo Rey.” *Ibid.*, vol. 3, 481-482.

one for almost three centuries, Fletcher missed few opportunities to underline the detrimental impact of England on Scotland's affairs. To make sure his message reached beyond the legislative chambers, he published a selection of his parliamentary speeches in November 1703, shortly after the end of the first session of Parliament.¹⁸⁴ A hundred years after Scotland's ancient royal family ascended to the throne of England, Fletcher's assessment of the resulting dynastic union was less than flattering. In his reading, "when [Scotland's] Kings succeeded to the crown of England, the ministers of that nation took a short way to ruin us, by concurring with their inclinations to extend the prerogative in Scotland." The "pernicious delusions" of the English court proved contagious to the affairs of Scotland, "managed by the advice of English ministers" since the relocation of the Scottish court to London, no delusion being more dangerous than the "inclination [...] to extend the prerogative of the prince to an absolute and unlimited power." English influence was so detrimental that Scotland "appeared to the rest of the world more like a conquered province, than a free independent people" following the union of the crowns.¹⁸⁵

For Fletcher, the dangers of English influence went beyond the realm of constitutional affairs. We have seen in the *Discorso* that he was concerned with the good use of a country's resources, and most particularly its population. Depopulation was a serious problem, but to him, an unevenly distributed population meant an equally serious problem. In *An Account of a Conversation concerning a Right Regulation of Governments for the Common Good of Mankind* (1704), he explained how a union of parliaments between Scotland and England threatened to lead to such an outcome, exacerbating the already existing magnetic power of London drawing the wealth of England and its commercial empire disproportionally toward the metropole. According to Fletcher, this was undesirable even as things stood without incorporating union, as "bringing together such numbers of men and immense riches into one city [would] inevitably corrupt all good manners and make them

¹⁸⁴ Robertson, "Introduction," xxxiii.

¹⁸⁵ Andrew Fletcher of Saltoun, "Speeches by a Member of the Parliament Which Began at Edinburgh the 6th of May, 1703," in Fletcher, *Political Works*, 132-133 (speech II), 135 (speech III).

uncapable of order and discipline, as [...] experience has but too well demonstrated.”¹⁸⁶ It is bad enough that England, already linked to Scotland via a dynastic union, takes that road to corruption, but the concentration of men and wealth in London would only increase after an incorporating union, further aggravating the situation. In Fletcher’s view, it was far from evident that giving in to the political and economic might of its southern neighbor in the form of a closer union would be compensated with any commercial benefit to Scotland. It might have appeared less obvious when seen from London, but an incorporating union had already been tried, and, according to Fletcher, failed to deliver the very prize that Scotland was offered by the partisans of union. The prototype of union was Wales, “the only country that ever had united with England, lying at a less distance from London, and consequently more commodiously to participate in the circulation of a great trade, than we [Scots] do, after three or four hundred years, is still the only place of that kingdom, which has no considerable commerce, though possessed of one of the best ports in the whole island.” For Fletcher, this was more than “sufficient demonstration that trade is not a necessary consequence of an union with England.”¹⁸⁷ In other words, union with England was detrimental to the objective of commercial development, and resulted in a very harmful situation where even the naturally given dispositions of Wales were annulled as a result.

If union was not necessarily able to produce tangible advantages relative to trade and was conducive to the corruption of morals through the excessive concentration of wealth in London and the subsequent depopulation of areas far from the imperial capital, it was certainly able to absorb the independent political authority necessary for the representation of Scotland’s interests. That was a poor outcome for Fletcher: Scotland could lose its population to London and to the colonial ventures directed from there, while it would not be able to reap the increasing profits of trade; additionally, it would lose any ability to correct such a dire state through legislation. As a

¹⁸⁶ Andrew Fletcher of Saltoun, “An Account of a Conversation Concerning a Right Regulation of Governments For the common Good of Mankind in a Letter to the Marquiss of Montrose, the Earls of Rothes, Roxburgh and Haddington,” in Fletcher, *Political Works*, 202.

¹⁸⁷ Ibid., 193.

Member of Parliament, Andrew Fletcher knew the power of an independent Scottish legislature, and attempted to harness that power to protect and reinforce Scottish parliamentary sovereignty. Fletcher's political thought relative to the matter of union gained practical expression in his parliamentary work, in his speeches as well as in legislative proposals. In the same speech where he rejected the "absolute and unlimited power" of the royal prerogative, he encouraged his audience to "begin where our ancestors left before the union of the crowns" and limit the prince's power in the same fashion as it was before the pernicious English practices corrupted Scotland's limited monarchy.¹⁸⁸ John R. Young underlined Fletcher's influence in two important pieces of legislation conceived to reassert the independence of the Scottish Parliament in front of English incursions.¹⁸⁹ The *Act anent Peace and War* of 1703 reclaimed the right of Parliament to an independent foreign policy after the death of Queen Anne, and thereby revise the terms of its engagement in the War of the Spanish Succession, which could have meant a Scottish withdrawal and a subsequent rift in the diplomacy of the English and Scottish crowns.¹⁹⁰ The following year, an *Act for the security of the kingdom* went even further in that it made the continuation of the dynastic union with England conditional on respecting the "honour and sovereignty of this crown and kingdom, the freedom, frequency and power of parliaments, the religion, liberty and trade of the nation from English or any foreign influence."¹⁹¹ In June 1703, Fletcher submitted a detailed reform program known as the *Limitations*, his own draft version of the Act of Security, which contained twelve items that would indeed have put limitations on the royal government in a range of issues. Fletcher's draft mandated parliamentary consent for appointments, clemencies, the declaration of peace and war, ordered annual elections to Parliament, and made the royal assent to bills into an automatism. Not only could the monarch not refuse to sign a bill adopted by

¹⁸⁸ Fletcher, "Speeches by a Member of the Parliament," 135-136 (speech III).

¹⁸⁹ Young, John R. "The Scottish Parliament and the monarchy in the context of the monarchy and the Anglo-Scottish dynastic union, 1603-1707." *Czasopismo prawnno-historyczne* 61, no. 2 (2009): 125-126.

¹⁹⁰ Act anent peace and war 1703 c. 5, *RPS – The Records of the Parliaments of Scotland to 1707*, ed. K. M. Brown et al., 1703/5/193, <https://www.rps.ac.uk/trans/1703/5/193>.

¹⁹¹ Act for the security of the kingdom 1704 c. 3, *RPS – The Records of the Parliaments of Scotland to 1707*, ed. K. M. Brown et al., 1704/7/68, <https://www.rps.ac.uk/trans/1704/7/68>.

Parliament into law, but the last limitation declared “that if any king break in upon any of these conditions of government, he shall by the estates be declared to have forfeited the crown.”¹⁹² The approach was quite radical even in the constitutional environment defined by the Claim of Right of 1689, which implicitly recognized that the office of the monarchy was conditional on certain obligations.¹⁹³ Fletcher’s *Limitations* appear to have been influenced by the Covenanting traditions of the civil war era, when the Scottish Estates imposed curbs of similar scope and magnitude on a cornered Charles I.¹⁹⁴ While the final version of the Act of Security did not go quite as far as Fletcher’s proposal, the principle of limited monarchy was reinforced in matters of importance, not least the succession to the Crown.

Despite his refusal of incorporating union, Andrew Fletcher understood that he needed to engage with a political climate and language that made constant references to union. He did so himself, but his idea for union was very different from the one that became a constitutional reality in 1707. In his *Account of a Conversation*, Fletcher outlined a whole new political architecture for the British Isles in the form of a union, but a confederal rather than an incorporating one. Conform to his general views on the proper size of a polity and the necessity to prevent one from overpowering another, his vision of a new Britain would have essentially meant a union that was the result of further breaking up the British kingdoms, most importantly England. Fletcher recognized that “the island of Britain and that of Ireland seem conveniently situated for one government,” but he would have designated twelve cities in these islands to be fortified and designated to administer the surrounding areas. Dividing the British monarchy into six English, four Irish, and two Scottish districts could serve a variety of purposes, from fortifying the defense of the monarchy (the twelve fortified cities would have better withhold an invasion from the continent), through reducing

¹⁹² Fletcher, “Speeches by a Member of the Parliament,” 139.

¹⁹³ Young, “The Scottish Parliament and the monarchy,” 122.

¹⁹⁴ Ibid., 126; John R. Young, “The Scottish parliament and the covenanting heritage of constitutional reform,” in *The three kingdoms in the seventeenth century. Awkward Neighbours*, ed. A. Macinnes and J. Ohlmeyer (Dublin: Four Courts Press, 2002), 242-249.

London to its proper size (being only one of twelve cities of equal rank), to resolving the problem of absentee monarchy (with a royal court that either rotates between the twelve cities or simply resides in the countryside).¹⁹⁵ If the units inside the union were closer to each other in size and population, no single one of them could pretend to dominate the others, as England would if Scotland were incorporated into a London-centered union. Such a reorganization of Britain would provide a better defense against the continental powers – should army land near London, the fate of that battle would not decide the fate of the whole monarchy –, but reorganization of Europe along the same principles would be the ultimate guarantee for British security and a peaceful continent. Thereby Fletcher’s “imaginary division of countries,” with a possible nod to Henry IV’s European peace project from a century ago,¹⁹⁶ was to provide a solution to the general problem caused by trade-related competition and warfare: his British union would be part of a Europe-wide union, organized in a similar, confederal manner, and these “smaller and more autarchic communities which Fletcher advocated would also relate to one another, both militarily and diplomatically, in a less menacing and humanly wasteful fashion.”¹⁹⁷

Fletcher was aware that the undertaking of building a confederal Britain within a confederal Europe was nothing less than utopistic – he lets his discussion partners in the *Account of a Conversation* voice these concerns for him. Even in as the debate over Anglo-Scottish union was heating up, Fletcher retained the view that a dissolution of the British composite monarchy would not be desirable, as “in a state of separation from England, my country [Scotland] would be perpetually involved in bloody and destructive wars.”¹⁹⁸ The protective umbrella of the monarchy was seen as an advantage – but not as the absolute priority. Should the proposed union of equal parts could not be secured, or the problems it was meant to resolve resolved, Scotland is better off on its own. Fletcher was clear about this in his parliamentary speeches. Rather than “continue

¹⁹⁵ Fletcher, “An Account of a Conversation,” 207-214.

¹⁹⁶ *Ibid.*, 204.

¹⁹⁷ Hont, “Free trade and the economic limits to national politics,” 118.

¹⁹⁸ Fletcher, “An Account of a Conversation,” 214.

in our present miserable and languishing condition after the decease of her Majesty [Queen Anne], and heirs of her body failing, I shall rather give my vote for a separation from England at any rate.”¹⁹⁹ Scotland’s ancient constitution and the limited monarchy it stands for are more important than the protection that union with England brings. This is where Fletcher’s ideas show once more a strong affinity with Feliu de la Peña’s, and this is where their patriotism perhaps the most provincial. Should the interest that Fletcher and Feliu ascribe to their homelands come into conflict with the form of union with the rest of the monarchy, their primary concern is for the former. It is more difficult to ground Feliu’s views regarding incorporating union in a system of political philosophy that would be as explicit and detailed as Fletcher’s, but the Catalan doctor’s professions of faith to the House of Austria and his rejection of a French political culture as foreign and thereby unnatural and unsuitable for Catalonia earlier identified in the *Anales de Cataluña* lend themselves to a reading in the same direction.

Even with the caveat that the imminence of incorporating union could have altered Fletcher’s and Feliu’s view on the benefits of Scotland being a part of the British monarchy, and Catalonia of the Hispanic monarchy, their earlier works provide us with a crisp reminder of the ability that early modern composite states possessed to accommodate heterogeneities on a level that would seem highly unusual for a modern nation-state. Among the constitutional systems of more recent times, federations arguably serve a similar purpose. The Belgian, the Canadian, the Nigerian federations can certainly be seen as responses to a level of ethnic and linguistic, even institutional-political heterogeneity. The designing of the German federal state after the Second World War, the attribution of competences to the newly drawn Länder of roughly equal weight might even evoke Fletcher’s utopia on rearranging Britain and securing European peace. But the composite monarchies were not *avant-la-lettre* federal states in one crucial aspect: their component parts typically retained what Pedro Cardim called “jurisdictional self-sufficiency,” whereby “all judicial

¹⁹⁹ Fletcher, “Speeches by a Member of the Parliament,” 142.

processes were resolved locally in the territory without being ultimately decided by courts located outside its jurisdiction.”²⁰⁰ In other words, no equivalent to federal law existed in composite monarchies. Royal governments might have considered it advantageous to decrease the level of the constitutional plurality across the dominions of the same ruler, but the eventual success of such plans arguably supposed the loss of a central characteristic of the composite state. Fletcher and Feliu lived and worked in a context where their composite monarchies could secure, at least potentially, all the advantages that federations provide in terms of internal balance and external defense without the formal subordination to an overarching federal arrangement that binds all the sublevel elements in an equal measure. Instead of a shared and ultimately superior legal framework, which may well be an important source of stability in modern federations, Fletcher and Feliu relied on the institution of the monarchy, which could provide the balance and protection necessary for Catalonia and Scotland to prosper – but only if the ancient Scottish and Catalan constitutions are restored to their rightful rank. Andrew Fletcher of Saltoun and Narcís Feliu de la Penya saw no problem in the constitutional plurality that defined the composite British and Spanish monarchies. Quite the contrary: to them, this was the exact framework that would have allowed Scotland and Catalonia to become prosperous and engaged part of a world marked by commercial and military competition.

One could also reckon that the incorporating unions fulfilled several important objectives that Fletcher and Feliu identified for their homelands. After all, “eighteenth-century expansions experienced by both Scotland and Catalonia in their Atlantic trades” were to an important extent dependent on “the concessions to trade with the previously protected American market, which in both cases union with the neighbouring colonial power brought.”²⁰¹ The way Andrew Fletcher of Saltoun and Narcís Feliu de la Penya approached Scotland’s and Catalonia’s place relative to the

²⁰⁰ Pedro Cardim, “Political Status and Identity: Debating the Status of American Territories across the Sixteenth and Seventeenth Century Iberian World,” *Rechtsgeschichte – Legal History*, no. 24 (2016): 103.

²⁰¹ Thomson, “Scotland and Catalonia and the American Market,” 5.

neighboring colonial power nevertheless makes it conceivable that the post-1707 restructuring of the British and the Spanish monarchies was not a necessary precondition for the attainment of the prosperity that the two provincial patriots wished for their nations.

Chapter 2 – High Stakes on High Seas

Narcís Feliu de la Peña and Andrew Fletcher of Saltoun dedicated their intellectual and often material resources to a particular vision of Scotland and Catalonia, where their nations would retain and reinforce their constitutional distinctness inside the British and the Spanish composite monarchies but would still be able to join the expanding global trade under the umbrella these provided. The unions concluded or imposed in and after 1707 discarded this vision in favor of another one marked by a higher degree of incorporation of Scotland and Catalonia into the British and Spanish union states. In hindsight, the visions represented by Fletcher and Feliu were lost causes. But it would be erroneous to see them as such from their conception. Fletcher's and Feliu's ideas, as I hope to have demonstrated in the previous chapter, were received and discussed as legitimate and indeed possible paths to Scotland's and Catalonia's future rather than as marginal nuisances hindering a preordained, organic, and inevitable course of British and Spanish state building.

Making vision into reality was of course a larger task than to be done by one lonely patriot in each country. This chapter attempts to show that the visions of Scotland and Catalonia – as expressed and promoted among others by Fletcher and Feliu – spilled beyond the realm of ideas, and considerable efforts were made to turn them into reality in both contexts. And indeed, the vision of a stronger and wealthier Scotland and Catalonia that remain constitutionally independent from England and Castile was quite alluring; the ideas promoted by Fletcher and Feliu gained enough support for implementation to be attempted at the very least. These attempts were made in two important ways: in legislative chambers and via commercial enterprises.

Legislation and enterprise were both integral part of efforts to salvage the distinct constitutional identity of Scotland and Catalonia, but the two cases provide us with different emphases in the

period directly preceding the 1707 unions. In Scotland, the definitive and incredibly costly failure of the Darien venture, the attempt to establish a Scottish colony on the isthmus of Panama turned into a consequential part of the puzzle of circumstances that tipped the scale toward closer union with England. In Catalonia, the *Corts* tried to gain leverage over the new rulers, first Philip, then Charles, making the monarchs sanction laws that would have enabled Catalonia to enter the global commercial competition on its own right. In this case, it was the choice of betting on the Habsburg claimant that proved fatal and provided the Bourbon ruler with legitimacy and occasion to strip Catalonia of its constitutions.

In retrospect, it would appear as if a final, all-in bet was made in both contexts to strengthen the position of Scotland and Catalonia inside their respective monarchies. It was losing this bet that catalyzed the establishment of the Spanish and British union states in the early eighteenth century. But if the Scots and the Catalans were indeed gambling, they were not doing so in the knowledge of the exact consequences of the potential loss of the gamble. This is not to say that the key actors of the Scottish and Catalan ‘bets’ were not aware of the magnitude of their actions. The Catalan elites turning their backs on Philip of Anjou knew that no matter the degree of sophistication in the legal argumentation supporting their decision, they could be punished for high treason should their calculations prove wrong. The promoters of the Darien Company must have likewise been aware that an enormous proportion of Scotland’s liquid wealth were invested in the company, and that its failure could likewise have enormous consequences. But neither the Darien venture nor the shift of loyalty from the Bourbon to the Habsburg claimant was originally conceived or perceived as a last resort attempt to rescue Scotland and Catalonia from the constitutional transformations that occurred in and after 1707. Scotland’s and Catalonia’s place and position within the British and the Spanish monarchies was certainly at stake, but there was nothing to foretell that the unsuccessful bets – on the feasibility of the Darien venture and the success of the Archduke Charles – would contribute to the collapse of the ancient constitutions. It might not

even be correct to speak of bets and gambling here. What was done was done in a calculated and reasonable way. The Scots were, after all, able to gather a prodigious amount of capital to ensure the success of the Darien Company. The Catalans clearly saw that the greater part of Europe – England, the Netherlands, Portugal, the Habsburg Empire – closed ranks behind Archduke Charles' claim. In neither scenario could the circumstances that redraw the whole equation of historical contingency be predicted.

In this chapter, I attempt to explore 'legislation' and 'enterprise,' these most important strategies in the Scottish and the Catalan contexts. I align my own emphases with the ones I identify in the two countries, and closer scrutiny will be dedicated to the area that proved more instrumental in tilting the scales away from Fletcher's and Feliu's visions, and toward incorporating union. I look at the Scottish colonial enterprises from the perspective of their connection to and impact on the relations between England and Scotland. As for Catalonia, I bring the workings of the Corts to the forefront and examine the strategies of the legislature that were to secure the double objective of constitutional distinctness and commercial advantages. Although the Darien venture and the Catalan Corts called under the authority of the Habsburg claimant are events that almost inevitably stand out as the culmination in a dramatic buildup, I do not want to suggest that incorporating unions in Britain and Spain were contingent on the 'bets' made on Darien and Charles III. I do argue that both in Scotland and in Catalonia, attempts were made to increase the prosperity of the two countries under the umbrella of the globalizing commercial empire of their composite monarchies, without further incorporation into England and Castile. Attempts were made, and even more importantly these attempts failed, which, within the particular geopolitical context of the time, proved to be an important factor catalyzing the events of 1707 in both contexts.

Scotland: Colonies lost the Constitution

When it comes to Scotland's road to the union of parliaments in 1707, it has been a longstanding trope of historiography that the 'Darien disaster' contributed to the creation of the union. After all, Darien turned out to be a "fiasco, ending in the untimely deaths of several thousand Scots and the humiliation of many investors of the Company of Scotland."²⁰² There is no reason to question the importance of Darien in the negotiations that led to the Scottish parliament voting itself out of existence, but I would like to interpret this last, famous or rather, infamous episode in Scottish colonization attempts within the context of preceding decades, in fact, a century of Scottish colonization in the Americas. Highlighting episodes of Scottish colonization, I would like to argue that from at least the beginning of the regal union with England, relations between the two Crowns – worn by the same person – always had an impact on Scottish interests, achievements, and failures in the 'New World.'

The impact of the new constitutional arrangement on Scottish schemes of overseas trade became evident soon after the accession of James VI of Scotland as James I of England. In 1617, during his first and only visit to his native Scotland after 1603, King James granted a patent to Sir James Cunningham of Glengarnock, a Scottish nobleman, under the Great Seal of Scotland for the establishment of the Scottish East India Company to trade in the Levant, Muscovy, and the Spitsbergen. Less than a year later, as Sir James was preparing a whaling expedition under the auspices of his new Scottish company, the King ordered him to give up the patent, thereby essentially making it impossible for the company to operate. The story of the Scottish East India Company, even though it barely ever existed, foregrounded several aspects of the impact of the regal union on Scottish overseas trade. Earlier historiographical accounts saw the issuing of the patent as a ploy on the part of King James to pressure wealthy English trading companies into

²⁰² Steve Murdoch and Esther Mijers, "Migrant Destinations, 1500–1750," in *The Oxford Handbook of Modern Scottish History*, ed. Tom M. Devine, and Jenny Wormald (Oxford: Oxford University Press, 2012), 334.

provide significant loans to the Crown. More recent research concluded that the Scottish Company was not simply the monarch's tool to influence English companies; the English companies that could feel threatened by a new competitor – chief among them the English East India Company and the Muscovy Company – had the necessary lobbying power to convince the King to withdraw his support from the new Scottish company. Even if the project ultimately collapsed under the attack of the English companies, England, and especially London was crucial to launching the Scottish Company in the first place. Apart from the importance of access to the royal court in London, Sir James also needed to draw in the investment of English merchants. To integrate into the London business world, Cunningham could rely on fellow Scotsmen residing in London – some of those Scots who had been coming to London since the establishment of the regal union in 1603.²⁰³ While the pull of London on Scotsmen could still be lamented by Andrew Fletcher a century later, the case of the Scottish East India Company underlines that the impact of the regal union on the possibilities of Scottish overseas trade was rather more complex. Scottish access to English financial markets was the flipside of English influence over a monarch who also ruled Scotland. Sharing a monarch with England was not necessarily detrimental, but it was certainly significant from the perspective of Scottish colonial ventures. The fate of the Scottish East India Company is, in the view of this chapter, also illustrative of the longer-term picture, which suggests that the dependence of Scottish ventures on English geopolitical and commercial interest tended to be much stronger than the other way round. The three case studies that follow cannot shed light on all the aspects of Scottish participation in colonial trade under the Union of the Crowns, but they do underline its dependence on England. Whether in the case of New Scotland, established under the first Stuarts to jointly rule England and Scotland, Stuarts Town, established in the late Restoration period, or Darien, which collapsed under the eyes of William II,²⁰⁴ Scottish colonial ventures were often influenced by the relations, antagonisms, suspicions, or simply the

²⁰³ Joseph Wagner, "The Scottish East India Company of 1617: Patronage, Commercial Rivalry, and the Union of the Crowns," *Journal of British Studies* 59 (July 2020): 582-585, 607.

²⁰⁴ William II as King of Scotland, William III as King of England.

differences between Scotland and England. What John G. Reid observed about the “marginal colonies” of the seventeenth century – Acadia for France, Maine for England, and New Scotland for Scotland – rings true for all Scottish colonies: “They remained dependent upon Europe, and were exceptionally sensitive to European national and international politics.”²⁰⁵ Scottish colonies were just as sensitive to English politics and developments in England’s international relations as Scotland itself. In line with that, attempts to establish and hold on to Scottish colonies remained hopelessly entangled in the interests of Scotland’s southern neighbor at home, in Europe, and in the colonies.

New Scotland

Scottish attempts to gain ground on the American shores of the Atlantic in the early seventeenth century were not without historical precedents closer to home. The rulers of Scotland had tried to encourage colonization in the Scottish Highlands and Islands, which had only nominally been under the Crown’s authority. James VI was not the first Scottish monarch to find that “the hitherto most barbarous Isle of Lewis” and other parts of the Scottish north-west need to be populated, civilized – and brought under the closer control of the Scottish Crown.²⁰⁶ Some of the incentives that the Crown used to promote the colonization of Scotland’s peripheries, like the promise of nobility in exchange for settlement, as well as the difficulties that accompanied the endeavor, such as raising the necessary capital from the wealthier Lowland boroughs, were soon to appear relative to colonization plans on the other side of the Atlantic. While the Scottish monarchy was busy extending its control over the unruly North, settlers from England colonized Ireland in a rather similar fashion. “Co-ordinated efforts were facilitated by the union of the crowns in 1603 and

²⁰⁵ John G. Reid, *Acadia, Maine, and New Scotland. Marginal Colonies in the Seventeenth Century* (Toronto: University of Toronto Press, 1981), xv.

²⁰⁶ Quoted in Reid, *Acadia, Maine, and New Scotland*, 13.

lasting results (for better or worse) were achieved in Ulster, in Orkney and Shetland, and in Kintyre.”²⁰⁷ The plantation of Ulster did not only draw in settlers from England, Scotland, and Wales but it was explicitly framed by King James as a “British” project, run by “British undertakers and servitors,” making it one of the few instances where the King’s desire to project a shared British identity to the different nations of his kingdoms and unite them in their loyalty to the House of Stuart gained a practical expression.²⁰⁸ Such expressly “British” endeavors remained a rarity on the home islands as on the colonies. The colonization of Newfoundland, a legally English colony that King James granted to the Newfoundland Company in 1610 by means of “the only colonial patent to use ‘Great Britain’ rather than ‘England and Scotland’ in the monarch’s style” before the Restoration period, was explicitly promoted as a British project by the Scottish, Welsh, and Irish proprietors that came to join the English during the reign of James VI and I, and, to a lesser extent, Charles I.²⁰⁹

Although the example of Newfoundland as a markedly British colonization project was scarcely imitated in the context of other comparable ventures, efforts to promote colonization across the Atlantic needed to engage with the reality of the Stuart multiple monarchy. During the reigns of James VI and I and his son Charles I, an abundance of literature was produced on the past and present of colonial ventures in America, with the objective of stoking interest for the financing and manning of future expeditions, and to gain the endorsement of the Crown. Sir Ferdinando Gorges published his *A briefe relation of the discovery and plantation of New England: and of sundry accidents therein occrring* in London in 1622, with a dedication to the Prince of Wales, the future King Charles I. Sir Ferdinando was an English nobleman who had had a certain affinity for involving himself in adventures, both of political and business nature. As for the latter, the prospects of American colonization took centerstage in his interests. He was a shareholder of the Plymouth Company,

²⁰⁷ Ibid.

²⁰⁸ Joseph Wagner, “The First ‘British’ Colony in the Americas: Inter-kingdom Cooperation and Stuart-British ideology in the Colonization of New-Foundland, 1616-1640,” *Britain and the World* 15, no. 1 (2022): 3-4.

²⁰⁹ Ibid., 8.

and he was keen to present the Crown with evidence in favor of pursuing the colonization of North American territory. Gorges' *Briefe relation* was in many ways a catalogue of all advantages that could be drawn from colonization, both for the private investors and for the state, if only these enterprises would get proper attention and support. To pique the Crown's interest – crucial for the legitimacy of overseas business –, Gorges was not shy to proclaim that the growth of the New England colony would “serve his Majesty [King James] with honour and profit, and multiply the same service to your Highnesse [Charles, Prince of Wales] in time to come.”²¹⁰

Trying to curry favor with the Crown in this way was nothing out of the ordinary, but Gorges understood King James' vision of a shared British identity well enough to draw a strong link between the regal union and the success of colonization. At the very beginning of the *Briefe relation*, still in the dedicatory, Gorges proposed that not only would “the long peace and prosperity that our Nation [England] enjoyes under the Raigne of his Sacred Majestie” beneficially contribute to the “advance of the Crosse of Christ in Heathen parts,” but the indigenous populations and their “posterity will forever blesse the time, that the issue of your royall Ancestors, sprung from so Emperiall branches, should be the meanes to unite the divided Crownes into one, whereby the generous Spirits of both Nations, may have the fairer opportunity to procure their liberties.”²¹¹ Even without the explicit mention of Scotland in the dedicatory, it is not too farfetched to guess that England and Scotland are the divided Crowns to be united, and Gorges seems to suggest that the regal union could provide a more concentrated, and thereby more efficient way to expand the Stuart monarchy in American territories.

Later in the text, Gorges also gives the reader an idea about how he conceives the relations between the two Crowns in the colonies. He does not fail to mention that it was Sir Samuel Argall, the

²¹⁰ Ferdinando Gorges, “A briefe relation of the discovery and plantation of Nevv England: and of svndry accidents therein occvring,” in *Sir Ferdinando Gorges and His Province of Maine. Including the Brief Relation, the Brief Narration, His Defence, the Charter Granted to Him, His Will, and His Letters*, ed. James Phinney Baxter (New York: B. Franklin, 1967), 202 [5].

²¹¹ Gorges, “A briefe relation,” 202 [5].

governor of the English colony in Virginia who cleared the French away from their forts in “Mount Mansell, Saint Croix, and Port Reall,” thereby making a way for “the present hopefull plantation to bee made in *Nova-Scotia*, which we heare his Majestie hath lately granted to Sir *William Alexander* Knight, one of his Majesties most honourable Councill of the Kingdome of *Scotland*.” While Gorges explicitly recognizes that “Nova-Scotia” was to be held of the Scottish Crown and that “it is manifest that wee are so farre from making a Monopoly of all those lands belonging to that coast (as hath beene scandalously by some objected) *That we wish that many would undertake the like*”, he seems to imply at the same time that the Scots would not be able to advance in those lands if the English had not eased their way to it.²¹² Colonizing the American Northeast was the honorable task of the sibling nations of England and Scotland – but in Gorges’ account, Scotland was to be the younger sibling.

Gorges’ English perspective soon invited reactions from Scotland, and one came from no other than Sir William Alexander, the member of the Scottish Privy Council whose name appeared in Gorges’ *Briefe relation*, and who, in accordance with Gorges’ information, had been given “one entire and free lordship and barony” over “New Scotland” by James VI in a charter dated September 10, 1621.²¹³ In his *An encouragement to colonies*, published in London in 1625, Sir William returned the gentlemanly courtesies of Sir Ferdinando, acknowledging that the latter “hath beene a chiefe man for the furtherance of all things that might tend to the aduancement of New England.”²¹⁴ Even beyond the courtesies, Alexander was not opposed to Gorges’ views on the utility of colonies, but an important message of his work was that New Scotland was not to be “merely an English scheme under a Scottish figurehead.”²¹⁵ Alexander made it clear that his

²¹² Gorges, “A briefe relation,” 207-208 [10]. Italics in the original.

²¹³ “Charter in favour of Sir William Alexander, Knight, of the Lord-Ship And Barony of New Scotland In America,” in *Builders of Nova Scotia: A Historical Review with an Appendix Containing Copies of Rare Documents Relating to the Early Days of the Province*, John George Bourinot (Toronto: Copp-Clark Co., 1900), 119.

²¹⁴ William Alexander, Earl of Stirling, *An Encouragement to Colonies by Sir William Alexander, Knight* (London: 1625), 31,

<https://www.proquest.com/eebo/docview/2240919332/56572762?accountid=4485&sourcetype=Books>.

²¹⁵ Reid, *Acadia, Maine, and New Scotland*, 21.

“Countrimen would neuer aduenture in such an Enterprize, unlesse it were as there was a New France, a New Spaine, and a New England, that they might likewise haue a New Scotland.”²¹⁶ Subjects of the King of Scotland were not to toil for other nations’ glory. He also refuted the idea that Scotland would be a junior rather than an equal partner to England on the colonies: “I cannot but be confident that my owne Countrey men are as fit for such a purpose as any men in the world, hauing daring mindes that vpon any probable appearances doe despise danger, and bodies able to indure as much as the height of their minds can vndertake, naturally louing to make vse of their owne ground, and not trusting to traffique.” Sir William even subtly ridiculed the notion that the English could do the business of colonization particularly better through the example of Ireland, “which heretofore was scarcely discouered, and only irritated by others, proving to the English as the Lowe-Countries did to Spaine, a meanes whereby to waiste their men, and their money.”²¹⁷ The lamentable situation was only remedied by “our King” James VI and I.

Said King, according to the charter he approved for Sir William in 1621, must have shared the sentiment that Scotland should acquire colonies, like “many other kingdoms, and not very long ago, our own England, [which] to their praise, have given their names to new lands, which they have acquired and subdued.” England should be emulated, but New Scotland was “to secure the wealth, prosperity and peace of the native subjects of our said Kingdom of Scotland.”²¹⁸ The charter and Sir William’s *Encouragement* further coincided in identifying one particular purpose for Scottish colonies: providing an outlet from the “populous and crowded” Scotland.²¹⁹ Previously, Scotland had been “constrained to disburden her selfe” by the means of selling its manpower as mercenaries all across Europe. The new plantations would make it possible for Scots to find ways for their sustenance in a fashion that was certainly not easy – “all *Adams* posteritie were appointed

²¹⁶ Alexander, *An Encouragement to Colonies*, 32.

²¹⁷ *Ibid.*, 4.

²¹⁸ “Charter in favour of Sir William Alexander,” 105.

²¹⁹ *Ibid.*

to worke for their food, and none must dreame of an absolute ease,” after all –, but less wasteful and more pleasing to God than dying in other nations’ wars.²²⁰

William Alexander did not conceive of the colony of New Scotland as an all-national Scottish endeavor in the same sense that Andrew Fletcher and others would of the Darien venture at the end of the same century; after all, his charter would become the “aristocratic colonial model” of proprietorship characteristic of the “early English empire.”²²¹ The importance he attributed to organizing a distinctly Scottish – not English – colony does, however, convey a sense of patriotism, aristocratic or not, that went beyond his writings. Sir William was one of the proprietors who acquired land in the Newfoundland colony around 1620, thereby contributing to its transformation into an all-British endeavor, but he soon redirected his efforts to Nova Scotia, weakening the Scottish leg of the Newfoundland Company.²²² Unfortunately for the prestigious Scottish cause that Sir William represented, the project did not instantly attract the capital investments necessary for effective colonization. The scheme had to be rethought. The result of this update further underlined that New Scotland was to be organized differently than New England. From 1624, baronetcies in New Scotland were for sale, a method that had been applied in Ulster before. As the new King of Scotland, Charles I confirmed Alexander’s privileges in a new charter that left the earlier fundamentally unaltered, thereby giving assent to the reorganization of the New Scotland project.²²³ Even with the new approach, the Scottish fleet assembled by Sir William in the port of Dumbarton could only set sail to North America in 1628. Delayed or not, the Scots eventually succeeded in establishing two settlements, one at Cape Breton and one at Port Royal by 1629.²²⁴

²²⁰ Alexander, *An Encouragement to Colonies*, 27.

²²¹ Esther Mijers, “Between Empires and Cultures: Scots in New Netherland and New York,” *Journal of Scottish Historical Studies* 33, no. 2 (2013): 172.

²²² Wagner, “The First ‘British’ Colony,” 8, 13.

²²³ Reid, *Acadia, Maine, and New Scotland*, 24.

²²⁴ *Ibid.*, 31.

From the very beginning, the fate of the new Scottish settlements was heavily intertwined with English aspirations. On the one hand, most colonists on Cape Breton appear to have been English. On the other hand, the regal union between England and Scotland and the existence of separate English colonization schemes did not mean that Sir William's possessions in New Scotland was not incurred upon by the English. "As William Maxwell of Edinburgh remarked in a letter of 23 November 1628, 'the Englische men at suiten of his Majestie a patent to plant and possesse quhatsumever lands thair of quhilk they please, and these to be halden of the Crowne of England.'"²²⁵ English expeditions meant a permanent threat to Sir William's privileges under the authority of the Crown of Scotland. Eventually an English and Scottish Company was established to regulate trade with regards to the disputed territories. But the English Crown did not do much to dissuade its subjects from incurring on the rights of the Scottish Crown.

From the perspective of the Stuart monarchy, the gains and losses between English and Scottish colonization projects had a net zero impact, after all. The increase of the whole, New England and New Scotland together, was of more importance to Charles I, who "was not prepared to pursue his father's British interests at every cost."²²⁶ In 1631, he admonished his "subjects who have charge of our Coloneis of New Scotland and New England, to keip a course for interchange of trade amongst them as they shall have occasion, as also to mak discovereis for increase of trade in these parts."²²⁷ New England and New Scotland owed allegiance to the same monarch, regardless of which crown of that monarch were their claims based on. The fact that the King of Scotland wore the Crown of England could significantly undermine independent Scottish colonial aspirations.

²²⁵ William Maxwell to Sir John Maxwell Pollok, November 23, 1628, quoted in Reid, *Acadia, Maine, and New Scotland*, 31.

²²⁶ Mijers, "Between Empires and Cultures," 172.

²²⁷ Charles Rogers, ed., *The Earl of Stirling's register of royal letters relative to the affairs of Scotland and Nova Scotia from 1615 to 1635*, 2 vols. (Edinburgh, 1885), vol. 2, 527-528, quoted in Reid, *Acadia, Maine, and New Scotland*, 88.

The impact of English politics upon Scottish colonies was made abundantly clear when New Scotland disappeared for a time in the 1630s. Charles I's war against France came to an end in 1629, and as a guarantee for peace, the French party insisted on the restitution of territories that made part of New Scotland, including Port Royal. As this was a point where the French were not ready for compromise, King Charles ordered the evacuation of Port Royal in 1631, despite the absence of French colonists in the surrounding region. There is of course no way to know if Charles I would have gotten in a similar conflict with the French if he had only been king of either Scotland or England, but as he was the king in both, he sacrificed something on the side of Scottish interest in favor of the greater good of peace with France in Europe. While the claim itself to New Scotland was not abandoned, New Scotland did not weigh enough in comparison with New England for the British monarch to protect it from France.²²⁸

Stuarts Town

The evacuation of Port Royal was a serious blow to the idea that Scottish colonization could advance independently of the interests of the Crown of England. Sacrificing New Scotland did not mean the end of distinctly Scottish efforts to set foot in North America and compete with the other European powers with interest in the region. Nor did it mean that the Stuart monarchy permanently abandoned Scotland in such ventures, especially as the claim to New Scotland was not abandoned. It appears that King Charles' government did acknowledge the unfairness of the situation, at least toward Sir William Alexander who was compensated for the loss of his New Scotland fief with an elevation in the Scottish nobility. In 1633, on the occasion of Charles' coronation in Holyrood, he was created Earl of Stirling and Viscount Canada.²²⁹

²²⁸ Reid, *Acadia, Maine, and New Scotland*, 38-39.

²²⁹ "Canada and the Peerage," *New Zealand Herald* 45, no. 13843 (September 1, 1908): 4, <https://paperspast.natlib.govt.nz/newspapers/NZH19080901.2.19?query=tullibody>.

The later, post-Restoration period of the Stuart monarchy provides us with another example of Scottish colonization that is illustrative of the impact that the relationship with England had on Scotland's overseas ambitions. The history of Stuarts Town unfolded in the 1680s, much to the south from New Scotland at another location called Port Royal in today's South Carolina. The motivation behind the Stuarts Town project was, to an important extent, framed in rather similar terms to those seen in the case of New Scotland. The general economic situation in Scotland remained a concern and a legitimating factor for colonization in the 1680s: "Scotland's anemic exports, as West Indian planter William Colquhoun told the committee of trade in 1681, had depressed the economy and produced a 'habitual disease of the body of trade' that could only be remedied by an American colony." The idea that a colony would help Scotland manage its population, by sending "idle and dissenting persons" overseas was likewise a familiar one.²³⁰ Other factors, however, also encouraged a new dynamic in Scottish colonization, and these factors were intricately connected to a changing of context in Scotland's relations with England. By the 1680s, the English Navigation Acts made it increasingly difficult for Scottish merchants to take part in transatlantic trade. The religious policies of the Restoration period also underlined the importance of colonization as an escape route both from the limitations on the practice of Presbyterianism that constrained the religious liberties of many Scots, and from the possible consequences of resistance to these limitations.

The Navigation Acts meant a major setback to the idea that England and Scotland could develop some kind of complementary presence in the American colonies settled by subjects of the Stuart monarchy. At first, this implication was far from clear. The first Navigation Acts were passed by Cromwell's regime in 1650-51, not to target the Scots – at the time, Scotland was being forcibly annexed into the Commonwealth, then the Protectorate, therefore not excluded from colonial trade by the navigation acts– but to assert the regime's control in the American colonies that

²³⁰ Peter N. Moore, "Scotland's Lost Colony Found: Rediscovering Stuarts Town, 1682–1688," *Scottish historical review* 99, no. 1 (2020): 29, fn. 7.

expressed loyalty to the Stuarts and curb the advantages of England's main competitor at the time, the Dutch republic.²³¹ "The acts aimed to reserve the valuable colonial trade for the citizens of the empire (who had provided the men and money necessary for settlement) and exclude foreigners, above all the Dutch, who had taken advantage of both England's distractions during the Civil War years, and their own strength in shipping and commerce, to obtain a strong foothold in England's infant colonies."²³² The Navigation Act expressed an interest from the part of the English state that went beyond previous levels of involvement, usually restricted to granting licenses and privileges to individual towns or companies, and became the foundation of a general and national protectionist system.²³³ The measure survived the demise of the Commonwealth, and remained the framework of English trading policy in the Restoration period and beyond. The Navigation Acts of 1660 and 1663 prescribed the use of English or colonial vessels in the trade between England and its colonies, and specified that the captains of the ships, as well as at least three-quarters of the crew had to be English or colonial men. The acts were subsequently amended on several occasions during Charles II's reign, in 1662, 1670, 1671 and 1673, but their content relative to the treatment of Scotland as a foreign country remained fundamentally the same.²³⁴ The dissolution of the Commonwealth liberated Scotland from a union imposed by Cromwell, but the restoration of Scottish sovereignty also meant that Scots were treated as foreigners from the perspective of the English Navigation Acts

The post-Restoration Navigation Acts meant a shift in the Stuart monarchy's approach to Scottish colonization efforts. While James VI and I and Charles I had supported distinctly Scottish projects in the American continent, or at least the coordinated efforts of their English, Scottish, and other subjects for the prosperity of the Stuart monarchy, it was as if Charles II had assumed that the

²³¹ Joseph Wagner, "Scots in the English Atlantic from 1603 to 1660: Policy, Patronage, and Subjecthood," *Itinerario* 46, no. 1 (2022): 50; Macinnes, *Union and Empire*, 154.

²³² Zahedieh, "Economy," 52.

²³³ Thomson, "Scotland and Catalonia and the American Market," 6.

²³⁴ Zahedieh, "Economy," 53; Macinnes, *Union and Empire*, 156.

importance of English trade warranted its preference over the colonial endeavors of his other kingdoms. The Navigation Acts certainly favored English trade over any other, but its discriminatory impact on Scotland was less detrimental than the legal framing suggests. Importantly, Scots living under English jurisdiction, either in England or the colonies, were considered Englishmen by the law. The “Britannic perspective” of his predecessors was also not completely lost on Charles II, who “used his prerogative powers to grant individual dispensations to entrepreneurs wishing to sustain sugar works in Glasgow and later in Edinburg through trade to the American colonies.” Charles’ brother and presumptive heir, James, Duke of York took a special interest in promoting Scottish commercial networks in North America, and he was a key influence on the use of the royal prerogative to suspend legal provisions detrimental to Scottish commerce. The Navigation Acts also inspired innovative approaches to their circumvention, and activity that Scottish merchants became rather apt at, applying a variety of strategies from forging documents and disguising ownership through colluding with colonial customs officials to outright smuggling.²³⁵ Although Scottish trade could not be efficiently stifled by English legislation, the Navigation Acts nevertheless constituted a hostile gesture towards the northern kingdom of the Stuart multiple monarchy, which remained a potentially detrimental to Scotland and served as a constant reminder that Scottish interests in transatlantic trade were peripheral from the perspective of the royal government.

The matter of protectionist regulations was not the only area where the rift between English and Scottish approaches caused friction in the period after 1660. Anglo-Scottish conflict over official religion dated back even further than the Navigation Acts. In the 1630s, Charles I tried and failed to impose a model of church government and liturgy on the Scottish Kirk that would have been more in line with the episcopalian model of the Church of England, and consequently more open

²³⁵ Allan I. MacInnes, “Scottish circumvention of the English Navigation Acts in the American colonies 1660-1707,” in *Making, Using and Resisting the Law in European History*, ed. Günther Lottes et al., (Pisa: Plus-Pisa University Press, [2008](#)), 111-114.

to the Crown's control. Charles II, who had gathered a lifetime supply of suspicion against Scottish Presbyterians, reintroduced the episcopacy in Scotland shortly after his accession in 1660.²³⁶ The tug-of-war between royal support for episcopal church government and Scottish Presbyterian resistance accompanied Charles II's reign. By the 1680s, many Scots perceived the imposition of episcopacy as an English plot "to establish popery and arbitrary government by 'secret undermining and murderous practices in England', together with 'the open introduction of slavery and tyrannical government in Scotland'."²³⁷ James VII and II's accession in 1685 did nothing to abate the sense of danger from a popish and tyrannical England, as "his Protestant subjects were convinced that James was using unconstitutional and authoritarian practices to establish Catholicism and an absolute monarchy in both kingdoms."²³⁸ In the context of late Stuart religious policies, the revival of Scottish colonization attempts was entangled with the image of colonial spaces as havens for victims of religious intolerance. The image itself was not new; more than half a century earlier, Sir William Alexander's *Encouragement* narrated a commendable French scheme by a certain "Villegagnon, a Knight of Malta" who "hoped to found such a Colony as should serue for a retreat to all those of the reformed Religion who (weary of the persecutiōs at home) would goe where they might liue with safety, and enjoy the libertie of their conscience" – only to turn out that it was but a ruse on the part of Villegagnon to recruit people for his expedition to Brazil.²³⁹ By the 1680s, the idea of a colony as a haven for people persecuted or discriminated for their religion at home gained a whole new importance in the Scottish context.

As such, the establishment of the Carolina Company can be read, in addition to its business dimension, as a sign of "deep anxiety about national religious life" in Scotland. "It was no accident, after all, that the company's principal leaders, Sir John Cochrane of Ochiltree and Sir George

²³⁶ Antonia Fraser, *King Charles II* (London: Phoenix, 2002 [1979]), 287-288; Godfrey Davies and Paul H. Hardacre, "The Restoration of the Scottish Episcopacy, 1660-1661," *Journal of British Studies* 1, no. 2 (1962): 32-51.

²³⁷ Jackson, *Restoration Scotland*, , 124.

²³⁸ Jeffrey Stephen, *Defending the Revolution: The Church of Scotland 1689-1716* (Farnham: Ashgate, 2013), 5.

²³⁹ Alexander, *An Encouragement to Colonies*, 13.

Campbell of Cessnock, were also leaders in the Presbyterian resistance, or that the subscribers made up a dense network of family, friends and business associates with a common commitment to presbyterian independence from the Scottish episcopal church. The business of the Carolina Company was never separate from the religious concerns at its core, and as presbyterian persecution intensified after 1683 these core concerns took on great urgency.”²⁴⁰ The company’s leaders insisted on the autonomy of the church in the future Scottish settlements, to the extent that the Fundamental Constitutions of the Carolina Company guaranteed “protection for corporate practice, granting full toleration to dissenters, Roman catholics and jews,” and even the language about the truth and orthodoxy of the Church of England was toned down, while still restricting state support to the official church.²⁴¹

Not independently from concerns about the aggressive stance of the Stuart monarchy toward Presbyterianism, the renewed efforts for Scottish colonization should also be seen with reference to a specific group of Scots who found themselves in need of a safe haven on account of their participation in conspiracies against the state. By the time the first expedition, charged with an exploration of the surroundings of Port Royal, and led by John Crawford of Crawfordland, a Presbyterian dissident, returned in 1683, leading figures of the Carolina Company were deeply involved in anti-Stuart conspiracy. The chief motive behind the conspiracy was that Charles II successfully thwarted attempts by the English parliament to exclude his brother from the succession, which, on account of the Duke of York’s well-known Catholic sympathies, meant that the threat of a ‘papist’ succeeding to the Crowns of England and Scotland loomed large in Scottish Presbyterian minds.

Real or perceived threats from England – to Scottish commerce as well as the freedoms of the Scottish national church – added significantly to the sense of urgency that accompanied plans to

²⁴⁰ Moore “Scotland’s Lost Colony Found,” 30-31.

²⁴¹ Ibid., 31-32.

establish a Scottish colony in North America. The impact that the relations with England had on Scottish colonization becomes even clearer if one considers the reasons behind the ultimate failure of Stuarts Town around 1688. Arguably, Scottish colonists fared relatively well in a violent environment, and made a remarkably successful attempt to fill the power vacuum in the region: “the Westo defeated, the coastal tribes depopulated, the Spanish embattled and the English dysfunctional, there was no dominant indigenous or European power along the south-eastern coast in 1684.”²⁴² Scottish colonists could defy their enemies on the ground, but they could not resist the power of political changes in the metropolis. “The colony did not fail because of its unfortunate location in a debatable land, or because of the envy of the English, its lack of effective leaders, the machinations of Charles Town traders, the ‘border feuds’ of the Indians, or even because of the Spanish attacks that leveled the settlement and cowed the Yamasee in 1686. Stuarts Town failed, first, because the disorders of the ‘killing times’ wrecked the Carolina Company and broke the logistical, organisational and financial support needed for a successful colonial venture; and second, because the suppression of presbyterianism failed and removed the impetus to establish an outpost for the gospel.”²⁴³ Stuarts Town was ultimately condemned to failure by the Glorious Revolution and the restoration of Presbyterian church governance in Scotland.

The story of Stuarts Town is not only illustrative of the entanglement between English politics and Scottish colonization. It is also emblematic of the lack of trust between Scottish and English colonists by the late seventeenth century. The Scots made a point of setting up their colony in a markedly different way from the English, and they also refused letting the latter interfere with their jurisdiction.²⁴⁴ Stuarts Town brought to the surface several structural difficulties of Scottish colonization attempts that reappeared more dramatically with the fateful Darien project. Expropriating territories that had been abandoned by the Spanish was no guarantee for success,

²⁴² Ibid., 40.

²⁴³ Ibid., 48-49.

²⁴⁴ Ibid., 42-44.

as vacating a territory did not equal the abandoning of the claim to it. The fact that the devastating Spanish and Indian attacks on Stuarts Town were not independent of English action and inaction provoked by their animosity toward the Scottish project likewise foreshadowed the disaster that met the Scots before the end of the century, further south along the Atlantic coastline of the American continent.

The Darien Disaster

In many ways, the plan to establish a Scottish colony in Darien, the territory joining North and South America known today as Panama was not all too different from other Scottish attempts in the seventeenth century. The idea was framed in similar terms as to the utility that such a project should have to Scotland, including the boost to the Scottish economy through trade and the opportunities it would afford to poor and unemployed Scots. The ambiguity about English presence was also there, from both sides. The Scots would have welcomed English investments, while being wary of the ways England could hijack or sabotage the whole scheme. The English were not unreceptive to the idea that they could invest in the Darien venture, but the Scottish scheme was also seen as a competitor to already existing English ones, such as the East India Company. Finally, the motivation behind the Darien project, as well as its ultimate failure had quite a bit to do with Scotland's relations with England inside the Stuart (or by this point in time rather Stuart-Orange) composite monarchy.

There was one crucial aspect in which the Darien scheme did differ from earlier Scottish projects of colonization. Its magnitude. Unlike earlier projects led by courtiers and relatively well-to-do Scots with royal patent or a highly specific motivation, the Company of Scotland Trading to Africa and the Indies, the joint-stock company that undertook the business of establishing a Scottish trading post in Darien, became an enterprise where all segments of Scottish society – possessing a

wealth of any consequence – were represented. This might not have been a huge percentage in terms of the total Scottish population, as investment in the project still meant a considerable expense: it required a minimum of £100, which would roughly equal £10,000 in today's money. But those who did have the money to invest in the Darien company did so to the extent that “the capital raising had sucked in much of the liquid wealth of Scotland.”²⁴⁵ While the Darien scheme organically fits the pattern of Scottish attempts to establish American colonies, it was as if the Scottish political nation had placed a final bet on this one.

While its contemporaries were aware of the magnitude of the Darien project, its perception as a final bet, a high-stake hazard game was certainly amplified in the afterlife of its ultimate failure. In Karin Bowie's formulation, “today the enterprise is seen as a colossal mistake.”²⁴⁶ But it is misleading to see the Company of Scotland and the plans to establish a Scottish colony in Darien as expressions of some sort of national poker game where Scotland went ‘all in’ and then lost. The Darien venture was arguably a thoroughly prepared enterprise. Its legal and financial groundwork was carefully prepared, and it also fit very well into contemporary trends of economic thought relative to colonization and commerce, not the least those formulated by Andrew Fletcher of Saltoun and his likeminded patriots, both in terms of its main objective – giving a boost to Scottish transatlantic trade – and its means – a chartered joint-stock company that would finance and organize the shipments. The Darien scheme showed little in way of lessons learned from the previous hundred years – namely that distinctly Scottish ventures that may be perceived as hostile to English political and commercial interests seldom fared well on the longer run – but its catastrophic failure was not inevitable by design. English-Scottish relations, and Scotland's position within the British monarchy did, however, have a decisive role in bringing about the circumstances that drowned the project.

²⁴⁵ Douglas Watt, *The Price of Scotland : Darien, Union and the Wealth of the Nations* (Edinburgh: Luath Press, 2006), 54.

²⁴⁶ Karin Bowie, “The Darien Scheme,” *History Today* 71, no. 12 (2021): 30.

While acknowledging the importance of specifically English interests in the unlucky fate of the Darien scheme, there is no reason to believe that Darien was seen as the last possible attempt to avoid certain incorporation into a London-centered British monarchy. The Company of Scotland grew out of a long tradition of Scottish approaches to colonization that developed throughout the regal union with England. English examples were important for the design of such an undertaking in the first place, because they provided proof for the advantages that commerce could bring to a country. England was more to be caught up with than feared. Eventually, the future of English-Scottish relations did become contingent on the Darien scheme as its failure turned out to be more consequential than the failure of any previous Scottish schemes. It was not so much a logical consequence than a paradox that Darien became responsible for the very union it could have helped avoid.

Considering the very end of the Darien story would already be sufficient to establish that the relations between the Crowns of England and Scotland were crucial to how that story unfolded. On August 5, 1707 – about three months after the entering into force of the Treaties of Union between England and Scotland – a dozen wagons arrived in Edinburgh castle under heavy guard, carrying an exorbitant amount of cash.²⁴⁷ These wagonloads of money were the physical manifestation of the so-called ‘Equivalent,’ a transfer that England committed to Scotland to compensate for the increase in fiscal burdens after the union. One of the longest articles in the Treaties of Union (one adopted by each Parliament) concerns this equivalent. The first sum to be paid after the conclusion of the union amounted to almost 400 thousand pounds sterling (£398,085 10s to be exact), and one of its core purposes was “that the capital stock or fund of the African and Indian Company of Scotland, advanced together with the interest for the said capital stock after the rate of five per cent per annum from the respective times of the payment thereof, shall be paid.” In return, as it was also explicitly stipulated in the Act, “upon payment of which

²⁴⁷ Watt, *The Price of Scotland*, xvii.

capital stock and interest it is agreed the said company be dissolved and cease.”²⁴⁸ The English Parliament was willing to pay for all the losses incurred by the shareholders of the Darien Company, and even pay them the interest that they could hope to gain from their investment in the first place as a condition for the Scottish Parliament’s decision to end itself, and Scottish sovereignty with it.

The end of the story thus illustrates how important it was for England – the English Parliament, English commercial interests, and not the least the monarch whom Scotland happened to share with England – to make sure Scotland was deprived of the possibility of sovereign actions that might not be aligned with its southern neighbor’s. That English interests in foreign policy or the ups and downs of English politics at home could undercut Scottish plans for colonization had been evident by the time the Company of Scotland was established; one only needs to think about the evacuation order Charles I gave to settlers in New Scotland, or the reestablishment of Presbyterian liberties that partially undermined the *raison-d’être* of Stuarts Town. The Darien venture saw the repetition of similar scenarios that were present from almost the very beginning of the existence of the Company of Scotland. This time, however, it was as if there had been a determination on the Scottish side to arm the Company against certain weaknesses that undercut previous colonial projects.

Just as the story of the Company ended with an Act of the Scottish Parliament, it had also started with one. In 1695, the Edinburgh legislature passed an *Act for a company trading to Africa and the Indies*, providing a framework for the establishment of a joint-stock company. The Act praised the sovereign for his consent to improve foreign trade but went much further in its substance than a general appreciation of the importance of trade. The Company of Scotland Trading to Africa and the Indies, as it was named in the Act, was granted the privilege to trade with “whatsoever

²⁴⁸ Union with England Act 1707 c. 7, Art 15.

kingdoms, countries or parts of the world not being in war with his majesty.” The Company was conceived as a global commercial venture, by which it did not only went beyond the geographical orientations that its own name implied, but also those of many existing colonial companies that were predominantly interested in trading with only certain parts of the world. The Act also declared that the joint-stock company that was to be established “shall not be liable to any manner of confiscation, seizure, forfeiture, attachment, arrest or restraint, for and by reason of any embargo, breach of peace, letters of mark or reprisal, declaration of war with any foreign prince, potentate or state, or upon any other account or pretence whatsoever.” Thereby, the Act did not only mean to preempt any situations where the Company would be sacrificed on the altar of England’s diplomatic games, like in the case of New Scotland some sixty years earlier, but it stipulated that “his majesty promises to interpose his authority to have restitution, reparation and satisfaction made for the damage done, and that upon the public charge.” The Act not only suggests that the King would provide diplomatic support to the Company if needed but uses the authority of the sovereign as an insurance policy.²⁴⁹

Conscious of the difficulties of raising the necessary capital for the joint venture, the legislators also included a set of more immediate and tangible benefits in the Act, hoping to boost the enthusiasm for the company and to ensure that the objective that at least half of the capital must come from Scottish subjects residing in Scotland can be met. To this end, the Company of Scotland could not only trade with any place at peace with the King but was given a thirty-one-year monopoly on that. As a finishing touch, a massive twenty-one-year tax break was also provided for the Company.

Through the measures included in the Act, the Scottish Parliament established a set of safeguards and guarantees that were previously unheard of in Scotland for what was essentially an investment

²⁴⁹ Act for a company trading to Africa and the Indies 1695 c. 10, *RPS – The Records of the Parliaments of Scotland to 1707*, ed. K. M. Brown et al., 1695/5/104, <https://www.rps.ac.uk/trans/1695/5/104>.

scheme. The Act made it legal and possible for the Company to establish trade between Scotland and any other part of the world, gave it a fighting chance to catch up to similar companies in England or elsewhere that had the advantage of having been in the game for quite some time, made the King agree to renounce potentially significant revenues in the form of tax breaks, and by virtue of this piece of legislation turned the monarch's authority into a collateral against the risks of the business. Arguably, this could only happen, because William II (as King of Scotland) was distracted by the challenges that William III (as King of England) had to face, which made the King irritated enough to proclaim that he had been "ill served in Scotland" when the two Houses of the English Parliament protested the Scottish Act in front of him.²⁵⁰

If King William could have assessed service to his English and Scottish Crowns in isolation, he might have thought to be very well served indeed as King of Scotland, as the Company that was established by the Edinburgh Parliament under his protection was very popular with investors – first in London. Given the obvious national import of the project, there was a debate among its first promoters whether "the Company should first be established in London, where capital and colonial expertise were plentiful" and only later transferred to Edinburgh.²⁵¹ The question was not trivial despite the obvious financial advantages of London, as the promoters wanted to keep a low profile about the Company, lest it provoke early resentment in England. But too much secrecy would have equally been against the interest of the business. William Paterson, a financier and previously one of the directors of the Bank of England who can be credited with the vision of a Scottish trading entrepot in Central America, insisted that "it's needfull for Us to make no distinction of Partys in this great and noble Undertaking, but that of whatever Nation or Religion

²⁵⁰ "I have been ill served in *Scotland*; but I hope some Remedies may be found, to prevent the Inconveniencies which may arise from this Act." "King's Answer to Address against the Scots Act for an E. I. Company," *Journal of the House of Lords* XV (December 18, 1695), 616. <https://www.british-history.ac.uk/lords-jrnl/vol15/pp616-617#p12> – References to the incident: Watt, *The Price of Scotland*, 41; George Pratt Insh, *The Company of Scotland Trading to Africa and the Indies* (London: C. Scribner's sons, 1932), 57.

²⁵¹ Watt, *The Price of Scotland*, 1-2, 32.

a man be” should be able to invest in the Company.²⁵² Meanwhile, it did not take long after the passing of the Act on the Company of Scotland for inquiries to rise in England about the new Scottish scheme, so the London subscription book of the Company was opened on November 6, 1695. The target amount, 300 thousand pounds, was subscribed in about ten days.²⁵³

The allure of the scheme was surely not independent from the guarantees that were afforded to it by law. The same guarantees could be made responsible for the antagonism that the project soon provoked in England. The favors the Scottish Parliament bestowed on the Company of Scotland irritated investors who had their money in English trading companies, such as the East India Company, which by that time had established promising commercial links with the Indian subcontinent but was still far from becoming the unbridled military and financial power that it would develop into during the eighteenth century.²⁵⁴ In fact, the Nine Years War (1688-1697) was causing significant damage to the EIC at the time – it lost £1.5 million in 1695 according to its own estimates. The Royal African Company and sugar merchants in London were also gravely impacted.²⁵⁵ Because of the generous exemptions given to the Company by law, the English competitors were worried that Scotland would gain advantages to their significant detriment. Such a scenario would not have been against the wishes of every investor from England, of course – the success of the London subscriptions clearly proves that. But the Company of Scotland was seen as a danger to powerful English interests with political representation. Members of the two Houses of the English Parliament took matters into their own hands, as if to demonstrate that they can defeat the Scottish Parliament at its own game. After complaining to the King about their grievances, the Lords and the Commons began to draft legislation to make it impossible for

²⁵² [John H. Burton], *The Darien Papers: Being a Selection of Original Letters and Official Documents Relating to the Establishment of a Colony at Darien by the Company of Scotland Trading to Africa and the Indies. 1695-1700* (Edinburgh: Bannatyne Club, 1849), 4.

²⁵³ Watt, *The Price of Scotland*, 36.

²⁵⁴ William Dalrymple, *The Anarchy. The Relentless Rise of the East India Company* (London: Bloomsbury Publishing, 2020), 25-26.

²⁵⁵ Watt, *The Price of Scotland*, 44.

subjects and inhabitants of England to invest or in any way help the Company of Scotland. Before any such legislation could be passed, the Commons wanted to impeach the directors of the Company for “administering under a Scottish statute an oath *de fidei* to those connected with the Company.” The impeachments did not happen, for the Commons did not have enough evidence, but even the idea that investors in the Company could face serious charges was enough for their withdrawal from the project.²⁵⁶ The reaction of the (English) East India Company evokes the case of the Scottish East India Company from 1617-18, when a company, authorized under Scottish law, was granted significant privileges to have at least a fighting chance to catch up to English companies, but the latter did not tolerate any actual or potential Scottish incursion on their privileges and markets.

The Scots who took immense pride in the Darien Company pleaded their case to the merchant elites in London to no avail. A pamphlet by Roderick MacKenzie, the secretary of the Company, expressed satisfaction that Scotland, a nation “so little experienced with Trade,” unanimously support a project that “the most Sober and Trading People of that Kingdom [of Great Britain],” the English also find promising – except for those protecting “a dear Self-monopolizing interest” and those who receive “Instructions from a Foreign Court” (France and perhaps also King William’s not-so-foreign court of Holland). Not only were the privileges and subsidies granted to the Company of Scotland in line with the practices of other nations like France, Holland, and Denmark; the pamphlet also argued that ensuring the success of the Scottish company through English investment would benefit England, indeed, the whole of Britain, as it would “obliterate and bury in oblivion the distinguishing Names of Scotch and English; and then voluntarily lift themselves under the United Banner of Undivided Britain; to be one in Interest, and Inclination, in Offence and Defence.” The company directors appealed to a British patriotism to calm the

²⁵⁶ Insh, *The Company of Scotland*, 58-60.

English, proposing that the success of the Scottish (or, as it was hoped, Scottish-English) venture could foster a closer union between England and Scotland.²⁵⁷

As the London merchant class was not moved and the English Parliament declined the opportunity to help such a remarkable British enterprise take off, instead deciding to sabotage its search for investment capital in England, the Company could now fully focus its activities on Scotland. Losing the London subscribers was a blow to the project, but by no means fatal. If anything, it reinforced the Company's image as a quintessentially Scottish national enterprise. Pamphlets promoting the Scottish Company even framed English resentment as a proof of the solidity of the plan.²⁵⁸ The subscription book was taken to Scotland, where 400 thousand pounds was pledged to the project between February and August 1696. Aristocrats, lairds, merchants, lawyers, members of the clergy – almost everybody with a standing of any consequence in Scottish society signed up and invested a sum between £100 and £3,000. Remarkably, the project did not only bring in private capital, but institutions also invested in the Company; a practice that had no precedent in the English and Dutch joint-stock companies. Institutional investors included the Town of Edinburgh, the burgh of Glasgow, smaller burghs from Dumfries to Inverness, merchant guilds, trade incorporations, one corporate investor (the East Sugar Works of Glasgow), and even charitable organizations. Albeit women were not allowed to serve on the board of directors, female investment was significant, 5.3 per cent of the total. The first person to subscribe was the Duchess of Hamilton, pledging the maximum amount, £3,000 and becoming one of the most important shareholders of the Company. There were subscribers from all but one of the thirty-three Scottish sires.²⁵⁹ In essence, the Scots reacted to what they saw as an attack on Scotland's sovereignty by English machinations with a truly grandiose level of national cooperation. When London capital

²⁵⁷ Roderick MacKenzie [Philanax Verax, pseud.], *A letter from a member of the parliament of Scotland to his friend at London concerning their late act for establishing a company of that kingdom tradeing to Africa and the Indies* (London, 1695), <https://www.proquest.com/eebo/books/letter-member-parliament-scotland-his-friend-at/docview/2240862766/sem-2?accountid=4485>.

²⁵⁸ Bowie, "The Darien Scheme," 30.

²⁵⁹ Watt, *The Price of Scotland*, 51-60.

ceased to be a driving force behind the enterprise, capital raised in Scotland proved sufficient for setting the company on its way.

Unfortunately for the investors of the company, and tragically for the adventurous Scots who sailed across the Atlantic and tried to lay the foundations of a New Edinburgh in Darien, no amount of capital could have prepared them for what lay ahead on that way. Perhaps nothing could have saved the Scottish colonists from harshness of life and the tropical diseases that duly decimated them shortly after their arrival. But there were other threats that could have been neutralized if English forces had been mobilized in defense of the Scots. If England wanted to sabotage the plan at the beginning, it sure was not interested to help it out when the Company got into trouble. The founders of the company quickly understood that King William was not going to exert himself against the animosity of English mercantile interest. What they failed to understand was the longer-term significance of the turning of the King's disinterest into annoyance toward the Scottish project. As unfair as the King's lack of support might have been after his sanctioning of the Bill of the Scottish Parliament establishing the Company of Scotland, and as remarkable as Scottish authors' arguments might have been in favor of the legitimacy of Scotland's settlement in Darien, William accepted the Spanish reasoning in favor of Spanish sovereignty over Darien and against his own subjects' pleas.²⁶⁰ The Company would invoke King William's help as sovereign of Scotland, but William was also the sovereign of England, and rather disinclined to provoke the Spanish in the middle of his wars with France, already having an eye on the unfolding conflict over the Spanish succession. Once more, English interest sealed the fate of a Scottish colonial enterprise.

²⁶⁰ Giovanni Lista, "'No more occasion for Puffendorf nor Hugo Grotius': the Spanish rights of possession in America and the Darien venture (1698–1701)," *History of European Ideas* 47, no. 4 (2021): 543–560.

Union inevitable?

A longer-term view on the formation of the British union offers the failure of the Darien scheme as an episode that marks the transition from multiple monarchy to incorporating union. It is reasonable to argue that the fate of this Scottish expedition to Central America turned out to be more consequential than the collapse of other Scottish schemes of the seventeenth century. This time Scotland apparently lost an ‘all-or-nothing’ bet; so much was risked in the enterprise that much of the Scottish political nation maneuvered itself if not into then toward a corner. The simplicity of this assertion has been revised and rejected in recent historiography, and rightly so, but the fundamental point of the approach remains valid: Darien was a huge national disaster with an impact on the morals as well as the pockets of many Scots, crushing their widely shared expectations of success and profit.

A shorter-term view focusing on the period between the return of the survivors of the first expedition to Scotland in November 1699 and the Scottish Parliament’s approval of incorporating union in 1706 is useful not only because it nuances the image of the Scots’ universal antipathy towards incorporating union, but also because it exposes the perceived links between the unfolding disaster and the matter of union. Rather than the viability of the composite monarchy, what the failure of Darien demonstrated was the fundamental inequality between its constituent parts, exposing the dangers of this inequality for Scotland. A point not lost on contemporary observers, who emphasized the need for the redefinition of the constitutional bond between Scotland and England. Most of the pamphlet literature that could build on the previous hype around the Darien project did not, however, conclude that incorporating union would be the solution. On the contrary, English antagonism to the project and the King’s refusal to help his Scottish subjects was seen as proof that England already had too much leverage over Scotland. Darien was a key motive in pamphlets that attacked the regal union “and developed a vision of a renegotiated union

in which Scottish independence would be enhanced.”²⁶¹ Andrew Fletcher’s *Limitations* provided a constitutional formulation of the problem that these pamphlets exposed from a commercial aspect. In 1700, George Ridpath described the Darien fiasco as “a greater Invasion [...] upon our Sovereignty and Freedom, than hath happened at any time since we were ingloriously betray’d by *Baliol*,” a thirteenth-century Scottish ruler remembered as a tool in the hands of King Edward I of England in his efforts to subdue Scotland.²⁶² The invasion upon Scotland’s sovereignty was an invasion upon its commerce and, consequently, its prosperity; the remedy needed to be just as comprehensive. The original spirit of the Union of the Crowns should be restored in constitutional as well as commercial matters, so that Scotland “should be under no Restrictions in matter of Trade more than the English.”²⁶³ More limitations on a monarch under the influence of English interests and equal terms of trade with the English became the main lines of the position that the Country party represented in the Scottish Parliament and promoted in public discussions; a position that the Court party did not actively challenge through the propagation of incorporating union until 1706.²⁶⁴ The Darien disaster played a part in precipitating incorporating union, but before that part could be fully played out it contributed just as much to discussions of a union that would be redesigned in the opposite direction.

²⁶¹ Karin Bowie, “Public Opinion, Popular Politics and the Union of 1707,” *The Scottish Historical Review* 82, no. 214 (October 2003, Part 2): 231.

²⁶² George Ridpath, *Scotland’s grievances relating to Darien &c., humbly offered to the consideration of the Parliament* (Edinburgh (?), 1700),
1.<https://quod.lib.umich.edu/e/eebo/A57287.0001.001?rgn=main;view=fulltext>.

²⁶³ *Ibid.*, 28.

²⁶⁴ Bowie, “Public Opinion,” 238-241.

Catalonia: Constitutions before Commerce

Flotas y Galeones

The Catalans, much like the Scots, were not new to transatlantic exchanges by the end of the seventeenth century. Catalonia's experiences were less entrepreneurial than Scotland's only in the sense that there were no attempts comparable to the Scottish expeditions in New Scotland, South Carolina, or Darien. Arguably, incentives for establishing specifically Catalan – as opposed to Castilian – trading posts in the Americas were lacking. Even though “the New World was considered a Castilian territory,” natives of the realms of the Crown of Aragon were not barred from emigrating and trading there.²⁶⁵ In the context of the Hispanic monarchy, the line of division between “natives” and “foreigners” – determining access to the colonies – was drawn around rather than between the Crowns of Castile and Aragon. The “native” status and the benefits that came with it were important enough that the Catalans were more than willing to deemphasize their distinction relative to Castilian subjects. Famously, when the Flemish consul, who held jurisdiction over foreign merchants in Cádiz, claimed to represent the Catalans, the Catalan merchants reposted that “to have a consul anywhere is only for nations that are properly nations, but not for those that are the immediate vassals (*inmediatos vasallos*) of a Crown, like the Catalans as the immediate vassals of the Royal Crown of H[is] M[ajesty] [long may He reign] are and are called Spaniards (*Espanñoles*) as it is undoubtable that Catalonia is Spain;” and that “it has not been and it is not [the practice] to exclude the Catalans from being considered Spaniards, which is what they are, and [they are] not [to be considered] as nations.” Catalans are not a foreign nation; they are “*Espanñoles*,” “*proprios vasallos*” of His Majesty. The exchange happened in 1674; no memory of the

²⁶⁵ Tamar Herzog, *Frontiers of Possession. Spain and Portugal in Europe and the Americas* (Cambridge, MA: Harvard University Press, 2015), 56.

Catalan revolt of 1640 and the French sovereignty over the Principality that lasted until 1653 seem to have lingered.²⁶⁶

If the exact modalities of the Catalans' right to trade with the Indies caused some confusion as late as in the 1670s, it was because the question of access to the colonies had not been a trivial one since the earliest years of Spanish conquest in the Americas. Pope Alexander VI – himself a subject of the Crown of Aragon by birth – addressed *Inter caetera*, the bull (in)famous for dividing the western hemisphere between Spain and Portugal in 1493, to Ferdinand and Isabel, the king and queen of “Castile, Leon, Aragon, Sicily, and Granada.” But when it came to the “dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all islands and mainlands found and to be found” to the west of the imaginary line drawn in the middle of the Atlantic, the pontiff opted to “give, grant, and assign” those to the Catholic Monarchs’ “heirs and successors, kings of Castile and Leon,” making explicit reference to Isabel’s titles only.²⁶⁷ The Queen herself used a similar formulation in her testament: “Further, inasmuch as the islands and lands of the Ocean Sea and the islands of Canaria were discovered and conquered at the cost of these kingdoms of mine and with their natives, and this is why the dealings with and profits from them should be made, dealt, and negotiated by my kingdoms of Castile and Leon, and to them should come all that may be brought from [the territories discovered and conquered].”²⁶⁸ Sources like these shaped posterior interpretations questioning the rights of kingdoms other than Castile and their subjects relative to the colonies. In the sixteenth century, chronicles of the Spanish

²⁶⁶ “tener Cónsul en una parte y tierra es por las naciones que son propiamente naciones, pero no por aquellos que son inmediatos vasallos de una Corona, como lo son los Cathalanes de la Real Corona de S. M. (q. D. g.) los quales como a propios vasallos son y se nombran Españoles, siendo como es indubitado que Cathaluña es España,” and “no ha sido ni es de quitar a los Cathalanes el ser tenidos por Españoles, como lo son, y no por naciones.” Elliott, *Scots and Catalans*, 67. The quote is from Vilar, *Catalogne dans l’Espagne modern* (Paris: S.E.V.P.E.N, 1962), vol. 1, 671-672, fn. 6.

²⁶⁷ Alexander VI, “Inter Caetera,” *Papal Encyclicals Online*, [May 4, 1493], <https://www.papalencyclicals.net/alex06/alex06inter.htm>.

²⁶⁸ “Otro sí, por cuanto las Islas e Tierra Firme del mar Océano e Islas de Canaria fueron descubiertas e conquistadas a costa de estos mis reinos e con los naturales de ellos, y por esto es razón que el trato e provecho dellas se haga, e trate e negocie destos mis reinos de Castilla y León, y en ellos y a ellos venga todo lo que dellas se trajere.” Quoted in Carlos Martínez Shaw, “Cataluña y el comercio con América. El fin de un debate,” *Boletín americanista*, no. 30 (1980): 224.

conquest of the Americas like Gonzalo Fernandez de Oviedo's *Historia general de las Indias*, first printed in Seville in 1535²⁶⁹ and Francisco López de Gomara's work of the same title printed in Zaragoza in 1552 attributed the exclusion of her husband's subjects to a deliberate design of the Queen.²⁷⁰

Inter caetera, Queen Isabel's testament, and the chronicles referring to these sources were often extrapolated by later historiography, especially in connection with the nineteenth-century national revival in Catalonia, in a way to suggest that Catalans and other subjects of the Crown of Aragon were barred from Castile's colonies. In the 1960s, Pierre Vilar warned against such an approach: "So let us go of the image of a Catalonia being suffocated by Castilian royal centralism and colonial exclusivity in the eighteenth century. It is not legally, systematically, that Catalonia's activity was weakened."²⁷¹ But the exact scope of the Catalans' participation in colonial trade has remained the subject of debate. Carlos Martínez Shaw pointed out that in the period between 1509 and 1534, as many as 121 natives of the Crown of Aragon, 38 Catalans among them, set sail to the Americas.²⁷² These numbers don't suggest that the Catalans would have been barred from the colonies, but compared to the 2,245 Andalusians departing in the same period, Catalonia's participation was hardly decisive – a conclusion shared by Pedro Grases for the sixteenth and seventeenth centuries, with the caveat that Catalan migration to America started to increase from 1680.²⁷³

The legal framework that took shape in the wake of Columbus' expeditions also contradicts the interpretation that the colonies were legally open only to Castilian subjects and their trade. Dated May 30, 1495, a *cédula* was jointly issued by the Catholic Monarchs, addressing their subjects and the naturals of their kingdoms (*nuestros súbditos e naturales*) "to go to the said island of Hispaniola

²⁶⁹ Gonzalo Fernández de Oviedo, *Historia general y natural de las Indias, islas y tierra-firme del mar océano*. Pt. 1 (Alicante: Biblioteca Virtual Miguel de Cervantes, 2007 / Madrid: Imprenta de la Real Academia de la Historia, 1851), <https://www.cervantesvirtual.com/nd/ark:/59851/bmc668b5>.

²⁷⁰ Martínez Shaw, "Cataluña y el comercio con América," 224-226.

²⁷¹ Vilar, *La Catalogne dans l'Espagne moderne*, vol. 1, 539.

²⁷² Martínez Shaw, "Cataluña y el comercio con América," 224-226.

²⁷³ Pedro Grases, "Los catalanes en América," *Hispania* 75, no. 4 (The Quincentennial of the Columbian Era, October 1992): 846.

and to the other islands or lands to discover them and do business in them.”²⁷⁴ There is no indication of a change of approach after the Queen’s death, even having regard to her testament. According to Fernando de Oviedo’s *Historia general*, the Catholic King “gave permission to the Aragonese and all his vassals to go to these parts [i.e. America] for whatever employment and as they please.”²⁷⁵ In his own testament, Ferdinand named his daughter Joanna as his successor to the realms of the Crowns of Aragon and Castile, as well as to the “part that belongs to Us in the Indies of the Ocean Sea.”²⁷⁶ Charles I,²⁷⁷ who became Ferdinand’s de facto successor in all his realms as Joanna was declared unfit to rule, issued a *cédula* in 1526 that opened the colonies to all his subjects, including those under his scepter as Holy Roman Emperor.²⁷⁸ Philip II (1556-1598) was more restrictive in this regard than his father, but he consistently applied the same treatment to his subjects of the “*Reynos de Castilla y Aragón*” when it came to determining rights of entry to and residence in the Indies.²⁷⁹

Arguably, the equality of access that the subjects of the Crowns of Castile and Aragon enjoyed in relation to exchanges with the colonies was a key factor that disincentivized standalone Catalan ventures in the New World. There were other conditions as well that curbed the possibilities of attempting such ventures. The very location of Catalonia was a disadvantage. Situated on the Mediterranean rather than the Atlantic side of the Iberian Peninsula, Catalonia had no direct access to the Atlantic – unlike Scotland. More importantly, the Crown opted to regulate the *Carrera de Indias*, the trade route linking Spain and the New World in a way that precluded the direct participation of Catalan ports in colonial trade. In 1503, ten years after Columbus reported on his

²⁷⁴ “para que vayan a la dicha ysla Española y a las otras yslas o Tierra Firme e a descubrirlas e contratar en ellas.” Quoted in Martínez Shaw, “Cataluña y el comercio con América,” 227.

²⁷⁵ “dio licença a los aragoneses e a todos sus vassallos que passassen a estas partes con ofiçios e como les plugo.” Quoted in *ibid.*, 226.

²⁷⁶ “parte a Nos perteneciente en las Indias del Mar Océano.” Quoted in Juan Manzano Manzano, “¿Por qué se incorporaron las Indias a la Corona de Castilla?,” *Revista de estudios políticos*, no. 5 (1942): 104.

²⁷⁷ Charles I as King of Spain (1516-1556) and Charles V as Holy Roman Emperor (1519-1556/58).

²⁷⁸ Martínez Shaw, “Cataluña y el comercio con América,” 226.

²⁷⁹ Three royal *cédulas*, issued between 1564 and 1596, quoted in Martínez Shaw, “Cataluña y el comercio con América,” 229.

first transatlantic voyage to Ferdinand and Isabella in Barcelona, the Catholic Monarchs set up a *Casa de Contratación*, a trading house in the Andalusian port city of Seville – an act that “represented the beginnings of that Sevillian monopoly over trade with the New World which was to last for two hundred years.”²⁸⁰ The contours of the regulatory system solidified during the following decades. By the middle of the sixteenth century, the Casa was a “mature institution, with its competences clearly defined relative to other actors.”²⁸¹ Seville was designated as the only port of entry and exit for trade with the overseas territories of the Monarchy. A single institution, the Casa de Contratación – under the jurisdiction of the *Real y Supremo Consejo de Indias*, the royal council established in 1524 that oversaw the administration of the Indies – was responsible for the controlling and day-to-day logistics of colonial traffic. The personal scope of the right to access to the colonies was, as outlined above, restricted to the ‘Spanish’ subjects of the Hispanic Monarchy. The combination of these measures suggests the influence of a nascent mercantilism rather than a systemic discrimination against Catalonia or Catalan subjects.²⁸² The method was designed to maximize mercantilist profit and was not unique to the Hispanic Monarchy: the Portuguese crown followed a similar logic with the establishment of the *Casa da Índia* in Lisbon.²⁸³

The foundational characteristics of the system remained in place until the Bourbon reforms of the eighteenth century, but the Sevillian monopoly went through a number of adjustments in the course of its existence.²⁸⁴ In the 1520s, shortly after he was elected Holy Roman Emperor, Charles I and V issued a series of ordinances that marked a phase of liberalization, opening the overseas territories to all his subjects and, to an extent, even to foreign merchants, going as far as allowing

²⁸⁰ Elliott, *Imperial Spain* (London: Penguin Books, 1990 [1963]), 122.

²⁸¹ Enriqueta Vila Vilar, “El tesorero Andrés Munibe: entre la Casa y el Consulado,” in *La Casa de la Contratación y la Navegación entre España y las Indias*, ed. Enriqueta Vila Vilar et al. (Sevilla: Universidad de Sevilla, 2004), 433.

²⁸² Carlos Martínez Shaw, “Cádiz y el comercio ultramarino (ss. XVI-XVIII),” *Awraq: Estudios sobre el mundo árabe e islámico contemporáneo*, no. 21 (2023): 147.

²⁸³ Susannah Humble Ferreira, *The Crown, the Court and the Casa da Índia. Political Centralization in Portugal 1479–1521* (Leiden: Brill, 2015).

²⁸⁴ José Manuel Díaz Blanco, “La Carrera de Indias (1650-1700): Continuidades, rupturas, replanteamientos,” *e-Spania. Revue électronique d'études hispaniques médiévales*, no. 29 (February 2018), para. 2, <https://doi.org/10.4000/e-spania.27539>.

ten Castilian ports to trade directly with the Americas.²⁸⁵ The authority of the Casa de Contratación was also challenged from time to time. But such reforms tended to be short lived. The single port system was restored in 1573, and while requirements for ships to pull in at Seville were relaxed, these measures mostly favored other nearby Andalusian ports like Cádiz. The only meaningful competition that unfolded was between the Casa and other Sevillian institutions, most importantly the *Consulado de Mercaderes*, established in 1553 with the original objective of resolving legal disputes between the Casa's merchants. The Consulado gradually overtook some of the Casa's functions, including the collection of the *avería*, the tax that was collected for the organization of the shipments, including their security details.²⁸⁶ Ships could only embark on the Carrera in convoys and at times established by the authorities. Organizing convoys with the appropriate security arrangements had less to do with the oversight and control of the system by the authorities; the *flotas y galeones* were prized targets of privateers and the enemy powers supporting them, such as England or Holland.

Catalan merchants were by no means excluded from the colonial trade of the Hispanic Monarchy, but if they wanted to take part in the exchanges with the colonies, they had to proceed through Seville. The presence of Catalan passengers, merchants, and crew members on board the ships of the Carrera confirms that they were able to take part in and profit from colonial trade despite the Sevillian monopoly.²⁸⁷ The possibilities of the American market and the changes unfolding in Catalonia's economy from the mid-sixteenth century mutually reinforced each other, resulting in an intensification of shipments between Barcelona and the ports of Andalusia. Catalonia sent a great variety of products on the *Carrera de Indias*, from agricultural produce (almond, rice, hemp, honey, pine nut, lavender) through mill stones, iron ore, and textiles to luxury items like glassware

²⁸⁵ Elliott, *Imperial Spain*, 182.

²⁸⁶ Santiago Hierro Anibarro, "El asiento de avería y el origen de la compañía privilegiada en España," *Revista de Historia Económica* 23, extra no. (2005): 182-183.

²⁸⁷ Martínez Shaw, "Cataluña y el comercio con América," 230.

and books. In return, carmine dye and leather was imported from America, and then often reexported after processing by Catalan craftsmen.²⁸⁸

The Sevillian monopoly was instituted with a view to monetize the Crown's control over transatlantic trade. As the Consulado gradually overtook the functions of the Casa de Contratación, the balance between the interests of the Crown and the interests of the merchants shifted toward the latter. By the last decades of the seventeenth century, the system of *flotas y galeones* appeared less appropriate to fulfil the functions it was originally designed for: guaranteeing access to colonies for the "Spanish" subjects of the Crown, promoting regular exchanges between the Hispanic Monarchy and the colonies, and raising revenue from those exchanges.²⁸⁹ At the same time, economic growth in Catalonia fit uncomfortably within the limitations imposed by the status quo. Apart from a period of stagnation in 1685-87, Catalan maritime traffic in the last two decades of the seventeenth century showed a significant increase in comparison to the beginning of the century.²⁹⁰ Catalan trade became increasingly oriented toward the American markets of the Monarchy, "attested by the growth of its merchant fleet, the multiplication of trading societies, and the growing presence of agricultural and industrial products" in the ports trading with the Americas, Cádiz becoming more and more prominent among them.²⁹¹ As the single port system became less adequate to fulfil the needs of the Crown and the Catalan merchants, reforming colonial trade was widely discussed. The *Junta de Comercio*, established in 1679, had the vocation to provide an institutional framework for such discussions. Narcís Feliu de la Penya joined the Junta as a promoter of the establishment of trading companies and the participation of more ports in the Atlantic trade – certainly Barcelona.

²⁸⁸ Albert Garcia Espuche, "Transformació econòmica i sistema urbà: Catalunya 1550-1640," *Manuscrits: Revista d'història moderna*, no. 15 (1997): 295-297.

²⁸⁹ Rodríguez García, "Compañías privilegiadas de comercio con América," 13-14.

²⁹⁰ Vilar, *La Catalogne dans l'Espagne moderne*, vol. 1, 647.

²⁹¹ José María Oliva Melgar, "El comercio colonial de Cataluña en la época de Carlos III: del sistema de puerto único al comercio libre. Aportaciones y debates," *Pedralbes: revista d'història moderna*, no. 8 (1988): 450.

The establishment of the Junta de Comercio was a recognition that a growing demand for the revision of the existing system of Atlantic trade was present not only in Catalonia, but throughout the Hispanic monarchy by the end of the seventeenth century. The Junta allowed the royal government to provide a platform for the exchange of ideas that could potentially benefit the whole of the monarchy, while maintaining some control over the agenda of the related discussions. The royal decree establishing the Junta in 1679 gave it a mission to rethink the whole structure of the trade of the Hispanic Monarchy by fostering the “reestablishment of manufactures, commerce, and navigation” (*restablecimiento de fábricas, comercio y navegación*), and by encouraging the immigration of skilled workforce from outside the monarchy.²⁹² The exchange of ideas that Junta facilitated and the proposals based on these exchanges that could be submitted to the King’s ministers were to help combat the economic crisis of the Monarchy within a distinctly mercantilist framework oriented toward a favorable balance of trade.²⁹³

As new members were subsequently invited to the Junta, the representation of the Crown of Aragon became more pronounced. Two members of the Consejo de Aragón joined the Junta in 1684: Antonio de Catalayud, previously a member of the Real Audiencia de Valencia,²⁹⁴ and Félix de Marimón, former councilor in the Royal Treasury of Catalonia.²⁹⁵ The latter was substituted in 1692 by the Aragonese Francisco de Palafox, member of the Consejo de Aragón since 1687.²⁹⁶ Narcís Feliu de la Peña also became a member of the Junta following the publication of the *Fenix de Cataluña* (1683), but he appears to have been in the Junta’s orbit from the beginning of its

²⁹² Miguel Sánchez-Apellaniz y Valderrama, “El Proyecto de Compañía de Comercio con Indias aprobado por la Junta de Comercio en 1683,” *Revista de derecho mercantil*, no. 83 (1962): 97 and fn. 5.

²⁹³ Ricci, “Narcís Feliu de la Peña (1646-1712) i el seu temps,” 234-235.

²⁹⁴ Sánchez-Apellaniz y Valderrama, “El Proyecto de Compañía de Comercio con Indias,” 97 fn. 5; Jon Arrieta Alberdi, “Antonio de Calatayud Toledo y Mathieu,” *Diccionario Biográfico electrónico*, Real Academia de la Historia, <https://dbe.rah.es/biografias/57175/antonio-de-calatayud-toledo-y-mathieu>.

²⁹⁵ Jon Arrieta Alberdi, “Félix de Marimón i Tort,” *Diccionario Biográfico electrónico*, Real Academia de la Historia, <https://dbe.rah.es/biografias/58718/felix-de-marimon-i-tort>.

²⁹⁶ Jon Arrieta Alberdi, “Francisco de Palafox Rebolledo y Cardona,” *Diccionario Biográfico electrónico*, Real Academia de la Historia, <https://dbe.rah.es/biografias/58704/francisco-de-palafox-rebolledo-y-cardona>

existence.²⁹⁷ The Junta was thus exposed to approaches from the realms of the Crown of Aragon, including those promoted by Feliu and the Catalan merchant circles that he belonged to.

The Junta's disposition toward ideas like Feliu's were generally favorable. Indeed, after Francisco de Soto Guzmán, a member of the Junta since 1682 who had spent significant time in the American colonies, presented his proposal for a trading company, the Junta formally recommended it to the King's attention in 1684. This "Spanish armed company for the trade and commerce of Spain with the West Indies, their islands and ports" would have been rather similar to the one Feliu described in the *Fenix*, except it would not have been an emphatically Catalan venture. Reforms, however, were slow in coming. The King expressed a general approval for the plan, leading to the creation of another Junta, this time formed by the King's ministers, to further discuss de Soto's proposal. Even though this second Junta was also favorable to the project, the company shared in its faith with all similar initiatives since the 1620s and remained a plan.²⁹⁸

The Junta de Comercio had no efficient tools for the implementation of the ideas it endorsed, especially not in a context where trade reforms could not quite dominate the political agenda as long as questions related to the succession of the Hispanic Monarchy remained unanswered. Ultimately, matters of commercial reform got caught up in the anticipation of Charles II's death and the new era it was to inaugurate. The King's testament named Philip, Duke of Anjou as the successor to his crowns, who was duly proclaimed King of Spain upon the death of his granduncle²⁹⁹ – in Versailles, "in one of the great theatrical acts" choreographed by the aging Louis XIV.³⁰⁰ Almost three years later, the Emperor Leopold I proclaimed his younger son, the Archduke Charles King of Spain – in Vienna.³⁰¹ The doubly complicated succession, marked first by the lack

²⁹⁷ Ricci, "Narcís Feliu de la Penya (1646-1712) i el seu temps," 243-244.

²⁹⁸ "compañía Española armada para el tráfico y comercio de España con las Indias Occidentales, sus islas y puertos" – Sánchez-Apellaniz y Valderrama, "El Proyecto de Compañía de Comercio," 99-100.

²⁹⁹ María Teresa de Austria, Charles II's sister and Louis XIV's wife, was Philip V's grandmother.

³⁰⁰ Kamen, *Philip V*, 4-5.

³⁰¹ Elliott, *Scotts and Catalans*, 79.

of a direct heir, then the appearance of two rival candidates to the throne created a unique opportunity for the Catalan ruling classes to exert influence in exchange for their support – a unique opportunity that presented itself twice in a short period of time. On both occasions, the price materialized in the form of legislation that secured the monarch's compromise to uphold the integrity of Catalonia's own constitutional system and facilitate reforms beneficial to the commercial interests of the Principality. In 1701, King Philip, the fourth of his name as King of Aragon, convoked the Catalan Corts, the estates' legislative assembly, which was then successfully concluded for the first time in more than a hundred years. The experiment was then repeated with Charles III and the 1705/06 Corts. The rise of the Catalan phoenix started, and very much in the fashion of Feliu's vision.

Courting the Corts

Proceeding through the Corts to secure reforms was not only a reasonable approach, but it was the way with the most possibility of success, and not only because of the opportunities that the contestation of the succession by the Habsburgs and their allies occasioned for the Catalan elites dissatisfied with King Philip's rule. The assembly of the Catalan estates was a powerful institution in its dealings with the Crown compared to its equivalents in other parts of the Hispanic Monarchy. It would have been hardly conceivable, even in the context of the crisis of succession, for the Castilian Cortes to initiate, let alone to successfully arrange a 'quid pro quo' with the Crown in the way the Catalan Corts did in 1701/02 and 1705/06. This is not to say that the Crown was unable to disregard the Castilian Cortes to a greater extent than the Catalan Corts; in a way, the opposite was true, as the Castilian Cortes had been summoned and concluded with a measure of regularity throughout Philip IV's reign (1621-65), while the last time the Catalan Corts had been properly concluded was in 1599. Recent historiography concluded that the ability of the Castilian assembly

to exercise effective political authority was in fact quite significant.³⁰² The Cortes were able to act as the real and powerful voice of the realm, exercising control over an increasing proportion of royal revenues and, consequently, the Crown itself. The proctors (*procuradores*) representing the towns with *voto en Cortes* (voting right in the Cortes) were instrumental in keeping the Crown informed on the economic hardships of the realm, some of them producing detailed analyses of the causes and remedies thereof, contributing to the *arbitrista* literature of the seventeenth century.³⁰³ The number of towns represented in the Cortes gradually increased between the fifteenth and eighteenth centuries, and they retained their bargaining power in financial issues even during Charles II's reign when the Cortes were not convoked at all.³⁰⁴ Even so, the Cortes as an institution of representation and legislation operated with many constraints compared to the Catalan Corts, especially as it "failed to obtain a share in the legislating power. Theoretically, the Cortes's consent had to be obtained for the revocation of laws, but the power to make new laws lay with the Crown. The Cortes were allowed to draw up petitions, but they never succeeded in turning this into a right of legislation, partly because of their own lack of unity, and partly because of their failure to establish the principle that redress of grievances must precede supply."³⁰⁵

In hindsight, it is perhaps not so evident that the Catalan Corts were a more powerful institution than the Castilian Cortes. After all, the latter survived the War of Succession, while the former were abolished together with other institutions of Catalan public law after Philip V's definitive victory. Yet it is reasonable to read the ultimate demise of the Corts as a recognition of their strength. The Catalan estates were, after all, able to obtain first King Philip's, then King Charles'

³⁰² Thompson, "Castile: Absolutism, Constitutionalism, and Liberty,"; Thompson, "Absolutism in Castile,"; Albaladejo, "Monarquía, cortes y "cuestión constitucional" en Castilla durante la edad moderna."

³⁰³ Ángel García Sanz, "Castile 1580-1650: economic crisis and the policy of 'reform'," in *The Castilian crisis of the seventeenth century. New perspectives on the economic and social history of seventeenth-century Spain*, ed. I. A. A. Thompson and Bartolomé Yun Casalilla (Cambridge: Cambridge University Press, 1994), 28.

³⁰⁴ Grafe, *Distant tyranny*, 13.

³⁰⁵ Elliott, *Imperial Spain*, 34-35. Elliott himself reflects on the strength of the Cortes in the light of new evidence in the Foreword to the 2002 edition of the same book: "although I think that the Cortes were less effective a brake on royal power than they are now sometimes represented, I would certainly have painted a more positive picture of Castilian constitutionalism in the post-Comunero era than the one I paint in this book."

consent to a complex legislative program that redressed many of their grievances accumulated during the preceding decades, sometimes prevailing against the position of the Crown, and offered the reforms sought after by the commercially minded ruling class of the Principality. Many contemporary observers perceived the Catalan Corts as a powerful institution – too powerful, in fact. None other than Louis XIV urged his grandson to be patient when dealing with the Catalans, as these “people, excitable by nature and jealous of their privileges” (*peuples naturellement inquiets et jaloux de leurs privileges*) needed to see that their new king has no intention to suppress them, lest they stir up trouble.³⁰⁶ According to the Count of Robres, the Consejo de Aragón advised King Philip not to convoke the Corts at all as allowing it to proceed would expose the Crown to “evitable risks” (*riesgos evitables*).³⁰⁷ Vicente Bacallar y Sanna, a nobleman of Sardinian origin and a staunch supporter of the Bourbon succession, who was created the Marquis of San Felipe by Philip V in 1709 in recognition of his fidelity, shared Robres’ opinion. In his *Comentarios* written more than a decade after the end of the War of Succession, the Marquis lamented that the King denied Castilians the favor of convening their Cortes, even though the people of Castile are much less “*arrogantes e insolentes*” than the Catalans. Nothing beneficial to the common good or good governance resulted from the Catalan Corts, which only made the Catalans more insolent, demanding, and ungrateful toward their rightful King.³⁰⁸ Francisco Antonio de Velasco y Tovar, who served as Philip V viceroy in Catalonia for a time between the conclusion of the first Corts and the arrival of the allied forces supporting Charles III, qualified the legislative achievements of the Catalan estates as the “enslavement” of the King’s justice.³⁰⁹

³⁰⁶ Joaquim Albareda i Salvadó, “Estudi introductorio,” in *Constitucions, capítols i actes de Corts, 1701-1702 i 1705-1706* (Barcelona: Parlament de Catalunya / Generalitat de Catalunya, 2006), XXIV, fn. 30.

³⁰⁷ López de Mendoza y Pons, Agustín, Count of Robres, *Historia de las guerras civiles de España: desde la muerte del Señor Carlos II, que sucedió en 1.º de noviembre de 1700 [...] hasta el 1708* (Zaragoza: Diputación Provincial, 1882), quoted in: Albareda i Salvadó, “Estudi introductorio,” XXIV, fn. 31.

³⁰⁸ *Comentarios de la Guerra de España desde el principio del reynado del Rey Phelipe V hasta la paz general del año 1725* (Genova: Matteo Garbizza [1725], Madrid: Imprenta Real, 1792-1793), https://www.cervantesvirtual.com/obra-visor/comentarios-de-la-guerra-de-espana-e-historia-de-su-rey-felipe-v-el-animoso-0/html/feecf3c4-82b1-11df-acc7-002185ce6064_1.html#I_3.

³⁰⁹ Albareda i Salvadó, “Estudi introductorio,” XXIII.

Inimical comments like these – originating usually on the *felipista*, filo-French side of the divide – coincided with the perspective of established traditions in Catalan political and legal thought, at least concerning the significance of the Corts. Compared to Castile, all realms of the Crown of Aragon “boasted a long tradition of contractual politics, where king-in-parliament was a basic factor” and where the assemblies of the estates developed a meaningful role as arenas of public debate.³¹⁰ But the Catalan Corts were arguably special not only when contrasted to the Castilian Cortes as a more consequential legislative assembly. The historical development of the Catalan legal system equally set the Corts apart from the assemblies of other realms of the Crown of Aragon. While the constitutional systems of the Kingdoms of Valencia and Aragon were based on a collection of *furs/fueros* – privileges or liberties in relation to royal authority –, the foundational element of the Catalan system became the concept of *dret* – right –, implying the existence of general norms of authority or general norms relative to the exercise of authority.³¹¹ Both systems implied an element of *pactisme*, contractual relations between king and estates, but while the Aragonese and Valencian context can be described as the historical accumulation of specific privileges granted by the Crown (“pactisme històric”), the pacts agreed between the Crown and the Corts in Catalonia were meant to be the generally applicable law of the land (“pactisme jurídic”).³¹² Louis XIV’s interpretation – that the Catalans were jealously guarding their privileges – would not have been correct from the perspective of Catalonia’s legal traditions. The Corts were not important because it was an institution that could safeguard privileges, potentially revokable favors granted by rulers. The Corts were important because they were the vehicle for the pacts between king and kingdom, substantiated in the form of legislation, that determined the law of the land for everybody, including the king, who was consequently placed inside rather than above the

³¹⁰ Xavier Gil Pujol, “Republican Politics in Early Modern Spain: The Castilian and Catalano-Aragonese Traditions,” in *Republicanism: A Shared European Heritage*, vol. 1 of *Republicanism and Constitutionalism in Early Modern Europe*, ed. Martin van Gelderen and Quentin Skinner (Cambridge: Cambridge University Press, 2002), 273.

³¹¹ Jesús Lalinde Abadía, “Los ordenamientos jurídicos de la Corona de Aragón,” in *Foralismo, derechos históricos y democracia*, ed. Jon Arrieta, Jesús Astigarraga, Fundación BBV, 1998, p. 26, 30. (21-48)

³¹² Albareda i Salvadó, “Estudi introductori,” XVIII.

constitutional order of the Principality. The respect of the law that was ‘pacted’ this way ranked higher in Catalonia’s legal order than the principle of hereditary monarchy: the new monarch was required to swear an oath to keep Catalonia’s law before he could be considered the rightful ruler of the Principality. This was not a new principle by the early eighteenth century. Philip IV³¹³ acceded to the throne in 1621 but only took the time to swear in as Catalonia’s ruler in 1626. In the meantime, envoys from Catalonia reminded him that “if Catalonia were to govern by herself while Your Majesty is delaying your oath, the Principality would not be destroyed.”³¹⁴ The Catalan estates took the opportunity to reinforce this principle both in the 1701/02 and 1705/06 Corts, most prominently through the regulation of the office of the *vicerègia*. According to the Catalan constitutions, the office of a viceroy or lieutenant appointed by the king ends upon the latter’s death, and the new monarch cannot appoint a new representative until he swears the constitutions. The Catalan constitutions foresee a temporary regime – the *vicerègia* – for the period between the death of one king and the swearing-in of another, headed by a governor-general, who is appointed by the king in accordance with Catalan law.

Consequently, whoever warned Louis XIV of the “distrustful, shallow and republican character of the Catalan nation,” they hit the mark as far as republicanism is concerned. To the Sun King, the republican character might have been an accusation of anti-monarchical dispositions – which was indeed not without precedence in Catalan political thought or history, an important case in point being the short republican experiment in 1641, between the start of the Reapers’ War and the adoption of Louis XIII of France as Catalonia’s sovereign. But the traditions of Catalan republicanism did not primarily imply a rejection of the monarchical form of government in the early eighteenth century. More importantly, they defined the political community – the Catalan nation – in relation to a corpus of laws rather than through automatic loyalty to a king or a dynasty. The Catalan jurist Francesc Solanes provided a synthesis of this Catalan republicanism during the

³¹³ Philip IV as King of Castile and Philip III as King of Aragon (1621-1665).

³¹⁴ Xavier Gil, “Republican Politics in Early Modern Spain,” 279.

period that is in the focus of this chapter. The first two volumes of his *Emperador político* were written in the months leading up to Charles II's death in 1700, and they were published in Barcelona before the end of that year, shortly before King Philip crossed the river Bidasoa into Spanish territory on 2 January 1701.³¹⁵ Solanes completed the trilogy in 1706, just after the closing of the Corts convoked by Charles III.³¹⁶ As one of the authors of the bill passed in the 1705/06 Corts that excluded Philip V and the House of Bourbon from the succession to the Principality of Catalonia, Solanes proclaimed that “the true King is that which is the first to subject himself to the statutes and laws of the *pàtria*,” synthesizing a patriotism where the common good of the *pàtria* comes before the love of the king.³¹⁷ Solanes will soon be found in the pro-Habsburg camp – he will follow King Charles to Vienna, where he becomes a member of the *S. Regio Consiglio di S. Chiara*, the supreme judicial organ of the Kingdom of Naples³¹⁸ –, but the respect of the judicial-legislative pact between Catalonia and its monarch is expected regardless of dynastic affiliation: “the royal majesty do not exempt the monarch from complying with the contracts that he or his predecessors concluded with his inferiors.”³¹⁹ This uniquely Catalan state of affairs meant that the return to constitutionalism in the form of the two Corts celebrated between the death of Charles II and the first Nueva Planta decrees of 1707 offered legislation as the surest way to success when it came to securing or establishing Catalonia's rights – including relative to trade.

Indeed, the two Corts left little to desire from the perspective of Feliu and the Catalan merchant society. The measures that Feliu's works argued for in the 1680s became, to an important extent, codified. This is not to say that the Corts could impose their agenda completely or without any

³¹⁵ Kamen, *Philip V*, 5.

³¹⁶ José María Iñurritegui Rodríguez, “Las virtudes y el jurista: El Emperador político de Francisco Solanes y el amor a la patria,” in *Actes del 53è Congrès de la Comissió Internacional per a l'Estudi de la Història de les Institucions Representatives i Parlamentàries*, ed. J. Sobrequès, J. Agirreazkuenaga et al. (Barcelona: Parlament de Catalunya – Museu d'Història de Catalunya, 2005), 429.

³¹⁷ *Ibid.*, 430.

³¹⁸ “Francesc Solanes,” *enciclopèdia.cat*, accessed April 22, 2024, <https://www.enciclopedia.cat/gran-enciclopedia-catalana/francesc-solanes>; Antonio di Vittorio, *Gli Austriaci e il Regno di Napoli 1707-1734*, vol. 1, *Le finanze pubbliche* (Naples: Giannini Editore, 1969), 16.

³¹⁹ “la majestad real no exime al monarca del cumplimiento de los contratos que él, o sus antecesores, han celebrado con sus inferiores.” Iñurritegui Rodríguez, “Las virtudes y el jurista,” 443.

resistance from the Crown. There were significant areas of contention between the Crown and the estates. The latter demanded an alleviation of the burdens related to the quartering of troops in Catalonia and other contributions to the royal armies, as well as a limitation of the monarch's interference in the *insaculació*, the process of electing the members of several high-level government institutions of Catalonia, such as the *Diputació* and the *Consell de Cent* – a prerogative that the Crown emphatically vindicated in 1652, after the mid-century revolt of the Catalans. These questions risked that the 1701/02 Corts would end in an ambiance that was much less amicable than the way it started, with the celebration of King Philip's wedding on Catalan soil, a solemn reception of the new sovereigns in Barcelona, and entertainments that pleased the King so much that the authorities had difficulties providing enough game for him to hunt.³²⁰ Indeed, the situation became so tense that some of the King's advisors argued against properly closing the Corts at all. There were moments when the King seemed to have forgotten about his grandfather's cautionary words about the necessity of patience in dealing with the Catalans, and he threatened to bring in Castilian and French troops, should the estates keep on with their attack on the royal prerogatives.³²¹ The Duke of Media Sidonia, Charles II's viceroy in Catalonia between 1690 and 1693, allegedly weighed in on the discussion to remind the estates that “the King is not to be replied to but to be obeyed” (*al Rey no se replica, sino se le obedece*). Eventually, the situation deescalated, and the Corts were officially closed on January 14, 1702, allowing the promulgation of the acts that were approved by the King and the estates. The Corts had to swallow their grievances relative to the question of *insaculació*; a situation that repeated itself at the 1705/06 Corts, serving as a reminder that Philip and Charles were both jealously guarding what they perceived as their royal prerogatives.³²²

Beyond the triumph of Catalonia's ancient constitution, a set of commercial reforms also became the law of the land. The expectations that the new reign would provide favorable opportunities

³²⁰ Albareda i Salvado, “Estudi introductori,” XXV.

³²¹ Eva Serra i Puig, “Les Corts de 1701-1702: La represa política a les vigílies de la Guerra de successió,” *L'Avenç*, no. 206 (September 1996): 24.

³²² Mònica González, “Les Corts catalanes de 1705-1706,” *L'Avenç*, no. 206 (September 1996): 32.

for a reevaluation of the existing trading system proved reasonable not only because the Estates managed to agree with the King on these points, but because the parts of the legislative agenda pertaining to the subject matter of trade were not particularly contentious in the first place. The two subsequent Corts held in Catalonia in the first decade of the eighteenth century are testimonies to the sharp shift in the loyalties of the Catalan elites from Philip V (IV) to Charles III. Yet when trying to evaluate the contribution of the two Corts to the reform of the commercial system of the Hispanic Monarchy and Catalonia within its confines, the two legislative processes should be seen less as stages of cumulative development, but rather as two attempts at remarkably similar outcomes.³²³ This is hardly surprising if one considers that the basis for the later Corts was the illegitimacy of the former. If the first *Constitució* of the 1705/06 Corts declared the succession of the whole monarchy in favor of Charles III and the perpetual exclusion of the House of Bourbon, the second *Constitució* revoked and annulled all the “*Constitucions, Capitols, y Actes de Cort*” that issued from the 1701/02 Corts. This meant that all elements of the desired commercial reforms had to be adopted once more, in rather similar terms. In what follows, I will elaborate on the relevant content of the two Corts in a thematic rather than a chronological order, pointing out the differences between the two where they signified a change of approach from one occasion to the next.

Access to America

The demand that Catalan subjects (“*naturals del present Principat*” in the 1702 text, “*Naturals, y habitants del present Principat, y Comtats de Rosellò, y Serdanya*” in the 1706 version) could send “*totas, y qualsevols mercaderias, y fruyts,*” any sort of goods they see fit to the American colonies was similarly

³²³ Jon Arrieta Alberdi, “Las Cortes catalanas de Felipe V y Carlos III. Datos y consideraciones para una valoración comparativa,” in *1716: El final del sistema foral de la Monarquía Hispánica*, ed. Miquel J. Deyá Bauzá (Palma de Mallorca: Lleonard Muntaner, 2018), 25-85.

codified in the two instances.³²⁴ It was already evident in the first version of the act that the Catalans wanted to avoid pulling in at Cádiz to register their outbound and inbound cargo, and do that in Barcelona instead, at least for two ships each year. In the later version bearing Charles III's assent, this demand was given a more explicit formulation, asking permission for not two, but four Catalan ships a year to trade with the "*Indias de Espanya*," meaning the islands as well as the "*terra firme*," without the need to join the "*Flota*" or the "*Galeons*" that depart from the Bay of Cadiz. In both instances, the royal placet was given conditionally. Both King Philip's and King Charles' administrations were aware that the legislation produced by the Corts had the potential to directly interfere with the established system of commerce and weaken the Sevillian monopoly over American trade. King Philip's administration demanded compatibility with the existing framework of the Sevillian monopoly. The traditional phrase of approval at the end of the bills ("*Plau a sa Magestat*,") was completed in the 1702 version by "*en tot lo que no se oposia al establert, y capitulat ab lo comers de Sevilla*," a clause that clarified that the bill is not meant to infringe upon the commercial prerogatives of Seville. The second passing of the bill, under Charles III's authority, replaced the earlier clause with "*ab que se paguen los drets a la Casa de Contratació de Sivilla*." The latter formulation was less ambiguous in terms of the aspects of the Sevillian monopoly that the Catalan shipments had to respect, specifying that the corresponding customs duties needed to be paid to the Casa de Contratación.

Port franch

A similar sophistication occurred from one version to the next regarding the act on the establishment of a free port in Barcelona. At first, the matters of the "*Casa de Port franch*" and the

³²⁴ Cap. LXXI (1702) and Cap. CIV (1706). The source of the references to the legislative texts passed in 1702 and 1706 throughout the dissertation is *Constitucions, capítols i actes de Corts, 1701-1702 i 1705-1706* (Barcelona: Parlament de Catalunya / Generalitat de Catalunya, 2006).

direct shipments from Barcelona to the colonies were treated in the same act; they received individual *capitols* in the 1705-06 Corts.³²⁵ The core objective of the disposition remained unaltered across the two Corts: goods arriving to the Principality via the port of Barcelona should only be taxed in Catalonia if they are also consumed there. The Casa de Port franch would have been a storage facility outside the walls of the city for these goods to be kept until they depart to their destination. This would have allowed Catalanian merchants to export goods toward other parts of the Hispanic monarchy at lower prices, avoiding the payment of taxes upon the arrival of their goods in the Principality. The scope of the measures was extended with the later version of the act, which distinguished not only between goods remaining in the Principality or leaving it, but rather goods being sold in Barcelona, in other parts of the Principality, or outside of Catalonia, decreasing the burdens on commerce inside the Principality by further insisting that impositions on merchandise should be determined only by the rules applicable at the place of consumption, potentially curbing Barcelona's rights to tax products that would be sold in other parts of Catalonia.

The legislative texts on the direct shipments to the Americas and the establishment of the free port storehouse were evocative of the general premises of earlier approaches to commercial reform, such as Narcís Feliu de la Penya's *Politico discurso* and *Fenix de Catalunya*. Both versions of the act on the Casa de Port franch begins by asserting that "[the] business [of commerce] is the most suitable and useful medium to bring all kinds of necessities to the Kingdoms and Provinces," not only conducive to all kinds of conveniences, but it helps to better serve the King and face the "urgencies and necessities" (*urgencias, y necessitats*) of life.³²⁶ The petition for the four Catalan ships to the Americas, which was written into a separate bill in the 1705-06 Corts, adds a recognition of the "great utility and benefice" (*summa utilitat, y benefici*) that commerce – and the ability to do commerce with the Spanish Indies – brings to free trade (*libero comers*) and to all the inhabitants of

³²⁵ Cap. LXXI (1702) and Cap. LXXIX (1706).

³²⁶ "lo negoci sie lo medi mes proporcionat, y util pera acarrear conveniencias en los Regnes, y Provincias." Ibid.

the Principality, not only enriching the latter, but allowing them to attend “more fervently” (*ab mes fervor*) to the service of the King’s Majesty.³²⁷

Companyia nautica, mercantil, y universal

The echoes of the Fenix are perhaps even more obvious in the pieces of legislation that were to realize another of the objectives formulated by Feliu and the merchant circles of Barcelona. The acts establishing a “universal maritime trading company in the Principality of Catalonia” (*companyia nautica, mercantil, y universal en lo Principat de Catalunya*) open with references to the Roman inspiration behind the Llotja of Barcelona, a trading house of medieval origins, to be followed by lamentation over the lack of a universal trading company and the damage this lack means to the public interest. The future company was to be the key to the “improvement of agriculture, manufacturing, industry, and shipping” (*adelantar la agricultura, manufactura, industria, y navegació propia*) that have been all but forgotten in Catalonia. The reestablishment of commerce, the repopulation of the Principality, public utility, as well as service to God and the King are all objectives of the company established by law. The first and the second version of the act are identical in all important measures, instituting a Junta to establish the “*medis, modos, y forma*” for the establishment of the company, the availability of the shares of the company to anybody who contributes at least two Barcelonese pounds, and the general vocation of the company to “send ships [*Naus, Vaxells*] and shipments freely across the seas, the ocean, the Mediterranean, and to the ports there.”³²⁸ The acts even evoke the “flourishing state” that Catalonia used to enjoy, and that Germany, England, Holland, Venice, Italy and other kingdoms still do, giving the act an expressly emulative objective.

³²⁷ Cap. CIV (1706).

³²⁸ “enviar las Naus, ò Vaxells, o alters Embarcacions liberament per los Mars, Oceano, y Mediterraneo, y Ports de aquell” – Ibid.

Out with the French

The only meaningful difference between the acts on the trading company produced by the two Corts is to be found in the royal assents. King Philip's administration was content to insist, much like it did with other bills of trade, that the company cannot function to the detriment of the commerce of the Indies or the commerce of Seville. Ramón de Vilana Perlas, the secretary of King Charles' Junta de Estado for Catalonia translated the royal will to the placet adding that foreigners can also invest in the company if they had at least three years of continuous residence in the Principality, except the French who are perpetually excluded. This condition to the approval of the bill served the purpose of letting King Charles' allies into the hopefully lucrative Catalan trading company after the war, while it also rhymed the markedly anti-Bourbon stances of the 1705/06 Corts.

The appearance of protectionism with an anti-French edge is perhaps the most significant difference between the commercial legislation of the two subsequent Corts. In 1706, the King approved a constitució that allowed all foreigners except the French (*"qualsevol Estrangèr (com no sia Francés)"*) to be allowed to "introduce a new manufacture in this Principality" (*introduir alguna nova fabrica en lo present Principat*) without having to obtain the title of master or pay taxes to exercise their craft.³²⁹ The bill was focused on the textile industry, speaking of the establishment of *"fabrica de robas, telas, y mercès, tant de llana, y seda, com alters, y de nous tints."* Beyond the general anti-French disposition at the Corts and the gesture toward Charles III's allies opening the door for them to do business in Catalonia, the legislation reflected a twofold protectionist approach. On the one hand, it prevented French know-how – a subject of envy to Feliu – from contributing to a potential French domination of the Principality's textile industry to the detriment of Catalan businesses. On

³²⁹ Cap. XXVII (1706).

the other hand, the condition the act imposed on foreign businesses in exchange for the freedom of establishment and tax exemptions was that they had to employ Catalanian workforce, at least one apprentice, in the manufactures with the explicit aim of passing the know-how that the new business might bring to the natives.

While specifically anti-French protectionism was, not counterintuitively, the order of the day only at the later Corts, bills were produced in both instances to further reduce the obstacles to Catalonia's trade, thereby allowing Catalan merchants to truly profit from the better access to the American markets. The Corts petitioned both monarchs to instruct all consuls of the Spanish nation appointed by them, most especially the Spanish consul in Lisbon, to stop the practice of imposing a one per cent duty on the cargo of Catalan ships, both when loading and unloading, which leads to considerable expenses and a "significant prejudice to the commerce of this Principality" (*notable perjudici del comerç del present Principat*). Instead, lower, fixed prices were established in the act, depending on the size of the ship (*Barca, Vaxell*).³³⁰ A separate bill was to improve the market access of Catalanian wines and spirits, albeit not directly to the Americas, but rather to Cadiz and other port cities of the monarchy, where, according to the Estates' complaint, these important products of Catalan agriculture were not allowed to be sold, even though "traders from other nations are not forbidden to bring such cargoes there" (*als Patrons de altres Nacions no sels impedeix lo portar en ditas parts semblant carrech*).³³¹

The two sets of legislative output by the two Catalan Corts of the early eighteenth century demonstrated that the conditions were ripe for Catalonia's leading classes to gain leverage over the Crown in a way that had not been possible for at least a century. For a brief period, the new monarchs' need of bolstering their legitimacy in the context of a contested succession and the interests of the Catalan merchant classes coincided to an extent that seemed to be sufficient to

³³⁰ Cap. LXXXV (1702); Cap. XXXV (1706).

³³¹ Cap. LXXXVIII (1702); Cap XXXV (1706).

replace or at least ease the tensions between the royal government and the Catalan constitutions that, to varying degrees, characterized the 1600s. Catalonia's legal system was confirmed in its general ability to impose limitations on the Crown's prerogatives, and also to mark new paths for the Principality. The latter was in no small part thanks to the work of Feliu and his likeminded compatriots, who outlined a clear direction for Catalonia's commerce. Catalonia's constitutions, confirmed through its Corts, were so powerful that they could be relied on to draw up the Pact of Genova and withdraw allegiance from King Philip, who was found to be in breach of his 'pacted' obligations, and to redraw the whole legislative agenda, offering similar but slightly better specified conditions to Charles III in 1705/06. If the Corts were perceived instrumental to determining the question of royal succession in Catalonia, they were just as logical an avenue for Catalonia's attempt to break through the existing limitations, at least some of them, to the Principality's trade. There is no way for us to determine whether an eventually successful King Charles III would have respected the pact he made with his Catalan subjects any better than a vindictive King Philip who eventually put an end to *pactisme* altogether, even though King Charles, as King of Hungary (1711-1740), retained a favor for governing his more excitable subjects through a degree of compromise.³³² Whether he would be remembered by Catalan historiography as the constitutional counterpoint to Bourbon absolutism, should he have gained his Spanish inheritance, or indeed only the Catalan-Aragonese part of it, is a matter of pure speculation. We can only establish that Catalonia is not guilty of reckless gambling: the pact with King Philip already contained safety clauses that allowed the Catalans to offer a pact to King Charles when the previous one was deemed broken.

³³² János Kalmár, "Spanyolországi hatások VI. Károly császár (1711-1740) uralkodói gyakorlatában," in *Per multos annos: Faluba Kálmán tanár úr 70. születésnapjára*, ed. Balázs Déri et al. (Budapest: L'Harmattan, 2011), 147-148.

Too strong for disunion?

The chapter offers two conclusions. The first is perhaps self-evident, but it is worth emphasizing because it speaks to the general argument of the dissertation. Until the eleventh hour before the establishment of incorporating union in Britain and Spain, incorporation was neither the only, nor the most obvious solution discussed in Scotland and Catalonia for securing reliable and relatively unfettered access to colonial trade for these two constitutive parts of the British and the Hispanic composite monarchies. The overview of the historical trajectory of Scottish and Catalan involvement in transatlantic colonization suggests that the attempts of the late seventeenth, early eighteenth century were not especially outlandish, delusional, or underprepared. These attempts, manifested in a commercially minded Catalan legislative agenda and a Scottish company trading with Darien, are certainly the products of an optimistic view of the two nations' possibilities. But this optimism was rooted in a reality marked by the transformation of commerce into a patriotic, national cause and the phoenix-like rising of the Scottish Parliament and the Catalan Corts to a preeminent position in the government of these realms. Amidst the uncertainties of succession, the Scottish and the Catalan parliaments seized an arguably excellent opportunity to buttress and enhance their national autonomy both politically and commercially, which was all the more important as it became increasingly evident that neither Scotland, nor Catalonia could rely on the benevolence of their more powerful neighbors controlling the routes of trade.

The second conclusion is more tentative in that it is, I believe, a reasonable reading of the incorporations in their geopolitical and dynastic context, but further research is needed to determine whether it stands the proof of detailed documentary evidence. With that caveat, the evidence in this chapter suggests that the circumstances partially responsible for the invigoration of national parliamentary discussions in Scotland and Catalonia – the dynastic crises and the European war – are likewise responsible for the ultimate triumph of incorporating union over a reformed composite monarchy. If Scotland was perceived as a rogue nation for its clear disrespect

of the English Navigation Acts, and Catalonia gained a reputation for an oversensitive guarding of its liberties, the actions of the Scottish and Catalan political nations in the decade leading up to incorporating union could certainly aggravate the already existing suspicions of the royal governments. The Scottish Parliament and the Catalan Corts seized the opportunities stemming from the need of those who pretended to rule these nations with such vigor that it brought the precarious balance between the monarch and the Estates, infringement and redress for good. Scotland and Catalonia attempted to utilize the crises of their respective monarchies for their own benefit, but when they failed to secure these gains and get the upper hand, they became vulnerabilities for the monarchy. The revenge that King Philip took on Catalonia for the high treason that the Corts committed against him, and the legislative management, bribery, and pro-union propaganda that Queen Anne's government deployed led not simply to the outlawing of certain legislative assemblies in favor of others, but a reasonable treatment of the vulnerabilities meant by two potentially disobedient political nations.

Chapter 3 – Unions are born, not made

The Acts of Union between England and Scotland that came into force in 1707 and the Nueva Planta decrees that were introduced in the realms of the Crown of Aragon from 1707 through 1716 supplanted the British and the Hispanic composite monarchies by redefining the relationship between their constituent parts. In hindsight, these early eighteenth-century reforms proved as fundamental as enduring; they arguably remain the cornerstones of the constitutional order of the United Kingdom and the Kingdom of Spain until today. The idea that Scotland and Catalonia would simultaneously reaffirm their constitutionally guaranteed margins of maneuver within the British and Spanish monarchies and use the protective umbrella of the latter to gain a better access to globalizing networks of commerce was thus defeated. Incorporating union was the least desirable alternative that provincial patriots like Andrew Fletcher of Saltoun and Narcís Feliu de la Peña could have imagined for their homelands. Fletcher would have rather come to terms with the return of the Catholic Stuarts than with the loss of the political leverage afforded by Scotland's ancient constitution: "Now of those who are for the same successor with England, I would ask, if in that case we are not also to continue in our former dependence; which will not fail always to grow from bad to worse, and at length become more intolerable to all honest men, than death itself. For my own part I think, that even the most zealous protestant in the nation, if he have a true regard for his country, ought rather to wish (were it consistent with our claim of right) that a papist should succeed to the throne of Great Britain under such limitations as would render this nation free and independent, than the most protestant and best prince, without any."³³³ As for Feliu de la Peña, not only did he weave countless references into the text of the third and last volume of his *Anales de Cataluña* (1709) asserting the legitimacy of Charles III's rule against Philip V's – referring to the latter consistently as the Duke of Anjou –, but he found the reason behind

³³³ Fletcher, "Speeches by a Member of the Parliament," 161.

the withdrawal of the privileges of Aragon and Valencia and their consequent unification to Castile in Philip's "hatred of Catalonia."³³⁴

This chapter examines incorporating union – the undesirable alternative in Scottish and Catalan patriotic thought – as the answer that was eventually given to the dilemmas surrounding the path ahead for Scotland and Catalonia within the British and the Spanish monarchy, respectively. It will complete the peripheral views offered in Chapters 1 and 2 by adjusting the scope of the analysis from the parts to the whole, from Scotland and Catalonia to the entirety of the British and the Spanish monarchies. I would like to gain a better understanding of incorporating union as the outcome that neither Fletcher, nor Feliu welcomed, that Scottish attempts at American settlement and Catalan legislative bargaining were supposed to help avoid, and that, nonetheless, could be and was conceived in relation to the same concerns that Fletcher and Feliu had about their homelands.

The chapter opens by examining the British and Spanish union states taking shape within the new European geopolitical and diplomatic order that emerged from the Utrecht peace settlement. This should not only allow us to appreciate the world that the new Britain and Spain were 'born' into, but also to connect the issue of union to a shift in ideas and perception relative to the nature of the British and the Spanish monarchies' presence in the international – inter-state, inter-sovereign – order. The chapter then offers a historical overview of the issue of union and disunion from the perspective of the center of the monarchy. Identifying that center prior to the incorporating unions is not entirely trivial as the British and Spanish composite monarchies did not have a central government in the same sense that the new union states would. However, the establishment of regal unions between the Crowns of Castile and Aragon in the late fifteenth century, and between England and Scotland in 1603 already presented the Habsburg and the Stuart courts with the

³³⁴ "en que quitava los Privilegios de la Corona à Aragon y Valencia, y les vnía con Castilla, y que avia extinguido el Supremo de Aragon, por odio de Cataluña." Feliu, *Anales de Cataluña*, 595.

challenge of efficient rule over a collection of constitutionally distinct polities. The insight into the historical trajectory of the issue of union from the perspective of the whole monarchy will allow me to nuance the dichotomy between Scottish and Catalan particularism on one side, and the purported centralizing tendencies of the royal administrations on the other. Finally, the chapter presents the constitutional-institutional changes introduced by the union settlements and provides a comparative analysis between the two contexts to present an inventory on what was lost – as the provincial patriots feared – and what constitutional and political options remained open to the representation of Scotland’s and Catalonia’s interests within the freshly minted union states.

The argument of the chapter is twofold. First, I argue that the nascent British and Spanish union states sat particularly well with the organizing principle of the Utrecht settlement. Second, I argue that it is important to explore the historical trajectory of imagining the British and the Spanish unions (the whole of the monarchy) from the perspective of the royal administrations to underline that the eventual outcome – incorporating union – in the early-eighteenth century did not result from any grand design by centralizing royal governments, but was first and foremost contingent on the catalyzing impact of largescale military conflict.

A new era of diplomacy

The collision course to Utrecht

“I believe I would think, speak, and act as a bad Englishman if I did not think, speak, and act as a good Spaniard.”³³⁵ Viscount Bolingbroke, one of the foreign secretaries in Queen Anne’s government addressed these words in a letter of June 20, 1713 to the Duke of Osuna, King Philip V’s ambassador to Versailles and his plenipotentiary at the peace negotiations in Utrecht.

³³⁵ “Je croirois penser, parler, et agir en mauvais Anglois, si je ne pensois, parlois, et agissois en bon Espagnol.” AHN ESTADO,3396,Exp.6 (No 3)

Bolingbroke's emphatically cordial words, aligning English and Spanish interests, suggest a very good understanding between the parties. And indeed, Queen Anne's and King Philip's representatives signed a treaty of peace and friendship shortly after the exchange, on July 13, 1713, establishing one of the most important pillars of the peace settlement consisting of a series of treaties signed between 1713 and 1715 that is generally known as the Peace of Utrecht.³³⁶

Following the decade-long conflict that pitted England and Spain against each other in the War of the Spanish Succession and the even longer history of enmity between the two nations, Bolingbroke's words promised a fresh start in Anglo-Spanish relations. During the preceding two centuries, recurrent expressions of antagonism were the determining feature of interactions between England and Spain.³³⁷ The religious policies of Henry VIII (1509-47) not only had a lasting impact on England's relations with the rest of the continent, but the saga of Henry's estrangement from his first wife that was closely intertwined with these policies developed into an affront to Spain – Catherine, the discarded queen was, after all, a daughter of the Catholic Monarchs and the aunt of Holy Roman Emperor Charles V, the ruler of the Hispanic Monarchy. The accession of Mary I, Henry's daughter from Catherine, offered the possibility of reconciliation and, through her marriage to Prince Philip who inherited his fathers' Spanish crowns in 1556, alliance or even a formal regal union between England and Spain. These options did not survive the end of Mary's short rule (1553-58). Her half-sister and successor Elizabeth I (1558-1603), despite her occasional misgivings about getting into war with Spain, provided military and financial assistance to the Protestant Estates in the Low Countries, contributing to the securing of Dutch independence from the Hispanic Monarchy by the seventeenth century.³³⁸ Spanish involvement in assassination

³³⁶ John H. Elliott, "The Road to Utrecht: War and Peace," in *Britain, Spain, and the Treaty of Utrecht 1713-2013*, ed. Dadson and Elliott, 3.

³³⁷ Simon Adams, "Tudor England's Relations with Spain, The Holy Roman Empire and The Low Countries," *State Papers Online 1509-1714*, Cengage Learning EMEA Ltd., 2009, <https://www.gale.com/intl/essays/simon-adams-tudor-englands-relations-spain-holy-roman-empire-low-countries>.

³³⁸ Simon Adams, "Elizabeth I and the Sovereignty of the Netherlands 1576-1585," *Transactions of the Royal Historical Society* 14 (2004): 309-19; Jonathan I. Israel, *The Dutch Republic. Its Rise, Greatness, and Fall*,

attempts against English monarchs and grandiose plans to invade England – one of which famously led to the destruction of the Gran Armada in 1588, although less by English forces than by inclement weather – were meant to be replies in kind to hostile English meddling in Spanish business. The antagonism promptly spilled over to the growing colonial spaces of the two powers, where employing privateers to plunder Spanish commerce became a proxy tool of Tudor foreign policy.³³⁹

The geopolitical context of Anglo-Spanish relations in the sixteenth and seventeenth centuries was marked by a transformation of scale in military conflict. From about 1500, the localized, regional struggles that had been typical in earlier periods “were either subsumed into or eclipsed by what seemed to contemporaries to be a far larger contest for the mastery of the continent.”³⁴⁰ In the later 1600s, the accusation of universal monarchy was usually wielded against France or the Dutch republic, but the early modern revival of the concept is associated with the exceptional accumulation of territories under Charles V in the first half of the sixteenth century. The Habsburgs remained the usual suspects even after Charles divided his possessions between his brother Ferdinand and son Philip. The latter, Philip II as King of Castile, ruled over the three Iberian crowns (Aragon, Castile, and from 1580 Portugal), the Netherlands, most of Italy, American, African, and Asian colonies, and he was the co-ruler and potential regent of England through his marriage to Mary Tudor. “There were moments when it seemed that the Escorial was to be the headquarters of the whole world.”³⁴¹ This outcome was as threatening as undesirable to other European powers, propelling them into a fight for redressing the balance of power in Europe through relentless attacks on the Hispanic Monarchy, and through the fortification of their own

1477-1806 (Oxford: Clarendon Press, 1995), 219-230; Jonathan I. Israel, *The Dutch Republic and the Hispanic World, 1606-1661* (Oxford: Clarendon Press, 1986), 115-116.

³³⁹ John C. Appleby, *Under the Bloody Flag. Pirates of the Tudor Age* (Stroud: The History Press, 2009); N. A. M. Rodger, *The Safeguard of the Sea: A Naval History of Britain, 660-1649* (London: HarperCollins, 1997), esp. 238-271.

³⁴⁰ Kennedy, *The Rise and Fall of the Great Powers*, 31.

³⁴¹ Jonathan I. Israel, *Conflicts of Empires. Spain, the Low Countries and the Struggle for World Supremacy 1585-1713* (London and Rio Grande: The Hambledon Press, 1997), xiv.

positions in Europe and the New World. England arguably entered this fight already under Henry VIII, but the Hispanic Monarchy became the most important target under Elizabeth I, when England started to engage with the Atlantic in earnest.³⁴² The dynamics of Anglo-Spanish relations not only determined matters of war and peace in the North Atlantic, but crucially influenced the outcome of Scottish and Catalan attempts relative to colonial trade. One of the reasons England refused to help the unfortunate colonists in Darien was that William III had no interest in escalating his Scottish subjects' challenge to Spanish sovereignty over the Isthmus of Panama into a war. After war broke out with Spain, Queen Anne's representatives had no hesitation to enter a pact with the Catalans, and thereby encourage the reversal of the Principality's loyalty from the Bourbon to the Habsburg claimant.

In addition to the challenge meant by the rise of the Habsburgs and the accusations of universal monarchy levelled against them, the other main factor behind "the transformation in both the intensity and geographical scope of European warfare" was religion.³⁴³ As one of the consequences of Henrician religious reform, England became the champion of the Protestant cause across Europe, while the Hispanic Monarchy, where the Catholic Church was relatively unchallenged in its confessional monopoly acted against England with reference to the restoration of the Catholic faith. Military conflict between the two monarchies had various origins and objectives, which played into a "conflict of empires," a power struggle in and more and more beyond Europe where an emerging England was interested in curbing the hegemony of an Iberian world empire – which practically materialized from 1580 to 1640, when Portugal and its global maritime empire was part of the Spanish Habsburg dominions.³⁴⁴ Even so, these conflicts were often framed by contemporary observers as part of a religiously motivated clash between 'heretics' and 'papists'.³⁴⁵

³⁴² D. B. Quinn and A. N. Ryan, *England's Sea Empire, 1550-1642* (London: George Allen & Unwin, 1983).

³⁴³ Kennedy, *The Rise and Fall of the Great Powers*, 32.

³⁴⁴ Israel, *Conflicts of Empires*, xiv.

³⁴⁵ Louis B. Wright, *God, Glory, and the Gospel* (New York: Atheneum, 1970), esp. 287-352.

The emergence of an international order

From the second half of the seventeenth century, the nature of international struggle started to change, with the “maturing of a genuinely multipolar system of European states, each one of which increasingly tended to make decisions about war and peace on the basis of the “national interest” rather than for transnational, religious causes.”³⁴⁶ This trend was becoming clearer with the start of the peace negotiations in Utrecht. Bolingbroke’s evocation of the “Englishman” and the “Spaniard” ignored confessional overtones, moving beyond the religious context that had influenced Anglo-Spanish interactions since the beginning of the Reformation, and underlining the importance of a more secular “national interest” in the dealings between states. This is not to say that religion suddenly became a non-issue in European diplomacy; “religious prejudice still fueled many international quarrels of the eighteenth century.”³⁴⁷ The War of the Spanish succession is a good example to the survival of religious prejudice into conflicts of the eighteenth-century, if one considers that sources of propaganda from the war are teeming with derogatory references to the other side based on ascribed confessional allegiance.³⁴⁸ Religious matters remained on the agenda of the peace negotiations as well. The Duke of Osuna, in a letter written shortly after Bolingbroke’s, instructed the Marquess of Monteleón, another representative of the Hispanic Monarchy at the Utrecht negotiations, to ask for a better explanation “on the Articles concerning Religion, for Gibraltar, as well as for Port Mahon, and the Isle of Menorca [...] to ensure the inhabitants of these places the tranquility of their conscience,” conveying Philip V’s

³⁴⁶ Kennedy, *The Rise and Fall of the Great Powers*, 73.

³⁴⁷ Ibid.

³⁴⁸ Fernando Suárez Golán, “La lealtad del Apóstol. El arzobispo de Santiago contra Felipe V,” in Joaquim Albareda i Salvadó and Augustí Alcoberro i Pericay, eds., *Els Tractats d’Utrecht : clarors i foscors de la pau, la resistència dels catalans : 9-12 abril 2014 : actes del congrés* (Barcelona: Museu d’Història de Catalunya, 2015), 289-296; David González Cruz, “La Santa Sede y los candidatos al trono de España en la estrategia propagandística de la Guerra de Sucesión,” *Anuario de la Historia de la Iglesia* 25 (separata – 2016), 319-348; Cristina Borreguero Beltrán, “Imagen y propaganda de guerra en el conflicto sucesorio (1700-1713),” *Manuscripts* 21 (2003), 112-127.

concern for the undisturbed practice of the Catholic faith in the territories that were to be ceded to the British monarchy as part of the peace settlement.³⁴⁹ The request for guarantees was certainly not seen as unreasonable from the English side, as they were explicitly given in the peace treaty.³⁵⁰ The way religious matters were dealt with at the peace negotiations simultaneously challenges the assessment that “one’s church was to all intents and purposes irrelevant to one’s foreign policy” from the second half of the seventeenth century,³⁵¹ and confirms that “the ways in which religious language and ideas shaped political thinking [had been] undoubtedly altered and transformed” after the Treaties of Münster and Osnabrück (1648).³⁵² Religion and confessional differences ceased to be major obstacles to transactions between European sovereigns by the time peace negotiations started in Utrecht.

The Utrecht settlement also appears to mark a turning point in the role of the perceived threat of universal monarchy in relations between great powers. Similarly to the importance of religion, the peace treaties of 1713-1715 did not magically make the concept of universal monarchy a thing of the past in political thought and diplomacy. Earlier attempts to negotiate peace between France and the Dutch republic in 1709-10 appear to have failed “not so much by a stalemate or French unreliability but, to a substantial degree, by Dutch prejudice regarding French pride, warmongering and cunning.”³⁵³ The war of succession itself was fought on the basis of such prejudice and

³⁴⁹ “También se ordena al Marques de Monteleon que solicite alguna mayor explicación sobre los Artículos que conciernen a la Religión, así por Gibraltar, como por Puerto Mahon, y Isla de Menorca, no solo para evitar la censura y desaprobación de los Pueblos de Su Mag.d, que pudiera ser fomentada de algun mal intencionado con persuadir que en estas Paces no se ha interesado muy de veras el Rey por la Religión, sino también para asegurar a los moradores de los citados Lugares la quietud de sus conciencias, y no dexarlos expuestos a las siniestras explicaciones con que los inmediatos Commandantes en adelante, y debaxo de otro gobierno pudieren derrogar a lo que segun la intención de S. M. Brit.ca real, y verdaderamente se contiene, y deve entenderse en los referidos Artículos.” AHN ESTADO,3396,Exp.6 (No 11)

³⁵⁰ Dadson and Elliott, ed., *Britain, Spain, and the Treaty of Utrecht 1713-2013*. For the text of the treaty see pp. 140-167.

³⁵¹ The statement is from Theodore K. Rabb, *The Struggle for Stability in Early Modern Europe* (New York: Oxford University Press, 1975), 81 – quoted in Andrew C. Thompson, “After Westphalia: Remodelling a Religious Foreign Policy,” in *War and Religion after Westphalia, 1648–1713*, David Onnekink, ed. (Farnham: Ashgate, 2009), 47.

³⁵² Thompson, “After Westphalia,” 47.

³⁵³ David Onnekink, “Pride and Prejudice: Universal Monarchy Discourse and the Peace Negotiations of 1709–1710,” *Performances of Peace. Utrecht 1713*, ed. Renger E. de Bruin, Cornelis van der Haven et al. (Leiden: Brill, 2015), 90.

suspicion against France and a ‘French’ Spain that would increase the power of the House of Bourbon to an unprecedented level. The Grand Alliance that formed against the Bourbon monarchies wanted to prevent such an outcome – even if the English House of Commons needed an additional act of provocation from Louis XIV to enter the war, in the form of the proclamation of James III as King of England in 1701.³⁵⁴ Likewise, the road to peace was expedited after Archduke Charles, the allied powers’ candidate to the thrones of Spain succeeded his brother as Holy Roman Emperor and the ruler of the Central European Habsburg lands, the possibility of a Habsburg dominance over Europe being just as undesirable as a Franco-Spanish Bourbon ‘superstate.’³⁵⁵ The explicit insistence of the peace treaties on balance of power “as a desirable aim for the European states system” may be partly credited to the lingering threat of universal monarchy, at least in the minds of the treaties’ brokers.³⁵⁶

The Peace of Utrecht was quickly canonized by “the great works of Enlightenment historiography” as the event marking “the emergence from medieval and post-Reformation conditions of a ‘Europe’ of stable sovereign states, connected to form a ‘confederacy’ or ‘republic’ by patterns of *jus gentium* and *raison d’état*, commerce, manners and enlightenment.”³⁵⁷ The idea that the peace settlement ending the War of the Spanish succession initiated a new era in European and, consequently, global history has remained influential ever since. Describing the period between 1713 and 1789, J. G. A. Pocock spoke “of a ‘Utrecht Enlightenment’ [...] in which sovereign civil societies were associated in a pattern of treaties and commerce, able to restrain the disruptive forces of religion and conduct their own wars with the disciplines of *jus gentium* and European civility.”³⁵⁸ Pocock offered “the emergence of a system of states, founded in civil and commercial

³⁵⁴ Elliott, “Road to Utrecht,” 4.

³⁵⁵ Andrew C. Thompson, “The Utrecht Settlement and its Aftermath,” in *Britain, Spain, and the Treaty of Utrecht 1713-2013*, ed. Dadson and Elliott, 59.

³⁵⁶ *Ibid.*, 65.

³⁵⁷ J. G. A. Pocock, “Enlightenment and Counter-Enlightenment, Revolution and Counter-Revolution: A Eurosceptical Enquiry,” *History of Political Thought* 20, no. 1 (Spring 1999): 127-128.

³⁵⁸ *Ibid.*

society and culture, which might enable to escape from the wars of religion without falling under the hegemony of a single monarchy” as one of the possible characterizations of Enlightenment.³⁵⁹ More recently, Hamish Scott argued that the post-Utrecht world, “with long periods of general peace between 1715 and 1739, and again from 1763-87, was itself a vast improvement on the seventeenth century, when there had been only three calendar years without fighting somewhere in Europe or involving a continental state.”³⁶⁰

The ‘Utrecht Enlightenment’ clearly marks a transformation in the way diplomacy was conducted. At the same time, the favorable assessment of the short eighteenth century as a period of civility needs to be briefly contextualized here to highlight the disparities between theory and practice in the international relations of the era. Allowing that the War of the Austrian Succession (1740-48) and the Seven Years War (1756-63) were the two major conflicts undermining peace in Europe between the War of the Spanish Succession and the French revolutionary wars, and focusing only on military action concerning the European territories of the signatories of the Peace of Utrecht, the remaining “long periods of general peace” would still include the War of the Quadruple Alliance (1718-20), the Anglo-Spanish War (1727-29), the War of the Polish Succession (1733-35), and the War of the Bavarian Succession (1778-79). Extending the scope beyond Western and Central Europe adds to the list the Great Northern War (1700-21) and the Russo-Turkish War (1768-74). The American Revolutionary War (1775-83), as if to warn of the approaching end of the era of civility and the return of expressly transnational, even religious causes to equations of international relations in the wake of the French revolution, conjured the very constellation – or at least a shadow of it – that the Peace of Utrecht was meant to avert, when the Bourbon monarchies of France and Spain joined forces in support of the American colonists against George III. In Britain, the merits of the Utrecht settlement became a subject of heated debate a long time

³⁵⁹ J. G. A. Pocock, *Barbarism and Religion*. vol. 1, *The Enlightenments of Edward Gibbon, 1737-1764* (Cambridge: Cambridge University Press, 1999), 7.

³⁶⁰ Hamish M. Scott, *The Birth of a Great Power System 1740-1815* (Harlow, England: Pearson, 2006), 368.

before the secession of the Thirteen Colonies. The ink had barely dried on the treaty of peace and friendship signed by Queen Anne's and King Philip's representatives when the defeat of the Tory government that orchestrated the peace catapulted the alleged failures of the Utrecht settlement to the agenda of parliamentary politics, where it remained for decades. In 1732, Horatio Walpole – a younger brother of Robert Walpole, and an experienced diplomat who had been British ambassador to France between 1724 and 1730 – could still attack his Tory opponents with the image of a treaty so botched as to require many posterior fixes. Walpole compared any supporter of the original treaty to “a Man, who after breaking another's Bones, and seeing them set again very right, and well cured by an able Surgeon cries, You are obliged to me Sir, for this great Cure that has been performed upon you.”³⁶¹

Notwithstanding the above caveat – that the ‘Utrecht Enlightenment’ was still a period of often violent clashes between sovereign states, and that contemporary assessments of the new international system were not unequivocally positive –, Bolingbroke's and Osuna's correspondence should be read with the important transitions marked by the Peace of Utrecht in mind. In the new era of diplomacy, one could indeed only be a good Englishman if one was also a good Spaniard. The letter of credence issued by Philip V to Osuna and Monteleón, naming them his plenipotentiaries in the negotiations with Queen Anne's representatives, mandates the “conclusion of a treaty of commerce [...] of mutual convenience and utility to the vassals” of the two sovereigns to guarantee the “common good” of peace and the “tranquility, splendor, and prosperity” that it fosters.³⁶² In the general context of the emerging international system, mutual convenience and common good meant a continuous balancing of national interests – the interest

³⁶¹ Quoted in Thompson, “The Utrecht Settlement and its Aftermath,” 64.

³⁶² “Porquanto porlo mucho nos hemos desseado, y deseamos el alivio y descanso de n[uestr]os Vasallos en la afliccion, y calamidades de una tan sangrienta y dilatada Guerra como la que hasta aqui de ha experimentado, para que terminandose los desolables efectos de ella entren à goçar del reposo, esplendor y prosperidades à que anhelan y Nos devemos procurarles. Portanto considerando quanto se asegura este Comun bien con la trataz.on y conclusion de un tratado de Comercio entre esta Corona, y la de Inglaterra, de reciproca conveniencia y utilidad delos Vasallos de ellas...” AHN ESTADO,2867,Exp.5

of the Englishman, the Spaniard, and so forth – against one another, thereby guaranteeing a balance of power in Europe, the overall objective of the Utrecht peace treaties. Balance of power as a concept applied to international relations was not an invention of the brokers of the Peace of Utrecht. The notion of balance or equilibrium had already been discussed in the context of Italian diplomacy since the 1400s, both relative to the exchanges and interactions between Italian states, and the preoccupation of the latter with the dynamics of great power politics beyond the Alps.³⁶³ The concept occasionally surfaced in sixteenth-century English foreign policy, when “Henry VIII reportedly once had himself painted holding a scale, with France on the one side and Austria on the other,” or when “Elizabeth I claimed that England’s role was to be the tongue of the scales.”³⁶⁴ Bolingbroke himself found that the notion of balance of power rose to prominence with the increasing rivalry between the emerging great powers of France and Austria (i.e. the House of Austria) during in the first half of the sixteenth century, when “to destroy the equality of this balance has been the aim of each of these rivals in his turn and to hinder it from being destroyed, by preventing too much power from falling into one scale, has been the principle of all the wise councils of Europe.”³⁶⁵ Balance of power nevertheless reached an important milestone in its history through the Treaties of Utrecht, which not only directly referred to the principle, but turned it into “a consciously articulated policy pursued by states.”³⁶⁶ As a broad generalization, “the balance of power meant simply that no one state, or alignment, should become preponderant; and that, if it did, the other European states would join together to curb it.”³⁶⁷ In practice, it was never quite so simple, of course, as Bolingbroke expressed it so elegantly in his *Letters on the Study and Use of History*, reminding the reader that the balance “the scales of the balance of power will

³⁶³ Izidor Janzenkovic, “The Balance of Power in the Renaissance,” *History of Political Thought* 40, no. 4 (2019): 607-627; M. S. Anderson, *The Rise of Modern Diplomacy, 1450-1919* (Abingdon: Routledge, 2013), 150-151.

³⁶⁴ Linda Frey and Marsha Frey, eds., *The Treaties of the War of the Spanish Succession. An Historical and Critical Dictionary* (Westport, Conn.: Greenwood Press, 1995), 29-30.

³⁶⁵ Bolingbroke, Henry St. John, Viscount, *Letters on the Study and Use of History* (Basil [Basel]: J. J. Tourneisen, 1788), 143-144.

³⁶⁶ Frey and Frey, eds., *The Treaties of the War of the Spanish Succession*, 30.

³⁶⁷ Scott, *The Birth of a Great Power System*, 139.

never be exactly poised, nor in the precise point of equality either discernible or necessary to be discerned.”³⁶⁸

While England was arguably the main conductor and beneficiary of the peace settlements, the treaties were to design a durable balance of power. The ban on the joint inheritance of the Spanish and French crowns, the division of the Spanish inheritance between Philip V and Charles VI by the transfer of the Italian territories of the Hispanic Monarchy and the Southern Netherlands to Habsburg rule, and even the adjustments in colonial matters – while being certainly beneficial to England – served the purpose of a balance between European powers. Another benchmark for the success of the Utrecht settlement is that the new rules of the game were accepted by parties that were not entirely satisfied with the conditions of peace – like Spain. Apart from the territorial and trading concessions he was forced to grant to Britain, Philip V never gave up on the hope of regaining the Italian territories of the Hispanic Monarchy that the Treaty of Rastatt (1714) left to his Habsburg nemesis.³⁶⁹ Dynastic matters further focused Philip’s attention on Italy, and the War of the Quadruple Alliance was a dramatic reminder of that fact.³⁷⁰ However, the seeds of Spain’s successful participation in the post-Utrecht system may have sprouted from its failure to represent its own interests at the peace negotiations – or at least the perception of failure by Spanish officials, who “became increasingly cognizant of the fact that the logic of diplomacy had failed Spain.” This experience “challenged and then galvanized” the traditional dynastic model of diplomacy that the Hispanic Monarchy had relied on, generating “opportunities for change and improvement.” In the decades following the peace of Utrecht, these opportunities were translated into “the growth of public debate, the rise of political economy, the implementation of colonial, scientific, and industrial reform, the attempt to establish a European system of cooperation, and the use of

³⁶⁸ Bolingbroke, *Letters on the Study and Use of History*, 222.

³⁶⁹ Storrs, *The Spanish Resurgence*, 188-200.

³⁷⁰ Kamen, *Philip V*, 104.

Enlightenment ideas to construct a modern state,” feeding into the Spanish version of the post-Utrecht diplomatic enlightenment.³⁷¹

“Good order and economy”

Bolingbroke also expressed recognition for the “good order and economy that the King [Philip] wants to establish in his Kingdoms.”³⁷² One can infer from the letter that the course of action followed by King Philip’s government is worthy of Bolingbroke’s praise because he finds it conducive to the proper integration of Spain into the emerging system of continental equilibrium as one of its most important pillars. What Bolingbroke exactly considered the “good order and economy” in the context of the Spanish monarchy is unclear, but his correspondence with Queen Anne’s plenipotentiaries in Utrecht – John Robinson, the Bishop of Bristol, and Thomas Wentworth, the Earl of Strafford – suggests that his main concerns in this regard relative to Spain were the orderly withdrawal of the allied troops from Barcelona and a general amnesty to the Catalans, both in order to ensure the reestablishment of commercial exchange between Britain and Spain.³⁷³ There is nothing to suggest in Bolingbroke’s official correspondence from 1713, however, that he was interested in the maintenance of Catalonia’s distinct constitutional-institutional system and, therefore, honoring the secret ‘Geneva Pact’ that was made between the Catalans and the Queen’s representatives in 1705. Bolingbroke must have known about the introduction of Castilian law in Aragon and Valencia that started in 1707. He must have also been aware that Catalonia, where the “great love” and “zeal and particular finesse” that the Archduke, later Emperor Charles had found toward his cause in his “most loyal vassals,” could already be expected to meet a similar

³⁷¹ Edward Jones Corredera, *The Diplomatic Enlightenment. Spain, Europe, and the Age of Speculation* (Leiden: Brill, 2021), 30-33.

³⁷² “le bon ordre et l’économie, que le Roy veut établir dans ses Royaumes” AHN ESTADO, 3396, Exp. 6 (No 3)

³⁷³ Adrian Lashmore-Davis, ed., *The Unpublished Letters of Henry St John, First Viscount Bolingbroke*, vol. 3, *Letters 30 December 1712—18 September 1713* (London: Pickering and Chatto, 2013). See e.g. letters no. 644, 645, 725.

fate after a protracted siege of Barcelona.³⁷⁴ Bolingbroke's approving take on the incorporating union emerging in Spain may have reflected his pride in the establishment of an incorporating union between England and Scotland via the Acts of Union in 1707. If that is the case, his letter to Osuna sketches the contours of a reformed Britain and Spain participating in the new European system emerging after the conclusion of peace.

Evidence from the diplomatic correspondence of the period following the establishment of incorporating unions confirms that Britain and Spain had already been perceived externally as the natural units of international relations. At the same time, similar expressions of unity were much less evident from internal British and Spanish perspectives. The confusion over the exact nature – constitutional identity – of the two monarchies underlines that the exact modalities of the transition from regal to incorporating unions was not the result of systematic and long-term design by the royal administrations. Bolingbroke's metaphoric identification as an Englishman and a Spaniard underplays that he was in fact the head of British (not just English) diplomacy, while at the same time he has no problem with projecting the existence of "Spain" through the existence of "Spaniards." Bolingbroke's surfacing English identity can be read as the recognition, at least from the internal perspective of Her Majesty's Government, that British foreign policy was in fact the continuation of English rather than Scottish foreign policy, and that the union that created Great Britain was incorporating in the sense of subordinating Scotland's foreign policy interests to England's, while occasionally relabeling the latter as British. The relabeling caused some confusion in the royal and diplomatic correspondence of the Hispanic Monarchy from the same period. In his letter pressing for guarantees to the undisturbed practice of the Catholic religion in the territories ceded to Britain, the Duke of Osuna refers to "the intention of Her British Majesty."³⁷⁵ Roughly at the same time, in a letter to his grandfather Louis XIV, dated October 31, 1713, Philip V comments on Queen Anne's intervention for the pacification of Catalonia evoking

³⁷⁴ ACA GENERALITAT, Serie V,202,85

³⁷⁵ "la intención de S. M. Brit.ca" AHN ESTADO,3396,Exp.6 (No 11)

the “guarantees given by the Queen of England.”³⁷⁶ Osuna’s and Monteleón’s letter of credence refers to the “Crown of England” and the “Queen of Great Britain” on two subsequent pages.³⁷⁷

On the other hand, Bolingbroke’s metaphorical self-portrayal as a Spaniard reinforces the recognition of Spain as a unit on the scene of international diplomacy. This makes sense in an era when what we would today call international relations should be more aptly referred to as ‘intersovereign’ relations, and when the Hispanic Monarchy, having a single sovereign, made for a single partner for British diplomacy. From a perspective that is more internal to the Hispanic Monarchy, the existence of ‘Spain’ was much more carefully approached at the time. Addressing the rumors about an imminent conclusion of peace in 1709, King Philip makes references to “the Spanish Nation” rather than Spain; an approach that prevails but is more and more often completed by references to *Espagne* and the *couronne d’Espagne* in his correspondence with Louis XIV in the course of 1713.³⁷⁸ Remarkably, the King of France makes more pronounced references to “Great Britain” and “Spain” than the King of Spain in the same correspondence, which further suggests that treating these monarchies as units was much more evident from the external point of view of diplomacy than from an internal, constitutional one.

The hesitation over expressions of the new unions appears somewhat odd, especially from perspectives internal to either the British or the Spanish monarchy, like Bolingbroke’s or King Philip’s. The former was, after all, one of the Members of Parliament who voted on the Bill of Union with Scotland (1706) in the English House of Commons, and the latter approved the decrees introducing Castilian law in the realms of the Crown of Aragon. And yet, the uncertainties of formulation fit into a longer period of hesitations, ambiguities, and contradictory approaches to

³⁷⁶ “les assurances que la reine d’Angleterre vous a fait donner;” AMAE., CP., E., t.226, ff. 306-313., cited from the transcription by Véronique Conesa in: José Manuel de Bernardo Ares, ed., *El comienzo de la dinastía borbónica en España. Estudios desde la correspondencia real* (Granada: Editorial Comares, 2016), 171.

³⁷⁷ “Corona de Inglaterra,” “Reyna de Gran Bretaña.” AHN ESTADO, 2867, Exp.5

³⁷⁸ “Nación Española” AHN CONSEJOS, L.3735 *Libro misivo del Rey*, 399.; AMAE., E., t. 225, f. 229., cited in Bernardo Ares, *El comienzo de la dinastía borbónica*, 148.

expressions of unity by the royal administration of the composite monarchies that started with the establishment of regal unions between Scotland and England, Catalonia and Castile. While the monarchs and royal officials were logically interested in the administration of the whole of the monarchy in a synchronous manner, and thereby can be legitimately contrasted with the particular, provincial forces in the distinct parts of the monarchy that may have contravened such an approach, I would like to draw attention to the insecurities and changing dynamics of the British and the Hispanic monarchies to sophisticate the dichotomy between the whole and the parts, the center and the peripheries of the monarchy. Closer union between the parts of the composite monarchy, while typically seen advantageous in the British and the Spanish royal courts, was discussed in a relatively inconsistent, experimental way that did not form a coherent strategy against Scottish, Catalan, and other particularisms. Rather, imagining the monarchy as a functional whole was to organize the imperial politics ruled by the same monarch in a way that advances the causes of the ruling dynasty.

A history of hesitation

Haphazard images of unity

The “good order” that Bolingbroke and Osuna may have agreed on in 1713 was very different from the order that preceded the establishment of incorporating unions in Britain and Spain. Just as the Peace of Utrecht redefined the international space surrounding Britain and Spain, so did the establishment of incorporating unions mark the beginning of a new ‘national’ constitutional order for them. Similarly to the emergence of the new international order, the way relations between the Crowns of Scotland and England, Aragon and Castile were redefined in and after 1707 responded to the specific historical contingencies of the time rather than careful designs of diplomatic engineering or state building. This is not to say that monarchy in Britain and Spain had not been

conceptualized, imagined, and promoted with the objective of an ever-closer union between the constituent realms. The language used by the monarchs and the royal administrations was replete with images of the ‘wholeness’ of the monarchy implicitly or explicitly opposed to the ‘separateness’ of the distinct kingdoms. But, as I argue in the following part of the chapter, imaginaries of the monarchy as a closely tied unit were never organized into a coherent strategy by the royal governments that would have aimed at well-defined outcomes over the long term or built up a plan to achieve the particular outcomes that were achieved from 1707 on. Neither in Britain, nor in Spain did the Crown have a monopoly over the ideas, language, and means of coercion that would have been necessary for such a strategy. The conflict of central(izing) and particular(ist) interests within the monarchies remained fairly balanced before the War of the Spanish Succession realigned historical contingencies in a way that favored, perhaps even catalyzed the establishment of incorporating unions in Britain and Spain.

By the time the Crowns of Scotland and England, Aragon and Castile entered dynastic unions with their respective neighbors, the status of empire had been claimed for each of them. “... this realm of England is an empire” – this half sentence from the beginning of the Act restraining the English clergy’s appeal to the “see of Rome” is one of the most succinct formulations of Henry VIII’s break with the Church of Rome and his claims to supreme authority in all matters temporal or spiritual in England.³⁷⁹ It was rightly observed that “few phrases in an English Statute can have left such an indelible imprint,” evoking “a literature of their own.”³⁸⁰ Perhaps due to the less dramatic circumstances – no conflict with Rome, and no marital dispute –, less ink has been spilled over a very similar claim found in a piece of legislation on the office of notaries in neighboring Scotland, which confirmed the king’s right to appoint notaries on the basis of his “ful jurisdictione and fre

³⁷⁹ 1533: 24 Henry VIII, c. 12., in *The Tudor Constitution. Documents and Commentary*, by G. R. Elton (London: Cambridge University Press, 1968), 344.

³⁸⁰ Walter Ullmann, “‘This Realm of England is an Empire’,” *Journal of Ecclesiastical History* 30, no. 2 (April 1979): 175.

empire within his realm.”³⁸¹ The law was enacted at the time when James III was taking the rule of Scotland into his own hands upon reaching the age of majority in 1469 – more than sixty years prior to the English act on the restraint of appeals of 1533. The theme of empire remained present in the references to the Scottish monarchy during and after James III’s reign, “in James’s coinage of the 1480s and, in his son’s reign, in the imperial crown which still tops the chapel tower of King’s College in Aberdeen.”³⁸²

References to empire were not unique to legislative documents produced in the North: in his speech to the Catalan *Corts* in 1454, the bishop Joan Margarit³⁸³ exalted the “loyal and brave sword” of the “blessed, glorious and most faithful nation of Catalonia” for having contributed to the expansion of “the empire and lordship of the House of Aragon.”³⁸⁴ Unlike early modern English or Scottish legislation, Margarit’s intervention was less concerned with the attribution of “empire” to his sovereign (which he took as a given), and more with reminding King John II of his duties toward Catalonia.³⁸⁵ In another context, and already in the reign of Ferdinand II (John II’s son and successor), Margarit seems to have expanded his conception of empire to include Castile after king Ferdinand married Isabel, the heir to the Crown of Castile. In his *Paralipomenon Hispaniae* – written in 1483, but only published in 1545 under the reign of Charles I, who had also obtained the Holy Roman imperial title –, he celebrated Isabel and Ferdinand’s marriage as an act that united Spain, as well as their efforts to expel the last remnant of Islamic rule from Granada, comparing the co-

³⁸¹ Act 20 of 1469 of the Scottish Parliament, *RPS – The Records of the Parliaments of Scotland to 1707*, ed. K. M. Brown et al.,

https://www.rps.ac.uk/search.php?action=fetch_jump&filename=jamesiii_trans&jump=jamesiii_m1469_15_d6_ms&type=trans&fragment=t1469_20_d6_trans.

³⁸² J. H. Burns, *The True Law of Kingship: Concepts of Monarchy in Early Modern Scotland* (New York, Oxford University Press: 1996), 6-7.

³⁸³ Joan (Juan) Margarit i Pau (1422-1484) was a Catalan nobleman, the bishop of Girona and the ambassador of John II of Aragon, and later the Catholic Monarchs to the papal court. He was created cardinal by Sixtus IV in 1483. Juan Manuel Martín García, “Juan Margarit y Pau,” *Diccionario Biográfico electrónico*, Real Academia de la Historia, <http://dbe.rah.es/biografias/18496/juan-margarit-y-pau>.

³⁸⁴ „Aquesta és aquella ja benaventurada, gloriosa e fidelíssima nació de Catalunya, qui per lo passat era temuda per les terres e les mars; aquella qui ab sa feul e valent espasa ha dilatat l’imperi e senyoria de la casa d’Aragó” Published in Ricard Albert and Joan Gassiot, ed., *Parlaments a les corts catalanes* (Barcelona: Editorial Barcino, 1928), 209.

³⁸⁵ Flocel Sabaté, “The Crown of Aragon in Itself and Overseas: A Singular Mediterranean Empire,” in *The Crown of Aragon. A Singular Mediterranean Empire*, ed. Flocel Sabaté (Leiden: Brill, 2017), 1-2.

rulers to the Roman emperor Augustus.³⁸⁶ If this was an extension of Aragon's empire, then it is all the more interesting if one takes into account that several medieval monarchs of Castile formulated claims for empire: upon obtaining the crown of Castile in 1072, Alfonso VI named himself *Imperator totius Hispaniae* [Emperor of all Spain].³⁸⁷ As a well-versed humanist, Margarit may have been aware of this.

In all cases, imperial status was conceived as a signifier demarcating the given crown from any other: an imperial crown is not to be encroached upon by, and certainly not to be incorporated into any power external to it. An imperial crown was to set the monarchy – and the monarch ruling it – apart as a functional, legal, logical, and natural unit. Regardless of the dynastic ties, the Crowns of England, Scotland, Castile, and Aragon all maintained their imperial status as they reached the seventeenth century. James VI and I started to title himself “King of Great Britain,” but his requests for adopting the name “Great Britain” to the two kingdoms (not even as an expression of, but rather a prelude to a “perfect” union) was curtly rejected by his English Parliament. The arguments against the introduction of the new style were varied, but the idea of English precedence and/or superiority over Scotland stands out as a common theme.³⁸⁸ Councilors and jurists in the employment of the Habsburg rulers of the Hispanic monarchy made ample use of the expression “Monarchy/Kingdom of Spain.” In his *Excelemcias de la monarchia y reyno de España* (1597), Gregorio López Madera, a jurist in the service of Philip II and later Philip III, regarded the best features of all the constituent realms under his King's jurisdiction as gaining proper expression in the

³⁸⁶ Juan Margarit y Pau, *Episcopi Gerundensis Paralipomenon Hispaniae libri decem antehac non excussi* (1545), <http://bibliotecadigital.aecid.es/bibliodig/i18n/consulta/registro.cmd?id=1852>. Text of dedication (with commentary) published in Lluís Lucero Comas, “Joan Margarit, Fidel Fita i Robert B. Tate: la dedicatòria del Paralipomenon Hispaniae,” *Estudi General. Revista de la Facultat de Lletres de la Universitat de Girona*, no. 21 (2001) 465-473. See also José Luís Moreno Sáenz, “Cataluña en el marco de un hecho histórico: El atentado contra Fernando II de Aragón a finales de 1492 en Barcelona” (Thesis, Universitat de Barcelona, 2016), 5, fn. 5.

³⁸⁷ Andrés Gamba Gutiérrez, “El imperio medieval hispánico y la Chronica Adefonsi Imperatoris,” *E-Spania: Revue électronique d'études hispaniques médiévales*, no. 15 (2013), <https://journals.openedition.org/e-spania/25151>.

³⁸⁸ Bruce R. Galloway and Brian P. Levack, eds., *The Jacobean Union. Six tracts of 1604* (Edinburgh: Scottish Historical Society, 1985), xx; R. C. Munden, “James I and ‘the growth of mutual distrust’: King, Commons, and Reform, 1603-1604,” in *Faction and Parliament: Essays on Early Stuart History*, ed. Kevin Sharpe (Oxford: Clarendon Press, 1978), 58.

“greatness and excellence of the Monarchy and Kingdom of Spain” (*grandezas, y excelencias de la Monarchia, y Reyno de Espana*). The royal license printed into the same edition of the *Excelencias* is much more prudent in that it does not make a reference to any Kingdom or Monarchy of Spain, but rather to Philip II’s “Kingdom” (*Reyno*) or “kingdoms” (*reynos*).³⁸⁹ Even more typically, such a license would refer to the Monarch as “DON PHELIPE POR la gracia de Dios Rey de Castilla, de Leon de Aragon, de las dos Secilias, de Ierusalem, de Navarra, de Granada, de Toledo, de Valencia, de Galizia, de Mallorca, de Sevilla, de Cerdeña, de Corcega, de Murcia, de Iaen, Duque de Milan, Conde de Flandes y de Tirol &c.,” enumerating his regnal titles in conformity with the existing constitutional setup of the multiple monarchy.³⁹⁰

The divergence between perceptions of the monarchy as a unit and the more fragmented image of constitutional realities accompanied the dynastic unions until the constitutional changes in the early eighteenth century. Centripetal objectives of the royal administrations were expressed in a range of attempts to engage all the constituent realms in the service of their joint ruler to tackle the demanding struggle on the world stage, which often came into conflict with centrifugal forces gaining their strength from the distinct constitutional and socioeconomic environments of the constitutive parts of the monarchy. The estates of Holland started an ultimately successful revolt against Spanish rule that occupied the armies of Philip II and his successors for decades.³⁹¹ In 1640, revolts in Catalonia and Portugal led to French occupation until the Treaty of the Pyrenees in 1659 in the first case, and the restoring of independence in the second.³⁹² Habsburg domains in Italy also added to the troubles of the monarchy, with revolts in Naples and Sicily.³⁹³ These crises were

³⁸⁹ Gregorio López Madera, *Excelencias de la monarchia y reyno de España* (Valladolid: Diego Fernandez de Cordoua Impressor [printer]: 1597), <https://digibug.ugr.es/handle/10481/37752>.

³⁹⁰ Such a license can be found in Bernardino de Escalante, *Discurso de la navegacion que los Portugueses hazen à los Reinos y Provincias del Oriente, y de la noticia que se tiene de las grandezas del Reino de la China*. (Seville: [en casa de la biuda de Alonso Escriuano], 1577), <https://gedos.usal.es/handle/10366/83259>; transcript: <https://www.upf.edu/asia/projectes/che/s16/escal.pdf>.

³⁹¹ Geoffrey Parker, *The Army of Flanders and the Spanish Road 1567-1659. The Logistics of Spanish Victory and Defeat in the Low Countries' Wars*, (Cambridge: Cambridge University Press, 1972).

³⁹² Elliott, *The Revolt of the Catalans*; Kamen, *Spain 1469-1714*.

³⁹³ Rosario Villari, “Rivoluzioni perferiche e declino della Monarchia di Spagna,” *Cuadernos de Historia Moderna*, no. 11 (1991): 11-19.

often fomented or endorsed by England, when it was not containing its own crises like the English civil war, engulfing Scotland and Ireland as well, aptly referred to as the War of the Three Kingdoms, and complemented by the killing of a Stuart monarch and the exile of another one.³⁹⁴ The sharing of a monarch did not only open possibilities for knitting the ties between the constituent realms closer, but as the surface of interaction between England and Scotland, Castile and Aragon expanded and became more complex, it also gave way to expressions of jealousy and mutual distrust.

The accumulation of crowns and titles, ultimately territories and populations were perceived as an increase in the prestige and power of a family. Adding to the dynastic portfolio was not, however, always a simple matter. The acquisition of new territories was often problematic – a point that was driven famously home in Machiavelli's *Prince*. Writing around the time of the materialization of the Castilian-Aragonese personal union, the widely read and just as widely bedeviled Florentine found that “when dominions are acquired in a province that is not similar in language, customs, and institutions, it is here that difficulties arise; and it is here that one needs much good luck and much diligence to hold on to them.”³⁹⁵ Linguistic differences were not negligible between England and Scotland, Castile and Aragon at the time. But more importantly, they firmly retained their ability to remain very different in customs and laws through their separate institutional framework for legislation.

Asserting sovereignty through claims of empire served very well the constituent elements of these independent legislations, the Estates as well as and the monarch. As for the latter, the situation altered when, through marriages and the intricacies of royal succession, the English-Scottish and the Castilian-Aragonese crowns were inherited by the same persons. The language of empire that had served monarchs so well in their claims of sovereignty became more burdensome when

³⁹⁴ Russell, *The Fall of the British Monarchies 1637–1642*.

³⁹⁵ Niccolò Machiavelli, *The Prince*, ed. and trans. Peter Bondanella (Oxford: Oxford University Press, 2005), 10.

Charles of Ghent inherited both Castile and Aragon, and when the King of Scotland was called to take the throne of England. The glory and power of the sovereign could only grow meaningfully by way of a dynastic union if all the constituent realms could be put to advance this very cause. The union of crowns brought about a change in the needs of the monarchy. From the point of view of monarchs jointly ruling these realms, defending the Scottish Crown or the Crown of Aragon from encroachment by England or Castile lost its meaning. Ensuring that the totality of the conglomerate move in unison to achieve the same goals became far more important.

Royal administrations needed to adjust their political strategies accordingly. Instead of making a case for setting the monarchy apart from other monarchies through claiming to be a self-standing empire, it had to make a case for all these “empires” to be functional parts of a whole. Consequently, the language of monarchy had to change. References to empire came to have less to do with the status of one crown, and more with expansion overseas or, in some instances, with the monarchs themselves who ruled over a number of crowns, becoming emperors by way of such spatial achievement. Celebrating the accession of James VI of Scotland as James I of England, “his first coin declared him Emperor of Britain.”³⁹⁶ This address did not catch, though. James himself used the title “King of Great Britain,” a style he had to establish by proclamation rather than parliamentary approval, and typically the Latin version of this title appeared on his later coins.³⁹⁷ The next prominent occasion when “Britanniarum Imperator” framed the profile of a Stuart monarch was around the time James II and VII forfeited his British thrones in 1689, but those coins minted in the Netherlands were meant to contribute to the reclaiming of an exiled prince’s rights.³⁹⁸ Charles of Ghent, after inheriting the Castilian and Aragonese Crowns, was elected Holy Roman Emperor in 1519, and consequently used the title of Emperor. On account of the conquest

³⁹⁶ Linda Levy Peck, “Kingship, counsel and law in early Stuart Britain,” in J. G. A. Pocock, with the assistance of Gordon J. Schochet and Lois G. Schworer, eds., *The Varieties of British political thought, 1500-1800* (Cambridge: Cambridge University Press, 1993), 82.

³⁹⁷ BM, museum no. E.5110, https://www.britishmuseum.org/collection/object/C_E-5110.

³⁹⁸ BM, museum no. G3,EM.73, https://www.britishmuseum.org/collection/object/C_G3-EM-73.

of American territories, Hernán Cortés proposed Charles to take a separate imperial title for his lands in the New World, “with no less merit [than for] Germany.”³⁹⁹ But Charles V did not become “double emperor,” and he transferred the (Holy Roman) imperial title to his brother, Ferdinand, so his son Philip, who inherited the Hispanic Monarchy, carried on with King (of Castile, Aragon, Valencia, Mallorca, etc.) as his most prominent title. Just like his father, Philip II did not formalize “the title of ‘Emperador de las Indias,’ attributed to him by Venetian sources in 1563,”⁴⁰⁰ and he certainly did not refer to himself as Emperor of Spain – indeed he may have kept his distance from the title of “King of Spain” as constitutionally problematic. His monarchy was nevertheless fully equated in rank with the Empire. The vast territorial extension of his realms served as a general basis for such equation; legal interpretations completed this by invoking the so-called *exemptio ab Imperio*. The legal doctrine of the *exemptio* postulated that the Empire had no part in reconquering Hispania from the infidels, and consequently that Hispanic monarchs held their empire independently from the (Holy) Roman Empire.⁴⁰¹ Be that as it may, while neither Stuart, nor Habsburg monarchs might have thought of themselves as any less than emperors, they were rather cautious with the use of imperial titles for their dynastic conglomerates.

The anatomy of a scaffolding

The relegation of empire into a distant second line in the self-fashioning of the Stuart and the Habsburg monarchies was only one side of the change in the language of monarchy. Francis Bacon (1561-1621), the English lawyer and philosopher, Queen-then-King’s Counsel Extraordinary and

³⁹⁹ Hernán Cortés, “Segunda carta-relación de Hernán Cortés al Emperador: fecha en Segura de la Sierra á 30 de octubre de 1520,” in *Cartas y relaciones de Hernán Cortés al Emperador Carlos V*, edited by Pascual de Gayangos (Paris: Imprenta Central de los Ferro-Carriles A. Chaix y C^a, 1866), 51, <https://www.cervantesvirtual.com/obra/cartas-y-relaciones-de-hernan-cortes-al-emperador-carlos-v-974782/> - quoted in Xavier Gil Pujol, *La Fábrica de la Monarquía. Trazo y conservación de la Monarquía de España de los Reyes Católicos y los Austrias* (Madrid: Real Academia de la Historia, 2016), 88.

⁴⁰⁰ Gil Pujol, *La fábrica de la monarquía*, 111.

⁴⁰¹ Ibid., 102.

later attorney general under James I, proposed in his *Discourse* dedicated to the King that his “Majesty should proceed to this more perfect and entire Union” of the two kingdoms. In his “*Anatomy or Analysis of the Parts and Members*” of James’ monarchy, he found that England and Scotland were already united in, apart from the sovereignty of his king, matters of language and religion, thereby using the checklist that Machiavelli proposed almost a century earlier to make a solid ground for the further advancement of the union, even though he recognized the differences in dialect, as well as in the discipline and government of the Churches. Nevertheless, the core of the argument for a more encompassing union was that England and Scotland were organically linked “Parts and Members” rather than distinct empires.⁴⁰² Thomas Craig (1538-1608) expressed similar views from a Scottish perspective. The renown legal scholar and King James’ trusted advisor who accompanied his master to London, was present at his coronation, and took part in the work of the commission dealing with matters of union as a delegate of the Scottish Parliament argued in a similar fashion that the separation of England and Scotland, be that under Julius Caesar or William the Conqueror, was the root cause of Britain’s calamities, portraying the division between the two kingdoms as something unnatural and thereby pernicious when making his case for a closer union between England and Scotland in his *De Unione Regnorum Britanniae Tractatus* (1604).⁴⁰³

Bacon and Craig might remain the best-known authors who weighed in on the matter of Anglo-Scottish union in the early years of the Stuart multiple monarchy, but they were not the only ones. Coinciding with King James’ first English parliament of 1604, dozens of tracts were dedicated to the matter of union between England and Scotland. Six of such tracts – three from both sides of the Tweed – were published by Bruce Galloway and Brian Levack in 1985.⁴⁰⁴ The texts selected by

⁴⁰² Francis Bacon, *A Discourse of the Happy Union of the Kingdoms of England and Scotland; Dedicated in Private to King James I* (London: Thomas Milbourn, 1700), 8-9. Italics in the original.

⁴⁰³ Thomas Craig, *De Unione Regnorum Britanniae Tractatus*, ed. and trans. Sanford Terry Craig (Edinburgh: Scottish Historical Society, 1909).

⁴⁰⁴ Galloway and Levack, eds., *The Jacobean Union*.

the two scholars provide crucial, even if necessarily fragmentary, insight into discussions of Anglo-Scottish relations immediately after James' English accession, underlying that the new reality of sharing a monarch provoked strong feelings in England as in Scotland. The tracts reflect that enthusiasm for a closer association with the neighboring kingdom was not unbridled, especially on the English side, but they clearly attribute a significance – in the case of the Scottish tracts, sometimes even a quasi-religious, apocalyptic significance – to the Union of the Crowns. The authors of the six tracts, similarly to Bacon and Craig, or, for that matter, Ferdinando Gorges and William Alexander (the colonial entrepreneurs from Chapter 2) perceived correctly that the matter of union between his English and Scottish kingdoms was close to King James' heart, even if the awareness of royal attention have possibly led some of these authors to balance on a “narrow tightrope between natural inclination [i.e. a critical approach to English-Scottish union] and the need to please the new king.”⁴⁰⁵

Bringing his English and Scottish subjects closer together was indeed the express wish of King James from the very beginning of his English reign. In a proclamation announcing his accession to the English throne, King James instructed his Scottish subjects to regard the English “as their deirest bretherein and freindis, and the inhabitantis of baith his realmes to obliterate and remove out of their myndis all and quhatsumever quarrels.”⁴⁰⁶ He forcefully intervened in the proceedings of his first English Parliament of 1604 in favor of more explicit legal recognitions of the new friendship. In the speech opening the session on March 19, James himself, resorted to the metaphor of organically linked parts, taking them even further than Bacon or Craig would, appealing for a closer union between the two kingdoms that God united “both in Language, Religion, and Similitude of Manners” with a vivid imagery: “What God hath conjoined then, let no Man separate. I am the Husband, and all the whole Isle is My lawful Wife: I am the Head, and

⁴⁰⁵ Jenny Wormald, [Review of *Scotland and England, 1286-1815; The Jacobean Union: six tracts of 1604. Scottish History Society, Fourth Series, Vol. 21*, by R. A. Mason, B. R. Galloway, & B. P. Levack,] *History* 73, no. 238 (1988): 307.

⁴⁰⁶ Quoted in Galloway and Levack, eds., *The Jacobean Union*, xi-xii.

it is My Body: I am the Shepherd, and it is My Flock, I hope therefore, no Man will be so unreasonable, as to think that I, that am a Christian King under-the Gospel, should be a Polygamist, and Husband to Two Wives; that I, being the Head, should have a divided and monstrous Body; or that, being the Shepherd to so fair a Flock, whose Fold hath no Wall to hedge it, but the Four Seas, should have my Flock parted in 'Two.'"⁴⁰⁷ In the world created by James' words, the closer union between England and Scotland shines through as the natural order of things, confirmed by religion.

Religion was one of the “the foure Pillars of Government” that Bacon identified in the 1625 edition of his *Essays*, specifically in the one “Of Seditions and Troubles.”⁴⁰⁸ “Pillars” constitute a variation of “Parts and Members,” offering an image of the monarchy as an edifice. The architectural imagery was in fact analogous to the body metaphor, as the emphasis was on the parts that make up the whole, and the fact that the parts can work harmoniously only inside the whole – the body or the building. Such an imagery was not unique to Britain. From the beginning of the seventeenth century, Spain was replete with works of differing quality on politics. These were not simply mirrors of princes or documents counseling magistrates anymore, but rather works that wanted to more generally divulgate knowledge and education related to politics.⁴⁰⁹ Many of these texts, implicitly countering the language of empire that was employed in defense of the constitutional distinctness of each of the realms, imagined the monarchy as an edifice. Diego Pérez de Mesa, a mathematician and astrologer from Seville likened politics, “a science of the life of men in community, that is, of the government of the city and the state” to architecture in his *Política o*

⁴⁰⁷ “House of Commons Journal Volume 1: 22 March 1604,” in *Journal of the House of Commons: Volume 1, 1547-1629* (London, 1802), 142-149, British History Online, <http://www.british-history.ac.uk/commons-jrnl/voll/pp142-149>; Galloway and Levack, eds., *The Jacobean Union*, xix

⁴⁰⁸ Francis Bacon, “Of Seditions And Troubles,” Essay no. XV in *The Oxford Francis Bacon*, vol. 15, *The Essayes or Counsels, Civill and Morall*, ed. Michael Kiernan (Oxford: Clarendon Press, 2000), 45.

⁴⁰⁹ José Antonio Maravall, *Estado Moderno y mentalidad social (siglos XV a XVII)*, vol. 2 (Madrid: Revista de Occidente, 1972), 259.

razón de estado, edited posthumously around 1623-25.⁴¹⁰ Philip IV himself referred to “weapons and words” as the two poles, or indeed the two “columns” general to all monarchies.⁴¹¹

These metaphors were not new. To Machiavelli, good laws and good weapons were the “*fondamenti buoni*” that the prince needed; to Jean Bodin, the families were the “*premiers fondements*” on which the whole republic was built; and to Giovanni Botero, prudence and valor were “the twin pillars upon which all governments must be founded.”⁴¹² Architectural metaphors were common in early modern European reason-of-state literature. Their spillover to the Hispanic and the British context is important because there they were employed as part of the reconfiguration of the language of monarchy, along the same lines as the body metaphor. Or indeed the metaphor of a machine. In his *Excelencias*, Gregorio López Madera based the good functioning of the world, “this grand and admirable machine (*máquina*)” on the monarchical governance of its parts; few more steps were needed until the internal governance of the monarchy was also imagined as a mechanical process. Edifice, body, or machine, all these metaphors could be employed in the renewal of the language of monarchy to transform empires standing apart into parts that are the building blocks of a larger functional whole.

Law(s) of the land(s)

The results that may have been expected from the change in language were slow in coming. At the insistence of King James, a parliamentary commission was formed to discuss matters related to union, most importantly the issue of contradictory legal provisions (“hostile laws”) in the two

⁴¹⁰ “La política, la cual no es otra cosa que una ciencia de la vida de los hombres en común, esto es, del gobierno de la ciudad y Estado, es arquitectónica, a la cual sirven y suministran las otras ciencias y artes.” Diego Pérez de Mesa, *Política o Razón de Estado* (Madrid: CSIC, 1980), 13 – cited in Euclides Paradera Corrêa, “La razón de Estado en el pensamiento político de Diego Pérez de Mesa” (PhD diss., Universidad de León, 2015), 96.

⁴¹¹ Gil Pujol, *La fábrica de la monarquía*, 31, 44.

⁴¹² Ibid., 39; Giovanni Botero, “Book Two,” in *Botero: The Reason of State*, ed. Robert Bierley (Cambridge: Cambridge University Press, 2017), 34.

kingdoms. Civil and common lawyers were appointed to the commission, among them Francis Bacon, Thomas Craig, and the Lord Chancellor Ellesmere. Two bills were recommended to Parliament in 1606, one recognizing all Scottish subjects born after 1603 as English subjects, and one naturalizing all Scottish subjects born before James' accession in England as English subjects, but both bills were defeated.⁴¹³ Parliamentary resistance did not convince the King or Bacon to give up on union just yet. James returned to the body metaphor on the same subject in 1607, this time with an additional reassurance to his English subjects that "such a union would be tantamount to a peaceful conquest of Scotland by England," trying to make the transaction more alluring by invoking one of the traditional components of English imperial claims, superiority over Scotland.⁴¹⁴ Bacon tried to address the concerns that the English estates had about a "union of laws" between the two kingdoms by cleverly defining naturalization as being "in order first and precedent to union of laws; in degree a less matter than union of laws; and in nature separable, not inseparable from union of laws; for naturalization doth but take out the marks of a foreigner; but union of laws doth take away distinction."⁴¹⁵ Despite the downplay of the significance of naturalization as a first step toward union, and the King's assurances that England would keep an upper hand in the prospective union, Parliament refused to move beyond the union of the crowns. The English Parliament was not to be tricked into giving up the imperial status of the English Crown, not even after the monarchy sweetened the deal by returning to the old vocabulary of conquest.

The practical implications of sharing a monarch between England and Scotland did not allow for the question of union to simply die in the House of Commons. Soon after the parliamentary refusal

⁴¹³ Polly J. Price, "Natural Law and Birthright Citizenship in Calvin's Case (1608)," *Yale Journal of Law & the Humanities* 9, no. 1 (1997): 97.

⁴¹⁴ John Robertson, "Empire and Union: Two Concepts of the Early Modern European Political Order," in *A Union for Empire. Political Thought and the British Union of 1707*, ed. John Robertson, (Cambridge: Cambridge University Press, 1995), 14.

⁴¹⁵ Basil Montagu, ed., *The Works of Francis Bacon, Lord Chancellor of England: With a Life of the Author*, vol. 2 (Philadelphia: Carey and Heart, 1844), 153.

of the bills of naturalization, a legal dispute was brought to the courts that came to influence common law approaches to citizenship for centuries, but also, more imminently, established some implications of the personal union between Scotland and England. When Robert “Calvin” (the child’s name was more likely Robert Colville), born in Scotland after King James’ accession in England, inherited land in England, the question of whether he counts as a foreign national had to be resolved at court, because only English subjects could own English land.⁴¹⁶ ‘Calvin’s Case,’ where Bacon appeared as counsel to the plaintiff, ended with the recognition that Calvin was not an alien in England.⁴¹⁷ The court came to this conclusion with yet again resorting to a body metaphor, this time the one about the king’s two bodies. “The jurists on the King’s Bench applied the doctrine of the king’s two bodies for the first time to the English law of subjects and aliens, which held that subject status derives from one’s perpetual allegiance to the sovereign of the land in which one is born.”⁴¹⁸ Since a subject who owned allegiance to the King of Scotland also owned allegiance to the King of England if the two were the same person, the subject was also entitled to the rights derived from his subjecthood in all the realms of the monarch. Allegiance, thus, was established first and foremost in relation to the king’s natural body, and not only to his “body politic.” Through a creative interpretation of a medieval legal doctrine on kingship, the court established a set of legal entitlements beyond the right of inheritance for English and Scottish subjects as a consequence of their allegiance to the same monarch, such as legal protection by the king, and the ability to start legal action throughout the king’s realms. England and Scotland moved an inch closer toward each other through the establishment of a core for a common subjecthood in Calvin’s case.

Matters of subjecthood were similarly entangled with practical questions of governance in the Hispanic monarchy. The problem of appointments – the criterion that office holders had to be

⁴¹⁶ Price, “Natural Law and Birthright Citizenship in Calvin’s Case,” 81.

⁴¹⁷ “Calvin’s Case” (1608) Co Rep 1a, 77 ER 377.

⁴¹⁸ Margaret Franz, “Legal Rhetoric and the Ambiguous Shape of the King’s Two Bodies in Calvin’s Case (1608),” *Advances in the History of Rhetoric* 20, no. 3 (2017): 263.

naturals of the given kingdom – was perceived important enough by the royal government to periodically deploy the king’s authority to circumvent it. Rulers of the Hispanic Monarchy considered it their prerogative to naturalize subjects, and in fact “the crown was able to grant offices and benefices to many of its foreign clients, thus depriving the natives of their right to exclusivity.” Royal naturalization was a potent weapon, as it went further than opening offices to the King’s subjects across his Iberian realms, but virtually to anybody whom the King deemed worthy of the honor, even if they might have come from well beyond the Peninsula. Using this prerogative, “in the fifteenth and sixteenth century, the king transformed royal councilors, ambassadors, and bankers into natives.” The method was contested by local (municipal) communities across the realms, as well as the legislative assemblies (Cortes/Corts) on the basis that they had already been well equipped to evaluate who had sufficient connection to the kingdoms, and who are sufficiently embedded in the local communities to confer the respective rights upon them. Being perpetually pressed for the money that the assemblies could authorize, monarchs often promised to refrain from bypassing these local rights, but royal officers often found loopholes in the legislation recording such promises.⁴¹⁹

The Count-Duke of Olivares, Philip IV’s powerful minister was far from satisfied with the margin of maneuver that such loopholes offered to the royal administration. In his *Gran memorial* of 1624, Olivares expressed serious concerns about the governance of the King’s realms and territories as a unit because of the strong particularism in the Crown of Aragon (itself made up of several kingdoms of different constitutions), and suggested the strengthening of royal control throughout the Monarchy, preferably in the Castilian style.⁴²⁰ Olivares was particularly concerned about the

⁴¹⁹ Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America*. (New Haven; London: Yale University Press, 2003), 76-77.

⁴²⁰ The date of production of the *Gran Memorial* have given doubts to historians. In the 1970s, John Elliot and Francisco de la Peña concluded that it is a collection of short documents authored by several people, among them the Count-Duke of Olivares, between 1624 and 1629. See Manuel Rivero Rodríguez, “El “Gran Memorial” de 1624. Dudas, problemas textuales y contextuales de un documento atribuido al conde-duque de Olivares,” *Librosdelacorte.es* 4, no. 4 (2012): 51-55.

restrictions that the separate legal regimes imposed on the royal appointments of high-ranking crown servants throughout the monarchy: in each of the kingdoms of the Crown of Aragon, it was a fundamental requirement that the appointee be a native of the given land, which meant that no Castilians, trained in a fashion that would satisfy Olivares' vision of good governance, would be allowed to be appointed there. His recommendations pointed toward the need for a shared 'proto-citizenship' or subjecthood – much like that which Calvin's case led to in the British scenario. The motive of a union of laws also appears, with reference to the introduction of Castilian laws throughout the Hispanic Monarchy. "Your Majesty should regard as the most important business of your Monarchy to make yourself King of Spain; that is, Sire, that you should not be content with being King of Portugal, of Aragon, of Valencia, Count of Barcelona, but that you should work and think, with silent and secret counsel, to reduce these kingdoms that make up Spain to the style and laws of Castile, with no difference, and obtaining this will make Your Majesty the most powerful prince of the world."⁴²¹ Historians have drawn a strong link between the secret 1624 memorandum and the 1626 proposition for a "union of arms," a less all-encompassing but more practical project of Olivares, which would have established a military union between the different realms of the Hispanic monarchy, stifled by the costs of warfare in the Thirty Years War. Olivares' plan would have compensated the Estates of the Eastern realms for the loss of their traditional rights and exemptions with new possibilities of employment (by the elimination of the national criteria) and commerce (by the elimination of customs barriers between the different kingdoms).⁴²² While the idea, explored in the *Gran memorial*, that Castilian law should be introduced throughout the Hispanic monarchy would make a triumphal return with the Nueva Planta decrees

⁴²¹ "Tenga Vuestra Majestad por el negocio más importante de su Monarquía, el hacerse Rey de España: quiero decir, Señor, que no se contente Vuestra Majestad con ser Rey de Portugal, de Aragón, de Valencia, Conde de Barcelona, sino que trabaje y piense, con consejo mudado y secreto, por reducir estos reinos de que se compone España al estilo y leyes de Castilla, sin ninguna diferencia, que si Vuestra Majestad lo alcanza será el Príncipe más poderoso del mundo." Count-Duke of Olivares, *Copia de papeles que ha dado a Su Majestad el Conde Duque gran canceller, sobre diferentes materias de gobierno de España* ("Gran memorial"). Transcription of the original by Guillermo Pérez Sarrión, available at <https://repertoriomayans.unizar.es/wp-content/uploads/2023/06/1624-Olivares-Gran-Memorial.pdf> (April 29, 2024).

⁴²² John H. Elliott, *Richelieu and Olivares* (Cambridge: Cambridge University Press, 1984), 74.

of the early eighteenth century, the approach represented by the “union of arms” proposal was more conventional in the preceding period. In the Habsburg era, royal officials tried to remedy what they saw as the weak performance of the state by navigating the different constitutional regimes and the resulting difficulties for unified, centralized governance, including the disproportionate distribution of the common burdens of the monarchy, especially the cost of warfare, among the constituent realms.

Part(ie)s to a contract

The perspective of future material benefits in exchange for those already secured did not convince the Estates. Olivares’ offer for employment across the monarchy had no more allure than King James’ for the “peaceful conquest” of Scotland. The Estates drew their power and influence from the very existence of separate constitutional frameworks in each of the constituent realms of the composite Habsburg and Stuart monarchies. The institutional configuration of the Estates (parliaments, cortes, courts) differed throughout the British and the Spanish context, as did their rights and duties, but in all contexts, they tended to react with animosity to plans that would have gone against the laws and customs guaranteeing their privileges, including their control over financial matters and their monopoly on officeholding in their own government.

Philip IV may have rightly considered “words” to be just as important pillars of the monarchy as “weapons,” but the monarchy did not have a monopoly on either. The language that described the monarchy as an organic unit expecting its constituent elements to be anatomically, mechanically, and architecturally coordinated could be similarly utilized to draw the focus on the functioning of the parts of the monarchy, the inferior elements within the natural unit, their proper coordination being the source of the monarchy’s strength. No matter how creative the language employed in favor of the objectives of the royal administrations was, the counter objectives could potentially

be formulated by resorting to the same language. In 1622, when the *Diputació del General* of Catalonia, an institution established in the fourteenth century to ensure the representation of the three *braços* (“arms”) of the Estates (the noble, clerical, and knightly estates) between the sessions of the *Corts* (parliament), argued that the King and the Estates together have the right to modify “la màquina i govern de la província” (the machine and government of the province).⁴²³ In 1702, speaking of the members of the *Gran i General Consell*, a political-administrative institution in the Kingdom of Mallorca similar to the *Diputació* – and similarly abolished by the victorious Bourbon monarchy in 1718 –, Bernardino Bauzá referred to a “political body” incarnating the power of the people of the island. Machines and bodies were employed to defend the constitutions, privileges, and distinction of the parts within the whole.⁴²⁴

The image of the state as an organic unit, or indeed an organism was likewise employed in the British context to remind the Crown of its responsibilities toward the less exalted, but just as indispensable parts. In 1614, James I’s Calvinist court preacher, John Rawlinson went as far as turning the body metaphor against the King to express his worries over the excessive taxation of the poor, warning James that if “the head in the naturall body draw all the bloud, and marrow, and substance of the other members to it selfe, it must needs turne to the destruction of the heade it selfe. For how should the head continue without a body?”⁴²⁵ While Rawlinson’s criticism stands out on account of the daring echo to the King’s own use of the body metaphor, a more general criticism of the government was entirely possible while staying withing the language of the organically built state. The puritan lecturer Thomas Sutton reminded the judges of the Home Circuit – the assize district gathering the counties in the southeastern part of England⁴²⁶ – in 1622

⁴²³ Gil Pujol, *La fábrica de la monarquía*, 43.

⁴²⁴ *Ibid.*, 47.

⁴²⁵ John Rawlinson, *Vivat Rex. A Sermon Preached at Pauls Crosse on the Day of His Majesties Happie Inauguration* [24 March 1614] (Oxford, 1619), cited in Peter Elmer, *Medicine in an Age of Revolution* (Oxford: Oxford University Press, 2023), 16.

⁴²⁶ J. S. Cockburn, *A History of English Assizes 1558-1714* (Cambridge: Cambridge University Press, 1972), 19, 23.

that of “all the parts in the body Naturall the braine is most subject unto diseases, and of all parts in the body Politique the Magistrate most obnoxious to slips and falls.”⁴²⁷ Even in contexts where the language of the monarchy was deployed to accompany the government’s criticism towards inferior constitutive parts of the body politic, the importance of the parts to the proper functioning of the whole was implicitly recognized. In the 1590s, before King James would have acceded in England, one of his Scottish councilors defended the Crown’s determination to regulate its relationship with the royal burghs with the assertion that “they and everie an of the estates may be so ordered as bretheren in one society to the wellfare of the whole body, whereof the king is the head; the commonalitie being rich the king cannot be poor, and *e contra*.”⁴²⁸

The defense of the distinct legal-constitutional orders in Scotland, Catalonia, and other parts of the British and the Hispanic composite monarchies went beyond a skillful opt-in to the language of the monarchy crafted by the royal administrations. The imaginary of the monarchy as a logical (organic, mechanic, structural) container of its parts developed in the general context of sixteenth- and seventeenth-century political thought that discussed the sources of and limits to power in a political community and constituted the wider framework for the clashes between the various conclusions that the royal administrations and the Estates made of these discussions. Jean Bodin’s account of sovereignty, including the idea that sovereignty was indivisible and therefore “the high powers of government could not be shared by separate agents or distributed among them” quickly became influential in political arguments as well as political action in early modern Europe.⁴²⁹ Discussions on the proper relation between the monarch and the Estates ultimately boiled down

⁴²⁷ Thomas Sutton, *Jethroes Counsell to Moses: Or, a Direction for Magistrates. A Sermon Preached at St Saviours in Southwarke...Before the Honourable Iudges* [5 March 1621/2] (London, 1631), cited in Elmer, *Medicine in an Age of Revolution*, 16.

⁴²⁸ *Proposalls for reformation of certain abuses in the state*, BL Harl. MS 4612, fo. 47v., cited in Julian Goodare, *The Government of Scotland 1560-1625* (Oxford: Oxford University Press, 2004), 52-53.

⁴²⁹ Julian H. Franklin, “Sovereignty and the mixed constitution: Bodin and his critics,” in *The Cambridge History of Political Thought 1450-1700*, ed. J. H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991), 298.

to matters of sovereignty – its nature, divisibility, sources and limitations –, and came with a particular set of dilemmas in composite monarchies like Britain and Spain.

Francisco Suárez (1548-1617), the Jesuit theologian, philosopher and jurist straddling the divide between scholasticism and modern philosophy in the Hispanic context argued that the king was the “proper owner (*proprius dominus*)” of political power, and equated the prince’s good with the common good, at least when the former related to the prince’s official capacity. The indivisibility of political power, as well as the very limited circumstances that can lead to its curtailing or revocation resonated with Bodinian ideas on sovereignty. Suárez’s work – similarly to Bodin’s – has lent itself to interpretations that highlighted his support for royal absolutism or hailed him as a precursor of democratic thought.⁴³⁰ At the same time, Suárez’s refutation of the divine right of kings and admission of rare and specific circumstances legitimizing the deposition of tyrants drew the ire of James I, which led to the public burning of his *Defenso fidei* in London, shortly after its publication in 1613 – an event repeated in the courtyard of the Parliament in Paris the following year.⁴³¹ Suárez attributed a very strong legislative power to the king, but he found that reconcilable with the constitutional realities of the Hispanic monarchy. Not only did he recognize that accidents of succession may lead to one king ruling several kingdoms, but that each of these kingdoms require that “provision be made for it by its own laws.”⁴³² Suárez found the origins of the monarch’s power in an act of transfer by the community, based on an element of consent, even though he did not define the transfer as a delegation of power, implying the ultimate revocability of the act, but rather as an alienation, a permanent resignation thereof, leaving the monarch with

⁴³⁰ Mario Turchetti, “Jean Bodin théoricien de la souveraineté, non de l’absolutisme,” in *Chiesa cattolica e mondo moderno, Scritti in onore di Paolo Prodi*, ed. Adriano Prosepri et al. (Bologna: Il Mulino, 2007), 437-455; José Ángel García Cuadrado, “Francisco Suárez: Entre el absolutismo y la democracia,” *Cauriensia* 12 (2017): 169-189.

⁴³¹ Christopher Shields and Daniel Schwartz, “Francisco Suárez,” in *The Stanford Encyclopedia of Philosophy* (Winter 2021 Edition), ed. Edward N. Zalta, accessed April 29, 2024, <https://plato.stanford.edu/archives/win2021/entries/suarez/>

⁴³² Howell A. Lloyd, “Constitutionalism,” in *The Cambridge History of Political Thought 1450-1700*, ed. Burns and Goldie, 295-297.

“absolute power, to be used by himself or his agents in whatever manner he may think fit.”⁴³³

Suárez emphasized the existence of “conditions under which the first king received the kingdom from the community;” conditions that can be expressed in a “pact or agreement (*pactum vel conventio*).” To Suárez, these pacts did not invoke a list of well-defined rights and duties, but nevertheless bound the parties, even the king.⁴³⁴

In the British context, Thomas Hobbes’ sovereign, famously captured in the figure of the Leviathan, shows a kinship with Bodin’s and Suárez’ in its absoluteness. Hobbes also proposes the existence of an original contract, which he in turn conceives differently than either Bodin, or Suárez. Bodin does acknowledge a rather abstract contract between ruler and ruled that may become more specific, although not especially binding, through rites like the coronation. Suárez’ pact is a rather broad agreement that nevertheless supposes obligations undertaken by the king. For Hobbes, the sovereign is explicitly and firmly not a party to the contract: it is a contract among the people (subjects-to-be) to abandon their right to interpret and execute the laws of nature and transfer this right to the sovereign, who, not being a contracting party, is neither obliged by the terms of the contract, nor can be charged with violating it.⁴³⁵ As such, the Hobbesian contract might have been a more fitting addition to argumentations in favor of royal absolutism. Due to the intense polemics around Hobbes’ works that only started to cool off in the early eighteenth century, and that established Hobbes’ reputation as a dangerous, even diabolical figure whose views were the subject of moralizing critique from all traditions of political thought, his influence on contemporary political debates can mostly be measured through the wide array of refutation it generated.⁴³⁶ Even Robert Filmer rejected Hobbes’ otherwise not particularly limiting original

⁴³³ Quentin Skinner, *The Foundations of Modern Political Thought*, vol. 2, *The Age of Reformation* (Cambridge, Cambridge University Press, 1978), 181.

⁴³⁴ Howell A. Lloyd, “Constitutionalism,” 295.

⁴³⁵ Noel Malcolm, “Hobbes and Spinoza,” in *The Cambridge History of Political Thought 1450-1700*, ed. Burns and Goldie, 539-540.

⁴³⁶ Mark Goldie, “The reception of Hobbes,” in *The Cambridge History of Political Thought 1450-1700*, ed. Burns and Goldie, 589-615.

contract as lacking scriptural evidence and thereby incompatible with the divine right of kings. By the time Filmer's *Patriarcha* – almost certainly finished before the civil war – was published in 1680, all manner of contract theory had been advanced, culminating in Locke's *Two Treatises of Government*, the first one of which was a forceful refutation of Filmer's ideas. In his *Two Treatises of Government*, Locke did not only forcefully refute Filmer's divine right approach and argued for a subordination of the executive power to the legislative, but he also proposed that contract was the abstract foundation of all societies. Locke's theory proved to be immensely influential on the longer run, but as the seventeenth century was drawing to a close, it still had to contend with the perhaps less innovative but more popular notion of contracts as specific, historically made instruments between rulers and ruled (the estates), reminiscent of the ancient constitutionalism explored in Chapter 1.

To the point of the argument that the present chapter advances, even the extremely concise overview of the available intellectual framework and its linguistic manifestations in clashes between the 'head' of the composite monarchy and the 'inferior parts' of the body politic illustrates that the same language was relied on similarly by political actors advancing the interests of either. The language that allowed Crown and Estates, center and parts to maintain a sometimes more, sometimes less intense to and fro between them throughout the existence of the regal unions in Britain as in Spain allows us to extrapolate Kevin Sharpe's observation on early Stuart England that "a common shared language could articulate different, even contrary positions" to the early modern, pre-union British and Hispanic contexts.⁴³⁷

When language failed to give sufficient weight to the demands of the parts, recourse was made to the Philip IV's other "pillar" – weapons. Political action in the constituent parts of the British and Hispanic composite monarchies was not just about throwing words (back) at the royal administrations, waiting for Lockean theories of contract and legislative power to emerge and

⁴³⁷ Kevin Sharpe, *Politics and Ideas in Early Modern England. Essays and Studies* (Pinter Publishers: London, 1989), 40.

legitimize glorious revolutions. If anything, the recourse to arms and violence anticipated Locke's take on the obligations between rulers and ruled. The Cortes of Castile is often portrayed as an almost proverbially docile institution to the royal will – although, as seen in Chapter 2, such accounts tend to underrepresent the power of Castilian towns to represent their interests vis-à-vis the Crown –, yet even in Castile “resentment towards the alleged misgovernment of Habsburg-imported officials flared into rebellion in 1520, the rebel leaders taking their stand upon defense of the customs which earlier rulers had ratified (*fueros*) and calling for regular meetings of representative assemblies with deputies (*procuradores*) firmly answerable to their constituents.”⁴³⁸ The revolt of the *Comuneros* was, in its origins, fundamentally traditionalist, demanding the respect of the rights of the Cortes and the restraining of foreign – non-Castilian – influence in the court of King Charles I, who had become Holy Roman Emperor the previous year. There were few requests for potentially far-reaching innovations such as the right for the Cortes to initiate legislation. At the same time, the more radical social movements of the *germanías* engulfed parts of Valencia and the Balears, which curbed the Castilian nobility's enthusiasm for supporting the *Comuneros*, allowing the royal armies to scatter the remaining rebel forces in the battle of Villalar on April 23, 1521.⁴³⁹

The Aragonese Cortes proved to be a longer-term irritant to the execution of the royal will. Even before the regal union between the Crowns of Castile and Aragon was properly formed – in that the two crowns still had different sovereigns, albeit married to each other – Isabel of Castile commented the refusal of the Aragonese Cortes to do her husband's bidding with the suggestion that “it would be better to reduce these Aragonese by force of arms than put up with the arrogance of their Cortes,” thereby vocalizing an early example of the desirability of the “reduction” of the realms of the Crown of Aragon to circumvent opposition to the policies of the royal

⁴³⁸ Howell A. Lloyd, “Constitutionalism,” 293.

⁴³⁹ Elliott, *Imperial Spain*, 151-158.

administration.⁴⁴⁰ From the Estates' perspective, this was of course no arrogance: resistance to the royal will was rooted in an understanding of the sovereign's power as founded on a contractual obligation that gained a moral, quasi-sacred character. Sources from the sixteenth century, including Giovanni Solorzano, a Venetian diplomat, François Hotman, the French Protestant Humanist lawyer, António Pérez, the disgraced counsellor of Philip II whose name was picked up during the Aragonese revolt in 1590-91, and Gerónimo Blancas, chronicler of the Crown of Aragon all make references to the oath that the Estates of Aragon made upon the accession of a new king, confirming the Estates' understanding of their relationship with the monarch as ultimately contractual. The version from Pérez's *Relaciones* (1590s), chronologically the latest of the sources listed above, translates like this: "We, who are worth as much as you, make you our King and Lord provided that you guard for us our fueros and liberties, and if not, not." The ominous "if not, not" (*y sino, no*) became a battle cry for Aragonese liberties, even if it was not as pronounced in the other reported versions. What was common across the versions was the beginning, where the Estates made it clear that they were worth just as much as their king. The fact that the "if not, not" part was prominently featured in Pérez's rendition a couple of years after Philip II had to deploy his armies to Aragon underlines the understanding of the coronation oath as a pact between the king and the Estates that is only valid if the parties fulfil their obligations. Sources from the 1600s give the impression that the oath had been in use for centuries, which is far from certain; the oath as it was cited could easily have been a renaissance forgery.⁴⁴¹ The so-called fueros of Sobrarbe may have even less claim for historical authenticity than the Aragonese oath. These were a set of laws – "adopted by the founding fathers of the Aragonese nation [...] who had fled from the Muslim invaders of the 8th century, assembled in the mountains of Sobrarbe (a region of modern Aragon), and established the first dynasty of kings on Aragonese soil" – that "carried notions of limiting royal power," subordinating the latter to the law of the land. By the sixteenth

⁴⁴⁰ Cited in Elliott, *Scots and Catalans*, 21.

⁴⁴¹ Ralph E. Giesey, *If Not, Not. The Oath of the Aragonese and the Legendary Laws of Sobrarbe* (Princeton, NJ: Princeton University Press, 1968), 18-30.

century, the oath and the fueros of Sobrarbe were firmly established in Aragonese constitutional thought as the basic framework regulating the contractual relationship between king and country.⁴⁴²

Catalonia, which, as Pierre Vilar observed, remained on the sidelines during the Castilian, Valencian, and Aragonese revolts of the sixteenth century, took the lead in armed resistance to the unsavory designs of the Madrid court in the seventeenth century.⁴⁴³ When Olivares attempted to channel Catalan resources into the military machine of the Hispanic Monarchy, the tension between the Crown and the Catalan elites tipped over into armed resistance. The Catalan Estates' resistance to the idea of a union of arms led to one of the most glorified revolts in Catalan historiography, the "Reapers' War" (*Guerra dels Segadors*, 1640-1652), which severely damaged the Spanish position against France in the last stage of the Thirty Years War and, as John Elliott argued, contributed to the general decline of Spain as a great power.⁴⁴⁴ The rebellion resulted in a loss of control for Philip IV's armies over Catalonia, which became a quasi-protectorate of the French Monarchy. The choice of Louis XIII of France as protector, then sovereign of the Principality meant to underline the right of the Catalan political nation to terminate its contract with the Hispanic Monarchy in case of non-compliance with its conditions and seek a new partner. The French regime, focused on the war with Spain and weakened on the home front by the political instability following the death of Louis XIII and culminating in the *Fronde* revolts, did not prove to be any more inclined to respect Catalonia's liberties than the Habsburg government, while the Catalans failed to win the other realms of the Crown of Aragon to their cause. In 1652, Philip IV's armies, led by Don Juan José could make their triumphal entry to Barcelona to preside over the restoration of Habsburg rule, accompanied by an almost complete amnesty to the Catalans and the desire to forget what happened. Which of course was made impossible by the continuation of

⁴⁴² Ibid., 10.

⁴⁴³ Pierre Vilar, *La Catalogne dans l'Espagne moderne*, vol. 1, 530.

⁴⁴⁴ See Elliott, *The Revolt of the Catalans*.

war and the eventual loss of two Catalan counties and a fifth of the Principality's population to France in the Treaty of the Pyrenees (1659).⁴⁴⁵ The Reapers' War – and the Portuguese revolt that started almost simultaneously in 1640 and led to the restoration of an independent Portugal – demonstrated once more that the ideal of contractual relations between king and country required a costly defense that was nevertheless periodically mounted in the constituent realms of the Hispanic composite monarchy. As observed in the previous chapter, the Catalan Estates were able to utilize the full force of the ideal as late as in the early 1700s, when they shifted their loyalties from King Philip to King Charles.

In the British composite monarchy, armed resistance to royal incursions on the prerogatives of the representative bodies of the constitutive realms unfolded in the 1640s almost as a chain reaction, magnifying what started as a series of conflicts between the King and his English subjects into the War of the Three Kingdoms, involving England, Scotland, and Ireland. After the death of James VI and I in 1625, his son and heir Charles I retained his father's interest in bringing the Stuart kingdoms closer together. Charles, however, did not inherit James' relative patience when it came to dealing with his parliaments, and the relations between King and Estates quickly turned sour in a range of matters, even beyond matters relative to closer union of the kingdoms. Similarly to the Hispanic context, the King's conflicts with the legislative assemblies "came to be closely connected with that most expensive of royal hobbies - war." In the 1620s, waging war simultaneously against France and Spain was a costly matter, the brunt of which had to be borne by England. Extraordinary taxation, vital to keeping three Stuart war treasury afloat, could not be arranged without parliamentary approval.⁴⁴⁶ The King was just as conscious as Parliament of the power that came with controlling the purse. The royal government was thus incentivized to try to circumvent Parliament in its hunt for fresh sources of revenue, which fueled the conflict between the Crown and the realm. The Crown's innovative approaches to raising money were also responsible that

⁴⁴⁵ Elliott, *Scots and Catalans*, 51-52, 54, 61-63.

⁴⁴⁶ Conrad Russell, ed., *The Origins of the English Civil War* (London: Macmillan, 1973), 91.

Charles' reign started off on the wrong foot in Scotland. Through the Act of Revocation, the King reclaimed "all the gifts of royal and Kirk property that had been made to private individuals since 1540," which, even though the purpose may have been to secure funds for the Church of Scotland, ended up alienating a significant part of the Scottish nobility – the prime beneficiaries of the gifts – and consequently the political nation. Charles finally visited his northern kingdom in 1633 to personally ask for subsidies from the Scottish Parliament, which approved them with little enthusiasm. The money that could be raised via parliamentary proceedings fell way short of what was needed, prompting the Crown to turn to extra-parliamentary measures such as the increase of customs on wine.⁴⁴⁷ The more the King attempted to get by without the involvement of his Parliaments, the more suspicion and resentment was generated, not only between Charles and his kingdoms, but among and within the three kingdoms themselves. The end of King Charles' story is well known: the English Parliament opted for one of the most radical ways possible to break the contract with the monarch, taking his life in January 1649. But not before arms were raised in England, Scotland, and Ireland, shaking the very foundations of the Stuart composite monarchy. In fact, a closer union between Scotland, England, and Ireland could only move ahead with the abolition of the monarchy and the ruthless employment of force by the Commonwealth armies. Consequently, union became tarnished with experiences of violence and imposition, and was quickly dissolved with the restoration of the monarchy in 1660.

When it comes to resistance to impositions from the royal administration and matters of union, one set of episodes stand out in Scotland during these troubled times. Charles I was less attuned than his father to wait for an organic blossoming of a "union of hearts and minds" between Scotland and England. Instead, Charles experimented with a hands-on approach to the regulation of the Church of Scotland to bring it to conformity with the episcopalian traditions of the Church of England. The liturgical reform reached its high point in 1637 with the imposition of a new

⁴⁴⁷ Elliott, *Scots and Catalans*, 46-47.

prayer book on the Kirk, which, albeit much of it was created by Scottish bishops, was developed under the supervision of the King and William Laud, the Archbishop of Canterbury. Clerical and lay members of the fiercely independent Scottish Church, who had not been consulted on the changes, were promptly outraged. The King's attempt to bring his English and Scottish kingdoms closer through the modalities of official worship resulted in organized demonstrations and riots in Scotland, so much so, that the King practically lost control of his northern kingdom. The botched attempts at ecclesiastical reform coincided "with growing discontent in the way in which Scotland was being governed, and with alarm at the authoritarian tendencies being displayed by the king," adding to the alienation of the political nation and the populace at large in Scotland. In 1638, building on the protests against the new prayer book, a group of Scottish nobles, town dwellers, and clerics redacted a National Covenant to take a stand against the reforms and, in a more general sense, to spell out the legitimacy of resistance to policies imposed from London on the Scottish nation.⁴⁴⁸ While the Covenant was not produced through Scottish parliamentary procedures, it commanded overwhelming support in Scotland that went beyond the Scottish Estates, and was alimented by a distinctly Scottish Calvinist tradition of covenanting. Going back to the establishment of Protestantism in Scotland in the middle of the sixteenth century, the National Covenant expressed the radical legacy of John Knox on the duty of any godly community to depose idolatrous tyrants and George Buchanan on the contract that is made between the prince and the whole body of the people.⁴⁴⁹ If resisting undue interference from the king was akin to a sacred duty in the Crown of Aragon, the resistance of the Scottish covenanters was legitimized as an explicitly sacred duty.

⁴⁴⁸ Ibid., 47-49.

⁴⁴⁹ Skinner, *The Foundations of Modern Political Thought*, vol. 2, 339-342.

The return of empire

Union, understood as the constitutional realignment of the monarchy, is a transformative example of reform in both the British and the Spanish context. The transformation was so durable that its results remain the foundation of the constitutional order – and the political debates relative to that order – in the United Kingdom and the Kingdom of Spain even today.⁴⁵⁰ The basic constitutional relations between the different realms, kingdoms, and principalities were rethought and rewritten with progressive, future oriented objectives in mind. The lack of a tightly knit constitutional structure made composite monarchies vulnerable to the consequences of international military and commercial competition and internal political differences. This became painfully evident when the succession schemes of the composite monarchies, and with it the legitimization of ruling over them, became questioned as the result of the extinction or the deposition of the ruling branch of the dynasty. Extinction and deposition – biological accidents as well as political strategies – could both account for dynastic changes. The British and the Spanish monarchies had been part of an intricate system of power play in and increasingly even beyond the European continent where they tried to gain advantage over each other by means of interfering in dynastic matters. From the late sixteenth and throughout the seventeenth century, one can find the *raison d'être* of this system in a fear from the rise of a hegemonic power in Europe, and the attempts for keeping a certain balance of power in place. Philip II's attempts to depose Elizabeth I while supporting her archrival Mary Stuart, the French Monarchy's welcoming embrace toward royal Stuart refugees in the 1640s and again after 1688, Britain's endorsement of the Habsburg pretender in the War of the Spanish Succession – such decisions involved the attribution or withdrawal of legitimacy by foreign governments in dynastic matters, and played an important part in keeping in check the rising power of first the Habsburgs, then the increasingly efficient Dutch merchant state, and finally the universalist

⁴⁵⁰ This is best attested by the fact that these foundations are under serious strain at the beginning of the twenty first century.

pretensions of the House of Bourbon.⁴⁵¹ Biological accident or purposeful political plans, the multiplicity of inheritance schemes was demonstrably the Achilles' heel of composite monarchies.

Without a merger of sovereignty, sharing a sovereign was no guarantee that the different realms of a regal union would continue to do so indefinitely. In the British context, this was well demonstrated in the period from the Glorious Revolution to the union and beyond. The Catholic penchants of James VII and II were as unpopular in Scotland as they were in England, but that did not make James' deposition in Scotland a foregone conclusion: the Scottish Privy Council reacted autonomously to the invasion of the *Stadhouder* in November 1688 by banning all subjects of the King of Scotland from reading, possessing and dispersing any kind of "Treasonable Papers and Declarations" about William's arrival that could "Seduce and Corrupt his Majesties Subjects."⁴⁵² When the Scottish Estates assembled in March 1689 (three months after King James had fled to France), they meritoriously assessed the claims of both contestants to the throne of Scotland, and James' haughty demands against the usurper and the vagueness of his promises about the securing of the nation's religion had a significant role in turning the tide against him in the Scottish Parliament, which in the end established that he forfeited his right to the crown with only four opposing votes.⁴⁵³

A couple of years later, when King William repeated James VI and I's plea for a union between his kingdoms from almost a hundred years' distance, the work of the parliamentary commissions discussing the matter broke down because the Scottish Parliament wanted the right to an autonomous decision on Queen Anne's successor. Likewise, the fact that a few years after swearing Philip in as their sovereign, the Catalan Estates' change of mind and the accession of the Archduke Charles in his "beloved city of Barcelona" demonstrated that the indivisibility of the Hispanic

⁴⁵¹ Pincus, "The English Debate over Universal Monarchy," 37-43.

⁴⁵² NA SP 54/1/1

⁴⁵³ Tom M. Devine, *Independence or Union. Scotland's Past and Scotland's Present* (London: Penguin Books, 2017), 7; Jackson, *Restoration Scotland, 1660-1690*, 193.

monarchy is contingent at best.⁴⁵⁴ At the same time as imperiling these unions, it was these dynastic crises that seem to have provided the incentive for combating the lack of stability emanating from potentially diverging succession schemes.

Historiography of the unions have tended to make sharp, either implicit or explicit, distinction between the two scenarios in a rather “whiggish” way. According to these interpretations, the Acts of Union of 1706-7 were the result of negotiations between two independent kingdoms that might not have been of equal power, but merged their sovereignty in a consensual way, thereby paving the way for the solidification of constitutional monarchy in Britain. The British process was sharply contrasted with the Spanish scene, where sovereign rights of Aragon, Valencia, Catalonia, and the Balearic Islands were taken away by sheer force, thereby paving the way for the triumph of absolute monarchy.⁴⁵⁵

Philip V has indeed often been portrayed as the Trojan horse of French absolutism, intent on transplanting the policies and style of governance that his grandfather Louis XIV became renowned for. It is true that many advisors accompanied King Philip to the other side of the Pyrenees, and that several of the administrative reforms could reasonably be associated with the ‘French model’ of the time. It is also true that these French advisors often criticized the way Spain was governed. Jean Orry, former munitioneer of Louis XIV’s armies and one of the most influential overseers of the reorganization of the Spanish government administration after Philip’s arrival in Madrid, ridiculed and criticized the consultation mechanisms of the councils in the Madrid court for using “the weakness of His Majesty’s predecessors” to impose their own will on the sovereign.⁴⁵⁶ Despite the commonplaces and necessary simplifications of historiography that suggest otherwise, the curbing of constitutional particularisms inside the French monarchy was far

⁴⁵⁴ BNC F.Bon. 565

⁴⁵⁵ Salvador Sanpere i Miquel, *Fin de la nació catalana*. (Barcelona: Tipografia “L’avenç,” 1905); George M.Trevelyan, *England under Queen Anne*, vol. 2, *Ramilies and the Union with Scotland* (New York: Longmans, Green & Co., 1932).

⁴⁵⁶ AMAE, CPE 119, fol. 196, cited in Dubet, “¿Francia en España?,” 296.

from absolute under Louis XIV. Likewise, his grandson Philip V did not embark on his journey as King of Spain with a plan to impose a uniform constitutional framework on all his freshly inherited realms. In fact, the first Bourbon ruler of the Hispanic Monarchy duly followed his Habsburg predecessors' way of visiting his realms and swearing an oath to protect them in accordance with their own constitutions. The royal seal, printed in the official publication of the 1701-1702 Corts of Catalonia is a strong symbol of this, as it establishes the titles of the King (referred to in the same *Actes de Cort* as Philip IV of Aragon) as follows: "Philip by the grace of God King of Castile, Aragon, León, the Two Sicilies, Jerusalem, Hungary, Dalmatia, Croatia, Navarre, Granada, Toledo, Valencia, Galicia, ..." – and the long list goes on until Archduke of Austria and beyond, in the Habsburg fashion, as it is due to rulers of composite monarchies.⁴⁵⁷

The first of the decrees that are commonly referred to as the *decretos de Nueva Planta*, issued in 1707, was doubtless not the result of negotiations with two kingdoms of the Crown of Aragon (Aragon and Valencia) that it applied to. But it was equally not the result of carefully crafted plans by the royal administration. As a matter of fact, "[t]he day that the city of Valencia surrendered, 8 May 1707, on his own initiative as commander-in-chief [of Philip's armies, the Duke of] Orléans issued a decree pardoning the inhabitants for their act of rebellion."⁴⁵⁸ On June 4, Pedro de Larreategui y Colón, the regent of the Real Audiencia of Valencia, the institution responsible for the administration of justice in the kingdom, advised Philip V not to abolish the laws and fueros proper to Aragon or Valencia, as many of those were "useful to the public cause, the privileges of His Majesty, and business." Larreategui considered it better to scrutinize local laws on the basis of their utility to the King, and gradually discard those that do not pass this examination. The Council of Aragon, the council in the royal court responsible for advising the king on the governance of the

⁴⁵⁷ BNC Mar. 177-Fol

⁴⁵⁸ Henry Kamen, *Philip V*, 61.

territories of the Crown of Aragon, formulated a similar argument in a *consulta* from June 14.⁴⁵⁹ The Duke of Orléans's act of clemency and the advice from Valencia and the Council of Aragon sharply contradict the decree that was issued in Madrid on June 29, 1707, which points to the lack of comprehensive policy making with respect to the incorporation of Valencia and Aragon. This is not too surprising, if one takes into account the war situation, which also explains the harsh language employed by the decree.

The decree does not only “reduce all my [i.e. Philip V's] Spanish realms to the uniformity of the same laws, usages, customs and tribunals, so that all be governed in the same fashion by the laws of Castile,” and refers back to old topoi about the superiority of Castilian laws being “praiseworthy and present as they are in all the universe,” but it employs a specifically vindictive tone evoking “the just right of conquest,” as well as his “absolute dominion” as the basis for the immediate and forceful introduction of constitutional reform.⁴⁶⁰

The fact that the document itself, and King Philip through it, makes a strong, at the time even irresistible claim to unilaterally alter the constitutional structure of the Crown of Aragon, and negates any necessity or obligation for introducing Castilian law into the Eastern realms through any kind of contractual procedure does not mean that there were no negotiations surrounding constitutional reform. The lack of obedience that the kingdoms of the Crown of Aragon attested towards him made Philip V, to put it mildly, dissatisfied to the extent that he discarded all advice asking for a less dramatic treatment of the Aragonese and Valencian constitutions. On the longer run, dealing with Aragon and Valencia became the subject of more balanced deliberations. This is suggested by the subsequent *real cédulas* that are referred to in a bulk as the Nueva Planta decrees, and among which it may be tempting to highlight the parts prescribing the imposition of Castilian

⁴⁵⁹ AHN CONSEJOS SUPRIMIDOS 18190, cited and translated by Phillip D. Fox in “The Advantage of Legal Diversity for State Formation: Bourbon Reforms and Aragonese Law in Eighteenth-Century Spain,” *European History Quarterly* 48, no. 2 (2018), 207.

⁴⁶⁰ “Derogación de los fueros de Aragón y Valencia, royal decree from June 29, 1707, Buen Retiro,” in *Los decretos de Nueva Planta, 1707-1717*, ed. Guillermo Pérez Sarrión, 1.

law on Aragon, Valencia, Catalonia, and Mallorca. Some of these decrees, however, were much less uncompromising than the first one. Only one month after the decree on Aragon and Valencia, another one was issued addressing the same kingdoms, partially restituting their *fueros*, at least for the “good vassals,” and without harm to the Castilian-style organization of their administration. The decree from July 29 explicitly states that it was not the King’s intention “to punish like delinquents those that I [i.e. the King] know to be loyal.” Another decree from November 1708 specifies that the so called *fueros alfonsinos*, legal exemptions of medieval origin, remain unaltered in the Kingdom of Valencia.⁴⁶¹ While the decrees from 1715 and 1716 introduced rather similar administrative structures for the Kingdom of Mallorca and the Principality of Catalonia, it is also worth noting that there was a decree from 1711 reforming (again) the government of Aragon.

As such, evidence in the Spanish context points to some deliberation posterior to the issuing of the first *Nueva Planta* decree in 1707. In the British context, we see the opposite: the first five years of Queen Anne’s reign abounded in deliberative processes in the form of parliamentary sessions in Edinburgh and London, completed by the work of special commissions debating the union, and a public interest that was fluctuating but present on both sides of the border, and which was informed and influenced by an important amount of political literature.

Shortly before his death, King William expressed his view “that nothing can more contribute to the present and future Happiness of England and Scotland, than a firm and entire Union between them.” In his message to the (English) Houses of Parliament in 1702 he communicated that he would “esteem it a peculiar Felicity, if, during his Reign, some happy Expedient for making both Kingdoms one, might take place” and be “therefore extremely desirous that a Treaty for that Purpose might be set on foot, and does in the most earnest Manner recommend this Affair to the

⁴⁶¹ *Novísima recopilación de las leyes de España*, vol. 2 (Madrid, 1805), 14-15.

Consideration of the House.”⁴⁶² King William did not live to see it, but commissioners duly gathered for the purpose of talking about union in London, but neither the English, nor the Scottish commissioners were satisfied with the other party’s demands, and the negotiations soon broke down. In 1703, a new Scottish parliament attempted to force the English into offering better conditions by specifying in an Act of Security that Queen Anne’s successor in Scotland will not be the same person as in England, unless “there be such conditions of Government settled as may secure the Honour and Sovereignty of this Crown and Kingdom; the Freedom, Frequency and Power of Parliament; Religion; and Liberty and Trade of the Nation from English or any Foreign Influence.”⁴⁶³ The Westminster Parliament did not find the challenge amusing, and in 1705 it passed an Alien Act that would have effectively excluded Scotland from English markets, threatening “that from and after the 25 day of December 1705, no Person or Persons being a Native or Natives of the Kingdom of Scotland [...] shall be capable to inherit any Lands [...] within this Kingdom of England [...] or to enjoy any Benefit or Advantage of a natural-born Subject of England: But every such Person shall be from henceforth adjudged and taken as an Alien born out of the allegiance of the Queen of England, until such time as the Succession to the Crown of Scotland, be declared and settled by an Act of Parliament in Scotland” thereby making Scottish subjects legally foreign in England if Scotland persisted in its resistance to talking about union.⁴⁶⁴ With the Alien Act, the English parliament brought the matters close to a point where shared subjecthood, as created by the ruling on Calvin’s case almost a century earlier, would have been effectively outlawed. In the end, Scottish and English commissioners gathered again, and their negotiations resulted in the Acts of Union that were passed in London and Edinburgh in 1706 and entered into force on May Day 1707.

⁴⁶² “Sixth parliament: First session - begins 30/12/1701,” in *The History and Proceedings of the House of Commons: Volume 3, 1695-1706* (London, 1742), 183-190. British History Online, <http://www.british-history.ac.uk/commons-hist-proceedings/vol3/pp183-190>.

⁴⁶³ NRS Hamilton papers, GD406/M1/2/247/3/1

⁴⁶⁴ NRS Hamilton papers, GD406/M1/247/1

In the British case the deliberations and negotiations were accessible to a wider public than in Spain due to their passing through the legislative assemblies of the two kingdoms, which were publicized and commented on in a wide array of political pamphlets. The debates were often loaded and rather dramatic, which underlines that there was nothing inevitable about the outcome. It is also striking, and this is perhaps the most important reason behind the sharp distinctions made by earlier historiographic traditions between the British and the Spanish scenarios, that while in the case of the former, the parliaments of the kingdoms in question were included in the negotiations, in the case of the latter the Estates did not have any institutionalized influence in the process neither in Castile, nor in the realms of the Crown of Aragon. It was the king and a rather a small circle of advisors around him that decided, in part as a reply to the development of the war situation, to introduce constitutional reform by way of imposition, first in Aragon and Valencia, and later Mallorca and Catalonia.

This sharp distinction between the two scenarios needs some sophistication. Firstly, let us not forget that in both cases there were deliberative processes on the final shape of union. In the British case, they were mostly before the birth of union, while in Spain, deliberations kicked in as *ex post facto* corrections. And while the Estates had no institutional access to the deliberative processes as such, we can assume that members of the nobility, through their participation of the many *consejos* and *despachos* that were advising the monarch, had an influence on the King's decisions regarding the exact shape of the *Nueva Planta* decrees that were following each other. That of course does not mean that the modifications that the subsequent decrees introduced were the result of an inclusive, pluralist, not to say democratic project. On the other hand, the mere fact that the English and the Scottish parliaments had a say in the introduction of union does not mean that the British case was more 'democratic.' As Tom Devine rightly observes, "the Act of Union was a legislative measure agreed in Scotland by a tiny patrician elite against some parliamentary

opposition and much external popular hostility.”⁴⁶⁵ The parliamentary process was not a negotiation between two governments; it was a process that was heavily controlled by a shared government, that of Queen Anne, which included not only the persuading, but sometimes the bribing of representatives in the Scottish Parliament through a carefully operated system of patronage, as well as the application of external pressure that more or less amounted to blackmailing in the form of legislative dispositions like the 1705 Alien Act.

The reformed monarchies

The legacy of the 1707 reforms is not the nineteenth-century nation state. The Acts of Union and the Nueva Planta decrees did not establish unified legal systems or economic zones in Britain and Spain. But they proved to be the foundation of a constitutional system that encouraged subsequent projects that envisaged these monarchies as unitary spaces, single sovereign units that should be taken as the reference for political and economic reform.

While Scotland retained its own distinct (Presbyterian) official church, its private law, and its educational system, the Scottish Estates lost their own arena of political representation, and Scotland was incorporated into the system of parliamentary representation in Westminster. 45 representatives of the House of Commons, as well as 16 peers in the House of Lords were to be delegated or appointed from Scotland. In a House of Commons of more than 500 members, this meant that Scottish representatives alone did not even have the theoretical chance of defeating legislation that they considered harmful for Scotland, and while the number of Scottish MPs are defensible with reference to the population they represented (England was a much more populated

⁴⁶⁵ Devine, *Independence or Union*, 41.

territory), this effectively meant that the Scottish Estates lost their equal position to the English Estates that had been guaranteed through the existence of a separate legislative body.

The imbalance between the Castilian Estates and the Estates of the several kingdoms of the Crown of Aragon was less shocking because Philip V's reforms were largely conceived and executed without the formal institutional participation of any body of Estates in the Hispanic Monarchy. While its importance in influence on decision making in Philip's court is hardly outstanding, the nobility and burghs of the Crown of Aragon that were loyal to the Bourbon claimant gained representation in the Castilian Cortes from 1709. Apart from the 'castration' of the legislative assemblies of the nobility, the *Nueva Planta* decrees also prepared the ground for a profound reorganization of the conciliar system of the Habsburgs. The latter meant a series of court institutions, often organized on a territorial logic (*Consejo de Castilla, de Aragón, de las Indias, de Portugal*, etc.), that allowed the nobility to access positions of consultancy in the orbit of the monarch. King Philip's governments devoted significant energies to the restructuring of government bureaucracy, and the substitution of territorial councils with thematic, policy-oriented ones. Between 1714 and 1721, "six distinctive secretariats: State (foreign policy), War (the army), Marine (the navy), the Indies, Finance, and, finally, Grace and Justice" emerged from the king's private office (*Secretariado del Despacho*), inherited from the Habsburgs.⁴⁶⁶ This would suggest getting rid of the old councils, dominated by the nobility, in favor of the new secretariats, led by professional bureaucrats.

Even if we cast aside the question to what extent 'professional bureaucracy' in Philip V's court could exclude the participation of the nobility (it could not), we should not forget that "most of the Habsburg councils survived alongside the new secretariats." They were not as powerful anymore as before 1700, and some of them retained mostly judicial functions, but they continued to provide groups of nobles with a forum to gather and an access to the king's ear. The *Consejo de*

⁴⁶⁶ Storrs, *The Spanish Resurgence*, 132.

Castilla (Council of Castile) retained significant influence in a political context marked by the scarce summoning of the Cortes. Its main functions were to monitor local government and order in both Castile and Aragon, and this role made it into “a channel of communication between the king and the realm.” The *Consejo* often stepped up to defend the rights of the king’s subjects, and “occasionally functioned as a constitutional restraint, albeit a limited one, on the monarch.”⁴⁶⁷ The more obviously representative British Parliament and the complicated system of secretariats and councils in Spain provided ways for elite representation in both monarchies.

Somewhat counterintuitively, while the formation of the unions was the result of circumstances that were stronger than jealously guarded constitutional distinctness, the unions did not only provide a long-term solution to crises of succession. They were also proposed as the safeguards of “great,” “public,” and “common” goods such as “prosperity” and “safety,” to quote from Queen Anne’s speech to the House of Commons in 1706⁴⁶⁸ – that is to say, the eighteenth-century equivalent of what we might call ‘rule of law.’ Circumventing a complicated system of multiple confirmation for the succession of monarchs so typical in composite monarchies, closer bound unions significantly lowered the risk of the fragmentation of the monarchy, thereby decreasing the uncertainties that were related to random biological determinants of sovereignty.

The concretization of this early ‘rule of law’ principle had serious consequences to the sources of monarchic legitimacy, especially the relevance of the monarch’s divine right to rule. Perhaps most evidently in the British example, the succession to the crown was ultimately controlled by the parliaments through legislative processes. The unified British Parliament inherited this role. In Spain, the most visible role of the Cortes was the swearing of loyalty to the king and the heir to the throne, and the institution’s weakness precluded any meaningful opposition to the monarch’s

⁴⁶⁷ Ibid., 137-138.

⁴⁶⁸ “The second parliament of Queen Anne: Material relating to the Act of Union - begins 16/4/1706,” in *The History and Proceedings of the House of Commons: Volume 3, 1695-1706* (London, 1742), 474-479, British History Online, <http://www.british-history.ac.uk/commons-hist-proceedings/vol3/pp474-479>.

proposition in this respect. However, the international treaties that dealt with the consequences of the War of the Spanish Succession, especially the agreement recording Philip's renunciation of any right to the Crown of France, and Philip's treaty with the Emperor that – officially at least – made Charles VI abandon his quest to become King of Spain, and, in the event of the extinction of the Spanish branch of the Bourbons, designated the House of Savoy as the next in line, acted as external legal guarantees for a certain order and security of succession.⁴⁶⁹ Arguably, as the legal environment became less ambiguous in matters of succession, the sacredness of the monarchy and of the monarchs themselves had undergone a process of significant abstraction. Divine right was transformed into legal right.⁴⁷⁰

Interpreting the unions that started to take shape in 1707 as expressions of the consolidation of a certain rule of law and the abstraction of the divine right principle, and the comparative analysis of the legal processes and their outcomes that established these unions should prevent us from placing the British and the Spanish monarchies on the opposing ends of an imaginary 'absolutism scale.' The classic dichotomy of a 'constitutional' British monarchy and 'absolute' Spanish monarchy is simply untenable. Neither the creation of the unions, nor the legislative work unfolding in the new constitutional framework were free of the influence of the royal government in either context. The new constitutional frameworks had a lot in common in terms of their establishment, and they provided complex rulebooks for the governance of the two unions. The rulebooks were not identical. But just like British parliamentary sovereignty could not be interpreted outside the scope of the monarch's sovereignty, the new Spanish constitutional environment also allowed for circumventions of the monarch's will.

⁴⁶⁹ AHN ESTADO,3369Bis,Exp.16

⁴⁷⁰ Paul Kléber Monod, *The Power of Kings: Monarchy and Religion in Europe, 1589-1715* (New Haven, Conn.: Yale University Press, 1999), 3-8.

Man proposes, war disposes

Between dynastic and incorporating union, the British and the Hispanic monarchies were imagined, conceptualized, and planned in a multitude of ways by royal officials and by the monarchs themselves. These efforts, prompted by the dynastic bond between a range of territories that varied in their laws and customs, and sometimes even their language and religion, were haphazard and varied in their rate of success, but undoubtedly contributed to the development of a shared identity among the constituent parts of the composite monarchies. Dynastic political needs made it imperative for the royal courts to build on this shared identity and thereby guarantee a level of synchronicity between the parts of the monarchy that is not detrimental to the interests of the whole, or in any event the interests of the monarch. The approximation of rights and duties between the English and Scottish, Castilian and Aragonese subjects of the same monarch responded to the logic of accumulative monarchy.

In hindsight, it is tempting to interpret the concepts and plans that took shape in the orbit of the royal courts of the composite monarchies as preparatory work for the ever-closer unions that were established in and after 1707. After all, Calvin's case and Olivares' proposals for a union of arms resonate rather well with European legal and political dilemmas that are more contemporary to us, such as those around European citizenship and defense union. However, the great variety and ad hoc nature of the early modern plans and projects suggest that they should be regarded as part of the ever-present bargain between royal administrations and the estates, the center and the peripheries, the whole and the parts. The previous chapters of the dissertation uncovered the participation of the Scottish and Catalan peripheries in this balancing act. By the end of the seventeenth century, this balancing act between the parts' contribution to the objectives of the whole and the center's concessions to the peripheries retained its sway over the political agenda of the British and the Spanish monarchies. Seen through the prism of the early eighteenth-century incorporating unions, it may read like a long period of failure on the crowns' part to rein in the

heterogeneity of the composite monarchies. Paradoxically, the survival of the negotiation between centers and peripheries speaks to the success of the royal administrations. While Narcís Feliu de la Peña and Andrew Fletcher of Saltoun, the provincial patriots who are the protagonists of Chapter 1 of the dissertation, argued fervently for the buttressing of Catalonia's and Scotland's ancient constitutions and against incorporating union with Castile and England, they were invested in the image of the monarchy as an organic, functional unit. In the 1680s and 90s, on the verge of incorporating unions, neither of them would have imagined Scotland and Catalonia outside of the protective umbrella of Britain and Spain. Unlike in the twenty-first century, the negotiation between center and periphery was only very rarely about separation, and almost exclusively about the modalities of coexistence.

The images, conceptions, and plans of union emanating from the orbit of the royal courts since the establishment of the British and Spanish composite monarchies should only be factored into the process establishing the incorporating unions of the eighteenth century as one element of the historical contingency bringing them to life. The nature of negotiations between center and periphery only changed fundamentally once a strong catalyst presented itself in the form of the explosive combination of dynastic crisis and largescale military conflict. Britain's and Spain's debut in the Utrecht system reminds us not only of the non-linear nature of causality between national and international politics, but also that fundamental shifts in the world system are not always immediately obvious even to participating actors.

Chapter 4: Fragile unions – Only time did tell

On March 3, 1712, Sir James Dundas was brought to trial at the Court of Justiciary, the supreme criminal court of Scotland to respond to charges of leasing-making (approximately the Scottish equivalent of *lèse-majesté*) and sedition. The case was built on a pamphlet written by Dundas in August 1711, in which he attacked the most important constitutional developments of the previous years: the Glorious Revolution, the preparations of the Hanoverian succession, and the Anglo-Scottish union of 1707.⁴⁷¹ Under the guise of professing loyalty to Queen Anne, Dundas recounted the mistreatments that the Scots had had to suffer because of the “English Scoundrels,” despite Scotland’s unwavering faithfulness toward the kings jointly ruling the two nations. Dundas was far from welcoming toward the House of Hanover, “those Chicken hearted Cowards, who never could abide the Smell of Powder,” and he described the union of the two kingdoms as “a fatal Blow to our Laws, and a finishing stroke and subversion of our Constitution.”⁴⁷² He minced his words even less when he took stock of the government of William of Orange, “that abominable Monster Nero” who “exhausted Britain of Money, and carried our Countreymen abroad to be kill’d, and as a Reward of their Services in War, was graciously pleased to command them to be starv’d, when in time of Peace they retired to the Scots Colony of Darien.”⁴⁷³ Not only had William no regard for the life of his Scottish subjects, but he was also uninterested in their prosperity. In return for Scotland’s loyalty and good faith, epitomized by the sacrifice of its ancient constitutions to enter an ever-closer union with England, its reward has been bad government and mistreatment. The Scots, “contrary to the Treaty of the Union, which made us equal to the English,” were

⁴⁷¹ NLS MS.3547 “The Faculty of Advocats Loyalty. In a Letter to the Queen's Most Excelent Majesty. By one of the Dean of Faculty's Council” in *Papers concerning the Faculty of Advocates and the Jacobite Medal*, 1711. https://manuscripts.nls.uk/repositories/2/archival_objects/37202. For the quotes from the pamphlet, I relied on the transcript provided in Adrian Lashmore-Davies, “The misuse of loyalty? James Dundas and the faculty of advocates’ letter to Queen Anne of 1711,” *Historical Research* 87, no. 235 (February 2014): 107-115.

⁴⁷² Lashmore-Davies, “The misuse of loyalty?,” 109, 114, 115.

⁴⁷³ *Ibid.*, 113.

disfavored even in comparison to Ireland, “that Receptacle of English slaves and a conquer’d Province [that] was encouraged in their Linen Cloath Manufactory, when an additional Tax was put upon Scots Linen, and all overtures for the Good of Scotland refused.”⁴⁷⁴

There is no evidence that the pamphlet was widely circulated in Scotland, and the prosecution against Dundas was abandoned after the preliminary stages of the trial. Dundas nevertheless touched on a sore point, as evidenced by the interest his case generated in the press and the government’s decision, after much hesitation, to bring him to court at the very least. Dundas could not be easily dismissed as a madman, either. He was the scion of a whig Presbyterian family with strong and deep-running ties to the legal profession and the administration of justice in Scotland. His father Robert, a supporter of King William and a union commissioner, sat on the Court of Session, the supreme civil court of Scotland as Lord Arniston. His brother, also named Robert, later became the Lord President of the same court.⁴⁷⁵ Dundas’ pamphlet brought into sharp relief that more than four years after its establishment, Scotland’s union with England did not command unanimous support in the North. If the pamphlet is anything to go by, the Scots’ lack of trust in the English grew further after the union; the perception that English bullying deprived Scotland of economic development and commercial profit was widely held; and explicit links were formulated between the quality of government and the ruling dynasties.

Even if James Dundas could not have claimed to represent the totality or even the majority of Scottish opinion, his harsh criticism of the recent constitutional changes is remarkable. The Acts of Union arguably realized James VI and I’s dream of a peaceful conquest of Scotland by England, but union remained a conflictual matter after its inception. The harmony of the healthy body that King James sought in a unified Britain did not immediately materialize. If Scotland’s incorporation, which was in principle a negotiated and mutually agreed upon scenario, failed to establish a wide

⁴⁷⁴ Ibid., 115.

⁴⁷⁵ Ibid., 95.

consensus, how much more support could union enjoy in Catalonia after its not-so-peaceful conquest in 1713-14? The Catalan Corts were in no position to negotiate, much less to agree to the introduction of Castilian law in the Principality in 1715-16. As Catalonia remained under strict military control after the defeat of the anti-Bourbon forces, a court case like the one involving Dundas would have been unimaginable for a long time after Catalonia's incorporation. But the difficulties of expressing dissent should not be equated with the lack of it.

With the benefit of hindsight – more than three centuries of it –, it is clear the British and Spanish union states established in and after 1707 provided long-term solutions to the dilemmas surrounding Scotland's and Catalonia's place within, respectively, the British and the Hispanic monarchies. Incorporating unions in the two contexts dismissed patriotic visions like Fletcher's and Feliu's on Scottish and Catalan participation in globalizing commercial exchanges under the umbrella of the dynastic unions, protected by Scotland's and Catalonia's ancient and reinvigorated constitutions. The unions made clear that Scotland and Catalonia were not to participate in these exchanges in their own right, sealing this state of affairs by way of a constitutional rearrangement that invalidated any claim to Scottish and Catalan sovereignty, and severely restricted the formulation and representation of Scottish and Catalan 'national' interest.

If one makes the claim – as the present dissertation does – that the early-eighteenth century unions established between England and Scotland, Castile and the realms of the Crown of Aragon have survived as the constitutional foundations of the British and the Spanish states until today, their longevity is remarkable. While 'making it' to a certain age is an achievement that is not necessarily an indication of success, the fact that these unions still hold suggests that the union states have been able to inspire enough loyalty, induce enough satisfaction to survive not only the Utrecht settlement, but all the storms of the nineteenth and twentieth centuries as well. In the twenty-first century, the unions have come under duress from revived Scottish and Catalan nationalism, but

no popular mobilization and independence referendum, whether deemed constitutional or unconstitutional, has been able to dissolve them so far.

Not disputing its fundamental validity, this chapter nuances the long *durée* assessments of the British and Spanish union states by zooming in on the period immediately following the establishment of incorporating unions to claim that their longevity, let alone their success, was far from obvious in the short run. Forces unfavorable to the existence of the unions remained operational, and results that could legitimize the new constitutional arrangements in Scotland and Catalonia were slow in coming. Time, however, remained on the unions' side. The chapter also proposes that historical contingencies were as instrumental to the consolidation of the British and the Spanish union states as they were to their establishment. The absence of catalytic, or indeed cataclysmic events, pressures that would have been of similar magnitude to those that contributed to the establishment of the unions – the War of the Spanish Succession chief among them – allowed enough time for the union settlements to prove their worth.

In what follows I assess the solidity – or rather, fragility – of the British and the Spanish unions in the immediate aftermath of their establishment. The argument of the chapter is twofold. Distinguishing between the political-constitutional and the economic-commercial dimensions of the Scottish and Catalan projects that Narcís Feliu de la Peña, Andrew Fletcher of Saltoun and likeminded 'provincial patriots' promoted, the chapter first argues that an important part of the economic program of these projects was eventually realized even as the political program was largely discarded as a result of the incorporating unions. Second, the chapter emphasizes that the bulk of the economic objectives only materialized around the middle or even the end of the eighteenth century, arguing that the combination of ambiguous short-term results and the availability of alternative vectors of loyalty for Scots and Catalans meant a severe threat to the new union states.

The chapter begins by offering a measurement of post-union achievements relative to Scottish and Catalan patriotic demands formulated on the eve of union. It then zooms in on the period immediately following the establishment of the union – approximately the first two decades in the life of the unions – to propose that while the majority of achievements was not available on the short run, the loss of distinct Scottish and Catalan government structures and the consequent loss of control over important measures like taxation and office-holding did cause unease in Scotland and Catalonia, undermining the popularity and legitimacy of the unions. The second part of the chapter moves to explore the connections between the short-term lack of robust support for the unions and the dynastic crises that were not fully overcome in either context by the end of the War of Succession. I first illustrate the entanglements between dynastic legitimacy and the lack of rapid and overwhelming economic-commercial development in the immediate post-union period, and then assess the options and chances of the exiled Habsburg and Stuart courts, the ‘alternative vectors of loyalty’ to utilize these entanglements for their own benefit.

United we stand, united we fall?

Good things come to those who wait

The early eighteenth-century unions in Britain and Spain answered Scottish and Catalan patriotic proposals for the reaffirmation of the ancient constitutions in the negative. That much was clear in the Acts of Union and the Nueva Planta decrees. The buttressing of Scotland’s and Catalonia’s distinct legal-constitutional system within the British and the Hispanic monarchies was not the only demand formulated by peripheral patriots like Narcís Feliu de la Penya and Andrew Fletcher of Saltoun. As seen in Chapter 1, their visions for their homelands included an economic program besides the political; for them, constitution and commerce were two sides of the same coin. The unions derailed the patriots’ political agenda – but what about their economic visions? Were Feliu

and Fletcher right in their expectation that Scotland and Catalonia could not get access to their fair share in the globalizing commercial networks if they are politically diluted within a Spanish and a British empire? In what follows I attempt to provide an overview of the results of union, measured by the objectives related to commerce and economic prosperity that Fletcher and Feliu set for their homelands.

Drawing a balance of the economic gains and losses of union is a less straightforward task than taking stock of the legal-constitutional changes. The claim that incorporating union meant the end of distinctly Scottish and Catalan legislative bodies within the British and Spanish monarchies is rather unambiguous, even though it may require certain qualifications as to what could have remained of Scottish and Catalan influence on decision-making in the post-union British and Spanish monarchies. Making the connection between the unions and the economic changes that ensued during the remainder of the eighteenth century can only be a more ambiguous endeavor in comparison. For example, both Scotland and Catalonia witnessed significant post-union demographic growth. During the eighteenth century, Scotland's population rose from about a million souls to 1.6 million – a growth of 60 per cent. Demographic changes in Catalonia appear to have been similar in direction and proportion, growing from about 700 thousand to 1.2 million between 1717 and 1787. The level of urbanization likewise grew during the same period. Glasgow's and Edinburgh's growing populations made Scotland the fourth most urbanized country in Europe by 1800, and Barcelona grew to a metropolis of more than a hundred thousand inhabitants by the 1780s.⁴⁷⁶ Did these changes have anything to do with the constitutional transformations of the beginning of the century? The political stability and economic opportunities that the unions brought surely contributed to population growth and urbanization. But whether similar developments would have occurred in the absence of the redefinition of constitutional relations between England and Scotland, Castile and Catalonia – or if the regal unions had broken

⁴⁷⁶ Elliott, *Scots and Catalans*, 111-112.

up for some reason – is an entirely different matter, especially as the observed demographic changes fit into the general European trends of the eighteenth century. “It can never be known what would have happened if, at the beginning of the eighteenth century, [Scotland and Catalonia] had permanently broken away from the larger units to which they had until then been fairly loosely attached, and, like Portugal in the 1640s, made their own way in the world as independent states.”⁴⁷⁷ Instead of quantifiable economic trends, such as demographic growth, it is more worthwhile for the purposes of the present chapter to observe whether key Scottish and Catalan demands for better commercial opportunities were met within the new constitutional systems. Access to markets, especially the American colonies, trading companies, and the emulation of the best practices of the competition – these were the ingredients Fletcher and Feliu proposed for unleashing the full potential of Scotland and Catalonia in global commercial exchanges. Arguably, there were important developments following the birth of the unions in all these matters that benefitted Scottish and Catalan society.

Advances were made in Scottish and Catalan merchants’ access to British and Spanish America, with important differences of dynamics between the two contexts. Scotland’s union with England meant that the strict Navigation Acts now protected rather than excluded Scottish trade. Scottish merchants could put to good use the experience that had been accumulated during Scotland’s colonial ventures in the preceding century, and finally engage in commercial activities across the Atlantic without (much) fear that England’s political or economic interests condemn these activities to failure. Scotland could profit from “immediate, unrestricted entry to the American market,” in the spirit of the first Navigation Act of 1651 that established a “national and general” English trading policy – in contrast to Spain’s single-port system.⁴⁷⁸ The extension of the English system of commerce to the whole of Britain damaged Scotland’s trade links with its traditional partners in Northern Europe and France, but over the eighteenth century Scottish commerce with

⁴⁷⁷ Ibid., 112.

⁴⁷⁸ Thomson, “Scotland and Catalonia and the American Market,” 6.

the American colonies more than made up for that loss.⁴⁷⁹ Scottish presence in the transatlantic trade of tobacco gained such an immediate impetus after 1707 that the English port town of “Whitehaven, hitherto third after Bristol and Liverpool in the Atlantic trade, was so eclipsed by Glasgow merchants’ use of the store system in tandem with smuggling mainly through the Isle of Man, that the Cumbrian town actually petitioned for repeal of the Treaty of Union in 1710.”⁴⁸⁰ Following a gradual and somewhat uneven progress, Scotland’s participation in the tobacco trade further accelerated from the 1740s, securing a major dominance in the trade by the 1760s.⁴⁸¹ The business concentrated in Glasgow, its west-facing ports on the river Clyde being in an excellent position to access the American continent. “By the 1760s Glasgow, with sailing times to British America two to three weeks faster than those from the English Channel ports, had become the tobacco capital of Britain’s Atlantic economy.”⁴⁸² Scottish products also found easier access to the protected British American markets. Scottish linen was exposed to a strong competition from the more developed English industry, but American demand for the less refined Scottish product was strong, and instruments of British commercial policy, such as the Bounty Act of 1742, provided further incentives for the trade of Scottish linen. Bounties were measures that meant to encourage the production of certain products and their exportation to the colonies, sometimes compensating for other fiscal measures. As such, they were not specifically designed to help the Scottish economy, but the bounties enacted after the union – on sailcloth in 1713, fish in 1719, manufactured silks in 1722, whale fisheries in 1733, linens in 1742, indigo in 1748, hemp and flax in 1764, and raw silk in 1769 – could be utilized by Scottish businesses.⁴⁸³

Catalonia, unlike Scotland, had not been legally barred from participating in the American trade prior to the union with Castile. However, as discussed in Chapter 2, this access was only available

⁴⁷⁹ Elliott, *Scots and Catalans*, 116.

⁴⁸⁰ MacInnes, “Scottish Circumvention of the English Navigation Acts,” 125.

⁴⁸¹ Thompson, “Scotland and Catalonia and the American Market,” 11.

⁴⁸² Elliott, *Scots and Catalans*, 118.

⁴⁸³ Julian Hoppit, *Britain’s Political Economies. Parliament and Economic Life, 1660-1800* (Cambridge: Cambridge University Press, 2017), 251-255.

via the designated Andalusian ports of the monarchy. By the later seventeenth century, Catalan demands were targeted at the relaxation of the single-port system and the authorization of direct trade between Catalan ports (at least Barcelona) and Spanish America. The Hispanic monarchy's system of trade was seen as detrimental to the expansion of commerce by the late 1600s – hence the intense 'brainstorming' on the possibilities of its reform in the Junta de Comercio –, but the system survived well into the Bourbon era. The War of the Spanish Succession provided a brief relieve from the straitjacket of the Cádiz monopoly. After Catalonia officially declared itself for the Archduke Charles, access to Cádiz became unavailable, and Catalan merchants directed their trade to Gibraltar, held by the allied forces, between 1708 and 1711.⁴⁸⁴ With the changing of the war situation, Catalonia's economy in general and Catalan access to the American trade came to a standstill until 1718. After that, Catalonia could reestablish its connections with America and, together with other Spanish regions, it was encouraged to send its products to the American market – but colonial commerce still proceeded through Cádiz. Only two decades later did the Crown relax the single-port system as a temporary measure. During the War of Jenkins's Ear (or the *Guerra del Asiento*, from a Spanish perspective – 1739-48), "British naval blockades and attacks on Atlantic shipping forced the Crown to suspend the transatlantic convoys and allow 'registered ships' to make the crossing on their own."⁴⁸⁵ Catalan merchants were able to use the short period of relaxation to increase the presence of their products on the American market, organizing five voyages to America between 1746 and 1753, some of them taking place after the end of the war and the restoration of the convoys.⁴⁸⁶ It took until Charles III's reform decree of 1765 for the Crown to authorize individually registered ships departing from nine Spanish ports – Barcelona among them – to trade with the West Indies. Another decree in 1778 raised the number of Spanish ports participating in the system to thirteen, finally breaking the Cádiz monopoly and introducing

⁴⁸⁴ Thompson, "Scotland and Catalonia and the American Market," 14; Martinez Shaw, *Cataluña en la carrera de Indias*, 78-79.

⁴⁸⁵ Elliott, *Scots and Catalans*, 118.

⁴⁸⁶ Thomson, "Scotland and Catalonia and the American Market," 15.

a system of *comercio libre*.⁴⁸⁷ Free trade was not free in the sense of dismantling all tariff and non-tariff barriers to trade, but shipments from the thirteen Spanish ports were authorized to access the most important American ports of the empire, from Havana to Montevideo. Even so, New Spain (Mexico) and Venezuela remained off limits until 1789.⁴⁸⁸

Scottish and Catalan merchants were likewise able to increase their presence on the American markets of the British and the Spanish empires in the post-union period, but while the Scots were granted full access to formerly English colonies, the Catalans were stuck with the old Habsburg system of *flotas y galeones* essentially until 1765, when the port of Barcelona was given the right to directly trade with Spanish America. By the 1780s, Scottish merchants had carved out important, sometimes dominant positions in some segments of British colonial trade (tobacco, cotton). Catalonia, in contrast, had a 4.34 per cent share in Spain's total export to the colonies in the same period.⁴⁸⁹ The speed and degree of inclusion showed similar patterns when it came to Scotland's and Catalonia's access to metropolitan British and Spanish markets. By virtue of the Acts of Union, British subjects were to have "full Freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging" and "all parts of the United Kingdom [were to have] the same Allowances Encouragements and Drawbacks and be under the same Prohibitions Restrictions and Regulations of Trade and lyable to the same Customs and Duties on Import and Export."⁴⁹⁰ Great Britain became the eighteenth-century equivalent of a customs union and a common market. Scottish merchants entered the tobacco trade with such force that the English tobacco business soon felt the consequences of the lack of protection that it enjoyed prior to union. Tobacco merchants in

⁴⁸⁷ Elliott, *Scots and Catalans*, 118-119.

⁴⁸⁸ Josep Fàbregas Roig, "El primer año del libre comercio en Cataluña," in *El sistema atlántico español (siglos XVII-XIX)*, ed. Carlos Martínez Shaw, José María Oliva Melgar, (Marcial Pons, 2005), 285-286.

⁴⁸⁹ Elliott, *Scots and Catalans*, 120; Stanley J. Stein and Barbara H. Stein, *Apogee of Empire: Spain and New Spain in the Age of Charles III, 1759-1789* (Baltimore, MD: The Johns Hopkins University Press, 2003), 207; Vilar, *Catalogne dans l'Espagne moderne*, vol. 3, 113-14.

⁴⁹⁰ See articles IV and VI of the Acts of Union.

London, Bristol, Liverpool, and Whitehaven protested unfair Scottish competition, alleging that the new, post-union customs administration afforded plenty of irregularities for the Scots to exploit and undercut English prices, but all they could achieve was the temporary unification of the English and Scottish boards of customs for better oversight and general tax cuts for the industry in the Tobacco Act of 1723.⁴⁹¹

In Spain, the Bourbon administration envisioned a similar outcome, attempting to impose a greater degree of cohesion on the fragmented markets of the composite monarchy, thereby complementing constitutional-political unification. The *puertos francos* were abolished by decrees in 1708 and 1711, confirmed once more after the capture of Barcelona in 1714.⁴⁹² Also known as *puertos secos*, these “dry ports” constituted internal customs barriers within the Hispanic monarchy. Some of them medieval, some early modern in origin, the existence of dry ports was rooted in the *fueros* of the different kingdoms. Their removal would have been an achievement that Philip V’s Habsburg predecessors hardly even dreamed of.⁴⁹³ In 1717, all internal customs were moved to the maritime ports and land borders of the monarchy; a measure that was intended to eliminate the obstacles to internal trade and raise revenues for Philip V’s Italian campaigns. The abolition of the inland ports infringed on the still existing *fueros* of the Basque Country and Navarra, and the consequent drop in their revenues and price hikes generated enough social unrest that the measure was withdrawn in 1722.⁴⁹⁴ Somewhat ironically, the plan failed due to the resistance of two regions that could keep their *fueros* as a reward for their loyalty to King Philip’s cause. Catalonia was better placed to profit from the abolition of internal customs as “the end of the *puertos secos* made the port of Barcelona more attractive: it now combined the lower Catalan external tariffs with free imports

⁴⁹¹ Jacob M. Price, “Glasgow, the Tobacco Trade, and the Scottish Customs, 1707-1730: Some Commercial, Administrative and Political Implications of the Union,” *The Scottish Historical Review* 63, no. 175 (1984): 1-36.

⁴⁹² Ricardo Franch Benavent, “Política mercantilista y comercio interior en la España de Felipe V,” in Eliseo Serrano, ed., *Felipe V y su tiempo. Congreso internacional* (Zaragoza: Institución “Fernando el Católico,” 2004), 104-105.

⁴⁹³ Grafe, *Distant Tyranny*, 138-139.

⁴⁹⁴ Astigarraga, “Economic Integration Models and Processes of Political Union,” 148.

into Castile from Catalonia,” but, further adding to the irony of the situation, this created an unfavorable state of affairs from the perspective of the royal treasury that remedied the situation by the creation of new internal customs on the Catalano-Aragonese and Catalano-Valencian borders.⁴⁹⁵ The episode draws attention to another characteristic of Spain’s system of trade that hindered the realization of a unified internal market: the absence of a uniform application of tariffs across the monarchy. José del Campillo, who served Philip V as his Intendant in Aragon and Secretary of Finance at the time, attempted the unification of the tariffs in the 1740s, but the first national tariff code was only produced in 1782.⁴⁹⁶ The ultimately unsuccessful decree of 1717 that abolished the internal customs barriers did not apply to Andalusia in the first place, to the great chagrin of Gerónimo de Uztáriz, possibly the most significant Spanish economists of the time and another high-ranking official in King Philip’s administration, who called it a “disgrace” that customs barriers were maintained in the region channeling the exports of the monarchy toward the Indies.⁴⁹⁷

The Cádiz monopoly and the internal trade barriers were not the only remnants of the pre-union trade policies of the Spanish monarchy. Reforms in the matter of trading companies were painstakingly slow in coming. Not that related discussions were interrupted by the change of dynasty or the war. Philip V’s reign saw the same flurry of proposals as Charles II’s – and the ideas changed little compared to Feliu de la Peña’s and his contemporaries. In principle, plans for establishing trading companies to intensify commercial exchanges between Spain and its colonies enjoyed the support of the King and his ministers – with the notable exception of Uztáriz, who was rather dismissive of the utility of great trading companies in his *Teoría y práctica de Comercio y Marina*. The work was to be greatly influential – it was translated to English, French, Dutch, and

⁴⁹⁵ Grafe, *Distant Tyranny*, 145.

⁴⁹⁶ French Benavent, “Política mercantilista y comercio interior,” 111. For a concise biography of José del Campillo, see Dolores Mateos Dorado, “José Campillo y Cossío,” *Diccionario Biográfico de la Real Academia de la Historia*, <https://dbe.rah.es/biografias/10184/jose-campillo-y-cossio>.

⁴⁹⁷ Franch Benavent, “Política mercantilista y comercio interior,” 109.

Italian in the 1750s, and Adam Smith referred to its author in the *Wealth of Nations* –, but its first publication in 1724 came out only in a few copies and was destined to Uztáriz’ closer acquaintances exactly because the book went against the official approach to trading companies.⁴⁹⁸ Despite the Crown’s support, the eighteenth-century experiment with the trading companies did not turn out particularly successful. The Compañía de Honduras, established in 1714 to trade with Caracas and a port in Honduras, ceased its operations in 1717 due to a shortage of capital. Problems of funding were also an issue with the Real Compañía Guipuzcoana de Caracas. Established in 1728, it started its operations in 1730 with the limited objective of supplying Caracas and the ports around it with produce from the motherland.⁴⁹⁹ Most of the projects, even those that were seriously discussed by the government, like the 1738 proposal for a Compañía Privilegiada para el Comercio Universal con las Indias, remained on paper.⁵⁰⁰ The first time the Crown authorized a chartered company based in Barcelona – a demand advanced by Feliu and the 1701/02 and 1705/06 Corts – was as late as 1756, under Ferdinand VI’s reign. Typically, the Company was “underfunded and poorly managed,” as well as too little too late: “Catalan family firms wanted greater freedom of action than a monopolistic company could afford, and preferred to take advantage of reforming measures” that would authorize *comercio libre* shortly thereafter.⁵⁰¹

After the collapse of the Darien Company, there was even less interest in Scotland for a specifically Scottish trading company. The Darien venture was one of the most important immediate triggers behind the conclusion of union, and the Acts of Union detailed both the price that England paid for bailing out the Scottish investors of the Company – practically everybody in Scotland that had any amount of spare cash to invest – and the dissolution of the Company as a condition of union. The union itself preempted any possibility or reason for the establishment of a distinctly Scottish

⁴⁹⁸ Ibid., 112.

⁴⁹⁹ Rodríguez García, “Compañías privilegiadas de comercio con América,” 29-30.

⁵⁰⁰ Manuel Bustos Rodríguez, “Una alternativa frustrada al monopolio comercial español con América: la compañía privilegiada para el Comercio Universal con las Indias de 1738,” *Studia Historica: Historia Moderna* 42, no. 1 (2020): 125–164.

⁵⁰¹ Elliott, *Scots and Catalans*, 118.

– as opposed to British – trading company. It was hardly conceivable that the British Parliament, with rather meager Scottish representation in it, would grant commercial privileges similar to those contained in the 1695 Act of the Scottish Parliament to a company that would somehow exclude English investors or be protected against English competition. Not that there could have been much appetite in Scotland for investing in such a company after the collapse of the Darien scheme. The theoretical purpose for a Scottish national trading company also evaporated with the union. Fletcher and Feliu were interested in national, Scottish and Catalan trading companies because they expected an increase in the volume of commercial exchanges between their homelands and the American markets of the British and the Spanish empires. In the context of post-union Catalonia, where the modalities of access to the colonies did not change for decades after the Nueva Planta decree was issued, and Catalan merchants could only trade with America via Cádiz, a Barcelona-based trading company could theoretically make sense as a means to guarantee Catalan traders a limited but direct access to the colonial markets, and/or a minimum volume of cargo that they could rely on in their transatlantic exchanges. With the union, the Scots joined a trading system that was much less restrictive and controlled than the Spanish one, which preempted the need for privileged companies to compete in the American trade. As for the privileged companies that survived into the eighteenth century (e.g. East India Company) or were established after the union (e.g. the South Sea Company, where the Crown outsourced the *asiento* for the slave trade with Spanish America), Scots became British subjects who could invest or take part in the operations of these companies just like anybody south of the Tweed.

For Fletcher and Feliu, access to (especially American) markets and the encouragement of trading companies were not simply about the material welfare of their homelands, but also about catching up to other players worthy of emulation for their achievements in trade, thereby restoring a sense of national pride in Scotland and Catalonia. The quest for the best practices of other nations gained institutional expressions in Britain as in Spain in the eighteenth century. In both contexts, we find

an effervescence of social alliances and associations of friends “concerned with *émulation*, with ‘encouragement’, with improvement of the world.”⁵⁰² Some of these societies were “specifically founded to promote economic advances and improve social services.” Examples to successful British associations include the Society for the Improvement of Husbandry, Agriculture and other Useful Arts, founded in 1731 in Dublin, followed in 1754 by a similar society in London.⁵⁰³ As for Scotland, a Society of Improvers in the Knowledge of Agriculture had already been established in Edinburgh in 1723.⁵⁰⁴ The Select Society, “by far the most important voluntary institution in Edinburgh in the 1750s” that recruited its members from both the literary and the landed elites of Scotland and thereby functioned as a forum of exchange for present and future leaders of Scottish society, was instrumental in the creation of the Society for the Encouragement of Arts, Sciences, and Manufactures, a more practically minded subsidy.⁵⁰⁵ Similar initiatives followed in Glasgow, Aberdeen, and other Scottish towns. The British societies served as examples to similar associations on the continent: in France, the Habsburg Empire, and Spain. In the latter case, *Sociedades de los Amigos del País* (‘Societies of the Friends of the Country’) started springing up in the Basque Countries in the middle of the century. Their gaining of official status likewise relates to a nobleman of Basque origin, the Count of Peñaflorida, who, inspired by his experiences in France, gathered some of his fellow noblemen in the region and requested a royal license from Charles III for a Basque “Society of the Friends of the Country.” The license was granted in 1765, and the King himself joined as patron of the society in 1771. The King and his chief minister, the Count of Campomanes wanted to expand the model across the monarchy, and government support for similar organizations continued, with the objective of gathering local nobilities “to encourage agriculture, commerce, and industry, become acquainted with economic treatises, translate and publish foreign works, and supervise instruction in mathematics and the vocations,” with fairly

⁵⁰² Ulrich Im Hof, *The Enlightenment* (Oxford; Cambridge, MA: Blackwell, 1995), 105.

⁵⁰³ *Ibid.*, 123.

⁵⁰⁴ Elliott, *Scotts and Catalans*, 116-117.

⁵⁰⁵ Robertson, *The Case for the Enlightenment*, 373.

little cost to the state.⁵⁰⁶ By 1789, fifty-six such societies had been founded in Madrid, Valencia, and Segovia, among other places.

The most notable absentee was Barcelona. The Catalan capital relied on its Junta de Comercio, established in 1758, instead. The Junta was an organization that supported the cotton industry, the expansion of the port, a nautical school, and a school of fine arts; in this, it was not dissimilar to the Societies of the Friends of the Country. Its activities already caused enough friction with the still existing guilds of Barcelona for the city's leaders to be unwilling to sponsor the establishment of another society of improvers.⁵⁰⁷ While there is no reason to suppose that the cause of emulation would have been neglected in Scotland and Catalonia in the absence of the early eighteenth-century unions, the British and the Spanish union states were nurturing environments for organized social activities for the improvement of trade and general economic development.

Unimpressive beginnings

So far so good, one may think. Fletcher and Feliu need not have worried: the commercial advances they desired for their homelands were achieved in the absence of the ancient Scottish and Catalan constitutions. Scotland could access the American markets after the union with England; Catalonia could continue to do so after its union with Castile, and it was among the first beneficiaries of the *libre comercio* reforms through the port of Barcelona. A Barcelona-based trading company was also eventually authorized to operate and directly trade with the American colonies. Scotland did not even need a chartered company to profitably engage in the American trade after union. Union did not prevent learning from the best practices of other nations, either; if anything, new networks were established for the discussion of ideas related to commercial, technological, and cultural

⁵⁰⁶ Richard Herr, *The Eighteenth-Century Revolution in Spain* (Princeton, NJ: Princeton University Press, 1958), 155.

⁵⁰⁷ *Ibid.*, 156-157.

innovation. The dynamics of integration into the system of opportunities provided by the British and the Spanish union states were different in Scotland and Catalonia, but the difference could largely be attributed to the difference in the economic performance of Britain and Spain, rather than to different degrees of exclusion or discrimination against Scots and Catalans.

Before concluding that Fletcher and Feliu were overly cautious or outright wrong in their prediction that their homelands' profitable engagement in the commercial system of the British and the Hispanic monarchies were contingent on the guarantees provided by the ancient constitutions and the survival of independent Scottish and Catalan legislative bodies, the favorable balance of post-union achievements needs to be nuanced in both contexts. Even if key demands relative to better conditions of participation in lucrative commercial exchanges under Britain's and Spain's imperial umbrellas were met, it took a significant amount of time. Fletcher was advocating the importance of trade between Scotland and the Americas in the 1690s, which the union with England made possible, but the prosperity that it brought to Scotland became obvious only from the 1740s. Feliu de la Peña argued in favor of a Barcelona-based trading company and the relaxation of the single-port system in the 1680s, echoed by both of the Catalan Corts of the early 1700s, but the royal *cédula* authorizing the establishment of such a company – the Real Compañía de Comercio de Barcelona a Indias – was only issued in 1756, after years of all too familiar *consultas* and deliberations.⁵⁰⁸ Whether the strengthening rather than elimination of the ancient constitutions of Scotland and Catalonia – especially their independent legislatures – would have resulted in quicker or better results remains a mystery, of course. Considering the difficulties that informed Fletcher's and Feliu's proposals, the continued existence of independent Scottish and Catalan parliaments does not appear to have been a sufficient guarantee for that.

⁵⁰⁸ José María Oliva Melgar, *Cataluña y el comercio privilegiado con América en el siglo XVIII. La Real Compañía de Comercio de Barcelona a Indias* (Barcelona: Universitat de Barcelona, 1987), 21-31.

There were other areas, however, that were consequential to national prosperity and where the diluting of the ancient constitutions and the loss of distinct legislative bodies resulted in a loss of leverage for the Scottish and the Catalan political nations. Matters relative to taxation and office holding, prominently featured in legislative tugs-of-war between parliaments and crowns in both contexts, were lost to Scottish and Catalan control as a result of union. Neither Scottish representation in the British Parliament, nor Catalan towns in the Castilian Cortes had any chance to unilaterally influence these matters in the legislative processes of the new union states.

Historically, taxation was a particularly important tool utilized by the Estates in Scotland as in Catalonia to maintain a measure of control over the Crown's actions – and the consequences of the loss of control over the matter became obvious in both contexts rather soon following the establishment of incorporating unions. Scotland and Catalonia were incorporated into emerging 'fiscal-military' states that operated with growing military and naval capacities and more and more sophisticated bureaucracies. Their armies and fleets defended Britain and Spain, inclusive of Scotland and Catalonia, and their bureaucrats administered government business at home and overseas – but these activities were hugely resource-intensive and came at staggering costs. "The most obvious device for meeting the rising costs of the state was to generate more income by raising the level of taxation and improving and extending the tax-raising systems."⁵⁰⁹ The War of the Spanish Succession heavily exhausted the finances of the British and the Spanish monarchies – Britain had to finance not only its own armies but also to subsidize its continental allies; Spain's war costs were aggravated by the destruction of human and material resources on its territory – and the governments of the union states intended to fully involve Scotland and Catalonia in the replenishment of the treasuries. After union, Scotland and Catalonia had no defense against such

⁵⁰⁹ Elliott, *Scots and Catalans*, 121.

devices. There was no Scottish or Catalan legislative body that needed to consent to tax rises, or that could bargain with the Crown and make its approval conditional.

Increases in the tax burden are unpopular at the best of times, and the period following the establishment of incorporating unions and the War of Succession were not the best of times in Scotland and Catalonia. In Britain, “Parliament started to shift the tax burden at the end of the conflict [i.e. the War of the Spanish Succession] from land taxes to customs dues and excise payments on a whole range of commodities in common use and consumption, including ale, malting barley, salt, linen and soap.”⁵¹⁰ The salt for the use of Scottish households was not taxed at all before the union; its price doubled when duties were imposed in 1713. In the same year, the British Parliament also decided to extend the Malt Tax to Scotland, which threatened to significantly raise the price of ale. The Scottish public reacted with such fury that the tax was never properly collected. In 1724, more than ten years later, the experiment was revisited by Robert Walpole’s government. Attempts to collect the tax generated violent resistance across Scotland, “with rioting erupting in places as varied as Stirling, Dundee, Ayr, Elgin, Paisley and Glasgow.”⁵¹¹ Glasgow was the scene of especially dramatic confrontation between the rioters and the authorities. The mob looted and burned the house of the local Member of Parliament, and engaged in battle with the local garrison, pushing it out of the city. The order had to be restored by regular cavalry and infantry units.

The more rigorous collection of customs duties that the British state started to apply in Scotland after 1707 led to similar outcomes: customs officers were attacked, and customs warehouses and ships were plundered by irate Scots. The matter of contention was not simply that duties for customs and excise were now scrupulously collected; they also increased as the Treaties of Union effectively required an adjustment to previously English commercial regulations. The innovative

⁵¹⁰ Devine, *Independence or Union*, 31.

⁵¹¹ *Ibid.*, 36.

approaches that Scottish traders applied to circumvent the English Navigation Acts before 1707 were not immediately forgotten, of course; the increase in duties guaranteed that smuggling remained an endemic feature of Scottish trade even after access to the colonies had been granted. English regulations prohibiting the export of wool, while advantageous to some Scottish landowners after the union, were also detrimental to the related Scottish carrying trade.⁵¹² Higher duties on imported products and everyday commodities were the first results of union that the Scottish populace encountered – and much sooner than the economic boom occasioned by American tobacco trade. Duties rose fivefold between 1707 and 1713, and in a country that was simply too poor to shoulder higher fiscal burdens this clearly influenced the perception of union for the worse. Whether there was an element of truth to it or not, the Scots were tempted to see union as a scheme to channel the resources squeezed out of Scotland toward England.

The policy of raising taxes and increasing the efficiency of their collection was also attempted in the conquered realms of the Crown of Aragon. Catalonia remained a territory under military occupation following the fall of Barcelona to the Bourbon armies in 1714, which may have significantly lowered the chances of mob violence erupting in a similar fashion to Scotland, but the Castilian fiscal administration must have been “very disappointed” when it accounted for the first batches of revenue from post-war Catalonia. In the period between 1715 and 1720, consumption in Catalonia started to rebound, but the general economic performance of the principality remained well below that of the previous periods of bounty.⁵¹³

The control that the Scottish and the Catalan assemblies previously exercised over office-holding in the government of their respective national administrations was likewise lost with incorporating union. The principle that the Estates were dedicated to upholding against the incursions of the Crown with a degree of success – that offices related to the government of Scotland and Catalonia

⁵¹² Macinnes, *Union and Empire*, 47, 318.

⁵¹³ Vilar, *La Catalogne dans l'Espagne moderne*, vol. 1, 697.

should be held by natives of these lands – lost its meaning with the loss of constitutionally distinct Scottish and Catalan governments. The effect of union was meant to work both ways, as ‘English’ and ‘Castilian’ offices were theoretically open to Scots and Catalans. In 1760, at the Cortes celebrating the accession of Charles III (of Bourbon) – that is a distance of not one, but two reigns from Philip V and his mistrust of the Catalans –, the deputies representing the Crown of Aragon presented a memorial to the new sovereign complaining that the reciprocity of appointments to offices was still far from achieved and that “no Aragonese, Catalans or Valencians had obtained important civil or ecclesiastical appointments in Castile, while Castilians had swarmed into jobs in the east.”⁵¹⁴ The offices of colonial administration show a similar pattern: these were also open to Catalans, but one finds very few examples for high-ranking Catalan officers in Spanish America or other colonies. Manuel de Amat y Junient (1704-1782) was a notable exception. He was appointed as the governor and Captain-General of Chile in 1754, then became Viceroy of Peru in 1761 for an outstandingly long period of fifteen years.⁵¹⁵

Compared to the Catalans, the Scots were much more efficient in taking the opportunities that union presented in terms of appointments to offices, both at home and in the colonies. Not that they did not have to contend with English people taking up positions in the administration of Scotland. When a Scottish customs board was constituted after the union, only two of its five members were Scots, the other three English and Welsh. English presence on the lower echelons of Scottish customs administration was even more significant.⁵¹⁶ But many Scots were able to use the opportunities created by the expansion of the British fiscal-military state and find their place in colonial administration, the East India Company, the armed forces, and generally in the business of warfare and trade.⁵¹⁷ Scots were more willing than the Catalans to relocate, temporarily or

⁵¹⁴ John Lynch, *Bourbon Spain 1700-1808* (Oxford: Basil Blackwell, 1989), 299.

⁵¹⁵ Elliott, *Scots and Catalans*, 124-125; José de la Puente Brunke, “Manuel de Amat y Junyent,” *Diccionario Biográfico de la Real Academia de la Historia*, <https://dbe.rah.es/biografias/7149/manuel-de-amat-y-junyent>.

⁵¹⁶ Jacob M. Price, “Glasgow, the Tobacco Trade, and the Scottish Customs, 1707-1730,” 2.

⁵¹⁷ Devine, *Scotland's Empire 1600-1815*, 68.

permanently, between Britain and its colonies, which contributed to a pronounced Scottish presence across the British empire.⁵¹⁸ In 1762, John Stuart, the Earl of Bute was appointed Prime Minister by George III, becoming the first Scotsman to hold the office. But even the Scots' successful integration into post-union structures of opportunity came with a price. Scottish presence increased so obviously in London and in the colonies that it continued to fuel the mutual distrust that historically determined the relations between England and Scotland. In the 1760s, distrust turned into vehement anti-Scottish sentiment in England, where the Scots were perceived as the greedy beggars who plunder the riches of an empire built by the English. Lord Bute was heavily featured in written and visual polemic as the epitome of unbridled Scottish ambition, and the connection was later made between his short premiership and the secession of the American colonies to cast the latter as ultimately the Scots' fault.⁵¹⁹

Dynastic alternatives

The attraction of external loyalties

The analytical distinction between the more immediate and the longer-term afterlife of union is not only important to establish that the positive impacts of union on Scotland's and Catalonia's prosperity took time to become palpable. The ambiguity of shorter-term results also meant that the unions remained potentially unstable in the period following their inception. No parliamentary proceeding or royal fiat could erase the memory of constitutionally, politically, economically, and culturally distinct political nations. In the absence of quickly materializing results, the ghosts of the ancient constitutions lingered on in the background of post-union politics in Scotland and Catalonia.

⁵¹⁸ Elliott, *Scots and Catalans*, 122-124.

⁵¹⁹ Linda Colley, *Britons: Forging the Nation* (London: Pimlico, 2003), 116, 121-122.

As seen in Chapter 3, making stronger ties, akin to the eventually established unions, between the constituent realms of the Stuart and Habsburg monarchies was an objective that had been on the royal governments' agenda since the establishment of the dynastic unions between Castile and Aragon, and England and Scotland – albeit with varying emphases across time. A new language of monarchy was resorted to in somewhat abstract terms in favor of making more organic connections between the parts of the composite monarchy, such connections being natural between parts of the same body, edifice or machine that the monarchy was compared to. The deployment of this language was not particularly successful in transforming the British and the Spanish monarchies into tighter-bound unions. The interests of the political and mercantile elites of the 'parts' came into conflict with the royal governments' visions for the 'whole.' All through the seventeenth century, we have identified revolts and rebellions that made such conflicts very visible, and underlined the strong interests attached to the preservation of the status quo.

When the unions were established in and after 1707, the achievement was not so much the result of the argumentations embedded in the language of monarchy that were suddenly accepted as valid and desirable, but to an important extent it was the European war situation that propelled the unions into existence. When he acceded to the Spanish thrones according to the testament of Charles II, Philip V was not set on crushing provincial particularisms by default. In fact, he swore an oath to the maintenance of the constitutions of most of his realms, both in his Iberian and his Italian possessions. As some of these possessions compromised themselves through their adherence to his rival Charles of Habsburg, and Aragon, Valencia, and especially Catalonia and Mallorca had to be taken by force, it became clear that the distinct constitutional-political systems of these realms were incompatible with King Philip's designs on his Spanish inheritance. Likewise, as England was becoming involved in military campaigns against Louis XIV and by extension the Bourbon monarchies, the possibility that Scotland, where the memory of the 'auld alliance' with France (and against England) was still alive, could go its own way, potentially exposing England

from the north, made the new, Protestant Stuart government in London rather edgy. The military situation was a strong catalyst for forcing the unions through – in Spain via the military force of the victors, in Britain via less military action and more political maneuvering.

Once the unions were established, and the war situation was calming, the question of how to maintain the unions became more acute. Forcing Catalonia and other provinces to obedience through military occupation could not be a lasting and efficient method. Scottish resentment over the malt tax nearly ended the union in 1713. Scottish members of both Houses of Parliament protested the bill at the Queen, and the Lord of Seafield presented a motion for the dissolution of union in the Lords that was defeated by only four votes.⁵²⁰ Crucially, the afterlife of the Scottish and Catalan political nations was prolonged because of the entanglements between constitutional and dynastic changes in Britain and Spain. Union in both contexts emerged as new ruling families were taking over the British and the Spanish thrones in close temporal proximity to the establishment of the incorporating unions. Crucially, the Protestant Stuarts (Stuart-Orange) and the Hanoverians, as well as the Bourbons took over from dynasties that did not go extinct and, consequently, remained potential vectors of loyalty for disgruntled subjects interested in restoring pre-union constitutions.

This leads us back to the opening image of this chapter: James Dundas' *Faculty of Advocates* pamphlet. The sharply polemical text was produced in 1711, a mere four years into the existence of the new British union state. Dundas' criticism of the union is very explicit. Relying on the authority of "Sr George Mackenzie and all our ancient Lawyers, as well as the Generality of the People," he sees the union as a clear imposition of English law over the otherwise better Scottish legal system, the complete "subversion of our Constitution," and the abandonment of any

⁵²⁰ Devine, *Independence or Union*, 33-34; Robin Eagles, "'There has been all along something odd in this affair': The Malt Tax and the 1713 attempt to repeal the Union," *The History of Parliament* (blog), May 31, 2013, <https://thehistoryofparliament.wordpress.com/2013/05/31/there-has-been-all-along-something-odd-in-this-affair-the-malt-tax-and-the-1713-attempt-to-repeal-the-union/>.

possibility of the representation of Scotland's interests in a British Parliament that is in fact dominated by "our old Enemies the English."⁵²¹ While Dundas insists on his (and the Faculty of Advocates') loyalty to the ruling sovereign, Queen Anne, he strongly condemns her predecessor, King William, comparing him to Nebuchadnezzar and Nero, for the misery he caused to Scotland by not moving a finger to rescue the Scottish colonists at Darien, ordering the massacre at Glenn Coe, and restraining the Scottish linen industry to favor Ireland's. As for Queen Anne's presumptive heirs, Dundas abhors the cowardly Hanoverians in an equal measure.⁵²²

Dundas' pamphlet is not innovative or especially daring because it created links between the quality of government and specific rulers or dynasties. Similar narrative connections between dynastic vice and bad governance had been prevalent in England around the time of dynastic changes. The rule of James II and VII (1685-88) was often painted in the colors of decline and corruption toward the end of his reign and, by the supporters of the Glorious Revolution and the Hanoverian succession, especially after it. A predominantly Protestant public saw in James' Catholicism a moral hazard and the ruin of the country. King James did not only venture further and further away from the Anglican Church, but had converted to Catholicism prior to his accession, and he was rather active in supporting the reintegration of his Catholic subjects into the political life of the British monarchy. At the time, the latter was not perceived as benevolent religious tolerance by many. Instead, popery implied loyalty to an external ruler – the Pope, but also the Catholic King of France. While King James drew important benefits from a French alliance in the form of subsidies that afforded him some independence from his parliaments, Louis XIV was seen as the tyrant par excellence in Britain at the time, which in turn made the French connection very costly to James. James' Catholicism coupled with the financial assistance he received from France eventually exploded in a hysterical political climate in England, where Jesuit priests were seen to be

⁵²¹ Lashmore-Davies, "The misuse of loyalty?," 114.

⁵²² Cowardice is a peculiar accusation against members of the House of Hanover, who were not any less involved in military matters or battleground action than members of other princely houses of the period.

continuously plotting for the ruin of the country and where a Calvinist foreigner was welcomed to take the throne for himself and James' elder daughter Mary instead of the anointed ruler.⁵²³

Likewise, connections between what was perceived as the poor performance of the government and the defects of the House of Habsburg were made even before the Bourbon takeover of the Hispanic Monarchy. The reign of Charles II (1665-1700), the – as it turned out – last Habsburg ruler of Spain was greatly misspoken of by many contemporary observers. From his father Philip IV, King Charles inherited a weak physique and a monarchy that had been shaken by revolts in Portugal and Catalonia, military pushback from France, and the general overextension of an empire that encompassed vast territories from Naples to the Philippines and from Mexico to the Magellan Strait. As the Venetian ambassador in Madrid observed at the beginning of the 1680s, “the Government of Spain is the most perfect that ancient legislators could devise, but the corruption of the times has filled it with abuses. From the poor to the rich everyone consumes and devours the estate of the king, some taking little bites, the nobility large ones and the grandees enormous portions.... Many think it a miracle that the Monarchy is still in existence.”⁵²⁴ When Charles II's reign was coming to a close in 1699, the English envoy, Alexander Stanhope⁵²⁵ observed that the Spaniards were “believing themselves still the greatest nation in the world; and are now as proud and haughty as in the days of Charles the Fifth,” even though “the present state of Spain,” as the envoy described it, was “wretched.”⁵²⁶ Stanhope's confident characterization of

⁵²³ Somerset, *Queen Anne*, 28-29, 44, 59, 63-64.

⁵²⁴ Giovanni Cornaro, Venetian Ambassador at Madrid in 1681-2, as cited in Gerald Brenan, *The Spanish Labyrinth: An Account of the Social and Political Background of the Spanish Civil War* (Cambridge: Cambridge University Press, 2014), 27.

⁵²⁵ Father of James Stanhope, the 1st Earl Stanhope, who is most remembered from his role as a military commander in the War of the Spanish Succession. He was also Viscount Bolingbroke's successor as Secretary of State for the Southern Department.

⁵²⁶ Alexander Stanhope to the Marquis of Normanby, January 6, 1699, in Alexander Stanhope, *Spain under Charles the Second; or, Extracts from the Correspondence of the Hon. Alexander Stanhope, British Minister at Madrid, 1690-1699*. Selected from the Originals at Chevening by Lord Mahon. 2d ed., enl., 120-121. London: J. Murray, 1844. <https://play.google.com/books/reader?id=u11BAAAacAAJ&hl=es&pg=GBS.PP7>.

Spain as “wretched” of course conveniently disregarded the very similar narrative connections between dynastic vice and bad governance in the British monarchy.

But the point of James Dundas’ pamphlet was not simply to repeat existing tropes of misrule. He claimed that Scotland and, by extension, Britain irrevocably lost their way because they sacrificed the most important constitutional principle: hereditary monarchy. William of Orange and the House of Hanover are put on pedestal as foreigners, indeed usurpers whose claim to the British thrones is at most through the right of conquest. William had, and the Hanoverians would come to rule Britain while “the Royal Family of the Stewarts (who we hope shall reign as the World endures)” were alive and available. Dundas dedicated exquisitely harsh words to his Queen’s predecessor and presumptive successors, but not to Queen Anne herself. One obvious reason for this could have been that he did not want to get into even more trouble by slandering the reigning monarch, which could have made for a much clearer case of treason. But the Queen also escaped Dundas’ ire for being a daughter to James II and VII, and consequently not a foreign Orange or Hanoverian usurper but a legitimate monarch from true Stuart blood. Dundas’ profession of loyalty is based on that fact, and so is his defense relative to the event that inspired his pamphlet in the first place. On June 30, 1711, the Duchess of Gordon presented a medal to the Faculty of Advocates showing the head of James Edward Stuart – James VIII and III for his adherents, the ‘Old Pretender’ to his enemies. We know from Dundas’ trial that he was accused of speaking in favor of the Faculty’s accepting the medal. Whether that had been the case or not, the Faculty reportedly accepted the – otherwise provocative – gift of the Duchess. Dundas’ pamphlet argued that the transaction should not and cannot be interpreted as a wavering of loyalty or a show of treasonous inclinations as the medal featured a person of true royal blood, “your Majesty’s only Brother,” recasting the artifact representing the refugee Stuart prince and claimant to the Queen’s thrones as a sign of unwavering loyalty to “your Majesty and all the Royal Family of the Stewarts.”

The principle of hereditary monarchy – where royal succession is determined by God’s will and the laws of nature rather than parliamentary legislation – is paramount to Dundas. The Scots had sacrificed so much in defense of this principle; they have always kept their faith to their true sovereign, regardless of any “irregularities” they might have committed. This included James II and VII, whose “irregularities” consisted in his popery, which Dundas did not hold very firmly against him as he blamed this fault in the late King’s character on the Scots who rebelled against Charles I and banished his sons abroad, “thereby exposing them to be educated in Popish Principles.”⁵²⁷ The respect for hereditary monarchy was so strong that – albeit this is not explicitly admitted – it might have also contributed to the Scots’ patient submission to William, whose legitimacy otherwise depended on his official status of co-ruler to Mary, King James’ daughter. By insisting that true royal blood and inheritance is the cornerstone of the constitution, Dundas does not only imply that changes to the constitution that happened under illegitimate, foreign rule – the Act of Settlement (1701) and the Acts of Union (1706) – can be reversed, but he proposes that the rightful order can be fully restored by returning to the correct order of succession. The possibility of Queen Anne’s succession by his brother James Edward Stuart is thus also a possibility for the demolition of the incorporating union between England and Scotland.

Dundas’ pamphlet made a strong connection between illegitimate rule and bad governance; an idea that the artifact behind the whole controversy likewise expressed, albeit in a more symbolical

⁵²⁷ Lashmore-Davies, “The misuse of loyalty?,” 113.

way. Remarkably, on one side of the medal, the inscription “CVIVS EST” could be seen, while on the reverse, “REDDITE” was written. (See Figure 1.) As it was clear to contemporary observers, among them the Huguenot whig journalist Abel Boyer, both inscriptions were references to the



Figure 1. *Cuius est*, c 1710. Taken from Neil Guthrie, *The Material Culture of the Jacobites* (Cambridge: Cambridge University Press, 2013), 24, fig. 2.

Biblical story when Jesus was asked whether the Jewish population should pay taxes to the Roman Emperor.⁵²⁸ According to the story, Jesus first asked whose image they saw on the coin (*cuius est?*).

When it was admitted that it was the Emperor’s, he instructed them to render (*reddite*) the tribute to Caesar. The teaching about submission to worldly authorities connected the payment of taxes to the recognition of overlordship, of sovereignty. As such, the coin was not only the symbol of loyalty to the House of Stuart, but also a reminder that the subjects can only be legitimately expected to pay taxes to their true sovereign lord. Dundas reminded the Queen that “Jacobites pay Taxes more than any other of your Majesty’s subjects” in recognition of true royal blood, whereas the English “Villains” dare resist their prince anytime they are unwilling to pay their taxes.⁵²⁹ The medal also reinforces the connection between dynastic change and constitutional transformation. Its flip side features the British and Irish isles, with three inscriptions identifying its different parts. ‘HIB’ for Hibernia is written over Ireland, and ‘BRIT’ for Britannia over England. The third inscription, however, is ‘SCOT’ over Scotland. Through the artifact, the ‘Old Pretender’ to the British thrones is associated with a representation of Britain where Scotland is a distinct unit.

⁵²⁸ *Ibid.*, 96.

⁵²⁹ *Ibid.*, 113.

The medal at the origin of the Dundas controversy was a typical example of material culture produced in support of the exiled Stuarts' cause. Similar artifacts circulated in abundance, and the message they were meant to convey often went beyond a simple profession of loyalty to the 'King



Figure 2. *Unica salus*, 1721. Taken from Neil Guthrie, *The Material Culture of the Jacobites* (Cambridge: Cambridge University Press, 2013), 43, fig. 6.

over the water,' attacking the legitimacy of the new British constitutional order. A similar coin from 1721 shows James III on its obverse with the inscription "VNICA SALVS" ('the only safeguard' – see Figure

2). Its reverse shows an aggressive Hanoverian horse trampling the English lion and the Scottish unicorn under a resigned Britannia's watch, and a group of fugitives trying to escape London with what little they had left after the collapse of South Sea Company.⁵³⁰ The South Sea Company was a chartered company established by the British Parliament in 1711, "designed to be both a private trading company and part of the state's debt-management programme."⁵³¹ Britain's participation in the War of the Spanish Succession added a staggering £35 million to its national debt – increasing it to £48 million by 1714 –, some of which was contracted upon unfavorable terms, requiring short-term repayments.⁵³² To refinance high-interest illiquid government debt, the government planned to use stock shares in the South Sea Company, thereby replacing higher-interest short term debts with lower-interest long-term debts. To create revenue, the Company was given a global monopoly to supply African slaves to the American possessions of the Spanish

⁵³⁰ Edward Gregg, "Monarchs without a crown," in Robert Oresko, G. C. Gibbs and H. M. Scott, eds., *Royal and Republican Sovereignty in Early Modern Europe. Essays in Memory of Ragnhild Hatton* (Cambridge: Cambridge University Press, 1997), 397, plate 77.

⁵³¹ Helen J. Paul, *The South Sea Bubble: An economic history of its origins and consequences* (London: Routledge, 2010), 36.

⁵³² *Ibid.*, 43-44; Henry Roseveare, *The Financial Revolution, 1660–1760* (London: Longman, 1991), 52.

monarchy – the *Asiento de Negros* that was wrestled from Philip V in the 1713 peace treaty between Spain and Britain. The government was remarkably successful in decreasing the cost of government borrowing, the interest rates dropping approximately from 8.3 per cent to 3 per cent between 1711 and 1725.⁵³³ But the measures caused some collateral damage. “In 1720 the Company was engaged upon a project to convert a large part of the country’s public debt, some £31 million in all, into South Sea stock and to raise a further £7 million or so for a one-time cash payment to the Exchequer.”⁵³⁴ As a result, investors rushed to buy shares, suddenly inflating their price. An asset price bubble appeared on the British stock market and duly burst when, due to a set of factors, investors started to sell their shares. New shareholders lost between a quarter and the half of their investments in the Company.⁵³⁵ Beyond that, the share-price collapse crashed the whole stock market, dealing a severe blow to the stability of the national economy. The government was fully blamed for the speculative mania and fraud that were identified as the causes behind the crash. The Prime Minister, Robert Walpole was – justly – suspected of “covering up the involvement of various high-ranking members of the court,” and indeed various friends of the King and even some of his mistresses were involved in the bribery and corruption related to the company.⁵³⁶ King George I was himself an important and active investor in the company, who could not be detained from speculating on growing stock prices – even after the price had already multiplied.⁵³⁷ The *Unica Salus* medal was a reminder that the Hanoverian monarch – albeit Protestant – and his government had no claim to moral superiority over the legitimate – albeit Catholic – ruler, and that their moral corruption is harmful to England and Scotland, featured once more as distinct entities on the medal.

⁵³³ Gregory Price and Warren Whatley, “Did profitable slave trading enable the expansion of empire?: The *Asiento de Negros*, the South Sea Company and the financial revolution in Great Britain,” *Cliometrica* 15 (2021): 677.

⁵³⁴ Richard A. Kleer, “Riding a Wave: The Company’s Role in the South Sea Bubble,” *The Economic History Review* 68, no. 1(2015): 266.

⁵³⁵ *Ibid.*, 264.

⁵³⁶ Paul, *The South Sea Bubble*, 51.

⁵³⁷ Kleer, “Riding a Wave,” 278-279.

The Jacobites’ “rich and highly miscellaneous store of ‘material culture’” promoting the Stuart cause and attacking the Hanoverian regime was crucial to keeping the Stuart flame alive.⁵³⁸ The reliance on medals, coins, drawings, and even songs was well-suited to possibilities of the Stuart émigré court, dependent as it was on the protection and patronage of the French monarchy. And while medals were no substitutes for an army, visual and other artistic representations of the Stuart claim were doubtless useful in reminding the populace of the British monarchy that an alternative exists – to the government, the dynasty, and the Anglo-Scottish union. The circulation of these artifacts was also a relatively cost-efficient way – compared to an army – of representing rather complex messages from the right interpretation of the principle of hereditary monarchy to the corruption of the Hanoverian court and government.

Significantly, James III found no willingness for supporting the Jacobites’ anti-Hanoverian agenda at the court of his fellow ‘deposed’ monarch, the Emperor Charles VI. The endorsement of the Catholic Habsburg ruler could have seemed logical to the Stuart claimant, who harbored hopes to marry a sister or a niece of the Emperor around 1716-17, and to influence the negotiations between the Emperor and Philip V in 1725-26.⁵³⁹ But the Habsburg Monarchy had a far weightier interest in remaining on good terms with Britain, the Emperor’s ally in the war he fought for the Spanish thrones. Despite the formal conclusion of peace with Philip V in 1725, imperial diplomacy did not give up on discrediting the Bourbon monarch from as much of the contested inheritance as possible. As no such thing was imagined possible without the endorsement of the Hanoverian monarchy, Charles was never willing to recognize James III as the legitimate ruler of Britain, consistently following the approach of his (Charles’) father, the Emperor Leopold I who had no more goodwill toward James III’s father, refusing even to style him as “Majesty” after he took

⁵³⁸ Neil Guthrie, *The Material Culture of the Jacobites* (Cambridge: Cambridge University Press, 2013), 2.

⁵³⁹ Gregg, “Monarchs without a crown,” 392.

refuge under the wings of the French king, the most formidable obstacle standing in the way of the Spanish inheritance.⁵⁴⁰

In 1733, another war of succession put the Utrecht settlement to the test, this time sparked by the death of August II of Poland. Philip V seized the occasion to attack his archnemesis Charles VI and retake the Italian possessions of the Habsburgs that belonged to the Hispanic monarchy before the Peace of Utrecht. Calls for British support to the Habsburg monarchy gained a particular expression through the revival of *austriacista* literature that appealed to George II (1727-60) to make good on his predecessors' promises and shield the realms of the Crown of Aragon from the tyrannical government of the Bourbons. Essentially, the *austriacistes* were partisans of the House of Austria (against the House of Bourbon) in the War of the Spanish Succession, but in the aftermath of the war *austriacisme* came to designate a current of political thought that, beyond supporting the Habsburg claim to the thrones of Spain, defended a "corporative territorial order" for Catalonia, as well as the other realms of the Crown of Aragon and indeed the whole Spanish monarchy – against the incorporating union of the Bourbons.⁵⁴¹ One of Charles VI's most prominent Aragonese supporters, Juan Amor de Soria, who served in Charles' *Secretaría de Estado* in Barcelona and later in his 'alternative' *Consejo de España* in Vienna where he was awarded the title of count by the Emperor, dedicated a treatise to the British monarch in 1734 on the Bourbon threat to Europe. Soria's *Voz precursora de la verdad pregonando la esclavitud de Europa por las injustas invasiones de la Real Casa de Borbón clama para redimirla del cautiverio*, as the work was titled, was not published at the time, and consequently could not have found its way directly to George II.⁵⁴² It is nonetheless remarkable that it forcefully resuscitated the trope of French and Bourbon tyranny twenty years after the Peace of Utrecht to vindicate Catalonia's right to its ancient constitution and

⁵⁴⁰ Ibid., 383.

⁵⁴¹ Pablo Fernández Albaladejo and José Antonio Martínez Torres, "Pablo Fernández Albaladejo, sobre la historia política y constitucional de España en el Antiguo Régimen," *Historia Social*, no. 18 (Autumn 2006): 9.

⁵⁴² Ernest Lluch, "Juan Amor de Soria y Ramón de Vilana Perlas: teoría y acción austracistas," in *Aragonesismo austriacista (1734-1742). Escritos del Conde Juan Amor de Soria* (Zaragoza: Institución "Fernando el Católico, 2010), 25-26.

the Habsburg claim to the Spanish thrones. Soria wanted to draw the British monarch's attention, possibly with the Emperor's approval, to the persisting threat of the universal monarchy of the House of France, and he even makes references to the "most prudent and hard-working King William" in recognizing and trying to counter that menace earlier.⁵⁴³ Soria reminds King George that the reestablishment of "the descendants of King James, known as the *pretenders*" on the British throne is part of the Bourbons' plan, utilizing the subject of the Stuart threat to convey the urgency of the situation to the British monarch.⁵⁴⁴ Warning his audience (optimally the British) of the immense material resources at the Bourbons' disposal to subjugate Europe – they were already taking over Italy from the Habsburgs, after all –, Soria sharply contrasts the new, Bourbon and the old, Habsburg way of governing the Hispanic monarchy. Philip V's tyrannical incursion upon the rights of the legislative assemblies of Spain, including not only those of the Crown of Aragon but also the Castilian Cortes, threatens the peace of Europe as the Bourbon government can now raise taxes and appropriate resources without having to worry about the institutional control that these assemblies used to exercise.⁵⁴⁵ Soria's narrative did not only reinterpret the old, Habsburg way that annoyed the Count-Duke of Olivares a century earlier as the key for prosperity in Spain and peace in Europe, but it also made the connection between dynastic legitimacy and the quality of government in the Spanish context.

Soria's voice (*voz*) grew into a small choir in the following years. In 1735-36, lengthy pamphlets were published echoing the approach of the *Voz precursora*. One entitled *Via fora als adormits y resposta del Sr. Broak, secretari que fou del Sieur Milford Crow, al Sr. Vallés, son corresponent de Barcelona, sobre les matèries polítiques presents* was written as a fictional letter to Milford Crow, Queen Anne's representative who signed the Geneva Pact with the delegation of anti-Bourbon Catalans back in

⁵⁴³ Juan Amor de Soria (under the pseudonym Prudencio Veraz de Riaso), "La voz precursora de la verdad pregonando la esclavitud de Europa por las injustas invasiones de la Real Casa de Borbón clama para redimirla del cautiverio," in *Aragonesismo austriacista (1734-1742). Escritos del Conde Juan Amor de Soria* (Zaragoza: Institución "Fernando el Católico, 2010), 135.

⁵⁴⁴ Ibid., 130-131.

⁵⁴⁵ Ibid., 127, 142-143.

1705. The text reclaims Catalonia's ancient liberties while calling to account England and other European powers for abandoning the Catalans in their struggle against Bourbon absolutism.⁵⁴⁶ Another pamphlet, under the title *Record de la Alianza fet al Serm. Jordi-Augusto, Rey de la Gran Bretaña, etc., etc. Ab una Carta del Principat de Catalunya, y Ciutat de Barcelona* was dedicated to George II (Jordi-Augusto) in the name of the Catalonia and Barcelona, calling on the British monarch to keep the promises that his country made to the Catalans – promises that were not fulfilled in the Treaties of Utrecht. The *Voz precursora*, the *Via fora*, and the *Record de la Alianza* constitute a tryptic of sources that are not only linked by the responsibility they attribute to George II and the British monarchy in the reversal of Catalonia's bad fortune, but they also combine anti-Bourbon stances, the critique of bad, tyrannical government and the reclamation of Catalonia's liberties as they existed prior to the Nueva Planta decrees.

The renewed attack on Habsburg possessions in Italy during the War of the Polish Succession explains the resurgence of *austriacista*, anti-Bourbon literature that was often addressed to Great Britain in the 1730s. Further research is needed to determine whether the lack of evidence for similar expressions of the rejection of the new constitutional order and the new dynasty is due to the stricter limits to these expressions in the Spanish context compared to the British one – especially as the authors of the *Via fora* and the *Record* may have very well lived in Spain rather than in exile in Charles VI's imperial court or elsewhere.⁵⁴⁷ It is of course reasonable to suspect that the imposition of Castilian law on the realms of the Crown of Aragon and the severe measures of social discipline that accompanied it, especially in the four-five years following the taking of Barcelona were vastly unpopular in Catalonia. Ferran Soldevila, one of the most influential Catalan historians in the twentieth century and the author of the three-volume *Història de Catalunya* that

⁵⁴⁶ [Broak, et al.?], *Via fora als adormits y resposta del Sr. Broak, secretari que fou del sieur Mitford Crow al Sr. Vallés son corresponent de Barcelona, sobre las materias politicas presents* (Barcelona: [the heirs of Rafel] Figueró, 1734), <https://mdc.csuc.cat/digital/collection/lilibimps16/id/30937>.

⁵⁴⁷ Ernest Lluch, "El Austriacismo persistente y purificado: 1734-1741," in Jon Arrieta and Jesús Astigarraga, eds., *Foralismo, derechos históricos y democracia* (Bilbao: Fundación BBV, 1998), 53, fn. 8.

was first published just before the Spanish Civil War (1936-39) mentions an event that illustrates the existence of cautious expressions of dissent early into the Bourbon era. On January 10, 1715, a tower of a prison collapsed on the Plaza del Àngel (Plaça de l'Àngel) in Barcelona. In the following days, a small dialogue unfolded in short anonymous texts, written in Latin, attached one by one to the façade of the seat of the Diputació. The first text simply claimed: “Carceris ruina praesagium libertatis.” The ruin of the prison is a presage of liberty. Another text responded: “Carceris mansio ruit cur? Tota Cathalonia presidii habitatio est.” Why would the prison fall? The whole of Catalonia is a prison cell. The riposte went: “Dum renascatur libertas, universa Hispania quoque.” Until liberty is reborn, so is the whole of Spain – a prison cell, that is.⁵⁴⁸ The episode is perhaps anecdotal, but encapsulates the limits to expressions of dissent in post-war Catalonia. Two months after the collapse of the prison tower, on March 27, 1715, Josep Moragues i Mas, one of the generals in the service of Archduke Charles was paraded through the streets of Barcelona to be then publicly executed and quartered.⁵⁴⁹ Catalonia was treated as an occupied province in the years following 1714, where the suspicion of lèse-majesté could lead to arbitrary detention, torture, and execution – a sharp contrast with Dundas’ case, who was reluctantly prosecuted for sharpening his tongue on Britain’s rulers.

The émigré courts

The possibilities offered by the relatedness and chronological proximity of constitutional transformation and dynastic change were clearly detected by partisans of the dispossessed dynasties and/or the preceding constitutional orders. *Austriacista* writings and Jacobite medals express an awareness that dissatisfaction with the freshly minted British and Spanish union states

⁵⁴⁸ Ibid., 51.

⁵⁴⁹ Àngel Casals, “Colaboración y represión en la Cataluña borbónica (1713-1719),” in Miguel J. Deyá Bauzá, ed., *1716: el final del sistema foral de la monarquía hispánica* (Palma de Mallorca: Lleonard Muntaner, 2018), 95.

and their government can be potentially exploited to dissolve the unions, bring back the ancient constitutions, or restore the previous ruling dynasties – possibly all three of these options. The exploitation of these possibilities was of course contingent on the readiness and availability of political actors to build on the messages floated by medals and pamphlets. Such political actors were to be found in significant number in the retinue of the ‘expelled’ monarchs. The émigré courts that gathered around James II, then James III in Saint-Germain-en-Laye and later in Rome, and around Emperor Charles in Vienna harbored groups of supporters of these monarchs that were arguably among the most loyal, or in any event the most interested in keeping the flame of restoration alive, as well as engaging in preparations to that effect. Given that these courts remained the focus of such hopes and plans until the 1730s and, in the case of the Stuarts, into the 1740s, there is no doubt that Habsburg and Stuart restoration, as well as the return to the pre-1707 constitutional status quo in the British and the Hispanic monarchies was believed to be a possibility by many. Much like Fletcher’s and Feliu’s plans could seem nostalgic or delusional in hindsight, it is easy to dismiss the perseverance of the supporters of the losing dynasties as they failed to dislodge the Hanoverian and Bourbon ‘usurpers’ from their thrones. But it was not exactly for lack of trying.

The Stuart and the Habsburg émigré courts were in very difficult situations to be sure. James II and VII escaped from his London residence in disguise to find safety in France, where Louis XIV received his fellow Catholic monarch with a show of affection and provided him with a residence in the proximity of Versailles. In practice, however, this meant that King James effectively lost any hinterland that he might have had in Britain and came to depend financially on the sovereign of a country that was foreign to him with interests that were only coincidentally shared with James.⁵⁵⁰ Upon the death of his father, James III was proclaimed King of Great Britain by Louis XIV as the War of the Spanish Succession, which engaged France in a fight against Britain, unfolded. The

⁵⁵⁰ John Callow, *King in Exile. James II: Warrior, King, and Saint* (Stroud, England: The History Press, 2017), 38-41, 63-67.

Archduke Charles did not so much escape as officially left Barcelona in 1711 to be crowned Holy Roman Emperor in Frankfurt and take over the ruling of the Central European Habsburg lands from his deceased brother, Joseph I. Charles even left his spouse, Elisabeth Christine von Braunschweig-Wolfenbüttel behind to act as his regent in Spain. With the approaching of the Franco-Spanish troops, Empress-Queen Elisabeth was evacuated from Catalonia in March 1713.⁵⁵¹ The refugees who left the Iberian Peninsula behind to join the Habsburg ruler were not necessarily better off financially than those at the Stuart court in Saint-Germain, but their master was in a significantly better position even as he was pushed out of his Spanish kingdoms, being the ruler of a powerful empire to which the Peace of Utrecht added overlordship over significant parts of Italy and the Spanish (Austrian) Netherlands. James II and James III were, consequently, heads of a very different émigré court than Charles VI.

What made the two courts similar nonetheless was the care that was taken to maintain the appearances of proper royal households and administrations. “The Stuarts in exile tried very hard to maintain the formal, ceremonial and visual attributes of contemporary royalty,” including a royal household, the distribution of charity and patronage, and the orientation of morals through the public profession of faith.⁵⁵² James II and James III kept a large court, with as many servants as they could afford from the French subsidies – although as James III was losing the support of the French monarchy after the Peace of Utrecht and the death of Louis XIV, he had to put up with more modest circumstances. The exiled Stuart monarchs appointed their own government officials, including secretaries of state, and rewarded loyalty with ennoblement, thereby establishing a distinct Jacobite peerage. To emphasize their divine right to rule, James II, his son, and his grandson continued the practice of the royal touch to cure scrofula, a medieval institution that was

⁵⁵¹ O'Reilly, “Lost Causes,” 60; Espino López, *Pàtria i llibertat*, 132, 154.

⁵⁵² Daniel Szechi, “Negotiating Catholic Kingship for a Protestant People: ‘Private’ Letters, Royal Declarations and the Achievement of Religious Detente in the Jacobite Underground, 1702-1718,” in Anne Dunan-Page and Clotilde Prunier, eds., *Debating the Faith: Religion and Letter Writing in Great Britain, 1550-1800* (Dordrecht: Springer, 2013), 108.

last practiced in Britain by James II's daughter, Queen Anne – to be then completely abandoned by the Hanoverian monarchy.⁵⁵³

Charles VI likewise made a point of displaying attributes of Hispanic kingship in Vienna. In 1713, after it became impossible to maintain the Habsburg court in Barcelona, “Vienna became the new seat of the office of the *Secretaría de Estado y del Despacho Universal del Consejo Supremo de España*, whose members were almost exclusively Spaniards or Italians.”⁵⁵⁴ Mimicking the government of the Hispanic Monarchy in the *Residenzstadt* conveyed the message that the Bourbon administration in Spain was in fact illegitimate. The *Consejo* and its secretariats also served the practical purposes of providing employment to the loyal *austriacistas* who left their homes and livelihoods behind to follow their king to Vienna, and overseeing the government of the territories that the Utrecht settlement transferred to imperial sovereignty from the Spanish inheritance (the Spanish-turned-Austrian Netherlands, Milan, Naples, and Sardinia, the latter being later exchanged for Sicily).⁵⁵⁵ Charles VI also had his own *Consejo de Indias*, which served as “a repository for cartographic, cosmographic, and scientific knowledge” on American colonies, not only expressing the Emperor's claim to that part of the Spanish inheritance but also educating him in matters of transatlantic commerce.⁵⁵⁶ Throughout the 1720s, Charles kept including *Rey de Castilla* among his regnal titles, and he dedicated considerable resources to the representation of his beloved Spain in his court and the city of Vienna. His insistence on the observance of the notoriously strict Spanish etiquette, the construction of the Karlskirche in Vienna – the two columns in front of it evoking the pillars of Hercules flanking the Strait of Gibraltar –, and the monastery in Klosterneuburg – envisaged as a sort of Austrian Escorial – are but the most obvious testimonies to Charles'

⁵⁵³ Gregg, “Monarchs without a crown,” 383, 388.

⁵⁵⁴ O'Reilly, “Lost Chances,” 67.

⁵⁵⁵ León Sanz, “«Abandono de patria y hacienda»,” 242.

⁵⁵⁶ O'Reilly, “Lost Chances,” 60.

attachment to the Hispanic monarchy.⁵⁵⁷ Spain was on Charles' mind until his dying day; his last word before he died on October 20, 1740 was allegedly "Barcelona."⁵⁵⁸

Even though the Stuart and Habsburg claims only faded slowly, accompanying the British and the Spanish unions beyond the first decades of their existence, keeping the flame alive was certainly an exercise in hope. Ann Finch, who subsequently became known as one of the most prominent female poets of the late Stuart courts, and who, in unison with her husband, refused to take the oath of allegiance to William and Mary, remaining loyal to James II (albeit not following him to exile), gave a beautiful characterization of hope as something fundamentally human:

THE Tree of *Knowlege* we in *Eden* prov'd;
The Tree of *Life* was thence to Heav'n remov'd:
Hope is the growth of Earth, the only Plant,
Which either Heav'n, or Paradise cou'd want.
Hell knows it not, to Us alone confin'd,
And Cordial only to the Human Mind.
Receive it then, t'expel these mortal Cares,
Nor wave a Med'cine, which thy God prepares.⁵⁵⁹

The fulfillment of the hopes of the Jacobite and *austriacista* exiles was eventually denied by the intricacies of historical contingency, inasmuch as neither James II and VII and his descendants gained back their thrones, nor Charles VI was affirmed as Charles III (albeit he ruled under that name in Hungary, he might not have seen that as an adequate compensation for the loss of his Spanish inheritance). But for contemporaries, both the Stuart and the Habsburg restoration must have seemed a possibility, sometimes more distant, sometimes rather close. Just as it had been a combination of internal and external forces, events and options that forced James II out of London and the Archduke-later-Emperor Charles out of his beloved Barcelona, it was also a similar

⁵⁵⁷ Richard Bassett, *For God and Kaiser: The Imperial Austrian Army from 1619 to 1918* (New Haven: Yale University Press, 2016), 77.

⁵⁵⁸ O'Reilly, "Lost Chances," 70.

⁵⁵⁹ Anne Finch (née Kingsmill), Countess of Winchilsea, "Hope" in *Miscellany poems, on several occasions: Written by the Right Honble Anne, Countess of Winchilsea* (London: printed for J. B. and sold by Benj. Tooke, William Taylor, and James Round, 1713), 262-263.

combination that their hopes for return were built on. Constellations of international diplomacy and warfare were perhaps more determining in Charles's departure, and despite having had significant support in the Crown of Aragon, especially in Catalonia, he would have needed the success of the international coalition endorsing him in the war to counter the claim of his archrival, Philip V to the throne(s) of Spain. Events external to his control, the death of his brother Joseph I, and the subsequent change in his own position when he became Holy Roman Emperor, were also crucial in the formation of an international environment that was no more favorable to his Spanish claims. He could only hope that the caprices of international diplomacy may reopen the question of his succession in Spain. The War of the Spanish Succession, and the general framework of Anglo-French hostility was also instrumental in nurturing hopes for the return of the Stuarts. Despite maintaining their own court in Saint-Germain-en-Laye, they were not only the esteemed guests but also the protégés of Louis XIV, who tried to utilize them to distract and potentially weaken his English/British enemy by floating various plans for the restoration of James II and his son, James III on their thrones. The conflictual relations between Britain and either or both Bourbon monarchies kept bringing the Stuarts back to the attention of French and Spanish diplomacy until the 1750s.⁵⁶⁰

The hope for restoration was retained for a long time. As for the exiled Stuarts, this prevalence of hope is perhaps explained by the lack of alternatives to the dynasty's triumph. While the 'exiled' Charles of Habsburg in fact went home to Vienna as Holy Roman Emperor and ruler of the Central European Habsburg lands, James II was a truly exiled king who had to live on the goodwill of a foreign monarch. Even after the last serious attempts to gain back Britain to the Stuarts in 1745, restoration was not completely forgotten as a hope by Stuart loyalists and as a threat by Hanoverian governments until the extinction of the exiled dynasty with the death of Henry 'IX,' a cardinal of the Catholic Church. The Emperor Charles could never wholly give up his dream of

⁵⁶⁰ Daniel Szechi, "Scottish Jacobitism in its International Context," in Tom M. Devine and Jenny Wormald, eds., *The Oxford Handbook of Modern Scottish History* (Oxford: Oxford University Press, 2012), 366-368.

becoming the King of Spain, not even after the peace treaty with Philip V in 1725, but there was no question for his descendants to engage in costly warfare or diplomatic maneuvers for regaining the totality of the inheritance of the Spanish Habsburgs.

The émigré Stuart and Habsburg courts found themselves in fundamentally different situations. The Jacobite court in Saint-Germain, and later around wherever Charles Edward Stuart (another “Charles III”) was to be found before finally arriving in Rome to replace the hospitality of the kings of France with that of the Pope, remained a court that had very limited options for exercising political power. The Stuart court needed to find alternative ways to approach the subjects and to influence policy making. As for the first, since the vast majority of any European ruler’s subjects never saw the monarch they owed loyalty to, communication between court and subjects could be done with remarkable efficiency “via letters, declarations and visual propaganda.”⁵⁶¹ As for the exercise of political power, it had to be done indirectly and with great craft so that a foreign power (most importantly France) could identify certain courses of action beneficial to the Stuarts as being in its own interest. “Maintaining the image of legitimate monarchy at the exiled court” was to the diplomatic endeavors of the exiled Stuart monarchs, as it allowed James II and James III “to put themselves in the position of being able to communicate as one monarch to another when dealing with” the French and the Spanish monarchs, but also “princes such as Charles XII and Peter the Great.”⁵⁶² The court gathered around Charles VI in Vienna from his Spanish supporters was in a significantly different position, mirroring the difference between the positions of the Stuart monarchs and the Emperor. The *austriacistes* made part of a ‘real’ court, and the imperial court at that, which was not only the seat of a ruler who, in terms of political power, was on equal footing with the kings of France or Britain (or Spain), but he was also their ruler, the sovereign they professed loyalty to. The ‘Spaniards’ at the Viennese court had influence on policy making and reforms in the Habsburg monarchy the relevance of which went beyond the Italian and Flemish

⁵⁶¹ Szechi, “Negotiating Catholic Kingship,” 107.

⁵⁶² Szechi, “Scottish Jacobitism in its International Context,” 369.

possessions of the Emperor, even though their presence did not enjoy the universal approval of Charles VI's other courtiers.⁵⁶³

As such, the differences were indeed significant. But did these differences result in significantly different options and strategies for members of the émigré courts in their planning for the future? On the one hand, the basic choice was the same for members of both groups: finding their way home, or trying to make the most of their exiled, 'expat' status and live without planning to return home. While the two options and the strategies linked to each could be adjusted to changes in the circumstances, it seems likely that one of the options was dominant at any given time on the individual level. Those who decided to return home had to provide sufficient proof that they won't be any trouble to the governments of the newly established dynasties. Suspicion to the contrary was hard to disperse: in Britain, one could be persecuted for expressing Jacobite or 'Popish' sympathies, and Philip V was not more lenient in Spain as he confiscated property on a grand scale from those who were suspected to be partisans of the Habsburg cause. The peace treaty between Charles VI and Philip V in 1725 did much to facilitate the return of exiles from the Habsburg lands to Spain in the form of a mutual amnesty to each other's supporters.⁵⁶⁴ Jacobites in exile, who wished to return home, often had to rely on intercession by friends and benefactors at home to convince the government that they meant no danger to the stability of the country. Some of them proved that not to be the case when later deciding to get involved in a subsequent restoration attempt.⁵⁶⁵

The other option for members of the émigré courts was to make a living in their new homes. There the most important difference was perhaps between the kind of employment that the expats could find. Charles VI actively tried to help those who left Spain on account of their loyalty to him and reward them if possible. For some, especially from the ranks of the nobility and the clergy,

⁵⁶³ León Sanz, "«Abandono de patria y hacienda»," 242.

⁵⁶⁴ Ibid., 251-252.

⁵⁶⁵ Szechi, "Scottish Jacobitism in its International Context," 360-361.

this meant employment in Charles's government, typically in the Council of Spain and its secretariats. As the Spanish institutions in Vienna were not only tokens to express Charles' prevailing claim to the Spanish inheritance, the exiles employed there could provide their king valuable service in the administration of his Italian and Flemish territories. While Charles could not employ everyone in his administration who followed him from Spain to Vienna, he combined employment, charity, and settlement for his Spanish subjects. As late as the 1730s, when a new wave of *austriacista* refugees reached the Habsburg Empire after the loss of Naples (1734) and Sicily (1735), imperial authorities drew up a plan for settling the new exiles in the Temescher Banat, a crownland in the South of Hungary. Because of the Ottoman threat and the plague, it was a short-lived experiment; nevertheless, the fascinating fact is that after the establishment of Nova Barcelona, hundreds of Catalans, Valencians and Italians lived on the territory of today's Vojvodina (northern Serbia).⁵⁶⁶

Due to their less fortunate situation, the Stuarts could afford a much smaller court in exile, even though many courtly functions were maintained. This could absorb some of their most loyal followers at least for a time. As a typical example of – especially high-ranking Jacobites – offering their services to their exiled royal family, “James Drummond, the Jacobite Duke of Perth, became chamberlain for Queen Mary of Modena and dedicated himself to the service of the exiled dynasty.”⁵⁶⁷ But many had to look for other employment outside the court. Since most of the Jacobite exiles were from the nobility, the most popular alternative to court service was the army. One of James II's illegitimate sons, James FitzJames, the Duke of Berwick, made a career in Louis XIV's army. His military leadership was instrumental to the success of the Franco-Spanish troops in the War of Succession. At the battle of Almansa, which proved to be the turning point in the war in 1707, “the marshal duke of Berwick saved the Bourbon succession” by imposing defeat on the armies of the Grand Coalition – including of course England. As a reward, Philip V created

⁵⁶⁶ Alcoberro, “L'exili austriacista i la Nova Barcelona del Banat de Temesvar”, 105-107.

⁵⁶⁷ Szechi, “Scottish Jacobitism in its International Context,” 360.

him Duke of Lirica and Jérica.⁵⁶⁸ He was also a key figure in the capture of Barcelona in 1714. The Duke of Ormond likewise fought on the Bourbon side in the war, and his connections in Spanish aristocratic society secured him “a commission in the Spanish army and a pension, which he enjoyed until his death in 1745.”⁵⁶⁹ George Keith, Earl Marischal, similarly “rose to high rank in Spanish and French service before becoming a trusted adviser to Frederick the Great of Prussia.”⁵⁷⁰ Other Jacobites, especially those without the pedigree required for court service or the higher military ranks, tended toward the business of commerce. We find them doing business in Cádiz, pitching ideas for trading companies to the Spanish or the Swedish monarch, and even engaging in privateering around Madagascar.⁵⁷¹

While many exiles were able to lead what seems to have been a rich and fulfilling life in their new homes, inside or outside their monarch’s courts, a careful analysis of the sources left by them could surely shed light on how often longings for what had been, or what could have been took at them. Apart from nostalgia experienced by the actual émigrés, it is also interesting how the Stuart and the Habsburg dynasties appear in narratives that were woven after by posterity. The Jacobite legendary, with the figures of the James III and Charles III, “Bonnie Prince Charlie” has given a lot to romantic national imagery in Britain – especially in Scotland, as attested by the works of Sir Walter Scott. While the Stuart drama was turned into “romantic tradition [...] before the bodies at Culloden were cold,”⁵⁷² Charles of Habsburg seems to have inspired Spanish romanticism⁵⁷³ and even the Catalan national legendary in a less obvious way – perhaps because on the one hand, the

⁵⁶⁸ Kamen, *Philip V*, 59.

⁵⁶⁹ Daniel Szechi, “‘Cam Ye O’er Frae France?’ Exile and the Mind of Scottish Jacobitism, 1716-1727,” *Journal of British Studies* 37, no. 4 (1998), 365.

⁵⁷⁰ Szechi, “Scottish Jacobitism in its International Context,” 360.

⁵⁷¹ Harry M. Lewis, “From ‘the land of cakes’ to Cadiz and Across the Atlantic: the Stuart Papers as a Source for Investigating Scottish Merchants in the Eighteenth Century,” *Scottish Archives* 27 (2021), 57-67; Harry M. Lewis, “A ‘Project was contrived and carried on with great secrecy’: International Irish Jacobite Networks and the Madagascar Project, 1718-1723,” *Northern Studies* 52 (2021), 135-160.

⁵⁷² Monod, *Jacobitism and the English People*.

⁵⁷³ Alfonso Danvila’s *Luchas fratricidas en España*, a series of historical novels set during the succession crisis that expanded to ten volumes by 1940 was popular in the 1920s and 1930s. The novels offered the fight between King Philip and Archduke Charles to the readers as a sort of national romantic reminiscence.

Bourbons successfully took over the lead in Spanish nation-building narratives, and to Catalan and other “non-Castilian” nationalisms Charles’ Habsburg predecessors were rather ambiguous characters from the perspective of regional particularisms.

Not for a lack of trying

Similarly to the alternatives that Fletcher and Feliu proposed to incorporating union prior to its establishment, the alternatives that the disinherited royal families incarnated should not be judged solely from the wisdom of hindsight. The Habsburg and Stuart alternatives were not all hopes and plans; attempts were made to regain the lost crowns, and thereby open the possibility for the dismantling of the unions between England and Scotland, Castile and Aragon – at least the specific forms that these unions took after 1707. Any attempt to restore the old dynasties reasonably depended on the two conditions that the new dynasties had in their favor: the availability of coercive measures within the society of the realms to reconquer and a favorable diplomatic constellation. The old dynasties and their partisans made attempts to profit from or even bring about such these conditions, with varying degrees of success, which, as we know, was ultimately not enough to oust the ‘new’ dynasties.

Emperor Charles did not accept the defeat that the Treaties of Utrecht and Rastatt meant relative to his claims to the Spanish inheritance. From his perspective, the Utrecht settlement embodied the ‘Great Betrayal’ of his allies, and he duly refused to sign a peace treaty with Philip V in 1713-14.⁵⁷⁴ Habsburg diplomacy kept the matter of Spanish succession afloat, waiting for a favorable occasion to enlist the support of other European powers for the revision of the peace settlement. While the fact that Charles remained the ruler of the Central European Habsburg lands could do little to alleviate the concerns of his erstwhile allies in the War of Succession relative to the

⁵⁷⁴ Kamen, *Philip V*, 110; Bassett, *For God and Kaiser*, 76.

excessive concentration of power and resources in the hands of a single sovereign, the Emperor was not wrong in anticipating that the twists and turns of European diplomacy would provide occasions for adjustments. The Treaties of Utrecht underlined that the integrity of the Spanish inheritance was not sacrosanct to European powers, and, should he maneuver himself into an unfavorable bargaining position, Philip V's share might be up for debate again. A partition of the Iberian territories in the form of the restitution of Catalonia or the Crown of Aragon to Charles would have broken up the unions imposed in the Nueva Planta decrees, although whether a hypothetical Habsburg restoration in the Eastern Iberian realms would have necessarily meant the embracing of the ancient constitutions remains a moot point. Especially as the possibilities of Habsburg diplomacy were heavily constrained by Charles' fixation on securing international support for his Pragmatic Sanction that altered the order of succession in the Habsburg monarchy to secure his daughters' and their descendants' right to his thrones and crowns. In fact, this was such an important objective that Charles was willing to yield to the pressure from Britain and France and concluded peace with his archrival Philip V in 1725. In the Treaty of Vienna, Philip made a commitment to recognize Charles' heir apparent, Maria Theresa as the ruler of the Habsburg monarchy and dropped his claims to territories in Italy and the Netherlands that the Utrecht settlement gave to Charles. In exchange, Charles acknowledged Philip as the rightful sovereign of Spain and he renounced all claims to the Spanish Crown to the extent that he accepted the House of Savoy as the rightful heir to that Crown in case the Spanish Bourbon line goes extinct.⁵⁷⁵ The rapprochement between the consummate enemies also meant that they mutually offered amnesty to each other's supporters, which allowed many *austriacista* refugees to return home from Vienna. This weakened lobbying in the imperial capital for the reconquest of the Spanish crowns.

⁵⁷⁵ AHN ESTADO,3369Bis,Exp.31. For an excerpt of the contents of the Treaty of Vienna and the related archival documentation, see <https://pares.mcu.es/ParesBusquedas20/catalogo/description/5650550?nm>.

The newfound amity between Vienna and Madrid did not last long. The War of the Polish Succession clearly demonstrated that neither party was resigned to accept the status quo of the partition of the Spanish inheritance. The Emperor and the Aragonese authors in his service found it crucial to secure the support of Great Britain, but the Habsburg armies failed to impose the necessary preconditions for the mobilization of diplomatic support. Most of the Italian territories of the Spanish inheritance were lost to Charles as Philip's armies occupied the Kingdoms of Naples and Sicily, installing his son Charles (Don Carlos, Carlo di Borbone) as the ruler of Southern Italy. The Grand Duchy of Tuscany had to be ceded to the Habsburg monarchy by Don Carlos, which could then be conveniently offered by Charles VI to Francis Stephen of Lorraine, his future son-in-law in exchange for his ancestral duchy, which in turn was given to Stanisław Leszczyński, Poland's deposed king and father-in-law to Louis XV of France, to be incorporated into the French monarchy upon Stanisław's death – but the utility of Tuscany in the peace settlement following the War of the Polish Succession and in the arrangement of Francis Stephen's situation prior to his marriage to Archduchess Maria Theresa was meager compensation for the loss of Naples and Sicily. The Bourbon takeover in the *Mezzogiorno* occasioned another stream of refugees to Vienna, but no more occasion presented itself for Charles VI to become what he always considered himself to be: King of Spain. The point that Charles VI should have paid at least equal, or perhaps more attention to military matters than to diplomacy seems fair, considering that his diplomatic maneuvers served him very little in reclaiming his Spanish inheritance.⁵⁷⁶ The futility of diplomacy over arms was laid bare after Charles' death in 1740. The War of the Austrian Succession (1740-48) that Maria Theresa's accession ignited made it clear that Charles' sacrifices for securing the recognition of his daughter by the European powers were partly in vain, including the conclusion of peace with Philip in 1725 to secure the endorsement of Spain, and the withdrawal of his support for the Ostend Company, a trading company that was meant to connect the Habsburg empire to

⁵⁷⁶ Bassett, *For God and Kaiser*, 77.

the bloodstream of transoceanic commerce, to placate the British and the Dutch (Second Treaty of Vienna, 1731.)⁵⁷⁷ While the Prussian ruler, Frederick II (1740-86) has been – rightly – canonized as Maria Theresa’s greatest foe, Philip V did not hesitate to add to the troubles of the young Queen, addressing her on the death of her father as the “Grand Duchess of Tuscany,” thereby withholding his recognition of the Archduchess as the legitimate ruler of the Habsburg monarchy.⁵⁷⁸ In his lifetime, Charles VI could and did retain some hope for a redistribution of the Spanish inheritance that would be more beneficial to him; in the years following his death, the integrity of the existing Habsburg possessions came under severe duress, marking the end of meaningful Habsburg claims to the throne(s) of Spain.

The Stuarts’ diplomatic options were severely constrained by the fact that they could retain little independence in this regard from the French monarchy. Luckily for them, the smooth development of a British fiscal-military state was not in the interest of the French, so Louis XIV was willing to sponsor invasion attempts that could have contributed to the restoration of the Stuarts to their Irish, Scottish, and English thrones – or only some of them, an alternative that would have meant the breakup of the British monarchy to the possible advantage of France. Months after James II escaped from London to the protection of the French monarchy, he was back in Ireland with the help of a French fleet in 1689, landing at Kinsale on March 12. He rode into the City of Dublin on Palm Sunday – Ireland’s glorious Catholic king. For a short while, he had good reason to think that he could be the master of all Ireland, especially as his Irish Parliament did not declare that he had forfeited his throne, unlike first his English, and, upon weighting James’ arrogant letter to William’s more conciliatory one, his Scottish Parliament. Yet to James, Ireland was meant to be a springboard to his only acceptable goal, his reaffirmation as King of Great Britain – all three of his kingdoms. Foreshadowing subsequent Stuart restoration attempts, James’ plan was to land in Scotland, where he expected to quickly rile up support for his cause and engage

⁵⁷⁷ O’Reilly, “Lost Chances,” 62-64.

⁵⁷⁸ Bassett, *For God and Kaiser*, 85.

William's armies on terms favorable to him. But the French were not willing to subsidize such a grandiose invasion. Taking Ireland for James was already a costly business, and a sufficient achievement from the perspective of French strategy, focused on the frustrating of William of Orange. Important parts of Irish society that were otherwise favorable to James' rule were not entirely supportive of his Scottish and English ambitions, either, and would have rather supported the stabilization of Ireland and its further decoupling from the British Isles. In addition, it was difficult to raise the necessary funds from Ireland to continue with James' Reconquista, as the country was relatively poor and undercapitalized in part due to the restrictive measures that the Westminster Parliament had imposed on the exportation of cattle and sheep to Europe and England, bringing into evidence the damage that previous French subsidies to King James had caused by disincentivizing sound economic and fiscal policies.⁵⁷⁹

In the end, no invasion attempt materialized in Scotland. After William's arrival in Ireland, James' troops were routed at the Battle of the Boyne, and the Stuart monarch fled to France once more, leaving Kinsale on July 4, 1690. He was not to step on Irish, Scottish, or English soil ever again, but the Stuarts' struggle continued after James II and VII's death in 1701.⁵⁸⁰ The clouds of the War of the Spanish Succession already gathering on the horizon, Louis XIV did not miss another opportunity to proclaim a king (after the proclamation of his grandson at Versailles the previous year): James III and VIII acceded to the British thrones, as far as France was concerned.⁵⁸¹ This turned the Spanish succession crisis into a potential British succession crisis, as a French victory or a possible French invasion of Britain could have meant the end of William's reign. Rumors of a rebellion of militant Presbyterians and Jacobite Highlanders accompanied the last session of the Scottish Parliament while it drafted the Articles of Union. Albeit historians disagree over the gravity of the threat of popular uprisings in Scotland in the period leading up to the passing of the

⁵⁷⁹ Callow, *King in Exile*, 91-95.

⁵⁸⁰ *Ibid.*, 91-181.

⁵⁸¹ Kamen, *Philip V*, 29.

Treaty of Union in Edinburgh, the possibility must have appeared very real at the time and supporters of the exiled dynasty were involved in the related scheming.⁵⁸² Reflecting a deep-seated unease with Scotland's incorporation into a British state, "a memorial was prepared on behalf of some of the chief nobles of the country calling for a restoration" of the Stuarts immediately after the Act of Union entered into force.

Plans were made to transform the unease into a major rising and restore James VIII to his Scottish kingdom. A French invasion force reached Fife, the area facing Edinburgh from across the Firth of Forth in March 1708, but the Royal Navy made it impossible for the small fleet to put the troops it carried ashore. Despite the supposable presence of Jacobite forces gathering nearby, the French admiral decided to withdraw rather than to risk landing James alone.⁵⁸³ The landing attempt failed so quickly that it hardly ever sparked the interest of historians – despite its potentially momentous consequences for the British union state that Daniel Szechi compellingly pointed out in his account of what he termed "Britain's lost revolution." The capabilities of the Stuart court in exile for independent political action were heavily constrained by the hospitality of the French monarchy, but Mary of Modena, James II and VII's widow who presided over the Jacobite court following her young son's proclamation in 1701, and her ministers worked hard to turn the military setbacks that France suffered in the War of Succession to their advantage, and convinced Louis XIV of the advantages of inciting an armed revolt in Scotland against the fledgling British union state. Significantly, the Jacobite and the French courts were aware that the Scots Jacobites wanted more than a simple restoration of the Stuarts, aiming for the establishment of a limited Scottish monarchy very much after the fashion of Fletcher's and Ridpath's take on the matter. The threat meant by the prospective ruler's Catholicism was to be neutralized through constraining the King's profession of faith to his household and curbing the royal prerogative, essentially inviting James

⁵⁸² Karin Bowie, "Popular resistance and the ratification of the Anglo-Scottish treaty of union," *Scottish Archives*, no. 14 (2008): 10-26.

⁵⁸³ Murray G. H. Pittock, *Jacobitism* (New York: St. Martin's Press, 1998), 32-33.

VIII to become a largely ceremonial figurehead of a reformed Scottish monarchy. A figurehead that, otherwise, would best not be shared with England: plans to concentrate the efforts to Scotland resulted from the recognition by the exiled Stuart administration that Queen Anne, the union state, and the Hanoverian succession were more popular in England, and therefore less energy should be wasted on organizing English Jacobites. In principle, everything was ready for a successful Scottish restoration: the Stuart court skillfully lobbied France to assist with the venture, which France included into its own military strategy, and there was support for the return of a Stuart monarch in Scotland, even if much more restrained in his prerogatives than his predecessors. The events of 1708 constitute “one of the hinge points of history,” not because of what happened, but because of what could very well have happened, underlining the centrality of “sheer happenstance, or contingency, in the outcome of events” and the survival of the British union in general.⁵⁸⁴

The limited, resource-conscious but dedicated French support that the Stuart cause enjoyed was not to be regained in subsequent years, and practically evaporated following the end of the War of the Spanish Succession. “Favoured for many years by English belligerence towards France, the Treaty of Utrecht undermined Jacobite hopes” for active French engagement in favor of the restoration of the Stuarts.⁵⁸⁵ The conclusion of peace between Britain and France meant that harboring the ‘Old Pretender’ and his family became a liability to French diplomacy, especially after the death of the Stuarts’ most important (if not entirely selfless) protector, Louis XIV in September 1715. As his situation became untenable in France, James III and VIII made another attempt to regain his British crowns, starting with Scotland. While he had no French forces accompanying him when he landed at Peterhead in December 1715, the Stuart prince could reasonably expect to be able to build on the manifestations of popular support that marked the

⁵⁸⁴ Szechi, *Britain’s lost revolution?*, esp. Chapters 4 (on the agenda of the Scots Jacobites) and 5 (on the French geopolitical considerations). Quotes are from pp. 3 and 198.

⁵⁸⁵ Pittock, *Jacobitism*, 53.

previous years. His birthday (June 10) was loudly celebrated in Edinburgh and Leith in 1712 and 1713.⁵⁸⁶ In 1715, June 10 marked the peak of anti-Hanoverian riots in England, following disturbances on George I's birthday (May 28) and on the day of his coronation the previous October.⁵⁸⁷ By the end of 1715, the unpopularity of the new British union and the Hanoverian succession prepared the way for the Jacobites "to pose as the champions of Scottish liberties against Westminster autocracy and impositions," and recommended Scotland as the ideal point of incursion for a Stuart restoration attempt.⁵⁸⁸ The time has come for a "great Jacobite rebellion" to realize "what had been envisaged in 1708, but without the prospect of French intervention;" a possibly even better scenario.⁵⁸⁹ And indeed, the Earl of Mar was able to gather a considerable force in the name of James VIII even before the latter even landed in Scotland. At its height, the Jacobite army was fifty battalion strong, consisting of up to twenty thousand men, which outnumbered the forces that the British government stationed in Scotland at the time. Plans were also made for a simultaneous uprising in the south-west of England. However, even though "opportunities for real progress were there, [...] they had literally been thrown away by inept leadership."⁵⁹⁰ Mar proved to be completely unable to make any profit from his advantageous positions, and the uprising in England was so poorly prepared that it did less to help the Stuarts than to alert the government in London.⁵⁹¹ In the end, James only had time to triumphantly enter Dundee and Perth before having to turn around and quickly leave Scotland.

Despite the failure of the attempt, James III and VIII abandoned neither hopes, nor planning for reclaiming his British thrones. Even though he could not count on French support anymore, and Austria was unwilling to compromise its relationship with Britain for his sake, James gained the attention of another Catholic monarch: Philip V of Spain. Conveniently for the Stuart cause,

⁵⁸⁶ Ibid., 39.

⁵⁸⁷ Monod, *Jacobitism and the English People*, 173; Pittock, *Jacobitism*, 37.

⁵⁸⁸ Devine, *Independence or Union*, 34.

⁵⁸⁹ Szechi, *Britain's lost revolution?*, 2.

⁵⁹⁰ Devine, *Independence or Union*, 35.

⁵⁹¹ Pittock, *Jacobitism*, 39-40.

Spanish-British relations quickly turned sour after the Peace of Utrecht. Cardinal Alberoni, Philip V's chief minister favored the cultivation of the British alliance after the war as the best course for Spain. It was not an easy sell in the first place, as King Philip was profoundly irritated with the Brits on account of the concessions that they wrangled from him in the peace treaties, including the *asiento* and the occupation of Gibraltar and Menorca. After Britain concluded a treaty with the Emperor in 1716 guaranteeing the Habsburg possessions in Italy that he considered part of his rightful inheritance, Philip turned his back on Britain and swore to avenge "those islanders" that he considered "the eternal enemies of the house of Bourbon."⁵⁹² Spain and Britain – the latter as part of the Quadruple Alliance with France, Austria, and the Dutch republic – were at war once again from 1718, when Philip made moves to regain those Italian possessions. Once again, endorsing the Jacobites seemed convenient to distract the British forces, which were already plundering Galicia. Alberoni organized "a small naval expedition of two warships, one frigate and several transport vessels" to transport five thousand men from Cadiz to Corunna (A Coruña/La Coruña), "pick up the duke of Ormond (who since 1715 had become a leading supporter of the Jacobite cause) and set out to invade Scotland in the name of James III." Not for the first time in the history of Anglo-Spanish relations, inclement weather turned the venture into a disaster when "storms off Galicia in early April shattered the fleet even before it could enter the harbour at La Coruña, where Ormond and James gloomily watched the survivors come ashore." James was shaken by the disaster, as attested by his letter to Philip V, but Ormond remained optimistic enough to go on to Scotland with a reduced invasion force of two frigates and three hundred Castilian infantry. Although "the Spaniards reached Inverness, where they were supported by local Jacobites including the famous brigand Rob Roy, [they] were outnumbered and forced to surrender to the British troops in an area that is still today known as 'the Spaniard's Pass'."⁵⁹³ Even this fiasco did not mean the end of attempts to restore the House of Stuart to its British thrones. Prince

⁵⁹² Kamen, *Philip V*, 110-111.

⁵⁹³ *Ibid.*, 126-127.

Charles Edward Stuart, James III's son and heir presumptive tried and failed once more to regain his family's due, sailing to Scotland in 1745. 'Bonnie Prince Charlie' had, similarly to his grandfather and father, a realistic chance to successfully defy the Hanoverian state and reclaim at least part of what had been lost to his family, but the rising of 1745 turned out to be reverse of that of 1715, being "well led and badly manned."⁵⁹⁴ Prince Charles' armies were routed at Culloden on April 16, 1746. The carnage that followed and the more general measures of the British government to break any resistance to Hanoverian rule in Scotland dealt a final blow to the Stuarts' cause.⁵⁹⁵

The equivalent of Stuart invasion attempts was missing in the Spanish-Catalan context. Charles VI was not a destitute prince who could have showed up in Barcelona to gather his supporters and try to drive out the Bourbon usurpers. The Emperor intended to rely on favorable turns in European diplomacy to regain the totality of his Spanish inheritance – this is what he tried and failed to achieve in the War of the Polish Succession, and this is what explained his Spanish courtiers' appeals to the King of Great Britain in the 1730s. It was the Catalans themselves, loyal less to 'Carlos III' than to their patriotic conceptions, who resisted the Bourbon troops from the withdrawal of the allied forces in the summer of 1713 until the fall of Barcelona in 1714. Catalonia had to be conquered militarily, which inspired little confidence in the new masters of the Principality. For the Hanoverian government in Britain, it took several Jacobite risings spanning over half a century to finally apply the brutal repression after the '45 that the Bourbon government deemed necessary in the years following the conquest of Catalonia. To an extent, the harsh measures impacted King Philip's partisans as much as his detractors in the towns of Catalonia, the desperation occasionally leading to revolts even in towns considered loyal by the government, like Brega in the Easter of 1715.⁵⁹⁶ Due to the military occupation, these outbursts had little chance of leading to the eruption of a general anti-Bourbon revolt in Catalonia, which makes it even more

⁵⁹⁴ Pittock, *Jacobitism*, 49.

⁵⁹⁵ Devine, *Independence or Union*, 42-46.

⁵⁹⁶ Casals, "Colaboración y represión en la Cataluña borbónica (1713-1719)," 96.

remarkable that armed *austriacista* uprisings are documented from as late as 1735, underlining the long-term survival of contestations to Bourbon rule.⁵⁹⁷

By the 1740s, Habsburg designs on the Hispanic inheritance and Stuart restoration attempts were finally running out of steam. Charles VI's Spanish dreams died with him, as his successors were neither able, nor particularly willing to cling on to them. Maria Theresa (1740-80) had other things to worry about, especially at the beginning of her reign when her rule as a female monarch was contested, she could not immediately secure the imperial title for her husband, and Frederick II's attacks threatened the integrity of her monarchy. Despite overcoming these difficulties, Maria Theresa soon found herself in a situation relative to Silesia that replicated his father's long and unsuccessful quest to regain Catalonia and other parts of the Spanish inheritance. Joseph II (1780-90, Emperor and co-ruler from 1765) was not even particularly interested in the bits of the Spanish inheritance that his grandfather did secure; he would have gladly exchanged the Austrian Netherlands for Bavaria.⁵⁹⁸ Prior to his short reign as Emperor, Leopold II (1790-92) showed great interest in reforming the government of Tuscany as its Grand Duke (1765-90), but by the end of the eighteenth century the territorial expansion of the Habsburg monarchy had been irreversibly reoriented toward the north-east and the south-east, Poland and the Balkans – directions opposite to Spain. As for the Stuarts, the rebellion of 1745 convinced the authorities of the Hanoverian state that they need to eradicate Jacobitism from Scotland and break up the traditional social structures that had proven to be accommodating to rebellion on more than one occasion since the Glorious Revolution. Charles Edward Stuart, the 'Young Pretender' was pursued for months by British soldiers after the battle of Culloden, but he eventually managed to escape Britain, wander around Europe and loose most of the sympathy for his cause as he relieved his frustration through alcohol-infused debauchery. Upon his death in 1788, his brother Henry, named Duke of York by

⁵⁹⁷ Lluch, "El Austriacismo persistente y purificado: 1734-1741," 53.

⁵⁹⁸ Paul P. Bernard, *Joseph II and Bavaria: two eighteenth century attempts at German unification* (The Hague : M. Nijhoff, 1965), esp. 151-160.

James III and created Cardinal of York by Pope Benedict XIV, proclaimed himself king as Henry IX. Being a cardinal of the Catholic Church, there was no prospect of him siring legitimate heirs, and he lived the last years of life as a pensioner of no other than George III, the Hanoverian King of Great Britain.⁵⁹⁹ The future George IV also contributed to Henry's livelihood by purchasing items from the cardinal's collection of family memorabilia.⁶⁰⁰

But before the exiled Stuart monarchs were turned into romantic figures of Scottish national mythology, they had been very real characters with agency to profit from a set of circumstances and the possibility to regain their thrones. Starting with James II, three generations of Stuart princes enjoyed significant support throughout the British monarchy. James II found a remarkably warm welcome in Ireland, the kingdom that was the least concerned about his Catholic sympathies and where Parliament did not declare his crown forfeit. James III and his son landed on multiple occasions in Scotland, where the unpopularity of the union with England and the foreign rulers – first William, later the Hanoverians – maintained Jacobitism as an organizing principle of great potential in Scottish society. As the rebellion of 1715 made it clear, there were Jacobites in England as well, waiting for the right occasion to endorse a returning Stuart monarch. Catalonia's people were likewise not endeared to the House of Bourbon, the perception of the dynasty as foreign being aggravated by the military occupation and repression after 1714, and *austriacista* sympathies endured into the 1730s. For a long time, it was not evident that the union with Castile would bring tangible benefits to the trade-oriented Principality, either. The access to the American markets remained cumbersome, and Philip V's administration failed in its attempt to dismantle the customs barriers within Spain. Despite the relative peace of post-Utrecht Europe, the recurring diplomatic

⁵⁹⁹ Bendor Grosvenor, "The Restoration of King Henry IX: Identifying Henry Stuart, Cardinal York," *The British Art Journal* 9, no. 1 (2008): 28–32; Walter W. Seton, "The Relations of Henry Cardinal York with the British Government," *Transactions of the Royal Historical Society* 2 (1919): 94–112.

⁶⁰⁰ Some of these artifacts were on display in the Queen's (now King's) Gallery in Buckingham Palace for the exhibition "George IV: Art & Spectacle" between November 2019 and May 2020. See <https://www.rct.uk/collection/exhibitions/george-iv-art-spectacle/the-queens-gallery-buckingham-palace/the-exhibition/private-pursuits>.

and military conflicts kept the question of the redistribution of the Spanish inheritance alive for decades. In both contexts, the entanglements between dynastic change and constitutional recalibration kept the door open for the old dynasties to reclaim their due.

In the end, the conditions that favored the claims of the exiled dynasties were not properly harvested. The post-Utrecht system, as conflictual as it was, marked by continuously shifting alliances between the great powers, did not allow for a cataclysmic event comparable to the War of the Spanish Succession that could have reorganized not only the dynamics of inter-state relations, but also the internal constitutional-dynastic setup of the states involved. Alternatives to incorporating union in Britain and Spain remained possible alternatives rather than lost causes for decades after their inception, but certain limitations, to an extent inherent in the situations of the losing contestants, did not allow the actualization of their potential. Charles VI clearly favored a diplomatic over a military approach in his fight to regain his Spanish crowns, but the War of the Polish Succession made it clear that diplomacy could not achieve such major overhauls without the necessary force to back it up. In hindsight, focusing on a military approach might have proven more efficient relative to both of his great diplomatic endeavors: the reclamation of the Spanish inheritance and the securing of the smooth succession of his daughter, Maria Theresa. In a similar vein, James II and his heirs often hesitated or were unwilling to embark on a course of action that could have increased the odds in their favor. They certainly did not think that London (or Edinburgh) is well worth denying the mass, stubbornly refusing to leave their Catholic faith – with Charles Edward Stuart’s short-lived and remarkably late conversion to Anglicanism in 1750. The Stuarts’ devotion collided head on with the reality that “the vast majority of the Jacobites in England and Scotland were Protestant, and though there were a great many Irish Catholics who regarded the Stuarts as their rightful monarchs (and yearned, fought and died for them 1688–1760) they counted for little in the internal politics of the Jacobite movement.”⁶⁰¹ While the exiled

⁶⁰¹ Szechi, “Negotiating Catholic Kingship,” 108.

dynasties were not able to profit from the favorable occasions for decades, the material benefits of union slowly started to outweigh the unpopularity and hardships that characterized their first decades in Scotland and in Catalonia. The alternatives for the British and the Spanish incorporating unions gradually faded into the background of history.

Conclusion – Unions and disunions

In 1740, a certain Count Bonneval addressed a mémoire to the Bourbon rulers of Spain and the Two Sicilies concerning the commerce of these kingdoms.⁶⁰² The Isle of Sicily was especially central to the author's propositions: situated on the same latitude in the North as the Cape of Good Hope in the South, Bonneval argued that Sicily could similarly be turned into a "*jardin universel*," a universal garden where sugarcane, coffee, tobacco, indigo and other colonial produce could be cultivated.⁶⁰³ The availability of such commodities in the Mediterranean would allow the establishment of lucrative trade relations with the Ottoman Empire and the world beyond, from Tartary to Abyssinia. The Bourbon kingdoms could supply the vast Turkish market with produce of the New World grown in the Old one. The lower costs of producing sugar in Sicily would crush French, English, Dutch, and Venetian competition that relies on American supplies – if only proper refineries would be established in the Two Sicilies, for the Sultan's subjects liked their sugar "*tres blanc et fort dur*" apart from the "*cassonnade*" that they added to their marmalades. While Bonneval thought it "useless to represent the great advantages that sovereigns and subjects" alike drew from commerce, he insisted that commerce was instrumental to remedy the "lethargy and laziness" of the people of Naples and Sicily, "where the basic and most essential commodities of commerce are to be found in the greatest abundance, and as they depended on the House of Austria during the preceding century, they are also the countries where the advantage of the Sovereign and the prosperity of the subjects were the most neglected."⁶⁰⁴

⁶⁰² AHN ESTADO,3380 Exp.1

⁶⁰³ Toby Musgrave and Will Musgrave, *An Empire of Plants: People and Plants that Changed the World* (London: Cassell, 2000)

⁶⁰⁴ "Les deux Siciles et L'Espagne sont les Royaumes de L'Europe, ou les Danrées les plus fondamentales du Commerce, et les plus essentielles sont les plus abondantes, et dans le siecle passé qu'ils dependoyent de la Maison d'Autriche, cetoit aussi les Pays ou l'avantage du Souverain, et la Prosperité des sujets ont été les plus negligés."

Commerce and constitution: the ghosts of past, present, and future

Count Bonneval was Claude Aléxandre de Bonneval, a nobleman of French origin whose life was just as colorful as the vision of tropical plantations in Sicily.⁶⁰⁵ He joined Louis XIV's army at an early age. He appears to have been a valiant soldier, with a tendency to disrespect his superiors. His insolence would have led to his court-martialing, had he not escaped from France to enlist in the Habsburg armies commanded by the legendary generalissimus, Prince Eugene of Savoy. Years later, the Austrians also court-martialed him for a reason apparently rather similar to that of the French. This time he could not escape trial and was sentenced to death. Emperor Charles VI commuted the sentence to imprisonment and subsequent banishment from Habsburg territories. Exiled, he soon found new employment in the service of the Sultan and reappeared as "Ahmed Pasha."⁶⁰⁶ When he penned his memorandum, Bonneval could have been equally interested in proving his worth to his new master or regaining the favor of the Bourbons to initiate yet another career change. Either way, his memoir brings into evidence that commerce as the key to the prosperity of a kingdom and its entanglement with dynastic, constitutional matters – themes expounded on by Andrew Fletcher of Saltoun and Narcís Feliu de la Penya half a century earlier – survived as a theme in European thought well into the decades following the establishment of incorporating union in Britain and Spain.

Bonneval was just as keen as Feliu de la Penya and Fletcher of Saltoun to make connections between the quality of government and certain dynastic models. In this regard, his narrative association between the poor management of the resources of Naples-Sicily and the House of

⁶⁰⁵ So colorful indeed that it raises many doubts, biographical and auctorial. See Mihaela Irimia, "The Case of Claude-Alexandre Bonneval alias Ahmet Pasha," *Analele Universității Ovidius din Constanța. Seria Filologie* 22, no. 1 (2011): 77-82.

⁶⁰⁶ "Claude-Alexandre de Bonneval (1675-1747)," Bibliothèque nationale de France, accessed April 18, 2024, https://data.bnf.fr/fr/13014758/claude-alexandre_de_bonneval/; "Bonneval, Claude Aléxandre, Comte de," 1911 Encyclopædia Britannica (Wikisource version), accessed April 18, 2024, https://en.wikisource.org/wiki/1911_Encyclopædia_Britannica/Bonneval,_Claude_Aléxandre,_Comte_de.

Austria is hardly new, although his main target – the Habsburgs – is different from the two provincial patriots’. Perhaps more surprisingly, Bonneval clearly considered the badmouthing of the Habsburgs a current framing for his proposals in 1740. By the time Bonneval’s memoir was received in Madrid, forty years had passed since the death of Charles II, the (effectively) last Habsburg ruler of Spain, and more than a quarter of a century since the end of the War of the Spanish Succession and the consolidation of Bourbon rule over Spain. The peace treaty between Philip V and his archrival Emperor Charles, concluded in Vienna in 1725, was also an old story by 1740. The Emperor himself passed away in that year, marking the end of Habsburg pretensions to the Spanish monarchy, albeit the memory of Habsburg-Bourbon rivalry was still fresh in the aftermath of the War of the Polish Succession and the Bourbon reconquest of the *Due Sicilie* from the Habsburgs.

Bonneval likewise echoes Feliu and Fletcher when it comes to the importance he attributed to commercial expansion in promoting “the advantage of the Sovereign and the prosperity of the subjects.” Bonneval’s idea of transplanting colonial production to Sicily was perhaps a somewhat extravagant solution, but the cultivation of sugar cane was not without precedent on the island.⁶⁰⁷ Neither was the idea unprecedented when it came to dilemmas surrounding the place of the American colonies in Spanish commerce, the question of access to them, and the resources they provided and required. Jerónimo de Uztariz’s *Theorica y practica de comercio y de marina*, written in 1724, envisaged the resurrection of the old sugar industry of the Kingdom of Granada to cut the production costs of a commodity that was becoming extremely popular in Europe. Bernardo de Ulloa, one of the last great Spanish mercantilists dusted off Uztáriz’s ideas in his *Restablecimiento de las fabricas, y comercio español* in exactly 1740. Bonneval was also concerned with the problem of emulation, the right extent and methods of adapting the best commercial practices of other

⁶⁰⁷ Carrie Gibson, *Empire’s Crossroads. The Caribbean from Columbus to the Present Day* (Basingstoke: Pan Macmillan, 2015), 11.

powers.⁶⁰⁸ Much like Fletcher and Feliu, the *mémoire* highlighted Holland, France, and Britain in this respect, but Bonneval also reminded his readers that Charles VI – the previous ruler of the Two Sicilies, King Philip’s erstwhile rival for the thrones of Spain, and Bonneval’s former master – concluded a treaty with the Ottomans that allowed his Neapolitan and Sicilian subjects to outbid the French from Turkey’s “*Caravanne Maritime*,” adding Austria to the list of emulation-worthy countries while paying lip service to the horrors of Habsburg government.

Elements of the entanglement between dynastic matters and commerce similarly persisted in the British context. The story of Alexander (Sandy) MacDonald is a case in point. MacDonald, scion of an old and influential family of Catholic – and Jacobite – Highlanders left his native Scotland to migrate to Jamaica in 1745. It was probably not a coincidence that he departed just before a well anticipated Jacobite revolt broke out later in the same year, leaving behind at least three of his brothers who joined the uprising on ‘Bonnie Prince Charlie’s’ side. Sandy was a young man possibly seeking adventure, but his relocation to Jamaica could have just as much been part of the family preparations for any outcome of the restoration attempt: he could either “provide financial support should the crown be restored or, alternatively, [...] provide sanctuary if it was not.”⁶⁰⁹ The available sources do not allow to fully reconstruct whether his life after leaving his native country turned out to be as rich in twists and turns as Bonneval’s (not that we can safely conclude that Bonneval’s adventures were more than anecdotal), but Sandy appears to have been more disciplined, at least in financial matters. Almost three decades after his departure, he was wealthy enough to purchase lands in the northwest of Scotland from his cousin John MacDonald. Sandy belonged to a group of Highlanders who “sought niches beyond the heavily saturated sugar market in order to access the Caribbean economy,” and his wealth was closely linked to the swiftly growing coffee production in the colonies. Coffee became popular at the time as a cure-all drink and its

⁶⁰⁸ Jones Corredera, *The Diplomatic Enlightenment*; Gabriel B. Paquette, *Enlightenment, Governance, and Reform in Spain and its Empire, 1759-1808* (Basingstoke: Palgrave Macmillan, 2008); Hont, *Jealousy of Trade*.

⁶⁰⁹ S. Karly Kehoe, “Jacobites, Jamaica and the Establishment of a Highland Catholic Community in the Canadian Maritimes,” *The Scottish Historical Review* 100, no. 2 (2021): 207.

production was encouraged by the British government in places – such as Jamaica – “where growing sugar cane or cotton were more challenging.”⁶¹⁰ Almost seventy years after the birth of the British union, Sandy came to embody Andrew Fletcher’s vision of Scotsmen making the most of their access to the colonies of the British monarchy, while at the same time being attached to distinctly Scottish values. The Catholicism and Jacobitism of the MacDonald family might not have appealed to Fletcher, but even he would have been ready to suffer the Stuarts as long as they were willing to guarantee Scotland’s distinct constitutional regime. Sandy’s reinvestment of his wealth in Scotland was in fact an attempt “to protect a legacy that hinged on ties of religion and family loyalty,” preserving the family heirloom in the service of Scottish Catholicism and Jacobite remembrance. The famous Glenfinnan monument, remembering the clans that joined Charles Edward Stuart in 1745 and the Jacobites who died for his cause was built by Sandy’s son, who inherited his father’s money, largely generated from the Jamaican plantations.⁶¹¹

The prevalence of the entanglement between grandiose trading schemes and dynastic models, between commerce and constitution in the intellectual output and lived experiences in the contexts of the British and the Spanish monarchies throughout the eighteenth century makes it evident that the establishment of incorporating union in Britain and Spain at the beginning of the century did not resolve the dilemmas of union and disunion. While this outcome is almost self-evident, it offers the more general conclusion that the interpretation of incorporating union in Britain and Spain as a turning point in the history of the two countries should not be overemphasized. Splitting British and Spanish history into a ‘before’ and an ‘after’ alongside the British union of 1707 and the Spanish Nueva Planta decrees of 1707-1716 is a convenient tool of historical narration, which has its advantages and shortcomings. It helps us imagine the otherwise illusory concepts of state formation and constitutional recalibration and allows us to speculate on their meanings and consequences. At the same time, it also tempts us to explain these events as inevitable or somehow

⁶¹⁰ Ibid., 206.

⁶¹¹ Ibid., 199-200.

organic to the nature of things and establish faulty links of causality between the event deemed historically significant (e.g. the incorporating unions) and the eventual realization of certain plans that had been frustrated prior to the event (e.g. direct Scottish and Catalan trade with the Americas). The Acts of Union and the Nueva Planta decrees were first and foremost immediate answers to pressures arising from a set of historical contingencies. It is true that they marked rather sharp divergences from previous constitutional theories and governmental practices, but they were more ad-hoc than organic, and it was not at all certain for a long time that they were designed to last. From the perspective of Scotland and Catalonia, this also means that the particular form that their respective unions with England and Castile took after 1707 should not be given the sole credit for Scottish and Catalan integration into global commerce during the rest of the century. This is not to say that the constitutional changes in and around 1707 did not or could not have contributed to the realization of a prosperous Scotland and Catalonia, regardless of the definition of that prosperity. But the afterlife of unions in both contexts provides sufficient evidence to argue that the dissolution of Scottish and Catalan institutions did not simply clear the obstacles from reaching that prosperity; they also had the potential to imperil it. Ever closer union was a framework for solutions, rather than the solution itself, offering in equal parts opportunities and risks.

The lasting similarities between approaches to commerce and constitution and the entanglements between them should also caution us to handle the traditional analytical distinction between an ‘absolutist’ Spanish and a ‘constitutional’ British approach to incorporating union with the due amount of criticism – even if the immediate circumstances of the creation of the two unions offer dramatic differences. Catalan resistance was crushed, the Principality became a province under military occupation, its traditional institutions dissolved without their representatives having any say in the process. The shifting of Catalonia’s loyalty to the Habsburg claimant planted a deep-seated suspicion in Philip V against the Catalans that he never quite overcame. Compared to that,

the Scottish Parliament voted itself out of existence to form a new, British legislation with its English counterpart. Those unfavorable to incorporation did not risk their life and limb in expressing this opinion, whether they voted against union in Parliament, or sharply criticized it after its inception. The violence of the victors only came reluctantly and after several attempts for overturning the new constitutional-dynastic order. Contrasting the two cases based on the above evidence is not invalid, but it is somewhat myopic as it fails to take account of the wider, European geopolitical context in which these constitutional changes occurred. The War of the Spanish Succession, as I argued in this dissertation, was an important catalyst in the birth of the British and the Spanish incorporating unions, but its direct impact was rather different in the two cases. Catalonia, together with the other realms of the Crown of Aragon and indeed other regions of the Hispanic Monarchy, became a theater of war, with all the destruction in life and property that it entails. At the same time, neither Scotland, nor other kingdoms of the British monarchy suffered from the harsh realities of the conflict in the same way, which made approaches other than military conquest feasible. The differences ‘on the field’ may have inspired different immediate responses by the royal governments, but this should not blind us to the fact that the discussions on union and disunion, commerce and trade, warfare and security largely shared an intellectual framework in the two contexts, before and after the establishment of incorporating unions.

Focusing less on the temporal and geographical boundaries that separate the ‘before’ and ‘after union’ eras, as well as the British and the Spanish contexts is not only helpful to appreciate the continuities in political and economic thought in Scotland and Catalonia from the last decades of the seventeenth to the middle of the eighteenth century and beyond. It can also draw attention to the gradually shifting details that accompanied this continuity. Bonneval’s *mémoire* is particularly suggestive of such changes, but a closer examination of case studies like MacDonald’s might likewise bring out the richness of the subtle shifts in the intellectual approaches to commerce and government, opening the way to promising avenues of future research. As an example to the

shifting emphases, Bonneval discusses the transplantation of colonial production instead of the access to the colonies, and he offers the Ottoman Empire as a lucrative trading destination rather than America. The subtle shift points to continuities and discontinuities in the dilemmas facing the government reformers in Philip V's monarchy⁶¹² relative to the general conceptual framework of political economy,⁶¹³ imperial decline and realignment,⁶¹⁴ and even the emergence of nature in the intersection of science and empire.⁶¹⁵ Bonneval's Sicilian proposal or the British government's incentives for the cultivation of coffee in Jamaica fit into the wider trend of 'ecologization' of economic thought in the eighteenth century. Karl Linnaeus explored the possibilities of growing tea in Sweden to help the government redress an unfavorable balance of trade, partly attributed to the importation of exotic luxuries like tea and coffee.⁶¹⁶ Joseph Banks advocated for the cultivation of breadfruit, a high-yielding food plant originally found in Oceania, in the West Indies to alleviate hunger.⁶¹⁷ As it turned out, the climate of Jamaica and other Caribbean islands was much more welcoming to breadfruit than Sweden's to tea. Nevertheless, all these experiments raised questions relative to the availability of a scientific approach to production, including knowledge on climatic conditions, properties of the soil, the spatial distribution of crops and their compatibilities with each other. The treatment of these questions completes the arch of intellectual history reaching

⁶¹² Melchor de Macanaz, Jerónimo de Uztáriz, José Patiño, Miguel de Zavala, Bernardo de Ulloa, and José del Campillo, to name but the most important of the government reformers in question.

⁶¹³ Grafe, *Distant Tyranny*; Fuentes Quintana, ed., *Economía y economistas españoles*, vol. 2: *De los orígenes al mercantilismo* and vol. 3: *La Ilustración*.

⁶¹⁴ Storrs, *The Resilience of the Spanish Monarchy*; Anthony Pagden, *The Uncertainties of Empire: Essays in Iberian and Ibero-Atlantic History* (Aldershot: Variorum, 1994); Henry Kamen, *Spain's Road to Empire. The Making of a World Power 1492-1763* (London: Allen Lane, 2002); Kennedy, *The Rise and Fall of the Great Powers*

⁶¹⁵ Lisbet Koerner, *Linnaeus: Nature and Nation* (Cambridge, Mass.: Harvard University Press, 1999); Richard H. Grove, *Green Imperialism: Colonial Expansion, Tropical Island Edens and the Origins of Environmentalism, 1600–1860* (Cambridge: Cambridge University Press, 1996); Richard Drayton, *Nature's Government. Science, Imperial Britain, and the 'Improvement' of the World*. (New Haven, Conn.: Yale University Press, 2000)

⁶¹⁶ Lovisa Hansson, "Reviving an 18th Century Dream of Swedish-Grown Tea. Examining the possibilities of growing tea, *Camellia sinensis*, in Sweden based on climatic crop requirements using GIS." (First cycle student project, Swedish University of Agricultural Sciences, 2023), 14; Hanna Hodacs, "Substituting Coffee and Tea in the Eighteenth Century: A Rural and Material History with Global Implications," *Journal of Global History* 18, no. 3 (2023): 462.

⁶¹⁷ April G. Shelford, *A Caribbean Enlightenment. Intellectual Life in the British and French Colonial Worlds, 1750-1792* (Cambridge: Cambridge University Press, 2023), 22.

from Fletcher's and Feliu's privileged trading companies to Adam Smith's and David Ricardo's attacks on mercantilism.

Britain and Spain: three centuries of union and disunion

In this dissertation, I was primarily interested in the contextualization of commerce and constitution relative to the Anglo-Scottish and the Castilian-Aragonese unions to explore the alternatives to the forms of union that were constitutionalized in and after 1707. I believe we can only get a complex and nuanced picture of the related historical processes if we consider the paths that were eventually not taken and the insight that these paths offer. In the context of the British and the Spanish monarchies, this approach is all the more legitimate if one considers that the dilemmas of union and disunion have kept transmuting and reappearing during the last three centuries.

In the Spanish context, less than two decades had passed since issuing the last Nueva Planta for Catalonia in 1716, when the Crown had to face a rather similar set of dilemmas with the reconquest of Naples and Sicily. Feliu's Catalonia – a peripheral realm with distinct constitutional traditions – was arguably in a position relative to the center of the Spanish monarchy in the 1680s that was comparable to that of Naples and Sicily in the 1730s and 40s. The Bourbon administration needed to decide whether to deal with the two kingdoms reclaimed from the Habsburgs in the same way they dealt with Catalonia after the latter's reconquest – whether to design *nuevas plantas* for Naples and Sicily – or build on the existing provincial constitutional environment. Somewhat ironically, and despite the similarities with the Catalan scenario – the Two Sicilies were recovered through military force from Charles VI, although the two kingdoms did not resist the change of regime in any way comparable to the Catalans – Naples and Sicily were not given a constitutional overhaul. Instead, Philip V ceded the two kingdoms to Charles, one of his younger sons. While Carlo di

Borbone,⁶¹⁸ as he was known in the *Mezzogiorno*, became the nominal sovereign of Naples and Sicily, his father's ministers kept his Neapolitan administration under close control. This state of affairs was reminiscent of the old Habsburg government through a viceregal representative, constituting a composite monarchy within the Bourbon domains. Unexpectedly for a third heir from a second marriage, Carlo ascended to the throne of Spain in 1759 as Charles III. The following year, one of his sons, the future Charles IV was sworn in as Prince of Asturias, which has remained the title of the heir to the throne in the Bourbon monarchy ever since, while a younger son, Ferdinand inherited the Two Sicilies. The separation of the family lines further detached the two Bourbon monarchies from each other. Following the Napoleonic Wars, Ferdinand's possessions were reorganized as the *Regno delle Due Sicilie*, a single state encompassing Southern Italy that was only dissolved during the struggle for Italian unity in 1860. The reintegration of Naples and Sicily into the Bourbon dynastic portfolio might have laid the foundations for the smooth secession of the same from the Spanish monarchy, bringing into evidence the long-term incalculability of decisions in matters of union and disunion. Whether and to what extent the lessons learned from the case of Catalonia informed the decisions of the Madrid court relative to the Two Sicilies remain questions worthy of deeper exploration.

Secession was less of a smooth affair in the case of the American possessions of the Spanish Crown. Soon after Napoleon forced Charles IV into abdication in 1808, placing his own brother Joseph on the throne of Spain, the series of conflicts now remembered to as the Wars of Independence or the Spanish American civil wars started a painful process of separation that lasted well into the 1820s. In the end, Spain irrevocably lost control of most of its American territories, which also abolished the monarchy. As if haunted by the ghost of Charles VI, the Habsburg ruler who never renounced his Spanish inheritance, Ferdinand VII refused to rule out the possibility of a military reconquest of his Spanish American possessions. In another peculiar twist of history,

⁶¹⁸ Charles VII as King of Naples, Charles V as King of Sicily (1734/35-1759)

this time Austria was among Ferdinand's most vocal supporters. In 1822, Prince Klemens von Metternich, the head of Habsburg diplomacy promised not to recognize the independence of any Spanish American nation "so long as his Catholic Majesty shall not have freely and formally renounced the right of sovereignty which he has exercised over them."⁶¹⁹ His Catholic Majesty never did renounce that right; Spain only recognized Mexico's independence as late as in 1836, the prevailing importance of the American market prompting the Spanish government to start negotiations with the former colony months after Ferdinand's death in 1833.⁶²⁰ Spanish America officially shrunk to Cuba and a handful of smaller Caribbean islands until the war with the United States formally ended Spanish empire in the Americas in 1898.

Long before the United States could contribute to the dismantling of the Spanish empire in the Americas, it fought its own war against British empire, seceding from it at the end of the conflict. The issues that broke the bonds between Britain and its thirteen North American colonies were not dissimilar to the cardinal points of the discussions surrounding the Anglo-Scottish union. Following the Seven Years War, which played out on the American continent between Britain, France, and their respective Native American allies in what became known as the French and Indian War (1754-1763), the extent of North American territory under British sovereignty grew multifold, and so did the expenses of related to its protection. Much as Scotland was expected to contribute to the military expenditures of the British state after 1707 through increases in fiscal contributions, British American colonists experienced significant increases in their tax burden. As opposed to Scotland, the Thirteen Colonies were not at all represented in the British Parliament, which passed the Sugar Act of 1764 and the more notorious Stamp Act of 1765 to increase government revenue from the Americas. Protests from the colonists quickly led to the lowering of the tax on sugar and the repeal of the Stamp Act, but the episodes underlined that the British

⁶¹⁹ Quoted in Michael P. Costeloe, *Response to Revolution. Imperial Spain and the Spanish American Revolutions, 1810-1840* (Cambridge: Cambridge University Press, 1986), 214.

⁶²⁰ *Ibid.*, 228.

government is unwilling to coordinate its colonial policies with the settlers. The Declaratory Act of 1766, through which Parliament unequivocally asserted its right of direct taxation anywhere in the British empire, further stoked the flames of discontent in the colonies. Edmund Burke, who defended the Declaratory Act in the House of Commons on behalf of the government arguing that the act reconciles British legislative command with the settlers' civil liberty, went even further when, in his speech on American taxation in 1774, this time from opposition, he offered a dual definition of the British Parliament as "the local legislature of this island [Britain] providing for all things at home" and an imperial body that "superintends all the several inferior legislatures, and guides, and controls them all without annihilating any."⁶²¹ Burke's otherwise remarkable juggling with the philosophy of the British constitution could do little to reconcile Crown and colonists, especially as the latter's grievances were rooted in matters that went beyond representation and taxation. British control over the commerce of the American colonies was likewise resented, especially when the regulations of American commerce were perceived as subordinated to unrelated interests in London. "In America, the Patriots had turned on the King, partly as a result of government's attempts to sell the stockpiles of East India Company tea, onto which was slapped British taxes: the Boston Tea Party, which opened the American War of Independence by dumping 90,000 pounds of EIC tea, worth £9,659 (over £1 million today), in Boston harbour, was in part provoked by fears that the Company might now be let loose on the thirteen colonies, much as it had been in Bengal."⁶²² British remedies to the resentment of its American settlers proved too little and too late; the rebellious colonies were transformed into the United States of America with significant French and Spanish help. Britain had to concede defeat and recognize the independence of its former colonies in the Treaty of Versailles in 1783. Still not fully resigned to letting go of the Thirteen Colonies, the British government attempted to draw the consequences from the American revolution and "build a counterrevolutionary regime in Canada" that was "meant to set

⁶²¹ Ian Harris, "Edmund Burke," in *The Stanford Encyclopedia of Philosophy* (Spring 2023 Edition), ed. Edward N. Zalta and Uri Nodelman, <https://plato.stanford.edu/archives/spr2023/entries/burke/>.

⁶²² Dalrymple, *The Anarchy*, 257-258.

an example of superior stability and prosperity that eventually would entice the rebel Americans to forsake their republican experiment.”⁶²³ That result was only achieved relative to Canada itself, which has maintained its union with Britain ever since, regularly redefining its links to the monarchy.

The crisis of empire developing from the conflict between the British Crown and the American settlers reverberated in Ireland, refocusing matters of representation and union in a context that was geographically much closer to the heart of the British state. Although English-British control over Ireland was fairly secure since the Cromwellian conquest of the 1650s except for James II’s short-lived expedition in 1689-90, London kept a watchful eye on the western kingdom for fear that “Ireland might offer a bridgehead” for Britain’s adversaries, France chief among them, seconded by Spain.⁶²⁴ Ireland featured prominently in the discussions on commerce prior to the Anglo-Scottish union, its preferential treatment by England being one of Scotland’s grievances.⁶²⁵ After the establishment of the British union state, Ireland’s economy became submitted to the needs of England and Scotland, easing Scottish grievances and partially explaining the slow pace of economic development in eighteenth-century Ireland. By the later eighteenth century, Ireland was a country rife with tensions, occasioned by a combination of confessional conflicts, population boom, and economic constraints and fluctuations.⁶²⁶ While Ireland retained its own legislature and government, and consequently was not represented in the British Parliament, matters of taxation and access to global trade were effectively controlled from London; a state of affairs reminiscent of the grievances expressed by the American colonists. In addition, the dissatisfaction of the dispossessed Catholic majority, which was effectively excluded from the Irish Parliament after 1692, met with the disillusionment of Protestant dissenters who were similarly barred from public

⁶²³ Alan Taylor, *The Civil War of 1812. American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York: Vintage Books, 2010), 5.

⁶²⁴ Toby Barnard, *The Kingdom of Ireland, 1641-1760* (Basingstoke: Palgrave Macmillan, 2004), 59.

⁶²⁵ Hont, “Free trade and the economic limits to national politics,” 113.

⁶²⁶ R. F. Foster, *The Oxford Illustrated History of Ireland* (Oxford: Oxford University Press, 1989), 177.

office after the amendment to the anti-Catholic act of 1704 extended the sacramental test (and thereby the requirement of conformity with Church of Ireland doctrine) to Ireland.⁶²⁷ During the American War of Independence, the political, economic, and religious tensions turned into demands for parliamentary reform, which were then further galvanized by the French revolution. The war with revolutionary France reignited concerns in London that the situation in Ireland constituted a strategic vulnerability, exploitable by inimical foreign powers (chiefly France) to stir up trouble in Britain's hinterland or attempt an invasion through the Irish 'backdoor,' which evoked the English government's perception of Scotland around 1700. Even though no French invasion materialized, revolutionary activities in Ireland culminated in the insurrection of 1798, representing "the most violent episode in Irish history" since Cromwell's time.⁶²⁸ "The '98 insurrection demonstrated vividly and dangerously the intensity and strength of discontent with the existing social and political order in Ireland" and required the government to find remedies beyond the restoration of order and the execution of the most prominent United Irishmen.⁶²⁹ The longer-term solution was found in the form of the Act of Union of 1800, incorporating Ireland into the United Kingdom. Concessions to "sustained and large-scale pressures," not extended soon enough to the American colonies, secured Ireland's place within the British union for the nineteenth century.⁶³⁰

⁶²⁷ Barnard, *The Kindom of Ireland*, 9; "Sacramental test" in *The Oxford Companion to Irish History*, ed. S. J. Connolly (Oxford: Oxford University Press, 1998), 495.

⁶²⁸ "Insurrection of 1798," in *The Oxford Companion to Irish History*, ed. S. J. Connolly., 260-261.

⁶²⁹ R. B. McDowell, *Ireland in the Age of Imperialism and Revolution, 1760-1801* (Oxford: Clarendon Press, 1979), 652, 655-656.

⁶³⁰ Oliver Macdonagh, "Introduction. Ireland and the union, 1801-1870," in *A New History of Ireland*, vol. 5, *Ireland under the Union, I (1801-1870)*, ed. W. E. Vaughan (Oxford: Oxford University Press, 1989), xlvii.

Unions under duress in a new Utrecht system

One need not depart from the original subject matter of the dissertation to find that matters of union and disunion can be just as central to constitutional and economic dilemmas in the twenty first century as they were at the turn of the seventeenth and sixteenth. Historians are reasonably reticent to establish direct links of causality or influence between events that are separated by three centuries, neither is it my objective, yet it is remarkable that the challenge that Scottish and Catalan independence movements present to the British and the Spanish union states is reminiscent of set of themes that were arguably central to discussions on Scotland's and Catalonia's place in their respective monarchies around 1700. A common theme in Scottish and Catalan nationalist (i.e. pro-independence) rhetoric is that the lack of care and attention, or even deliberate malice by the central governments bars these nations from reaching their full potential. Discussions concerning the right place of Scotland and Catalonia vis-à-vis Britain and Spain still hinge on entanglements between constitution and commerce.

Scottish and Catalan discontent surfaced in parallel to – perhaps partly also as a consequence of – the partial reversal of the two countries' incorporation into the British and the Spanish states. For the first time since the Act of Union and the Nueva Planta decrees – discounting short-lived Catalan experiences of partial legislative autonomy during the first half of the twentieth century⁶³¹ –, Scotland and Catalonia have regained their own legislative bodies and governments. The Spanish Constitution signed into law in 1978 by King Juan Carlos, the Bourbon monarch freshly returned from exile following the death of Francisco Franco, established new territorial-administrative structures for Spain based on a system of regional autonomies, and Catalonia was constituted as one of the autonomous communities (*comunidades autónomas*). The Catalan *Corts* were revived in the shape of the *Parlament de Catalunya*, the legislative assembly of the community since 1979. In the

⁶³¹ The period of the Mancomunitat de Catalunya (1914-1925) and the reestablishment of the Generalitat de Catalunya during the Second republic (1931-39)

same year, organized in conformity with the Scotland Act of 1978, a referendum in Scotland failed to show enough support for the creation of a devolved deliberative assembly for Scotland, postponing the reestablishment of a Scottish legislative body until the Scotland Act of 1998 and the referendum implementing it the following year. The powers of the Scottish Parliament have gradually increased since 1999, to an extent that “reserved matters” (reserved to the British Parliament, that is) are now essentially reduced to foreign policy and matters relating to the British union. Queen Elizabeth II inaugurated the new, permanent building of the Parliament in 2004 at the eastern end of Edinburgh’s Royal Mile, close to locations where the pre-1707 Parliaments of Scotland gathered, and right in front of the Palace of Holyroodhouse, the official residence of the British monarch in Scotland. The heads of the Scottish and Catalan executives (First Minister in Scotland, *President de la Generalitat* in Catalonia) are elected by the regional legislative assemblies to which they are accountable.

The devolved and autonomous Scottish and Catalan governments have significant power to influence or determine such a wide array of policies that at first sight one may be tempted to see in these organs of regional self-government the fulfilment of Fletcher’s and Feliu’s visions for their beloved homelands. Such an interpretation would of course be askew, if for no other reason than the transformation of the meanings of ‘government’ and ‘parliament’ through the centuries. Perhaps more importantly, Fletcher and Feliu were able to think of the ancient Scottish and Catalan constitutions simultaneously as quintessential for safeguarding the margin of maneuver of their *pàtries* within the British and the Hispanic dynastic conglomerates (akin to ‘internal sovereignty’) and for allowing their proper integration into global exchanges (‘external sovereignty’). Today, there is a seemingly unresolvable contradiction between these ideas. Catalan politicians often complain that tax revenues raised in Catalonia are used to support other Spanish regions with poorer economic performance. Scotland is frustrated by the obstacles to its international commercial exchanges that it attributes to British/English decisions (such as Brexit).

To remedy these issues, the establishment of a sovereign Scottish and a sovereign Catalan state is proposed, in the exclusive ‘national’ sense that we tend to attribute to sovereignty today, rather than in the complementary sense in Feliu’s and Fletcher’s proposals that allowed for the existence of multiple, overlaying sovereignties. It is perhaps no wonder that neither of the two provincial patriots constitute a particularly important point of reference in Scottish or Catalan nationalist discourse today. This is also one of the reasons why I consider it worthwhile and relevant to raise awareness of the alternatives Fletcher and Feliu advocated for. Perhaps they can help us revisit what union and disunion could mean for Scotland and Catalonia, Britain and Spain.

Significantly, matters of union and disunion in Scotland and Catalonia have also been influenced recently by the attraction of forms and layers of union other than ‘Britain’ and ‘Spain,’ the European Union being the most prominently featured among these in Scottish and Catalan pro-independence discourse. A majority of Scottish voters rejected Brexit, and yet Scotland found itself out of the EU as a consequence of the 2016 UK-wide referendum. Catalonia, as part of Spain, is of course still within the EU, but Catalan *independentisme* relishes to argue that countries comparable in size and economic performance to Catalonia have much more possibilities as sovereign member states. Just as during the War of the Spanish Succession, the European and even global contexts of these discussions are extremely important. I believe the early twenty-first century is especially relatable to the dawn of the Utrecht settlement through an array of themes, not least monarchy and succession, war and violence, press and mediatic representation, trade and economic prosperity, cross-border loyalties and sub- or transnational identities, the role of chartered/multinational corporations – even Gibraltar has resurfaced as a theme in European diplomacy. The examination of the Utrecht and post-Utrecht systems, based on a balance of power between European powers and conceived to foster sufficient peace and stability for these powers to concentrate on globalizing commercial exchanges, provides a useful prism through which to approach European and global international relations today.

Europe is currently facing another “Utrecht moment.” The wars in Ukraine and the Middle East unfolding in its neighborhood pose not only a military threat to the continent, but a general threat to economic prosperity through their unfavorable impact on global trade and the availability of energy and raw material. The combined effects of wars, a global pandemic, Brexit, and the energy crisis have created a new context for the understanding of the role of science in governance, the impact of mediatic representation on policy making, and the rapports between international relations and national politics. The European Union is challenged in its role as an efficient framework of unity with a continental vocation. Electoral politics in larger member states, several founding members of the EC/EU, show that the ideal of fueling the engine of integration is losing ground to demands for more independent strategic action on the world stage. Newer and smaller member states indulge in fantasies of middle power status, claiming natural geopolitical environments and attempting to profit from the discord between great powers, risking getting irrevocably caught up in these conflicts. Just as the patience of candidate countries is waning, so is their interest to turn to sponsors inimical to the EU growing. If the EU and its member states cannot or will not find a way to keep this multipolarity within the logic of European integration, the EU will fail in its commitment to a treaty-based, commercially minded world order that is able to control the disruptive forces of extremist ideologies.

The present and future of the British and the Spanish unions are also contingent on the way the above challenges will be tackled. The shifts in the global/international environment during the past decade have clearly left an impact on matters of union and disunion in both contexts. The contestation of unions by political movements with charismatic leadership (Nicola Sturgeon, Artur Mas, Carles Puigdemont), rooted in a context of economic prosperity, have faded in Scotland and Catalonia under the weight of themes imposed by years of sanitary, economic, and military crises. It is yet to be seen what consequences, if any, Scottish and British, Catalan and Spanish authorities, politicians, and electorates will draw from these new realities.

THE END

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Abbreviations (Archival Sources)

ACA	Arxiu de la Corona d'Aragó (Barcelona)	https://www.cultura.gob.es/archivos-aca/ca/portada.html
AHN	Archivo Histórico Nacional (Madrid)	https://www.cultura.gob.es/cultura/areas/archivos/mc/archivos/ahn/portada.html
AMAE	Archives de la Ministère des affaires étrangères de France	https://archivesdiplomatiques.diplomatie.gouv.fr
BL	The British Library	https://www.bl.uk
BM	The British Museum	https://www.britishmuseum.org
BNC	Biblioteca Nacional de Catalunya	https://www.bnc.cat
BNE	Biblioteca Nacional de España	https://www.bne.es/es
NA	The National Archives (Kew)	https://www.nationalarchives.gov.uk
NLS	National Library of Scotland	https://www.nls.uk
NRS	National Records of Scotland	https://www.nrscotland.gov.uk

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